

**AGENDA
TOWN OF BELLEAIR
MARCH 25, 2014
6:30 PM**

Welcome. We are glad to have you join us. If you wish to speak, please wait to be recognized, then step to the podium and state your name and address. We also ask that you please turn-off all cell phones.

PLEDGE OF ALLEGIANCE

COMMISSIONER ROLL CALL

SCHEDULED PUBLIC HEARINGS

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

1. Second And Final Reading - Ordinance No. 490 - Amending The Comprehensive Plan

Documents: [COMP PLAN2.PDF](#), [490 - COMP. PLAN CHANGES - FUTURE LAND USE ELEMENT.PDF](#)

2. Second And Final Reading - Ordinance No. 495 - Amending The Land Development Code Pertaining To Hotel (H) District Minimum Size

Documents: [ORDINANCE 495.PDF](#), [495 HOTEL \(H\) AMENDMENT \(3\).PDF](#), [RESORT ACREAGE AND NO. OF ROOMS \(2\).PDF](#)

3. Continued First Reading - Ordinance No. 496 - Vacating Right Of Way At 955 Indian Rocks Road

Documents: [SUMMARY - 955 INDIAN ROCKS RD..PDF](#), [496 - VACATION FOR 955 INDIAN ROCKS RD.PDF](#), [LETTER FROM BECKER - VACATION.PDF](#)

4. First Reading - Ordinance 491 - Amending The Land Development Code

Documents: [ORDINANCE 491.PDF](#), [491 REV1 - DISTRICT AMENDMENT.PDF](#)

5. Resolution No. 2014-12 - Authorizing Lien For Delinquent Water Service Charges

Documents: [2014-12 DELINQUENT WATER.PDF](#)

6. Resolution No. 2014-13 - Authorizing Lien For Delinquent Sewer Service Charges

Documents: [2014-13 DELINQUENT SEWER.PDF](#)

7. Resolution No. 2014-14 - Authorizing Lien For Delinquent Solid Waste Charges

Documents: [2014-14 DELINQUENT SANITATION.PDF](#)

8. Resolution No. 2014-15 - Authorizing Lien For Delinquent Storm Water Charges

Documents: [2014-15 DELINQUENT STORMWATER FEE.PDF](#)

CITIZENS COMMENTS (Discussion Of Items Not On The Agenda.) (Each Speaker Will Be Allowed 3 Minutes To Speak.)

CONSENT AGENDA

1. Approval Minutes -

- Regular Meeting - January 21, 2014
- Special Meeting - February 4, 2014
- Work Session - February 4, 2014
- Regular Meeting - February 18, 2014

Documents: [01-21-2014.PDF](#), [02-04-2014.PDF](#), [02-04-2014.PDF](#), [02-18-2014.PDF](#)

2. Resolution No. 2014-11 - Authorizing Disposal Of Certain Records - Town Clerk's Department

Documents: [2014-11 RECORDS DISPOSAL.PDF](#), [MARCH 2014 ADMINISTRATION RECORDS DISPOSITION FILES.PDF](#)

GENERAL AGENDA

1. Resolution No. 2014-16 - Honoring Santo "Sam" Casella

Documents: [2014-16 RECOGNIZING SAM CASELLA.DOC](#)

2. Clearwater Little League

Documents: [CLEAWATER LITTLE LEAGUE_SUMMARY.PDF](#), [JOINT USE AGREEMENT TOWN OF BELLEAIR.PDF](#)

3. Arbor Day Proclamation

Documents: [ARBOR DAY PROCLAMATION SUMMARY 2014.PDF](#), [ARBOR DAY 2014.PDF](#), [WHY A TREE CITY.PDF](#)

4. Discussion Of Proposed Amendments To Chapter 26 - Environment - Article 5 - Weeds, Overgrown Vegetation, Debris

Request for Continuance

OTHER BUSINESS

ADJOURNMENT

ANY PERSON WITH A DISABILITY REQUIRING REASONABLE ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING, SHOULD CALL (727) 588-3769 OR FAX A WRITTEN REQUEST TO (727) 588-3778.

Summary

To: Mayor and Commission
From: Micah Maxwell, Town Manager
Subject: Comprehensive Plan Changes – Ordinance 490
Memo Date: 3/20/2014

Summary: The Comprehensive Plan needs to be updated and changed in a few different areas.

Previous Commission Action: None,

Background/Problem Discussion:

1. Policies 1.1.1 and 1.1.2 of the future land use element of the town's comprehensive plan are inconsistent with the town's code of ordinances.
2. Policy 1.1.2 also needs to be updated to allow the categories within it to allow for residential, mixed use, and public/semi-public use.

Alternatives/Options:

1. Policies 1.1.1 and 1.1.2 need to be changed from the language that states that the town shall include the primary and secondary uses of the countywide rules, to shall be consistent with the primary and secondary uses of the countywide rules. The current language obligates the town to have the same primary and secondary uses as the countywide rules, despite its conflict with the town's code of ordinances. Rather than changing the code to reflect this conflict, the town commission has asked staff to change the comprehensive plan to solve the conflict.

Financial Implications: None

Recommendation: Staff recommends approval

Proposed Motion: Move approval of Ordinance 490 amending the Town of Belleair's Comprehensive Land Use Plan on second reading.

PROPOSED ORDINANCE NO. 490

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR COMPREHENSIVE PLAN, PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, AMENDING THE FUTURE LAND USE ELEMENT TO CORRECT, CLARIFY AND RENDER CONSISTENT POLICIES 1.1.1 AND 1.1.2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted a Comprehensive Plan in 2008, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the Town Commission of the Town of Belleair has amended the Comprehensive Plan from time to time; and

WHEREAS, the Town Commission has determined it is both necessary and prudent to revise the wording of the Future Land Use Element to correct, clarify and be consistent with existing provisions of the Element and with the provisions of the Countywide Rules; and

WHEREAS, the Town Commission has considered these amendments over an extended period of time and at several work sessions; and

WHEREAS, the Town Commission has reviewed the input and recommendations of the Local Planning Agency and the Planning and Zoning Board; and

WHEREAS, the Town Commission of the Town of Belleair desires to amend the narrative description of certain portions of the Future Land Use element of the Comprehensive Plan pursuant to Section 163.3184, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

- Section 1. This Ordinance shall be known as, cited as, and referred to as the “Town of Belleair Amended 2008 Comprehensive Plan” and shall be effective within the jurisdiction of Belleair, Florida.
- Section 2. The “Town of Belleair 2008 Comprehensive Plan” Future Land Use Element, Policy 1.1.1, is amended as set forth below:

Policy 1.1.1:

The Town of Belleair here by adopts the following residential land use categories as those which shall govern residential development within the community for the categories set forth below. These residential land use categories shall be consistent with include the primary and secondary uses listed in the corresponding Pinellas Planning Council *Countywide Plan Rules*, and as more specifically provided for and regulated by the Town Code of Ordinances, in particular Part II, Subpart B, Land Development Code.

- Residential Low (RL), density of 0 to 5 residential units per acre
- Residential Medium (RM), density of 0 to 15 residential units per acre

Section 3. The “Town of Belleair 2008 Comprehensive Plan” Future Land Use Element, Policy 1.1.2, is amended as set forth below:

Policy 1.1.2:

The Town of Belleair here by adopts the following land use categories as those which shall govern residential, mixed use, nonresidential and public/semi-public development within the community for the categories set forth below. These ~~nonresidential~~ land use categories shall be consistent with include the primary and secondary uses listed in the corresponding Pinellas Planning Council *Countywide Plan Rules*, and as more specifically provided for and regulated by the Town Code of Ordinances, in particular Part II, Subpart B, Land Development Code.

- Commercial General (CG)
- Recreation/Open Space (ROS)
- Preservation (P)
- Public/Semi-Public – Institutional (Medical Related)
- Public/Semi-Public – Institutional (Municipal Buildings/Private School)
- Transportation/Utility (TU)
- Residential/Office Limited (ROL)

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 5. The effective date of this plan amendment shall be the date the final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), *Florida Statutes*, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Division of Resources and Planning management, Plan Procession Team.

PASSED ON FIRST READING: JANUARY 21, 2014

PASSED ON SECOND AND FINAL READING:

Mayor

ATTEST:

Town Clerk

Summary

To: Town Commission

From: Micah Maxwell, Town Manager

Subject: Ordinance 495 – Amending the Land Development Code – H District minimum size

Date: 3/20/2014

Summary: Review of Proposed Ordinance 495, amending the towns land development code as it relates to the minimum size of the H district.

Previous Commission Action: At first reading the commission voted to change the H district minimum to 17.5 acres

Background/Problem Discussion: The Belleair Country Club has requested a change to section 74-84 of the land development code. The change would reduce the minimum size of the H district from 20 acres to 15 acres. Based on research of five other resort type hotels within Pinellas County, the average size of resort hotels is 11.94 acres. The Belleair Country Club has identified that they intend to purchase 2.32 acres of hotel property and merge that property into its current RPD zoning. There is no current development proposal on the site, and to complete such a transaction, the owner would have to apply for a major site plan and the town would have to hold a quasi-judicial hearing to decide whether to allow for the property separation.

Alternatives/Options:

1. Approve the request to reduce the size of the H district
2. Deny the request to reduce the size of the H district

Financial Implications: None

Recommendation: Staff recommends approval

Proposed Motion: I move approval of ordinance 495 on second reading.

PROPOSED ORDINANCE NO. 495

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART 11, SUBPART B LAND DEVELOPMENT CODE, PURSUANT TO THE REQUIREMENTS THEREFOR, SECTION 74-84; PROVIDING FOR AN AMENDED MINIMUM LOT AREA REQUIREMENT FOR THE HOTEL (H) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

WHEREAS, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code; and

WHEREAS, the Town Commission has reviewed and determined it necessary and prudent to update and revise the Land Development Code; and

WHEREAS, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board; and

WHEREAS, the Town Commission desires to amend the Land Development Code to revise the minimum lot area required for the Hotel (H) Zoning district; and

WHEREAS, the Town Commission has determined that the minimum lot area proposed for the Hotel (H) Zoning district is sufficient to accommodate a resort hotel based on the current permitted density/intensity standards for such hotel use.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

- Section 1. The Land Development Code, Sec. 74 – 84. Schedule of dimensional regulations is amended to revise the minimum lot area required for the Hotel (H) district by deleting the current required minimum lot area of twenty (20) acres and adding in its place the new required minimum lot area of seventeen and one-half (17.5) acres.
- Section 2. The Land Development Code, Sec. 74-84. Schedule of dimensional regulations, is amended to revise the minimum required lot area for the Hotel (H) district in the table set forth below:

Sec. 74-84. Schedule of dimensional regulations.

The schedule of dimensional regulations for the various zoning districts is as follows:

District	<u>Lot Minimums</u>			Density Maximum Dwelling Units peracre	<u>Minimum Yard Setbacks</u> ^(6 & 7)			Minimum Offstreet Parking per Dwelling Unit ¹	Offstreet Dwelling	Maximum Height ³ (feet)	Flood Zone	Minimum Living Area per Unit ² (square feet)	Floor Area Ratio (FAR) ⁶
	Area (Square Feet)	Width (feet)	Depth (feet)		Front (feet)	Side (feet)	Rear (feet)						
RE	18,000	100	100	2	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2		32	34	2,000	---
R-1	10000	80	100	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2		32	34	1,200	---
R-2	7500	75	90	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2		32	34	1,000	---
RM-15	10,000	100	100	15	25	7.5 ⁴	15	1.5		32	34	1,000	---
RPD	5 acres	---	---	5	(See section 74-83)			1		32	---	1,200	---
H	20 17.5 acres	---	---	28	(See section 74-83)			1		32	34	300	0.4
C-1	12,000	100	100	None	25	12	10	1		32	34	N/A	0.35
C-2	10,000	80	100	None	25	12	10	1		32	34	N/A	0.35
C-3	10,000	80	100	None	25	12	10	1		32	34	N/A	0.30

The schedule of dimensional regulations for the various zoning districts is as follows:

District	<u>Lot Minimums</u>			<u>Minimum Yard Setbacks</u> ^(6 & 7)				Minimum Offstreet Parking per Dwelling Unit ¹	Maximum Height ³	Flood Zone	Minimum Living Area per Unit ² (square feet)	Floor Area Ratio (FAR) ⁶
	Area (Square Feet)	Width (feet)	Depth (feet)	Density Maximum Dwelling Units per acre	Front (feet)	Side (feet)	Rear (feet)					
C-4	10,000	80	100	None	25	12	10	1	32	34	N/A	0.5
GC	---	None	None	None	25	25	25		32	34	N/A	Town Commission Approval
C-5	10,000	None	None	None	10	5	10	1	32	34	N/A	0.5
SPM	10,000	80	100	25	25	25	25	1	32		N/A	0.30

P Town commission shall establish dimensional regulations for the public district consistent with the public land use of lands within this district. The dimensional regulations shall be based upon need for harmonizing public use of the land with necessity for protecting the public's safety, health and welfare by the use of such lands. However, in no case shall the floor area ratio exceed 0.65 for institutional uses or 0.70 for transportation/utility

¹ See article III, division 3, of this chapter, pertaining to off-street parking regulations.

² Exclusive of garages, breezeways, porches and patios.

³ The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, except for chimneys, parapets, bell towers and elevator penthouses. In no case shall a structure exceed 45 feet in height except in a RPD zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the structure is located within. This shall not apply to any property located in the RPD district existing at the time of adoption of this land development code.

⁴ See Section 74-113

⁵ For impervious surface ratio, see section 74-112,

⁶ On waterfront lots, all buildings, including guest cottages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall

⁷ All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.02), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § 1, 11-2-93; Ord. No. 363, § 2, 3-19-96; Ord. No. 399, § 1, 11-20-01)

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage, and approval upon second and final reading, in the manner prescribed in section 2.11 of the Town Charter of the Town of Belleair, FL.

PASSED ON FIRST READING: February 18, 2014

PASSED ON SECOND AND FINAL READING:

Mayor

ATTEST:

Town Clerk

LOCAL AREA RESORT ACREAGE AND DENSITY SUMMARY

HOTEL	ACREAGE	ROOMS	DENSITY
Don CeSar	6.85	277	40
Sandpearl Resort	3.38	253	75
Vinoy Renaissance	13.08	361	28
Safety Harbor Resort & Spa	16.6	175	10.5
Tradewinds Resort	19.79	797	40

Average Acreage	11.94
Average No. of Rooms	372.6
Average Density	38.7

**LOCAL AREA RESORT ACREAGE AND DENSITY SUMMARY
WITH ADJUSTED NUMBERS FOR
SAFETY HARBOR SPA AND TRADEWINDS (SUBPARCELS)**

HOTEL	ACREAGE	ROOMS	DENSITY
Don CeSar	6.85	277	40
Sandpearl Resort	3.38	253	75
Vinoy Renaissance	13.08	361	28
Safety Harbor Resort & Spa	11.6 *	175	15
Tradewinds Resort - (a)	15.42 **	586	38
Tradewinds Resort - (b)	4.37	211	48

Average Acreage	9.12
Average No. of Rooms	310.5
Average Density	40.7

* Reduced acreage based on sale of portion of the property to the City of Safety Harbor

** Separates out distinct portions of Tradewinds property

SUMMARY:

Range of Avg. Acreage	9 - 12 acres
Range of Avg. No. of Rooms	310 - 375 rooms
Range of Avg. Density	38 - 40 units/acre

Minimum Acreage Based on Belleair Density @ 28 upa = 11.1 to 13.4 acres

Example: At 12 Acres X 28 upa = 336 Rooms

Summary

To: Town Commission
From: Micah Maxwell, Town Manager
Subject: Ordinance 496 - Request to Vacate – 955 Indian Rocks Road
Memo Date: 3/20/2014

Summary: The owner of 955 Indian Rocks Road has requested that the town vacate 35.75 feet of right of way abutting his property along Indian Rocks Road and 20 Feet of Right of Way along Sunny Lane.

Previous Commission Action: None

Background/Problem Discussion: The owner at 955 Indian Rocks Road, Mr. Becker, has requested that the town vacate a significant portion of the town's right of way in front of his house along Indian Rock Road and along sunny lane. Most of Indian Rocks Road north of Hunter Park is a mix of very large and very small right of way areas. Along Sunny lane right of way is consistent from property to property and staff expects some increase in road width at a later date.

Alternatives/Options:

Section 74-152 requires that all of the following requirements are met:

1. The requested vacation is consistent with the traffic circulation element of the town comprehensive plan and the county metropolitan planning organization transportation plan. Due to the varying widths of the road, the town has no ability to introduce another lane(s) on Indian Rocks Road, north of Hunter Park. Staff believes that requirement 1 is being met along Indian Rocks Road, however staff does not believe it should vacate the property along sunny lane because of future roadway work, which may include a slight widening.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement. The right of way does not provide sole access to any properties.
3. The vacation would not jeopardize the current or future location of any utility. The vacation will not jeopardize future or current utility locations as long as the town retains as right of way beginning at the back of curb at Indian Rocks Road and extending 15 feet from to the east for the length of the property. It would also not effect the utilities on sunny lane.
4. The proposed vacation is not detrimental to the public interest and provides a positive benefit to the town. Staff believes that the increase in taxable land on property otherwise unused is in the public interest and will benefit the town positively for the Indian rocks portion of the request, but does not believe the sunny

lane portion is in the public interest.

