

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON APRIL 15, 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.

Mayor Katica called for a moment of silence in recognition of last year's bombing during the Boston Marathon.

SCHEDULED PUBLIC HEARINGS

SECOND AND FINAL READING – ORDINANCE NO. 491 – AMENDING THE LAND DEVELOPMENT CODE

Mr. Maxwell stated that it was the second and final reading of Ordinance No. 491 amending the Land Development Code.

David Healey, Planning Consultant, provided a brief overview of Ordinance No. 491.

Mr. Ottinger read Ordinance 491, by title only, into the record.

Mayor Katica stated the commission would take comments from the audience.

Commissioner Shelly provided a state of disclosure regarding a letter written on behalf of Richard Heisenbottle to Mike Cheezem.

Jim White, 3 Seaside Lane, expressed support for Ordinance No. 491 on behalf of the RPD HOA.

Jim Betts, 220 Belleview Blvd., expressed disagreement with comments made by Mr. White; spoke in opposition to Ordinance No. 491.

Gail Carroll, 9 DeSoto Place, spoke in favor of Ordinance No. 491.

Tom DuPont, 430 St. Andrews Drive; provided an explanation of the process of voting by the members and board on behalf of the RPD; spoke in favor of Ordinance No. 491.

Mayor Katica commented on actions of Mr. Heisenbottle in his attempts to renovate the hotel.

SECOND AND FINAL READING – ORDINANCE NO. 491 (Continued)

Doug Haskitt, 4345 50th Pl. S., St. Petersburg, commented on the value of historic entities; asked the commissioners to weigh their votes on Ordinance No. 491.

Don Newman, 1 Seaside Lane, commented on the best hope for the hotel; urged to commission to move forward with Ordinance No. 491.

Charles Kropke, BB Partners, commented on the conversation between Mr. Heisenbottle and Mayor Katica.

Commissioner Piccarreto asked Mr. Kropke how approval of RM-10 would have an effect on the deal to purchase the hotel.

Mr. Kropke stated they have a deal with a financier and not the hotel owner; that the density to be provided with approval of RM-10 would allow for a more favorable atmosphere for development of the hotel property.

Discussions ensued regarding the purchase deal between BB Partners and their plans to purchase and renovate the hotel.

Steve Johnson, 1717 Indian Rocks Road, remarked on the comments by Mayor Katica.

Rae Claire Johnson, 1717 Indian Rocks Road, commented on remarks at a previous meeting and increase in fees charged by the town to cover infrastructure projects.

Mr. Maxwell provided an explanation of fees charged and the purpose of the fees.

Jeff Francis, 121 Sunset Drive, St. Petersburg, commented in the need for realism regarding the condition and future of the hotel; that he would recommend a plan that could save a portion of the hotel; asked the commission carefully consider their vote in the interest of preservation and progress.

Karla Rettstatt, 308 Roebling Road N; provided an explanation of her comments at the last meeting regarding the hotel project; urged the commission to vote yes on the approval of Ordinance No. 491.

Karman Hayes; 220 Belleview Blvd., commented on the RPD Board's vote to support RM-10 for the hotel property; commented in opposition of RM-10.

Kristina Bucklew, 360 Woodlawn, commented on the neglect of the hotel; commented in opposition of RM-10.

Stan Wolfson, 50 Coe Road, commented on the hotel as a seasonal hotel and the lack of success as a year round hotel; commented favorably on RM-10.

SECOND AND FINAL READING – ORDINANCE NO. 491 (Continued)

Tom Kurey, 153 Palmetto Road; stated that he concurred with most speakers in their wish to see the hotel become a success once again; that the adoption of RM-10 zoning designation would not preclude a deal for purchase of the hotel; that the purchase of the hotel was a private matter; urged the commission to move forward with RM-10.

LaVon Johnson, 220 Belleview Blvd., spoke in opposition to RM-10.

Jason Aquilar, 606 Belleveiw Blvd., expressed the commissioners for their public service; commented on the restoration of historic structures; commented on the benefit of tourism in Pinellas County and surrounding area.

Comments were closed to the public.

Commissioner Piccarreto moved approval of Ordinance No. 491 amending the Land Development Code on second and final reading. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Fowler stated that he could not vote in favor for several reasons; that the most pressing reason was the pending discussion of a mixed use zoning category; that he felt the mixed use would more favorably allow the development proposed by Mr. Cheezem; that he felt RM-10 was a big mistake; that the proposed mixed use would provide a more viable option to be crafted by the commission as to what would be best for the town.

Commissioner Shelly stated RM-10 was an additional zoning option.

Mayor Katica stated that the commissioners were elected to represent all of the residents; commented on the loss of revenue to the town because of the closing of the hotel; that he would like to believe that the Biltmore could be saved.

Commissioner Wilkinson stated that it was unfortunate that the hotel matter was driving a wedge in town; commented on the tax abatement policy approved by the commission to provide an opportunity for a future hotel owner to utilize the abatement; that he felt RM-10 offered the same benefit as an option; that he was also interested in the future discussions for mixed use.

Commissioner Piccarreto stated that agreed with Commissioner Wilkinson that RM-10 provided another option for the hotel and that there was no negative impact for the restoration of the hotel; that mixed use would also allow for more options; that he supported RM-10 and it was not a rezoning of the property.

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

CITIZENS' COMMENTS

Lil Cromer, 4 Belleview Blvd., asked about Diane Hine and the inaccurate information she provided regarding the Belleview Biltmore Hotel.

Charles Kropoke, BB Partners, spoke about Diane Hine.

Karman Hayes, 220 Belleview Blvd., commented on the poor condition of the hotel grounds.

