

**MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON JUNE 17, 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**

**SECOND AND FINAL READING – ORDINANCE NO. 496 – VACATING RIGHT OF WAY – 955 INDIAN ROCKS ROAD**

Mr. Maxwell stated that this was the second and final reading for Ordinance No. 496 vacating a portion of the right of way for property at 955 Indian Rocks Road; that the property owned had requested a vacation of 35.75 feet of the right of way abutting his property along Indian Rocks Road and 20 feet of right of way along Sunny Lane; that it was staff's recommendation that the town vacate the right of way along Indian Rocks Road beginning 15 feet east of the easterly curb and extending the westerly property line; that the right of way along Sunny Lane not be vacated but remain as is.

Mr. Ottinger read Ordinance No. 496 vacating a portion of the right of way for property located at 955 Indian Rocks Road into the record.

Commissioner Shelly moved to approve Ordinance No. 496, vacating certain town right of way for property located at 955 Indian Rocks Road, on second and final reading. Motion seconded by Commissioner Wilkinson and carried unanimously.

**SECOND AND FINAL READING ORDINANCE NO. 497 – AMENDING THE LAND DEVELOPMENT CODE**

Mr. Maxwell stated that David Healey, Planning Consultant, was present to make the presentation and discuss the ordinance regarding a planned mixed use zoning district.

David Healey commented on the proposed planned mixed use zone as it would relate the Belleview Biltmore Hotel property; commented on the required components for development of a planned mixed use district.

Jim White, 3 Seaside Lane, spoke expressing the support of the RPD HOA for Ordinance No. 497; expressed appreciation to the commission for their diligence in the matter.

**SECOND AND FINAL READING ORDINANCE NO. 497 (Continued)**

Jim Betts, 220 Belleview Blvd., spoke in opposition of Ordinance No. 497 allowing a planned mixed use zoning district for the Hotel property.

Karman Hayes, 220 Belleview Blvd., spoke in opposition of Ordinance No. 497; expressed concerns about the impact the redevelopment would have on local residents.

LaVonn Johnson, 220 Belleview Blvd., spoke in opposition of Ordinance No. 497.

Al Guffey, 150 Belleview Blvd., asked Mr. Ottinger what it would cost the town to file a counter suit on the two pending lawsuits filed by Friends of the Biltmore; urged that action be taken to get this done.

Commissioner Shelly moved approval of Ordinance No. 497 amending the land development code by creating a planned mixed use zoning district, on second and final reading. Motion seconded by Commissioner Wilkinson.

Discussions ensued by the Commissioners regarding setbacks for any building under 32 ft in height to be 25 ft from edge of the roadway and building heath for buildings over 32 ft in height to be the greater of 50 ft from adjoining centerline of the roadway or nearest building; regarding possible the possible purchase of the hotel for preservation.

Vote on the motion to approve Ordinance No. 497 amending the land development code by creating a planned mixed use zoning district, on second and final reading was: ayes, Commissioner Piccarreto, Commissioner Shelly, Commissioner Fowler, Commissioner Wilkinson, and Mayor Katica. Motion carried unanimously.

**REQUEST FOR VARIANCE – 309 BELLEVIEW BLVD., NEIL FORD (OMNI-CARE GROUP, INC.)**

Mr. Maxwell stated that the request for variance was to allow for an electrical sign to be illuminated through the night as a possible deterrent for break-ins and added security for the property; that the town code allowed illuminated signs until 8:00 pm or during the time the business was open and operating.

Mr. Maxwell stated the applicant nor a representative of the applicant was present; that there was language on the variance application that the request would be voided should the applicant or representative fail to appear at the public hearing; that the request for variance would be automatically voided unless the commission made an alternative decision.

Discussions ensued regarding the options for the applicant should he want to reapply for the variance.

Commissioner Fowler stated that the Planning and Zoning Board unanimously recommended that the request for variance for 309 Belleview Blvd. be denied based on reasons stated for the variance; that it was the opinion of the board that other options were available to the applicant.

**REQUEST FOR VARIANCE – 309 BELLEVIEW BLVD (Continued)**

Jim White, 3 Seaside Lane, stated that he did not see any reason for the sign to be lighted 24 hours.

Mr. Maxwell stated that the commission did not need to take any action as the request for variance would automatically deny because the applicant was not present; that code enforcement action would begin on the property considering the sign was lighted during evening hours.

**REQUEST FOR VARIANCE – 201 PALMETTO ROAD – MOLLY & TREVOR SCHAFFER**

Persons planning to speak regarding the request for variance were sworn in by Mr. Murphy, acting town clerk.

