



# Town of Belleair

901 Ponce de Leon Blvd.  
Belleair, FL 33756

## Meeting Agenda Town Commission

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Tuesday, October 4, 2016

5:30 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.**

### **PLEDGE OF ALLEGIANCE**

### **COMMISSIONER ROLL CALL**

### **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.

[16-0201](#) First Reading of Ordinance 507 - Amending the Police Pension Plan

Attachments: [507-Amending the Police Pension Plan](#)

### **CITIZENS COMMENTS**

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

### **CONSENT AGENDA**

[16-0213](#) Approval of September 20, 2016 Regular Meeting Minutes

Attachments: [RM 09-20-2016](#)

### **GENERAL AGENDA**

[16-0214](#) Resolution 2016-22 - Appointing Members to the Police Officers' Pension Board

Attachments: [2016-22 Police Pension Board Appointments](#)

[16-0215](#) Resolution 2016-23 - Amending Commission Rules

Attachments: [2016-23 Amending Commission Procedures-Redline](#)

### **TOWN MANAGER'S REPORT**

**TOWN ATTORNEY'S REPORT**

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

**OTHER BUSINESS**

**ADJOURNMENT**

ANY PERSON WITH A DISABILITY REQUIRING REASONABLE ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING, SHOULD CALL (727) 588-3769 OR FAX A WRITTEN REQUEST TO (727) 588-3767.



## Legislation Details (With Text)

**File #:** 16-0201      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Public Hearing  
**File created:** 8/31/2016      **In control:** Town Commission  
**On agenda:** 10/4/2016      **Final action:**  
**Title:** First Reading of Ordinance 507 - Amending the Police Pension Plan  
**Sponsors:** JP Murphy  
**Indexes:**  
**Code sections:**  
**Attachments:** [507-Amending the Police Pension Plan](#)

Date	Ver.	Action By	Action	Result
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### Summary

To: Mayor and Commission  
From: JP Murphy  
Date: 8/31/2016

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**Subject:**  
Ordinance 507

#### Summary:

Ordinance 507 is a conforming ordinance to be in compliance with statutory changes to the Municipal Police Officers' Retirement System and Benefit Eligibility. Amendments based on statutory language were made to the definitions of *Actuarial Equivalent*, *Credited Service* and *Spouse*, the normal retirement age and date, disability in the line of duty, disability not in the line of duty, optional forms of benefits, and maximum pension. This ordinance also removes the Police Chief from participating in the pension, unless he is already in the system.

**Previous Commission Action:** None.

**Background/Problem Discussion:** None.

**Expenditure Challenges** None.

**Financial Implications:** None.

**Recommendation:** Approval of Ordinance 507

**Proposed Motion** Move to approve Ordinance 507

**ORDINANCE NO. 507**

**AN ORDINANCE OF THE TOWN OF BELLEAIR AMENDING CHAPTER 42, ARTICLE III, MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM, DIVISION 1, GENERALLY, DIVISION 4, MEMBERSHIP AND DIVISION 6, BENEFITS AND ELIGIBILITY, OF THE CODE OF ORDINANCES OF THE TOWN OF BELLEAIR; AMENDING SECTION 42-66, DEFINITIONS BY AMENDING THE DEFINITIONS OF ACTUARIAL EQUIVALENT, CREDITED SERVICE AND SPOUSE; AMENDING SECTION 42-78, PRIOR POLICE SERVICE; AMENDING SECTION 42-151, CONDITIONS OF ELIGIBILITY; AMENDING SECTION 42-201, NORMAL RETIREMENT DATE; AMENDING SECTION 42-208, DISABILITY BENEFITS IN LINE OF DUTY; AMENDING SECTION 42-209, DISABILITY NOT IN LINE OF DUTY; AMENDING SECTION 42-215, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 42-215, MAXIMUM PENSION; ADDING SECTION 42-216, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA;**

**SECTION 1:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 1, Generally, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-66, Definitions, by amending the definitions of *Actuarial Equivalent*, *Credited Service* and *Spouse*, read as follows:

\* \* \*

*Actuarial equivalent* means a benefit or amount of equal value, based upon the RP 2000 Combined Healthy ~~Unisex~~ mortality table and an interest rate of ~~seven and three quarters percent per annum~~ equal to the investment return assumption set forth in the last actuarial valuation report approved by the board. This definition may only be amended by the town pursuant to the recommendation of the board using the assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to town discretion.

