

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

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

Town Manager Micah Maxwell
Town Attorney David Ottinger

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

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

CITIZENS' COMMENTS

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

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

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

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

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

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

CITIZENS' COMMENTS (Continued)

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

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

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

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

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

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

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

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

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

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

CITIZENS' COMMENTS (Continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION OF LEGAL OPTIONS FOR THE BELLEVIEW BILTMORE HOTEL

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

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

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

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

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

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

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

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

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

DISCUSSION OF LEGAL OPTIONS (Continued)

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

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

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

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

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

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

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

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

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

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

DISCUSSION OF LEGAL OPTIONS (Continued)

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

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

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

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

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

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

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

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

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

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

DISCUSSION OF STREET LIGHT POLICY

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

DISCUSSION OF STREET LIGHT POLICY (Continued)

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

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

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

DISCUSSION OF CLEARATER LITTLE LEAGUE

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

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

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

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

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

DISCUSSION OF RESOLUTION FOR FUND BALANCE POLICY

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION OF PROPOSED RESOLUTION ESTABLISHING FEES FOR ASSESSMENT SEARCHES

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

DISCUSSION OF PROPOSED RESOLUTION (Continued)

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

TOWN MANAGER'S REPORT

Mr. Maxwell had no report.

TOWN ATTORNEY'S REPORT

Mr. Ottinger had no report.

MAYOR AND COMMISSIONER'S REPORT/BOARD AND COMMITTEE REPORTS

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

Commissioner Shelly had no report.

Mayor Katica had no report.

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

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

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

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

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

ESTABLISHING AGENDA (Continued)

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

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

CITIZENS' COMMENTS

CONSENT AGENDA

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

GENERAL AGENDA

Consideration of:

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

ADJOURNMENT

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

Town Clerk

APPROVED:

Mayor