Financial Implications:

Minimal

Recommendation: Staff recommends that the town vacate the right of way adjacent to 955 Indian Rocks Road beginning 15 feet east of the easterly curb on Indian Rocks Road and extending west to the westerly property line of 955 Indian Rocks Road for the length from north to south of the property line of 955 Indian Rocks. Staff recommends that the town not vacate the area along sunny lane.

Proposed Motion: I move approval of Ordinance 496 on first reading

ORDINANCE NO. 496

**AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA;
VACATING CERTAIN TOWN RIGHT OF WAY; PROVIDING FOR
A COPY TO BE FURNISHED TO PINELLAS COUNTY;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Commission of the Town of Belleair desires to vacate a portion of Town right of way on the east side of Indian Rocks Road which is considered excessive and unnecessary for the Town's current or future needs or purposes.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of Belleair, Florida, as follows:

Section 1. Vacation of Right of Way. The Town Commission of Belleair (the "Town Commission") hereby approves the vacating of a portion of the right of way lying east of Indian Rocks Road over the parcel on which the residence at 955 Indian Rocks Road is located being that portion of said right of way greater than 15 feet east of the easterly curb on Indian Rocks Road, more particularly described on Exhibit "A" attached hereto.

Section 2. Findings. In adopting this Ordinance, the Town Commission hereby makes and expresses the following findings, purposes, and intent:

(1) The Town of Belleair, Florida, has been conferred authority to vacate any street or alley or part of street or alley by virtue of the Town Charter and Chapter 166, Florida Statutes as amended and supplemented.

(2) The Town Commission, after having made a thorough study of the changing conditions in the neighborhood, being apprised of the existing facts, taking into consideration the other streets and alleys whereby property owners have access to their property, has determined that it is in the best interest of the Town of Belleair and its residents that the said abandoned portion of Town right of way shall be forever vacated and abandoned.

Section 3. Copy Furnished to Pinellas County. A copy of this Ordinance shall be furnished to the Pinellas County Board of County Commissioners.

Section 4. Effective Date. This Ordinance shall become effective 30 days after passage and approval upon second and final reading, in the manner prescribed by Section 2.11 of the Town Charter of the Town of Belleair, Florida.

PASSED ON FIRST READING: March 25, 2014

PASSED ON SECOND AND FINAL READING:

Mayor

ATTEST:

Town Clerk

EXHIBIT A

Legal Description of Vacated Right of Way

David E. Becker
951 Indian Rocks Road
Belleair, Florida 33756

RECEIVED
BELLEAIR TOWN HALL

JAN 14 2014

TIME REC. _____

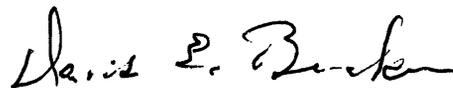
Mr. Micah Maxwell
Town Manager
Town of Belleair
Belleair, Florida

Re: Lots 1 & 2
Shirley Manor

Dear Mr. Maxwell:

I am the owner of the above referenced property located at the intersection of Indian Rocks Road and Sunny Lane. I wish to request that the Town vacate the two easements it holds – 35.75 feet along Indian Rocks Road and 20 feet along Sunny Lane. I have owned the property for approximately thirty years and have no plans to develop it or build on it.

Sincerely:



David E. Becker

February 18, 2014

RECEIVED
BELLEAIR TOWN HALL

FEB 18 2014

TIME REC. _____

Please continue my

Request for vacating the

Right of Way for

955 Indian Rocks Road

until the March 18, 2014

Meeting

Jan. 15, 2014

Summary

To: Mayor and Commissioners

From: Micah Maxwell, Town Manager

Subject: Discussion of Land Development Code Changes – Ordinance 491

Date: 3/20/2014

Summary: The town is reviewing its land development code to identify what changes need to be made in order to provide for appropriate future development or redevelopment in the town. The area that will likely be most effected is presumed to be the Belleview Biltmore Hotel site.

Previous Board Action: The town commission heard this issue on first reading in January but did not approve it at that time. At the February commission meeting the commission asked staff to bring forward the ordinance for first reading again at the 3/25/2014 meeting with discussion at the March worksession.

Background/Problem Discussion: The town currently has two zoning options related to multi-family, RPD and RM-15. RPD is lower density, and takes into account the “sharing” of density with an open space, which then allows for a parcel to take advantage of the full density on a small area or property. With the BCC golf courses already being zoned RPD, and the town’s intent to restrict development rights on the Belleview Biltmore Course, use for such a zoning is really only to provide a multi-family option with a lower density. RM-15 allows for a higher density with a more traditional development scenario. Because of the higher density, RM-15 is a probable target of developer of larger parcels of land., however, the invariable height of 32 feet for RM-15 and RPD would seem to cause some issue with the placement of units on those larger sites in an aesthetic, and sustainable fashion. To combat this, staff has been working to create a third possibility for multi-family, RM-10. This district would allow for 10 units per acre, and would have the ability to provide for a height bonus if a developer were able to meet certain criteria. These criteria include the sheltering of parking and additional setbacks off of roadways and between buildings, while encouraging alternate size and scale for buildings, so as to not have many units that look and feel the exact same.

Alternatives/Options:

- I. Create RM-10 zoning district
 - a. Density – 10 Units per Acre
 - b. Unit Size – 1,200 SF minimum size, 1,800 SF average size (This represents what the original draft of the ordinance identified for unit size, a 1,500 sf minimum size with no average was discussed at an earlier meeting, but the item was not voted on or formally changed)
- II. Height Bonus

- a. Parking Bonus
- b. Setback bonus
- c. Height average

Financial Implications: N/A

Proposed Motion: I move approval of Ordinance 491 on first reading

PROPOSED ORDINANCE NO. 491

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART II, SUBPART B LAND DEVELOPMENT CODE, PURSUANT TO THE REQUIREMENTS THEREFORE INCLUDING SECTIONS 74-82, 74-83, 74-84, 74-112, AND 74-155; PROVIDING FOR NEW ZONING DISTRICT ENTITLED RM-10, MULTIFAMILY RESIDENTIAL; PROVIDING FOR THE PERMITTED USES AND STANDARDS APPLICABLE THERETO, INCLUDING PROVISION FOR A HEIGHT BONUS FORMULA; PROVIDING FOR AMENDMENT OF THE PROVISION FOR ALTERNATIVE ACCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

WHEREAS, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code; and

WHEREAS, the Town Commission over an extended period of time has reviewed and determined it necessary and prudent to update and revise the Land Development Code; and

WHEREAS, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board; and

WHEREAS, the Town Commission desires to amend the Land Development Code to establish a new multifamily residential zoning district that is less intensive and provides for greater flexibility of building height than the existing RM-15 multifamily residential district.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

Section 1. The Land Development Code, Sec. 74-82. Schedule of district regulations, is amended to insert the RM-10 district in the table as set forth below:

<i>District</i>	<i>Purpose</i>	<i>Permitted Use</i>	<i>Accessory Structures and Accessory Uses</i>
R-2, single-family residential	This district is composed of single-family dwellings with maximum density of land use b single-family residences. This district contains small lots and dwellings for those areas where this type of development is practical.	Single-family dwellings	Private garages and carports Private nurseries and greenhouses Private swimming pools, hot tubs, and cabanas Boat docks Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
<u>RM-10, multifamily residential</u>	<u>This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas where it is likely and desirable to provide for such type of development.</u>	<u>Single-family dwellings</u> <u>Duplex dwellings</u> <u>Multifamily residential</u> <u>(See section 74-83(ab))</u>	<u>Private garages and carports</u> <u>Private swimming pools, hot tubs, and cabanas</u> <u>Gazebos</u> <u>Storage buildings, fences and fence walls</u> <u>Public parks, playgrounds and recreation areas</u> <u>Utility service structures</u>
RM-15, multifamily residential	This district is composed of medium-density multiple-family residential areas with additional open areas where it is likely and desirable to extend such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(ab))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures

Note: All other parts of this table in Sec. 74-82 other than as noted above in red and underlined remain as previously set forth.

Section 2. The Land Development Code, Sec. 74-83. Special regulations for RM-15, RPD and H districts, is amended to read as follows and to insert the following as a new subparagraph (a) and change (a) to (b), (b) to (c), and (e) to (d):

Sec. 74-83. Special regulations for RM-10, RM-15, RPD, and H districts.

(a) Multifamily residential district regulations (RM-10 district.) This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas with additional open areas where it is likely and desirable to extend such type of development and may serve as a transition from more intensive to less intensive development areas.

Site area requirements reflect the relative need for open space for the various types of residences based on the expected density of use. Permitted uses and minimum living space requirements shall be as follows:

(1) Permitted uses. Within any RM-10 multifamily residential district, only the following uses shall be permitted:

- a. Single-family and multifamily dwellings; and
- b. Accessory uses (see schedule of regulations).

(2) Minimum living space per unit. The minimum dwelling unit area shall be 1,200 square feet. Garages, breezeways, porches, balconies, common halls and stairways shall not be included in computing living space.

(3) Average unit size for any individual project. The average dwelling unit area for any project approved under the RM-10 district shall be not less than 1,800 sq. ft.

(4) Height bonus provisions. Additional height may be authorized in the RM-10 zoning district pursuant to the provisions of this subsection.

(a) The provisions in this subsection are cumulative and additional height may be authorized on the basis of one or all of these provisions; however, in no event shall the height of any building in the RM-10 zoning district exceed 2.5 times the height permitted by right in this zoning district.

(b) To be eligible for any height bonus, the average height of all buildings in the development, in proportion to the ground floor area of all buildings in the development, must not exceed the height otherwise permitted by right by more than (50) percent.

(c) Should a building take advantage of the parking height bonus identified in section d(2), the applicable height of the building will be reduced, as it relates to height calculation in d(3), by the distance, measured from floor to ceiling of any designated parking floor, provided that:

- (1) 75% of parking floor area is dedicated to parking
- (2) The cumulative height of all parking floors in a given building is below 20% of the unadjusted building height.

(d) The following three provisions may be used to qualify for a height bonus, either singularly or in combination, consistent with the above stated conditions:

(1) Setbacks - The height of a building may be increased by .5 feet up to a maximum of one-half of the height permitted as of right for every additional 1 feet the building is set back from required setbacks for either or both of the following:

- a) The distance from the property line or the centerline of the road, whichever is greater, and

- b) The distance between buildings on the parcel proposed for development.
- (2) Structured Parking - The height of a building may be increased up to a maximum of one-half of the height permitted as of right if 50% or more of the required parking is provided for in a parking structure beneath the building.
- (3) Average Height - The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the average height of all buildings on the site, in proportion to the ground floor area of all buildings, does not exceed the height otherwise permitted by right by more than fifty (50) percent.

Section 3. The Land Development Code, Sec. 74-84. Schedule of dimensional regulations, is amended to inset the RM-10 district in the table as set forth below:

The schedule of dimensional regulations for the various zoning districts is as follows:

District	<u>Lot Minimums</u>			Density Maximum Dwelling Units peracre	<u>Minimum Yard Setbacks</u>			Minimum Offstreet Parking per Dwelling Unit ¹	Maximum Height ³ (feet)	Flood Zone	Minimum Living Area per Unit ² (square feet)	Floor Area Ratio (FAR)
	Area (Square Feet)	Width (feet)	Depth (feet)		Front (feet)	Side (feet)	Rear (feet)					
RE	18,000	100	100	2	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2	32	34	2,000	---
R-1	10000	80	100	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2	32	34	1,200	---
R-2	7500	75	90	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2	32	34	1,000	---
<u>RM-10⁵</u>	<u>5 acres</u>	<u>---</u>	<u>---</u>	<u>10</u>	<u>25</u>	<u>15⁴</u>	<u>25</u>	<u>1.5</u>	<u>32</u>	<u>34</u>	<u>1,200</u>	<u>---</u>
RM-15	10000	100	100	15	25	7.5 ⁴	15	1.5	32	34	1,000	---
RPD	5 acres	---	---	5	(See section 74-83)		---	---	32	---	1,200	---

Note: All other parts of this table in Sec. 74-84 other than as noted above are red and underlined as previously set forth.

¹ See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

² Exclusive of garages, breezeways, porches and patios.

³ The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, except for chimneys, parapets, bell towers and elevator penthouses. In no case shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the structure is located within. This shall not apply to any property located in the RPD district existing at the time of adoption of this land development code. See Sec. 74-83 (a)(4) for special height bonus provisions for RM-10 District.

⁴ See Section 74-113

⁵ See Sec. 74-83 (a) for additional requirements for RM-10 district.

Section 4. The Land Development Code, Sec. 74-112. Impervious surface coverage, is amended to add the RM-10 district to subparagraph (e) Table of Impervious Surface Ratios as set forth below:

(e) *Table of impervious surface ratios.* Maximum impervious surface ratios shall be as follows:

<i>Zoning District</i>	<i>Maximum Impervious Surface Ratio¹</i>
RE, R-1 and R-2 (residential districts)	60 percent
<u>RM-10 and RM-15 (multifamily districts)</u>	60 percent
RPD (planned residential district)	60 percent
H (hotel district)	70 percent
C-1 and C-2 (office and retail districts)	75 percent
C-3 and C-4 (retail and product distribution districts)	75 percent
C-5 (storage district)	75 percent
GC	As approved under site plan review
P: Institutional uses	85 percent
Transportation uses	90 percent
SPM	75 percent

¹ The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to article II of this chapter.

Section 5. The Land Development Code, Sec. 74-155. Access. Subsection (3) Alternative designs, is amended to read as follows:

(3) Alternative designs. Where natural features, the previous development pattern and provisions for access, or spacing of existing driveways and roadways cause the access requirements set out in subsection (1) and (2) of this section to be physically or legally infeasible, alternate designs may be approved by the ~~town~~ Town Commission only as a function of their approval of a site development plan.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 7. The effective date of this ordinance shall be the date the final ordinance is read and approved by the Town Commission as provided by law.

PASSED ON FIRST READING:

PASSED ON SECOND AND FINAL READING:

Mayor

ATTEST:

Town Clerk

RESOLUTION NO. 2014-12

**A RESOLUTION OF THE TOWN OF BELLEAIR,
FLORIDA, AUTHORIZING THE FILING OF LIENS FOR
DELINQUENT WATER SERVICE CHARGES.**

WHEREAS, the Town of Belleair maintains a water distribution system as set forth in Chapter 62, Article III; Ordinances of the Town of Belleair; and

WHEREAS, Section 62-1931, Ordinances of the Town of Belleair establishes the rates for payment by customers for the use of such water distribution system; and

WHEREAS, Section 62-286, Ordinances of the Town of Belleair states, in pertinent part: "All water charges and accounts are due and payable bi-monthly following the months in which the water is used. The bill for the same will be mailed to consumers bi-monthly, either as a separate bill or in conjunction with other town utility bills; provided, however, the failure to receive a bill will not constitute a claim for non-payment of same. Any bill which remains unpaid on and after thirty (30) days from the date rendered shall be considered delinquent, and service to the customer may be terminated."; and

WHEREAS, Section 62-289, Ordinances of the Town of Belleair states as follows: "Any and all such delinquent charges and accounts shall constitute a lien against the real property so served, and until fully paid and discharged, shall remain liens equal in rank and dignity with all state, county and municipal taxes, and superior in rank and dignity to all other liens, titles, and claims in, to, or against the real property so served. Such liens, when delinquent for more than thirty (30) days, following the filing of claims of lien, may be foreclosed in the manner provided by the laws for the State of Florida"; and

WHEREAS, the following named individual(s) owns property within the Town of Belleair and uses the Town of Belleair water distribution system:

Browder Rives

WHEREAS, the above named individual(s) has been levied a water service charge which has not been paid within thirty (30) days of the date of billings.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, THAT:

Section 1. The Town Manager is hereby authorized to file a claim of lien for unpaid water service charges on the following property:

<u>Name</u>	<u>Property Address</u>	<u>Amount of Lien</u>	<u>Time Period</u>
Browder Rives 817 Osceola Rd. Belleair, FL 33756	817 Osceola Rd. Belleair, FL 28/29/15/06732/044/0080	\$ 302.02	12/31/2013

Section 2. In the event such lien is not satisfied within thirty (30) days after the filing of such claim of lien, the Town Attorney is authorized to foreclose such lien in the manner provided by the laws of the State of Florida for the foreclosure of mortgages on real property.