Mr. Maxwell stated that the applicants were requesting a variance to allow the construction of a new fence to be installed that would encroach into the required 25 ft front yard setback by 20.4 ft resulting in a 4.6 ft front yard setback.

Trevor Schaffer, applicant, stated the variance was requested to construct a fence around the side yard to provide safety for their children and dogs; that there was a pool in the back yard; that the fence would be 4 ft in height and would have shrubs planted around the fence and would not be visible from the street.

No ex-parte communications were reported.

Commissioner Fowler stated that the Planning and Zoning Board unanimously voted to recommend approval of the request for variance for 201 Palmetto Road; that the variance was required for the encroachment into the front yard setback only.

Commissioner Fowler moved approval of the request for variance for 201 Palmetto Road allowing for a fence to encroach into the front yard setback. Motion seconded by Commissioner Piccarreto.

Vote on the motion to approve the request for variance for 201 Palmetto Road was: ayes; Commissioner Piccarreto, Commissioner Shelly, Commissioner Fowler, Commissioner Wilkinson, Mayor Katica. The motion carried unanimously.

**CITIZENS' COMMENTS**

There were no citizens' comments.

**CONSENT AGENDA**

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

1. Approval of Minutes - Special Meeting – May 6, 2014  
Work Session – May 6, 2014

Regular Meeting – May 20, 2014

**CONSENT AGENDA (Continued)**

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

**GENERAL AGENDA**

**FISCAL YEAR 2014-2015 BUDGET CALENDAR**

Mr. Murphy presented the budget calendar for fiscal year 2014-2015 for approval by the commission; stated that Belleair was not allowed to hold budget hearings on the same day as county agencies; that the first meeting in September would be held on Wednesday, September 3<sup>rd</sup> at 5:30 pm; that the second hearing would be held on Tuesday, September 16<sup>th</sup> at 6:30 pm.

Commissioner Shelly moved approval of the Budget Calendar for Fiscal Year 2014-2015. Motion seconded by Commissioner Wilkinson and carried unanimously.

**PINELLAS/ALTHEA CONTRACT APPROVAL**

Mr. Maxwell stated that bids were submitted for the project; that the bids came in higher than expected; that staff had reviewed the project to determine some different options in order to reduce the cost of the project; that the reason for the increased project cost was due to the outfall located at the corner of Oleander and Palmetto was too small; that it was staff's recommendation to have a re-bid for the project for just Pinellas and Althea in August with the caveat that part of Pinellas would not be included in the project.

Commissioner Fowler inquired about the scope of the project that would include curbs and etc.

It was the consensus of the commission to follow the recommendation of staff and re-bid the project.

**RESOLUTION NO. 2014-24 – SUPPORTING GREENLIGHT PINELLAS**

Mayor Katica stated that the commission had for approval Resolution No. 2014-24 Supporting Greenlight Pinellas.

Commissioner Shelly moved approval of Resolution No. 2014-24 Supporting Greenlight Pinellas. Motion seconded by Commissioner Fowler.

Discussion; Commissioner Wilkinson stated that he had reviewed the resolution and had some concerns; that he would not support the project. Commissioner Piccarreto asked who was requesting the commission to take action on the matter; that he did not feel the commission should take action at this time. Mr. Maxwell stated PSTA had requested the commission support the project in March or April and took direction from the commission at that time to move forward with support.

Commissioner Shelly stated that the project would be a benefit to Belleair. Commissioner Fowler concurred with previous comments of support.

**RESOLUTION NO. 2014-24 – SUPPORTING GREENLIGHT PINELLAS (Continued)**

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

**DISCUSSION OF STREET SWEEPING INTERLOCAL AGREEMENT WITH LARGO**

Mr. Murphy that staff was trying to find a new provider for street sweeping; commented on conflicts with former provider; that staff had contacted City of Largo regarding street sweeping services for Belleair; that City of Largo did have the ability to provide the services and at a lower rate than was being paid to the former contractor; that the proposed contract was for a period of three years and would provide monthly services as well as providing all necessary reporting.

Mr. Murphy provided an explanation of the issues with the current contract and why the town would be contracting with City of Largo for street sweeping services.

Discussions ensued regarding street sweeping contract.

It was the consensus of the commission to move forward with the matter.

**OTHER BUSINESS**

Mr. Ottinger provided comment regarding the federal lawsuit filed against the town regarding the Belleview Biltmore Hotel; stated that a Motion to Dismiss would be submitted.

**ADJOURNMENT**

There being no further business to come before the commission the meeting was adjourned in due form at 7:20 PM.

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**Acting Town Clerk**

**APPROVED:**

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**Mayor**