

**MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON MARCH 25, 2014 AT 6:30 PM**

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

Town Manager Micah Maxwell  
Town Attorney David Ottinger

Mayor Katica led the Pledge of Allegiance.

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

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

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

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

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

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

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

**SCHEDULED PUBLIC HEARINGS**

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

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

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

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

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

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

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

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

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

Mayor Katica asked who had filed the law suit.

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

Commissioner Shelly moved to continue the second and final reading of Ordinance No 495 until April 1 or the first available meeting to ensure proper notice if necessary. Motion seconded by Commissioner Fowler and carried unanimously.

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

Mr. Maxwell stated that the applicant, David Becker, had requested a continuance for the consideration of vacating the right of way at 955 Indian Rocks Road until May 20 meeting.

**FIRST READING – ORDINANCE NO. 496 (Continued)**

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

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

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

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

Mayor Katica asked for comments from the audience.

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

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

Discussions ensued regarding Mrs. Johnson's question.

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

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

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

**FIRST READING – ORDINANCE NO. 491 (Continued)**

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

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

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

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

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

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

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

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

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

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

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

**FIRST READING – ORDINANCE NO. 491 (Continued)**

Discussions ensued regarding the allowed square footage per unit.

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

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

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

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

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

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

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

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

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

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

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

**RESOLUTION NO. 2014-14 (Continued)**

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

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

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

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

**CITIZENS' COMMENTS**

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

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

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

**CONSENT AGENDA**

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

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

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

**GENERAL AGENDA**

**CLEARWATER LITTLE LEAGUE**

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

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

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

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

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

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

**ARBOR DAY PROCLAMATION**

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

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

**ARBOR DAY PROCLAMATION (Continued)**

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

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

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

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

**OTHER BUSINESS**

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

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

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

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

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

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

**OTHER BUSINESS (Continued)**

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

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

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

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

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

**ADJOURNMENT**

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

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**Town Clerk**

**APPROVED:**

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**Mayor**

**Approved: 4/15/2014**