

**AGENDA
TOWN OF BELLEAIR
TUESDAY, OCTOBER 21, 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. Request For Variance-1707 Meredith Ln

Documents: [1707 MEREDITH VARIANCE REQUEST.PDF](#)

2. Request For Variance-402 Oleander Rd

Documents: [402 OLEANDER VARIANCE REQUEST.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

Special Meeting - August 5, 2014
Work Session Meeting - August 5, 2014
Regular Meeting - August 19, 2014

Documents: [08-05-2014.DOCX](#), [08-05-2014.DOCX](#), [08-19-2014.DOCX](#)

GENERAL AGENDA

1. Approval Of Annual General Permit With Pinellas County

Documents: [RENEWAL OF ANNUAL GENERAL PERMIT.DOCX](#), [ATTACHMENT FOR ANNUAL GENERAL PERMIT.PDF](#)

2. Discussion Of Dimmitt Community Center Parking And Safety Enhancements

Request to Continue to the November worksession

3. Resolution No. 2014-28 - Confirming Appointment Of Members To The Police Pension Board Of Trustees

Documents: [APPOINTMENT TO POLICE PENSION BOARD.DOCX](#), [2014-28 POLICE](#)

BRD.DOC

4. Resolution No. 2014-31 - Appointing Auditor For Fiscal Year 2014-2015

Documents: [AGENDA SUMMARY AUDIT COMMITTEE2.PDF](#), [2014-31 - APPOINTING AUDITOR FOR FISCAL YEAR 2014-2015.PDF](#)

5. Final Budget Amendment For FY 2013-14

Documents: [COMMISSION SUMMARY SHEET-RESOLUTION NO 2014-32_AMENDING BUDGET FOR FY 2013-2014.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: Town Commission
From: Christine Torok, PIO/Deputy Town Clerk
Subject: Variance Request – 1707 Meredith Lane
Memo Date: 10/14/2014

Summary: The owners of the property located at 1707 Meredith Lane have requested a variance that would allow them to construct an addition that would encroach into the required 7 foot 6 inch side yard setback by 1 foot 10 inches (sec 74.84 of Land Development Code).

Previous Commission Action: None

Background/Problem Discussion: The owner is asking for relief from the 7 foot 6 inch setback requirement so an emergency medical exit door can be installed as part of a new handicapped addition to the home.

Alternatives/Options:

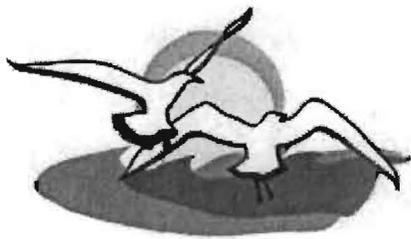
1. Approve the variance to allow for construction.
2. Deny and no construction will be allowed in the setback.

Financial Implications:

None

Recommendation: The Planning and Zoning Board recommended Commission approval of the variance by unanimous vote of members in attendance on October 13, 2014 due to the nature of the hardship.

Proposed Motion: I move the Commission recommend approval/denial of the variance request.



**TOWN OF BELLEAIR
BUILDING DEPARTMENT**
901 Ponce de Leon Blvd.
Belleair, Florida 33756-1096
Phone: (727) 588-3769 ext. 215
Fax: (727) 588-3768

MEMORANDUM

DATE: September 12, 2014
TO: Mayor and Commissioners
FROM: Micah Maxwell, Town Manager
SUBJECT: Request for Variance –Belleair Estates
Parcel No.

Property Owner: Mark & Laura Oursler
1707 Meredith Lane
Belleair, Florida 33756

The following information is regarding the above referenced variance request.

- I. Existing conditions of land and structure(s):
- A. Zoning designation: R-2 (Single Family Residential)
 - B. Original Construction date:
 - 1956
 - C. Structural and other improvements to date:
 - 1986- Addition
 - 2010- Roof
 - D. Existing Easements: None shown on survey

II. Proposed request:

The applicant is requesting a variance which would allow for the construction of a proposed addition that would encroach into the required 7'.6" ft. minimum side yard setback by 1'ft 10" inches, resulting in a 5'.8" ft. side yard setback.

Sec. 74-84. Schedule of dimensional regulations.

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

District	Lot Minimums			Density Maximum Dwelling Units per acre	Minimum Yard Setbacks ^{6 & 7}			Minimum Offstreet Parking per Dwelling Unit ¹	Maximum Height ³ (feet)	Floor Zon ^{es}	Minimum Living Area per Unit ² (square feet)	Floor Area Ratio (FAR) ⁶
	Area (square feet)	Width (feet)	Depth (feet)		Front (feet)	Side (feet)	Rear (feet)					
RE	18,000	100	100	2	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2	32	<u>34</u>	2,000	
R-1	10,000	80	100	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2	32	<u>34</u>	1,200	
R-2	7,500	75	90	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2	32	<u>34</u>	1,000	
RM-15	10,000	100	100	15	25	7.5 ⁴	15	1.5	32	<u>34</u>	1,000	
RPD	5 acres	—	—	5	(See section 74-83)			¹	32		1,200	
H	20 acres	—	—	28	(See section 74-83)			¹	32	<u>34</u>	300	0.4
C-1	12,000	100	100	None	25	12	10	¹	32	<u>34</u>	N/A	0.35

	0											
C-2	10,000	80	100	None	25	12	10	¹	32	<u>34</u>	N/A	0.35
C-3	10,000	80	100	None	25	12	10	¹	32	<u>34</u>	N/A	0.30
C-4	10,000	80	100	None	25	12	10	¹	32	<u>34</u>	N/A	0.5
GC	—	None	None	None	25	25	25		32	<u>34</u>	N/A	Town Commission Approval
C-5	10,000	None	None	None	10	5	10	¹	32	<u>34</u>	N/A	0.5
SPM	10,000	80	100	25	25	25	25	¹	32		N/A	0.30
P	Town commission shall establish dimensional regulations for the public district consistent with the public land use of lands within this district. The dimensional regulations shall be based upon need for harmonizing public use of the land with necessity for protecting the public's safety, health and welfare by the use of such lands. However, in no case shall the floor area ratio exceed 0.65 for institutional uses or 0.70 for transportation/utility related uses.											

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

²Exclusive of garages, breezeways, porches and patios.

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

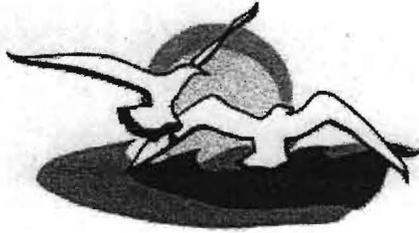
⁴See [section 74-113](#).

⁵For impervious surface ratio, see [section 74-112](#).

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

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

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



RECEIVED
 BELLAIR BLDG. DEPT. TOWN OF BELLEAIR
 901 Ponce de Leon Blvd.
 Belleair, Florida 33756-1096
 Phone: (727) 588-3769 ext. 215
 Fax: (727) 588-3768

SEP 11 2014

TIME REC. _____

VARIANCE

VARIANCE APPLICATION CHECK OFF SHEET

Application shall be fully completed and must include the following information:

OWNERS NAME Mark C. Oursler and Laura M. Oursler
 OWNERS MAILING ADDRESS 1707 Meredith Lane Belleair, Fla. 33756
 PROPERTY ADDRESS same as above
 PHONE NUMBER 727-519-6146
 REPRESENTATIVE NAME AND ADDRESS (if any) Kathy Helmus of
Premier Shelters, Inc. PO Box 5105 Largo, Fla. 33779
 PHONE NUMBER 727-581-0706 office 727-638-4977 cell
 DATE OF ORIGINAL CONSTRUCTION 1956
 IMPERVIOUS COVER existing 36% proposed 42%
 FLOOD ZONE AND ELEVATION "C"

REQUIRED INFORMATION:

<u>REQUIRED</u>	<u>RECEIVED</u>	PROVIDE (18) COPIES EACH..
<u> X </u>	_____	PLANS/SPECS/PRODUCT BROCHURE
<u> X </u>	_____	PHOTOS OF AREA (straight/right angle/left angle)
<u> X </u>	_____	SURVEY W/ SETBACKS SHOWN
<u> X </u>	_____	SITE PLAN W/ SETBACKS SHOWN

REVIEWED BY: ZONING PUB.WK FIRE BLDG. MRG.

DATE SENT: _____

DATE RETURNED: _____



TOWN OF BELLEAIR
 901 Ponce de Leon Blvd.
 Belleair, Florida 33756-1096
 Phone: (727) 588-3769 ext. 215
 Fax: (727) 588-3768

DATE 9/8/14

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Mark C. Oursler, owner of Lot 20 S. 50 ft. and Lot 21 N. 25 ft. Block —, Subdivision Wedgewood Subdivision, property Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned residential R-2.
3. The present land use on the property is single family residential.
4. The decision involves Article 2 Section 74-84 of the Belleair Land Development Code.
5. The Commissions power arises under Article V, Section 66.253 of the Belleair Land Development Code.
6. The Relief prayed by the applicant is: to grant a 1' 10" north side set back variance so an emergency medical exit door can be installed to a new handicapped addition to the existing home.
7. The Justification for the request is (requests for the variances must demonstrate the practical difficulty or unnecessary hardship which justifies the variance): see attached

8. Attached is a non-refundable fee to defray expenses incurred by the Town of Belleair in processing this application. (** Note: All costs incurred by the Town of Belleair, above and beyond the variance application fee, will be the responsibility of the applicant regardless of approval or denial of the request**)
9. I am aware that this request will be voided should I or my representative fail to appear at the public hearings scheduled to consider this request.
10. I am aware that any variance that may be granted will automatically expire twelve months after approval by the Town Commission unless a building permit is produced from the Town with respect to the improvements contemplated by this application for variance within said twelve month period unless the construction of said improvements is promptly commenced pursuant to the building permit and diligently pursued to completion thereafter.

FEE: \$300.00

Paid: _____

Mark C. Oursler
 Owner
1707 Meredith Lane Belleair 33756
 Address
727-519-6146
 Telephone Number

The purpose of the variance and addition the Oursler's are requesting to add onto our existing home are to meet the ever growing needs of their handicapped son.

Keegan is now 13. He was born with a disease called Gray Matter Heterotopia, which to put simply is caused by arrested migration of neurons to the cerebral cortex, that is when neurons that are supposed to form part of the cerebral cortex they fail to climb to the end of their ladder correctly and are permanently situated in the wrong location of the brain.