\* \* \*

*Credited service* means a total number of years and fractional parts of years of service as a police officer with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the town as a police officer. A member may voluntarily leave his accumulated contributions in the fund for a period of five years after leaving the employ of the police department pending the possibility of being re-employed as a police officer, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the police department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not re-employed as a police officer with the police department with five years, his accumulated contributions, if \$1,000.00 or less shall be returned. If

a member who is not vested is not re-employed within five years, his accumulated contributions, if more than \$1,000.00, will be returned only upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any reemployment, a police officer shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the police officer repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within 90 days after his reemployment.

The years or fractional parts of years that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a police officer to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

- (1) The Member is entitled to reemployment under the provisions of the USERRA.
- (2) The member returns to his employment as a police officer within one year from the earlier of the date of his military discharge or release from active service, unless otherwise required by USERRA.
- (3) The maximum credit for military service pursuant to this paragraph shall be five years.
- (4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

If a former police officer, who has withdrawn the contributions made during his previous employment with the town is reemployed as a police officer under any conditions other than those covered in the paragraph relating to military service and who has not redeposited his withdrawn contributions within 90 days as provided for above, he may receive credit for prior service only if the period of prior employment was of at least one year continuous duration and:

- (1) The police officer contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund, plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service.
- (2) The request shall be made only once and made by the police officer on or before six months from the date of his reemployment with the town police department.
- (3) Payment by the police officer of the required amount shall be made within six months of his request for credit and shall be made in one lump sum payment, upon receipt of which credited service shall be issued.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the city or in the plan year in which the member terminates employment.

\* \* \*

*Spouse* means the lawful wife or husband of a member's or retiree's spouse under applicable law at the time benefits become payable.

\* \* \*

**SECTION 2:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 1, Generally, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-78, Prior police service, subsection 5, to read as follows:

\* \* \*

- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county, state law enforcement department, if such prior service forms or will form the basis of a retirement benefit or pension from another retirement system or plan as set forth in section 42-215, subsection (k)(2).

\* \* \*

**SECTION 3:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 4, Membership, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-151, Conditions of eligibility, subsection (b), to read as follows:

\* \* \*

- (b) The police chief may not be a member of the system, except as provided below,
- (1) Current employees of the town who are selected to become police chief may remain in the system.
- (2) Current employees of the town who are selected to become police chief may elect, within 90 days of the date of upon his employment as police chief, to opt out of the system by notifying the board, in writing, of his election to do so. Thereupon it shall be the duty of the board to refund, from the fund, the full amount of his accumulated contributions. Thenceforward, no withholding shall be made from his salary and he shall be barred from participating in the system and shall not be eligible to be elected as a member trustee on the board or vote for a member trustee."

\* \* \*

**SECTION 4:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 6, Benefits and eligibility, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-201, Normal retirement date, to read as follows:

**Sec. 42-201. Normal retirement age and date.**

~~— A member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of five years of credited service or the completion of 25 years of credited service, regardless of age. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become 100 percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the town on or after the normal retirement date.~~

(a) A member's normal retirement age is the earlier of the attainment of age 55 and the completion of 5 years of credited service or the completion of 25 years of credited service, regardless of age. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the city after attaining normal retirement age.

**SECTION 5:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 6, Benefits and eligibility, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-208, Disability in line of duty, to read as follows:

(a) Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer, which disability was directly caused by the performance of his duty as a police officer shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to three and one-half percent of his average final compensation multiplied by the total years of credited service, but shall not be less than 42 percent of his average final compensation as of his disability retirement date. Terminated persons, either vested or nonvested are not eligible for disability benefits, ~~except that those terminated by the town for medical reasons may apply for a disability within 30 days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \*

**SECTION 6:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 6, Benefits and eligibility, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-209, Disability not in line of duty, to read as follows:

**Sec. 42-209. Disability benefits not in line of duty.**

Any member with ten years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a police officer, which disability is not directly caused by the performance of his duties as a police officer shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to three and one-half percent of his average final compensation multiplied by the total years of credited service. Terminated persons, either vested or nonvested, are not eligible for disability benefits, ~~except that those terminated by the town for medical reasons may apply for a disability within 30 days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for

above.