PASSED AND ADOPTED by the Town Commission of the Town of Belleair, Florida, this 25th day of **MARCH, A.D., 2014.**

Mayor

ATTEST:

Town Clerk

RESOLUTION NO. 2014-13

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA,
AUTHORIZING THE FILING OF SPECIAL ASSESSMENT
LIENS FOR DELINQUENT SEWAGE SERVICE CHARGES**

WHEREAS, the Town of Belleair maintains a sanitary sewer disposal system as set forth in Chapter 62, Article III; Ordinances of the Town of Belleair; and

WHEREAS, Section 62-117, Ordinances of the Town of Belleair establishes monthly sewage service charges to be levied and applied against all property having facilities for receiving and disposing of human body waste; and

WHEREAS, Section 62-116, Ordinances of the Town of Belleair states, in pertinent part: "Service charges for sewage shall be billed bi-monthly by the Town to the users at the same time and upon the same bill rendered by the Town for water charges."; and

WHEREAS, the following named individual(s) owns property within the Town of Belleair containing facilities for the receiving and disposing of human body wastes:

Browder Rives

WHEREAS, the above named individual(s) has been levied a sewage service charge which has not been paid within thirty (30) days of the date of billings; and

WHEREAS, Section 62-289, Ordinances of the Town of Belleair states as follows: "Any such unpaid charge shall constitute a lien upon the property affected and may be collected by in rem proceedings, as provided under the laws of the State of Florida in such cases."

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, THAT:

Section 1. The Town Manager is hereby authorized to file a claim of lien for unpaid sewage service charges on the following property:

<u>Name</u>	<u>Property Address</u>	<u>Amount of Lien</u>	<u>Time Period</u>
Browder Rives 817 Osceola Rd. Belleair, FL 33756	817 Osceola Rd. Belleair, FL 28/29/15/06732/044/0080	\$ 111.85	12/31/2013

Section 2. In the event such lien is not satisfied within thirty (30) days after the filing of such claim of lien, the Town Attorney is authorized to collect such unpaid sewer service charges pursuant to an in rem legal proceeding as provided under the laws of the State of Florida in such cases.

PASSED AND ADOPTED by the Town Commission of the Town of Belleair, Florida, this 25th day of **MARCH, A.D., 2014.**

Mayor

ATTEST:

Town Clerk

RESOLUTION NO. 2014-14

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA,
AUTHORIZING THE FILING OF LIENS FOR DELINQUENT
SOLID WASTE COLLECTION SERVICE CHARGES.**

WHEREAS, the Town of Belleair maintains a garbage and trash removal system as set forth in Chapter 46; Ordinances of the Town of Belleair; and

WHEREAS, Section 46-39, Ordinances of the Town of Belleair establishes rates and charges for the collection of garbage and trash within the Town; and

WHEREAS, Section 46-39 (b), Ordinances of the Town of Belleair states: "Charges for garbage and trash collection service shall be billed at the same time and together with the charges for water and sewer service"; and

WHEREAS, pursuant to Sections 62-116 and 62-193, Ordinances of the Town of Belleair, service charges for sewage and for water are due and payable bi-monthly following the months in which the service is used; and

WHEREAS, the following named individual(s) owns property within the Town of Belleair which is subject to the Town's monthly rates for the collection of garbage and trash:

Browder Rives

WHEREAS, the above named individual(s) has been levied a garbage and trash collection charge which has not been paid within thirty (30) days of the date of billings; and

WHEREAS, Section 62-289, Ordinances of the Town of Belleair states as follows: "All garbage and trash collection service charges shall constitute and are hereby imposed a special assessment liens against the real property so served, and, until fully paid and discharged, shall remain liens equal in rank and dignity with the Town ad valorem taxes, and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to, or against the real property served"; and

WHEREAS, Section 62-286, Ordinances of the Town of Belleair states:

(g)Delinquent Accounts All garbage and trash collection service charges shall become delinquent if not fully paid within fifteen (15) days after due date. All delinquent service charges shall bear a penalty of one per cent per month from due date. Unpaid and delinquent service charges, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property served. Such special assessment liens for service charges and penalties may be enforced by any of the methods provided in Chapter 85, Florida Statutes, or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Chapter 173, Florida Statutes, or the collection enforcement of payment thereof may be accomplished by any other method authorized by law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, THAT:

Section 1. The Town Manager is hereby authorized to file a claim of lien for unpaid garbage and trash collection charges on the following property:

<u>Name</u>	<u>Property Address</u>	<u>Amount of Lien</u>	<u>Time Period</u>
Browder Rives 817 Osceola Rd. Belleair, FL 33756	817 Osceola Rd. Belleair, FL 28/29/15/06732/044/0080	\$ 66.84	12/31/2013

Section 2. In the event such lien is not satisfied within thirty (30) days after the filing of such claim of lien, the Town Attorney is authorized to institute foreclosure proceedings and prosecute the same pursuant to Section 62-289, Ordinances of the Town of Belleair.

PASSED AND ADOPTED by the Town Commission of the Town of Belleair, Florida, this 25th day of **MARCH, A.D., 2014.**

Mayor

ATTEST:

Town Clerk

RESOLUTION NO. 2014-15

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA,
AUTHORIZING THE FILING OF LIENS FOR DELINQUENT
STORMWATER UTILITY SERVICE CHARGES.**

WHEREAS, the Town of Belleair is responsible for the ownership and maintenance of the municipal stormwater management system as set forth in Chapter 74, Article III, Division 5; Ordinances of the Town of Belleair; and

WHEREAS, Section 74-221, Ordinances of the Town of Belleair states, in pertinent part: A stormwater utility fee is hereby imposed against all improved property in the Town for services and facilities provided by the Town's stormwater management system. The Town Commission has approved scheduled ERU rate (Equivalent Residential Unit) which shall be charged monthly on all developed real property in the Town; and

WHEREAS, Section 74-222, Ordinances of the Town of Belleair establishes the rates for payment by customers for such stormwater management system; and

WHEREAS, Section 74-224, Ordinances of the Town of Belleair states that a consumer of potable water shall be rendered a bill for the stormwater utility fee at the same time and manner as for the potable water bill. Where a parcel is not a consumer of potable water the owner of the property shall be rendered bills or statements for the fees of the system, which bill or statements shall be payable at the same time and in the same manner and subject to the same penalties of a consumer of the other utilities of the Town and to pay the rates and charges imposed under the terms of this Article. Failure to pay a stormwater system utility fee shall be grounds for disconnection of all Town utility services to the entity who has failed to pay such fee; and

WHEREAS, Section 74-224, Ordinances of the Town of Belleair further states to the extent that is not prohibited by law, the Town shall have as security for the collection of stormwater system utility fees a lien upon the parcel to which the fees are attributable. Such liens shall become in full force and effect when the bill for the fee is past due and shall remain a lien until paid in full; and

WHEREAS, the following named individual(s) owns property within the Town of Belleair and uses the Town of Belleair stormwater management utility:

Browder Rives

WHEREAS, the above named individual(s) has been levied a stormwater utility fee which has not been paid within thirty (30) days of the date of billings.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, THAT:

Section 1. The Town Manager is hereby authorized to file a claim of lien for unpaid stormwater utility fee on the following property:

<u>Name</u>	<u>Property Address</u>	<u>Amount of Lien</u>	<u>Time Period</u>
Browder Rives 817 Osceola Rd. Belleair, FL 33756	817 Osceola Rd. Belleair, FL 28/29/15/06732/044/0080	\$ 23.84	12/31/2013

Section 2. In the event such lien is not satisfied within thirty (30) days after the filing of such claim of lien, the Town Attorney is authorized to foreclose such lien in the manner provided by the laws of the State of Florida for the foreclosure of mortgages on real property.

PASSED AND ADOPTED by the Town Commission of the Town of Belleair, Florida, this **25th** day of **MARCH, A.D., 2014.**

Mayor

ATTEST:

Town Clerk

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON JANUARY 21, 2014 AT 6:30 PM

PRESENT: Mayor Gary Katica
Commissioners
Stephen Fowler
Tom Shelly
Michael Wilkinson
Kevin Piccarreto

Town Manager Micah Maxwell
Town Attorney David Ottinger

Mayor Katica led the Pledge of Allegiance.

The meeting was called to order at 6:30 PM with Mayor Katica presiding; quorum was present on roll call.

Mr. Ottinger provided procedures to be followed for the meeting based on established rules for conducting commission meetings.

SCHEDULED PUBLIC HEARINGS

SECOND AND FINAL READING – ORDINANCE NO. 492 – VACATING RIGHT OF WAY – 303 SUNNY LANE

Mr. Maxwell stated that first reading was considered two weeks ago relating to 303 Sunny Lane; that the property owner had requested the vacation of the right of way; that staff recommended vacating a portion of the right of way to begin 15 feet behind the existing curb.

Mr. Ottinger stated that the town would continue to reserve a 15 foot right of way for future needs; that the remaining right of way was considered to be excess and was not needed; that the town would accommodate the property was vacating the easterly part of the right of way in excess of 15 feet from the easterly curb along Indian Rocks Road.

Commissioner Fowler moved approval of Ordinance No. 492 vacating right of way at 303 Sunny Lane on second and final reading. Motion seconded by Commissioner Wilkinson and carried unanimously.

Mr. Ottinger stated that the ordinance would need to be amended to indicate the actual area to be vacated.

AMENDING THE AGENDA

It was the consensus of the commission to move Item No. 4, Request for variance at 1357 Pinellas Road to Item No. 2 for consideration.

REQUEST FOR VARIANCE – 1357 PINELLAS ROAD – BRAND SHANK

Mr. Murphy state that Brand Shank owner of vacant property located at 1357 Pinellas Road submitted a request for variance; that the variance request was to allow the construction of a new structure on a non-complying lot with a width of 75 ft; that the property was zoned R-1 single family residential which requires a minimum lot width of 80 ft.; that the proposed structure would be a minimum square footage of 9,375 and the required minimum square footage was 10,000; that the owner was asking to have his previously expired variance reapproved to allow construction of the home on the property.

Mr. Murphy stated that the planning and zoning board did hear the item and unanimously recommended approval by the commission.

Persons speaking regarding the variance request were sworn in by the town clerk.

There was no one in the audience to speak either for or against the variance request.

Brand Shank, property owners, was available for questions from the commission.

Commissioner Piccarreto moved approval of the request for variance. Motion seconded by Commissioner Fowler and carried unanimously.

FIRST READING – ORDINANCE NO. 490 – AMENDING THE COMPREHENSIVE PLAN

Mr. Maxwell provided that the proposed Ordinance No. 490 had two purposes; that the first purpose was to change some language thought to be inappropriate in the current comprehensive plan as it related to a previous issue with Morton Plant Hospital; that Policies 1.1.1 and 1.1.2 of the future land use element were inconsistent with the town's code of ordinances; that Policy 1.1.2 needed to be updated to allowing categories for residential, mixed use, and public/semi-public use.

David Healey, Planning Consultant, stated that the request for amendment to the comp plan addressed several things which were mostly for housekeeping and clarification; that the item was to amend Policies 1.1.1 and 1.1.2 to clarify that the intent was to be consistent with rather than to include the uses in the corresponding countywide plan categories; that the point being that the town could be more restrictive that the countywide plan and needed to be consistent; that the second change was to clarify that the provision for consistency between the plans was further governed by specific provisions of the code of ordinances land development code as to details of where and how permitted uses were applied and regulated; that the point of the second change being that the code provided additional guidelines to broad policies in the plan as to how the plan was administered; that thirdly staff was clarifying in Policy 1.1.2 to provide for residential and other uses, mixed use, and public/semi-public use in the plan categories enumerated subject to the specific provisions of the code; that the point being that non-residential use and that language was already provide and had a category for residential/office limited in Policy 1.3.8 that did provide for residential use; that the inconsistency would allow for residential use.

FIRST READING – ORDINANCE NO. 490 (Continued)

Rae Claire Johnson, 1717 Indian Rocks Road, asked if the amendments allowed for residential property on the golf course.

Mr. Healey stated that it would allow the commission separately and in apart for any action tonight to entertain a request for rezoning to residential use to the hotel property or any other property in the town.

Mr. Maxwell stated that the question was on the golf course and currently was recreational/open space.

Mr. Healey stated that as to the hotel property, yes, and to the recreational/open space, no.

Commissioner Piccarreto moved approval of Ordinance No. 490, amending the Town of Belleair's Comprehensive Land Use Plan on first reading. Motion seconded by Commissioner Shelly.

Vote on the motion was: ayes, Commissioner Piccarreto, Commissioner Shelly, Commissioner Wilkinson, Mayor Katica; nays, Commissioner Fowler. Motion carried with a vote of 4-1.

FIRST READING – ORDINANCE NO. 491 – AMENDING LAND DEVELOPMENT CODE

Mr. Maxwell stated that staff was presenting to the commission for consideration a change to the land development code; that the change would create a new district to be known as RM-10; that it would be a residential multi-family, 10 units per acre district; that it would also introduce new height bonuses that could apply with the new zoning district should the commission decide to move forward with it; that currently there were two multi-family zoning options in the land development code; that one option was RM-15 allowing 15 units per acre; that the other was RPD-5 allowing 5 units per acre; that staff had concerns regarding the existing RM-15 would allow a use not necessarily in character of the town; that staff would like to look at adding the RM-10 that would offer incentives for property owners desiring to construct multi-family to give up some of the density and green space in exchange for height over the currently allowed height; that the proposed district did not constitute a zoning change for any particular property in town; that any changes for zoning would have to applied for would have to follow quasi-judicial procedures; that the discussion for tonight was for inclusion of additional zoning options within the land development code; that David Healey would provide an in depth discussion of RM-10.

David Healy, Planning Consultant, provided an in depth explanation for the proposed RM-10 zoning district; stated that there were two main provisions to the proposed change to the code; that the new multi-family zoning district RM-10 would allow a maximum of 10 dwelling units per acre; that it was categorized as a low medium density residential between the 5 and 15 units per acre; that it allows for both multi-family and single family use and accessory uses to residential; that it would require a minimum parcel size of 5 acres; that staff has recommended some additional standards that were above those of either of RPD or RM-15; that there be a minimum unit size of not less than 1200 square feet and an average unit size of 1800 square feet; that there had been some feedback regarding

FIRST READING – ORDINANCE NO. 491 (Continued)

the minimum unit size; that the current maximum building height was 32 feet for all multi-family areas; that staff's suggestion was that Section 74-83(a) which dealt RPD and RM-15 and now the proposed RM-10 provides for the potential of a height bonus; that there were three factors for consideration in order to receive the height bonus; that there were numerous potential opportunities and flexibility in the code; that there was also a provision in Section 74-155 that requires at least two points of access with certain conditions that could be waived for development of more than 75 units; that staff proposed clarification of that language so that could only occur with the approval of a site development plan by the commission; that that it was not a rezoning of any property.

Mr. Maxwell comment on the discussion about the proposed unit size as it related to the density for the development; commented on the recommendation submitted the residents of the RPD.

Commissioner Piccarreto asked if the proposed zoning district had been reviewed by the planning and zoning board.

Mr. Maxwell stated that the planning and zoning board did review the proposed ordinance; that the board recommended approval.

Mayor Katica stated that the floor would now be open for comment; that each speaker would be allowed three minutes to speak.

Jim White, 3 Seaside Lane, stated that he was President of the RPD Homeowners Association and would be speaking on behalf of the association; that the association did not endorse the demolition of the hotel but they did endorse the RM-10 with the condition of the 1500 square foot minimum unit size and the maximum of 160 units; expressed appreciation to staff for meeting with RPD residents and reviewing the proposed zoning district.

Mr. Maxwell stated for clarification the discussion was for RM-10 district and the height bonuses; that conversations for specific sites, the hotel for instance, would not necessarily be a part of the agenda item; that comments about the Biltmore could be included during the agenda item; that for clarification the discussion was about the change to the land development code and not necessarily the hotel; asked if the commission wanted to continue to hear comments regarding the hotel.

It was the consensus of the commission that all comments be heard.

Rae Claire John, 1717 Indian Rocks Road; commented on the hotel; commented on the proposed zoning change; commented on the action of the commission; spoke in opposition of the proposed RM-10 zoning district.

Mr. Maxwell stated for clarification, as previously stated, this agenda item had nothing to do with the Goal 1 of the comprehensive plan; that there was no land use or zoning change involved in what was being discussed that had anything to do with the Goal 1 of the comprehensive plan; that in response to Mrs. Johnson's comment regarding Commissioner Piccarreto, he was voted in as commissioner.

FIRST READING – ORDINANCE NO. 491 (Continued)

Commissioner Piccarreto stated for clarification he did not have a conversation with Mrs. Johnson regarding \$300,000 comment she made.

Karman Hayes, 220 Belleview Blvd., commented on the protection of the hotel; commented on the proposed ordinance; spoke in opposition to Ordinance No. 491.

Mr. Maxwell stated for clarification for the record on comments made regarding the hotel, that the provision was not for density but for less density than RM-15; that any change to the hotel would require a special certificate of appropriateness that have to applied for and it would be a quasi-judicial hearing for the consideration prior to any zoning change.