Keegan has survived his 13 years by the nature of a families prayers and love. Upon diagnosis the family was told he would most likely not live past seven years of age. Two years ago at 11 Keegan was 30 pounds and not doing his best. Once again through much prayer and love he thrived in his way, is now 13 and weighs 70 pounds. Clearly his needs are changing.

The addition is being created to facilitate Keegan but to also keep a sense of normalcy and privacy to the other four children in the family.

Keegan's daily routine includes round the clock nursing, physical therapists, teachers from Pinellas County School System, delivery of medical supplies which includes oxygen tanks, and unfortunately at times emergency vehicles.

The new room is being designed obstruction free. Just one of the amenities will be a pulley system can lift Keegan from his bed and take him directly to the shower area. There is another area set up for a water therapy bed. Presently Laura, Keegan's mother has to lift him from his bed and carry him into the families hall bath then place him in the tub. I don't know Laura's exact weight but I know it isn't more than 120 pounds and Keegan is quickly reaching her height.

This is a true hardship and reason for granting the encroachment of 1'10 we need to position a door that has direct access to the road without the constraints that the twists and turns doorways and hallways can create not only for Keegan's safe transportation around his home but for staff, delivery of sensitive medical supplies such as oxygen or emergency vehicles.

We appreciate your understanding of this families hardship and pray upon you for relief by granting this side set back variance.

Gracie G. Purdy Foundation Inc
610 Osceola Rd
Belleair, FL 33756-1028

1034

63-751/631 10857
9058059420

Date Sept 8, 2014

Pay To The Order of Town of Belleair

\$ 300.00

Three Hundred Dollars

Dollars



Wells Fargo Bank, N.A.
Florida
wellsfargo.com

For Oursler Family - variance Application

Lisiana C. Purdy

⑈000000 1034⑈ ⑆063 107513⑆ 90580594 20⑈









SURVEY SKETCH OF BOUNDARY SURVEY

**NOT FOR CONSTRUCTION
NOT FOR DESIGN**

STREET ADDRESS:
1707 MEREDITH LANE
BELLEAIR, FLORIDA

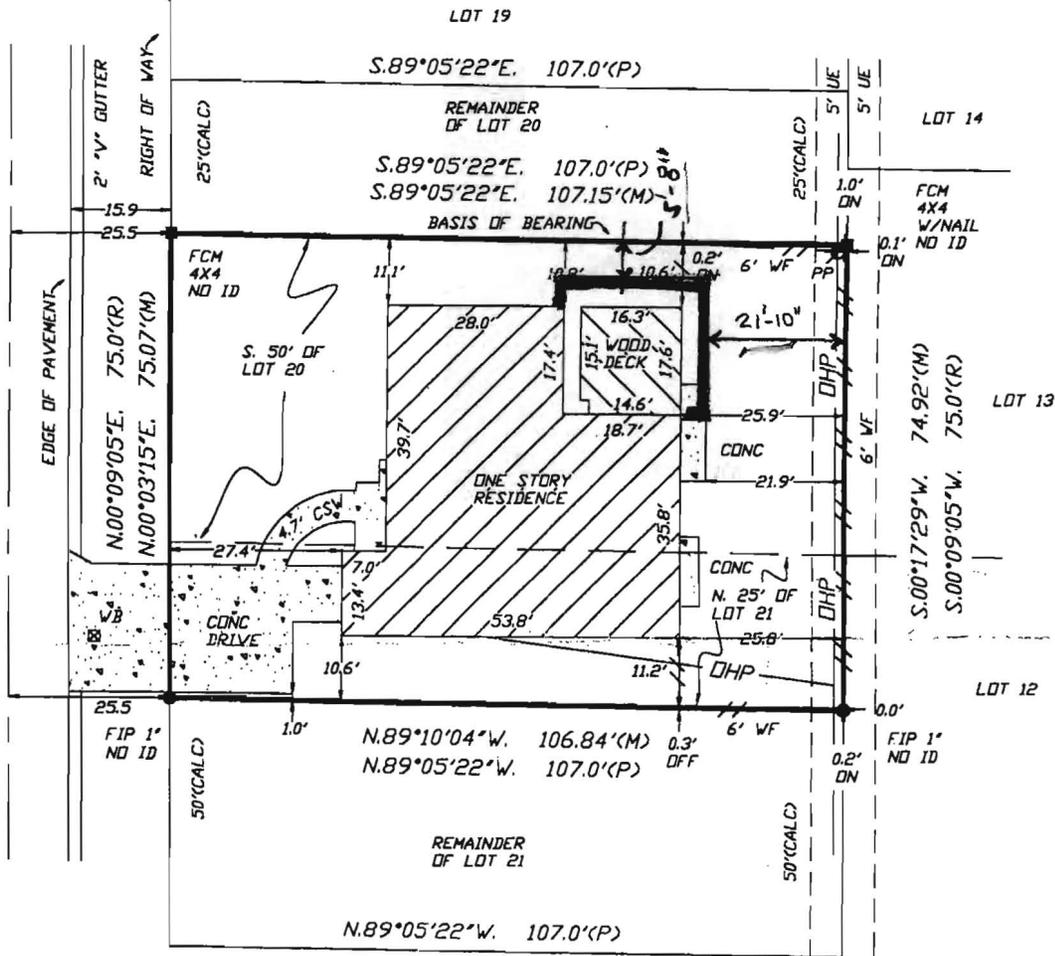
ROSEY ROAD
60' RDW



SCALE 1" = 30'

FIR 1/2"
@ NW BLK
CORNER
LOT 17
NO ID
N.00°09'05"E. 260.0'(CALC)
N.00°00'32"E. 260.04'(M)

James M. Dursler



LEGAL DESCRIPTION :

THE SOUTH 50.0 FEET OF LOT 20 AND THE NORTH 25.0 FEET OF LOT 21, WEDGEWOOD SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 40, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CERTIFIED TO :

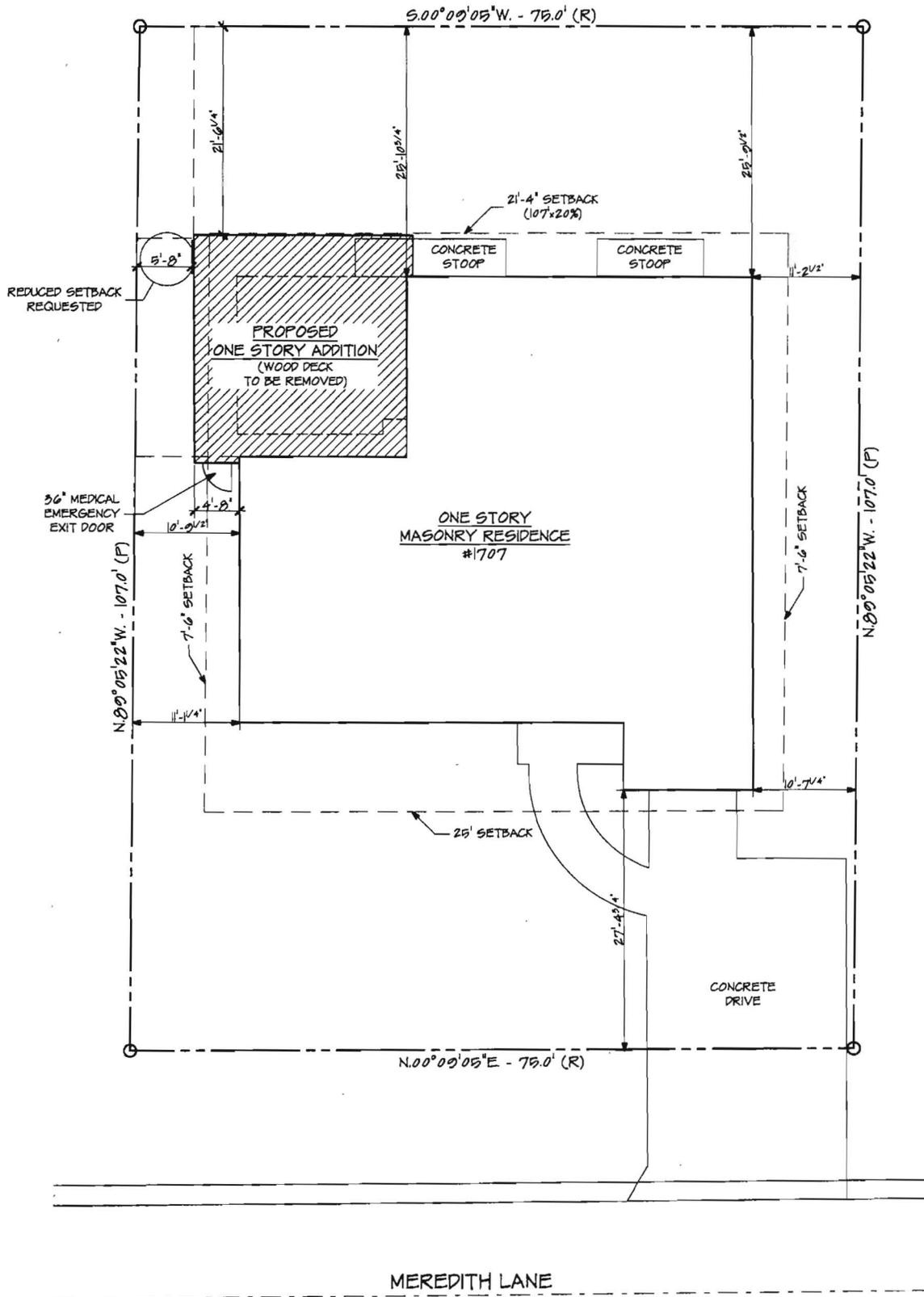
MARK C. DURSLE AND LAURA M. DURSLE
CENDANT MORTGAGE CORPORATION
COMPLETE TITLE SERVICES, INC.
OLD REPUBLIC NATIONAL TITLE COMPANY

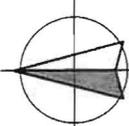
CERTIFICATION :

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 170.001, FLORIDA STATUTES.

FLOOD ZONE : "C"
COMMUNITY PANEL 125088-0003B
DATED : 01-19-83
(FLOOD ZONE : "B", "C", "D", & "X" ARE NOT IN DESIGNATED FLOOD HAZARD ZONE AREA.)

