



Town of Belleair

901 Ponce de Leon Blvd.
Belleair, FL 33756

Meeting Minutes Town Commission

Tuesday, July 16, 2019

6:00 PM

Town Hall

Welcome. We are glad to have you join us. If you wish to speak, please wait to be recognized, then step to the podium and state your name and address. We also ask that you please turn-off all cell phones.

Meeting was called to order at 6:02 PM with Mayor Gary H. Katica presiding.

PLEDGE OF ALLEGIANCE

COMMISSIONER ROLL CALL

Present: 4 - Mayor Gary H. Katica
Deputy Mayor Karla Rettstatt
Commissioner Michael Wilkinson
Commissioner Tom Kurey
Absent: 1 - Commissioner Tom Shelly

SCHEDULED PUBLIC HEARINGS

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

[19-0172](#) Second Reading of Ord 523 - Fences and Fence Walls

Town Manager JP Murphy provided brief overview of purpose - Ordinance 523- Fences and Fence Walls; discussed amendments from first reading; discussed adding language regarding security buffer.

Deputy Mayor Rettstatt moved approval of Second Reading of Ordinance No. 523 - Fences and Fence Walls as amended. Seconded by Commissioner Wilkinson.

Aye: 4 - Mayor Katica, Deputy Mayor Rettstatt, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

[19-0148](#) Variance for 313 Wood Lawn Ave

Mr. Murphy stated item was postponed from prior meeting; applicant notified but not present; stated the commission could continue the request.

Deputy Mayor Rettstatt stated she would second the continuance, but does not support approval if the applicant doesn't appear at the meeting.

Commissioner Wilkinson moved to continue item 19-0148 Variance for 313 Wood Lawn Ave.

to the August 20th commission meeting. Seconded by Deputy Mayor Rettstatt.

Aye: 4 - Mayor Katica, Deputy Mayor Rettstatt, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

19-0182

Presentation of Pelican Golf Phase 4 Development Plan

Mr. Murphy discussed procedures for the hearing; asked those in attendance with standing were in agreement with those procedures; one comment made regarding notice; proper notice and procedures had been done and in place.

David Ottinger-Town Attorney-Announced that the Florida Ethics Commission had determined that Deputy Mayor Rettstatt must abstain from voting on the golf course items due to her employment.

Mr. Murphy asked for any ex parte communications.

Commissioner Kurey stated he had met with the General Manager of the Pelican Golf Club at the site to get a visual perspective of the proposed site plan; they reviewed the plans that were submitted in the packet as attached; also spoke with the Pelican Golf Club Director of Golf regarding cottages at other private golf clubs in the area including Old Memorial and Consensus.

Commissioner Wilkinson stated he met with Mr. Murphy and Mr. Nash on-site to get a better idea of request.

Mayor Katica stated he had met with Mr. Nash, representative of the applicant and Mr. Murphy to get a visual perspective of the site plan and reviewed the plans that were submitted in the packet as attached.

Those wishing to speak were sworn in by the Town Clerk.

Mr. Murphy asked if anyone had any items they wished to submit into the record; please do so at this time. No items submitted.

Chris Brimo-Calvin Giordano and Associates, acting as Town Planner-Provided a summary of the items requested; amendment to Future Land Use Map of 1.88 acres; rezoning from R-1 to GC; variance for perimeter fence wall in setback along Indian Rocks Road; variance for fence along Golfview; amending number of sleeping rooms; amending previously approved site plan; addition of a third cottage; fire department access gate for egress along Indian Rocks Road; approval of a right-of-way use agreement; amendment to previously approved development agreement.

Tom Nash-MacFarlane, Ferguson and McMullen, Applicants Attorney-Discussed fence request; zoning change from residential to golf course; requesting amending site plan to allow a 3rd cottage with additional sleeping rooms. Discussed addition of a trash pick up detail to aid in keeping neighborhood clean and relocation of smoking area during construction. commented on vegetation hedge that will be removed after construction; a photo rendering of proposed fence was shown; discussed previously approved cottages and restrictions in development agreement.

Mr Nash continued presentation by discussing acquisition of additional land; seeking addition of a cottage; discussed impact on neighborhood; all drainage is compliant;

available for questions.

[19-0183](#)

Consideration of Elements of Ordinance 524; Amending Comprehensive Land Use Plan Future Land Use Map Amendment of LOTS 6 & 7, 28-31, ALL OF LOTS 8, 9, 26 & 27 & THE N'LY 43FT OF LOTS 10 & 25, LOT 11 & THE SW'LY 6 FT OF LOT 10 & THE NE'LY 28 FT OF LOT 12, BLOCK 32, BELLEAIR ESTATES SUBDIVISION FROM RESIDENTIAL LOW (RL) TO RECREATION/OPEN SPACE (R/OS)

Mr. Murphy introduced item; read by title; stated a previously board action on this item included the Planning and zoning board approval passing unanimously at the meeting last Monday.

Mr. Brimo stated this was part of the Phase 4 development proposal of the Pelican Golf Course; is a request for a Comprehensive land use amendment to the Future Land Use Map for the Town of Belleair from Residential Low to Recreation Open Space; consistent with Town's Comprehensive Plan; pursuant to FL statutes, request will be forwarded to all required agencies for review; changes to be adopted on second reading upon confirmation that it has met all approval reviews.

Commissioner Wilkinson clarified the adoption procedures for Ordinance No. 524.

Mr. Nash stated he had no further comments.

Mr. Murphy opened the floor for comments for those with standing regarding the amendments of the Future Land Use Map change.

Tom Olson-resident-requested clarification on zoning designation; commented on development/housing on golf course property; no housing on the golf course.

Mr Murphy discussed conservation easement scope; new areas in question are not subject to the conservation easement.

Estelle DeMusey-resident-commented on residential properties and population; density.

Rae Claire Johnson-resident-spoke in opposition to rezoning and ordinance change.

Nicole Foley-resident-spoke in support of project; has not experienced negative impacts to neighborhood.

Rick Hardwick-resident-commented on sidewalk on Poinsettia; spoke on fencing/view along Poinsettia; questioned Belleair friendly meaning.

Shelly MacGilber-resident-spoke in support of the project.

Becca Branch-resident-spoke in support of the project.

Rogers Haydon-resident- spoke in support of the project.

Kevin Connelly-resident- spoke in support of the plan.

No further public comment.

No rebuttal from Mr. Nash.

Commissioner Wilkinson moved approval of Ordinance 524 PGC FLUM amendment on first reading. Seconded by Commissioner Kurey.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

Commissioner Wilkinson moved approval of Ordinance No. 524 on first reading. Seconded by Commissioner Kurey.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

[19-0185](#)

Consideration of Elements of Ordinance 525-Amending Zoning Map Amendment; of Lots 6 & 7, 28 thru 31, all of Lots 8, 9, 26 & 27 & the N'ly 43ft of Lots 10 & 25, Lot 11 & the SW'ly 6 ft of lot 10 & the NE'ly 28 ft of Lot 12, Block 32, Belleair Estates Subdivision

Mr Murphy introduced item; stated that the Planning and Zoning Board recommended approval of consideration of Elements of Ordinance 525 - Amending Zoning Map; changes the existing zoning from R-1 to GC.

No comments from Mr. Brimo.

No comments from Nash.

No citizen comments with standing or from public.

Commissioner Wilkinson moved approval of consideration of Elements of Ordinance 525-Amending Zoning Map Amendment; of Lots 6, 7, 28 thru 31, all of Lots 8, 9, 26, and 27 and the N'ly 43ft of Lots 10 & 25, Lot 11 & the SW'ly 6 ft of lot 10 & the NE'ly 28 ft of Lot 12, Block 32, Belleair Estates Subdivision on first reading. Seconded by Commissioner Kurey.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

[19-0190](#)

Variance Request - 1501 Indian Rocks Rd Fence - Indian Rocks Road Frontage

Mr Murphy stated the variance would allow for a 20ft. encroachment into the 25ft. setback resulting in a 5ft. front yard setback along Indian Rocks Road. The Planning and Zoning Board recommended approval subject to the condition of an elevation that was acceptable to commission be included as part of the site development plan. The applicant has provided the elevation; would be 5ft. along Indian Rocks Road in the primary front yard setback.

Mr. Brimo detailed request; permanent wall fence within the required 25ft front yard setback; 5ft. from property line of Indian Rocks Road.

Mr. Murphy stated the Planning and Zoning Board recommended fence and required shielding be set so that both would be placed at the 5ft setback line; to have 5ft. between both and the right-of-way.

Mr. Nash had no comment.

Mr. Murphy opened the floor to the public with standing for comments.

Estelle DeMuesy-commented on pathway that was in prior version; questioned addition of a sidewalk in area.

Mr. Murphy stated a potential safety concern existed and it was omitted; commented on looking into addition of a crosswalk in area.

Shelly Lagdober-resident-spoke in support of removal of pathway due to safety concern.

Chris McGreggor-resident-spoke in support of proposed fence.

Mr. Murphy spoke about the previously approved fence and location.

No further comments.

No rebuttal from Mr. Nash.

Commissioner Wilkinson moved approval of Variance Request - 1501 Indian Rocks Rd., fence, road Frontage. Seconded by Commissioner Kurey.

Discussion:

Commissioner Kurey inquired as to whether the part about the landscaping should be included in the 5ft and be a part of the motion. Mr. Murphy stated that there were two staff recommendations, one was from the Planning and zoning board that the elevation be made apart of the approval and that the Planning and Zoning board's motion specifically included the shielding and the fence be placed at the 5ft. line; this should be made as a condition of the variance.

Commissioner Wilkinson moved to amend his motion to include the elevation and shielding. Seconded by Commissioner Wilkinson.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

[19-0191](#)

Variance Request - 1501 Indian Rocks Rd - Golf View Road Frontage

Mr. Murphy introduced item; variance request, 1501 Indian Rocks Road - Golf View Road Frontage; to locate a perimeter fence/wall within the secondary front yard setback area; similar to the previous item.

Mr. Brimo had nothing to add.

Mr. Murphy asked if there was anyone who wished to speak regarding the request.

No public comments.

Commissioner Wilkinson moved approval of the Variance Request, 1501 Indian Rocks Rd. , Golf View Road frontage. Seconded by Commissioner Kurey.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

[19-0187](#)

Consideration of Elements of Ordinance 525- Text Amendment; Accessory Uses for Golf Course

Mr. Brimo stated applicant is requesting an additional 12 room cottage with the previously approved cottages; an amendment to the Town of Belleair Code of Ordinances, Section 74-82, Schedule of District Regulations, amending the number of sleeping rooms that could be considered as ancillary or accessory uses for Golf Courses; this would be a third cottage.

Mr. Nash had nothing further at this time.

Mayor Katica asked if anyone wanted to speak regarding the request.

Ralph Strauss-resident-questioned setback from front of buildings.

Mr. Murphy spoke regarding the setbacks and proposed cottage location.

David Phillips-resident-spoke in support of proposed additional cottage.

Martha Thorn-resident-spoke in support of project; commented on increased property values.

Chris McGregor-resident-commented on reversing location of practice green and cottages.

Steve Poirer-resident-spoke in support of cottages.

Susan Klinker-resident-spoke on overall dissatisfaction with the project.

James MacArthur-resident-spoke in support of the project.

Dr. Alicia Isaacs-resident-spoke in support; commented on aesthetics and additional landscaping to shield cottages.

Nicole Foley-resident-spoke in support of project.

There were no further public comments.

Mr. Nash commented on footprint of cottage is same as home there; provided setbacks of cottages; no additional impact; developing new plans for additional landscaping and trees to shield cottages; doing everything possible to get the projected completed.

Mr. Murphy asked Mr. Nash to provide the additional plans for landscaping to the

commission before second reading.

Commissioner Kurey inquired as to which way the balconies would be facing. To which, Mr. Nash stated the balconies would be facing the golf course.

Ralph Strauss-resident- mostly effective by construction; spoke in favor of the project.

Nancy Hartshorne-resident-questioned cottages vs air bnb.

Mr. Nash commented on restrictions; no 3rd party rentals, bookings, etc.; will not be an air bnb.

Mr. Murphy commented on including additional language in ordinance on transient lodging.

Commissioner Wilkinson questioned process of future additions. Mr. Murphy stated same process would have to be followed.

Estelle DeMuesy-resident-spoke on LPGA tournament; commented on security and managing flow of people.

Commissioner Wilkinson moved approval for Consideration of Elements of Ordinance 525 to amend the development plan to add an additional cottage on first reading. Seconded by Commissioner Kurey.

Commissioner Wilkinson amended motion and moved approval for consideration of Elements of Ordinance 525 text amendments, accessory uses for golf course to a maximum cottage use of 28 rooms. Seconded by Commissioner Kurey.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

19-0189

Consideration of Elements of Ordinance 525- Development and Right of Way Use Agreement

Mr. Brimo stated applicant is requesting right-of-way use agreement; fencing in cul-de-sac will be in right-of-way; second request is for installation of a gate and columns at the golf cart path off Poinsettia Road. and the keybox both in right-of-way.

Mr Murphy stated no utility conflicts in right-of-way.

Mr. Nash no comment.

No comments from those in attendance with standing or others.

Commissioner Kurey moved approval of Consideration of Elements of Ordinance 525- Development and Right of Way Use Agreement. Seconded by Commissioner Wilkinson.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

19-0188

Consideration of Elements of Ordinance 525- Amended Development Plan.

Mr Murphy introduced item; discussed changes; applicant to have cottage elevations and landscaping plan available for second reading; spoke on drainage inlets.

Mr. Nash had no comments.

Public comments.

Ralph Strauss-resident-questioned location of fire egress.

Mr. Murphy identified area on plan.

Dan Hartshorne-resident-questioned size of cottage. Mr Nash addressed question; cottage would be 3 story.

No further comments.

Commissioner Kurey moved approval of 19-0188 Consideration of Elements of Ordinance 525- Amendment to Development Plan. Motion seconded by Commissioner Wilkinson.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

Town attorney David Ottinger spoke regarding approving the amendments and covenants in the development agreement; needs to be a part of the development agreement; amendments includes construction completion dates for phase 4 which would be December 31st, 2019 and the club house to be April 30, 2020, the covenants on the cottages and the new amended site plan.

Mr. Nash requested to move both of the completion dates for the phase 4 project, cottages and the club house dates to April 30, 2020.

Commissioner Wilkinson made a motion to approve Elements of Ordinance 525 to included the development plan, restrictions on cottages and future uses, construction schedule that will be completed April 30, 2020 being the cottages and the club house. Seconded by Commissioner Kurey.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

19-0197 Approval of Ordinance 525 - All elements - on first reading

Mr Murphy read Ordinance No. 525 in to the record by title only.

Commissioner Wilkinson moved to approve Ordinance 525 as aforementioned on first reading. Seconded by Commissioner Kurey.

Aye: 3 - Mayor Katica, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

Abstain: 1 - Deputy Mayor Rettstatt

Meeting recessed at 8:03 PM.

Mayor Katica left at 8:10 PM

Meeting reconvened at 8:14 PM with Deputy Mayor Rettstatt presiding remained of meeting.

CITIZENS COMMENTS

(Discussion of items not on the agenda. Each speaker will be allowed 3 minutes to speak.)

Neil Palenzuela-resident-commented on LPGA event in town, suggests forming a committee to address impact to community.

Discussion ensued regarding the LPGA event.

Commissioner Wilkinson spoke in support of forming a committee; will be added to an upcoming meeting agenda.

CONSENT AGENDA

Commissioner Wilkinson moved approval of Consent agenda. Seconded by Commissioner Kurey.

Aye: 3 - Deputy Mayor Rettstatt, Commissioner Wilkinson, and Commissioner Kurey

Absent: 2 - Mayor Katica, and Commissioner Shelly

[19-0174](#) Approval of June 4, 2019 Regular Meeting Minutes

(Approved as part of consent agenda)

[19-0173](#) Special Relief Permit Request - 1600 Magnolia Rd

Commissioner Kurey inquired about the hours of music for the event; consensus of the commission to allow music cut-off to be 11:30 PM.

(Approved as part of consent agenda)

GENERAL AGENDA

[19-0171](#) Setting of Preliminary Maximum Millage (MMP)

Mr. Murphy stated Finance board heard the initial budget discussion and recommended to set the maximum mil levy to 6.5 which is the current levy. Staff recommends the same needs set today; a special meeting for budget discussions only could be set for a later date.

Discussion ensued regarding budget numbers and mil levy; regarding work session for budget; budget work session to be scheduled for August 8th at 4:00 PM.

Commissioner Wilkinson made a motion to approve the maximum millage rate for 2019-2020 at 6.500. Seconded by Commissioner Kurey.

Aye: 4 - Mayor Katica, Deputy Mayor Rettstatt, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

[19-0157](#)

Consideration of the Historic Medallion Program

Cathy DeKarz-Management Analyst-briefly reviewed medallions that Historic Preservation Board approved for historic homes; discussed costs; 27 properties on registry; will reach out to property owners to see level of interest prior to ordering.

Mr. Murphy suggested discussing funding source; Commission discussion regarding costs; to be discussed at budget work session; survey to be done to see level of interest for resident purchasing.

Mr. Palenzuela commented on showcasing photos in town hall of historic homes.

Commissioner Wilkinson moved to approve the design of the Historic Medallion Program. Seconded by Commissioner Kurey.

Aye: 4 - Mayor Katica, Deputy Mayor Rettstatt, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

POLICE CHIEF'S REPORT

Rick Doyle-Chief of Police-provided information regarding a six month narcotics investigation which led to successful arrests; discussed additional incidents; discussed promotions, new staff, and officer of the quarter award.

TOWN MANAGER'S REPORT

Mr. Murphy commented on mural painted in recreation center by summer camp; announced employee of the month for June; provided updates on Pinellas and Palmetto roadway projects; roadway repair due to water main break in RPD area; employee appreciation night on Aug 3rd.

TOWN ATTORNEY'S REPORT

Nothing to report.

MAYOR AND COMMISSIONERS' REPORT/BOARD AND COMMITTEE REPORTS

Commissioner Wilkinson -Recreation board met; provided items discussed at meeting; commented on Tackett Park; thanked staff and commissioners.

Deputy Mayor Rettstatt-Thanked Cathy DeKarz for facebook communications regarding tree removal on Ponce; commented on clear language for motions to be provided for agenda items.

Commissioner Kurey-Commented on resident comments and maintaining factual information during meeting; thanked staff; Tackett Park looks good; having background information available for budget work session.

OTHER BUSINESS

No other business.

ADJOURNMENT

Meeting adjourned in due form at 8:48 PM.

Commissioner Wilkinson moved to adjourn. Seconded by Commissioner Wilkinson.

Aye: 4 - Mayor Katica, Deputy Mayor Rettstatt, Commissioner Wilkinson, and Commissioner Kurey

Absent: 1 - Commissioner Shelly

TOWN CLERK

APPROVED

MAYOR