**SECTION 7:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 6, Benefits and eligibility, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-213, Optional forms of benefits, subsection (b), to read as follows:

\* \* \*

(b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) above) or beneficiary or beneficiaries to receive the benefit, if any, payable under the system in the event of the member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary beneficiaries where applicable. A member may change his beneficiary at any time. If a member has elected an option with a joint pensioner and the member's retirement income benefits have commenced, such member may thereafter change his designated beneficiary, at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

\* \* \*

**SECTION 8:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 6, Benefits and eligibility, of the Code of Ordinances of the Town of Belleair, is hereby amended by amending Section 42-215, Maximum Pension, subsections (f) and (l)(2) and adding subsection (m), *Effect of direct rollover on 415(b) limit*, to read as follows:

(f) *Less than Ten (10) Years of Participation or Service.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of ~~credited service with the Town~~ participation shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of ~~credited service~~ participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Secs. 42-208 and 42-209, or pre-retirement death benefits paid pursuant to Secs. 42-205 and 42-206.

\* \* \*

(l)(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter ~~67~~1223, Title 10, U.S. Code.

(m) *Effect of direct rollover on 415(b) limit.* If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

**SECTION 9:** That Chapter 42, Article III, Municipal Police Officers' Retirement System, Division 6, Benefits and eligibility, of the Code of Ordinances of the Town of Belleair, is hereby amended by adding Section 42-216, Supplemental benefit component for special benefits; Chapter 185 share accounts, to read as follows:

**Sec. 42-216. Reserved.**



**Sec. 42-216. Supplemental benefit component for special benefits; Chapter 185 share accounts.**

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous Sections of this Plan, such benefit to be funded solely and entirely by F.S. Chapter 185, premium tax monies for each plan year which are allocated to this supplemental component as provided for in F.S. §185.35. Amounts allocated to this supplemental component ("Share Plan") shall be further allocated to the members and DROP participants in a manner to be agreed upon.

**SECTION 10:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 11:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the Town of Belleair.

**SECTION 12:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 13:** That this Ordinance shall become effective thirty days after adoption.

**PASSED ON FIRST READING:** *\*October 4, 2016*

**PASSED ON SECOND AND FINAL READING:** *\*October 18, 2016*

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
Town Clerk

**APPROVED TO AS FORM:**

\_\_\_\_\_  
Town Attorney



## Legislation Details (With Text)

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**File #:** 16-0213      **Version:** 1      **Name:**  
**Type:** Minutes      **Status:** Minutes Approval  
**File created:** 9/26/2016      **In control:** Town Commission  
**On agenda:** 10/4/2016      **Final action:**  
**Title:** Approval of September 20, 2016 Regular Meeting Minutes  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [RM 09-20-2016](#)

Date	Ver.	Action By	Action	Result
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# Town of Belleair

901 Ponce de Leon Blvd.  
Belleair, FL 33756

## Meeting Minutes Town Commission

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Tuesday, September 20, 2016

6:30 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 6:30 PM with Mayor Gary H. Katica presiding.

### **PLEDGE OF ALLEGIANCE**

### **COMMISSIONER ROLL CALL**

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

[16-0205](#) Second Hearing, Approval of Resolution 2016-20, Adopting the millage rate for fiscal year 2016-2017

Micah Badana-Management Analyst II-Staff recommends adopting millage rate 5.9257; rate is the same as current year; newspaper advertised increase due to increase of total taxable value.

**Deputy Mayor Rettstatt moved approval of Resolution 2016-20, adopting the millage rate of 5.9257, which is 4.97% greater than the rollback rate of 5.6453 mills; seconded by Commissioner Wilkinson.**

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

[16-0206](#) Second Hearing, Approval of Resolution 2016-21, Adopting the Fiscal Year 2016-2017 Budget

Mr. Badana stated total town wide budget for fiscal year 2016-2017 is \$15,765,050.; detailed the various fund amounts; no changes have been made since first hearing.

#### **Public comments heard**

William Trembour-Resident-Seeking clarification regarding budget ad and county tax

trim notice.