Don Newman, One Seaside Lane, commented the procedures followed by the commissioners in conducting commission meetings; that Mayor Katica was not out of order when addressing the audience while standing in front of the dais.

CONSENT AGENDA

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

1. Approval of Minutes - Work Session – March 4, 2014
Local Planning Agency – March 25, 2014
Regular Meeting – March 25, 2014

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

GENERAL AGENDA

DISCUSSION OF A MIXED USE ZONING DISTRICT

Mr. Maxwell stated that it was a discussion regarding the mixed use zoning district; that David Healey, the town's planning consultant, and he had been working to determine some parameters for a planned mixed use district.

David Healey, Planning Consultant, commented on the discussion outline that laid out the broad framework and objectives for the potential planned mixed use category; stated that it would be a new zoning category; commented on the concept of allowed uses; commented on the key components of the proposed uses as well as accessory uses compatible with a mixed use concept; commented on including a component of historic preservation as well as additional development; that the planned mixed use would provide an additional tool for consideration by the commission; stated that the purpose of the planned mixed use was to create a district that would be applied to the hotel site.

Mr. Maxwell commented on a proposed time table for the commission to move forward with the proposed Planned Mixed Use category.

DISCUSSION OF A MIXED USE ZONING DISTRICT (Continued)

Rae Claire Johnson, 1717 Indian Rocks Road, asked about the areas that could be utilized in the new zoning district.

Mr. Healey restated that the purpose of the mixed use category was to allow development of the Belleview Biltmore Hotel site.

Mrs. Johnson further inquired about the RM-10 district.

Mr. Healey provided a response to the comment.

Karman Hayes, 220 Belleview Blvd. asked about a feasibility study for the mixed use zoning.

Mr. Healey stated that this was the early stages for the development of the mixed use category.

Commissioner Fowler inquired about any possible parking issues with the mixed use category.

Steve Johnson, 1717 Indian Rocks Road, asked about other uses to be allowed with the mixed use category.

Mr. Healey provided a response to the comment.

Mr. Maxwell stated that staff would move forward with the timetable provided.

DISCUSSION OF PALMETTO ROAD FDR

Mr. Maxwell stated that there would be an approval item for the FDR on the next meeting; that staff would like to keep the approval on the agenda and in the next few weeks talk with the commission about the project.

It was the consensus to move forward with the approval at the next meeting.

REQUEST FOR CONSIDERATION OF REDUCTION OF CODE ENFORCEMENT LIEN – DR. LOUIS POWELL – 346 SHIRLEY AVENUE

Chief Edwards provided background information on the property; provided a review of the time line on the code violations; stated that Dr. Powell did correct the violations and the property was deemed to be in compliance; that the town's cost for the case was \$1,034.00; provided options for the commission's consideration; that the total lien amount for violations was \$1,700.00; that it was his recommendation that the lien amount be reduced to the remaining \$666 to be forgiven provided Dr. Powell painted the house within 30 days.

Commissioner Piccarreto asked if Dr. Powell was prepared to paint the house.

REQUEST FOR REDUCTION OF CODE ENFORCEMENT LIEN (Continued)

Commissioner Shelly stated that he did drive past the house and he felt the house did need to be painted.

Dr. Louis Powell, 50 Coe Road, stated that he was the owner of the property at 346 Shirley Avenue and his son lived at the home; that the property was in compliance on February 26; that he was not sure how to proceed with notifying anyone for inspections when the violations were completed; that he would agree to have the house painted.

Commissioner Shelly moved to reduce the lien amount to cover the town's cost of \$1034 with the remaining \$666 to be forgiven provided that Dr. Powell would have the entire outside of the house painted within 30 days. Motion seconded by Commissioner Fowler and carried unanimously.

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

Mr. Maxwell stated that there were discussions earlier in the year regarding amending the code specifically to overgrowth; that the focus of discussion was for creating a timeline that worked better to bring overgrown properties into compliance as well as providing clarification to other sections of Chapter 26.

Chief Edwards stated that definitions were provided regarding certain aspects of yard maintenance; provided required height for trees over streets and sidewalks; commented on the clear accessibility around fire hydrants and water meters; commented on setbacks for certain dangerous vegetation with large thorns and the like; commented on expediting the process for properties with code violation; commented on the abatement process for the town for properties with code violations.

Discussions ensued regarding the financial responsibility to maintaining trees over sidewalks and streets; regarding planting of new palm trees; regarding having an arborist provide guidance for trimming trees overhanging public property; regarding including bushes that grow into the sidewalk areas and vision triangle; regarding the required buffering for fences.

Commissioner Shelly asked that the Park and Tree Board review the proposed ordinance at their next meeting.

Jeff Hauer, 811 Osceola Road, asked if the homeowner would have the first option for trimming trees on their property.

APPROVAL OF INTERLOCAL AGREEMENT – PPC/MPO

Mr. Maxwell stated that the commission discussed at the last meeting; that it was the Interlocal Agreement that recreates the MPO; that the PPC and MPO had merged.

Commissioner Wilkinson moved to approve the Interlocal Agreement. Motion seconded by Commissioner Shelly and carried unanimously.

APPOINTMENT OF MEMBER TO PPC/MPO BOARD

Mr. Maxwell stated that the town must appoint a commissioner to represent the inland communities; that there were six municipalities who share a representative and Belleair was next in the rotation to appoint a representative; that the term was for two years; that Commissioners Piccarreto and Shelly were interested in serving as representative; that ballots were provided for the voting process.

Votes were tallied and the vote was three votes for Commissioner Piccarreto and two votes for Commissioner Shelly; Commissioner Piccarreto had the majority vote.

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