



# Town of Belleair

901 Ponce de Leon Blvd.  
Belleair, FL 33756

## Meeting Minutes Town Commission

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Tuesday, April 18, 2017

6:00 PM

Town Hall

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**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 called to order at 6:00 PM with Mayor Gary H. Katica presiding.

### PLEDGE OF ALLEGIANCE

### COMMISSIONER ROLL CALL

**Present:** 5 - Mayor Gary H. Katica  
Deputy Mayor Karla Rettstatt  
Mayor Michael Wilkinson  
Commissioner Tom Shelly  
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.

[17-0088](#)

Request for Variance -3 Stonegate Drive

JP Murphy-Assistant Town Manager-Provided overview of variance requests; first would allow dock to extend length; second would extend outside center 1/3; Planning and Zoning Board approved first variance relating to length, denied second request regarding location. Mr. Murphy provided staff recommendation and details regarding criteria for granting variance; discussed new exhibits received just prior to meeting; recommending continuance to allow for analysis.

**Commissioner Wilkinson moved to continue; seconded by Commissioner Shelly.**

Joel Tew-Attorney for Applicant-Objects to motion to continue; new documents submitte were from opposition not applicant.

**Commissioner Wilkinson withdrew his previous motion; seconded by Commssioner Shelly.**

Town Clerk swore in those who wished to speak.

Exparte Communications:

Mayor Katica spoke with both applicant and objector; Commissioner Shelly spoke with Town Manager, applicant and objector; Commissioner Wilkinson went to Connolly's

house with Town Manager; Commissioner Kurey had discussions with both parties as well with the Town Manager and Assistant Town Manager present; Deputy Mayor Rettstatt spoke with Town Manager and Assistant Town Manager only.

Mr. Tew requested, by reference, all evidence and testimony from Planning and Zoning Board meeting (3/13/17) be incorporated into record, provided printed presentation from Planning and Zoning Board meeting; also provided copy of unity of title and certificate of covenant. Mr. Tew discussed setbacks in relation to proposed dock; uniqueness of property regarding 1/3 rule; variance criteria and related code sections discussed; presented poster boards showing location of dock and historic dredge; applicant willing to accept a conditional variance requiring investigation on dredging ability and shifting location of dock if further dredging possible; commented on debris from roadway project in area. Mr. Tew showed additional aerial photo of proposed dock; commented on dock variance received by neighbor in past and other docks throughout town. Applicant willing to accept condition to shift as far north and east as possible, subject to dredging permit, and monitored by town engineer; applicant willing to reorient boat slip to be as least intrusive as possible to neighbor.

Craig Taraszki-Johnson and Pope, Attorney for John Connelly-Introduced case in opposition to variances; provided surveyor photos for record; commented on riparian rights and methods of calculation being perpendicular to shoreline; discussed Dr. Gibson study and prior case law relating to riparian rights; provided and discussed Nettles and Associates report relating to dredging; reviewed hardships claimed by applicant in justification statement and provided counter arguments. Mr. Taraszki requests denial of variance with respect to center one third set back.

#### **Public comments heard**

John Hail-Resident-Spoke against granting variances.

Michael Adams-Resident-Spoke against granting variances.

Mr. Tew provided rebuttal discussing the following: lot line in relation to house, riparian rights, procedure for obtaining permitting with town and other agencies, ability to obtain dredge permit; willing to accept conditional variances.

Mr. Tew stated his objection to surrebuttal for the record.

Mr. Tarazski commented on setbacks and riparian boundaries.

Mr. Murphy briefly identified new exhibits submitted by applicant prior to meeting.

David Ottinger-Town Attorney-Clarified the following conditions for approval as provided by Mr. Tew; Condition one: request for dredging permit to be made the farthest area northward as possible at least to the middle one third; Condition two: any dock must be built in northern most limit of dredge area; Condition three: if dredge area does not allow dock to be where it is now, it will not be built any farther south than it is depicted now; Condition four: if design can be repositioned or changed to minimize

profile of dock and boat, it will be done to full extent that would allow launching of a boat; Mr. Tew is in agreement with all conditions.

**Closed to public comments**

Mayor Katica commented on tides and water level at location.

**Commissioner Shelly moved to approve request to construct the dock subject to the conditions that our Town Attorney, David Ottinger, just read off; seconded by Deputy Mayor Rettstatt.**

Discussion ensued regarding newest design and specs submitted prior to meeting; Commissioner Kurey's drawing during exparte communications; conditions of approval clarified.

Mr. Tew confirmed latest submittal is requested design subject to conditions; Mr. Connelly's position has not changed regarding riparian rights; Mr. Ottinger provided comments according to FDEP guidelines and Florida Supreme Court rulings.

Commissioner Kurey requests motion to be amended to include language regarding 41ft distance and for town engineer to be part of the process; Mr. Murphy commented on not having a specific engineer, Town Manager can consult with an engineer of record if needed.

**Commissioner Shelly amended his motion to be no further south than 41ft; seconded by Deputy Mayor Rettstatt.**

**(Conditions re-stated for motion)**

**Condition One: Applicant will undertake to obtain a permit for dredging extending as far northward as possible or at least to the middle one third of applicant's property.**

**Condition Two: Dock will be located in the northern most limit of the dredge area or as far away from neighboring seawall as possible to permit the launching of a boat.**

**Condition Three: Regardless of a dredging permit, the dock will not to be located farther south than as applied for which is currently 41ft from Mr. Connelly's seawall.**

**Condition Four: Final design of the dock will be to the satisfaction of the town that it is positioned in the most favorable way to reduce its profile view from the south.**

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

**Nay:** 1 - Mayor Wilkinson

Meeting went into Recess at 7:56 PM

Meeting Reconvened at 8:04 PM.

[17-0040](#)

First Reading of Ordinance 510 - Coastal Management Comprehensive - Plan Amendment

Mr. Murphy provided update to proposed ordinances.

Dave Healey-Calvin Giordano and Associates-Provided overview of ordinances as follows: Ordinance 510 Coastal Management addresses state requirements regarding sea level rise; no change to version of ordinance approved by Planning and Zoning Board; amends comprehensive plan. Ordinance 511 amends three elements of comprehensive plan; updates maintain consistency with county plan; second portion amends transportation elements and corresponds to county plan and process; third provision removes five year capital improvement schedule, providing for adoption by ordinance; discussed updates provided from first version and recommended changes. Ordinance 512 amends land development code in keeping with items in 511; recommended changes from first version. Ordinance 513 repeals existing floodplain management provisions and adopts a new chapter; FEMA requirements incorporated; commented on changes to five year time period for improvements; suggests using property appraiser to define market value. Mr. Healey recommends approval of the ordinances.

**Commissioner Wilkinson moved approval Ordinance number 510; seconded by Commissioner Shelly.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

[17-0042](#)

First Reading of Ordinance 511 - Mobility Management - Comprehensive Plan Amendment

**Deputy Mayor Rettstatt moved approval of first reading of Ordinance 511 Mobility Management - Comprehensive Plan Amendment as amended; seconded by Commissioner Wilkinson.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

[17-0073](#)

First Reading of Ordinance 512 - Mobility Management - Land Development Code

**Deputy Mayor Rettstatt moved approval of Ordinance 512 Mobility Management Land - Development Code as amended; seconded by Commissioner Wilkinson.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

[17-0074](#)

First Reading of Ordinance 513 - Floodplain Management

Brief discussions regarding community rating system impacts.

**Commissioner Wilkinson moved approval of Ordinance 513 - Floodplain Management as amended; seconded by Deputy Mayor Rettstatt.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

## **CITIZENS COMMENTS**

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

Pat Capen-Non Resident-Seeking information on golf course. Mr. Murphy stated

development plan and sale ordinances will be heard on May 2nd and May 16th; Mr. Ottinger expects sale and closure to happen around June 15th.

Laura Hulley-Resident-commended Micah Maxwell for his service to the town; expressed happiness with appointment of JP as new Town Manager.

## **CONSENT AGENDA**

[17-0084](#) Approval of April 4, 2017 Regular Meeting Minutes

**Commissioner Shelly moved approval of the consent agenda; seconded by Deputy Mayor Rettstatt.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

## **GENERAL AGENDA**

[17-0075](#) Resolution 2017-06 Establishing the Line of Succession

Mr. Murphy detailed voting process for ballots; briefly tabled item while ballots were counted.

[17-0087](#) Resolution 2017-07: Amending the Budget

Mr. Murphy summarized budget amendment request.

**Commissioner Shelly moved approval of Resolution 2017-07 Amending the Budget; seconded by Commissioner Wilkinson.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

[17-0078](#) 2017 National Peace Officers Memorial Day Proclamation

Mr. Murphy read into record.

**Commissioner Shelly moved approval of the 2017 National Peace Officers Memorial Proclamation; seconded by Commissioner Kurey.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

[17-0082](#) 2017 Proclamation Honoring Officer Jeffery W. Tackett

Mr. Murphy read into record.

Commissioner Wilkinson requested a moment of silence.

**Commissioner Shelly moved approval of the Proclamation Honoring Officer Jeffery W. Tackett; seconded by Commissioner Kurey.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

[17-0075](#)

## Resolution 2017-06 Establishing the Line of Succession

Town Clerk announced ballot results; line of succession is as follows: Deputy Mayor Rettstatt, Commissioner Wilkinson, Commissioner Shelly and Commissioner Kurey.

**Commissioner Wilkinson moved to award the succession being Deputy Mayor Rettstatt, Commissioner Wilkinson, Commissioner Shelly and Commissioner Kurey; seconded by Deputy Mayor Rettstatt.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

[17-0090](#)

## Acceptance of Town Manager Contract

Mr. Ottinger stated contract proposal similar to current manager; discussed requests relating to term and vacation time payout; salary to be the same as current manager; would like provision for yearly evaluation with ability for merit bonus or raise.

Brief discussion regarding maximum accrual limits for staff.

**Commissioner Shelly moved approval of the contract as presented; seconded by Deputy Mayor Rettstatt.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

**TOWN MANAGER'S REPORT**

Mr. Murphy stated board appointments to be discussed at upcoming meetings; discussed upcoming meetings and holiday schedule. Consensus to cancel June 6th and July 4th meetings; approved town hall closure on July 3rd; additional meeting changes to be discussed later.

Mr. Murphy provided reminder for the Special Magistrate hearing regarding Airbnb case is on May 17th; welcomes residents to attend.

Commissioner Shelly recognized for his completion of Elected Municipal Officials III: Leadership Challenge; presented certificate.

**TOWN ATTORNEY'S REPORT**

Mr. Ottinger had nothing to report.

**MAYOR AND COMMISSIONERS' REPORT/BOARD AND COMMITTEE REPORTS**

No items to report by Mayor or Commissioners.

**OTHER BUSINESS**

No other business.

**ADJOURNMENT**

No further business; meeting adjourned in due form at 8:38 PM

**Commissioner Shelly moved to adjourn; seconded by Commissioner Wilkinson.**

**Aye:** 5 - Mayor Katica, Deputy Mayor Rettstatt, Mayor Wilkinson, Commissioner Shelly, and Deputy Mayor Kurey

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**TOWN CLERK**

**APPROVED:**

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**MAYOR**