Mr. Murphy-Assistant Town Manager-Explained impact of increased property values;  
Mr. Maxwell-Town Manager-Commented entire tax bill millage rate is approximately 22; Belleair taxes are 5.9257 of that.

**No further public comments**

**Deputy Mayor Rettstatt moved approval of Resolution 2016-21, adopting the fiscal year 2016-2017 capital and operating budget; seconded by Commissioner Wilkinson.**

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

*The following were sworn in by Town Clerk regarding variance requests: Dave Healey, Brian Barker, Michael Cheezem, Zack Vervaecke.*

[16-0191](#)

**Request for Variance-1501 Indian Rocks Road**

Mr. Murphy presented case; applicant is Green Golf Partners; requesting three after the fact variances as follows:

1. Allow existing ground structure with two signs separated by more than 3ft to be counted as one sign; 1 1/2ft variance for distance between signs.
2. Allow maximum use of signage area to be increased from 20 sqft to 45 sqft; requesting 25ft increase to signage area.
3. Allow one variable sign to be placed on sign for advertising special events.

Mr. Murphy stated town discovered sign not in compliance with code; also question of variable messaging; showed photos of proposed signage; Planning and Zoning Board approved unanimously.

Mayor Katica asked for any exparte communications; none stated.

Zack Vervaecke-Green Golf Partners, Applicant-Nothing to add; available for questions.

**No public comments**

**Commissioner Wilkinson moved approval for granting the three variances as stated in the summary for the sign located at 1501 Indian Rocks Rd; seconded by Deputy Mayor Rettstatt.**

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

[16-0202](#)

**Request for Variance-1612 Indian Rocks Road**

Mr. Maxwell stated applicant requested a continuance; needs time to seek additional engineering and architectural work; suggested date in November.

**Commissioner Shelly moved to continue request for variance at 1612 Indian Rocks Road;**

**seconded by Deputy Mayor Rettstatt.**

Mr. Maxwell advised due to meeting being advertised, a date certain must be selected; suggested sending back to Planning and Zoning Board if new information is submitted.

**Commissioner Shelly amended his motion to continue on November 15th; seconded by Deputy Mayor Rettstatt.**

Commissioner Kurey mentioned possible conflict with the election and November meeting dates.

**Commissioner Shelly amended his motion to continue to November 22nd; seconded by Deputy Mayor Rettstatt.**

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

Mr. Murphy stated the November meeting dates are in fact November 1st and 15th; no conflict with election as Election Day is November 8th.

**Commissioner Shelly revised his motion to November 15th; seconded by Deputy Mayor Rettstatt.**

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

**16-0193**

Request for Variance-1 Country Club Lane (Parcel No. 21/29/15/06480/000/0313)

Mr. Murphy read parcel no. 20-29-15-06480-000-0313 for record; Mr. Healey to present case.

Dave Healey-Calvin Giordano and Associates, Town Planner-Belleair Country Club requests variance to landscape buffer requirement between two separate zoning districts; property was acquired as part of the JMC redevelopment site; zoning is hotel. Applicant is proposing to redesign and expand parking lot to include property; project to be done in two phases. Conclusion that landscape would be temporary and serve no purpose in the end; when hotel parcel is rezoned, the requirement would not exist.

Mayor Katica asked for any exparte communications; none stated.

Mr. Murphy noted Planning and Zoning Board recommended unanimous approval.

Brian Barker-Deuel and Associates, Project Engineer-Available for questions; property line runs through parking lot, landscaping not appropriate.

**No public comments**

**Deputy Mayor Rettstatt moved approval of the request for variance at 1 Country Club Lane (Parcel No. 21/29/15/06480/000/0313); seconded by Commissioner Wilkinson.**

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

16-0203

## Request for Variance-Belleview Place Temporary Signs

Mr. Murphy introduced case; Dave Healey detailed individual sign variances requested by Belleair Country Club and JMC Communities as follows:

Signs 1&2: Located at Ft. Harrison Ave and Belleview Blvd; off premise temporary signs; 2ft setback encroachment.

Sign 3: Located at Alexander Rd. and Druid Rd.; off premise sign; allow for setback encroachment. Property is zoned R-1 and code has size limitations; no residence on property.

