



Town of Belleair

901 Ponce de Leon Blvd.
Belleair, FL 33756

Meeting Agenda Town Commission

Tuesday, October 18, 2016

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.

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.

[16-0226](#) Second 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

[16-0225](#) Approval of October 4, 2016 Regular Meeting Minutes

Attachments: [RM 10-04-2016](#)

GENERAL AGENDA

[16-0228](#) Biltmore Project Update

Attachments: [Review of Dev. Agreement for Belleview Place and Inn](#)

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 #: 16-0226 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 10/7/2016 **In control:** Town Commission
On agenda: 10/18/2016 **Final action:**
Title: Second Reading of Ordinance 507 - Amending the Police Pension Plan
Sponsors:
Indexes:
Code sections:
Attachments: [507-Amending the Police Pension Plan](#)

Date	Ver.	Action By	Action	Result
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Summary

To: Mayor and Commissioners
From: JP Murphy
Date: 10/7/2016

Subject:

Ordinance 507 - Amending the Police Pension Plan

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: Passed on first reading October 4, 2016.

Background/Problem Discussion: None

Expenditure Challenges: None

Financial Implications: None

Recommendation: Staff recommends approval.

Proposed Motion: Move approval of Ordinance 507 on second and final reading.

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)

File #: 16-0225 **Version:** 1 **Name:**
Type: Minutes **Status:** Minutes Approval
File created: 10/6/2016 **In control:** Town Commission
On agenda: 10/18/2016 **Final action:**
Title: Approval of October 4, 2016 Regular Meeting Minutes
Sponsors:
Indexes:
Code sections:
Attachments: [RM 10-04-2016](#)

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

Tuesday, October 4, 2016

5:30 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 called to order at 5:30 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.

[16-0201](#)

First Reading of Ordinance 507 - Amending the Police Pension Plan

JP Murphy-Assistant Town Manager-Read into record by title only; briefly described purpose and sections; staff recommends approval.

Commissioner Shelly moved to approve Ordinance 507; seconded by Deputy Mayor Rettstatt.

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

CITIZENS COMMENTS

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

Nancy Reardon-Resident-Requested update on golf course.

Micah Maxwell-Town Manager-Site plans submitted thus far are incomplete; once a complete application is received, noticing will be sent to residents; meetings most likely won't be held until January. Appraisal completed; still a few outstanding items.

Mr. Maxwell thanked Ms. Reardon for her recent donation to the town's employee gym.

CONSENT AGENDA[16-0213](#)

Approval of September 20, 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[16-0214](#)

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

Mr. Maxwell discussed seat changes regarding change in resident status of one member; two vacancies; Commissioners cast ballots prior to meeting. Ron Campbell and Nathan "Skip" Katz received the top votes; staff recommends appointing Mr. Campbell (top vote) in the two year seat and Mr. Katz (second highest vote) in the one year seat.

Deputy Mayor Rettstatt moved approval of Ron Campbell taking the two year term and Mr. Katz taking the one year term; seconded by Commissioner Wilkinson.

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

[16-0215](#)

Resolution 2016-23 - Amending Commission Rules

Mr. Maxwell stated this item was discussed at the last meeting; consensus was to have all Commission meetings at 6:00 PM for continuity.

Deputy Mayor Rettstatt moved approval of Resolution 2016-23 Amending Commission Rules; seconded by Commissioner Wilkinson.

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

TOWN MANAGER'S REPORT

Mr. Maxwell provided updates regarding Rosery Rd construction including Peaceful and Evonaire; completion is slated for second or third week of January.

TOWN ATTORNEY'S REPORT

David Ottinger-Town Attorney-Nothing to report.

MAYOR AND COMMISSIONERS' REPORT/BOARD AND COMMITTEE REPORTS

Commissioner Kurey-Thanked Wendy Mantell for her service on the Police Pension Board; Infrastructure Board met and details were provided of areas impacted by storm, also discussed street lighting.

Commissioner Shelly-November 4th at 5:00 PM will be ribbon cutting for new fire department in Belleair Bluffs, will confirm date; October 13th Haz-to-Go event 10:00 AM to 1:00 PM at public works building.

