

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON FEBRUARY 18, 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.

SCHEDULED PUBLIC HEARINGS

SECOND AND FINAL READING – ORDINANCE NO. 494 – APPROVAL OF LEASE FOR THE BELLEVIEW BILTMORE GOLF CLUB

Mr. Maxwell stated that first reading of Ordinance No. 494 was considered two weeks ago relating to leasing the Belleview Biltmore Golf Club; that the emergency ordinance was approved at the time of approval of the lease agreement by the commission; that the town must now enter into a full ordinance at this time for the lease of the property.

Mr. Ottinger read Ordinance No. 494, regarding the lease of certain real property in excess of a one year in the name of the town, by title only.

Commissioner Shelly moved approval of Ordinance No. 494 regarding the lease of certain real property in excess of a one year in the name of the town, on second and final reading. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Fowler asked if the finance board had reviewed the lease. Mr. Maxwell stated that they had not; that the finance board did not want to review the lease; that Mr. Tom Kurey, a member of the finance board, was appointed by the commission, did participate in the review of the lease.

Vote on the motion to approve Ordinance No. 494 on second and final reading passed unanimously.

REQUEST FOR VARIANCE – 10 SOUTH PINE CIRCLE – THOMAS AND KAREN BLAKE

Mr. Murphy stated that the owners of the property located at 10 South Pine Circle has requested a variance that would allow the construction of a garage addition that would encroach into the required from setback by 11.5 feet; that it was staff's recommendation that the request be denied; that the planning and zoning board unanimously recommended approval by the five members present.

REQUEST FOR VARIANCE – 10 SOUTH PINE CIRCLE (Continued)

Persons planning to speak regarding the request for variance were sworn in by the town clerk; there was no ex-parte communication reported.

Mr. Blake, applicant, stated that the additional garage space was needed in order to accommodate the storage of his work related equipment.

There were three letters of support submitted by neighbors.

Commissioner Shelly moved approval of the request for variance for property located at 10 South Pine Circle. 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.

Commissioner Fowler moved to continue the consideration of vacating the right of way at 955 Indian Rocks Road until the next regularly scheduled meeting of the commission. Motion seconded by Commissioner Wilkinson. Motion carried unanimously.

Discussions ensued regarding the scheduling of the next meeting; it was the consensus of the commission that the next meeting be scheduled for Tuesday, March 25, 2014 at 6:30 pm.

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

Mr. Maxwell stated that the Belleair Country Club had submitted a request to change Section 74-84 of the land development code to reduce the minimum size of the Hotel (H) district; that the change would reduce the existing minimum of 20 acres to a minimum of 15 acres; that based on research of resort hotels in Pinellas County the average property size was 11.94 acres; that the Belleair Country Club had stated that they intend to purchase 2.32 acres of the hotel property.

Mr. Ed Armstrong, legal counsel for the Belleair Country Club, stated that in December, 2013 the Country Club had requested a reduction in the land acreage for the hotel; that the Country Club did have a contract to purchase 2.32 acres from the Belleview Biltmore Hotel; commented on the creation of non-conforming land; that the parcel would be rezoned to RM-5; that the existing land would be sufficient land area for the hotel; commented on the land area for hotels in the surrounding municipalities; provided the information for public record.

Mr. Ed Shaughnessy, General Manager of the Belleair Country Club, stated that the BCC had always been a good neighbor; that the land was needed to provide much needed parking at the club; that the club had leased the property from the hotel for the past 17 years; commented on the contract to purchase the land; commented on the number of supporters for the rezoning that were in attendance.

FIRST READING – ORDINANCE NO. 495 (Continued)

Steve Johnson, 1717 Indian Rocks Road, commented on the proposed sale of the hotel; urged the commission to wait on making a decision at this time.

Rae Claire Johnson, 1717 Indian Rocks Road, asked about the outcome of the discussion by the planning and zoning board members.