Mr. Healey suggests limiting duration to two years with option for Town Manager to extend; changes to sign graphics have been submitted. Planning and Zoning Board recommended approval subject two conditions: temporary signs are to meet setback requirements at time of permanent sign construction; two year expiration from Commission approval then must go back to board for consideration.

Mayor Katica asked for any exparte communications; none stated.

Michael Cheezem-JMC Communities, Applicant-Provided photo of design change; requests consideration of option for extension handled administratively versus going back to board.

Edward Shaughnessey-Belleair Country Club-In favor of request.

**No further public comments**

Commissioner Kurey requested details regarding Planning and Zoning Board conclusion. Deputy Mayor Rettstatt commented that two years deemed an appropriate time; allows for any issues that may arise to be addressed.

**Commissioner Shelly moved approval of the variance request for each of the following three locations with the following conditions: Condition 1-Variance shall expire within four years from the approval date by the Commission, and Condition 2-Upon installation of the permanent signs, the temporary signs shall be relocated from within the setbacks; seconded by Commissioner Wilkinson.**

Discussion ensued regarding expiration period; unit sales timeframe; no history of similar requests; staff and board recommendations. Mr. Healey clarified his recommendation; project completion estimated as four years.

**Commissioner Shelly amended motion two make it two years with additional two years with administrative review; seconded by Commissioner Wilkinson.**

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

Mr. Healey detailed variance request for the last sign as follows:

Sign 4: Located at Alexander Rd. and Druid Rd.; variance for additional on premise sign and size of sign; suggests same conditions as prior motion.

**Deputy Mayor Rettstatt moved approval of the Bellevue Place temporary sign variance for the fourth sign, to include the same conditions; seconded by Commissioner Wilkinson.**

### **CITIZENS COMMENTS**

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

Neil Palenzuela-Resident-Seeking clarification of buyer timeline; required documentation.

Mr. Maxwell stated developers are hoping to close in December; just received site plans; still under review as to completeness; no conservation easement at this time; December time may not be achievable. Town must approve project; documentation required for permitting.

### **CONSENT AGENDA**

[16-0209](#)

Approval of September 6, 2016 Regular Meeting Minutes

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

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

### **GENERAL AGENDA**

[16-0208](#)

Approval to purchase vehicles in Fiscal Year 2016-17

Mr. Maxwell recommends approval of solid waste vehicle at this time; requests waiting on the other purchases; will provide additional information.

**Commissioner Shelly moved approval to purchase the solid waste vehicle as listed on the attached schedule; seconded by Deputy Mayor Rettstatt.**

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

[16-0207](#)

Discussion of Resolution 2016-07 Commission Rules and Procedures

Mr. Maxwell stated item is follow up from last meeting; discussion of making all meetings at 5:30 PM.

Mayor Katica in agreement; Commissioner Wilkinson feels it provides continuity.

Discussion ensued regarding continuity; resident attendance; consensus to hold both meetings at 6:00 PM. Staff will bring amended resolution forward for approval; meeting time will not change until resolution approval.

### **TOWN MANAGER'S REPORT**

Pension Board will need board and police appointed members ratified at next meeting; three individuals interested for two town representative seats; additional nominations can be made; voting at next meeting.

**TOWN ATTORNEY'S REPORT**

Mr. Ottinger had nothing to report.

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

Commissioner Kurey-Nothing to report.

Commissioner Shelly-Nothing to report; Park and Tree Board did not meet.

Mayor Katica-Commented on traffic in town; past study regarding vehicles not being residents; damage to roadways.

Deputy Mayor Rettstatt-October 22nd police tribute at 7:00 PM.

Mayor katica added December 9th and 10th is Christmas concert at golf course.

Commissioner Wilkinson-Recreation Board did not meet; suggested part-time employee to assist Keith with roadway projects; commented on Teddi Easterman and the successful academy at summer camp.

**OTHER BUSINESS**

No other business.

**ADJOURNMENT**

No further business; meeting adjourned in due form at 7:25 PM.