NOTE:
IN COMPLIANCE WITH F.A.C.
61G17-6.0031 (5) (E) (IF LOCATION OF




SITE PLAN
 SCALE: 1" = 10'-0"

LEGAL DESCRIPTION:
 SEE SURVEY FOR COMPLETE DESCRIPTION.
 THIS PROPERTY IS NOT LOCATED IN FLOOD ZONE
SETBACKS:
 FRONT 25', REAR 25' OR 20% OF LOT DEPTH, SIDE 7.5'

NOTICE OF PUBLIC HEARING

Notice is hereby given that Public Hearing will be held by the Town Commission of the Town of Belleair, Florida, on request for a variance to allow for construction of a proposed addition to encroach into the side yard setback for property located at 1707 Meredith Ln., Belleair, Florida and is more particularly described as:

**29-29-15-95544-000-0200 WEDGEWOOD SUB S 50 FT OF LOT 20
& N 25FT OF LOT 21 recorded in OR Book 10873, Page 2555,
Public Records of Pinellas County, Florida.**

The Planning and Zoning Board will meet on this matter on **MONDAY, OCT 13, 2014 at 5:30 P.M.** at the Belleair Town Hall, 901 Ponce de Leon Blvd., Belleair, Florida.

Said hearing will be held on **TUESDAY, OCT 21, 2014 at 6:30 P.M.**, at the Belleair Town Hall, 901 Ponce de Leon Boulevard, Belleair, Florida. Additional information may be obtained from the Town Clerk's office. All parties interested are invited to attend and be heard.

Persons are advised that if they decide to appeal any decision made at these hearings, they will need records of these proceedings and for such purposes they may need to ensure that verbatim records of the proceedings are made, which records include the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act persons needing special accommodations to participate in this proceeding should contact the Town Clerk's Office at 901 Ponce de Leon Blvd., Belleair, Florida 33756 or call (727) 588-3769 x214 or Fax (727) 588-3767, not later than seven (7) days prior to the proceeding.

This matter is subject to Quasi-Judicial rules of procedures.

D. Carlen
Town Clerk
Town of Belleair

September 8, 2014

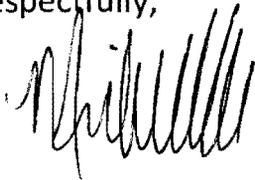
To Whom It May Concern:

I am the neighbor to the west of Mark and Laura Oursler.

I have had a conversation with Mark about their intention to add a room onto the back of their house for their handicapped son Keegan.

It has further been brought to my attention that a 1'10" encroachment to the southern side setback will be necessary to provide for an emergency medical exit door. I have no issues and pray relief upon the Town of Belleair for the Oursler's to grant this hardship variance.

Respectfully,

A handwritten signature in black ink, appearing to be "M. Williams", written in a cursive style.

September 8, 2014

To Whom It May Concern:

I am the neighbor to the east of Mark and Laura Oursler.

I have had a conversation with Mark about their intention to add a room onto the back of their house for their handicapped son Keegan.

It has further been brought to my attention that a 1'10" encroachment to the southern side setback will be necessary to provide for an emergency medical exit door. I have no issues and pray relief upon the Town of Belleair for the Oursler's to grant this hardship variance.

Respectfully,

Danielle Ciliento
Danielle Ciliento

Summary

To: Town Commission
From: Christine Torok, PIO/Deputy Town Clerk
Subject: Variance Request – 402 Oleander Road
Memo Date: 10/14/2014

Summary: The owners of the property located at 402 Oleander Road have requested an after the fact variance that would allow for an emergency standby generator that would encroach into the required secondary front yard 25 foot setback by 17.60 feet, resulting in a 7.4 foot secondary front yard setback (sec 74.84 of Land Development Code).

Previous Commission Action: None

Background/Problem Discussion: The owner is asking for relief from the 25 foot setback requirement for an emergency standby generator. Generator was not installed as permitted.

Alternatives/Options:

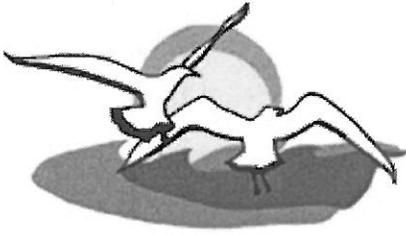
1. Approve the variance.
2. Deny the variance.

Financial Implications:

None

Recommendation: The Planning and Zoning Board recommended denial of the variance by a vote of 5-1 on October 13, 2014 because they do not believe the submittal is consistent with 74-113(f)(3) of the Land Development Code, which allows for installation of generators into the setback provided they are immediately adjacent to the structure they are designed to serve and extend no farther into the setback than necessary to physically accommodate the equipment unit and servicing thereof.

Proposed Motion: I move the Town Commission recommend approval/denial of the variance request.



**TOWN OF BELLEAIR
BUILDING DEPARTMENT**
901 Ponce de Leon Blvd.
Belleair, Florida 33756-1096
Phone: (727) 588-3769 ext. 215
Fax: (727) 588-3768

MEMORANDUM

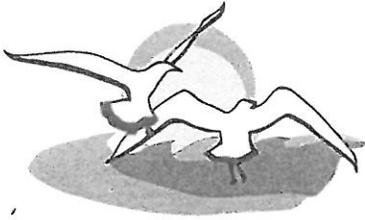
DATE: September 09,2014
TO: Mayor and Commissioners
FROM: Micah Maxwell, Town Manager
SUBJECT: Request for Variance –Belleair Estates
Parcel No. 28/29/15/06732/012/0020

Property Owner: Shon & Renee Flaharty
402 Oleander Road
Belleair, Florida 33756

The following information is regarding the above referenced variance request.

- I. Existing conditions of land and structure(s):
- A. Zoning designation: R-1 (Single Family Residential)
 - B. Original Construction date:
 - New Construction -2000
 - C. Structural and other improvements to date:
 - 2000- Pool
 - 2000- Fence
 - 2014- Mechanical
 - 2014- Generator
 - D. Existing Easements: None shown on survey
- II. Proposed request:

The applicant is requesting a variance which would allow for the placement of an after the fact emergency standby generator to encroach into the required secondary front yard setback by 17.60 feet, resulting in a 7.4 foot secondary front yard setback.



TOWN OF BELLEAIR BUILDING DEPARTMENT

901 PONCE DE LEON BOULEVARD, BELLEAIR, FLORIDA 33756
PHONE: (727) 588-3769 Ext. 215 • FAX: (727) 588-3768

September 03, 2014

Dale Jarosz
Power House Pro LLC
4867 Blue Jay Circle
Palm Harbor, FL 34683

RE: Permit no. 1622
Shon Flaherty
402 Oleander Road
Belleair, Florida 33756
Parcel No. 28/29/15/06732/012/0020

Dear Mr. Flaherty

Effective this date of September 3rd, 2014, a "Stop Work" order has been imposed on the above referenced property due to the placement of a standby generator. I have enclosed and highlighted a copy of the town's ordinance's that references the placement of standby generators. Section 74-113(f)(3)

Should you have any questions regarding this matter please feel free to contact me at (727)588-3769 ext 215.

Sec. 74-113. Building setbacks.

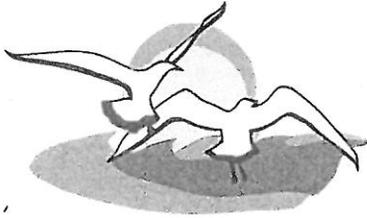
(a)*Side and rear yards.* Minimum setbacks required for side and rear yards (those sides of a building which do not abut a right-of-way), are provided in article II of this chapter. Side and rear yard setbacks are defined in section 66-10

(b)*Distance between buildings.*

(1)The minimum distance between adjacent buildings shall be 15 feet.

(2)Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment or an accessory use, and shall not include roof overhangs (eaves), sills, cornices, chimneys or flues which project no more than two feet into the setback area.

(c)*Front yards.* The minimum distances for front yards are provided in article II of this chapter. Front yard setbacks is defined in section 66-10



TOWN OF BELLEAIR BUILDING DEPARTMENT

901 PONCE DE LEON BOULEVARD, BELLEAIR, FLORIDA 33756
PHONE: (727) 588-3769 Ext. 215 • FAX: (727) 588-3768

(d) *Corner lots and multiple frontage lots.* Corner lots and multiple frontage lots shall be considered to have front yards on all public and vehicular access easement street frontages. Front yard setbacks will apply in each of these cases. Side yard setbacks will apply to all other sides of the lot or parcel.

(e) *Waterfront lots.* All buildings, including guest cottages and servants' quarters, shall be set back a minimum of 20 feet from the mean high-water mark or the seawall as pertinent.

(f) *Exceptions.*

(1) Sills, eaves, cornices, chimneys or flues may project no more than two feet into a setback area.

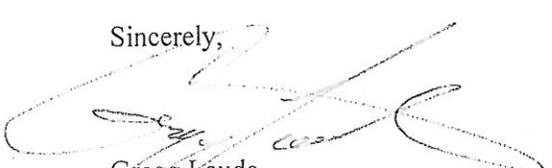
(2) An open, unroofed porch, patio, stairwell or paved terrace may project no more than ten feet into a required front yard setback. (See section 74-286 for other setback requirements.)

(3) Ready-made, mass produced: open air stairwell, air conditioning unit, propane pad, oil tank, pool pumps, standby power generator systems and other mechanical equipment necessary and generally accepted for the operations of a modern habitable structure and its appurtenances may extend into the rear yard and side yard setback area, provided they are immediately adjacent to the structure they are designed to serve and extend no farther into the setback than necessary to physically accommodate the equipment unit and the servicing thereof.

(g) *No required variance.* Provided that all of the conditions of subsection 74-114(f)(3) are satisfied for installation of standby power generator equipment for a residential property that encroaches into the minimum building setbacks, henceforth, the permitting of such installation shall not require the grant of a variance to the town's minimum building setbacks.

Thanking you in advance for your anticipated cooperation.

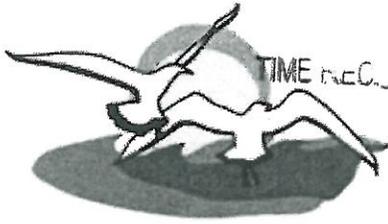
Sincerely,



Gregg Lauda
Building & Zoning

RECEIVED
BELLAIR BLDG

08 2014



TOWN OF BELLEAIR

901 Ponce de Leon Blvd.
Belleair, Florida 33756-1096
Phone: (727) 588-3769 ext. 215
Fax: (727) 588-3768

RECEIVED
BELLAIR BLDG. DEPT.