Discussions ensued regarding the decrease in density between RM-15 with 15 units per acre and RM-10 with 10 units per acre; regarding staff's belief that RM-15 would probably be applied for by a developer and staff would like to provide an option that would incentivize some development that would provide less density; regarding the possible number of units allowed with the RM-15 use as being approximately 150 unity; regarding the potential for the RM-10 to apply to other properties in town.

LaVonn Johnson, 220 Belleview Blvd., commented on the maintenance of the hotel; spoke in opposition to RM-10 zoning district.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Louis Dale, 4 Belleview Blvd., provided background of his expertise; commented on condition of the hotel; commented on previous plans to restore the hotel; spoke favorably of the proposed RM-10 zoning district.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Lou White, 220 Belleview Blvd., commented on the timing of the presentation for the RM-10 zoning; commented on the persons proposing restoration of the hotel; spoke in opposition to RM-10 zoning; commented on the recent article in the Tampa Bay Times newspaper.

Mr. Maxwell stated for clarification that the discussion of the RM-10 district began in August or September; that also in relation to changing of the zoning it would as a quasi-judicial hearing at a future meeting; that relating to the taxes, Hotel (H) versus RM-10, staff had no application for consideration and there was no way to identify the tax implications.

T.C. Hayes, 220 Belleview Blvd., commented on his tour of the hotel with a team of structural engineers and they determined that it was a structurally sound foundation; commented on the deterioration of the interior of the hotel; spoke in favor of restoring the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

FIRST READING – ORDINANCE NO. 491 (Continued)

Ed Shaughnessy, Belleair Country Club, stated that he was the general manager of the club and was present at the request of their board; spoke favorably of proposed RM-10 zoning district.

Kevin Connelly, 31 North Pine Circle, commented on the condition of the hotel; commented on the success and projects of the developer and proposed buyer of the hotel property; spoke favorably of the RM-10 zoning district.

Stephen Ross, 2902 52nd Street North, Gulfport, commented on the history of the casino in Gulfport; asked the commission to save the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Ann Peery, Executive Director of Historic Preservation; commented on the effect the proposed RM-10 zoning district would have on the Belleview Biltmore Hotel; stated that the town had two properties on the Historic Register one was the Belleview Biltmore Hotel and the other was the old Town Hall, now the Garden Club; commented on the closing of the hotel; commented on the viability of the hotel; commented on the benefit of historic heritage for tourism.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Anne Lobik, 12060 Indian Rocks Road, Largo, commented on the condition of the hotel; stated that the county did not need more condos; urged the commission to save the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

James Duncan, 648 Poinsettia, commented on the privilege of living in Belleair; commented on having a referendum to decide the fate of the hotel; urged the commission to listen to the voices of the majority.

Mr. Maxwell stated that the matter of the hotel would be a quasi-judicial issue and could not go to a referendum.

Ron Harn, 107 7th Avenue, SE, St. Petersburg, stated that he had been involved in the restoration of the Belleview Biltmore Hotel for seven years; that he was in the hotel yesterday; that the hotel has been damaged beyond believe by water damage; commented on his recent experience in historic preservation.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Doug Hasket, 4345 50th Place S., St. Petersburg, commented on saving the hotel; commented on the significance of history; spoke in opposition to RM-10 zoning district.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

FIRST READING – ORDINANCE NO. 491 (Continued)

David Ritter, 1776 Pasadena Dr., Dunedin, commented on the town supporting the hotel; spoke in favor of RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Commissioner Fowler stated that his daughter's wedding reception was held at the hotel; that he and his wife did support the hotel.

Jay Steinberg, 415 Poinsettia Road, commented on the existing infrastructure and the impact of development.

Mr. Maxwell stated that the items discussed would be handled at the site planning stage of development; that the developer would be required to look at those items and discuss with the town; commented on the difference in the existing RM-15 and the proposed RM-10 zoning.

Sue Schecter, 2 Seaside Lane, read a letter into the record from residents at Seaside (a copy of the letter is part of the record); spoke favorably of the residents for RM-10 zoning; commented on the benefit of the RM-10 zoning.

Tom du Pont, 430 St. Andrews Dr., spoke as President of the Belleview Island HOA, spoke favorably for the RM-10 zoning; commented on the town moving forward to improve the area and a positive step forward for the town.

Rafel Perez, 31408 Cross Creek Lane, Wesley Chapel; stated that he was not a resident; that he had been involved with Mr. Heisenbottle on renovation of the hotel; that there was a standing offer to purchase the property and restore the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Peter Belmont, 102 Fareham Place N., St. Petersburg, commented on the restoration of the Vinoy Hotel; urged the commission to preserve the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Laurie Adams, 321 Overbrook Dr., commented on the comprehensive plan as it related to preserving the hotel; urged the commission not to approve the RM-10 zoning district.

Mr. Maxwell stated that no application had been for RM-10 or any land use change; commented on the procedure to be followed for special certificate of appropriateness.

Greg Butcher, 253 S. Garden Cir., spoke in opposition to RM-10 zoning.

FIRST READING – ORDINANCE NO. 491 (Continued)

Tom Nocera, 3173 Drew St. Clearwater, commented on proposed height in RM-10 zoning; commented on hotel being a national treasure; asked if a variance could be granted for height; stated that he did not think the commission should be voting on this matter now.

Mr. Maxwell stated that discussions were not specifically about the hotel; that in relation to a height variance, the code did not provide for a height variance unless there was a hardship and that economics was not a factor for consideration.

Mark Ellis, 2956 St. John Dr., Clearwater, commented on his support of the hotel in the past years; commented the restoration of Don Cesar and Vinoy Hotel in St. Petersburg; spoke in opposition of RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

June Shepard Hampton, 1032 Tallowood Drive, Largo, commented on saving the hotel; urged the commission to not to vote on RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Mike Sanders, 411 Orangeview Avenue, stated that the Clearwater Historical Society supported the preservation of the Belleview Biltmore Hotel; that the hotel was the heart and soul of Belleair; urged the commission to do the right thing for the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Petey Henning, 400 Ponce de Leon Blvd., commented on the zoning and density of the RPD; commented on the number of golf course communities in the state of Florida and another one was not needed.

Mr. Maxwell commented on the original RM-5 (RPD) and the changes that were made by the commission in 1990's.

Fred Clark, Jr., 412 Oakmont Drive, Clearwater, commented on the hotel and that no one visiting the hotel; displayed a photo of the hotel with no one in that photo; commented on the lack of visitors to the hotel over the years.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

C. E. Saltarelli, President of the Harbor Oaks HOA, stated that it was a neighborhood to the north of Belleair; that residents of the Harbor Oaks neighborhood were concerned about the increase in traffic with any development at the hotel site; asked that the commission consider the impact on their neighborhood.

FIRST READING – ORDINANCE NO. 491 (Continued)

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Kristina Bucklew, 360 Woodlawn Avenue, commented on the ruination of historic areas; commented on the condition of the bridge going to the hotel; commented on the many reasons for preserving the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Barbara Walters Arnold, 1318 Ponce de Leon Blvd., asked for a no vote for RM-10 zoning; asked for enforcement of the codes for protection of the hotel; commented on the maintenance of the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Jim Ingersoll, 1 Seaside Lane, commented on the position of the RPD residents regarding the RM-10 zoning; spoke in favor of the RM-10 zoning; commented on the cost for rehabilitating the hotel; commented on the lack of amenities for guests that would come to the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Norman Shornehauer, 4 Belleview Blvd., commented on the neglect of the hotel by the owners; asked why the town has not taken any action against the owners to prevent further deterioration of the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Randy Ware, 723 Ponce de Leon Blvd., stated that he was a member of the planning and zoning board; commented on the negative remarks and comments by previous speakers; commented on the job well done by the commission and staff in their approach to the hotel; commented on the necessary financing for rehabilitating the hotel; stated that he supported the RM-10 zoning.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Ken Keating, 100 Oakmont Lane, stated that he was asked to read a statement but did not have the time to verify the content of the letter; that the letter insinuated that Florida Design Consultants were assisting the town in the preparation of the zoning language.

Mr. Maxwell stated that the zoning code was prepared by town staff in conjunction with Mr. Healey; that they have had conversation with Florida Design Consultants because of their survey work and the information they had on the site and recognize what RM-10 would look like; that there had been no contract with FDC and they did not contact the town about anything.

Scott Skyberg, 13531 Avista Drive, Tampa, commented on properties to be affected by RM-10; asked about excluding the hotel property from the RM-10 designation.

FIRST READING – ORDINANCE NO. 491 (Continued)

Rick Hardwick, 659 Poinsettia Road, commented favorably for the proposed RM-10 zoning; commented on the success of any litigation against the town regarding the hotel; commented on providing more time to Mr. Heisenbottle allowing him to finalize his plan; commented on the viability of the hotel.

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Spencer Connerat, 336 Carl Avenue, expressed appreciation to Mayor Katica and Commissioner Piccarreto for their services; provided a certified copy of suit filed Connerat vs. Obama

Mr. Maxwell stated for clarification that the discussion did not relate directly to the hotel.

Annette Ross, 2902 52nd St. S, Gulfport, commented on potential litigation if the commission voted to approve RM-10.

Ed Armstrong, representative for KAWA owners of the hotel, commented on the RM-10 zoning category; commented on the unfair treatment of his client; commented on attempt by Mr. Heisenbottle to have funds in place for the purchase of the hotel property; commented on the number of extensions granted to Mr. Heisenbottle; commented on letter sent to Mr. Heisenbottle from Daniel Ades (a copy of the letter was entered into record).

Michael Cheezem, President and CEO of JMC Community, commented on the proposed plan for the hotel property; commented on the quality of life and historic nature of the community; commented on the proposed plan for townhomes and condos; stated that the proposed plan would require removal of the hotel; that he plans to hold several meetings with major stake holders, town leaders and staff, as well as residents, neighbors, the country club and historical groups for discussion of the plans before submitting plans to the town; expressed appreciation for the consideration and support; stated that he would not be before the commission if he felt the hotel could be renovated and successfully sustainable; that any hotel required various elements to be sustainable and the Belleview Biltmore did not have those elements.

Mr. Maxwell stated that no application has been submitted by Mr. Cheezem or anyone else for special certificate or site plan; that nothing regarding the hotel property has been submitted for consideration.

Mayor Katica stated that floor was closed to comment from the audience; that commission members would discuss the matter.

Mr. Maxwell stated it would be the appropriate time for questions or comments to staff to any issues; that there were concerns prior to the meeting regarding the voting in the issue; that the charter did call for a super majority vote on the second reading of the proposed ordinance; that to move forward to second reading only a majority vote was required to move forward.

Commissioner Wilkinson stated for clarification the procedure to be followed for approval of the proposed ordinance.

FIRST READING – ORDINANCE NO. 491 (Continued)

Commissioner Piccarreto asked if the commission would discuss the proposed ordinance or if there were any amendments to the information provided in the commission packets.

Mr. Maxwell stated that Section 74-83 (a)(2) and (3); that (a)(2) discussed minimum living space; that there was a recommendation that the minimum be increased to 1500 square feet from 1200 square feet; that there was a recommendation to delete (a)(3) due to some concerns by staff that the town would be getting into the design side of the project.

Commissioner Piccarreto asked if the proposed ordinance was consistent with the current code.

Mr. Ottinger stated that the ordinance would be creating a new zoning district; that currently there was no RM-10 zoning designation; that the ordinance was patterned after other zoning districts and was consistent with allowable uses; that there was a change in density and a height bonus.

Mr. Healey stated that the ordinance was consistent; that it did amend the code to add a new district that did not current exist; that the format for which the uses and density follow other related provision of the code.

Commissioner Shelly asked if the ordinance was consistent with Pinellas County Development Code.

Mr. Healey stated that it would be consistent with the countywide plan and rules with respect to the residential low medium category and a maximum of ten units per acre.

Commissioner Wilkinson asked it the ordinance was not passed, what actions would be required by a potential buyer in order to demolish the hotel; asked what zoning options would be available under the current code.

Mr. Maxwell stated that it would depend on the developer; that if they wanted to develop multi-family the two options would be RM-15 and RPD-5; that both did have a height of 32 feet; that the concern was the existing density in the area.

Discussions ensued regarding the development options currently in place; regarding the difference between existing zoning districts and the proposed RM-10 district; regarding the height options with the RM-10 district; regarding any development on the site maintaining the town's park like atmosphere of the town and creating more green space.

Commissioner Fowler read a letter into the record from Belleview Biltmore Partners, LLC and Mr. Richard Heisenbottle received earlier today stating the position of the BBP; commented on the proposed zoning; commented on the historic preservation ordinance; suggested that the town pursue and injunction to prevent the sale of the hotel to anyone with the intention to demolish any or all of the hotel; stated that he did not support of the new zoning district.

Commissioner Piccarreto asked if the suggested injunction was action that the town could pursue

FIRST READING – ORDINANCE NO. 491 (Continued)

Mr. Ottinger stated that he could provide an opinion at this time.

Mayor Katica commented on the difficulty of the matter before the commission; commented on the negative financial impact imposed on the town by the hotel; commented on the impact on property values in the area surrounding the hotel; commented on the actions and presentations by Mr. Heisenbottle.

Commissioner Piccarreto asked Mr. Maxwell why this matter was before the commission at this time; asked why the RM-10 district was proposed.

Mr. Maxwell stated that the process started in September and this was the completion of the drafted ordinance that was presented to the planning and zoning board and commission in December; that it was something staff felt should move forward and was prior to any current proposals for the property; that staff felt the RM-10 district would allow some protection to that area from the existing RM-15 use; commented the requirements outlined in the historic preservation ordinance regarding the special certificate of appropriateness for removal of the hotel; that compatible zoning must be in place at the time of application should that happen.

Commissioner Fowler moved to postpone approval of RM-10 zoning district for six months. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Shelly stated that he would like to look at ordinance later with the 1500 square foot minimum and maybe 64 feet maximum height on the RM-10; maybe look at a RM-7.5 at the same time; concerned about the height being above the existing condos.

Commissioner Piccarreto stated that he thought Commissioner Shelly had asked Mr. Maxwell to address the RM-10 zoning previously.

Commissioner Shelly stated that he did but he also felt there should be more options and more incentives with the 7.5 units per acre; commented on the need to protect the property.

Commissioner Fowler stated that he was also concerned about the minimum square footage per unit; that he felt an average of 2000 or 2400 square footage per unit should be considered.

Commissioner Piccarreto asked Commissioner Fowler if he would be supportive of the RM-10 zoning with those dimensions in place.

Commissioner Fowler stated that he would not in favor; that he did not feel the town needed a new zoning district.

Mr. Maxwell stated that staff did review the units in the RPD district and there were three distinct unit sizes in the area.

FIRST READING – ORDINANCE NO. 491 (Continued)

Vote on the motion was: ayes: Commissioner Shelly, Commissioner Fowler, Commissioner Wilkinson; nays; Commissioner Piccarreto, Mayor Katica. The motion carried with a vote of 3 to 4.

MOWING RESOLUTION NO. 350

There was no mowing resolution for consideration.

CITIZENS' COMMENTS

Dr. Alfonso Remedios, 100 Oakmont Lane, asked if the change in the code the only thing standing in the way of issuing a demolition permit.

Mr. Maxwell stated that it was not related to the demolition permit; that someone must apply for a special certificate of appropriateness; that the challenge would be in the site plan and move forward with an existing zoning designation.

Karman Hayes, 220 Belleview Blvd., asked about the vote by the commission regarding the RM-10 zoning.

Tom Nocera, 3173 Drew Street, Clearwater, asked what could be done in six months to preserve the hotel.

Mark Ellis, 2956 St. John Dr., Clearwater, commented on the condition of the hotel.

CONSENT AGENDA

Mayor Katica announced the following items on the Consent Agenda for consideration and approval.

1. Approval of Minutes – Special Meeting – December 3, 2013
Work Session – December 3, 2013
Regular Meeting –December 19, 2013

Commissioner Piccarreto moved the approval of the Consent Agenda. Motion seconded by Commissioner Wilkinson and carried unanimously.

GENERAL AGENDA

APPROVAL OF FRATERNAL ORDER OF POLICE CONTRACT

Mr. Murphy stated that the commission discussed the contract at the January 7 work session; that staff had successfully reached an agreement with FOP Union; that it was staff's recommendation that the commission approve the contract.

APPROVAL OF FRATERNAL ORDER OF POLICE CONTRACT (Continued)

Commissioner Fowler moved approval of the contract between the Town of Belleair and the Fraternal Order of Police for 2013-2016. Motion seconded by Commissioner Wilkinson and carried unanimously.

OTHER BUSINESS

Mr. Maxwell stated that he had one item to discuss with the commission regarding golf carts; that staff had received a number of emails about using golf carts in the community; that he would like to know if the commission would like to discuss the matter at an upcoming work session.