**Commissioner Wilkinson moved to adjourn; seconded by Deputy Mayor Rettstatt.**

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

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**TOWN CLERK****APPROVED:**

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**MAYOR**





## Legislation Details (With Text)

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**File #:** 16-0214      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** General Agenda

**File created:** 9/26/2016      **In control:** Town Commission

**On agenda:** 10/4/2016      **Final action:**

**Title:** Resolution 2016-22 - Appointing Members to the Police Officers' Pension Board

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [2016-22 Police Pension Board Appointments](#)

Date	Ver.	Action By	Action	Result
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**RESOLUTION NO. 2016-22**

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA,  
PROVIDING FOR THE APPROVAL OF CERTAIN MEMBERS  
TO THE BOARD OF TRUSTEES FOR THE TOWN OF  
BELLEAIR MUNICIPAL POLICE OFFICERS' AND  
RETIREMENT PLAN.**

**WHEREAS**, the Belleair Code of Ordinances, Chapter 42, Article III, Division 2, Section 42.91 has established a Board of Trustees to administer the Town of Belleair Municipal Police Officers' Retirement Plan; and

**WHEREAS**, the following named persons have been appointed in accordance with the Town of Belleair Code of Ordinances, Chapter 42, Article III, Division 2, Section 42.91:

<u>Name</u>		<u>Expiration of Term</u>
Michael Fritz	Police Officer	September 30, 2017
_____	Resident - Town Appointed	September 30, 2017
<i>*Filling remainder of term</i>		
Roy Olsen	Police Officer	September 30, 2018
Sean Maguire	Board Elected	September 30, 2018
_____	Resident - Town Appointed	September 30, 2018

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF  
THE TOWN OF BELLEAIR, FLORIDA:**

That the Town Commission does hereby confirm and approve the Board of Trustees of the Town of Belleair Municipal Police Officers' Retirement Plan as listed above.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF  
BELLEAIR, FLORIDA, this 4<sup>th</sup> day of OCTOBER, A.D., 2016.**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Town Clerk**



## Legislation Details (With Text)

**File #:** 16-0215      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** General Agenda  
**File created:** 9/26/2016      **In control:** Town Commission  
**On agenda:** 10/4/2016      **Final action:**  
**Title:** Resolution 2016-23 - Amending Commission Rules  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [2016-23 Amending Commission Procedures-Redline](#)

Date	Ver.	Action By	Action	Result
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### Summary

To: Mayor and Commissioners  
From: Christine Torok  
Date: 9/26/2016

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**Subject:**

Resolution 2016-23 - Amending Commission Rules

**Summary:**

The Commission discussed amending the time of regular meetings at the September 20<sup>th</sup> meeting. Consensus was to hold all regular meetings of the Town Commission at 6:00 PM for consistency.

**Previous Commission Action:** The Commission sets the rules and procedures by resolution; Resolution 2016-07 passed on April 19<sup>th</sup> 2016. Proposed resolution would amend Section 2, Rule 2 of Resolution 2016-07.

**Background/Problem Discussion:** N/A

**Expenditure Challenges** N/A

**Financial Implications:** N/A

**Recommendation:** N/A

**Proposed Motion** I move approval of Resolution 2016-23, setting the meeting time for all regular Town Commission meetings to 6:00 PM.

**RESOLUTION NO. 2016-23**

**A RESOLUTION OF THE TOWN OF BELLEAIR,  
FLORIDA, AMENDING RESOLUTION NO. 2016-07;  
ADOPTING CERTAIN RULES OF PROCEDURES FOR  
THE TOWN COMMISSION; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, the Town Commission did adopt Resolution No. 2016-07 establishing certain rules of procedures pertaining to the conduct of its business; and

**WHEREAS**, the Town Commission wishes to amend Section 2, Rule 2 of the Rules for the Town Commission; and

**NOW, THEREFORE BE IT RESOLVED** by the Town Commission of the Town of Belleair, Florida, that:

**Section 2.** The following rules for the Town Commission are hereby established:

**Rule 2. Regular Meetings.**

- a. The Commission has scheduled its Regular meetings for the first Tuesday of the month at ~~5:30~~6:00p.m. and on the third Tuesday of each month at ~~6:30~~6:00 p.m.
- b. The Commission may, at a publically noticed meeting, change the date and time of regular meetings, or cancel a regular meeting, however the Commission must hold at least one (1) Regular Meeting per month.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF  
BELLEAIR, FLORIDA, this 4<sup>th</sup> day of OCTOBER, A.D., 2016.**

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**Mayor**

**ATTEST:**

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**Town Clerk**