VARIANCE

SEP 08 2014

TIME REC. _____ DATE 9/8/2014

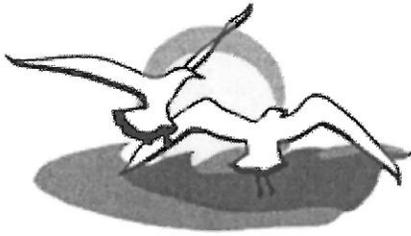
To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Renee Flahrty, owner of Lot 2 & parts of Lots 1 + 3 Block 12, Subdivision Belleair Estates, property Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned R1.
3. The present land use on the property is Single family Home
4. The decision involves Article 74 Section 113 of the Belleair Land Development Code.
5. The Commissions power arises under Article V, Section 66.253 of the Belleair Land Development Code.
6. The Relief prayed by the applicant is: for the generator to be closer to the property line.
7. The Justification for the request is (requests for the variances must demonstrate the practical difficulty or unnecessary hardship which justifies the variance): Based on current codes and manufactures UL Listing the generator would be in the center of the side yard. All other locations on the property were covered with oak tree root systems.
8. Attached is a non-refundable fee to defray expenses incurred by the Town of Belleair in processing this application. (** Note: All costs incurred by the Town of Belleair, above and beyond the variance application fee, will be the responsibility of the applicant regardless of approval or denial of the request**)
9. I am aware that this request will be voided should I or my representative fail to appear at the public hearings scheduled to consider this request.
10. I am aware that any variance that may be granted will automatically expire twelve months after approval by the Town Commission unless a building permit is produced from the Town with respect to the improvements contemplated by this application for variance within said twelve month period unless the construction of said improvements is promptly commenced pursuant to the building permit and diligently pursued to completion thereafter.

FEE: \$300.00

Paid: 300.00
9-8-14

Renee Flahrty
Owner
402 Oleander Rd Belleair FL 33756
Address
727-492-7717
Telephone Number



TOWN OF BELLEAIR
 901 Ponce de Leon Blvd.
 Belleair, Florida 33756-1096
 Phone: (727) 588-3769 ext. 215
 Fax: (727) 588-3768

VARIANCE APPLICATION CHECK OFF SHEET

Application shall be **fully completed** and must include the following information:

OWNERS NAME Shon Flaharty & Renee Flaharty
 OWNERS MAILING ADDRESS 402 Oleander Rd. Belleair FL 33756
 PROPERTY ADDRESS 402 Oleander Rd Belleair FL 33756
 PHONE NUMBER 727-492-7717
 REPRESENTATIVE NAME AND ADDRESS (if any) Mark Costis with
GenerX Generators 111 B Dunbar Ave Oldsmar FL 34671
 PHONE NUMBER 727-365-1498
 DATE OF ORIGINAL CONSTRUCTION 6/13/14
 IMPERVIOUS COVER N/A
 FLOOD ZONE AND ELEVATION X

REQUIRED INFORMATION:

<u>REQUIRED</u>	<u>RECEIVED</u>	PROVIDE (18) COPIES EACH.
<u>X</u>		PLANS/SPECS/PRODUCT BROCHURE ✓
<u>X</u>		PHOTOS OF AREA (straight/right angle/left angle) ✓
<u>X</u>		SURVEY W/ SETBACKS SHOWN
<u>X</u>		SITE PLAN W/ SETBACKS SHOWN ✓ same

REVIEWED BY: ZONING PUB.WK FIRE BLDG. MRG.

DATE SENT: _____

DATE RETURNED: _____

Install 35kw generator with 2- 200 AMP load shedding Transfer switches

On a PRE POURED Concrete Slab, Connected to

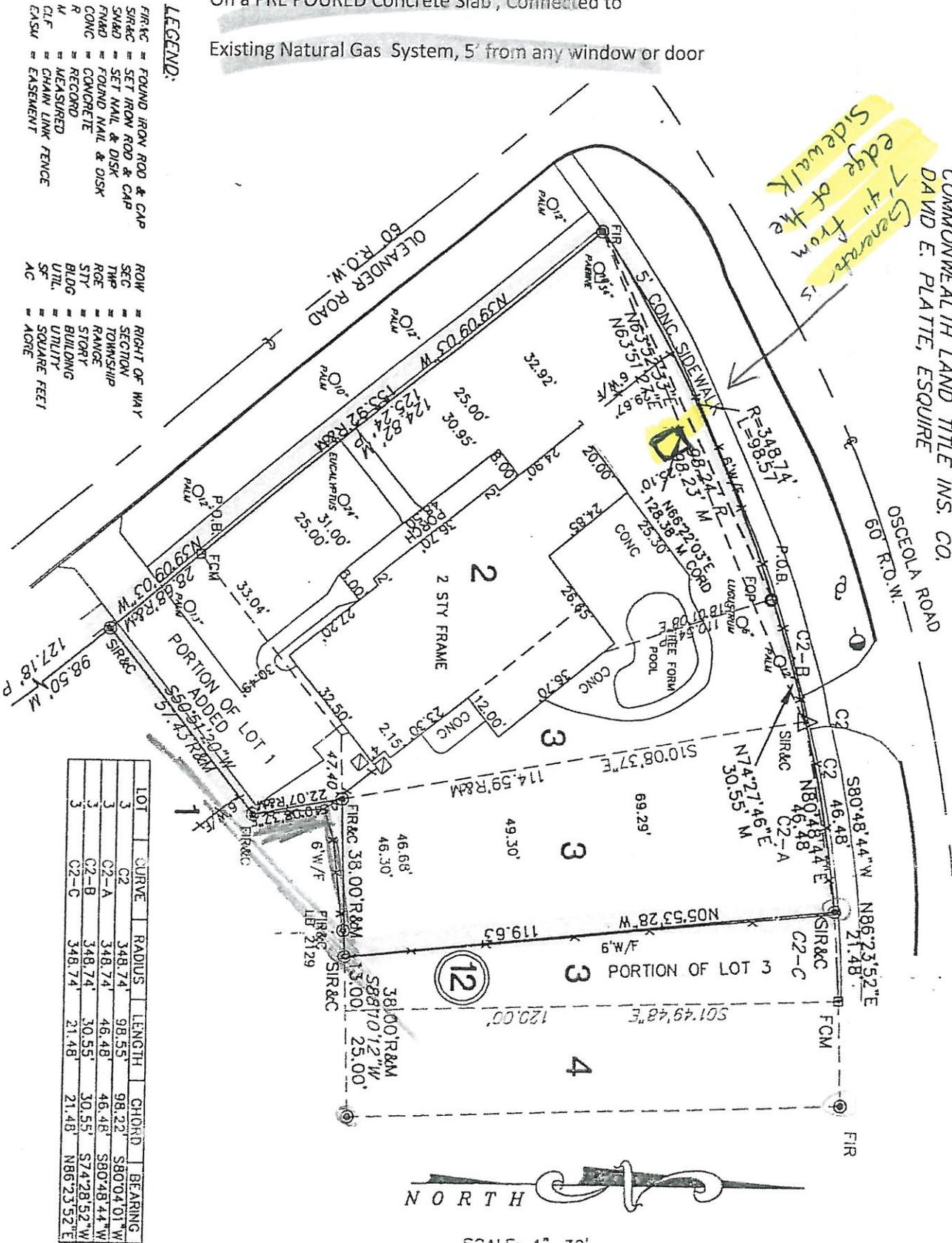
Existing Natural Gas System, 5' from any window or door

CERTIFIED TO:

SHON E. & RENEE A. FLAHERTY
MERRILL LYNCH CREDIT CORP.
COMMONWEALTH LAND TITLE INS. CO.
DAVID E. PLATTE, ESQUIRE

SEC. 29, TWP. 29S, RGE. 15E

Generator is
7'4" from
edge of the
sidewalk



LEGEND:

- FIRAC = FOUND IRON ROD & CAP
- SIRAC = SET IRON ROD & CAP
- FNAD = SET NAIL & DISK
- CONC = FOUND NAIL & DISK
- R = CONCRETE
- M = RECORD
- CLF = CHAIN LINK FENCE
- EASM = EASEMENT
- ROW = RIGHT OF WAY
- SEC = SECTION
- TWP = TOWNSHIP
- RGE = RANGE
- STY = STORY
- BLDG = BUILDING
- UTIL. = UTILITY
- SF = SQUARE FEET
- AC = ACRE

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING
3	C2	348.74'	98.55'	98.22'	S80°04'01"W
3	C2-A	348.74'	46.48'	46.48'	S80°48'44"W
3	C2-B	348.74'	30.55'	30.55'	S74°28'52"W
3	C2-C	348.74'	21.48'	21.48'	N86°23'52"E

LEGAL DESCRIPTION:
LOT 2, BLOCK 12, BELLEAIR ESTATES ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGES 9 TO 23 INCLUSIVE OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA TOGETHER WITH THE FOLLOWING TWO PARCELS:
LOT 3, BLOCK 12, LESS THE FOLLOWING PORTION, SAID BELLEAIR ESTATES:



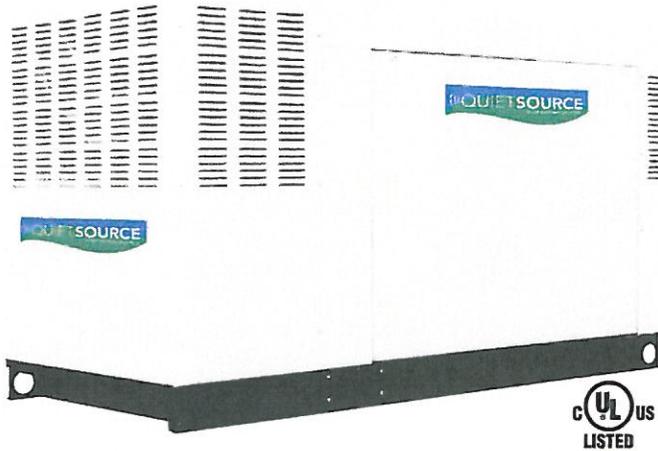


Standby Power Rating

35 kW 60 Hz

Liquid Cooled
Gas Engine
Generator Sets

Model Number: 05420 (Gray - Aluminum)



Whisper-Test™

Low Speed Exercise
60 dB(A) at 23 feet

GENERAC 4.2L ENGINE

Naturally Aspirated
Gaseous Fueled

UL 2200 Listed

Transfer Switches sold separately

STANDARD EQUIPMENT

- All input connections in one single area
- High coolant temperature shutdown
- Low oil pressure shutdown
- Low coolant level automatic shutdown
- Overspeed automatic shutdown
- Crank timer
- Exercise timer
- Oil drain extension
- Cool flow radiator
- Closed coolant recovery system
- UV/Ozone resistant hoses
- Watertight state of the art electrical connectors
- Mainline circuit breaker
- Battery charge alternator
- 2 Amp static battery charger
- Battery cables
- Battery rack
- Fan and belt guards
- Isochronous governor

FEATURES

- Innovative design and fully prototype tested
- UL 2200 Listed
- Solid state frequency compensated voltage regulator
- Dynamic and static battery charger
- Sound attenuated acoustically designed enclosure
- *Whisper-Test™* feature for low noise level exercise
- Acoustically designed engine cooling system
- High flow low noise factory engineered exhaust system
- State of the art digital control system with R-Series digital control panel
- Watertight electrical connectors
- Rodent proof construction
- High efficiency, low distortion Generac designed alternator
- Vibration isolated from mounting base
- Matching Generac transfer switches engineered and tested to work as a system
- All components easily accessible for maintenance
- Electrostatically applied powder paint





GENERATOR SPECIFICATIONS

TYPE	Synchronous
ROTOR INSULATION	Class H
STATOR INSULATION	Class H
TOTAL HARMONIC DISTORTION	<5%
TELEPHONE INTERFERENCE FACTOR (TIF)	<50
ALTERNATOR OUTPUT LEADS 3 PHASE	4 wire
BEARINGS	Sealed Ball
COUPLING	Flexible Disc
LOAD CAPACITY (STANDBY RATING)	35 kW
EXCITATION SYSTEM	Direct

NOTE: Generator rating and performance in accordance with ISO8528-5, BS5514, SAE J1349, ISO3046, and DIN6271 standards.