Mayor Katica-Commented on resident Robert Ahlf; police have been assisting; Officer Randy Krause and Ed Luttmann rebuilt a dock for him; thanked the Chief and department.

Mr. Maxwell stated the date for the fire department ribbon cutting is November 14th at 5:00 PM.

Deputy Mayor Rettstatt-Police tribute October 22nd at Biltmore Golf Course; Salute Our Veterans concert on November 12th, 5:00 PM at Hunter Park; Commented on concerns with round-about; Questioned sidewalk issue.

Mr. Maxwell stated waiting on engineer documents to lower speed and post signs; should be any day.

Keith Bodeker-Construction Project Supervisor-Meeting with contractor Thursday regarding sidewalk; contractor to mobilize in next two weeks; permitting needed; response from county has been very slow.

Commissioner Wilkinson-Recreation Board didn't meet; Halloween party October 23rd.

OTHER BUSINESS

Brief discussion regarding the roundabout; physical changes to go before Infrastructure Board, not signage.

Rodney Vincent-Resident-Commented on roundabout; suggested changes to signage and speed. Mr. Maxwell stated signage is part of the engineering documents.

Mayor Katica commented on lowered speed on Clearwater-Largo Rd leading to increased through traffic on Indian Rocks Rd.

Mr. Vincent suggests a reduced speed on Indian Rocks Rd and increased enforcement.

Discussion ensued regarding process for lowering speed; previous traffic studies; potential walking district; more enforcement; new speed study.

Mr. Vincent commented on sheriff traffic stops in town. Bill Sohl-Chief of Police-Stated violations occurring in Bluffs, most likely enforcing light at Mehlenbacher Rd; sheriff not working speed detail in town.

Further comments were made regarding traffic flow.

Chief Sohl-Provided update on recent case; intruder found in home; suspect arrested and charged with burglary and prowling.

ADJOURNMENT

No further business; meeting adjourned in due form at 6:06 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

TOWN CLERK

APPROVED:

MAYOR



Legislation Details (With Text)

File #: 16-0228 **Version:** 1 **Name:**
Type: Discussion Items **Status:** General Agenda
File created: 10/10/2016 **In control:** Town Commission
On agenda: 10/18/2016 **Final action:**
Title: Biltmore Project Update
Sponsors:
Indexes:
Code sections:
Attachments: [Review of Dev. Agreement for Belleview Place and Inn](#)

Date	Ver.	Action By	Action	Result
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Summary

To: Mayor and Commissioners
From: Chelsey Gordon
Date: 10/10/2016

Subject:
Biltmore Project Update

Summary:
Dave Healey of Calvin, Giordano & Associates will be providing an update on the Biltmore Project as requested. To be discussed will be the improvements made to date, current anticipated construction schedule for remaining site improvements, and the status, identification, and plans for historic artifacts and materials

Previous Commission Action: None.
Background/Problem Discussion: None.
Expenditure Challenges None.
Financial Implications: None.
Recommendation: No action needed.
Proposed Motion No action needed.



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MEMORANDUM

TO: Town of Belleair
Micah Maxwell, ICMA - CM, Town Manager
Chelsey Gordon, Management Analyst

FROM: Calvin, Giordano & Associates
David Healey, FAICP
Chris Brimo, AICP

SUBJECT: Belleview Place and Inn -
Periodic Review of Development Agreement
and Status Report

DATE: October 11, 2016

Purpose

This status report is prepared to provide an update on the progress of the Belleview Place and Inn project; and more specifically in fulfillment of the requirement for "periodic review of a development agreement" pursuant to Chapter 163.3235 F.S., and Section 5.4 of the Development Agreement between the Town of Belleair and JMC Communities, Inc.

Background

The Belleview Place and Inn project was approved by the Town Commission, following a series of public hearings over a several month period, including authorization of a Special Certificate of Appropriateness for Demolition on December 9, 2014 and approval of Ordinance 499 on February 17, 2015, which included the following components:

- Amendment to rezone the site from Hotel (H) to Planned Mixed Use (PMU);
- The Preliminary Development Plan for the project;
- The Master Plan and Phasing Schedule for the project; and
- The accompanying Development Agreement.



