

**AGENDA
TOWN OF BELLEAIR
APRIL 15, 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. 491 - Amending The Land Development Code**

Documents: [ORDINANCE 491.PDF](#), [PROPOSED ORDINANCE NO. 491 FINAL.PDF](#)

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

CONSENT AGENDA

1. Approval of Minutes - Work Session - March 4, 2014
LPA - Special Meeting - March 25, 2014
Regular Meeting - March 25, 2014

Documents: [03-04-2014.PDF](#), [03-25-2014 \(LPA\).PDF](#), [03-25-2014.PDF](#)

GENERAL AGENDA

1. **Discussion Of A Mixed Use Zoning District**
To be distributed
2. **Discussion Of Palmetto Rd. FDR**
To be distributed
3. **Request For Consideration Of Reduction Of Code Enforcement Lien-Dr. Louis Powell**
Property at 346 Shirley Ave.

Documents: [SUMMARY SHEET CODE ENFORCEMENT LIEN 346 SHIRLEY AV.DOCX](#), [346 SHIRLEY AV REQUEST FOR LIEN FORGIVENESS OR REDUCTION.PDF](#), [346 SHIRLEY AV AFFIDAVIT OF COMPLIANCE AND IMPOSING LIEN.PDF](#), [346 SHIRLEY AV CODE VIOLATION PHOTOS.PDF](#)

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

Documents: [SUMMARY SHEET OVERGROWTH ORDINANCE.DOCX](#), [OVERGROWTH PROPOSED ORDINANCE 4-9-14.DOCX](#), [OVERGROWTH CURRENT ORDINANCE.DOCX](#), [OVERGROWTH REFERENCE INFO2.DOCX](#)

5. Approval Of Interlocal Agreement - PPC/MPO

Documents: [PPC INTERLOCAL.PDF](#), [PPC MPO AGREEMENT.PDF](#)

6. Appointment Of Member To PPC/MPO Board

Documents: [PPC APPOINTMENT.PDF](#), [PPC MPO APPOINTMENT.PDF](#)

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 Commissioners

From: Micah Maxwell, Town Manager

Subject: Second Reading of Ordinance 491 – Amending the Land Development Code

Date: 3/27/2014

Summary: The town has reviewed 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. The town commission subsequently approved the Ordinance 491 on first reading with two minor clerical adjustments, and also removing the average unit standard while adjusting the minimum unit size to 1500 square feet.

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. Approve Ordinance 491 on first reading
- II. Do nothing

Financial Implications: N/A

Proposed Motion: I move approval of Ordinance 491 on second 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 THEREFOR 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 by 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(a))</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(a b))	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, minimum living space requirements and height bonus provisions shall be as follows:

- (1) Permitted uses. Within any RM-10 multifamily residential district, only the following uses shall be permitted:
 - a. Single-family, duplex, and multifamily dwellings; and
 - b. Accessory uses (see schedule of regulations).
- (2) Minimum living space per unit. The minimum dwelling unit area shall be 1,500 square feet. Garages, breezeways, porches, balconies, common halls and stairways shall not be included in computing living space..
- (3) 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 floor area of the first residential living floor 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 above grade 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:

- i. The distance from the property line or the centerline of the road, whichever is greater, and
 - ii. 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 floor area of the first residential living floor 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>			<u>Minimum Yard Setbacks</u>				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)
	Area (Square Feet)	Width (feet)	Depth (feet)	Density Maximum Dwelling Units per acre	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>1,500</u>	<u>---</u>
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	---

Note: All other parts of this table in Sec. 74-84 other than as noted above in red and underlined are 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)(3) 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:

(b) *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
RM-10 and RM-15 (multifamily districts)	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

MINUTES OF WORK SESSION OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON MARCH 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 5:30 PM.

CITIZENS' COMMENTS

Nancy Hartshorne, 511 Osceola Road, commented on the beautiful, established trees in Belleair; commented on the trees that were to be removed in Hunter Park; expressed her concerns regarding the proposed removal of a large podocarpus located at the southeast corner of Hunter Park.

Laura LeSuier, 294 Belleview Blvd., commented on the trees in Belleair; commented on the possibility of pruning the podocarpus tree in Hunter Park; stated that donors were willing to pay to have the tree trimmed or removed if the trimming was unsuccessful.

Steve Johnson, 1717 Indian Rocks Road; commented on the development in town; commented on the number of signs in town; commented on changes during his 28 year residency in town.

TOWN MANAGER'S REPORT

Mr. Maxwell had no report.

TOWN ATTORNEY'S REPORT

Mr. Ottinger provided an update on the Casey Jones code violations for the home located on Cypress Avenue; that a bankruptcy had been filed by Mr. Jones; that there was a stay in place currently and the town could not take any action until the matter of the bankruptcy was resolved.

Discussions ensued regarding the current liens and fines on the property.

MAYOR AND COMMISSIONER'S REPORT/BOARD AND COMMITTEE REPORTS

Commissioner Piccarreto stated that the Historic Preservation Board would have a meeting in on Tuesday, March 25th.

Commissioner Shelly stated that a park and tree board meeting was scheduled for Tuesday, March 18th at 5:00 pm; that he talked Jeff Danner, a representative from Greenlight Pinellas, and he would like to make a presentation to the commission regarding the project.

MAYOR AND COMMISSIONER'S REPORT (Continued)

It was the consensus of the commission to schedule the presentation for April work session.

Mayor Katica stated that the finance board would meet on Thursday, March 13th.

Commissioner Fowler stated that there was no infrastructure board meeting for March; that the planning and zoning board would meet on Monday, March 10th at 5:30 PM; commented on the podocarpus tree in Hunter Park and felt it should be discussed at the next park and tree board meeting.

Commissioner Wilkinson stated that the recreation board did not have a meeting; provided a report on the Sunset 5K & Fun Run; that the Beatle Mania concert was scheduled for Sunday, March 9; that the next concert was scheduled for Sunday April 6th was Elton John and Billy Joel Tribute Band; that Spring Fest was scheduled for Saturday, April 19th; that Nathan Coleman was no longer working for the town and he would like to acknowledge his services to the town.

POLICE CHIEF'S REPORT

Chief Edwards commented on the Casey Jones property and options available to the town in an effort to resolve the situation; commented on current code enforcement cases; commented on recent vehicles burglaries; commented on recent burglaries at Belleair Storage; commented on the road closure at Ponce de Leon and Indian Rocks Road scheduled for March 10th; commented on the passing of Officer Dan Bates.

Mr. Murphy read a letter into the record recognizing Lorene Lane who would be 100 years of age on March 16th; stated that as a gift to Mrs. Lane the town could provide side yard pick up for garbage at no cost.

DISCUSSION OF ORDINANCE NO. 491 – AMENDING LAND DEVELOPMENT CODE

Mr. Maxwell stated that it was continued discussion of Ordinance No. 491 regarding the proposed RM-10 zoning designation; that Commissioner Fowler had indicated that he had some discussion points to review prior to first reading.

David Healey, Planning Consultant, that the matter had been discussed in January for first reading; that the matter was postponed for six months but was not back before the commission for discussion; stated that the purpose of the RM-10 zoning designation was have available in the event that someone would want to use that designation; commented on the limited residential options available for development; that the RM-10 would allow a maximum of ten dwelling units per acre with a minimum lot size and a minimum and average unit size; that a maximum building height with a provision for a height bonus.

DISCUSSION OF ORDINANCE NO. 491 (Continued)

Discussions ensued regarding the proposed minimum and average unit size standards; regarding the proposed height bonuses and the potential of having building with a height of 80 feet; regarding the illustration distributed by Commissioner Fowler; regarding the impact on the RPD area with buildings 80 feet in height; regarding the average height and existing elevation of building in the RPD; regarding the density and scale of structures on the property.

Further discussions ensued regarding the number of buildings allowed with a height of 80 feet; regarding the ground floor area of buildings and the determined average height; regarding the calculations for building heights to maximize green space; regarding the possibility of reducing the required impervious surface ratios; regarding the calculations for square footage for the living space; regarding calculations for determining building setbacks.

Mr. Maxwell stated that more information and calculations could be provided for the maximum building height for the next meeting; that more information could be required from the developer when the site plan was submitted.

DISCUSSION OF BUILDING DEPARTMENT SERVICES OPTIONS

Stefan Massol, Management Analysis, stated that building official Fred Hawes retired in April, 2013; staff had reviewed options for the building department; that currently the town was working with Pinellas County to provide building inspections and plan review services; that staff was reviewing a long term solution that would provide the town more flexibility in the building department; that staff had provided several options to bring the services back in house for commission's consideration; that the range of services ranged from 3 days a week to 5 days a week and the cost approximately \$124,000 annually; that contracted service for the same services ranged from \$96,000 to 4160,000; that continued service with Pinellas County ranged from a cost \$110,000 to \$178,000.

Discussions ensued regarding service times for the building official; regarding options for time of operations and possible delays for contractors in getting inspections scheduled and performed with a 3 day per week part time official; regarding the time period for contracted official; regarding cancellation time period for contracted official; regarding including plan review in the building official contract; regarding plan review time frame and inspection schedule.

It was the consensus of the commission for the town to pursue a contract with a private entity for building department services.

DISCUSSION OF THE HONORING OF JOHN OSBORNE

Mr. Maxwell stated that at the last meeting options were discussed for the honoring Mr. John Osborne, who left the balance of his estate to the town; that staff had provided four options for consideration by the commission for recognizing and honoring Mr. Osborne's generosity; commented on Mr. Osborne's interest in real estate and architecture and the amount of time he spent at town hall reviewing plans and talking with certain town employees.

DISCUSSION OF THE HONORING OF JOHN OSBORNE (Continued)

Discussions ensued regarding naming a park in honor of Mr. Osborne.

Mr. Maxwell suggested waiting until the April meeting when he could provide more information on options for honoring Mr. Osborne.

ESTABLISHING AGENDA FOR REGULAR MEETING SCHEDULED FOR MARCH 25, 2014 AT 6:30 PM

Mayor Katica announced the following items scheduled for public hearing for the March 25, 2014 regular meeting at 6:30 pm:

1. Second and final reading – Ordinance No. 490 – Amending the Comprehensive Plan.
2. Second and final reading – Ordinance No. 495 – Amending the Land Development Code Pertaining to Hotel (H) District Minimum Size.
3. Continued First Reading – Ordinance No. 496 – Vacating Right of Way at 955 Indian Rocks Road.
4. First reading – Ordinance No. 491 – Amending the Land Development Code.
5. Proposed Resolution – Authorizing Lien for Delinquent Water Service Charges.
6. Proposed Resolution – Authorizing Lien for Delinquent Sewer Service Charges.
7. Proposed Resolution – Authorizing Lien for Delinquent Solid Waste Collection Service Charges.
8. Proposed Resolution – Authorizing Lien for Delinquent Stormwater Service Charges.

On motion duly made and seconded the following agenda was established for the March 25, 2014 regular meeting at 6:30 pm:

CITIZENS' COMMENTS

CONSENT AGENDA

1. Approval of Minutes – Regular Meeting – January 21, 2014.
Special Meeting – February 4, 2014
Work Session – February 4, 2014.
Regular Meeting – February 18, 2014
2. Resolution No. 2014 – 11 – Authorizing disposal of certain records – Town Clerk's Department.

GENERAL AGENDA

Consideration of:

1. Proposed Resolution – Honoring Santo “Sam” Casella.
2. Clearwater Little League.
3. Arbor Day Proclamation.
4. Discussion of Proposed Amendments to Chapter 26 – Environment – Article 5 – Weeds, Overgrowth, Vegetation, Debris.

ADJOURNMENT

There being no further business to come before the commission the meeting was adjourned in due form at 6:30 PM.

Town Clerk

APPROVED:

Mayor

MINUTES OF MEETING OF THE LOCAL PLANNING AGENCY OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON MARCH 25, 2014 AT 6:00 PM

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

Town Manager Micah Maxwell
Town Attorney David Ottinger

Quorum was present on roll call with Mayor Katica presiding; the meeting was called to order at 6:00 pm.

PUBLIC HEARING – CONSIDERATION OF PROPOSED AMENDMENT TO THE TOWN’S COMPREHENSIVE PLAN

Mr. Maxwell announced the purpose of the meeting stating that this was the second reading in consideration of Ordinance No. 490 amending the comprehensive plan; that the commission had previously discussed the matter in January; that after the first reading Ordinance No. 490 was sent to the necessary agencies required to review comprehensive plan amendments; that positive responses were received from each of those agencies.

David Healey, Planning Consultant, stated that the commission was now setting as the Local Planning Agency as stated in the town’s Charter; that it was a requirement that comprehensive plan amendments be considered by the Local Planning Agency; that it was the responsibility of the Local Planning Agency to review the proposed comprehensive plan amendments and make a recommendation to the commission; that the amendment did amend some policies in the comprehensive plan by clarifying three factors in Policies 1.1.1 and 1.1.2 by stating that the plan would be consistent with the Pinellas Countywide Plan rather than including the use provision in the countywide plan; that clarification for provisions in the comprehensive plan were fully governed by the specifics of the town’s code of ordinances; that clarification of Policy 1.1.2 provides that the list of categories included both residential and non-residential as well as mixed uses.

Mr. Healey further stated that the process was for the Local Planning Agency consider the amendments at a public hearing and make a recommendation to the commission for second reading of Ordinance No. 490.

Commissioner Piccarreto moved to approve Ordinance No 490 amending the Town of Belleair’s Comprehensive Plan, Motion seconded by Commissioner Shelly.

Vote was unanimous to recommend approval of Ordinance No. 490 amending the Town of Belleair Comprehensive Plan to the commission.

ADJOURNMENT

There being no further business to come before the Local Planning Agency the meeting was adjourned in due form at 6:05 PM.

Town Clerk

APPROVED:

Chairman

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON MARCH 25, 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.

Mayor Katica suggested a change in the order of the agenda by moving Resolution No. 2014-16 honoring and recognizing Santo “Sam” Casella as the first item for consideration to accommodate the family.

Commissioner Piccarreto moved that Resolution No. 2014-16 be the first item for consideration. Motion seconded by Commissioner Shelly and carried unanimously.

RESOLUTION NO. 2014-16 – HONORING SANTO “SAM” CASELLA

Mr. Murphy read Resolution No. 2014-16 honoring Santo “Sam” Casella into the record.

Commissioner Shelly moved approval of Resolution No. 2014-16 honoring Santo “Sam” Casella. Motion seconded by Commissioner Fowler and carried unanimously.

Resolution No. 2014-16 was presented the Mrs. Xiaoyun Casella, wife of Mr. Casella’s, by members of the commission.

SCHEDULED PUBLIC HEARINGS

SECOND AND FINAL READING – ORDINANCE NO. 490 – AMENDING THE COMPREHENSIVE PLAN

Mr. Maxwell stated that it was the second and final reading of Ordinance No. 490 amending the comprehensive plan; that the commission, setting as the Local Planning Agency, discussed the ordinance at an earlier meeting; that Mr. Healey would discuss the issues for the ordinance.

David Healey, Planning Consultant, stated that the amendment did amend some policies in the comprehensive plan by clarifying three factors in Policies 1.1.1 and 1.1.2 by stating that the plan would be consistent with the Pinellas Countywide Plan rather than including the use provision in the countywide plan; that clarification for provisions in the comprehensive plan were fuller governed by

SECOND AND FINAL READING – ORDINANCE NO. 490 (Continued)

the specifics of the town's code of ordinances; that clarification of Policy 1.1.2 provides that the list of categories included both residential and non-residential as well as mixed uses; that the commission did sit as the Local Planning Agency as stated in the town's Charter; that it was a requirement that comprehensive plan amendments be considered by the Local Planning Agency; that it was the responsibility of the Local Planning Agency to review the proposed comprehensive plan amendments and make a recommendation to the commission.

Commissioner Piccarreto moved approval of Ordinance No. 490 amending the comprehensive plan on second and final reading. Motion seconded by Commissioner Shelly.

Vote on the motion to approve Ordinance No. 490 on second and final reading passed unanimously.

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

Mr. Ottinger stated that before the commission proceeded with the second reading of Ordinance No. 495 he wanted to point out that a Petition for Certiorari was filed with the court requesting judicial review of the commission's action in adopting Ordinance No. 495; that it was his legal position that it was a valid legislative act and was not a quasi-judicial action; that the action was premature because the final action was not taken until the second reading; that it was his belief that the petition had no merit and that the town would prevail in the matter; that to avoid any litigation it would be his recommendation that the commission continue the second reading of Ordinance No. 495 until the April 1 meeting in order to determine with certainty that there were no deficiencies in the manner of consideration of the ordinance; that it may be the case that there were no deficiencies and the second reading would then occur on April 1; that it was determined best to have a rehearing to avoid litigation he would so advise the commission prior to the April 1 meeting.

Mayor Katica asked who had filed the law suit.

Mr. Ottinger stated that it was filed by Rae Claire Johnson, individually, and on behalf of Friends of the Belleview Biltmore.

Commissioner Shelly moved to continue the second and final reading of Ordinance No 495 until April 1 or the first available meeting to ensure proper notice if necessary. 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 until May 20 meeting.

FIRST READING – ORDINANCE NO. 496 (Continued)

Commissioner Piccarreto moved to continue the first reading of Ordinance No. 496 considering vacating the right of way at 955 Indian Rocks Road until the May 20 regularly scheduled meeting of the commission. Motion seconded by Commissioner Fowler. Motion carried unanimously.

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

Mr. Maxwell stated that this was the discussion of RM-10 brought back to commission for consideration; that there were some small changes to the proposed ordinance; that Mr. Healey would discuss those changes.

David Healey, Planning Consultant, stated that the ordinance was a proposed amendment to the land development code and was not a rezoning of any property in town; that the purpose of the ordinance was to provide for options for development; that as in previous discussions the amendment would create a new multi-family district allowing a maximum of ten dwelling units per acre; that the amendment would allow for less density; that the minimum parcel size was 5 acres allowing a maximum of ten dwelling units per acre; that the maximum building height would start at the same height as other RPD and RM-15 structures; that other provisions addressed minimum unit size and an average unit size; provided a review of changes made to the proposed ordinance.

Mayor Katica asked for comments from the audience.

Jim White, 3 Seaside Lane, spoke on behalf of the RPD; stated that the board adopted a resolution supporting the proposed RM-10 district and read the resolution into the record; commented on the presentation made by Mr. Mike Cheezum; spoke in favor of the proposed RM-10 district.

Rae Claire Johnson, 1717 Indian Rocks Road, asked if anything built on the Biltmore property would be a major development according to the town's code; asked what other property in town could the RM-10.

Discussions ensued regarding Mrs. Johnson's question.

Mr. Healey provided a response to Mrs. Johnson's comments.

Tom du Pont, 430 St. Andrews Drive, commented on the negative effect of the Belleview Biltmore on properties in the RPD; provided favorable comments regarding the proposed RM-10 district; commented on the diligence of the commission members to move forward with the proposed zoning district.

Daniel Hartshorne, 511 Osceola Road, commented on the negative actions of the current legal actions before the town; commented on the need for the town to move forward with regard to the Belleview Biltmore Hotel.

FIRST READING – ORDINANCE NO. 491 (Continued)

Karman Hayes, 220 Belleview Blvd., commented on the resolution presented by Mr. White as being representative of the residents of the RPD; commented on her conversation with Mr. Cheezum regarding the hotel property.

Tom Kurey, 153 Palmetto Road, distributed a printout of the statistics of the hotel dated September, 2007 regarding the number of parking spaces required by the hotel; commented on the reference to the number of parking spaces required for the hotel stated in the lawsuit filed by Mrs. Johnson; commented on previous unsuccessful attempts to restore the hotel; urged the commission to do the right thing and move forward.

Ed Armstrong, spoke as legal representative of the owners of the Belleview Biltmore Hotel, urged the commission to move forward; commented on the Belleair Country Club defending the lawsuit, as a named party, along with the town.

Michael Sanders, 411 Orangeview Avenue, Clearwater, stated that he was against the tactics of the lawsuit; that he would hope some consideration would be given to preserving some original portion of the hotel; that the hotel was on the National Register of Historic Places.

Al Guffey, 150 Belleview Blvd., commented on the negative impact of the hotel in its current condition on the town and that it was no longer a viable building; commented on his financial hardship caused by the lawsuit; expressed his appreciation to the commission for their efforts to move forward.

Mr. Maxwell commented on the proposed motion for approval of Ordinance No. 491 on first reading; that the motion would need to include the proposed amendments made by staff.

Commissioner Shelly moved approval of Ordinance 491 on first reading as amended with staff changes including minimum square footage of 1500 square feet. Motion seconded by Commissioner Piccarreto.

Discussions: Commissioner Fowler stated that he was not in favor of the motion or the new zoning ordinance; that he objected to the 80 building height as it was not in keeping with the scale and fabric of the town; that he did not feel it appropriate for any property in Belleair; that he would propose a maximum height of 58 feet and the average to be slightly elevated; that he felt that the average unit size of 1500 square feet would have a dramatically negative impact on existing units in the RPD; that he felt there should be an average unit size of at least 2200 to 2400 square feet; that the land use amendment has a 50% impervious surface ratio and he felt that a minimum of 60% pervious and 40% impervious ratio would be appropriate.

Mr. Healey stated that the code did address a 60% impervious ratio.

Commissioner Shelly asked if there would be any challenge if the commission went with the average square footage addressed by Commissioner Fowler.

Mr. Healey stated that he could recommend the 1800 square feet as an average unit size.

FIRST READING – ORDINANCE NO. 491 (Continued)

Discussions ensued regarding the allowed square footage per unit.

Commissioner Piccarreto stated that the RM-10 was not a zoning change but an incentive for the town and for any developer and a possible reduction in density; that setting an average square footage could boot strap any project and would not be an incentive to utilize the RM-10; that he supported the RM-10 because it was a proactive tool for the town to manage density; that his decision was independent of the Belleview Biltmore Hotel; that he was looking forward to moving forward with the adoption of the ordinance; that he was in a position to take action on the matter regarding the country club but under advice of counsel decided to wait until next week; that he did support the RM-10 district.

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

RECESS CALLED AT 7:20 PM; MEETING RECONVENED AT 7:30 PM

RESOLUTION NO. 2014-12 – AUTHORIZING LIEN FOR DELINQUENT WATER SERVICE CHARGES

Mr. Murphy read Resolution No. 2014-12 authorizing lien for delinquent water service charges for property located at 817 Osceola Rd owned by Browder Rives; that the amount of the lien was \$302.02; that the utility remained unpaid since December 31, 2013.

Commissioner Fowler moved approval of Resolution No. 2014-12 authorizing lien for delinquent water service charges for property located at 817 Osceola Rd owned by Browder Rives. Motion seconded by Commissioner Wilkinson and carried unanimously.

RESOLUTION NO. 2014-13 - AUTHORIZING LIEN FOR DELINQUENT SEWER SERVICE CHARGES

Mr. Murphy read Resolution No. 2014-13 authorizing lien for delinquent sewer service charges for property located at 817 Osceola Rd owned by Browder Rives; that the amount of the lien was \$111.85; that the utility remained unpaid since December 31, 2013.

Commissioner Wilkinson moved approval of Resolution No. 2014-13 authorizing lien for delinquent sewer service charges for property located at 817 Osceola Rd owned by Browder Rives. Motion seconded by Commissioner Fowler and carried unanimously.

RESOLUTION NO. 2014-14 AUTHORIZING LIEN FOR DELINQUENT SOLIDWASTE COLLECTION SERVICE CHARGES

Mr. Murphy read Resolution No. 2014-14 authorizing lien for delinquent sewer service charges for property located at 817 Osceola Rd owned by Browder Rives; that the amount of the lien was \$66.84; that the utility remained unpaid since December 31, 2013.

RESOLUTION NO. 2014-14 (Continued)

Commissioner Fowler moved approval of Resolution No. 2014-14 authorizing lien for delinquent solid waste collection service charges for property located at 817 Osceola Rd owned by Browder Rives. Motion seconded by Commissioner Wilkinson and carried unanimously.

RESOLUTION NO. 2014-15 – AUTHORIZING FILING OF LIEN FOR DELINQUENT STORMWATER FEES

Mr. Murphy read Resolution No. 2014-15 authorizing lien for delinquent stormwater utility service charges for property located at 817 Osceola Rd owned by Browder Rives; that the amount of the lien was \$23.84; that the utility remained unpaid since December 31, 2013.

Commissioner Shelly moved approval of Resolution No. 2014-15 authorizing lien for delinquent stormwater utility service charges for property located at 817 Osceola Rd owned by Browder Rives. Motion seconded by Commissioner Wilkinson and carried unanimously.

CITIZENS' COMMENTS

Karla Rettstatt, 308 Roebling Road North, commented on the town's PA system and suggested that it should be replaced; stated that it was difficult for people sitting in the back of the room to hear speakers.

Lil Cromer, 4 Belleview Blvd., expressed appreciation to commissioners for doing a great job in dealing with everything going on in town.

Steve Johnson, 1717 Indian Rocks Road, commented on the Belleair Country Club's purchase of 2.3 acres of land from the Belleview Biltmore Hotel owners; stated that he did not understand why they would need more parking.

CONSENT AGENDA

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

1. Approval of Minutes – Regular Meeting – January 21, 2014
Special Meeting – February 4, 2014
Work Session – February 4, 2014
Regular Meeting –February 18, 2014
2. Resolution No. 2014-11 – Authorizing Disposal of Certain Records – Town Clerk's Department.

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

GENERAL AGENDA

CLEARWATER LITTLE LEAGUE

Mr. Maxwell stated that a request was received from Clearwater Little League asking for a payment of \$25,000 over a five year period; that the payment would offset a \$190 fee paid by individuals from Belleair that would want to participate in the program; that the baseball program in the area was controlled by Clearwater Little League; that the recreation board unanimously approved a recommendation to the commission for approval of the request; that a point was made in previous discussions regarding any possible re-alignment of the of the program and Belleair were to become part of some other program;

Commissioner Fowler moved to approve the request from Clearwater Little League for \$25,000 to partner in the program. Motion seconded by Commissioner Wilkinson.

Discussions: Commissioner Wilkinson stated that the recreation board unanimously recommended approval of the request; that as in his role as the commission advisor his reports to the commission the actions of the board but that he did not necessarily agree with board members; that he was not in favor of the request because of the increased fees to residents and staff members not received a pay increase in some time; that he had a hard time justifying the \$25,000 expenditure; that as a commissioner he did not support the request.

Discussions ensued regarding cost for non-resident participants in Belleair recreation programs; regarding the number of Belleair children participating in the little league program; regarding the number of programs provided by the Belleair recreation programs.

Commissioner Piccarreto asked if there were any other alternatives available; commented on a possible reimbursement program similar to the current library reimbursement offered to Belleair residents; stated that he was not aware of anyone other than one family asking for Belleair's participation in the little league program; that he was not in favor of supporting the baseball program; that he would support an option allowing for a recreation card allowing participation on other programs.

Vote on the motion was; ayes; 0; nays; Commissioner Piccarreto, Commissioner Shelly; Commissioner Fowler; Commissioner Wilkinson; Mayor Katica. Motion failed by a unanimous vote of 5.

ARBOR DAY PROCLAMATION

Mr. Maxwell stated that the Arbor Day Proclamation was an annual proclamation supporting Arbor Day and Spring Fest; that the proclamation was a requirement of the Tree City USA program; that Arbor Day and Spring Fest was scheduled for Saturday, April 19.

Mayor Katica commented on the pledge of \$2400 from the Belleair Civic Association; that the pledge was reduced to \$1200.

ARBOR DAY PROCLAMATION (Continued)

Commissioner Piccarreto moved approval of the Arbor Day Proclamation. Motion seconded by Commissioner Shelly and carried unanimously.

DISCUSSION OF PROPOSED ADMENDMENTS TO CHAPTER 26 – ENVIRONMENT – ARTICLE 5 – WEEDS, OVERGROWTH, VEGETATION, DEBRIS

Mr. Maxwell stated that staff was requesting a continuation until the April 15 meeting for discussion of the proposed amendments.

Commissioner Piccarreto moved to continue the discussions of proposed amendments to Chapter 26. Motion seconded by Commissioner Shelly and carried unanimously.

OTHER BUSINESS

Mayor Katica commented on the pledge of \$2400 by the Belleair Civic Association and had reduced that to \$1200; that it was his personal observation that another organization should be considered to partner is sponsoring the events in Belleair if the Civic Association was going to operate in such a manner.

Mr. Maxwell stated that the original pledge was a verbal one; that the approval came in at less than the original pledge.

Rae Claire Johnson, 1717 Indian Rocks Road, vice president of the Civic Association, stated that she was not in attendance at the meeting when the pledge was voted on; that to her knowledge the money was never committed by the Civic Association; that a request was not received from the town for the money; that it was she felt the reason for cutting the pledge was that Belleair residents were commenting that they were supporting too many events drawing people from outside of town; that the people who donate support the Civic Association to sponsor programs for the children of Belleair; that they wanted to know if there was any way to monitor the participants to determine their residency.

Discussions ensued regarding the original date of the pledge from the Civic Association; regarding methods of monitoring participants.

Karla Rettstatt, 308 Roebling Road North, provided statistics on the number memberships for the recreation department; that a large number of the members were from surrounding communities; that it would be difficult to police the events to determine residency of the participants; that maybe it was time to consider another organization to sponsor such events.

Commissioner Piccarreto commented on the good job of the Belleair Civic Association; stated that he felt some dialogue was needed; commented on verbal commitment made by BCA; stated that he felt they were acting in good faith and the town's budget for events was based on the pledge.

OTHER BUSINESS (Continued)

Commissioner Fowler asked the status of the recognition of Mr. John Osborne.

Mr. Maxwell stated that based on the conversation of the last meeting, the commission had some interest in naming one of the sports fields in honor of Mr. Osborne;

Discussions ensued regarding options for future naming and honoring Mr. Osborne.

It was the consensus to add the discussions regarding Mr. Osborne to the April 1 agenda.

Discussions ensued regarding the Belleair Civic Association; regarding Commissioner Wilkinson, as the commission advisor for the Recreation Board meeting the Civic Association members to discuss the pledge to sponsor the Spring Fest event.

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

Summary

To : Mayor and Commissioners
From : Tom Edwards, Chief of Police
Subject : Reduction of Code Enforcement Lien
Date : April 15, 2014

Summary: Dr. Louis Powell owns the house at 346 Shirley Av where his adult son, Fred Powell, lives. Dr. Powell is requesting the code enforcement lien against this property either be forgiven or reduced.

Previous Commission Action: N/A

Background/Problem Discussion:

- 11/11/13 Discussed with Fred Powell, the resident and owner's son, about removing wood chipper and cleaning up property; only wood chipper was removed.
- 01/02/14 Violation letter sent with compliance date of 1/13/14. Violations: new garage door needed, overgrowth of grass and shrubs throughout the property, junk & debris, collapsed rear aluminum porch roof, fence needed repair.
- 01/15/14 Code Magistrate Hearing, a number of neighbors appeared and testified about the disgraceful appearance of the property. Magistrate gave 45 days to correct violations by March 1st or a \$100 a day fine would accumulate on the property.
- 02/28/14 New garage door installed with a permit; new fence installed with permit; aluminum roof taken down without permit and was stored at rear of property along with junk and debris remaining and therefore not in compliance.
- 03/13/14 Property not in compliance because roof and junk remained in rear yard.
- 03/17/14 Had an appointment to inspect but Dr. Powell requested a continuance due to heavy rain.
- 03/18/14 Property inspected and found in compliance with magistrate's order; however, new violations noted: two pieces of domestic equipment in rear yard, hot tub underneath power line; outdoor outlet not GFI protected and without a cover; rotten wood on fascia drip edge where aluminum roof was removed; and three diseased trees in front yard needed removal by 3/29/14.
- 03/28/14 Conducted an inspection and additional violations were corrected by due date. Dr. Powell did obtain a permit to remove the three trees and an after-the-fact permit was obtained for the aluminum roof that was previously removed.

Costs Incurred by the Town:

Code Investigator's Time: 14.5 hours @ \$25 an hour = \$ 362.50
Filings of Lien and Lien Satisfaction = \$ 37.00
Sub Total \$399.50

Codes Magistrate's Total Time: 3.3 hours = \$627.00
Photocopies & postage = \$ 7.50
Sub Total \$634.50

Town Costs: Total \$1034.00

(Special Magistrate Cost Detail: Hear case, prepare Finding of Fact, Issue Orders)

01/15/14 1.5 hrs = \$285.00 Hear Case
01/20/14 1.0 hr = \$190.00 Prepare Order Finding Violation of Code
01/21/14 \$ 7.50 Photocopies of Magistrate's Order and postage
03/19/14 .5 hr = \$ 95.00 Prepare Order Accepting Affidavit of Compliance & Imposing Fine
03/20/14 .3 hr = \$ 57.00 Prepare letter enclosing Order Accepting Affidavit of Compliance
Total 3.3 hrs = **\$634.50**

Lien Amount: 03/1/14 thru 03/17/14 @ \$100 a day = **\$1700.00**

Financial Implications: The town has incurred **\$1034** in expenses. The lien amount for 17 days is **\$1700** which is the total due to the Town.

Alternatives/Options:

- 1) Keep as is the entire lien amount.
- 2) Forgive the entire lien amount.
- 3) Reduce the lien amount.
- 4) Reduce the lien amount to cover the Town's cost (**\$1034**) with the remaining amount (**\$666**) being forgiven provided that Dr. Powell pays the balance owed to the Town and paints the entire outside of the house at 346 Shirley Av within 30 days, or by close of business on May 15, 2014. This will beautify the property and enhance the appearance of the neighborhood.

Recommendation: Staff recommends reducing the lien amount to **\$1034** to cover the Town's cost, with the remaining amount, **\$666**, being forgiven provided Dr. Louis Powell pays the lien and paints the entire outside of the house at 346 Shirley Av within 30 days, or by close of business on May 15, 2014. Completed painting must be inspected and approved by the code enforcement officer or the entire amount of the lien, \$1700, will be due on May 15, 2014.

Proposed Motion: I move to reduce the code enforcement lien amount to \$1034 provided Dr. Louis Powell pays this amount to the Town and paints the entire outside of the house at 346 Shirley Av within 30 days, or by close of business on May 15, 2014. Completed painting must be inspected and approved by the code enforcement officer or the full amount of the lien, \$1700, must be paid by May 15, 2014.

Attn: Town Commission of Belleair

3-20-14

I desire to meet before your on April 15, 2014 meeting to seek a solution to the fine which I have been assessed on property that I own at 346 Shirley Ave Belleair Fl 33756 due to code violations.

Laura Powell

50 coe rd apt 212

Belleair Fl 33756

Ph 727 409 2399

RECEIVED
BELLEAIR TOWN HALL

MAR 20 2014

TIME REC. _____

**CODE ENFORCEMENT SPECIAL MAGISTRATE
TOWN OF BELLEAIR, FLORIDA
Case No. 2014-01-03**

TOWN OF BELLEAIR

Petitioner,

vs.

LOUIS F. POWELL FAMILY TRUST
Louis F. Powell, Trustee
50 Coe Road, #212
Belleair, Florida 33756

Respondent.

LEGAL DESCRIPTION:

Lot 29, Belleair Gardens Subdivision, according to the map or plat thereof as recorded in Plat Book 36, page 18, of the Public Records of Pinellas County, Florida
Parcel No.: 28/29/15/06876/000/0290

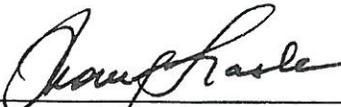
**AMENDED ORDER ACCEPTING AFFIDAVIT OF COMPLIANCE
AND IMPOSING PENALTY/LIEN**

This matter having come before the Code Enforcement Special Magistrate for the Town of Belleair on March 19, 2014, and after having received testimony from Officer T. G. Easterman (Town Code Enforcement Officer) that the subject property is in compliance as of March 18, 2014, and the Special Magistrate, having received into evidence an Affidavit of Compliance prepared by and signed by Officer Easterman, it is

ORDERED that the property commonly known as 346 Shirley Avenue, Belleair, Florida is in compliance as of March 18, 2014, with the Town of Belleair's Code Enforcement Board's Order dated January 20, 2014; and it is

ORDERED that the Respondent pay to the Town of Belleair a fine in the amount of \$100.00 per day for each day the violation existed and continued past the 1st day of March, 2014, the date set for compliance for a total sum of \$1,700.00. This Order shall be recorded and it shall constitute a lien against any real or personal property owned by the Respondent and may be enforced in the same manner as a court judgment by a Sheriff of this State, including levy against personal property, but shall not be deemed a court judgment except for enforcement purposes as set forth in Florida Statute Section 162.09

DONE AND ORDERED this 1st day of April, 2014.

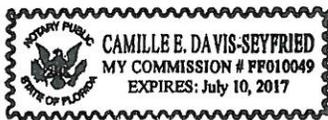


Thomas J. Trask
Special Magistrate

STATE OF FLORIDA
COUNTY OF PINELLAS

Before me, the undersigned authority, personally appeared Thomas J. Trask, Code Enforcement Special Magistrate of the Town of Belleair, Florida, who is personally known to me, and acknowledged before me that he executed the foregoing instrument as his true act and deed, and that he was duly authorized to do so.

WITNESS my hand and official seal this 1st day of April, 2014.





NOTARY PUBLIC, STATE OF FLORIDA

I certify that a true and correct copy of the above and foregoing Order Accepting Affidavit of Compliance and Imposing Penalty/Lien has been furnished by mail to the Respondent(s), Louis F. Powell Family Trust, c/o Louis F. Powell, Trustee, 50 Coe Road, #212, Belleair, Florida 33756, this 1st day of April, 2014.



Town Clerk

Copies furnished to:

Micah Maxwell, Town Manager, Town of Belleair
Donna Carlen, Town Clerk, Town of Belleair
David Ottinger, Esquire, Town Attorney
T. G. Easterman, Police Officer
Louis F. Powell Family Trust, c/o Louis F. Powell, Trustee





10/21/2013 13:49



10/21/2013 13:47

10/21/2013 13:50





10/21/2013 13:51



10/21/2013 13:48



10/21/2013 13:49

10/21/2013 13:52



10/21/2013 13:50





10/21/2013 13:51



11/07/2013 15:31

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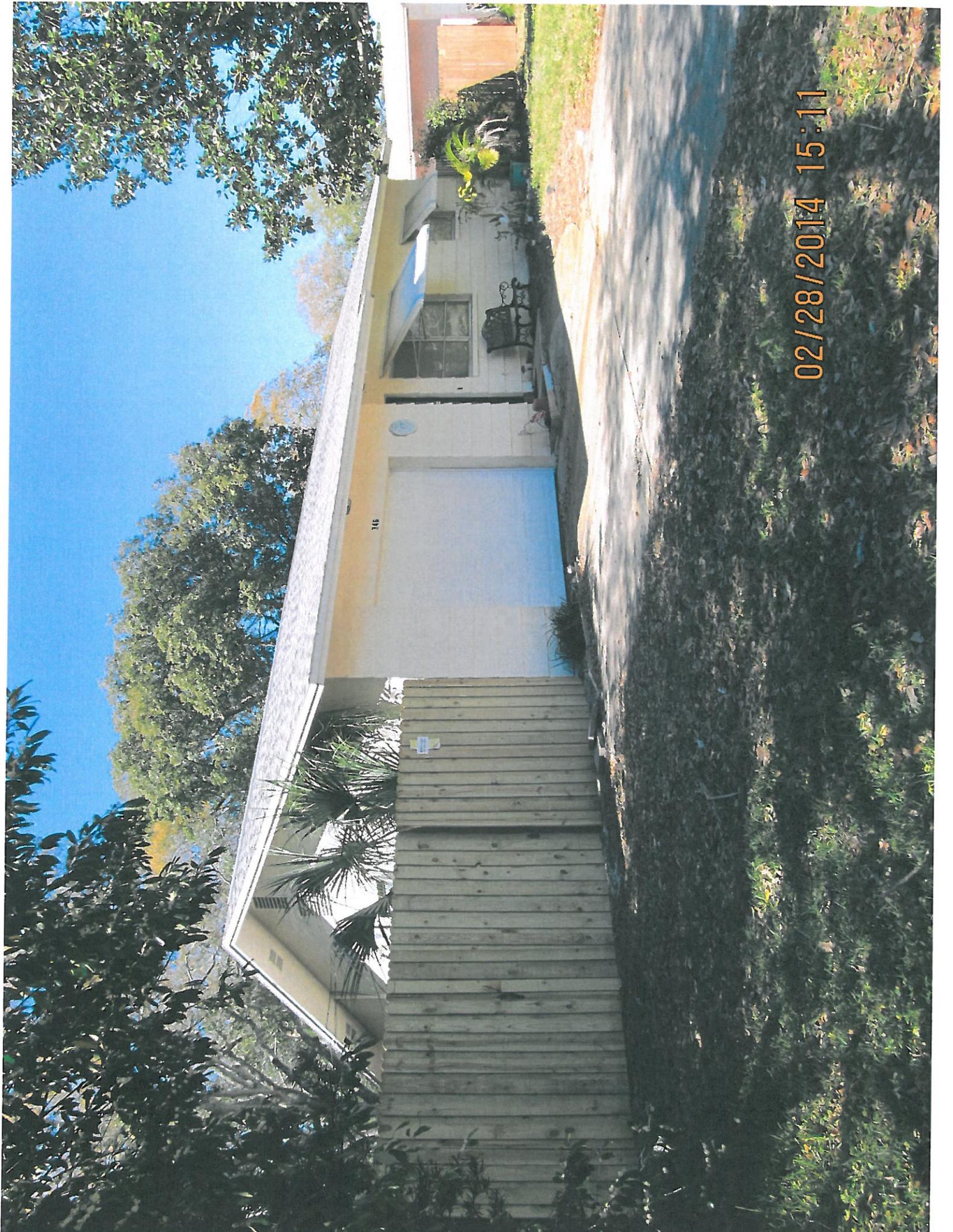
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01/03/2014 10:18

NATIONAL
SARCASM
SOCIETY

No Soliciting





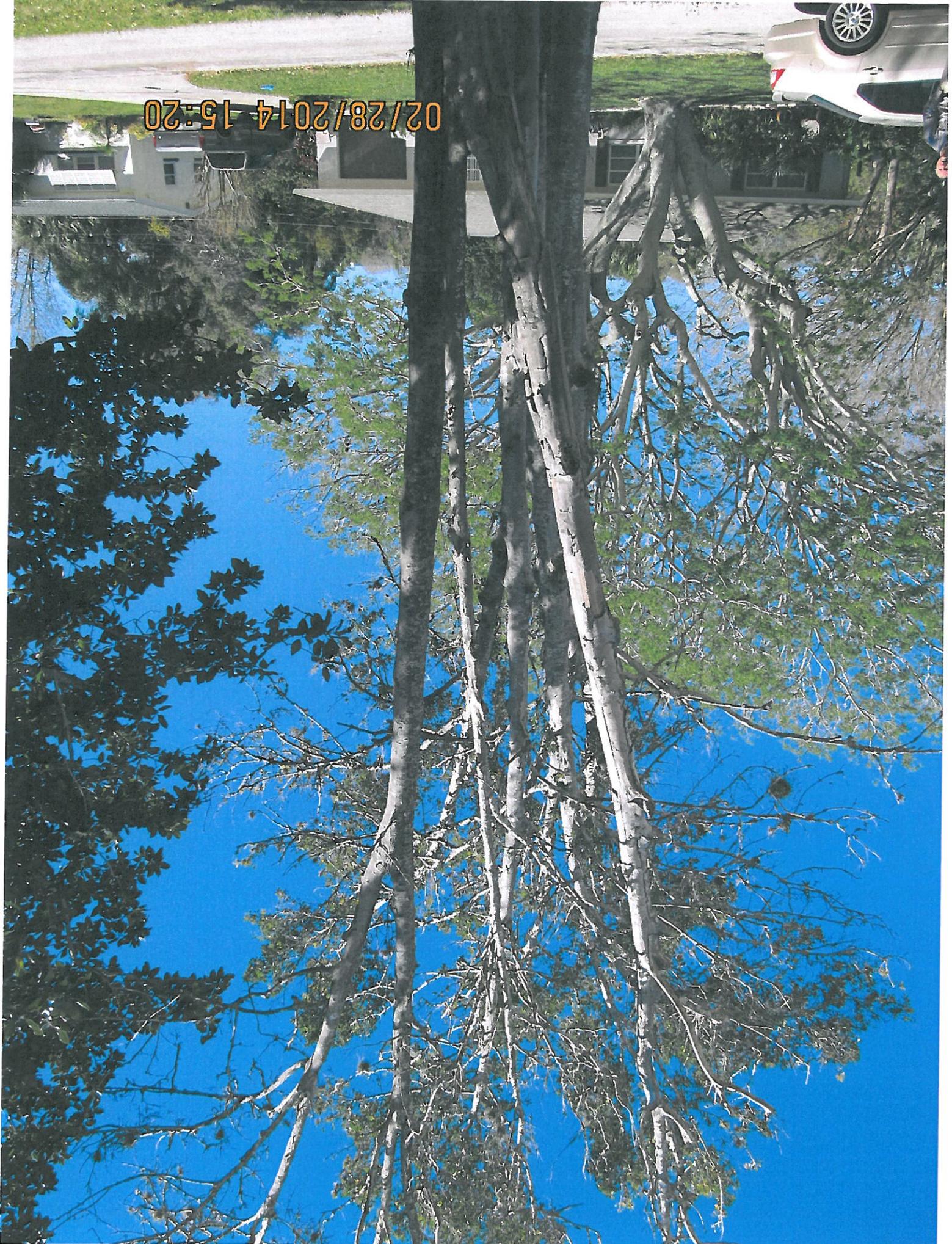
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02/28/2014 15:19



03/18/2014 10:32

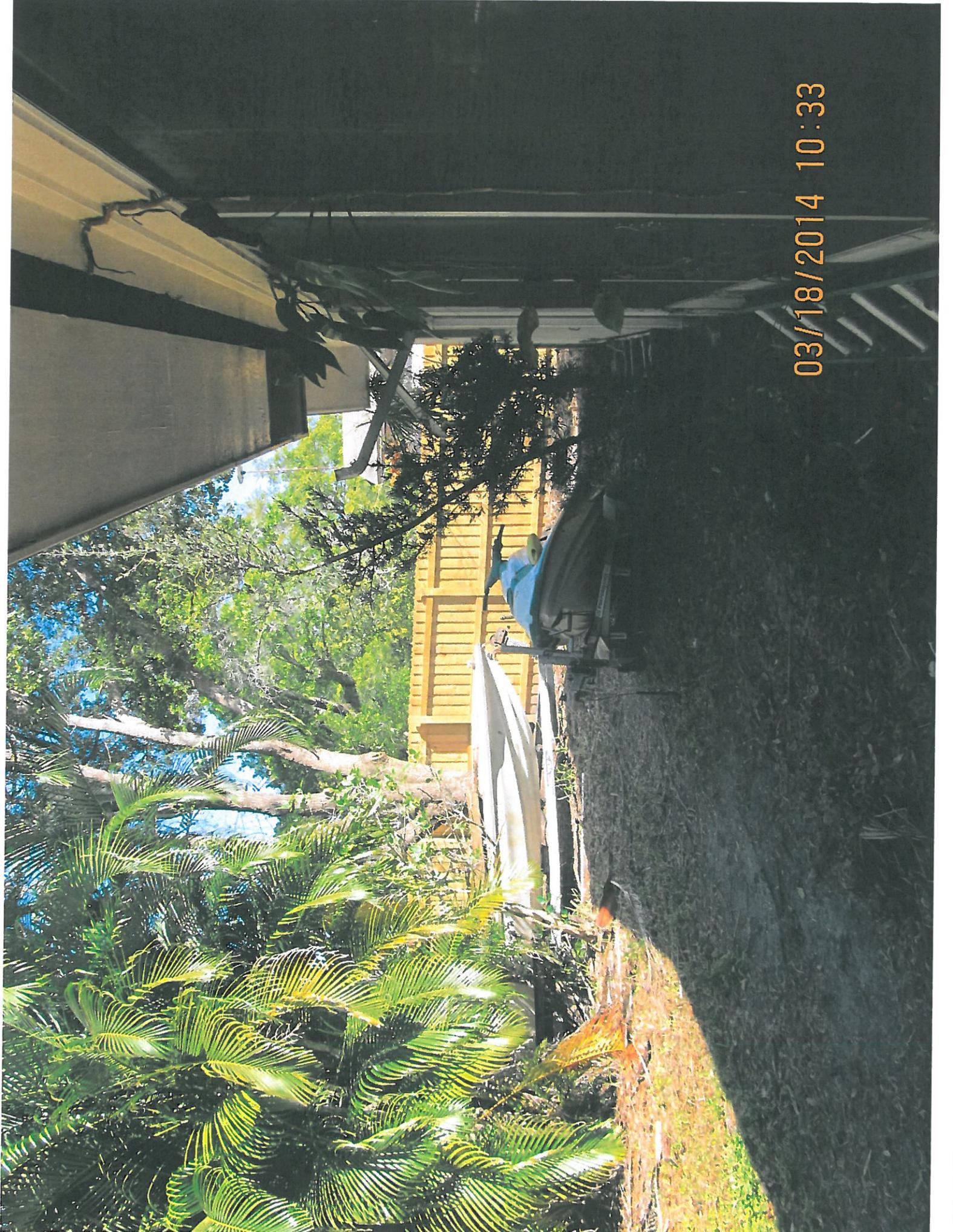




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03/18/2014 10:32



03/18/2014 10:33

03/18/2014 10:35



Summary

To : Mayor and Commissioners
From : Tom Edwards, Chief of Police
Subject : Reduction of Code Enforcement Lien
Date : April 15, 2014