VOLTAGE REGULATOR

TYPE	Electronic
SENSING	Single Phase
REGULATION	± 1%
FEATURES	V/F Adjustable Adjustable Voltage and Gain LED Indicators

GENERATOR FEATURES

- Revolving field heavy duty generator
- Directly connected to the engine
- Operating temperature rise 120 °C above a 25 °C ambient
- Insulation is Class H rated at 150 °C rise
- All models are fully prototyped tested

CONTROL PANEL FEATURES

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> SEVEN LED INDICATOR LIGHTS <ul style="list-style-type: none"> •System ready •Low fuel pressure •Low battery •Low oil pressure •High coolant temp/low coolant temp •Overspeed •Overcrank <input type="checkbox"/> INTERNAL FUNCTIONS: <ul style="list-style-type: none"> •3 position switch (auto, off and manual) •2 wire start for any transfer switch •Communicates with the Generac RTS transfer switch •Built-in 7 day exerciser •Selectable engine speed at exercise •Governor controller is built into the master control board •Temperature range -40 °C to 70 °C | <ul style="list-style-type: none"> <input type="checkbox"/> ADDITIONAL FUNCTIONS <ul style="list-style-type: none"> •Utility sensing •Delay on utility failure for engine start •Engine warm-up before transfer •Delay to retransfer to utility •Engine cooldown timer •Exerciser not set |
|--|---|

ENGINE SPECIFICATIONS

MAKE	Generac
MODEL	V-6
CYLINDERS	6
DISPLACEMENT	4.2 Liter
BORE	3.81
STROKE	3.8
COMPRESSION RATIO	9.4:1
INTAKE AIR SYSTEM	Naturally Aspirated
VALVE SEATS	Precision ground and hardened
LIFTER TYPE	Roller, Hydraulic

GOVERNOR SPECIFICATIONS

TYPE	Electronic
FREQUENCY REGULATION	Isochronous
STEADY STATE REGULATION	± 0.25
ADJUSTMENTS FOR:	
Speed	Yes
Droop	Yes

ENGINE LUBRICATION SYSTEM

OIL PUMP	Gear
OIL FILTER	Full flow spin-on cartridge
CRANKCASE CAPACITY	5 Quarts

ENGINE COOLING SYSTEM

TYPE	Pressurized Closed
WATER PUMP FLOW	10.8 gal/min
FAN SPEED	1300
FAN DIAMETER	22 inches
FAN MODE	Puller

FUEL SYSTEM

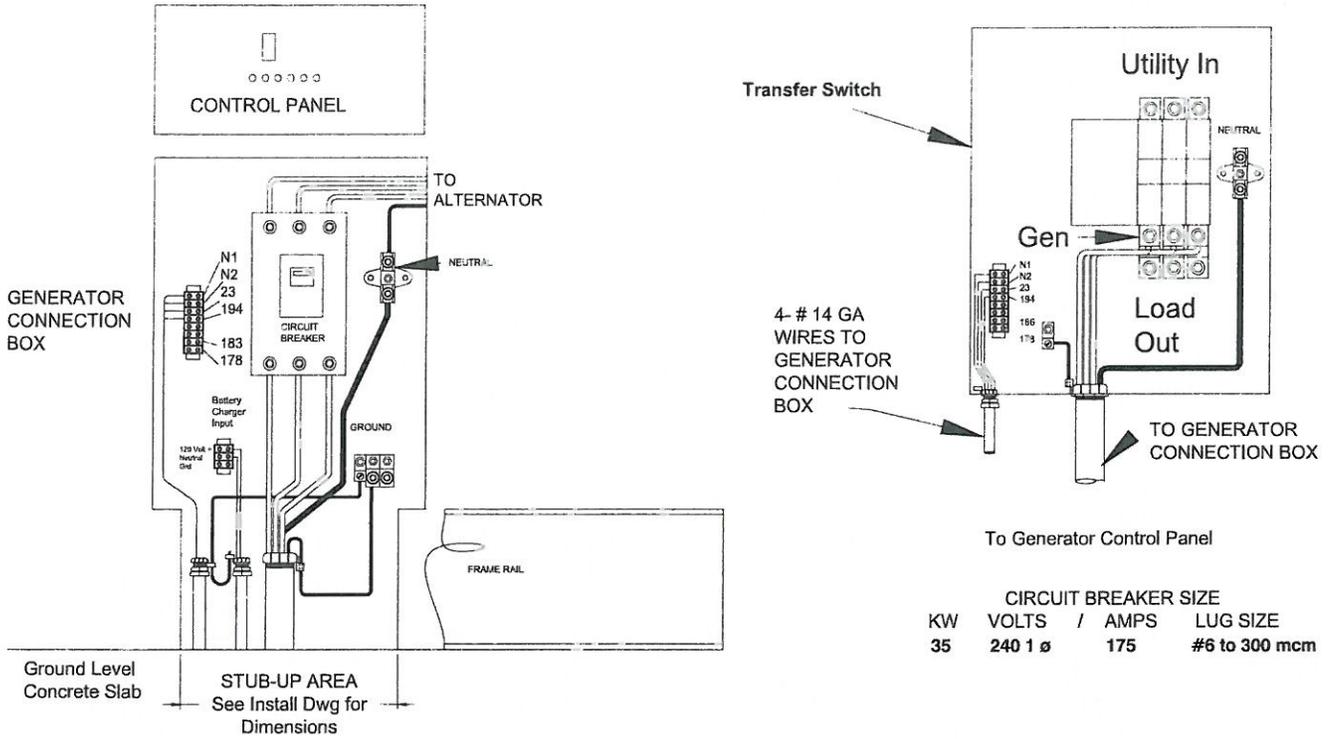
FUEL TYPE	Natural gas, propane vapor
CARBURETOR	Down Draft
SECONDARY FUEL REGULATOR	Standard
FUEL SHUT OFF SOLENOID	Standard
OPERATING FUEL PRESSURE	5" - 14" H ₂ O

ELECTRICAL SYSTEM

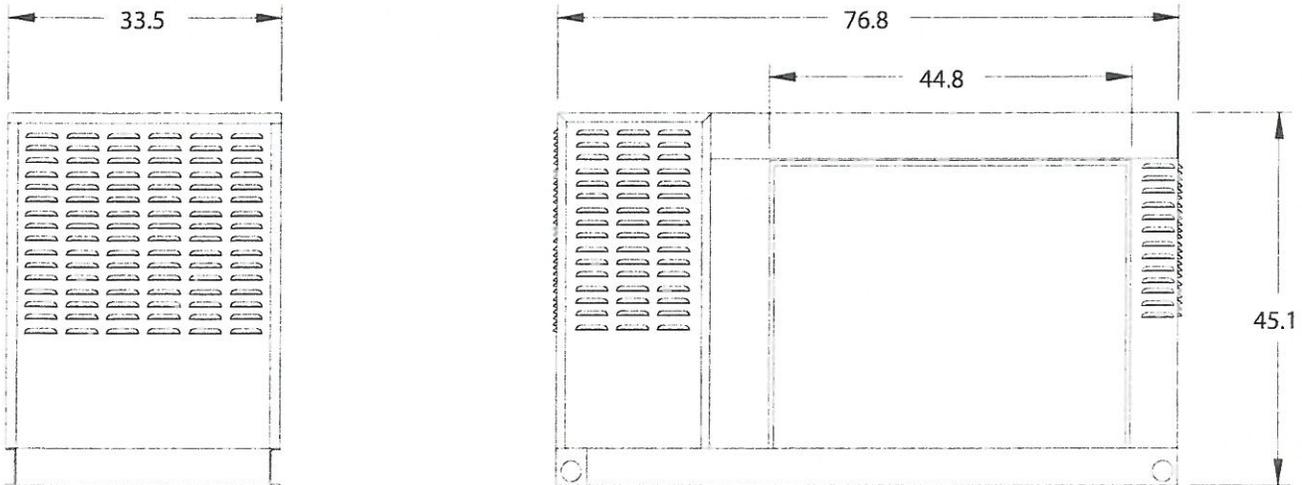
BATTERY CHARGE ALTERNATOR	12V 30 Amp
STATIC BATTERY CHARGER	2 Amp
RECOMMENDED BATTERY	Group 26, 525CCA
SYSTEM VOLTAGE	12 Volts

INTERCONNECTIONS

Standby 35 kW



INSTALLATION LAYOUT



UNIT WEIGHT: Aluminum 1683 lbs.