It was the consensus of the commission to discuss the issue of golf carts at the February work session.

Commissioner Fowler stated that at the February work session he would like to have discussion regarding the pros-cons for an injunction against the current owners of the Belleview Biltmore Hotel.

Commissioner Piccarreto asked Mr. Ottinger to make sure the town had standing for imposing such an injunction.

Commissioner Wilkinson asked that Mr. Ottinger research the possibility of any other fines or any other punitive action the town could take.

Mr. Ottinger stated that there were fines or injunctive ruling.

Mr. Maxwell stated that a summary of any possible action by the town would be presented at the next meeting providing staff had the time to research the issue.

Commissioner Piccarreto expressed appreciation to staff and the consultants for researching the issue.

ADJOURNMENT

There being no further business to come before the commission the meeting was adjourned in due form at 9:15 PM.

Town Clerk

APPROVED:

Mayor

MINUTES OF SPECIAL MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON FEBRUARY 4, 2014 AT 5:30 PM

PRESENT: Mayor Gary Katica
Commissioners
Stephen Fowler
Tom Shelly
Michael Wilkinson
Kevin Piccarreto

Town Manager Micah Maxwell
Town Attorney David Ottinger

Mayor Katica led the Pledge of Allegiance.

Quorum was present on roll call with Mayor Katica presiding; the meeting was called to order at 5:30 pm.

PUBLIC HEARING – FIRST READING – ORDINANCE NO. 494 – LEASE FOR THE BELLEVIEW BILTMORE GOLF CLUB

Mr. Maxwell stated that the commission approved the emergency ordinance on January 15, 2014 regarding the lease for the Belleview Biltmore Golf club; that the commission was now required to enter into a full ordinance at this time.

Mr. Ottinger read Ordinance No. 494, regarding the lease of certain real property, by title only.

Commissioner Fowler moved approval of Ordinance No. 494 regarding the lease of certain real property, on first reading. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Fowler asked if the finance board had reviewed the lease and if they had any additional input. Mr. Maxwell stated that adoption of the emergency ordinance was the codifying action for the commission to move forward with the lease; that after the adoption of the emergency ordinance the lease agreement was signed.

Vote on the motion was unanimous.

PUBLIC HEARING – RESOLUTION NO. 2014-05 AUTHORIZING LIEN FOR DELINQUENT WATER SERVICE CHARGES

Mr. Murphy read Resolution No. 2014-05 authorizing lien for delinquent water service charges for property located at 1716 Golfview Drive owned by Scott Steegman; that the amount of the lien was \$142.02; that the utility remained unpaid since December 1, 2013.

Commissioner Fowler moved approval of Resolution No. 2014-05 authorizing lien for delinquent water service charges for property located at 1716 Golfview Drive owned by Scott Steegman. Motion seconded by Commissioner Piccarreto and carried unanimously.

PUBLIC HEARING – RESOLUTION NO. 2014-06 AUTHORIZING LIEN FOR DELINQUENT SEWER SERVICE CHARGES

Mr. Murphy read Resolution No. 2014-06 authorizing lien for delinquent sewer service charges for property located at 1716 Golfview Drive owned by Scott Steegman; that the amount of the lien was \$75.00; that the utility remained unpaid since December 1, 2013.

Commissioner Shelly moved approval of Resolution No. 2014-06 authorizing lien for delinquent sewer service charges for property located at 1716 Golfview Drive owned by Scott Steegman. Motion seconded by Commissioner Wilkinson and carried unanimously.

PUBLIC HEARING – RESOLUTION NO. 2014-07 AUTHORIZING LIEN FOR DELINQUENT SOLIDWASTE COLLECTION SERVICE CHARGES

Mr. Murphy read Resolution No. 2014-07 authorizing lien for delinquent sewer service charges for property located at 1716 Golfview Drive owned by Scott Steegman; that the amount of the lien was \$133.68; that the utility remained unpaid since December 1, 2013.

Commissioner Fowler moved approval of Resolution No. 2014-07 authorizing lien for delinquent solid waste collection service charges for property located at 1716 Golfveiw Drive owned by Scott Steegman. Motion seconded by Commissioner Wilkinson and carried unanimously.

PUBLIC HEARING – RESOLUTION NO. 2014-08 AUTHORIZING LIEN FOR DELINQUENT STORMWATER UTILITY CHARGES

Mr. Murphy read Resolution No. 2014-08 authorizing lien for delinquent stormwater utility charges for property located at 1716 Golfview Drive owned by Scott Steegman; that the amount of the lien was \$23.84; that the utility remained unpaid since December 1, 2013.

Commissioner Shelly moved approval of Resolution No. 2014-08 authorizing lien for delinquent stormwater utility charges for property located at 1716 Golfview Drive owned by Scott Steegman. Motion seconded by Commissioner Wilkinson and carried unanimously.

ADJOURNMENT

There being no further business to come before the commission the special meeting was adjourned in due form at 5:40 PM.

Town Clerk

APPROVED:

Mayor

MINUTES OF WORK SESSION OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON FEBRUARY 4, 2014 AT 5:30 PM

PRESENT: Mayor Gary Katica
Commissioners
Stephen Fowler
Tom Shelly
Michael Wilkinson
Kevin Piccarreto

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.

It was the consensus of the commission that the order of the agenda would be changed for the work session; that the Town Manager's Report, Town Attorney's Report and Mayor and Commissioners' Report would be moved to the end of the agenda.

CITIZENS' COMMENTS

Mr. Ottinger stated that this was the opportunity for anyone to speak on any item not on the agenda for the meeting; that it was not the time to speak on hotel matters.

Rae Claire Johnson, 1717 Indian Rocks Road; commented on a major development project as stated in Section 66-162 of the land development code; commented on proposed RM-10 zoning category and her interpretation of the proposed zoning category.

Mr. Maxwell stated staff did not agree with any of the comments and remarks expressed by Mrs. Johnson; that staff was not prepared to respond to those comments at this time; that staff and consultants did not agree with any of the remarks made by Mrs. Johnson regarding the RM-10 zoning.

Discussions ensued regarding the comments made by Mrs. Johnson on zoning as it would relate to the RM-10 category; regarding the procedure for amendments to the comprehensive plan.

Mr. David Healey, Planning Consultant, stated that Mrs. Johnson had misrepresented what was before the commission; that it was not a rezoning action but a proposed amendment to the land development code that would have established a minimum lot area requirement of 5 acres; that it would require the property referenced by Mrs. Johnson to be rezoned by a separate action and the creation of a district did not rezone the property; that the provision in the code with respect to public hearing was in reference to the comprehensive plan and not a rezoning action; that on all points made by Mrs. Johnson were incorrect.

Discussion ensued regarding an application from the hotel for rezoning would require an amendment to the comprehensive plan; regarding the application for rezoning would not require an amendment to the comprehensive plan; regarding a desire to seek and amendment to the land use plan category a comprehensive plan amendment would be required.

CITIZENS' COMMENTS (Continued)

Steve Johnson, 1717 Indian Rocks Road, asked if the town could be developed as stated by Mrs. Johnson with zoning changed.

Mr. Maxwell stated that staff would first have to review the document; that at this time he would say no as the underlying land use for the majority of the town was residential low; that a comprehensive land change would have to take place in order to change the underlying land use in all the areas indicated.

John Hail, 16 North Pine Circle, stated that he was a long time resident of Belleair; commented on the recent increase in utility rates; commented on cutting costs in town; commented on the hotel and loss of revenue needed for infrastructure projects.

Karla Rettstatt, 308 Roebling Road North, commented on new zoning category of RM-10 and the negative impact of the proposed six months delay on the vote regarding RM-10; commented on recent expense to the town in researching, drafting and reviewing the proposed ordinance; commented on the supportive actions of town officials with regard to the hotel.

James Duncan, 648 Poinsettia Road, stated that the commission should listen to the residents and send the matter of zoning to referendum and put it to a vote.

Randy Ware, 723 Ponce de Leon Blvd., commented on the leadership and commitments by the commission; commented on his meeting with Mr. Maxwell and Commissioner Fowler; commented on the actions of the majority of the commission members; commented on the need for commissioners to consider recommendations by advisory boards; commented on plan proposed by Mike Cheezum of JMC; commented on the inaccurate remarks made by Rae Claire Johnson.

Tom DuPont, 430 St. Andrews Dr., spoke on behalf of a group of concerned citizens in Belleair; commented on the heart and soul of Belleair as being functions as town hall and the events and activities at the recreation center; commented on the proposed RM-10 zoning district; urged to commissioners to take action and move forward; commented on the negative remarks regarding the RM-10 zoning district; commented on the support of the majority of citizens for the town and the recreation center.

Mayor Katica commented on the loss of revenue to the town since the closing of the Belleview Biltmore Hotel.

Commissioner Fowler commented on the lawsuit filed by three citizens of Belleair against Legg-Mason development proposal; commented on revenues received from the hotel.

Mr. Maxwell provided clarification of comments made by Commissioner Fowler regarding the revenue received from the hotel property.

CITIZENS' COMMENTS (Continued)

Commissioner Fowler stated that he did meet with Mr. Cheezum and felt it was a productive meeting; commented on his reasoning for delaying the vote on the RM-10 zoning category; commented on the successful developments by JMC Development.

Commissioner Piccarreto commented on remarks made by Commissioner Fowler; commented on the concerns of Mr. Cheezum.

Commissioner Wilkinson asked if it was necessary to have zoning category in place before a plan could be submitted for the hotel property.

Discussions ensued regarding the necessary procedure in order to consider any plans submitted for the hotel property; regarding that ability of the commission to bring consideration of the RM-10; regarding discussion for development of a mixed use zoning category.

Maria Cantonis, 205 Bayview Drive, stated that she supported consideration of the RM-10 zoning and remarks made by previous speakers.

Jean Ann Hughes, 4 Belleview Blvd., stated that she was speaking in support of RM-10 on behalf of residents of South Garden 4; submitted signed petition of support.

Sandy Hutton, 4 Belleview Blvd., asked if RM-10 was approved if RM-15 would be removed as an option for development.

Mr. Maxwell provided comment regarding questions from Mrs. Hutton.

Carole Whittle, 1 Seaside Lane, stated that she supported the RM-10 option and concurred with previous comments of support.

Gail Carroll, 9 DeSoto Place, asked if the commission could decide at this meeting if the six month option could be withdraw and the commission move forward with consideration of RM-10.

Mr. Maxwell provided an explanation of the necessary process for the commission to reconsider and discuss RM-10 zoning.

Karman Hayes, 220 Belleview Blvd., commented on the number of persons in the RPD not in favor of RM-10 zoning; commented on plans not presented by Mr. Cheezum and his vision for the hotel property.

Doris Hanson, South Garden 6, commented on the remarks made by Karman Hayes; spoke favorably of the six month delay regarding RM-10.

DISCUSSION OF LEGAL OPTIONS FOR THE BELLEVIEW BILTMORE HOTEL

Mayor Katica stated that the commission would start the discussion of legal options for the Belleview Biltmore Hotel.

Rae Claire Johnson, 1717 Indian Rocks Road, commented on the difference between “Friends of the Biltmore” and “Save the Biltmore”; commented on the efforts of Richard Heisenbottle to restore the hotel; commented on the procedure for amending the town’s comprehensive plan.

Mr. Healey commented on the requirements of comprehensive plan amendments; commented on the new expedited process for comprehensive amendments by the 2011 legislature.

Mr. Maxwell state that staff was asking for guidance in the procedure for discussion of the towns legal options as it related to the hotel.

Mr. Ottinger stated that at the end of the last commission meeting Commissioner Fowler commented on any authority the town might have in prohibiting the sale of the hotel property to any party not interested in preserving the hotel; that the town had the authority to take action to enforce the provision of the historic preservation ordinance as it related to demolition by neglect of the hotel; provided a brief comment regarding the situation of demolition by neglect and enforcement actions by the town to curtail it; that the town must decide if enforcement action was warranted and if so what legal action or litigation would be necessary; provide an outline of key elements/issues for consideration.

Phil Doganerio, 224 Ponce de Leon Blvd., commented on viable options for the town regarding the hotel; stated that the hotel was no longer viable; urged the commission to move forward and make a decision.

Scott McLaren, legal representative for the hotel owners; commented on the legal options issue by stating; stated that he felt the analysis provided by Mr. Ottinger was sound; that the thought that the town could consider legal action against hotel owners for a mandatory injunction to prevent the sale of the property based on the condition of the hotel was surprising; commented on the report by McCarthy and Associates of the hotel in 2011; commented on the “taking of the property” and there being no support for legal action against the current owners; commented on the Legg-Mason period of ownership of the property.

Dr. Martin Bialow, 309 Eastleigh, commented on the history of the hotel; commented on the letter from Mr. Powell’s daughter supporting the demolition of the hotel; commented on the unlikely success of the hotel if restored.

Tom Nocera, 3173 Drew Street, Clearwater, commented on impact of the town and residents as a result of the condition of hotel; asked about increasing the fines for code violations for the hotel.

DISCUSSION OF LEGAL OPTIONS (Continued)

Karman Hayes 220 Belleview Blvd., commented on condition of the hotel; commented on Pinellas County action regarding green space; commented on the proposed six month delay as not being a negative action regarding the hotel.

John Jahrling, 3249 Hearthstone Ct., Holiday, commented on a family dining experience at the hotel in February, 2009.

Tom Kurey, 153 Palmetto Road, expressed support for previous comments by certain speakers; commented on proposal from Mike Cheezum regarding the hotel property; commented on reports provided by consultant groups HVS and PK regarding the condition of the hotel; commented on the negative message being sent to the developer of the hotel property; urged the commission to reconsider proposed options for development.

Lou White, 220 Belleview Blvd., commented on saving the tax base of Belleair and basis for taxes and loss of revenue if hotel was to be demolished.

Mayor Katica suggested that the commission place reconsideration of the RM-10 zoning issue on the agenda for the March 18 commission meeting.

Commissioner Wilkinson commented on language in the comprehensive plan regarding the preservation and protection of the hotel; commented on his votes as a commissioner in support for the hotel; stated that what would be best for the town was a viable hotel factor; asked how long the waiting period for restoration of the hotel; stated that he would entertain the idea of reviewing zoning options that would provide some mixed use of the property; that he was in favor of moving forward with discussion of options and not waiting six months.

Commissioner Shelly concurred with comments of Commissioner Wilkinson and place the item for discussion on the next agenda.

Commissioner Piccarreto stated that he had no objection the discussions of RM-10 zoning and planned mixed use zoning; that a mixed use to include some portion of restored hotel and residential use; that he felt it would be consistent with what the commission was trying to accomplish.

Mr. Maxwell stated that he was not sure staff could collect and prepare the necessary data for the next meeting; explained the procedure for the commission to reconsider the RM-10 zoning category.

Commissioner Piccarreto stated that he was ready to vote and provide some leadership on the matter; commented on the message being sent to any possible developer of the property by imposing a law suit against development of the property.

DISCUSSION OF LEGAL OPTIONS (Continued)

Commissioner Fowler commented on the memorandum from Mr. Ottinger regarding legal action against anyone not proposing restoration of the hotel; commented on his discomfort with the proposed RM-10 zoning; commented that something else could be a better option.

Discussions ensued regarding the town's responsibility to establish parameters for development; regarding not proceeding with any legal option against the hotel owners at this time; regarding moving forward with the discussion of zoning options for the hotel property and not waiting six months.

Mr. Maxwell stated for clarification that the commission was interested in hearing options for consideration of a mixed use discussion; that there also be some separate reconsideration of moving forward with the RM-10 zoning category; that he would need clarification if the commission wanted to consider one or the other options or consider discussion of both.

It was the consensus of the commission that discussion of a mixed use zoning category as well as reconsideration of RM-10 zoning category.

Mr. Ottinger stated that discussion of the mixed use zoning could be place on the next agenda as a new item; that a motion for reconsideration of the Ordinance for RM-10 zoning could be on the agenda; that the motion for reconsideration must come from one of the three commissioners that voted against the ordinance.

Discussions ensued regarding the expectations of mixed use options and reconsideration of RM-10.

RECESS CALLED AT 7:10 PM; MEETING RECONVENED AT 7:20 PM.

Rae Claire Johnson, 1717 Indian Rocks Road, commented on information for commented on comprehensive plan changes and the process for doing so.

Mr. Maxwell stated that on zoning side it was not a comprehensive plan amendment; that on the land use side it was a comprehensive plan amendment; that land use and zoning were two different issues.

Discussions ensued regarding the allowed uses for zoning categories and not changing underlying use on property.

DISCUSSION OF STREET LIGHT POLICY

Mr. Maxwell stated that a street light policy was developed at the request of the commission and the infrastructure board members; that a policy was generated to address the installation and relocation of decorative street lights throughout the town; that street lights had been included in the ongoing capital improvement program; that residents not within the project areas had expressed an interest in having new street lights installed in the neighborhoods.

DISCUSSION OF STREET LIGHT POLICY (Continued)

Discussions ensued regarding the involvement of the commissioners for making any decisions based on resident requests; regarding review of the street light policy by the infrastructure board;

Mr. Maxwell stated that it was staff's recommendation to move forward with the implementation of the street light policy.

It was the consensus of the commission to move forward with the consideration of the street light policy.

DISCUSSION OF CLEARWATER LITTLE LEAGUE

Mr. Maxwell stated that a letter was submitted from Clearwater Little League asking for support from Belleair to partner in a project to enhance the current facility; that Clearwater required that participants not living in Clearwater to pay \$190 to take part in the little league program; that Clearwater was offering a 20 year reprieve of recreation card fees in appreciation to Belleair's contribution for enhance of the of the facilities; that Clearwater was asking for a total of \$25,000 over a period of five years allowing Belleair residents to participate in the program.

Discussions ensued regarding having the donation from Belleair apply to other programs offered by Clearwater rather like a swap of services; regarding clarification of certain issues of the proposal.

Karla Rettstatt, 308 Roebbling Road North, commented on fees charged for other programs that Belleair residents participate in; asked if it would be a good idea to provide \$25,000 to Clearwater when it could also be used for programs here in Belleair; that the program was not being operated by City of Clearwater but an outside organization.

Discussions ensued regarding Clearwater's control of boundaries and participation in the program; regarding the fact that City of Clearwater did not control the program and could not provide any agreement through the Parks & Recreation Program for other programs.

Mr. Maxwell stated that the item was on the agenda for the next commission meeting.

DISCUSSION OF RESOLUTION FOR FUND BALANCE POLICY

Mr. Murphy stated that the fund balance policy for the golf fund needed to be amended to reflect the change in operation of the golf course; that staff was recommending a revision of the fund balance policy by specifically retaining a minimum undesignated fund balance of 10% of one year's operating expenditures for reserves; that in addition staff was recommending an annual \$50,000 be set aside and assigned for future capital expenses.

Discussions ensued regarding the financial responsibility of the town and Green Golf Partners.

It was the consensus of the commission to have approval at the next commission meeting.

DISCUSSION OF LOW SPEED VEHICLES vs. GOLF CART ON BELLEAIR STREETS

Chief Edwards stated that the purpose of the agenda item was to discuss amending the town ordinances to allow the operation golf carts on Belleair streets or to only allow low speed vehicles; that the operation of golf carts was allowed on certain streets and roadways if authorized by the government entity; provided definition of golf carts as stated in Florida Statutes.

Discussions ensued regarding the hour of operation of golf carts on public streets; regarding the required equipment in order to operate golf carts on public streets; regarding the age restrictions for operating golf carts on public streets; regarding the requirement for drivers of golf carts on public streets to be a licensed driver; regarding any risk of liability to the town by allowing the operation of golf carts on public streets; regarding the requirement for golf carts to be registered with the police department and a decal placed on the golf cart; regarding expected revenue from the golf cart program; regarding injuries related to golf cart accidents; regarding the safety factors for low speed vehicles (LSV) and golf carts.

Nancy Reardon, 1314 Golfview, commented on golf carts and the danger imposed by golf carts; stated that certain safety measures should be mandatory to operate golf carts on the streets; that she was in favor of restrictions for golf carts.

Neal Palenzuela commented on the use of golf carts on his street; stated that he did not want to see modified LSV on the streets; commented on golf cart accidents on golf courses; stated that he felt golf carts should be kept on the golf course.

Lil Cromer, 4 Belleview Blvd., stated that she felt it was insane to allow golf carts to operate on public streets; commented on the unsafe use of golf carts.

Robert Allen, 222 Ocala Road, expressed appreciation to Chief Edwards for putting the report together; commented on the remarks made by Mr. Ottinger regarding the town's liability for golf cart operation on public streets; stated that he thought of golf carts as being considered play cars; commented on his recent experience with a LSV.

It was the consensus of the commission that more information be provided for discussion at a later date.

DISCUSSION OF PROPOSED RESOLUTION ESTABLISHING FEES FOR ASSESSMENT SEARCHES

Mrs. Carlen provided information regarding the request to establish fees for property assessment search request; stated that the assessment searches were received for title companies, band and other entities; that the assessment searches pertained to liens, open or expired building permits, code violations and current or outstanding utility bills, and any other assessment imposed on the property by the town; that preparing the requested information was a very time consuming process and usually involved at least three staff members; that a survey conducted by staff of municipalities in Pinellas County indicated that an assessment fee was charged by a majority of the municipalities;

DISCUSSION OF PROPOSED RESOLUTION (Continued)

that it was staff's estimate that several thousand dollars in revenue would be received annually for providing property assessment services; that it was staff's recommendation that the proposed resolution be added to the agenda for consideration and approval for the February 18 regular meeting.

TOWN MANAGER'S REPORT

Mr. Maxwell had no report.

TOWN ATTORNEY'S REPORT

Mr. Ottinger had no report.

MAYOR AND COMMISSIONER'S REPORT/BOARD AND COMMITTEE REPORTS

Commissioner Piccarreto stated that the Historic Preservation Board did not have a meeting in January.

Commissioner Shelly had no report.

Mayor Katica had no report.

Commissioner Fowler stated that the Infrastructure Board met on February 3rd; that the Planning and Zoning Board would meet on Monday, February 10th at 5:30 PM; commented on a letter received regarding items being located within town right of ways and would like to have conversation regarding the matter; stated that he would like to look at the fence issue and discuss the code regarding fences.

Commissioner Wilkinson stated that the Sunset 5-K Run was scheduled for Saturday, February 15th; that the next concert was scheduled for Sunday, March 9 was the Beatle Mania Concert; that the next concert was scheduled for Sunday April 9th was Elton John and Billy Joel Tribute Band; that Sara Borger was no longer working for the town and he would like to acknowledge her great work while she was here; reported on the employee of the year for the recreation department.

ESTABLISHING AGENDA FOR REGULAR MEETING SCHEDULED FOR FEBRUARY 18, 2014 AT 6:30 PM

Mayor Katica announced the following items scheduled for public hearing for the February 18, 2014 regular meeting at 6:30 pm:

1. Second and final reading – Ordinance No. 494 – Approval of Lease for the Belleview Biltmore Golf Course.
2. Request for variance –10 South Pine Circle – Thomas and Karen Blake.

ESTABLISHING AGENDA (Continued)

3. First Reading – Proposed Ordinance No. 496 – Vacating Right of Way at 955 Indian Rocks Road.
4. First Reading – Proposed Ordinance No. 495 – Amending the Land Development Code Pertaining to Hotel (H) District Minimum Size.
5. Proposed Resolution – Authorizing filing of Lien for Delinquent Stormwater Fees.

On motion duly made and seconded the following agenda was established for the February 18, 2014 regular meeting at 6:30 pm:

CITIZENS' COMMENTS

CONSENT AGENDA

1. Approval of Minutes – Amended Special Meeting –December 3, 2013
Special Meeting – January 2, 2014
Special Meeting – January 7, 2014
Work Session – January 7, 2014.
Special Meeting – January 15, 2014
Regular Meeting – January 22, 2014.

GENERAL AGENDA

Consideration of:

1. Discussion of Mixed Use Zoning District.
2. Discussion of Reconsideration of Ordinance No. 491.
3. Resolution No. 2014-09 – Amending Golf Fund Balance Policy.
4. Resolution No. 2014-10 – Establishing Fees for Assessment Searches.
5. Street Light Policy.
6. Clearwater Little League.
7. Golf Carts vs. Low Speed Vehicles (LSV) on Belleair Streets.
8. Discussion of Building Inspection Services.
9. Approval of Disposal of Fixed Assets.

ADJOURNMENT

There being no further business to come before the commission the meeting was adjourned in due form at 8:25 PM.

Town Clerk

APPROVED:

Mayor

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON FEBRUARY 18, 2014 AT 6:30 PM

PRESENT: Mayor Gary Katica
Commissioners
Stephen Fowler
Tom Shelly
Michael Wilkinson
Kevin Piccarreto

Town Manager Micah Maxwell
Town Attorney David Ottinger

Mayor Katica led the Pledge of Allegiance.

The meeting was called to order at 6:30 PM with Mayor Katica presiding; quorum was present on roll call.

SCHEDULED PUBLIC HEARINGS

SECOND AND FINAL READING – ORDINANCE NO. 494 – APPROVAL OF LEASE FOR THE BELLEVIEW BILTMORE GOLF CLUB

Mr. Maxwell stated that first reading of Ordinance No. 494 was considered two weeks ago relating to leasing the Belleview Biltmore Golf Club; that the emergency ordinance was approved at the time of approval of the lease agreement by the commission; that the town must now enter into a full ordinance at this time for the lease of the property.

Mr. Ottinger read Ordinance No. 494, regarding the lease of certain real property in excess of a one year in the name of the town, by title only.

Commissioner Shelly moved approval of Ordinance No. 494 regarding the lease of certain real property in excess of a one year in the name of the town, on second and final reading. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Fowler asked if the finance board had reviewed the lease. Mr. Maxwell stated that they had not; that the finance board did not want to review the lease; that Mr. Tom Kurey, a member of the finance board, was appointed by the commission, did participate in the review of the lease.

Vote on the motion to approve Ordinance No. 494 on second and final reading passed unanimously.

REQUEST FOR VARIANCE – 10 SOUTH PINE CIRCLE – THOMAS AND KAREN BLAKE

Mr. Murphy stated that the owners of the property located at 10 South Pine Circle has requested a variance that would allow the construction of a garage addition that would encroach into the required from setback by 11.5 feet; that it was staff's recommendation that the request be denied; that the planning and zoning board unanimously recommended approval by the five members present.

REQUEST FOR VARIANCE – 10 SOUTH PINE CIRCLE (Continued)

Persons planning to speak regarding the request for variance were sworn in by the town clerk; there was no ex-parte communication reported.

Mr. Blake, applicant, stated that the additional garage space was needed in order to accommodate the storage of his work related equipment.

There were three letters of support submitted by neighbors.

Commissioner Shelly moved approval of the request for variance for property located at 10 South Pine Circle. Motion seconded by Commissioner Fowler and carried unanimously.

FIRST READING – ORDINANCE NO. 496 – VACATING RIGHT OF WAY – 955 INDIAN ROCKS ROAD

Mr. Maxwell stated that the applicant, David Becker, had requested a continuance for the consideration of vacating the right of way at 955 Indian Rocks Road.

Commissioner Fowler moved to continue the consideration of vacating the right of way at 955 Indian Rocks Road until the next regularly scheduled meeting of the commission. Motion seconded by Commissioner Wilkinson. Motion carried unanimously.

Discussions ensued regarding the scheduling of the next meeting; it was the consensus of the commission that the next meeting be scheduled for Tuesday, March 25, 2014 at 6:30 pm.

FIRST READING – ORDINANCE NO. 495 – AMENDING THE LAND DEVELOPMENT CODE PERTAINING TO HOTEL (H) DISTRICT MINIMUM SIZE

Mr. Maxwell stated that the Belleair Country Club had submitted a request to change Section 74-84 of the land development code to reduce the minimum size of the Hotel (H) district; that the change would reduce the existing minimum of 20 acres to a minimum of 15 acres; that based on research of resort hotels in Pinellas County the average property size was 11.94 acres; that the Belleair Country Club had stated that they intend to purchase 2.32 acres of the hotel property.

Mr. Ed Armstrong, legal counsel for the Belleair Country Club, stated that in December, 2013 the Country Club had requested a reduction in the land acreage for the hotel; that the Country Club did have a contract to purchase 2.32 acres from the Belleview Biltmore Hotel; commented on the creation of non-conforming land; that the parcel would be rezoned to RM-5; that the existing land would be sufficient land area for the hotel; commented on the land area for hotels in the surrounding municipalities; provided the information for public record.

Mr. Ed Shaughnessy, General Manager of the Belleair Country Club, stated that the BCC had always been a good neighbor; that the land was needed to provide much needed parking at the club; that the club had leased the property from the hotel for the past 17 years; commented on the contract to purchase the land; commented on the number of supporters for the rezoning that were in attendance.

FIRST READING – ORDINANCE NO. 495 (Continued)

Steve Johnson, 1717 Indian Rocks Road, commented on the proposed sale of the hotel; urged the commission to wait on making a decision at this time.

Rae Claire Johnson, 1717 Indian Rocks Road, asked about the outcome of the discussion by the planning and zoning board members.

Commissioner Fowler stated that the planning and zoning board had recommended denial of the proposed ordinance.

Mrs. Johnson stated that consideration of the proposed ordinance was not appropriate at this time.

Michael Kline, 515 Ponce de Leon Blvd., spoke in favor of the proposed amendment allowed the reduction in land area; spoke about the number of charitable functions held at the Belleair Country Club on an annual basis.

Tom Nocera, 3173 Drew Street, Clearwater, spoke in opposition to the reduction in the land area for the Belleview Biltmore Hotel; stated that he was opposed to sub-dividing the land; urged the commission not to take action at this time.

Richard Owen, 690 Weatherfield, urged approval of Ordinance No. 495 allowing BCC to use the property for parking.

Karman Hayes, 220 Belleview Blvd., urged the commission to deny the request; commented on saving the hotel; commented on having a referendum to determine the decision on the property.

Mr. Maxwell stated for clarification that the matter could not be determined by referendum as the process was quasi-judicial in nature.

Mr. Ottinger confirmed the remarks of Mr. Maxwell regarding the quasi-judicial process.

LaVonn Johnson, 220 Belleview Blvd., commented on the benefit of having the hotel in Belleair.

Tom Kurey, 153 Palmetto Road, commented on a flyer left at his home; stated that it was his understanding that the proposed developer had no plans for the 2.32 acres of the hotel property under contract to BCC; that Mr. Heisenbottle's plan for the hotel did not include the use of the 2.32 acres either; that he was in favor of the proposed ordinance.

Mr. Armstrong stated for clarification that the 2.32 acres would not be used by the developer.

Don Newman, One Seaside Lane, expressed appreciation to the commission for allowing comment; commented on the amount of time spent by the town on the hotel over the years; spoke in favor of the commission approving the proposed ordinance.

FIRST READING – ORDINANCE NO. 495 (Continued)

C. E. Saltarelli, President of the Harbor Oaks HOA, stated that it was a neighborhood to the north of Belleair; that residents of the Harbor Oaks neighborhood were concerned about the preservation of their area; that the neighborhood was registered in the National Register of Historical Places; that they were concerned about the increase in traffic with any development at the hotel site; that if there was a change in zoning to allow more residential units in Belleair they would request the City of Clearwater to close Druid Road and Bay Avenue at Jeffords Street; that demolition of the Belleview Biltmore Hotel would destroy the heritage of the area.

Donna Davich, 1708 Golfview Drive, stated that she attended a meeting a few weeks ago regarding rezoning; that she was concerned about the future of Belleair; that she moved to Belleair because of the golf course and any possible development of the land; that she was concerned about the future of the Belleview Biltmore Hotel.

Mr. Maxwell stated that the town was proposing to place a conservation easement on the golf course property to prevent development of the property; that that was the purpose of the town's purchase of the golf course property.

Kristina Bucklew, 360 Woodlawn Avenue, stated that she was a long time resident of Belleair; urged the commission not to approve the proposed ordinance to reduce the land area on the hotel property; that demolition by neglect should be stopped and fines levied; that the decision on the hotel should be made by referendum.

Al Guffy, 150 Belleview Blvd., commented on the sale of private property by a private owner to a private purchaser for property that would be used to benefit the Belleair Country Club; spoke in favor of the purchase of the 2.3 acres by the BCC.

Cliff Zurkan, 308 Oleander Rd., stated that he was a member of the historic preservation board and he was confused by comments regarding the parking lot; that the parking lot had nothing to do with hotel redevelopment; that the area was to be used as grass parking and would remain green; commented on the current condition of the hotel; spoke in favor of the proposed ordinance.

Mr. Maxwell commented on code compliance requirements for parking areas.

Commissioner Piccarreto moved to approve Ordinance No. 495 amending the land development code pertaining to the hotel (H) district minimum size on first reading; that the minimum land size be changed from 15 acres recommendation to 17.5 acres for the hotel district. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Piccarreto stated that the commissioners and mayor were elected to be leaders of the community; that they were elected and took an oath to represent the residents of Belleair; that the change from 20 acres to 17.5 acres was supported by the residents of Belleair; that it was not a Belleair Country Club issue; that this was a property rights issue between two private people; that no evidence was presented to indicate the change would be a detriment to the town or to the hotel property at this point; that he would urge the commission to vote in favor of Ordinance 495.

FIRST READING – ORDINANCE NO. 495 (Continued)

Mayor Katica commented on previous non-binding referendums and mail in surveys; stated that the town could not operate by referendum; that Belleair Country Club was one of the largest tax payers in town; commented on the condition of the hotel and the deficient in taxes paid by the hotel; that the BCC was a good neighbor and he was not a member of the club; that he was a strong supporter of this issue.