Commissioner Fowler stated that the planning and zoning board had recommended denial of the proposed ordinance.

Mrs. Johnson stated that consideration of the proposed ordinance was not appropriate at this time.

Michael Kline, 515 Ponce de Leon Blvd., spoke in favor of the proposed amendment allowed the reduction in land area; spoke about the number of charitable functions held at the Belleair Country Club on an annual basis.

Tom Nocera, 3173 Drew Street, Clearwater, spoke in opposition to the reduction in the land area for the Belleview Biltmore Hotel; stated that he was opposed to sub-dividing the land; urged the commission not to take action at this time.

Richard Owen, 690 Weatherfield, urged approval of Ordinance No. 495 allowing BCC to use the property for parking.

Karman Hayes, 220 Belleview Blvd., urged the commission to deny the request; commented on saving the hotel; commented on having a referendum to determine the decision on the property.

Mr. Maxwell stated for clarification that the matter could not be determined by referendum as the process was quasi-judicial in nature.

Mr. Ottinger confirmed the remarks of Mr. Maxwell regarding the quasi-judicial process.

LaVonn Johnson, 220 Belleview Blvd., commented on the benefit of having the hotel in Belleair.

Tom Kurey, 153 Palmetto Road, commented on a flyer left at his home; stated that it was his understanding that the proposed developer had no plans for the 2.32 acres of the hotel property under contract to BCC; that Mr. Heisenbottle's plan for the hotel did not include the use of the 2.32 acres either; that he was in favor of the proposed ordinance.

Mr. Armstrong stated for clarification that the 2.32 acres would not be used by the developer.

Don Newman, One Seaside Lane, expressed appreciation to the commission for allowing comment; commented on the amount of time spent by the town on the hotel over the years; spoke in favor of the commission approving the proposed ordinance.

FIRST READING – ORDINANCE NO. 495 (Continued)

C. E. Saltarelli, President of the Harbor Oaks HOA, stated that it was a neighborhood to the north of Belleair; that residents of the Harbor Oaks neighborhood were concerned about the preservation of their area; that the neighborhood was registered in the National Register of Historical Places; that they were concerned about the increase in traffic with any development at the hotel site; that if there was a change in zoning to allow more residential units in Belleair they would request the City of Clearwater to close Druid Road and Bay Avenue at Jeffords Street; that demolition of the Belleview Biltmore Hotel would destroy the heritage of the area.

Donna Davich, 1708 Golfview Drive, stated that she attended a meeting a few weeks ago regarding rezoning; that she was concerned about the future of Belleair; that she moved to Belleair because of the golf course and any possible development of the land; that she was concerned about the future of the Belleview Biltmore Hotel.

Mr. Maxwell stated that the town was proposing to place a conservation easement on the golf course property to prevent development of the property; that that was the purpose of the town's purchase of the golf course property.

Kristina Bucklew, 360 Woodlawn Avenue, stated that she was a long time resident of Belleair; urged the commission not to approve the proposed ordinance to reduce the land area on the hotel property; that demolition by neglect should be stopped and fines levied; that the decision on the hotel should be made by referendum.

Al Guffy, 150 Belleview Blvd., commented on the sale of private property by a private owner to a private purchaser for property that would be used to benefit the Belleair Country Club; spoke in favor of the purchase of the 2.3 acres by the BCC.

Cliff Zurkan, 308 Oleander Rd., stated that he was a member of the historic preservation board and he was confused by comments regarding the parking lot; that the parking lot had nothing to do with hotel redevelopment; that the area was to be used as grass parking and would remain green; commented on the current condition of the hotel; spoke in favor of the proposed ordinance.

Mr. Maxwell commented on code compliance requirements for parking areas.

Commissioner Piccarreto moved to approve Ordinance No. 495 amending the land development code pertaining to the hotel (H) district minimum size on first reading; that the minimum land size be changed from 15 acres recommendation to 17.5 acres for the hotel district. Motion seconded by Commissioner Wilkinson.

Discussion: Commissioner Piccarreto stated that the commissioners and mayor were elected to be leaders of the community; that they were elected and took an oath to represent the residents of Belleair; that the change from 20 acres to 17.5 acres was supported by the residents of Belleair; that it was not a Belleair Country Club issue; that this was a property rights issue between two private people; that no evidence was presented to indicate the change would be a detriment to the town or to the hotel property at this point; that he would urge the commission to vote in favor of Ordinance 495.

FIRST READING – ORDINANCE NO. 495 (Continued)

Mayor Katica commented on previous non-binding referendums and mail in surveys; stated that the town could not operate by referendum; that Belleair Country Club was one of the largest tax payers in town; commented on the condition of the hotel and the deficient in taxes paid by the hotel; that the BCC was a good neighbor and he was not a member of the club; that he was a strong supporter of this issue.

Commissioner Fowler stated that he and Commissioner Piccarreto were members of the county club.

Commissioner Wilkinson stated that he was a member also.

Commissioner Fowler further stated that he would like Mr. Ottinger to confirm that, as members, they were allowed to vote on the issue before the commission.

Mr. Ottinger stated for clarification that if there was no direct financial interest the commissioners were allowed to vote and would not have to recuse themselves.

Commissioner Fowler stated that he would vote against the approval of Ordinance No. 495 for the following reasons: (1) that the planning and zoning board unanimously vote the recommend denial of the ordinance, (2) that it would eliminate a potential part of the redevelopment of the hotel, and that more importantly one member of the planning and zoning board was a developer and he realized that by selling the parcel the proposed developer would lose 20-30 units from the density on the property; (3) that it was premature to sell off part of the hotel property to BCC. Further stated that BCC has always been a good neighbor; that there was discussion of a mixed use district further on the agenda; that he felt the commission should hold off approval of Ordinance 495 for now.

Commissioner Shelly stated that it was a private property rights issue; that it would be nice to see a nicely landscaped parking lot rather than having 20 or 30 more units; that Mr. Cheezum did not have the property under contract and it was not an issue.

Commissioner Piccarreto concurred with Commissioner Shelly's remarks regarding Mr. Cheezum; commented on the commission being able to control the density of the town.

Mr. Armstrong stated for clarification that from the beginning of discussions negotiations between the current owner and Mr. Cheezum that the 2.32 acres was not to be sold to Mr. Cheezum.

Commissioner Wilkinson stated that it was a private property issue and he would vote yes on the motion.

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

PROPOSED RESOLUTION – AUTHORIZING FILING OF LIEN FOR DELINQUENT STORMWATER FEES

This item was withdrawn; the account was paid.

CITIZENS' COMMENTS

Rae Claire Johnson, 1717 Indian Rocks Road, stated that she did not think BCC had been a good neighbor; commented on process for amendments to the comprehensive plan.

Mr. Maxwell stated for clarification that this was not a quasi-judicial meeting; that he had discussed the requirements of the historic preservation ordinance; that the ordinance did require an application for certificate of appropriateness if there was a change to a significant structure or historic district; that this was a district and the structure was not being altered nor was there any change to the structure itself; that a quasi-judicial hearing would be required for such action and that was not occurring tonight; that for the historic preservation to come into play the certificate of appropriateness would have to be for the structure and not on the property.

Karla Rettstatt, 308 Roebling Road North, asked the status of the conservation easement for the golf course property.

Mr. Ottinger stated that they in the process of identifying the grantee of the easement; that he thought it would be SWFWMD; that the matter was in process but current matters had taken precedence over the past 30 days; that it was the goal to have the conservation easement implemented by mid-year.

Ms. Rettstatt commented on the handbill left on her door and she thought that leaving such items on someone's door was against code; commented on the incorrect information stated on the flyer; that she was offended that such false information was distributed all over town; that the police department should check into such actions and who was responsible.

Lil Cromer, 4 Belleview Blvd., asked about the deadline for the conservation easement; urged the completion of the easement; asked when the commission would be honoring Mr. John Osborne for his contribution to the town; asked the status of the Osborne house on Ricker Road.

Mr. Maxwell provided an explanation of the process for the sale of the Osborne house; that staff was working on evaluating the property.

Tom Kurey, 153 Palmetto Road, expressed appreciation to the commission members for their service to the town; that they put in a lot of time and it was a thankless job; commented on negative comments and the disrespect from some members of the audience; commented on the time spent working on town issues by each commissioner on a weekly basis.

Ed Shaughnessy, Belleair Country Club; stated that every project by the club has had proper permits; that a tree bond was in place for the trees removed from the club property.

CONSENT AGENDA

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

1. Approval of Minutes – Work Session – 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 21, 2014

Donna Carlen, town clerk asked that the Minutes of the January 21, 2014 regular meeting be continued.

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

GENERAL AGENDA

DISCUSSION OF MIXED USE ZONING DISTRICT

Mr. Maxwell stated that David Healey was present to provide comments about a mixed use zoning district; that comments would then be taken from the audience.

David Healey, Planning Consultant, commented on alternatives to zoning district for the hotel property; stated that the object was to create a new district to allow hotel use in some combination; commented on developing criteria to determine guidelines for the zoning designation; commented on the possibility for some historic preservation; commented on possible height bonus and allowed uses with the mixed use category.

Commissioner Piccarreto asked if the density could be controlled with the mixed use category; asked what type of bonus could be included that would encourage some preservation of the hotel.

Mr. Healey stated that the proportionate allocation of density with the mixed use and configuration and size of structures and the number of proposed dwelling units; commented on proposed bonus of increased density for hotel units directed at historic preservation.

Discussions ensued regarding what would be included in a mixed use category; regarding allowing a minimum commercial use to be included with hotel use; regarding allowing residential use in the hotel.

Michael Cheezum, President and CEO of JMC Communities, stated that he was confident that a plan could be developed to meet everyone's approval; commented on the benefits of a mixed use zoning to the community; stated that he expected to submit plans to the town in 45 days; commented on the preservation of a small portion of the hotel in the form of an inn or boutique hotel while providing amenities to residents; stated that the plan would celebrate the history of Belleair by being a relevant

DISCUSSION OF MIXED USE ZONING DISTRICT (Continued)

part of the town's future; that his team had spent the past few weeks performing due diligence for aspects of the project; that the next few weeks would be spent in workshops with stake holders discussing the vision of the plan; that with solid support the plan would then be presented to the commission for review and approval; that it was his plan to find the path that would meet the needs for all parties and would preserve the rich heritage of the hotel; that his plan would restore the town's tax base; that his plan would require the removal of the vast majority of the hotel; asked the commission to consider his vision and advise him if it would be an acceptable plan; stated that it was his plan to unite and not divide the community.

Jim White, 3 Seaside Lane, commented on the RM-10 zoning district; stated that it would take cooperation of all parties to resolve the issue; that he would recommend the commission pursue the mixed use zoning for the hotel property.

Rae Claire Johnson, 1717 Indian Rocks Road, stated that she would welcome the session with Mr. Cheezum; commented on quasi-judicial matters.

Mr. Maxwell stated that this was not a quasi-judicial discussion nor was it a discussion about a quasi-judicial application; that changes to the code was a legislative action by the commission; that it was not a comprehensive plan issue but a land development code addition of a zoning designation; that an application for rezoning would be a quasi-judicial issue.

Discussion ensued regarding the proposed RM-10 zoning category and the allowed density.

Jay Steinberg, 415 Poinsettia Road, commented on the possible revenues that could be generated by the hotel; commented on the room rate tax that could be imposed by the town.

Al Remedios, 100 Oakmont Lane, commented on remarks made by Mr. Cheezum and the good will exhibited by his presentation.

Sandy Pisano, 1745 Indian Rocks Road, commented on the offensive flyer received at her home; stated that she felt the commissioners' responsibility was to the residents of Belleair and not to the hotel; spoke in favor of the proposed new zoning district.

Karman Hayes, 220 Belleview Blvd., commented that the matter before the commission was not about Mr. Cheezum but about a precious artifact in Belleair.

Commissioner Wilkinson made a motion to direct staff to formulate a planned mixed use zoning category. Motion seconded by Commissioner Shelly.

Discussion: Commissioner Piccarreto stated that he was intrigued by Mr. Cheezum's comments; that his approach was something the town needed to look at before making any conclusions; that he was a proven entity with past developments, that he has integrity and good will for the community and has stated what he would like to do and was asking for feedback from the commissioners and the

DISCUSSION OF MIXED USE ZONING DISTRICT (Continued)

residents; that he was looking forward to attending the meetings with Mr. Cheezum to review his plan. Commissioner Shelly stated that he asked to review the mixed use; that flexibility was needed in the town's land development code. Mayor Katica commented on the differences of opinion over the hotel; stated that if the hotel could be saved it would be the greatest thing; commented on actions of Mr. Heisenbottle and his failure to comply with his option to purchase and restore the hotel; stated that the plan to save a portion of the hotel would be the way to go. Commissioner Wilkinson stated that he concurred with previous comments from the commissioners; that Mr. Cheezum's would bring forward some great ideas for the town; that he liked Mr. Cheezum's sense of community; that he was ready to move forward and create new options for the property; that there was no zoning change for the property.

Vote on the motion to direct staff to formulate a planned mixed use zoning category was unanimous.

DISCUSSION OF RECONSIDERTION OF ORDINANCE NO. 491

Mr. Maxwell stated that at the last meeting the commission discussed whether or not to reconsider the RM-10 zoning category; that the matter was before the commission at this time; that the motion could only be made by a member of the prevailing group of the original vote.

Commissioner Wilkinson asked if it would be possible to look at the mixed use and RM-10 at the same time.

Mr. Maxwell stated that the mixed use would be discussed in early April; that the planning and zoning board would then review the information; that the discussions would then go before the commission in ordinance form in June; that the motion for reconsideration of RM-10 could include a date or some other parameters, that it was the commission's choice.

Commissioner Fowler stated that he felt there was a great opportunity with the mixed use option; that he did not think staff time should be spent on reviewing something the commission had already looked at.

Mr. Maxwell stated that unless there was some desire to change parts of RM-10 the same ordinance would be brought back to the commission.

Commissioner Shelly moved that the commission reconsider Ordinance No. 491 at the March 25, 2014 meeting. Motion seconded by Commissioner Wilkinson.

Discussion: Mr. Maxwell stated that if there were issues to be discussed the time line could be altered somewhat; asked if the commission wanted to have a work session first. Commissioner Piccarreto stated that since there was little conversation before, there should be some discussion if there was going to be some changes; that the first reading could be placed on the agenda for the March 25 commission meeting.

DISCUSSION OF RECONSIDERTION OF ORDINANCE NO. 491 (Continued)

Vote on the motion for the commission to reconsider Ordinance No. 491 at the March 25, 2014 meeting was unanimous.

Commissioner Piccarreto asked for clarification on the flyer that was distributed throughout town and why such development was not possible.

Mr. Maxwell stated that development depicted was not possible because the underlying land use; that currently the land use was residential low that allowed for 0 to 5 units per acre; that the commission would have to change that to something alternate to residential low and residential medium was the only other option available to the town; that an adjustment of the comprehensive plan would be required that would also have to be discussed by Pinellas County; that it would be difficult for someone to go through the process and would not be possible for someone to simply do it.

There was a ten minute recess from 8:20 pm to 8:30 pm.

RESOLUTION NO. 2014-09 – AMENDING GOLF FUND BALANCE POLICY

Mr. Murphy stated that Resolution No. 2014-09 was amending the fund balance policy in the golf fund to reflect the change in operations; that the golf course would be under GGP's management through the lease with the town; that staff was recommending a revision to the fund balance policy to retain a minimum undesignated fund balance of 10% of one year's operating expenditures for reserves; that it was staff's recommendation for the commission to approve the Golf Fund Balance Policy.

Commissioner Wilkinson moved approval of Resolution No. 2014-09 amending the Golf Fund Balance Policy. Motion seconded by Commissioner Piccarreto and carried unanimously.

RESOLUTION NO. 2014-10 – ESTABLISHING FEES FOR ASSESSMENT SEARCHES

Mrs. Carlen stated that the commission had discussed the proposed resolution to establish a fee for requested property assessment searches; that the commission had discussed the issue at the February 4 work session.

Commissioner Piccarreto moved to approve Resolution No. 2014-10 to establish a fee for requested property assessment searches. Motion seconded by Commissioner Fowler and carried

Discussion: Commissioner Piccarreto asked if such information would be public record. Commissioner Shelly asked if there was a charge for public records requests. Mrs. Carlen stated that the assessment search request was not the same as a public records request; that a fee was also charged for public records request.

Vote on the motion to approve Resolution No. 2014-10 carried unanimously.

STREET LIGHT POLICY

Mr. Maxwell stated that the Infrastructure Board had reviewed the policy and recommended approval.

Commissioner Fowler moved approval of the Street Light Policy. Motion seconded by Commissioner Wilkinson and carried unanimously.

CLEARWATER LITTLE LEAGUE

Mr. Maxwell stated that staff recommended a continuance on the item.

Commissioner Fowler moved to continued discussions on Clearwater Little League. Motion seconded by Commissioner Wilkinson and carried unanimously.

GOLF CARTS vs LOW SPEED VEHICLES (LSVs) ON BELLEAIR STREETS

Mr. Maxwell stated that staff recommended a continuance on the item.

Commissioner Wilkinson moved to continue discussions on Golf Carts vs Low Speed Vehicles on Belleair Street. Motion seconded by Commissioner Fowler and carried unanimously.

DISCUSSION OF BUILDING INSPECTION SERVICES

Mr. Maxwell stated that staff recommended a continuance on the item.

Commissioner Fowler moved to continued discussions for Building Inspection Services. Motion seconded by Commissioner Wilkinson and carried unanimously.

APPROVAL OF DISPOSAL OF FIXED ASSETS

Micah Badana stated that staff was requesting commission approval to dispose of certain capital assets; that a number of items listed were no longer in use and that some of the items had exceeded their depreciable life; that the items that could be sold would be auctioned on Govdeals.com and all other items would be destroyed.

Commissioner Wilkinson moved to dispose of the capital assets that were no longer used and had exceeded their depreciable life. Motion seconded by Commissioner Fowler and carried unanimously.

OTHER BUSINESS

Mayor Katica commented on the flyer that was distributed with incorrect information; stated that he felt an ordinance was needed that require approval of information pertaining to the town be approved before distribution.

Discussions ensued regarding possible restrictions; regarding 1st Amendment rights; regarding such actions being similar to political action committee; regarding staff review for possible amendments.

OTHER BUSINESS (Continued)

Mayor Katica stated that he felt the commission should move forward with honoring John Osborne for his very generous donation to the town; that the new public works building was now complete and naming the building in his honor would be a perfect.

Discussion ensued regarding other options for honoring Mr. Osborne.

Mr. Maxwell stated that something would be place on the agenda for next month for discussion.

Commissioner Fowler stated that Sam Casella, a former commissioner, passed away today; that he thought a proclamation would be in order for Mr. Casella.

Mr. Maxwell stated that staff would make arrangements to have a proclamation for Mr. Casella and would make necessary arrangements with his wife.

ADJOURNMENT

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

Town Clerk

APPROVED:

Mayor