GENERAC POWER SYSTEMS, INC. • P.O. BOX 297 • WHITEWATER, WI 53190

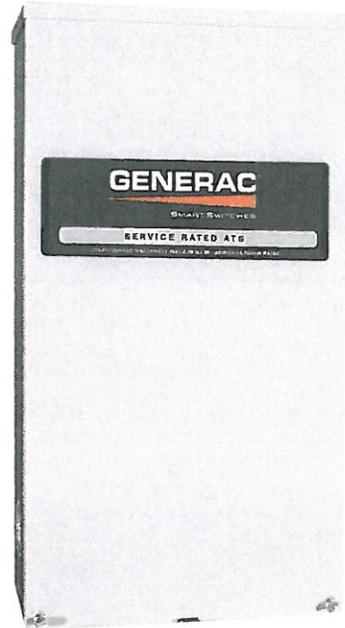
WEBSITE: www.guardiangenerators.com



GENERAC NEXUS SMART TRANSFER SWITCHES

With Digital Load Management Technology

100 - 400 Amps, Single Phase



DESCRIPTION

Generac Nexus Smart Switches are designed to operate with the Nexus™ controller used on air-cooled generators and the control used on liquid-cooled QT series gaseous generators from 22 kW through 60 kW. The Smart Switch will operate only with the Nexus or Generac R200 controller. The 100, 200 and 400 amp open transition switches are available in single phase in both service rated and non-service rated configurations.

STANDARD FEATURES

All Smart Switches are housed in an aluminum NEMA/UL Type 3R enclosure, with electrostatically applied and baked powder paint. The Heavy Duty Generac Contactor is a UL recognized device, designed for years of service. The control at the generator handles all the timing, sensing and exercising functions.

DLM TECHNOLOGY

Through the use of Digital Load Management technology (DLM), each of these switches has the capability to truly manage two air conditioning loads with no additional hardware. When used in tandem with the individual DLM modules, up to four more additional loads can be intelligently managed individually.

GENERAC®

FUNCTIONS

All Timing and sensing functions originate in the generator controller

Utility voltage drop-out	< 60%
Timer to generator start	15 seconds
Engine warm up delay	5 seconds
Standby voltage sensor	90%
Utility voltage pickup	> 80%
Re-transfer time delay	15 seconds
Engine cool-down timer	60 seconds
Exerciser	15 minutes every 7 days

The transfer switch can be operated manually without power applied.

SPECIFICATIONS

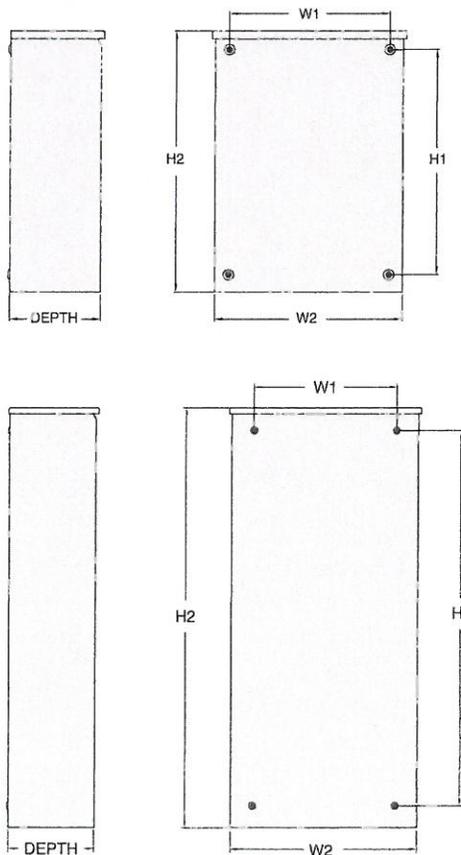
Model	RTSX100A3	RTSD100A3	RTSX200A3	RTSD200A3	RTSX400A3	RTSD400A3
Amps	100	100	200	200	400	400
Voltage	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø
Load Transition Type (Automatic)	Open Transition	Open Transition Service Rated	Open Transition	Open Transition Service Rated	Open Transition	Open Transition Service Rated
Enclosure Type	NEMA 3R	NEMA 3R	NEMA 3R	NEMA 3R	NEMA 3R	NEMA 3R
Withstand Rating (Amps)	10,000	10,000	10,000	22,000	18,000	22,000
Lug Range	2/0 - #14		400 MCM - #4		600 MCM - #4 or 2-250 MCM	
Unit Weight – lbs. kilos	20 9.07	22.5 9.97	20 9.07	39 17.69	133 60.32	140 63.50

EXTERNAL DIMENSIONS

	100 Amps 120/240, 1Ø Open Transition					100 Amps 120/240, 1Ø Open Transition Service Rated				
	Height		Width		Depth	Height		Width		Depth
	H1	H2	W1	W2		H1	H2	W1	W2	
Inches	17.24	20	12.5	14.6	7.09	17.24	20	12.5	14.6	7.09
mm	438.0	508.4	318.0	372.0	180.0	438.0	508.4	318.0	372.0	180.0

	200 Amps 120/240, 1Ø Open Transition					200 Amps 120/240, 1Ø Open Transition Service Rated				
	Height		Width		Depth	Height		Width		Depth
	H1	H2	W1	W2		H1	H2	W1	W2	
Inches	17.24	20	12.5	14.6	7.09	27.24	30.0	11.4	13.5	7.09
mm	438.0	508.4	318.0	372.0	180.0	692.0	762.4	289.0	343.0	180.0

	400 Amps 120/240, 1Ø Open Transition					400 Amps 120/240, 1Ø Open Transition Service Rated				
	Height		Width		Depth	Height		Width		Depth
	H1	H2	W1	W2		H1	H2	W1	W2	
Inches	42.91	48.0	16.69	21.82	10.06	42.91	48.0	16.69	21.82	10.06
mm	1090.0	1219.3	424.0	554.3	255.5	1090.0	1219.3	424.0	554.3	255.5



NOTICE OF PUBLIC HEARING

Notice is hereby given that Public Hearing will be held by the Town Commission of the Town of Belleair, Florida, on request for a variance to allow for placement of emergency standby generator to encroach into the secondary front yard setback for property located at 402 Oleander Rd., Belleair, Florida and is more particularly described as:

**28-29-15-06732-012-0020 BELLEAIR ESTATES BLK 12, LOT 2 &
PART OF LOTS 1 & 3 recorded in OR Book 16242, Page 1705,
Public Records of Pinellas County, Florida.**

The Planning and Zoning Board will meet on this matter on **MONDAY, OCT 13, 2014 at 5:30 P.M.** at the Belleair Town Hall, 901 Ponce de Leon Blvd., Belleair, Florida.

Said hearing will be held on **TUESDAY, OCT 21, 2014 at 6:30 P.M.**, at the Belleair Town Hall, 901 Ponce de Leon Boulevard, Belleair, Florida. Additional information may be obtained from the Town Clerk's office. All parties interested are invited to attend and be heard.

Persons are advised that if they decide to appeal any decision made at these hearings, they will need records of these proceedings and for such purposes they may need to ensure that verbatim records of the proceedings are made, which records include the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act persons needing special accommodations to participate in this proceeding should contact the Town Clerk's Office at 901 Ponce de Leon Blvd., Belleair, Florida 33756 or call (727) 588-3769 x214 or Fax (727) 588-3767, not later than seven (7) days prior to the proceeding.

This matter is subject to Quasi-Judicial rules of procedures.

D. Carlen
Town Clerk
Town of Belleair



Donna Carlen <dcarlen@townofbelleair.net>

Re: Flaharty vaariance

Micah Maxwell <mmaxwell@townofbelleair.net>

Tue, Oct 7, 2014 at 10:22 AM

To: Shon Flaharty <SFlaharty@flahartyllc.com>

Cc: mark@fixmygen.com, Donna Carlen <dcarlen@townofbelleair.net>, Jp Murphy <jmurphy@townofbelleair.net>

Understood. Thank you.

On Oct 7, 2014 10:12 AM, "Shon Flaharty" <SFlaharty@flahartyllc.com> wrote:

Micah,

Good morning. Here is a letter from my neighbor (Daniel Hartshorne) on our behalf. As I said, I will be out of town on the 13th and unable to attend this meeting. Mark from GenereX will be there on my behalf. Please feel free to call me if I can be of any assistance in this matter.

Best Regards

Shon E. Flaharty | CFP, CFM, AIF

Chief Executive Officer



Office: 727-252-1050

Fax: 727-474-3823

Toll Free: 888-783-7775

311 Park Place Boulevard • Suite 150

Clearwater, FL 33759

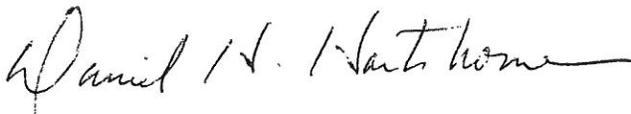
website | vCard | bio | map | email  

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10/5/14

To whom it may concern,

I live directly across the street from Mr. Flaharty and I have no problem with the location of their generator.

A handwritten signature in black ink that reads "Daniel H. Hartshorne". The signature is written in a cursive style with a long horizontal flourish at the end.

Daniel H. Hartshorne

511 Osceola Rd.

Belleair, Florida 33756

LABOR & EMPLOYMENT
CIVIL RIGHTS
GOVERNMENT LAW
OSHA/FEMLA/FLSA/EEO

ROBERT G. WALKER, P.A.
ATTORNEY AT LAW
1421 COURT STREET, STE. F
CLEARWATER, FLORIDA 33756-6147
TELEPHONE (727) 442-8683
FAX (727) 441-1895
E-MAIL: WALKERLAWS@AOL.COM

CIVIL, ADMIN., APPEALS
ADA-ADEA-FMLA-FLSA-TITLE VII
DISCRIMINATION-RETALIATION
COND & HOMEOWNER ASSN.LAW

Town of Belleair, FL
Attn: Town Clerk Dee Carlen
901 Ponce de Leon Blvd.
Belleair, FL 33756

October 9, 2014

Re: variance request at 402 Oleander)

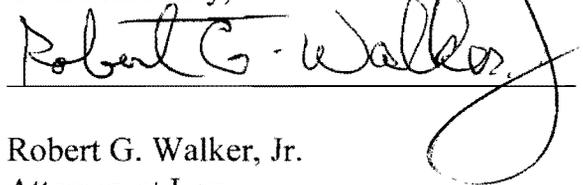
To City Clerk and Interested Officials:

Please regard this as an inquiry and not a protest or complaint. At least not yet. Like other residents in my immediate area at 601 Ponce de Leon Blvd, two houses away from the address of the occupant seeking the Town's variance to depart from the Town Code in some respect not made entirely (or even roughly) clear, the resident, owner or occupant of the single family resident at 402 Oleander sought a variance, special exception or other departure from the requirements of the Towns ordinance(s) with regard to either a emergency generator or other electrified system that I cannot further describe. Although I went by Town Hall to examine the paperwork, it was too extensive for me to review more thoroughly. I went straight to the only thing that I thought would affect me (living only two houses away), the application and technical details.