Commissioner Fowler stated that he and Commissioner Piccarreto were members of the county club.

Commissioner Wilkinson stated that he was a member also.

Commissioner Fowler further stated that he would like Mr. Ottinger to confirm that, as members, they were allowed to vote on the issue before the commission.

Mr. Ottinger stated for clarification that if there was no direct financial interest the commissioners were allowed to vote and would not have to recuse themselves.

Commissioner Fowler stated that he would vote against the approval of Ordinance No. 495 for the following reasons: (1) that the planning and zoning board unanimously vote the recommend denial of the ordinance, (2) that it would eliminate a potential part of the redevelopment of the hotel, and that more importantly one member of the planning and zoning board was a developer and he realized that by selling the parcel the proposed developer would lose 20-30 units from the density on the property; (3) that it was premature to sell off part of the hotel property to BCC. Further stated that BCC has always been a good neighbor; that there was discussion of a mixed use district further on the agenda; that he felt the commission should hold off approval of Ordinance 495 for now.

Commissioner Shelly stated that it was a private property rights issue; that it would be nice to see a nicely landscaped parking lot rather than having 20 or 30 more units; that Mr. Cheezum did not have the property under contract and it was not an issue.

Commissioner Piccarreto concurred with Commissioner Shelly's remarks regarding Mr. Cheezum; commented on the commission being able to control the density of the town.

Mr. Armstrong stated for clarification that from the beginning of discussions negotiations between the current owner and Mr. Cheezum that the 2.32 acres was not to be sold to Mr. Cheezum.

Commissioner Wilkinson stated that it was a private property issue and he would vote yes on the motion.

Vote on roll call was: ayes, Commissioner Piccarreto, Commissioner Shelly, Commissioner Wilkinson, Mayor Katica; nays, Commissioner Fowler. The motion carried by a vote of 4 to 1.

PROPOSED RESOLUTION – AUTHORIZING FILING OF LIEN FOR DELINQUENT STORMWATER FEES

This item was withdrawn; the account was paid.

CITIZENS' COMMENTS

Rae Claire Johnson, 1717 Indian Rocks Road, stated that she did not think BCC had been a good neighbor; commented on process for amendments to the comprehensive plan.

Mr. Maxwell stated for clarification that this was not a quasi-judicial meeting; that he had discussed the requirements of the historic preservation ordinance; that the ordinance did require an application for certificate of appropriateness if there was a change to a significant structure or historic district; that this was a district and the structure was not being altered nor was there any change to the structure itself; that a quasi-judicial hearing would be required for such action and that was not occurring tonight; that for the historic preservation to come into play the certificate of appropriateness would have to be for the structure and not on the property.

Karla Rettstatt, 308 Roebling Road North, asked the status of the conservation easement for the golf course property.

Mr. Ottinger stated that they in the process of identifying the grantee of the easement; that he thought it would be SWFWMD; that the matter was in process but current matters had taken precedence over the past 30 days; that it was the goal to have the conservation easement implemented by mid-year.

Ms. Rettstatt commented on the handbill left on her door and she thought that leaving such items on someone's door was against code; commented on the incorrect information stated on the flyer; that she was offended that such false information was distributed all over town; that the police department should check into such actions and who was responsible.

Lil Cromer, 4 Belleview Blvd., asked about the deadline for the conservation easement; urged the completion of the easement; asked when the commission would be honoring Mr. John Osborne for his contribution to the town; asked the status of the Osborne house on Ricker Road.

Mr. Maxwell provided an explanation of the process for the sale of the Osborne house; that staff was working on evaluating the property.

Tom Kurey, 153 Palmetto Road, expressed appreciation to the commission members for their service to the town; that they put in a lot of time and it was a thankless job; commented on negative comments and the disrespect from some members of the audience; commented on the time spent working on town issues by each commissioner on a weekly basis.

Ed Shaughnessy, Belleair Country Club; stated that every project by the club has had proper permits; that a tree bond was in place for the trees removed from the club property.

CONSENT AGENDA

Mayor Katica announced the following items on the Consent Agenda for consideration and approval.

1. Approval of Minutes – Work Session – December 3, 2013
Special Meeting – January 2, 2014
Special Meeting – January 7, 2014
Work Session – January 7, 2014
Special Meeting – January 15, 2014
Regular Meeting – January 21, 2014

Donna Carlen, town clerk asked that the Minutes of the January 21, 2014 regular meeting be continued.

Commissioner Shelly moved the approval of the Consent Agenda as amended. Motion seconded by Commissioner Fowler and carried unanimously.

GENERAL AGENDA

DISCUSSION OF MIXED USE ZONING DISTRICT

Mr. Maxwell stated that David Healey was present to provide comments about a mixed use zoning district; that comments would then be taken from the audience.

David Healey, Planning Consultant, commented on alternatives to zoning district for the hotel property; stated that the object was to create a new district to allow hotel use in some combination; commented on developing criteria to determine guidelines for the zoning designation; commented on the possibility for some historic preservation; commented on possible height bonus and allowed uses with the mixed use category.

Commissioner Piccarreto asked if the density could be controlled with the mixed use category; asked what type of bonus could be included that would encourage some preservation of the hotel.

Mr. Healey stated that the proportionate allocation of density with the mixed use and configuration and size of structures and the number of proposed dwelling units; commented on proposed bonus of increased density for hotel units directed at historic preservation.

Discussions ensued regarding what would be included in a mixed use category; regarding allowing a minimum commercial use to be included with hotel use; regarding allowing residential use in the hotel.

Michael Cheezum, President and CEO of JMC Communities, stated that he was confident that a plan could be developed to meet everyone's approval; commented on the benefits of a mixed use zoning to the community; stated that he expected to submit plans to the town in 45 days; commented on the preservation of a small portion of the hotel in the form of an inn or boutique hotel while providing amenities to residents; stated that the plan would celebrate the history of Belleair by being a relevant

DISCUSSION OF MIXED USE ZONING DISTRICT (Continued)

part of the town's future; that his team had spent the past few weeks performing due diligence for aspects of the project; that the next few weeks would be spent in workshops with stake holders discussing the vision of the plan; that with solid support the plan would then be presented to the commission for review and approval; that it was his plan to find the path that would meet the needs for all parties and would preserve the rich heritage of the hotel; that his plan would restore the town's tax base; that his plan would require the removal of the vast majority of the hotel; asked the commission to consider his vision and advise him if it would be an acceptable plan; stated that it was his plan to unite and not divide the community.

Jim White, 3 Seaside Lane, commented on the RM-10 zoning district; stated that it would take cooperation of all parties to resolve the issue; that he would recommend the commission pursue the mixed use zoning for the hotel property.

Rae Claire Johnson, 1717 Indian Rocks Road, stated that she would welcome the session with Mr. Cheezum; commented on quasi-judicial matters.

Mr. Maxwell stated that this was not a quasi-judicial discussion nor was it a discussion about a quasi-judicial application; that changes to the code was a legislative action by the commission; that it was not a comprehensive plan issue but a land development code addition of a zoning designation; that an application for rezoning would be a quasi-judicial issue.

Discussion ensued regarding the proposed RM-10 zoning category and the allowed density.

Jay Steinberg, 415 Poinsettia Road, commented on the possible revenues that could be generated by the hotel; commented on the room rate tax that could be imposed by the town.

Al Remedios, 100 Oakmont Lane, commented on remarks made by Mr. Cheezum and the good will exhibited by his presentation.

Sandy Pisano, 1745 Indian Rocks Road, commented on the offensive flyer received at her home; stated that she felt the commissioners' responsibility was to the residents of Belleair and not to the hotel; spoke in favor of the proposed new zoning district.

Karman Hayes, 220 Belleview Blvd., commented that the matter before the commission was not about Mr. Cheezum but about a precious artifact in Belleair.

Commissioner Wilkinson made a motion to direct staff to formulate a planned mixed use zoning category. Motion seconded by Commissioner Shelly.

Discussion: Commissioner Piccarreto stated that he was intrigued by Mr. Cheezum's comments; that his approach was something the town needed to look at before making any conclusions; that he was a proven entity with past developments, that he has integrity and good will for the community and has stated what he would like to do and was asking for feedback from the commissioners and the

DISCUSSION OF MIXED USE ZONING DISTRICT (Continued)

residents; that he was looking forward to attending the meetings with Mr. Cheezum to review his plan. Commissioner Shelly stated that he asked to review the mixed use; that flexibility was needed in the town's land development code. Mayor Katica commented on the differences of opinion over the hotel; stated that if the hotel could be saved it would be the greatest thing; commented on actions of Mr. Heisenbottle and his failure to comply with his option to purchase and restore the hotel; stated that the plan to save a portion of the hotel would be the way to go. Commissioner Wilkinson stated that he concurred with previous comments from the commissioners; that Mr. Cheezum's would bring forward some great ideas for the town; that he liked Mr. Cheezum's sense of community; that he was ready to move forward and create new options for the property; that there was no zoning change for the property.

Vote on the motion to direct staff to formulate a planned mixed use zoning category was unanimous.

DISCUSSION OF RECONSIDERTION OF ORDINANCE NO. 491

Mr. Maxwell stated that at the last meeting the commission discussed whether or not to reconsider the RM-10 zoning category; that the matter was before the commission at this time; that the motion could only be made by a member of the prevailing group of the original vote.

Commissioner Wilkinson asked if it would be possible to look at the mixed use and RM-10 at the same time.

Mr. Maxwell stated that the mixed use would be discussed in early April; that the planning and zoning board would then review the information; that the discussions would then go before the commission in ordinance form in June; that the motion for reconsideration of RM-10 could include a date or some other parameters, that it was the commission's choice.

Commissioner Fowler stated that he felt there was a great opportunity with the mixed use option; that he did not think staff time should be spent on reviewing something the commission had already looked at.

Mr. Maxwell stated that unless there was some desire to change parts of RM-10 the same ordinance would be brought back to the commission.

Commissioner Shelly moved that the commission reconsider Ordinance No. 491 at the March 25, 2014 meeting. Motion seconded by Commissioner Wilkinson.

Discussion: Mr. Maxwell stated that if there were issues to be discussed the time line could be altered somewhat; asked if the commission wanted to have a work session first. Commissioner Piccarreto stated that since there was little conversation before, there should be some discussion if there was going to be some changes; that the first reading could be placed on the agenda for the March 25 commission meeting.

DISCUSSION OF RECONSIDERTION OF ORDINANCE NO. 491 (Continued)

Vote on the motion for the commission to reconsider Ordinance No. 491 at the March 25, 2014 meeting was unanimous.

Commissioner Piccarreto asked for clarification on the flyer that was distributed throughout town and why such development was not possible.

Mr. Maxwell stated that development depicted was not possible because the underlying land use; that currently the land use was residential low that allowed for 0 to 5 units per acre; that the commission would have to change that to something alternate to residential low and residential medium was the only other option available to the town; that an adjustment of the comprehensive plan would be required that would also have to be discussed by Pinellas County; that it would be difficult for someone to go through the process and would not be possible for someone to simply do it.

There was a ten minute recess from 8:20 pm to 8:30 pm.

RESOLUTION NO. 2014-09 – AMENDING GOLF FUND BALANCE POLICY

Mr. Murphy stated that Resolution No. 2014-09 was amending the fund balance policy in the golf fund to reflect the change in operations; that the golf course would be under GGP's management through the lease with the town; that staff was recommending a revision to the fund balance policy to retain a minimum undesignated fund balance of 10% of one year's operating expenditures for reserves; that it was staff's recommendation for the commission to approve the Golf Fund Balance Policy.

Commissioner Wilkinson moved approval of Resolution No. 2014-09 amending the Golf Fund Balance Policy. Motion seconded by Commissioner Piccarreto and carried unanimously.

RESOLUTION NO. 2014-10 – ESTABLISHING FEES FOR ASSESSMENT SEARCHES

Mrs. Carlen stated that the commission had discussed the proposed resolution to establish a fee for requested property assessment searches; that the commission had discussed the issue at the February 4 work session.

Commissioner Piccarreto moved to approve Resolution No. 2014-10 to establish a fee for requested property assessment searches. Motion seconded by Commissioner Fowler and carried

Discussion: Commissioner Piccarreto asked if such information would be public record. Commissioner Shelly asked if there was a charge for public records requests. Mrs. Carlen stated that the assessment search request was not the same as a public records request; that a fee was also charged for public records request.

Vote on the motion to approve Resolution No. 2014-10 carried unanimously.

STREET LIGHT POLICY

Mr. Maxwell stated that the Infrastructure Board had reviewed the policy and recommended approval.

Commissioner Fowler moved approval of the Street Light Policy. Motion seconded by Commissioner Wilkinson and carried unanimously.

CLEARWATER LITTLE LEAGUE

Mr. Maxwell stated that staff recommended a continuance on the item.

Commissioner Fowler moved to continued discussions on Clearwater Little League. Motion seconded by Commissioner Wilkinson and carried unanimously.

GOLF CARTS vs LOW SPEED VEHICLES (LSVs) ON BELLEAIR STREETS

Mr. Maxwell stated that staff recommended a continuance on the item.

Commissioner Wilkinson moved to continue discussions on Golf Carts vs Low Speed Vehicles on Belleair Street. Motion seconded by Commissioner Fowler and carried unanimously.

DISCUSSION OF BUILDING INSPECTION SERVICES

Mr. Maxwell stated that staff recommended a continuance on the item.

Commissioner Fowler moved to continued discussions for Building Inspection Services. Motion seconded by Commissioner Wilkinson and carried unanimously.

APPROVAL OF DISPOSAL OF FIXED ASSETS

Micah Badana stated that staff was requesting commission approval to dispose of certain capital assets; that a number of items listed were no longer in use and that some of the items had exceeded their depreciable life; that the items that could be sold would be auctioned on Govdeals.com and all other items would be destroyed.

Commissioner Wilkinson moved to dispose of the capital assets that were no longer used and had exceeded their depreciable life. Motion seconded by Commissioner Fowler and carried unanimously.

OTHER BUSINESS

Mayor Katica commented on the flyer that was distributed with incorrect information; stated that he felt an ordinance was needed that require approval of information pertaining to the town be approved before distribution.

Discussions ensued regarding possible restrictions; regarding 1st Amendment rights; regarding such actions being similar to political action committee; regarding staff review for possible amendments.

OTHER BUSINESS (Continued)

Mayor Katica stated that he felt the commission should move forward with honoring John Osborne for his very generous donation to the town; that the new public works building was now complete and naming the building in his honor would be a perfect.

Discussion ensued regarding other options for honoring Mr. Osborne.

Mr. Maxwell stated that something would be place on the agenda for next month for discussion.

Commissioner Fowler stated that Sam Casella, a former commissioner, passed away today; that he thought a proclamation would be in order for Mr. Casella.

Mr. Maxwell stated that staff would make arrangements to have a proclamation for Mr. Casella and would make necessary arrangements with his wife.

ADJOURNMENT

There being no further business to come before the commission the meeting was adjourned in due form at 8:40 PM.

Town Clerk

APPROVED:

Mayor

RESOLUTION NO. 2014-11

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA
AUTHORIZING THE DISPOSAL OF CERTAIN RECORDS.**

WHEREAS, Chapter 267 of the Florida Statutes establishes the Records Management and Archives Program; and

WHEREAS, said Program provides for the scheduling and disposal of public records; and

WHEREAS, the Town had prepared Record Retention Schedules in compliance with said Program; and

WHEREAS, the Town has prepared “Notice of Intent to Destroy Scheduled Records” Number 115 for the records meeting retention requirements as provided by the Records Retention Schedules.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR; that

The Town Clerk is hereby authorized to dispose of records as provided by the State of Florida Division of Library and Information Services, and as listed in “Notice of Intent to Destroy Scheduled Records” Number 115.

PASSED AND ADOPTED by the Town Commission of the Town of Belleair, Florida this 25th day of **MARCH, A.D., 2014.**

MAYOR

ATTEST:

TOWN CLERK

Revised 01/2003		RECORDS DISPOSITION DOCUMENT		NO. <u>115</u> PAGE <u>2</u> OF <u>2</u> PAGES	
1. AGENCY TOWN OF BELLEAIR		2. DIVISION ADMINISTRATION/FINANCE		3. BUREAU RECORDS MANAGEMENT	
4. ADDRESS (Street, City, and Zip Code) 901 PONCE DE LEON BLVD. BELLEAIR, FL 33756			5. CONTACT (Name and Telephone Number) DONNA CARLEN, TOWN CLERK (727) 588-3769 (EXT. 214)		

GS1-SL	3	Administrative Support Records: Copies – Old forms, (OSA)	OSA			
GS1-SL	365	Receipt Revenue Records Detail	FY 5 years	2006-2008		
GS1-SL	359	Pension Records: Reports duplicate/Copies	OSA	2005-2010		
GS1-SL	341	Project Files	FY 10 Years	1999-2000		
GS3	10; 108; 127	Election Ballots; Provisionals; ballot envelopes; blank ballots	CE – 22 months	2007-2010		
GS1-SL	332	Architectural Building Plans- Abandoned/Withdrawn OSA	6 Mo. After last action	2005-2007		
GS1-SL	3	Administrative Support Records: Commission Packets – Copies/OSA/	OSA	2005-2006		
					Total Cubic Ft.: 61.5	

9. DISPOSAL AUTHORIZATION Disposal for the above listed records is authorized. Any deletions or modifications are indicated.		10. DISPOSAL CERTIFICATE The above listed records have been disposed of in the manner and on the date shown in column g.	
Suzy Metcalf, Deputy Clerk		Signature _____ Date _____	
Records Custodian or Designee _____ Date _____		Donna Carlen, Town Clerk Name and Title	
		WITNESS _____	
NOTE: Upon disposition retain this form for your records.			