Summary: Yard Maintenance Standards and Overgrowth Remediation Ordinance

Previous Commission Action: The Town Commission enacted Sec. 26-141, 26-142 & 26-143 on 11-20-01 which requires the removal of overgrowth, provides for a procedure for failure to comply, and recording of a lien on an affected property, see attachment.

Background/Problem Discussion: The existing ordinance, 26-141, requires a property owner to remove weeds and overgrowth which constitute a hazard to health, safety or proper fire control. However, this ordinance is vague on how high a lawn has to be before it is considered overgrown, and there is no minimum height which tree branches must attain over sidewalks, streets and alleys.

The proposed ordinance is more descriptive of when a lawn is considered overgrown, and provides for a specified height which tree branches must attain over sidewalks, right-of-ways, streets and alleys. Fire hydrants, water meters, and above ground back flow water pipes also have a clearance distance for accessibility from vegetation. The procedure for notifying a property owner, providing for an appeal time, and either the property owner or the Town taking corrective action has been streamlined.

Financial Implications: Overgrown lawns at vacant properties may be cut more frequently at a cost to the Town, but liens will continue to accumulate on these properties.

Alternatives/Options: N/A

Recommendation: Staff recommends rescinding ordinances Sec 26-141, 26-142 and 26-143 and passing the new Yard Maintenance Standards and Overgrown Remediation Ordinance as 26-141.

Proposed Motion: N/A

SEC. 26-141 YARD MAINTENANCE STANDARDS AND OVERGROWTH REMEDIATION

Purpose

The purpose of this section is to provide for public safety, maintain visibility along streets and intersections, improve the general appearance of the Town's neighborhoods, protect the environment and to preserve storm drainage systems.

Definitions.

Code inspector means those authorized agents or employees of the town whose duty it is to ensure compliance with the codes or ordinances which are subject to this article, or in the absence of such authorized agents or employees, the town manager.

Curb line separates a street or highway into the area dedicated to vehicle traffic (roadway) and the area dedicated to pedestrian and non-motor vehicle traffic (planting strip, sidewalk, etc.).

Grass a low, green plant that grows naturally having groups of very thin leaves that grow close together in large numbers for a lawn.

Groundcover refers to plants that are used in place of turfgrass, to provide protection from erosion and drought, and to improve its aesthetic appearance by concealing bare earth.

Hedge means a solid, unbroken row of shrubs, bushes or small trees forming a fence or boundary.

Lawn is an area of land planted with grasses or (rarely) other durable plants, which are maintained at a short height and used for aesthetic and recreational purposes. Common characteristics of a lawn are that it is composed only of grass species, it is subject to weed and pest control, it is subject to practices aimed at maintaining its green color, and it is regularly mowed to ensure an acceptable length.

Repeat violation means a violation which is alleged to occur on a property which was the site of the same violation within the preceding 12 months, at a time when the property was under the same ownership, and the preceding violation was not corrected by the owner but required the Town to take corrective action.

Shrub or a bush is a woody plant with several perennial stems that may be erect or may lie close to the ground. It will usually have a height less than 13 feet and stems no more than about three inches in diameter.

Solid waste shall mean refuse, garbage, trash, yard recyclables and household recyclables as defined in Sec. 46-1.

Right-of-way shall mean an easement for public vehicular or pedestrian travel, including streets, alleys, walkways and public sidewalk easements. As per Sec. 74-152(a) the right-of-way shall be measured from lot line to lot line.

Town shall mean Town of Belleair.

Tree is a woody plant with a single erect perennial trunk at least 3 inches in diameter at breast height at maturity. Most trees have definitely formed crowns of foliage and most attain heights in excess of 13 feet.

Turf refers to the upper layer of ground that is made up of grass and plant roots.

Turfgrass is any of the various grasses (including but not limited to Bahia, St. Augustine, Bermuda or perennial ryegrass, etc.) grown to form turf.

Utility Easement shall mean an easement for utilities or other purposes other than rights-of-way.

Vegetation means all the plants or plant life.

Vegetative materials and yard recyclables shall mean yard clippings, leaves, hedge trimmings, grass and yard sweepings and fallen branches.

Waste materials means and includes trees, tree stumps, tree limbs, tree trunks larger than four inches in diameter and longer than four feet.

Maintenance of trees and vegetation.

- A. The owner of record of a property is responsible for the maintenance of vegetation (such as trees, shrubs, bushes, and lawns) on private property. Vegetation shall comply with all codes including visibility at intersections, alleys, sidewalks and driveways. Where support cabling/bracing of vegetation is provided at the time of installation, the cables and braces shall be removed no later than one year after installation to prevent damage to the vegetation.
- B. Lawns shall be maintained at a maximum overall height of eight inches or less. Lawns will be considered overgrown if approximately 25% of the front yard, or side yards, or rear yard, or right-of-way, or utility easement exceeds eight inches in height overall. Vegetation adjacent to driveways shall not encroach onto the driveway and should be kept trimmed to the edge of the driveway.
- C. Vegetation which is a hazard to public safety is prohibited in the right-of-way as per Sec. 26-141. Hazardous vegetation on private property with pronounced thorns (such as Spanish bayonet, century plant, bougainvillea, and lime trees) shall not be closer than ten feet to a sidewalk or right-of-way.
- D. Hedges are prohibited in the right-of-way as per Sec. 74-152(c)(1); and a hedge may not obstruct the visibility triangle as per Sec. 74-153(g). As per Sec. 74-234, private or public landscape development in the public rights-of-way within the town shall be

designed and planted in accordance with the master landscape plan (Ordinance No. 314).

- E. Vegetation adjacent to public sidewalks and public streets shall not encroach onto the sidewalk or onto a street surface. All vegetation should be kept trimmed to the edge of the sidewalk or to the curb line of the street surface. The branches of trees and shrubs which grow above sidewalks and right-of-ways shall provide a minimum of eight feet of vertical clearance; and when above streets and alleys, a minimum of 15 feet of vertical clearance.
- F. Fire hydrants, water meters and above ground back flow water pipes must have a three foot clearance around them for accessibility from vegetation. Water meter boxes must be kept trimmed and edged around the box to prevent vegetation from growing into or over the box.
- G. It is unlawful for any property owner to permit to remain on any property, any tree or tree branch that is diseased or in a weakened condition as described in Sec. 74-383(a)(2)(e), so as to pose a danger to any person, or any right-of-way or property of another as determined by the Town's arborist. The Town's arborist will be a certified and current member in the International Association of Arboriculture (ISA).
- H. It shall be unlawful to deposit any solid waste, waste material or lawn waste in such a manner that it may be carried or deposited by the elements upon any public place, waterway or private premises within the Town either directly or indirectly as per Sec. 46-4.
- I. As per Sec. 74-152(c)(1), no encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the town.
- J. Unless approved by the Town Manager, right-of-ways shall be maintained at a level and even grade.
- K. No person shall plant any vegetation in a utility easement which will interfere with the use of the easement for utility maintenance purposes.

Notice of violation

- A. If a code inspector determines that overgrown vegetation violates the maintenance standards in this section as found on a parcel of property, the owner(s) of record of the property will be notified in writing and shall require that such owner(s) cause the violation(s) to be remedied within ten calendar days.

- (1) The notice shall be given by certified first class mail return receipt requested, addressed to the owner(s) of record of the property as their name(s) and address are shown upon the records of the County Property Appraiser. Service of the notice shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. Notice may be served by hand delivery to the owner(s) of record of the property in lieu of mailing.
- (2) Notice shall also be posted upon the property on which the violation exists on the day of certified mailing.

Appeals.

- A. Within seven calendar days after the date of posting the notice on the property, the owner or the designated agent of the owner may file an appeal to show that the violation(s) alleged in the notice does not exist. However, if the violation is a repeat violation, the time in which to file an appeal shall be five calendar days from the date of posting the notice on the property. An appeal shall be in writing and must be filed with the Town Clerk.
- B. The appeal shall be heard by the Town Manager or his designee. The hearing shall be conducted at a reasonable time and place, following notice of the hearing to the appellant. All appeal hearings shall be conducted within two working days from the date of filing of the appeal. The hearing shall be informal and the strict rules of evidence shall not be applicable, but the minimal requirements of due process shall be observed. The objective of the hearing shall be to render a decision which is fair and just under the circumstances. At the hearing, the code inspector and the owner, or the designated agent of the owner, may introduce such evidence as is deemed necessary. The decision of the Town Manager or his designee shall be final and the owner shall be deemed to have exhausted all administrative remedies.

Authority of Town to remedy prohibited condition by lot clearance.

If the violation(s) of Town Code are not corrected by the property owner by the date stated in the notice of violation and no appeal has been made, or if made, a hearing has been held and has concluded adversely to the owner and the violation is not corrected within five days following the date of the hearing, the Town shall have authority to cause the violation to be corrected. By receiving the notice of violation and failing to correct the violation or file an appeal (or to correct the violation within five days of an unsuccessful appeal), the property owner shall have given implied consent for the Town, or its designee, to go onto the owner's property, including into fenced yards, to correct the violation(s). The Town shall have authority to cause the cutting and removal of vegetation (such as mowing an overgrown lawn; trimming vegetation next to sidewalks and streets for clear passage for pedestrians and

vehicles; edging driveways, sidewalks and curbs; and to remove dead vegetative materials laying on the ground) when such work is necessary to correct the violation(s). The costs of such work, as well as such administrative and other costs (i.e. code inspector's and other town employees' time) as are necessary to correct the violation(s), shall be charged against the property as a special assessment as provided in this section.

Assessment and lien for costs of lot clearance.

- A. **Assessment.** After causing the violation to be corrected, costs incurred by theTown, including all administrative and other costs, will be billed to the property owner(s). The bill will provide a date in which these costs must be paid. A notice will be included that if the bill is unpaid by the due date a lien will be placed on the property.

- B. **Interest on special assessment liens.** If the principal amount of a special assessment under this section remains unpaid after 30 days from the due date, the Town Manager or designee shall authorized a lien be placed against the property for the delinquent assessment fee. Interest at the rate of 12 percent per annum from the day after the payment due date shall be charged until the principal and interest are paid in full. All interest shall also constitute a lien against the property assessed of equal dignity to the principal amount of the lien.

- C. **Records of liens and interest due.** The Town Clerk shall keep complete records relating to the amount payable for the liens and interest and may from time to time send a statement of the principal and interest due upon such liens to the record owners of the property upon which the liens exist.

- D. **Enforcement of liens.** At any time after the expiration of 30 days the Town may proceed to foreclose the special assessment lien in the manner prescribed in F.S. Ch. 173 or as otherwise permitted by law.

Action to abate cumulative to other penalties, remedies.