The primary concern was noise, and I noted that the exterior machine would emanate 65 dbs at normal operating mode. I do not have a decibel meter, nor am I schooled or knowledgeable as to what that means. I do know where hearing loss is possible or probable in audio terms, as I know from prior military service. Anything around 90db is harmful and around 120 db hearing loss is going to exact permanent hearing loss for most people.

The bottom line is that a citizen violated an ordinance, installed a noise-producing device and placed it in a disallowed location two houses from my own. I always am concerned that a contractor deviates from the law, and more so when a citizen disregards the law for his own benefit, without the approval of affected neighbors. Even though we don't know the impact on us, I find flaunting the law egregious.

Yours sincerely,



Robert G. Walker, Jr.
Attorney at Law

Client (via email)

RGW/

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

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

Town Manager Micah Maxwell
Town Attorney David

Mayor Katica led the Pledge of Allegiance.

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

PRESENTATION OF AWARD TO COMMISSIONER SHELLY

Mr. Murphy read a press release recognizing and honoring Commissioner Tom Shelly with the Florida League of Cities 2014 Home Rule Hero Award.

The award was presented to Commissioner Shelly by Mayor Katica, Commissioner Fowler, Commissioner Wilkinson and Commissioner Piccarreto.

Mr. Maxwell stated that he needed to add Item No. 5 to the General Agenda; that the commission needed to consider Resolution No. 2014-27 for the Cooperating Agreement with Pinellas County for the Community Development Block Grant.

Commissioner Fowler moved to add Resolution No. 2014-27 Approval of Cooperating Agreement with Pinellas County for the Community Development Block Grant. Motion seconded by Commissioner Wilkinson and carried unanimously.

ACCEPTANCE OF THE 2013-2013 CAFR

Mr. Massol, Finance Supervisor, presented the report for the 2012-2013 Comprehensive Annual Financial Report; commented on the key factors impacting the overall audit report.

Mr. Murphy provided clarification on some information provided in the report.

Commissioner Piccarreto moved approval of the 2012-2013 Comprehensive Annual Financial Report. Motion seconded by Commissioner Shelly and carried unanimously.

APPROVAL OF MPO INTERLOCAL AGREEMENT

Mr. Maxwell stated that due some language changes in the Agreement by City of St. Petersburg, it was necessary for the commission to approve the new Interlocal Agreement.

Commissioner Piccarreto moved approval of the Interlocal Agreement creating the Metropolitan Planning Organization. Motion seconded by Commissioner Shelly and carried unanimously.

**APPROVAL OF INTERLOCAL AGREEMENT WITH PINELLAS PLANNING COUNCIL
– PLANNING AND MAPPING SERVICES**

Mr. Maxwell stated that a revised agreement to provide planning and mapping services by Pinellas Planning Council was before the commission for approval; that PPC had provided the services to Belleair for some time.

Commissioner Piccarreto moved that the Town approve the terms and enter into the Interlocal Agreement with Pinellas Planning Council to provide planning and mapping services for a period of four years beginning October 1, 2014. Motion seconded by Commissioner Wilkinson and carried unanimously.

**RESOLUTION NO. 2014-27 - APPROVAL OF COOPERATING AGREEMENT WITH
PINELLAS COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT**

Mr. Maxwell provided an explanation of the Agreement; stated that Belleair would not participate in the program at this time but would offer support for the Grant; that there would be no cost to the town for the program.

Commissioner Shelly moved approval of Resolution No. 2014-27 Cooperating Agreement with Pinellas County for the Community Development Block Grant. Motion seconded by Commissioner Fowler and carried unanimously.

ADJOURNMENT

There being no further business to come before the commission the special meeting was adjourned in due form at 5:55 PM.

APPROVED:

Town Clerk

Mayor

MINUTES OF WORK SESSION OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON AUGUST 5, 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 5:55 PM.

CITIZENS' COMMENTS

There were no citizens' comments.

TOWN MANAGER'S REPORT

Mr. Maxwell discussed the current condition existing in the auditorium; stated that there were some audio issues as well as the air conditioning issues; that the air conditioner could not be fixed and needed to be replaced; that any fix would not be worth the cost of about \$800 and would require another fix in a week or two; that he had a few options and one would be to replace the unit at a cost of approximately \$33,000; that another option was to reduce the size of the room with a smaller auditorium and create additional office space and create a more efficient space.

Discussions ensued regarding the proposed size of the auditorium and the number of seats; regarding the rewiring and relocation of the audio system; regarding quotes for replacement of the air conditioning system; regarding replacing the roof on town hall and consideration of a solar heating system as well; regarding the expected time frame for renovations; regarding use of the space by the recreation departments.

It was the consensus of the commission for staff to move forward with the project.

TOWN ATTORNEY'S REPORT

Mr. Ottinger stated that the case filed in Circuit Court had been dismissed; that there were pending motions to dismiss the Federal Court lawsuit and was in the hands of the judge; that he did expect to hear something at any time.

Mr. Ottinger provided comment regarding the claim for overpayment for the street sweeping contract; that he expected that a lawsuit may be necessary in order settle the matter.

MAYOR AND COMMISSIONER’S REPORT/BOARD AND COMMITTEE REPORTS

Commissioner Piccarreto stated that the Historic Preservation Board did not have a meeting; that there would be a meeting on Thursday, August 21, 2014.

Commissioner Shelly stated that the Park and Tree Board would not have a meeting this month.

Mayor Katica stated that the Finance Board would have a meeting on Wednesday at 4:00 PM.

Commissioner Fowler stated that Planning and Zoning Board would meet on August 11 to discuss a variance for 303 Sunny Lane; that there would not be an Infrastructure Board meeting this month.

Commissioner Wilkinson stated that the Recreation Board did have a meeting; that Carson DeViries was named Volunteer of the Month; that Gracie’s Big Splash was scheduled for Friday, August 15; that the Teen Counsel and board members had been selected from the applications submitted.

Discussions ensued regarding the status and expected completion date for the roundabout at Indian Rocks Road and Ponce de Leon; regarding the Althea Roadway Project and that it was to be rebid in the near future with adjusted costs.

POLICE CHIEF’S REPORT

Chief Edwards commented on vehicle burglaries and other criminal activities; commented on efforts of officers to encourage residents to keep their garage doors closed; commented on removal of political signs; commented on the code violations for certain properties in town.

ESTABLISHING AGENDA FOR REGULAR MEETING SCHEDULED FOR AUGUST 19, 2014 AT 6:30 PM

Mayor Katica announced the following items scheduled for public hearing for the June 17, 2014 regular meeting at 6:30 pm:

1. Request for variance – 303 Sunny Lane – Dr. Mohammad Yamani..

On motion duly made and seconded the following agenda was established for the June 17, 2014 regular meeting at 6:30 pm:

CITIZENS’ COMMENTS

CONSENT AGENDA

1. Approval of Minutes – Regular Meeting –July 15, 2014

GENERAL AGENDA

Consideration of:

1. Discussion of Budget for Fiscal Year 2014-2015
2. Discussin of Parking/Traffic at Dimmitt Community Center.
3. Further discussion of Proposed Auditorium Renovations.

ADJOURNMENT

due There being no further business to come before the commission the meeting was adjourned in form at 6:15PM.

Town Clerk

APPROVED:

Mayor

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON AUGUST 19, 2014 AT 6:30 PM

PRESENT: Mayor Gary Katica
Commissioners
Ottinger
Stephen Fowler
Tom Shelly
Michael Wilkinson
Kevin Piccarreto
Town Manager Micah Maxwell
Town Attorney David

Mayor Katica led the Pledge of Allegiance.

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

SCHEDULED PUBLIC HEARINGS

REQUEST FOR VARIANCE – 303 SUNNY LANE, DR. MOHAMMED YAMANI

Mr. Maxwell stated that the applicant, Dr. Mohammed Yamani, was not in attendance at the Planning and Zoning Board meeting and recommending a continuance; that the board did ask for additional information from the applicant in the form of an updates survey of the property before the request would come before the Board.

Commissioner Fowler moved that consideration of the request for variance by Dr. Yamani for property located at 303 Sunny Lane be continued. Motion seconded by Commissioner Shelly and carried unanimously.

CITIZENS' COMMENTS

Steve Johnson, 1717 Indian Rocks Road, commented on spending of funds and that spending be prioritized.

Jim Betts, 220 Belleview Blvd., commented on Belleair becoming a CLG for historic preservation and the preservation of the Belleview Biltmore Hotel.

Commissioner Shelly stated that a resident had asked for an update on the lawsuits filed against the town.

Mr. Ottinger provided a response to the inquiry.

CONSENT AGENDA

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

CONSENT AGENDA (Continued)

1. Approval of Minutes - Regular Meeting – July 15, 2014

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

DISPOSAL OF FIXED ASSETS

Micah Badana, Management Analyst, provide a review of the capital asset items to be considered for disposal; stated that the items had exceeded their depreciable life cycle; that the items would be auctioned on Govdeals.com.

Commissioner Wilkinson moved to dispose of the capital assets scheduled for disposal. Motion seconded by Commissioner Fowler and carried unanimously.

GENERAL AGENDA

DISCUSSION OF BUDGET FOR FISCAL YEAR 2014-2015

Micah Badana, Management Analyst, provided a review of the proposed budget for Fiscal Year 2014-2015 by providing revenue and expenditure information for the water fund, solid waste and general fund; commented on possible opportunities for increased revenues and reductions in expenditures; commented on a possible reduction by one tenth of a mill for the next fiscal year.

Discussions ensued regarding the possible reduction in millage rate and the impact on the budget.

Mr. Maxwell provided an explanation of saving opportunities for the town.

Steve Johnson, 1717 Indian Rocks Road, asked why the town would consider a reduction of the millage rate if the town was having financial issues.

Mr. Maxwell stated that there were no pending financial issues; commented on the completed infrastructure projects.

DISCUSSION OF PARKING/TRAFFIC AT DIMMITT COMMUNITY CENTER

Mr. Maxwell stated that staff was not able to gather all necessary information from the engineers in order to fully discuss with the commission; that he did expect to have the information later in the week; that he expected to have the discussion at the September work session.

FURTHER DISCUSSION OF PROPOSED AUDITORIUM RENOVATIONS

Mr. Maxwell stated that the issue dealt with renovations of town hall auditorium and the current air conditioning issues; that with the renovations and new air conditioning units staff expected to see a savings in long term energy that could offset the cost of renovations.

FURTHER DISCUSSION OF PROPOSED AUDITORIUM RENOVATIONS (Continued)

Commissioner Fowler commented on information that might provide grant funding for building upgrades.