Subsequent approvals based on and consistent with the provisions of Ordinance 499 have included the following:

- Approval of the Final Development Plan (FDP Order No. 2015-01) on March 6, 2015;
- Issuance of the Demolition Permit on March 6, 2015;
- Approval of Construction Plans for Paving, Grading, Drainage and Utility Work on January 20, 2016; and
- Approval of First Amendment to the Final Development Plan [FDP No. 2015-01 (amended)] on August 15, 2016.

In addition, the following approvals have been granted for signage related to the Belleview Place and Inn Project:

- Approval of variances for combined Belleair Country Club and Belleview Place and Inn permanent signage on July 19, 2016; and
- Approval of variances for temporary directional/advertising signage for Belleview Place on September 20, 2016.

Master Plan Schedule

The Master Plan Phasing Schedule and corresponding target completion dates based on the established reference date of December 2, 2015 are as follows:

- Parcel #1 (Condo Bldg. 1.) - 30 months - June, 2018
- Parcels #2, 5, 7 - (Condo Bldg. 2, Townhome Phase 5, and Inn) - 36 months - December, 2018
- Parcel #3 (Condo Bldg. 3) - 48 months - December, 2019
- Parcels #4, 6 (Condo Bldg. 4 and Townhome Phase 6) - 60 months - December 2020

Belleview Place Improvements to Date

Progress to date includes:

- Belleview Biltmore Hotel Deconstruction/Demolition 95% complete
- New Entry Road complete, with brick pavers, palm trees, lighting, sidewalks and landscaping;
- Installation of Underground Utilities is approximately 50% complete; and
- One (of two) Retention Ponds complete.



Current Schedule

The current work schedule includes the following:

- Construction to begin on First Carriage Home in October, 2016
- Construction to begin on first Mid-Rise in November, 2016
- Inn to move to its new location in December, 2016. Renovation estimated to take approximately 16 to 18 months
- Construction Schedule of other Carriage Homes and Mid-Rise Buildings dependent upon sales; plan to start subsequent buildings every 6 months

Status of Historic Artifacts and Materials / Components Planned for Use in the Inn

- As-built documentation, including digital copies, of the Belleview Biltmore Hotel provided, and artifacts, photographs and memorabilia from the Hotel to be retained and preserved have been identified
- Foundation Plans for Inn have been submitted for Permit
- New Tiffany Room planned, with Tiffany glass to be incorporated in the ceiling of the room, which will serve as a new meeting room space
- New History Room planned, with artwork and artifacts to be incorporated in this room, as well as in the Grand Lobby, Fitness Center, Public Corridors, and Maisie's Market (More details to follow after the first of the year)
- New Maisie's Ice Cream parlor & Coffee Shop, with artwork telling the story about Maisie's pearl necklace;
- Some common space decorative glass will be used in the window wall to Maisie's Market and some of the common area doors
- Grand Stair to be preserved
- Heart Pine floors to be used throughout the Lobby and corridor spaces
- Original bricks from the foundation of the Hotel will be used in the foundation wall of the Inn
- Useable decorative trim pieces from the Porte cochere will be used in the Porte cochere for the Inn
- Lobby interior trim and wainscoting profiles to be preserved



Compliance with Development Agreement

This first annual review of the Belleview Place and Inn Project pursuant to the periodic review of development agreements, as required by Chapter 163.3235 F.S., and Section 5.4 of the Development Agreement between the Town of Belleair and JMC Communities, Inc. finds as follows:

- The required approval of a Final Development Plan within two (2) years of the approved Development Agreement has been complied with consistent with the provisions of Ordinance 499; and
- The work authorized to date is consistent with the Final Development Plan and the Master Plan Phasing Schedule.

This annual review of the Development Agreement between the Town of Belleair and JMC Communities, Inc. demonstrates that it is being carried out in good faith consistent with the terms of the agreement.