ADMINISTRATION/FINANCE - DOCUMENTS TO BE DESTROYED: MARCH 2014

NO. OF BOXES	YEAR	ITEM NO.	MAJOR DESCRIPTION	RETENTION	DESTROY DATE
1	2009-2011	4	Minutes: Official meeting (Prelim/Audio Recordings Correspondence and Memoranda: Administration	2 Yrs. AY Of Approval	3/25/2014
3	2009-2010	17	Bank Statements:	FY 3 YEARS	3/25/2014
1	2006-2007;	85	Utility Customer Records	FY 5 YEARS	3/25/2014
4	2009-2010	113-GS 14	Disbursement Rec. Detail	FY 3 YEARS	3/25/2014
9	2006-2007	340	Disb. Rec. Ck stubs	FY 5 YEARS	3/25/2014
1	2006-2007	340	Business Tax Receipt records; occupational licenses	FY 5 YEARS	3/25/2014
1	2011-2012	221	Employment Application and Selection Records	CY 1 YEAR	3/25/2014
1	1/12/2008	24	Duplicates: - Copies -old forms Retain until obsolete, superseded, or admin. value is lost OSA	AY 4 YEARS	3/25/2014
1	2006-2008	365	Receipt Rev. Rec.	OSA	3/25/2014
1	2005-2007	85	Bank Statements:	FY 5 YEARS	3/25/2014
1	2005-2010	359	PENSION RECORDS: Reports	OSA-COPIES	3/25/2014
2	2008	365	Receipt Rev. Rec.	FY 5 YEARS	3/25/2014

1	1999-2000	341	Project Files	FY 10 YEARS	3/25/2014	
8	2007-2011	10,108,127	Election /ballots; provisional; OSA Building Plans - Abandoned/Withdrawn OSA (Biltmore Hotel)	22 Months	3/25/2014	
4	2005-2007	332		6 months/OSA	3/25/2014	
1	2005-2006	3	Commission Packets - Copies/OSA	OSA	3/25/2014	
41						

RESOLUTION NO. 2014-16

**A RESOLUTION OF THE TOWN OF BELLEAIR,
FLORIDA, RECOGNIZING AND HONORING SANTO
“SAM” CASELLA.**

WHEREAS, God in his wisdom called to eternal rest Santo “Sam” Casella, who departed this life on the 18th of February, A.D., Two Thousand and Fourteen; and

WHEREAS, Mr. Casella served on the Belleair Historic Preservation Board from January, 1992 through March, 1996; and

WHEREAS, Mr. Casella was elected to Belleair Town Commission in March 1996 and served until March, 1998; and

WHEREAS, Mr. Casella was involved in public service throughout his adult life and served in many capacities in Florida and other states; and

WHEREAS, Mr. Casella was a long time resident of the Town of Belleair and was involved in many of the activities and affairs of our town; and

WHEREAS, Mr. Casella was a conscientious and loyal servant in the interest of the United States of America, State of Florida, Pinellas County, and the Town of Belleair, having a great amount of civic pride and care in the well being of our town; and

WHEREAS, the members of this Commission are grieved at the loss of Mr. Casella, and desire to pay tribute and respect in his memory.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Belleair, through its Commission and for its residents, will sincerely miss the presence of Santo “Sam” Casella, as a friend, a neighbor, a resident, and acknowledge his memory, and it is

FURTHER RESOLVED, that a copy of this Resolution shall be presented to the family of Mr. Casella.

PASSED AND ADOPTED by the Town Commission of the Town of Belleair, Florida, this 25th day of MARCH, A.D., 2014.

Mayor _____

ATTEST:

Town Clerk

Summary

To: Commission
From: Eric Wahlbeck
Subject: Clearwater Little League
Date: March 19, 2014

Summary: The Town has recently been approached by the City of Clearwater and Clearwater Little League to partner with them in a project to enhance the current facility. They are currently renovating the Sid Lickton Fields and are seeking financial assistance.

Previous Commission/Board Action:

January 27, 2014- Recreation Advisory Board unanimously approved the plan.

Background/Problem Discussion:

This is an opportunity for the Town to partner with our zoned little league affiliate to encourage more kids to participate in baseball/softball. The City of Clearwater is offering a 20 year reprieve of recreation card fees at a Non-Resident rate in appreciation of the Town's contribution. Currently, Belleair residents are zoned to participate in Clearwater Little League. To participate they have to purchase a Clearwater recreation card. Current fees are attached.

Funding Source:

-Reserves would be used to fund the project. No increase in taxes.

Financial Implications:

-The proposal between the Town of Belleair and the City of Clearwater is to make a donation of \$25,000 (terms of payment: 5 years of \$5,000/year). The Town would receive a 20 year reprieve of Non-resident recreation card requirements to sign up for the league.
Or

-A one-time contribution of \$25,000 could be considered, with the same terms listed above.

Recommendation:

Staff recommends approving this plan.

Proposed Motion:

I make the motion to approve this plan.

Attachments:

Joint Use Agreement

JOINT USE INTERLOCAL AGREEMENT
Between
THE CITY OF CLEARWATER,
And
THE TOWN OF BELLEAIR

This Joint Use Interlocal Agreement (“Agreement”) made and entered into this _____ day of _____, 2014, by and between the City of Clearwater, Florida, a municipal corporation of the State of Florida, hereinafter referred to as “Clearwater”, and the Town of Belleair, Florida, a municipal corporation of the State of Florida, hereinafter referred to as “Belleair,” (each being referred to individually herein as “Party”, and collectively as the “Parties”).

WITNESSETH:

WHEREAS, in addition and supplemental to their other powers, Belleair and Clearwater, pursuant to Chapter 163, Part I, Florida Statutes, as amended, commonly known as the “Florida Interlocal Cooperation Act of 1969”, are authorized and empowered to cooperate with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of government organization that will best accord with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, Clearwater has certain existing athletic facilities upon which it conducts little league baseball programs, hereinafter referred to as "Facilities"; and

WHEREAS, Belleair would like for its residents to have the option of participating in such programs, particularly, Clearwater Little League, Inc., hereinafter referred to as "CLL"; and

WHEREAS, it is mutually beneficial for the parties to allow for the joint use of the facilities and participation in the CLL.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. Consideration. In consideration for the participation in CLL and the use of the Facilities as described hereunder, Belleair shall contribute a total of Twenty Five Thousand and xx/100 Dollars (\$25,000.00) during the Term, payable in five (5) annual installments of Five Thousand and xx/100 Dollars (\$5,000.00) each, to be paid annually over the first five (5) years of the Agreement. The first payment will be made on the Effective Date of the Agreement and each subsequent payment will be due annually on the anniversary of the Effective Date.
2. Term. The term of this Agreement shall be for a period of twenty (20) years, commencing on the Effective Date, and remaining in effect for twenty (20) years thereafter, unless notice is given by the terminating Party to the other Party, with at least ninety (90) days written notice, that the Agreement shall be terminated, or as otherwise terminated as provided for in this Agreement.
3. Maintenance. Clearwater agrees to provide irrigation, mowing, sod, control of insects, fertilization, maintaining the parking area, restrooms and other buildings and otherwise maintain the Facilities at Clearwater's expense. Utility costs associated with the Facilities shall be part of the maintenance costs.
4. Taxes. Clearwater shall be responsible for all real and personal property taxes as may be assessed against the Facilities during the term of this Agreement.
5. Conducting Programs and Use of Facilities. Clearwater shall retain full control in conducting its programs and overseeing its Facilities. Clearwater agrees to make the programs and Facilities available for use by Belleair residents participating in CLL programs during the term of this Agreement in the same manner and at the same rates charged to City of Clearwater residents, including, but not limited to, rates for recreation cards and program application fees. Use by Belleair residents shall be through existing or future Clearwater Authorized Programs and co-sponsored organizations. For purposes of this Agreement, Clearwater Authorized Programs shall mean programs run for the benefit of

Clearwater residents or any co-sponsored programs Clearwater conducts in accordance with its recreation program.

6. Restrictions on Use. Belleair's use hereunder is not transferable. Use of the Facilities by private parties or organizations or by business enterprises for profit, other than Clearwater authorized programs is prohibited without prior written consent of Clearwater. The Parties mutually agree to make no unlawful, improper, or offensive use of the Facilities and to abide by applicable law. In addition, the Parties, and all their respective invitees will abide by all policies of Clearwater, including those which prohibit the consumption of tobacco products or alcohol beverages on the Facilities property. If at any time, Clearwater, in its sole discretion, determines that a use of the Facilities or the surrounding areas by Belleair will cause a threat to the safety of the public, or damage to the Facilities if use is permitted to continue, the specific use that causes the disruption, interference or threat may be terminated immediately without notice.
7. Supervision of Programs. The supervision of CLL programs shall remain the responsibility of Clearwater.
8. Hold Harmless. To the extent permitted by law and subject to the Florida Statutory limits on the waiver of sovereign immunity, the Parties agree that each will hold the other harmless for the negligent acts of their employees, servants, agents, permittees or program participants, or for any unsafe conditions that exist as a result of the negligent operation by the Parties within the Facilities. The Parties each agree to be responsible for loss or damage to the Facilities while used in programs, normal wear and tear excepted. Notwithstanding anything contained herein to the contrary, this indemnification provision shall not be construed as a waiver of any immunity to which either Party is entitled or the extent of any limitation of liability to pursuant to § 768.28, Florida Statutes. Furthermore, this provision is not intended to nor shall be interpreted as limiting or in any way affecting any defense either Party may have under § 768.28, Florida Statutes, or as consent to be sued by third parties. This provision shall survive expiration or termination of this Agreement.

9. Assignment. This Agreement may not be assigned. Any attempt to assign this Agreement, in whole or in part, or any benefits hereunder, shall render this Agreement null and void in its entirety, excepting provisions expressly intended to survive expiration or termination.
10. Termination. Clearwater, in its sole discretion, may terminate this Agreement in the event the Clearwater City Council determines at a duly constituted City Council meeting that the Property is needed for other municipal purposes or upon a determination that funds to support the Facilities or programs are no longer available, and Clearwater serves Belleair with ninety (90) days written notice of same. This Agreement may be terminated immediately by either Party for cause, upon written notice to the defaulting Party of a default of any of the terms and conditions of this Agreement, if said default is not cured within ninety (90) days of such notice. If Clearwater terminates this Agreement for municipal purpose or non-appropriation of funds, Clearwater will make its best efforts to provide Belleair residents with substitute facilities and programs, equal in size and scope, as determined at Clearwater's sole discretion, or Clearwater may reimburse Belleair at the following rate for each year remaining in the original term of the Agreement without further obligation:

<u>Years</u>	<u>Reimbursement</u>
0 - 1	90% of contribution to date
1 - 2	80% of contribution to date
2 - 3	70% of contribution to date
3 - 4	60% of contribution to date
4 - 5	50% of contribution to date
5 - 6	40% of contribution
6 - 7	30% of contribution
7 - 8	20% of contribution
8 - 9	10% of contribution
9 - 10	0% of contribution

11. Unforeseen Questions. Clearwater and Belleair agree that in the event of unforeseen questions arising out of use of the Facilities or otherwise arising under this Agreement, the Parties will first make a good faith effort to resolve such questions in writing between the Belleair City Manager and the Clearwater City Manager, or their respective designees for resolution of such questions concerning this Agreement, unless otherwise

required to be reviewed by either or both of the respective City Council/Commission of the Parties as provided for in their City Codes or other applicable law.

12. Headings. The headings of this Agreement are for convenience and reference only and in no way define, limit, or describe the scope of intent of this Agreement or any part hereof, or in any way affect the same, or construe, any provision hereof.
13. Notices. Any notice required or permitted to be given by the provisions of this Agreement shall be conclusively deemed to have been received by a party hereto on the date it is hand delivered to such party at the address indicated below (or at such other address as such party shall specify to the other party in writing), or if sent by registered or certified mail (postage prepaid), when actually received or on the fifth (5th) business day after the day on which such notice is mailed and properly addressed, whichever is earlier.

To Belleair:

To the Clearwater:

City of Clearwater
112 S. Osceola Ave.
P.O. Box 4748
Clearwater, Florida 33756-4748
Attn: Kevin Dunbar
Director of Parks & Recreation

Either party may change its above noted address by giving written notice to the other party in accordance with the requirements of this Section.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of _____, 2014.

TOWN OF BELLEAIR, FLORIDA

By: _____

Countersigned:

CITY OF CLEARWATER, FLORIDA

George N. Cretekos
Mayor

By: _____
William B. Horne II
City Manager

Approved as to form:

Attest:

Laura Lipowski Mahony
Assistant City Attorney

Rosemarie Call
City Clerk

DRAFT

Summary

To: Commission
From: Eric Wahlbeck, Parks and Recreation Director
Subject: Arbor Day Proclamation
Date: February 26, 2014

Summary: The Town is celebrating its 23rd Year as a “Tree City USA”. In order to continue this tradition the town must host an Arbor Day Celebration (April 19th) and pass an Arbor Day Proclamation.

Motion:
Execute Proclamation.

TOWN OF BELLEAIR

Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal, and

WHEREAS, the Town of Belleair has been recognized as a Tree City USA by The National Arbor Day Foundation, and desires to continue its tree-planting ways.

NOW, THEREFORE, I, GARY H. KATICA, Mayor of the TOWN OF BELLEAIR, FLORIDA, do hereby proclaim April 19th, 2014 as

ARBOR DAY

and urge all citizens of our community to support efforts to care for our trees and woodlands and to support our town's community forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

*Given under my hand and the Seal
of the TOWN OF BELLEAIR, FLORIDA,
this 25th day of MARCH, A.D., 2014.*

MAYOR



Why your city should become a Tree City USA Community

The Tree City USA program provides direction, assistance, and national recognition to your community by supporting the framework for a sustainable urban forest.

- **Reduce costs** for energy, storm water management, and erosion control. Trees yield up to three times their cost in overall benefits to the city, averaging \$273 per tree.
- **Cut energy consumption** by up to 25%. Studies indicate that as few as three additional trees planted around each building in the United States could save our country \$2 billion, annually, in energy costs.
- **Boost property values** across your community. Properly placed trees can increase property values from 7-21% and buildings in wooded areas rent more quickly and tenants stay longer.
- **Build stronger ties** to your neighborhood and community. Trees and green spaces directly correlate to greater connections to the neighborhood and neighbors.
- **Honor your community** and demonstrate your commitment to a healthier environment through Arbor Day celebrations and Tree City USA recognition.

Learn More: www.arborday.org/TreeCity
(888)448-7337
E-mail: TreeCity@arborday.org

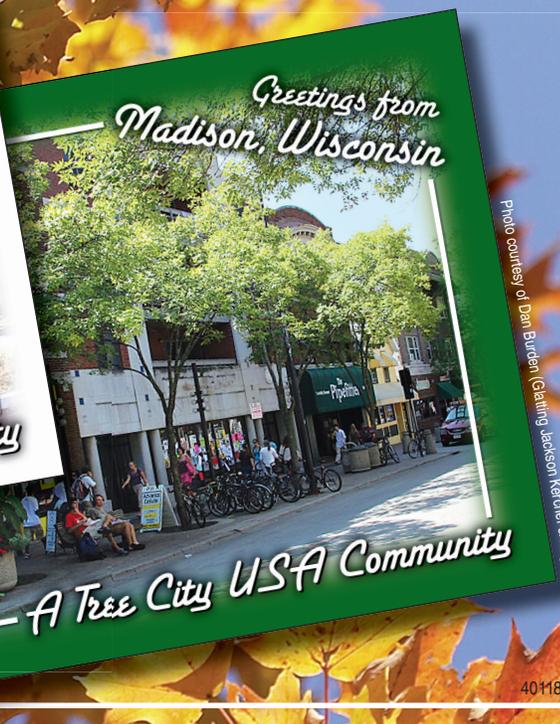


Photo courtesy of Dan Burden (Glattling, Jackson, Kerber & Anglin)

Photo courtesy of Dan Burden (Glattling, Jackson, Kerber & Anglin)