Any action taken in regard to the disposal, abatement or removal of a violation of the maintenance standards shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.

ARTICLE V. WEEDS, OVERGROWN VEGETATION, DEBRIS

Sec. 26-141. Removal required.

Sec. 26-142. Inspection for compliance with section 26-141; procedure for failure to comply; action by town commission.

Sec. 26-143. Lien; recording; interest; foreclosure.

Sec. 26-141. Removal required.

No person who shall own or occupy or act as agent for the owner of any property shall fail to remove weeds, overgrowth, vegetation, debris and other materials or matter which constitute a hazard to health, safety or proper fire control from such property.

(Code 1980, § 11-2; Ord. No. 399, § 1, 11-20-01)

Sec. 26-142. Inspection for compliance with section 26-141; procedure for failure to comply; action by town commission.

(a) The town manager or such other person authorized by the town manager shall have authority to inspect all properties within the town to determine compliance with section 26-141; and in any case where the town manager shall determine that there is a failure to comply with such provisions, the town manager shall cause a notice to be sent to the owner or to be posted on such property. The notice shall generally specify the manner in which section 26-141 is being violated. The notice shall fix a date for compliance, which shall not be less than ten days from the mailing or posting of such notice, and such notice shall also give notice of a public hearing before the town commission to be held not less than ten days from the mailing or posting of such notice, at which hearing the person to whom the notice is directed may appear and show cause, if any, why such person is not in violation of section 26-141.

(b) At the hearing under this section, the town commission shall give due consideration to all evidence presented and shall not proceed further unless it is made to appear that there is a violation of section 26-141; and if there is a finding that such violation exists and has not been abated by the person to whom the notice has been sent, then at the conclusion of such hearing, the town commission shall cause such condition to be alleviated, and the cost thereof shall be a lien upon the property affected thereby.

(Code 1980, § 11-3; Ord. No. 399, § 1, 11-20-01)

Sec. 26-143. Lien; recording; interest; foreclosure.

The lien provided for in section 26-142 shall be recorded against the property affected if not paid within ten days after notice thereof is mailed by registered mail to the owner of such property. Any such lien shall draw interest at the highest rate permitted by law until paid and may be foreclosed after a period of one year.

(Code 1980, § 11-4; Ord. No. 399, § 1, 11-20-01)

Sec. 46-1. Definitions.

Solid waste means any part or all of the following:

(1) Refuse:

- a. Garbage is putrescible animal, fruit and vegetable wastes resulting from handling, preparation, cooking, consumption of food, and other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors.
- b. Trash means nonputrescible solid waste consisting of both combustible and noncombustible waste.

(2) Yard recyclables:

- a. Yard clippings, leaves, hedge trimmings, grass and yard sweepings.
- b. The products of pruning resulting in yard recyclables not suitable for containers but not exceeding four inches in diameter or four feet in length and properly bundled.

(3) Household recyclables means and includes plastic containers (water and mild containers only, no other plastic materials will be accepted); aluminum cans, and newspapers (aluminum cans and newspapers may be placed in paper bags and put on top of or beside the refuse container).

Waste materials means and includes trees, tree stumps, tree limbs, tree trunks larger than four inches in diameter and longer than four feet.

Sec. 46-4. Scattering of solid waste and waste material.

No person shall scatter, cast, place, sweep or deposit any solid waste or waste material in such a manner that it is or may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, waterway, or onto any private premises within the town.

Sec. 74-152. Rights-of-way.

(a) Width. Right-of-way requirements for road construction shall be as prescribed by the town and the county metropolitan planning organization traffic circulation element, where applicable. **The right-of-way shall be measured from lot line to lot line.**

(c) Protection and use.

(1) No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the town.

Sec. 74-153. Street design standards.

(g) Clear visibility triangle. In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

- (1) Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection.
- (2) The clear visibility triangle shall be calculated using the state department of transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

Sec. 74-234. Development in public right-of-way.

Private or public landscape development in the public rights-of-way within the town shall be designed and planted in accordance with the master landscape plan (Ordinance No. 314).

Sec. 74-383. Conditions for removal; replacement.

(a) *Conditions for removal.*

(2) With respect to the issuance of a tree removal permit in conjunction with a development activity, no such tree removal permit shall be issued prior to the issuance of the appropriate building permit and, with respect to a major development as defined in [section 66-162\(b\)](#), until a cash bond equal to the replacement value of all the trees permitted to be replaced has been filed with the town manager guaranteeing the replacement in accordance with subsection (b) of this section. No authorization for the removal of a protected tree shall be granted unless the applicant demonstrates one or more of the following conditions:

- a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
- a. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
- b. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
- c. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.

- d. The tree is diseased or weakened by infestation by insects, abuse, storm, fire or any other cause or condition whatsoever, and the weakened condition of the tree presents a threat to persons or property, as determined by the town manager or the designee of the town manager.**
- e. Any law or town regulation requires the removal.

(Ord. No. 475, § 3, 1-18-11)

Summary

To: Mayor and Commissioners]
From: Micah Maxwell, Town Manager
Subject: PPC-MPO Interlocal Agreement
Memo Date: 3/27/2014

Summary: It has been requested that the town sign the interlocal agreement creating the Metropolitan Planning Organization.

Previous Commission Action: None,

Background/Problem Discussion: Governor Scott recently approved the reapportionment plan for the MPO which will allow for the unification of the PPC and the MPO. The general purpose of the interlocal is to re-establish the MPO and recognize the boundary and reapportionment approved by the Governor. The interlocal shall serve:

- (a) To assist in the development of transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people and goods within and through this metropolitan planning area and minimize, to the maximum extent feasible for transportation-related fuel consumption and air pollution;
- (b) To develop transportation plans and programs, in cooperation with the Department which plans and programs provide for the development of transportation facilities that will function as a multi-modal and intermodal transportation system for the metropolitan planning area;
- (c) To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan planning area in cooperation with the Department;
- (d) To assure eligibility for the receipt of federal capital and operating assistance.
- (e) To carry out the metropolitan transportation planning process, in cooperation with the Department, as required by federal, state and local laws.

Alternatives/Options:

- 1. Approve the interlocal agreement
- 2. Do nothing

Financial Implications: None

Recommendation: Sraff recommends approval

Proposed Motion: I move approval of the Interlocal agreement re-establishing the MPO



**PINELLAS COUNTY
METROPOLITAN PLANNING ORGANIZATION**

310 Court Street
2nd Floor

Clearwater, Florida 33756

(727) 464-8200 Phone
(727) 464-8201 Fax

**RECEIVED
BELLEAIR TOWN HALL**

March 19, 2014

MAR 21 2014

Mayor Gary Katica
Town of Belleair
901 Ponce DeLeon Boulevard
Belleair, FL 33756-1096

TIME REC. _____

RE: Interlocal Agreement for Creation of the Metropolitan Planning Organization (MPO)

Dear Mayor Katica:

Enclosed, please find for your review and signature a copy of the Interlocal Agreement (Agreement) for the Creation of the Metropolitan Planning Organization. Subsequent to the unification of the MPO and PPC (Pinellas Planning Council) boards, the Agreement has been revised to reflect the MPO's recently approved Reapportionment Plan and expanded membership from 11 to 13 members. It is our understanding that your Town Commission will appoint a representative for the six Inland Communities on April 1.

Since revisions to the Agreement have just recently been finalized with the Florida Department of Transportation, it is not possible for the MPO, Pinellas Suncoast Transit Authority (PSTA), and all of Pinellas' local governments to execute the document within 60 days of the Governor's February 13 approval of the Reapportionment Plan. Moreover, several local governments only meet once a month. Thus, it is our hope that all parties will execute the Agreement through their normal process as expeditiously as possible and, perhaps, for you on April 1.

If requested, MPO staff is available to attend your Commission meeting, and we are available to answer any questions you may have. Do not hesitate to contact me or Mr. Rick MacAulay at (727) 464-8200 if more information or clarification is needed. Please return both signature pages to the MPO, 310 Court Street, Clearwater, 33756.

Sincerely,

Sarah E. Ward, Interim Executive Director
Pinellas County
Metropolitan Planning Organization

SEW/RM:ck

- cc: Donna Carlen, Town Clerk
- Karen Seel, Chair, Metropolitan Planning Organization
- Jim Kennedy, Chair, Pinellas Planning Council
- Michael C. Crawford, Interim Executive Director, Pinellas Planning Council

H:\users\cendocs\MPO\Interlocal Agreement Letters.ck.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**INTERLOCAL AGREEMENT FOR CREATION OF THE
METROPOLITAN PLANNING ORGANIZATION**

THIS INTERLOCAL AGREEMENT for the formation of a Metropolitan Planning Organization is made and entered into on this _____ day of _____ 2014, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTY OF PINELLAS; the CITIES OF BELLEAIR BEACH, BELLEAIR BLUFFS, CLEARWATER, DUNEDIN, GULFPORT, INDIAN ROCKS BEACH, LARGO, MADEIRA BEACH, OLDSMAR, PINELLAS PARK, SAFETY HARBOR, ST. PETE BEACH, ST. PETERSBURG, SEMINOLE, SOUTH PASADENA, TARPON SPRINGS, TREASURE ISLAND; the TOWNS OF BELLEAIR, BELLEAIR SHORE, INDIAN SHORES, KENNETH CITY, NORTH REDINGTON BEACH, REDINGTON BEACH, REDINGTON SHORES; and the PINELLAS SUNCOAST TRANSIT AUTHORITY (PSTA), collectively known as “the parties.”

RECITALS

WHEREAS, the federal government, under the authority of Title 23 United States Code (USC) §134 and Title 49 USC §5303, requires each metropolitan area, as a condition for the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan area;

WHEREAS, the parties to this Interlocal Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit systems, bicycle and pedestrian facilities, rail systems, air transportation and other facilities will be properly located and developed in relation to the overall plan of community development;

WHEREAS, Title 23 USC §134 and Title 49 USC §§5303-5305, as amended by the Moving Ahead for Progress in the 21st Century Act (MAP-21) and Section 339.175, Florida Statutes (F.S.), provide for the creation of Metropolitan Planning Organizations to develop transportation plans and programs for urbanized areas;

WHEREAS, pursuant to Titles 23 USC §134(d), 49 USC §5303, 23 CFR §450.310(b), and Section 339.175(2), F.S., a determination has been made by the Governor and units of general purpose local government representing at least 75 percent of the affected population (including the largest incorporated city, based on population as named by the Bureau of Census) in the urbanized area to designate a Metropolitan Planning Organization;

WHEREAS, pursuant to this Interlocal Agreement, the parties wish to collectively participate in the metropolitan planning process as the Pinellas County MPO for the Pinellas County urbanized area, herein after referred to as “the Metropolitan Planning Organization” or “the MPO”. Further, the parties approved by unanimous vote a reapportionment and boundary plan for presentation to the Governor on the 10th day of July 2013;

WHEREAS, pursuant to Section 339.175(4), F.S., the Governor, by letter to the MPO Chair dated the 13th day of February 2014, approved the reapportionment and boundary plan submitted by the MPO;

WHEREAS, pursuant to Title 23 CFR §450.314(a), and Section 339.175(10), F.S., an agreement must be entered into by the Department, the MPO, and the governmental entities and public transportation operators to identify the responsibility of each party for cooperatively carrying out a comprehensive transportation planning process;

WHEREAS, this Interlocal Agreement is required to create the Metropolitan Planning Organization and delineate the provisions for operation of the MPO;

WHEREAS, the undersigned parties have determined that this Interlocal Agreement is consistent with Section 339.175(10), F.S.;

WHEREAS, the undersigned parties have determined that this Interlocal Agreement is consistent with statutory requirements set forth in Section 163.01, F.S., relating to Interlocal Agreements; and

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties desiring to be legally bound, do agree as follows:

ARTICLE 1 RECITALS; DEFINITIONS

Section 1.01. Recitals. Each and all of the foregoing recitals are incorporated herein and acknowledged to be true and correct to the best of the parties' knowledge. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Interlocal Agreement.

Section 1.02. Definitions. The following words when used in this Interlocal Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

Interlocal Agreement means and refers to this instrument, as may be amended from time to time.

Department means and refers to the Florida Department of Transportation, an agency of the State of Florida created pursuant to Section 20.23, F.S.

FHWA means and refers to the Federal Highway Administration.

FTA means and refers to the Federal Transit Administration.

Long Range Transportation Plan (LRTP) is the 20-year transportation planning horizon which includes transportation facilities; identifies a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities; indicates proposed transportation activities; and in ozone/carbon monoxide nonattainment areas is coordinated with the State Implementation Plan, all as required by Title 23 USC §134(c), Title 49 USC §5303, Title 23 CFR §450.322, and Section 339.175(7), F.S.

Metropolitan Planning Area means and refers to the planning area determined by agreement between the MPO and the Governor for the urbanized area containing at least a population of 50,000 as described in Title 23 USC §134(b)(1), Title 49 USC §5303, and Section 339.175(2)(c) and (d), F.S., and including the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, which shall be subject to the Metropolitan Planning Organization's planning authority.

MPO means and refers to the Metropolitan Planning Organization formed pursuant to this Interlocal Agreement as described in 23 USC §134(b)(2), 49 USC §5303, and Section 339.175(1), F.S.

Transportation Improvement Program (TIP) is the staged multi-year program of transportation improvement projects developed by a Metropolitan Planning Organization consistent with the Long Range Transportation Plan, developed pursuant to 23 USC §134(j), 49 USC §5303, 23 CFR §450.324 and Section 339.175(8), F.S.

Unified Planning Work Program (UPWP) is the biennial program developed in cooperation with the Department and public transportation providers, that identifies the planning priorities and activities to be carried out within a metropolitan planning area to be undertaken during a 2-year period, together with a complete description thereof and an estimated budget, all as required by 23 CFR §450.308, and Section 339.175(9), F.S.

ARTICLE 2 PURPOSE

Section 2.01. General Purpose. The purpose of this Interlocal Agreement is to re-establish the MPO and recognize the boundary and reapportionment approved by the Governor. This Interlocal Agreement shall serve:

- (a) To assist in the development of transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people and goods within and through this metropolitan planning area and minimize, to the maximum extent feasible for transportation-related fuel consumption and air pollution;
- (b) To develop transportation plans and programs, in cooperation with the Department, which plans and programs provide for the development of transportation facilities that will function as a multi-modal and intermodal transportation system for the metropolitan planning area;
- (c) To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan planning area in cooperation with the Department;
- (d) To assure eligibility for the receipt of federal capital and operating assistance pursuant to Title 23 USC §134 and Title 49 USC §§5303, 5304, 5305, 5307, 5309, 5310, 5311, 5314, 5326, 5337 and 5339, 5340; and
- (e) To carry out the metropolitan transportation planning process, in cooperation with the Department, as required by federal, state and local laws.

Section 2.02. Major MPO Responsibilities. The MPO is intended to be a forum for cooperative decision making by officials of the governmental entities which are parties to this Interlocal Agreement in the development of transportation-related plans and programs, including but not limited to:

- (a) The LRTP;
- (b) The TIP;
- (c) The UPWP;
- (d) Incorporating performance goals, measures, and targets into the process of identifying and selecting needed transportation improvements and projects;

- (e) A congestion management process for the metropolitan area and coordinated development of all other transportation management systems required by state or federal law;
- (f) Assisting the Department in mapping transportation planning boundaries required by state or federal law;
- (g) Supporting the Department in performing its duties relating to access management, functional classification of roads, and data collection; and
- (h) Performing such other tasks required by state or federal law.

Section 2.03. Coordination with the Department and Consistency with Comprehensive Plans. Chapter 334, F.S., grants broad authority for the Department's role in transportation. Section 334.044, F.S., includes the legislative intent declaring that the Department shall be responsible for coordinating the planning of a safe, viable, and balanced state transportation system serving all regions of the State. Section 339.155, F.S., requires the Department to develop a statewide transportation plan, which considers, to the maximum extent feasible, strategic regional policy plans, MPO plans, and approved local government comprehensive plans. Section 339.175(5), F.S., specifies the authority and responsibility of the MPO and the Department to manage a continuing, cooperative, and comprehensive transportation planning process for the metropolitan area.

In fulfillment of this purpose and in the exercise of the various powers granted by Chapters 334 and 339, F.S., the parties to this Interlocal Agreement acknowledge that decisions made by the MPO will be coordinated with the Department. All parties to this Interlocal Agreement acknowledge that actions taken pursuant to this Interlocal Agreement will be consistent with local government comprehensive plans.

ARTICLE 3 MPO ORGANIZATION AND CREATION

Section 3.01. Re-establishment of MPO. The MPO for the metropolitan planning area as described in the membership reapportionment plan approved by the Governor is hereby created and re-established pursuant to this Interlocal Agreement to carry out the purposes and functions set forth in Articles 2 and 5. The legal name of this Metropolitan Planning Organization shall be the Pinellas County MPO.

Section 3.02. MPO to operate pursuant to law. In the event that any election, referendum, approval, permit, notice, other proceeding or authorization is required under applicable law to undertake any power, duty, or responsibility hereunder, or to observe, assume, or carry out any of the provisions of this Interlocal Agreement, the MPO will, to the extent of its legal capacity, comply with all applicable laws and requirements.

Section 3.03. Governing board to act as policy-making body of MPO. The governing board re-established pursuant to Section 4.01 of this Interlocal Agreement shall act as the policy-making body for the MPO, and will be responsible for coordinating the cooperative decision-making process of the MPO's actions, and will take required actions as the MPO.

Section 3.04. Data, reports, records, and other documents. Subject to the right to claim an exemption from the Florida Public Records Law, Chapter 119, F.S., the parties shall provide to each other such data, reports, records, contracts, and other documents in its possession relating to the MPO as is requested. Charges are to be in accordance with Chapter 119, F.S.

Section 3.05. Rights of review. All parties to this Interlocal Agreement and the affected federal funding agencies (e.g., FHWA, FTA, and FAA) shall have the rights of technical review and comment on MPO's projects.

ARTICLE 4 COMPOSITION; MEMBERSHIP; TERMS OF OFFICE

Section 4.01. Composition and membership of governing board.

- (a) The membership of the MPO shall consist of 13 voting members and one (1) non-voting advisor. The names of the member local governmental entities and the voting apportionment of the governing board as approved by the Governor shall be as follows: three (3) voting members representing the Pinellas County Board of County Commissioners; two (2) voting members representing the City of St. Petersburg; one (1) voting member for each of the following cities: Pinellas Park, Dunedin, Clearwater, Largo; one (1) rotating voting member representing the cities of Oldsmar, Safety Harbor and Tarpon Springs; one (1) rotating voting member representing the following Inland Communities: Belleair, Belleair Bluffs, Gulfport, Seminole, South Pasadena, Kenneth City; one (1) rotating voting member representing the following communities which comprise the Barrier Islands Government Council (BIG-C): Belleair Beach, Indian Rocks Beach, Madeira Beach, St. Pete Beach, Treasure Island, Belleair Shore, Indian Shores, North Redington Beach, Redington Beach, Redington Shores; one (1) voting member representing the Pinellas Suncoast Transit Authority (PSTA); and one (1) non-voting advisor representing the Department.
- (b) All voting representatives shall be elected officials of general purpose local governments, except to the extent that the MPO includes, as part of its apportioned voting membership, a member of a statutorily authorized planning board or an official of an agency that operates or administers a major mode of transportation. All individuals acting as a representative of the governing board of the county, the city, or authority shall first be selected by said governing board.
- (c) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations and shall be in compliance with 339.175(3) F.S.
- (d) In the event that a governmental entity that is a member of the MPO fails to fill an assigned appointment to the MPO within sixty days after notification by the Governor of its duty to appoint a representative, the appointment shall then be made by the Governor from the eligible individuals of that governmental entity.

Section 4.02. Terms. Except as provided for below, the term of office of members of the MPO shall be four years. The term of office for the OLDSMAR/SAFETY HARBOR/TARPON SPRINGS consortium of municipalities shall be two (2) years, on a biennial rotating basis. The membership of a member who is a public official automatically terminates upon said official leaving the elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the governmental entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be appointed for one or more additional four year terms.

- (a) As provided in Section 339.175(6)(d), F.S., the MPO shall create and appoint a technical advisory committee;
- (b) As provided in Section 339.175(6)(e), F.S., the MPO shall create and appoint a citizens' advisory committee;
- (c) As provided in Section 163.01(5)(o), F.S., the MPO membership shall be jointly and severally liable for liabilities, and the MPO may respond to such liabilities through the purchase of insurance or bonds, the retention of legal counsel, and, as appropriate, the approval of settlements of claims by its governing board;
- (d) As provided in Section 339.175(9), F.S., the MPO shall establish an estimated budget which shall operate on a fiscal year basis consistent with any requirements of the UPWP;
- (e) The MPO, in cooperation with the Department, shall carry out the metropolitan transportation planning process as required by Title 23 CFR Parts 420 and 450, and Title 49 CFR Part 613, Subpart A, and consistent with Chapter 339, F.S., and other applicable state and local laws;
- (f) As provided in Section 339.175(10)(a), F.S., the MPO shall enter into agreements with the Department, operators of public transportation systems and the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan area. These agreements will prescribe the cooperative manner in which the transportation planning process will be coordinated and included in the comprehensively planned development of the area;
- (g) Perform such other tasks presently or hereafter required by state or federal law;
- (h) Execute certifications and agreements necessary to comply with state or federal law; and
- (i) Adopt operating rules and procedures.

ARTICLE 6 FUNDING; INVENTORY REPORT; RECORD-KEEPING

Section 6.01. Funding. The Department shall allocate to the MPO for performance of its transportation planning and programming duties, an appropriate amount of federal transportation planning funds consistent with the approved planning funds formula.

Section 6.02. Inventory report. The MPO agrees to inventory, to maintain records of and to insure proper use, control, and disposal of all nonexpendable tangible property acquired pursuant to funding under this Interlocal Agreement. This shall be done in accordance with the requirements of Title 23 CFR Part 420, Subpart A, Title 49 CFR Part 18, Subpart C, and all other applicable federal regulations.

Section 6.03. Record-keeping and document retention. The Department and the MPO shall prepare and retain all records in accordance with federal and state requirements, including but not limited to 23 CFR Part 420, Subpart A, 49 CFR Part 18, Subpart C, 49 CFR §18.42, and Chapter 119, F.S.

Section 6.04. Compliance with laws. All parties shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received

The term of the rotating voting member representing the aforementioned BIG-C communities shall be two years, however, the appointed elected official may be reappointed for up to four successive two-year terms, for a maximum term of eight years. The BIG-C, by majority vote, shall recommend appointments from nominations of elected officials provided by individual member municipalities. The municipal government board on which the recommended elected official serves shall confirm the appointment and transmit the name of the appointee to the MPO. If the appointed elected official is unable to complete their two-year term for any reason, the same procedure used for the original appointment by the BIG-C and the appointing municipality shall be followed.

The term of the rotating voting member representing the aforementioned Inland Communities shall be two years. The order of rotation shall be Gulfport, Belleair, South Pasadena, Belleair Bluffs, Kenneth City and Seminole. If a city/town decides to defer its term of appointment, the process will proceed to the next city/town in the order shown and the deferring city/town will go to the end of the rotational order. Finally, if the appointed elected official is unable to complete their two-year term, that City/Town Commission or Council will appoint another elected official for the balance of the term.

ARTICLE 5 AUTHORITIES, POWERS, DUTIES AND RESPONSIBILITIES

Section 5.01. General authority. The MPO shall have all authorities, powers and duties, enjoy all rights, privileges, and immunities, exercise all responsibilities and perform all obligations necessary or appropriate to managing a continuing, cooperative, and comprehensive transportation planning process as specified in Section 339.175(5) and (6), F.S.

Section 5.02. Specific authority and powers. The MPO shall have the following powers and authority:

- (a) As provided in Section 339.175(6)(g), F.S., the MPO may employ personnel and/or may enter into contracts with local or state agencies and private planning or engineering firms to utilize the staff resources of local and/or state agencies;
- (b) As provided in Section 163.01(14), F.S., the MPO may enter into contracts for the performance of service functions of public agencies;
- (c) As provided in Section 163.01(5)(j), F.S., the MPO may acquire, own, operate, maintain, sell, or lease real and personal property;
- (d) As provided in Section 163.01(5)(m), F.S., the MPO may accept funds, grants, assistance, gifts or bequests from local, state, and federal resources;
- (e) The MPO may promulgate rules to effectuate its powers, responsibilities, and obligations enumerated herein; provided, that said rules do not supersede or conflict with applicable local and state laws, rules and regulations; and
- (f) The MPO shall have such powers and authority as specifically provided in Section 163.01 and Section 339.175(5) and (6), F.S., and as may otherwise be provided by federal or state law.