Mayor Katica commented on proposed renovations and possible reduction in the size of the auditorium.

ADJOURNMENT

There being no further business to come before the commission the meeting was adjourned in due form at 6:55 PM.

Town Clerk

APPROVED:

Mayor

SUMMARY

To: Mayor and Commissioners
From: Donna Carlen, Town Clerk
Subject: Annual General Permit with Pinellas County
Date: October 3, 2014

Summary: The Annual General Permit is a permit issued by Pinellas County for certain routine, repetitive work not requiring a specific utilization permit and may be issued or renewed for periods up to one year. The permit covers regular and recurring activities and specifies exempt activities for each utility.

Previous Commission Action: This is the renewal of the Annual General Permit with Pinellas County. The town has been involved in the permitting process for at least the past 15 years.

Financial Implications: The renewal fee is \$32.15 and is the same fee paid for the past several years.

Proposed Motion: I make the motion to approve the renewal of the Annual General Permit with Pinellas County and the renewal fee of \$32.15 be paid.

**BOARD OF COUNTY
COMMISSIONERS**

Charlie Justice
Susan Latvala
Janet C. Long
John Morroni
Norm Roche
Karen Williams Seel
Kenneth T. Welch



RECEIVED
BELLEAIR TOWN HALL

OCT 01 2014

TIME REC. _____

September 25, 2014

Ms. Donna Carlen
Town Clerk
Town of Belleair
901 Ponce de Leon Blvd
Belleair, FL 33756

Re: Annual General Permit Renewal

Dear Ms. Carlen:

Enclosed is your renewal package for your Annual General Permit with Pinellas County. All standards have remained the same as last year. Our fees have remained the same as last year. If you would like to renew this permit, please sign under "Permittee" on the bottom of page 2 of the permit, submit your check in the amount of \$32.15 payable to Pinellas County Board of County Commissioners and return to us as soon as possible.

If you have any questions please feel free to contact me at (727) 464-3394.

Sincerely,

A handwritten signature in blue ink that reads "Lora Strong".

Lora Strong
BDRS Regulatory Services

Enclosures

PLEASE ADDRESS REPLY TO:
440 Court Street
Clearwater, Florida 33756
Phone: (727) 464-3888



**ANNUAL GENERAL PERMIT FOR
TOWN OF BELLEAIR
CONSTRUCTION ACTIVITY**

THE COUNTY OF PINELLAS, a political subdivision of the State of Florida, hereinafter called the PERMITTER, hereby grants to **Town of Belleair, 901 Ponce de Leon Blvd, Belleair, FL 33756**, hereinafter called the PERMITTEE, a permit to construct, operate, maintain, renew and/or remove on an annual basis within Pinellas County, water system facilities as further described in attached Exhibit "A". All work is to be done in accordance with Pinellas County's "Operational Standards for Annual General Permits" and is subject to the following provisions and conditions:

1. The PERMITTEE has paid the Annual General Permit fee of \$32.51, receipt of which is hereby acknowledged. This permit creates permissive use only and the placing of facilities upon County property pursuant thereto shall not operate to create or to vest any property rights in said PERMITTEE.

2. This permit expires on October 1, 2015.

3. Construction, operation and maintenance of such utility shall not interfere with property and rights of prior occupant.

4. The construction, operation and maintenance of such utility shall not create obstruction or conditions which are dangerous to the traveling public.

5. The PERMITTEE does hereby agree to indemnify, defend and save harmless the PERMITTER and all the members of its board, its officers and employees from and against all losses and all claims, demands, payments, suits, actions, recoveries, expenses, attorney's fees and judgments of every nature and description, including claims for property damage and claims for injury to or death of persons, brought or recovered against it by reason of any act of negligence or omission of the PERMITTEE, its agents, or employees, except only such injury or damage as shall have been occasioned by the sole negligence of the PERMITTER. With respect to and in consideration for the indemnifications provided by PERMITTEE, the PERMITTER has paid to the

PERMITTEE the sum of One and 00/100 Dollar (\$1.00), the sufficiency and receipt of which is hereby acknowledged.

6. The provisions of all applicable laws, statutes, County ordinances and operational standards shall apply to construction, operation, and maintenance pursuant to this general permit.

7. In the event of construction, repair or reconstruction of County-owned facilities, the PERMITTEE shall move or remove said utility installation at no cost to the PERMITTER.

8. The operational standards for Annual General Permits apply to the construction, operation and maintenance of PERMITTEE'S facilities and are attached hereto and incorporated by reference herein.

This permit shall be governed by the laws of the State of Florida.

This permit executed _____.

PERMITTEE

PERMITTER

By: _____
Date

By: _____
Richard L. V. Coates, III, P.E. Date

Title: _____

**TOWN OF BELLEAIR
ANNUAL GENERAL PERMIT
EXHIBIT A**

The Town of Belleair, Florida owns, operates and maintains watermains within Pinellas County right-of-way along Mehlenbacher Road from Belleair Forest Drive west to Indian Rocks Road as well as along Indian Rocks Road from Mehlenbacher Road south to Renatta Drive. The total area of the Town is approximately 2 square miles.

All work described by this permit shall be limited to the confines as depicted in Figure 2 in the Utility Annual General Permit Operations Standards. This permit shall allow the Town to continue to operate and maintain Town water facilities within the Pinellas County right-of-way from a point 5 feet behind the curb to the property line without the need to obtain a Site Specific Permit. The work may include but is not limited to the following water related tasks:

Install, relocated, remove, or replace fire hydrants, fire services.

Install, relocated, remove, or replace valves, valves boxes.

Install, relocated, remove or replace watermains, water services.

Install, relocated, remove or replace meter, meter boxes.

Repair any type of leak.

SUMMARY

TO: Town Commission
FROM: Donna Carlen, Town Clerk
SUBJECT: Resolution No. 2013-49 - Appointing member to the Police Pension Board of Trustees
DATE: September 12, 2013

Summary: One of the two commission appointed positions on the Police Pension Board of Trustees will expire September 30. This position is to be filled by a nomination made by the commission and confirmed by resolution. The person nominated for the position should be a resident and have a strong financial and investment background. Currently Ms. Wendy Mantell is serving as the town appointed position and he has expressed an interest in serving another two year term. Also, the term of Officer Roy Olsen will expire on September 30th. The position held by Officer Olsen is elected by the members of the pension plan. The commission will also confirm the appointment of Officer Olsen for a two year term.

Pervious Commission Action: No previous commission action.

Background Information: The Police Pension Board is comprised of five members. Two members are police officers who are elected to the board by police officers who are pension plan members. Two of the board members are residents appointed by the commission and the fifth members is appointed by the four board members. The terms are staggered and each member serves a two year term.

Recommendation: Staff recommends that the commission confirm the appointment of Mr. Tom Kurey, Mrs. Mantell and Officer Roy Olsen on the Police Pension Board.

Motion: I move approval of Resolution No.2014-38 appointing Tom Kurey and Wendy Mantell for a two year term and to confirm the appointment of Officer Roy Olsen whose terms will expire September 30, 2016.

RESOLUTION NO. 2014-28

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA,
PROVIDING FOR THE APPROVAL OF CERTAIN MEMBERS
TO THE BOARD OF TRUSTEES FOR THE TOWN OF
BELLEAIR MUNICIPAL POLICE OFFICERS' AND
RETIREMENT PLAN.**

WHEREAS, the Belleair Code of Ordinances, Chapter 42, Article III, Division 2, Section 42.91 has established a Board of Trustees to administer the Town of Belleair Municipal Police Officers' Retirement Plan; and

WHEREAS, the following named persons have been appointed in accordance with the Town of Belleair Code of Ordinances, Chapter 42, Article III, Division 2, Section 42.91:

<u>Name</u>	<u>Expiration of Term</u>
	Michael Fritz Police Officer
	September 30, 2015
Sean Maguire September 30, 2015	Resident - Town Appointed
	Roy Olsen Police Officer
	September 30, 2016
Tom Kurey September 30, 2016	Board Elected
Wendy Mantell September 30, 2016	Resident - Town Appointed

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

That the Town Commission does hereby confirm and approve the Board of Trustees of the Town of Belleair Municipal Police Officers' Retirement Plan as listed above.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
BELLEAIR, FLORIDA, this 21st day of OCTOBER, A.D., 2014.**

ATTEST:

Mayor

Town Clerk

Summary

To: Mayor Katica, Commissioners
From: Stefan Massol
Subject: Selection of auditor for FY 2013-14
Memo Date: October 21, 2014

Summary: The Audit Committee consists of the five members of the Town Commission for the purpose of selecting a certified public accounting firm to provide audit services for the Town.

Background/Problem Discussion: Resolution No. 2009-38 was adopted in October, 2009 to establish an Audit Committee to recommend a qualified certified public accounting firm to provide auditing services. The Town Commission meets annually to appoint an external auditor to review the controls and accounting methods practiced at the Town of Belleair.

Recommendation: Staff recommends commission approval for the selection of Davidson, Jamieson and Cristini, PL to provide external audit services for fiscal year 2013-14.

Proposed Motion: Approval of Davidson, Jamieson and Cristini, PL to provide external audit services.

RESOLUTION NO. 2014-31

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA
APPOINTING AUDITOR FOR THE TOWN OF BELLEAIR
FOR THE 2014 - 2015 FISCAL YEAR.**

WHEREAS, Section 2.13 of the Charter of the Town of Belleair requires that the Commission designate a Certified Public Accountant to make an independent annual audit of all accounts; that such designation be made no later than sixty (60) days after the beginning of each fiscal year; and

WHEREAS, Davidson, Jamieson & Cristini, P. L. has agreed to perform the audit for the 2013-2014 fiscal year for all accounts of the Town.

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

Davidson, Jamieson & Cristini, P.L. be designated as Auditor for the Town of Belleair, to audit the accounts of the Town of the 2014-2015 fiscal year.

PASSED AND ADOPTED by the Town Commission of the Town of Belleair, Florida this 21st day of **OCTOBER, A.D., 2014.**

Mayor

ATTEST:

Town Clerk

Summary

To: Mayor Katica, Commissioners

From: Micah Badana

Subject: Resolution No. 2014-32 –Amending Budget For FY 2013-2014

Date: 7/15/14

Summary: Staff would like to continue this discussion at the next meeting. Staff is awaiting receipt of final invoices for a number items that will be accrued for FY 2013-14.

Previous Commission Action:

Background/Problem Discussion:

Alternatives/Options:

Financial Implications:

Recommendation: Staff requests to continue discussion at the next meeting.

Proposed Motion: