



Town of Belleair

901 Ponce de Leon Blvd.
Belleair, FL 33756

Meeting Minutes Town Commission

Tuesday, December 6, 2022

6:00 PM

Town Hall

Meeting called to order at 6:00 PM with Mayor Wilkinson presiding.

PLEDGE OF ALLEGIANCE

COMMISSIONER ROLL CALL

Present: 4 - Mayor Michael Wilkinson
Commissioner Tom Shelly
Commissioner Coleen Chaney
Commissioner Thomas Nessler

Excused: 1 - Deputy Mayor Tom Kurey

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.

[22-0377](#)

Variance for 905 Ponce De Leon Blvd

Commissioner Nessler stated that his father-in-law is agent seller, for property recusing from item.

Jay Daigneault-town Attorney-provided commentary on procedure of the request.

Town Clerk swore in David Hutcheson and Chris Brimo.

Mr. Daigneault asked if there was anyone present on behalf of the applicant who wished to make a presentation. Mike Hendzel-Applicant-attended via Zoom; will provide presentation.

Mayor Wilkinson asked the commission if there were any ex parte communication.

Commissioner Chaney disclosed a brief phone conversation regarding background; terminated call.

Commissioner Shelly stated he had a brief phone conversation with the applicant.

Mayor Wilkinson stated he had none.

Mr. Daigneault questioned if those commissioners who divulged ex parte communications whether that communication prevents them from rendering a fair and

impartial decision in this case. Commissioners stated it does not.

Mr. Hendzel took the oath.

Mayor Wilkinson requested applicant present his case.

Michael Hendzel stated he is requesting parking relief regarding 905 Ponce de Leon; intended use is for a hybrid workspace, 9 private offices, team use area, 9-5 Monday through Friday; currently 4 spots which is not enough to meet required 28; spoke on similar areas in Clearwater and St. Petersburg, and the required number of spots; spoke on capital to be invested and renovations to be done; seeking relief.

Mr. Daigneault questioned if applicant is seeking building parking requirement to be eliminated.

Mr. Hendzel spoke on having public accessible spaces by soccer fields count toward building parking requirements.

Mr. Daigneault stated the town can't fashion application, various sections of code are noted; seeking clarification as to what provision of code he is seeking relief from.

Mr. Hendzel's initial request is to have some allotment of public parking spaces off site count towards his parking requirement.

Mr. Daigneault spoke on calculations from other municipalities the applicant referenced; clarifying that applicant is requesting deviation from both the number of spaces required and the location (offsite); Mr. Hendzel affirmed.

Mr. Daigneault stated the Land Development Code allows the Commission to approve a parking deferral; 74-172(f) if applicant can show precedence is met; this application doesn't fit that; relative to location, it mentions parking be on-site, other section stated Commission can approve under section 74-175-Sub 2, this is not a variance process; however if applicant wishes to utilize Town parking and Town row, that would be another separate process; Commission can make use agreements, it is a legislative process not a quasi-judicial process; if the Town considers to allow use of Town parking public should be afforded input; Mr. Daigneault recommends application be deferred and heard under appropriate process based on relief being sought by the applicant.

Discussion ensued regarding timeline for applicants needs.

Mr. Daigneault suggested that the Commission table the request pending further input from staff.

Commissioner Shelly moved to table the variance for 905 Ponce De Leon Blvd. Seconded by Commissioner Chaney.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

[22-0379](#)

Second Reading of Ordinance 556 - Banning Smoking in Town Parks

Mayor Wilkinson stated this is the second reading; asked town attorney to read by title.

Mr. Daigneault read Ordinance 556 into record by title only.

Karla Rettstatt-resident-questioned enforceability; Mayor Wilkinson stated a resident

can call the non-emergency number.

Commissioner Chaney questioned Chief on enforcement.

Rick Doyle-Chief of Police-discretion of officer, must see it occurring.

Commissioner Nessler questioned cigars; Commissioner Shelly stated there was an exception; Florida state law.

Commissioner Shelly moved approval of Ordinance 556 on second reading. Seconded by Commissioner Nessler.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

[22-0380](#)

Second Reading Ordinance 557 - Purchasing Thresholds

Mr. Daigneault read Ordinance 557 into the record by title only.

Mayor Wilkinson stated this was requested by staff to assist with purchasing thresholds.

Commissioner Nessler moved approval of Ordinance 557 on second reading. Seconded by Commissioner Shelly.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

[22-0366](#)

First Reading of Ordinance 558 - Planning and Zoning Board Membership Reduction

Mr. Daigneault read into record by title only

Ms Lancaster stated this is part of the ongoing discussion regarding quorums; 5 active members and 2 alternates

Commissioner Nessler moved approval of Ordinance 558 on first reading. Seconded by Commissioner Shelly.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

[22-0384](#)

First Reading of Ordinance 559 - Chapter 2 Revisions

Mr. Daigneault read into record Ordinance 559 by title only.

Mayor Wilkinson stated the attorney has been asked to review code for necessary updates; this is one of the revisions.

Commissioner Shelly moved approval of Ordinance 559 on first reading. Seconded by Commissioner Chaney.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

CITIZENS COMMENTS

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

Rick Diaz-resident-spoke on area of Golf View Drive and golf course events; large vehicles driving through lawns; volume of traffic in area; concerned with workers in area.

Melissa Hoglund-resident-questioned if workers working on golf course events have

been background checked; questioned rentals in area; bright lighting impacting area not just on day of events.

Ric Feinberg-resident-spoke on bluff; importance of view of water; vegetation is obscuring view; provided pictures of area; requests commission hire someone to trim vegetation.

Commissioner Nessler spoke on importance of preserving the bluff; machinery is rented to be done properly.

Commissioner Shelly stated Commission previously selected not to do trimming during hurricane season; difficult to cut safely.

Mr. Feinberg spoke on feasibility of pruning; Commissioner Shelly spoke on renting equipment to cut, yet maintaining trees. Mayor requested town manager to get with staff.

Jerry Coleman-resident-volunteer and Board of Directors for Clearwater Historical Society; January exhibit grand opening for coast guard; military ceremonies to be held; requesting information be shared with residents.

CONSENT AGENDA

Commissioner Shelly moved approval of the Consent Agenda. Seconded by Commissioner Nessler.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

[22-0382](#) Approval of November 15, 2022 Regular Meeting Minutes

[22-0378](#) Special Relief Permit - Clearwater Marathon and Running Festival

GENERAL AGENDA

[22-0381](#) Legal Services Agreement

Mr. Daigneault stated he has served since last November; enjoys being town attorney, proposed arrangement alters current retainer agreement to move to an hourly model beginning January 1st.

Commissioner Chaney questioned if a financial impact projection can be provided; Mr. Daigneault stated he cannot as it varies.

Melissa Hoglund-resident-questioned if it would be prudent to seek another attorney to serve in same capacity.

Mr. Nessler provided comments that the proposed rate of \$210 is reasonable.

Ric Feinberg-resident-spoke in support of Mr. Daigneault's experience and guidance; encourages Commission to endorse his contract.

Mr. Daigneault stated goal is to establish long term relationships with clients; thankful for kind words.

Commissioner Shelly spoke in support. Mayor Wilkinson spoke on being cognizant of

budget.

Commissioner Shelly moved approval of the updated contract for legal services. Seconded by Commissioner Nessler.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

[22-0383](#)

Water Update

Ms. Lancaster stated numbers and a full proposal will be ready in initial draft form for review by Stantek soon; if agreement is reached, will request permission to schedule a work session to discuss details of proposal in January; will reach out to schedule.

Commissioner Chaney spoke on expectation management for residents once agreement is available; inquired about timeline to activation.

Ms. Lancaster stated it is very quick once commission approves, possibly 30 days of final agreement; water quality is compatible; very high standards on fire hydrants.

TOWN MANAGER'S REPORT

Ms. Lancaster spoke on a change to a requested special event; Christmas in Doyle Park event was submitted as 12/20 it is actually the 21st, no significant changes, if comfortable can modify. Consensus to update. Ms. Lancaster stated Tory Cornock has been working hard to get streetlights working; Winston Bridge waterline underway.

Commissioner Chaney spoke on resident inquiries on reducing speed limit on Indian Rocks Road; documentation is old, requesting to reach out to the county and resolve conflicts of ownership.

TOWN ATTORNEY'S REPORT

Mr. Daigneault had nothing to report.

MAYOR AND COMMISSIONERS' COMMENTS

Commissioner Chaney thanked all commissioners; proud of work; thanked Jay and Gay for their work; thanked residents for their engagement and wished all a happy holiday season.

Commissioner Nessler wished everyone a Merry Christmas and happy holidays.

Commissioner Shelly wished everyone a Merry Christmas and thanked commissioners and staff.

Mayor Wilkinson concurred with above comments; thanked residents and staff; Spoke on the Santa deliveries.

OTHER BUSINESS

No other business

ADJOURNMENT

No further business; Meeting adjourned in due form at 7:02 PM.

Commissioner Shelly moved to adjourn. Seconded by Thomas Nessler.

Aye: 4 - Mayor Wilkinson, Commissioner Shelly, Commissioner Chaney, and Commissioner Nessler

TOWN CLERK

MAYOR

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Nessler</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Belleair Town Commission</i>	
MAILING ADDRESS <i>401 Gardenia St. Pinellas</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Belleair</i>	COUNTY	<input type="checkbox"/> CITY	<input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>12-6-22</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas J. Ness, hereby disclose that on December 10, 20 12:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, William Hutcherson Jr.;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

My father in law, William Hutcherson, is a owner of Hutcherson Realty, who are seller agents for 905 Ponce de Leon Blvd for Montessori School property.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Dec 6th 2012
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.