Section 5.03. Duties and responsibilities. In addition to those duties and responsibilities set forth in Article 2, the MPO shall have the following duties and responsibilities:

by the parties in conjunction with this Agreement. Specifically, if a party is acting on behalf of a public agency the party shall:

- (a) Keep and maintain public records that ordinarily and necessarily would be required by the Department in order to perform the services being performed by the party.
- (b) Provide the public with access to public records on the same terms and conditions that the Department would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- (d) Meet all requirements for retaining public records and transfer, at no cost, to the Department all public records in possession of the party upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Department in a format that is compatible with the information technology systems of the Department.

ARTICLE 7 MISCELLANEOUS PROVISIONS

Section 7.01. Constitutional or statutory duties and responsibilities of parties. This Interlocal Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Interlocal Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the parties to this Interlocal Agreement or any legal or administrative entity created or authorized by this Interlocal Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 7.02. Amendment of Interlocal Agreement. Amendments or modifications of this Interlocal Agreement may only be made by written agreement signed by all parties here to with the same formalities as the original Interlocal Agreement. No amendment may alter the apportionment or jurisdictional boundaries of the MPO without approval by the Governor.

Section 7.03. Duration; withdrawal procedure.

- (a) Duration. This Interlocal Agreement shall remain in effect until terminated by the parties to this Interlocal Agreement. The Interlocal Agreement shall be reviewed by the parties at least every five years, concurrent with the decennial census, and/or concurrent with a new Federal Reauthorization bill, and updated as necessary.
- (b) Withdrawal procedure. Any party, except Pinellas County and the City of St. Petersburg, as the United States Bureau of the Census designated largest incorporated city, may withdraw from this Interlocal Agreement after presenting in written form a notice of intent to withdraw to the other parties to this Interlocal Agreement and the MPO, at least 90 days prior to the intended date of withdrawal. Upon receipt of the intended notice of withdrawal:
 - (1) The withdrawing member and the MPO shall execute a memorandum reflecting the withdrawal of the member and alteration of the list of member governments that are signatories

to this Interlocal Agreement. The memorandum shall be filed in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located; and

(2) The MPO shall contact The Office of the Governor and the Governor, with the agreement of the remaining members of the MPO, shall determine whether any reapportionment of the membership is appropriate. The Governor and the MPO shall review the previous MPO designation, applicable federal, state and local law, and MPO rules for appropriate revision. In the event that another entity is to be afforded membership in the place of the member withdrawing from the MPO, the parties acknowledge that pursuant to Title 23 CFR §450.310(1)(2), adding membership to the MPO does not automatically require redesignation of the MPO. In the event that a party who is not a signatory to this Interlocal Agreement is afforded membership in the MPO, membership shall not become effective until this Interlocal Agreement is amended to reflect that the new member has joined the MPO.

Section 7.04. Notices. All notices, demands and correspondence required or provided for under this Interlocal Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be addressed as follows:

See Exhibit A (attached) for the address of record for all signatories to this Interlocal Agreement.

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

Section 7.05. Interpretation.

- (a) Drafters of the Interlocal Agreement. The Department and the members of the MPO were each represented by or afforded the opportunity for representation by legal counsel and participated in the drafting of this Interlocal Agreement and in choice of wording. Consequently, no provision should be more strongly construed against any party as drafter of this Interlocal Agreement.
- (b) Severability. Invalidation of any one of the provisions of this Interlocal Agreement or any part, clause or word, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.
- (c) Rules of construction. In interpreting this Interlocal Agreement, the following rules of construction shall apply unless the context indicates otherwise:
 - (1) The singular of any word or term includes the plural;
 - (2) The masculine gender includes the feminine gender; and
 - (3) The word “shall” is mandatory, and “may” is permissive.

Section 7.06. Enforcement by parties hereto. In the event of any judicial or administrative action to enforce or interpret this Interlocal Agreement by any party hereto, each party shall bear its own costs and attorney’s fees in connection with such proceeding.

Section 7.07. Interlocal Agreement execution; Use of counterpart signature pages. This Interlocal Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

Section 7.08. Effective date; Cost of recordation.

- (a) Effective date. This Interlocal Agreement shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located. Any amendment hereto shall become effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located.
- (b) Recordation. The MPO hereby agrees to pay for any costs of recordation or filing of this Interlocal Agreement in the Office of the Circuit Court for each county in which a party is hereto located. The recorded or filed original, or any amendment, shall be returned to the MPO for filing in its records.

IN WITNESS WHEREOF, the undersigned parties have executed this Interlocal Agreement on behalf of the referenced legal entities and hereby re-establish the above designated MPO.

Interlocal Agreement to Re-establish the Pinellas County Metropolitan Planning Organization

Signed, Sealed and Delivered in the presence of:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

Interlocal Agreement to Re-establish the Pinellas County Metropolitan Planning Organization

Signed, Sealed and Delivered in the presence of:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

Exhibit A

Mayor Gary Katica
Town of Belleair
901 Ponce DeLeon Boulevard
Belleair, FL 33756-1096

Mayor Rob Baldwin
City of Belleair Beach
444 Causeway Boulevard
Belleair Beach, FL 33786-3399

Mayor Chris Arbutine
City of Belleair Bluffs
2747 Sunset Boulevard
Belleair Bluffs, FL 33770-1978

Mayor John Robertson
Town of Belleair Shore
620 Gulf Boulevard
Belleair Shore, FL 33786-3351

Mayor George Cretekos
City of Clearwater
112 South Osceola Avenue
Clearwater, FL 33756-5106

Mayor Dave Eggers
City of Dunedin
542 Main Street
Dunedin, FL 34698

Mayor Samuel Henderson
City of Gulfport
2401 53rd Street South
Gulfport, FL 33737

Mayor R.B. Johnson
City of Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach, FL 33785-2899

Mayor James Lawrence
Town of Indian Shores
19305 Gulf Boulevard
Indian Shores, FL 33785-2257

Mayor Teresa Zemaitis
Town of Kenneth City
6000 54th Avenue North
Kenneth City, FL 33709-3699

Mayor Pat Gerard
City of Largo
201 Highland Avenue NE
Largo, FL 33770-2512

Mayor Travis Palladeno
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708-1916

Mayor William Queen
Town of North Redington Beach
190 173rd Avenue
North Redington Beach, FL 33708-1397

Mayor Doug Bevis
City Oldsmar
100 State Street West
Oldsmar, FL 34677-3655

Mayor Sandra Bradbury
City of Pinellas Park
5141 78th Avenue North
Pinellas Park, FL 33781-2456

Mayor Nick Simons
Town of Redington Beach
105 164th Avenue
Redington Beach, FL 33708-1519

Mayor Bert Adams
Town of Redington Shores
17425 Gulf Boulevard
Redington Shores, FL 33708-1299

Mayor Andy Steingold
City of Safety Harbor
750 Main Street
Safety Harbor, FL 34695-3597
Mayor Maria Lowe
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706-1701

Mayor Rick Kriseman
City of St. Petersburg
175 5th Street North
St. Petersburg, FL 33701-3708

Mayor Leslie Waters
City of Seminole
9199 113th Street North
Seminole, FL 33772-5226

Mayor Dan Calabria
City of South Pasadena
7047 Sunset Drive South
South Pasadena, FL 33707-2895

Mayor David Archie
City of Tarpon Springs
324 Pine Street East
Tarpon Springs, FL 34689-5004

Mayor Bob Minning
City of Treasure Island
120 108th Avenue
Treasure Island, FL 33706-4702

Mr. Brad Miller, CEO
Pinellas Suncoast Transit Authority
3201 Scherer Drive
St. Petersburg, FL 33716

Mr. Paul Steinman, District VII Secretary
Florida Department of Transportation
District VII
11201 N. McKinley Drive, MS #7-100
Tampa, FL 33612

Commissioner Karen Seel, Chairman
Pinellas County
Board of County Commissioners
315 Court Street
Clearwater, FL 33756-5165

Summary

To: Mayor and Commissioners]
From: Micah Maxwell, Town Manager
Subject: PPC-MPO Appointment
Memo Date: 3/27/2014

Summary:

The town must appoint a commissioner to represent the inland communities on the soon to be unified MPO-PPC board. The term is four years.

Previous Commission Action: None,

Background/Problem Discussion:

The town is one of six municipalities who will share a representative on the new unified MPO/PPC entity. Gulfport, Belleair, South Pasadena, Belleair Bluffs, Kenneth City, and Seminole will rotate the representative. With The current representative from Gulfport stepping down, it is Belleair's responsibility to name a replacement. Two commissioners have expressed interest in the seat, Commissioners Tom Shelly and Kevin Piccarreto.

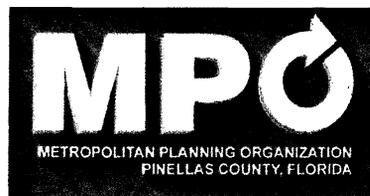
Alternatives/Options:

The commission needs to choose the representative from the list of applicants

Financial Implications: None

Recommendation: None

Proposed Motion: Determined by silent ballot.



RECEIVED
BELLEAIR TOWN HALL

MAR 5 - 2014

TIME REC. _____

March 3, 2014

The Honorable Gary H. Katica, Mayor
Town of Belleair
901 Ponce De Leon Boulevard
Belleair, Florida 33756-1096

- Mayor
- Commissioners
- Manager
- Attorney
- Planner
- Dept. Heads

Murphy

Dear Mayor Katica:

The purpose of this correspondence is to follow up with your community regarding unification of the Pinellas Planning Council (PPC) and Metropolitan Planning Organization (MPO). We are happy to announce that we received formal approval of the MPO Reapportionment Plan from the Governor's Office on February 13, 2014, which means that we can proceed with the final steps of forming the new combined PPC/MPO board.

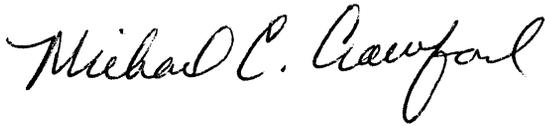
As a reminder, your municipality is one of six communities who will be sharing a representative on the new board. These six "inland" municipalities have established the following order of rotation for the alternating seat: Gulfport, Belleair, South Pasadena, Belleair Bluffs, Kenneth City and Seminole. Mayor Sam Henderson of Gulfport, the current PPC member representing this group of communities, has indicated his intention to step down as representative upon unification; therefore, the responsibility for appointing a new representative will pass to the Town of Belleair. There is no need for the remaining five communities to take any action at this time.

In addition, before the new board is seated, the Florida Department of Transportation (FDOT) will coordinate an amended interlocal agreement that must be executed by the MPO, the Pinellas Suncoast Transit Authority, and all of the County's local governments. When we receive the final document from FDOT, copies of the interlocal agreement will be delivered to your local government for review and signature. Your jurisdiction should approve and execute this interlocal agreement through your normal process.

Our target timeframe for both execution of the interlocal agreement and appointment of representatives for the new combined board is within 60 days of the Governor's approval, by April 14, 2014. However, the interlocal agreement signing process may cause us to delay the final seating of the unified board past that deadline by a small amount of time.

We look forward to working with your community as the new combined PPC/MPO board, and we will remain in touch throughout this transitional process. Both PPC and MPO staff will be available to provide assistance to your local government if needed. Please contact Michael at 727-464-8250 or Sarah at 464-8200 if more information or clarification is needed at this point in time.

Sincerely,



Michael C. Crawford, AICP
Interim Executive Director
Pinellas Planning Council



Sarah E. Ward
Interim Executive Director
Pinellas County Metropolitan Planning
Organization

cc: Mayor Sam Henderson, Pinellas Planning Council Representative
Mayor David O. Archie, Chairman, Pinellas Planning Council
Commissioner Karen Seel, Chair, Metropolitan Planning Organization