



**City Council Work Session
City of Belleair Beach, Florida**

**Tuesday, February 27, 2024
Community Center, 6:00 PM**

PUBLIC MEETING MINUTES

The meeting was called to order at 6:00pm by Mayor Dave Gattis followed by a Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present were Councilmembers Frank Bankard, Lloyd Roberts, Kim Shaw Elliott, Mayor Dave Gattis, City Manager Kyle Riefler, City Attorney Randy Mora, and City Clerk Renee Rose.

For continuity, items are listed in agenda order although not necessarily discussed in that order.

1. Codes Review – Chapter 10

Luis Serna, Calvin, Giordano & Associates, opened the discussion stating his staff reviews the code for cross reference checks and to ensure they meet state statutes. He recommended moving Section 10-3 to the Land Development Code (LDC). Council discussed the process for code review. City Manager Riefler noted most variances are related to the height of pools. Mayor Gattis said developers have questioned the two-story rule. Properties where stories have been built over the garage, in many cases, the garage is eventually made into living space without city knowledge. Councilmember Bankard said if residents do that, NFIP drops their coverage. City Manager Riefler said they aren't pulling permits, and he wouldn't approve if they applied. He summarized the permitting process. City Attorney Mora said there's current legislation restricting local governments from regulating land development that's more restrictive within 100 miles of landfall from Hurricane Ian. Certain changes cannot be adopted until after October 2024. There was additional discussion regarding property owners' rights. Gattis said they can permit the conversion of garages into living spaces for more tax revenue. Councilmember Elliott noted that 10-77 limits materials for off street parking. Gattis said when water rises, materials are washed into storm drains. Bankard noted 10-2 allows workers to start at 7am and asked if it should be changed to 8am. There was no consensus. Riefler addressed 10-33 that allows an 18-month time limit with a 6-month extension on permits. Small projects don't need that time. Gattis said 6 months is sufficient for small projects and asked Riefler to bring suggestions and definitions at the next meeting. Mr. Serna pointed out 10-174, noting most variances are for pool height. Mike Kelly, Board of Adjustment Chair, provided a summary of how the code was adopted in 2016. Discussion continued regarding slope and drainage. Mr. Serna will consult with his engineers. Bankard asked for Mr. Kelly's input as well. Jody Shirley, Harrison Ave., said pool permits should include a drainage plan. The city is allowing too much impervious area. Marv Behm, Louisa Dr., said they should require landscapers to be permitted because they are changing elevations. Mora advised if the council adds additional permitting and inspection, they may need more resources.

2. Codes Review – Chapter 22

Mr. Serna said this chapter is related to nuisances. Discussions regarding the exemption of basketball hoops were addressed. Councilmember Roberts noted the portable hoops are still very difficult to move. Councilmember Elliott said the toddler hoops are left out and shouldn't be, as they are easy to move. Mayor Gattis said they are a hazard during storms. There was consensus to provide definitions on non-moveable hoops. Roberts noted section 22-33 (4) regarding pests. He's received complaints regarding fruit trees and rats. Specifically, fruit that falls when homes are unoccupied for months and rats come out. City Attorney Mora said they can't legislate around natural habitat. Additionally, they need to be sure they are treating property owners equally. Elliott noted the subsection regarding noise. Councilmember Bankard said there was a law passed recently limiting noise from vehicles. Mora said he will review the noise code as it relates to statute but advises it's difficult to enforce with vehicles passing through. Elliott noted 22-61(4), addressing yelling on public streets. She suggested removing "public street". Mora raised concerns about limiting first amendment speech on public streets and will review code as it relates to constitutional norms. Bankard supports removing the word "public", and asked if anyone has issue with the time set of 10pm-7am. Elliott has heard loud parties but has no issue if they are quiet by 10pm. Elliott addressed a general issue that is in several sections where penalty is imposed based on interest rate. Discussions resulted in the suggestion to update the code so those fees can be set by resolution if allowed by statute.

Mayor Gattis recessed the meeting at 7:19pm and resumed the meeting at 7:29pm.

3. Code Review – Chapter 30

Mr. Serna said this chapter deals with seawalls and restrictions on boats and rules of the marina. He suggested better defining "catwalk". Councilmember Elliott noted 30-144(9) aircraft operations and asked if that includes drones. Mayor Gattis said it references remote operated, which includes drones. City Attorney Mora said he will review the regulation of drones so they are in line with state and federal laws. There are preemptions that prevent cities from regulating autonomous vehicles, so transportation regulations need to be consistent with statutes. Councilmember Roberts asked about fireworks on the beach. The code states they must get permission from the city manager. He sees a lot of fireworks on the beach on holidays. City Manager Riefler said no one has asked him. Councilmember Bankard said fireworks are prohibited in the city. Riefler believes this was left in code if someone wanted permission for a vendor to shoot fireworks. He wouldn't permit individuals shooting fireworks in the city. Riefler noted the discussions around seawalls and suggested adding more language as to maintaining seawalls. The code addresses construction requirements and specifications, and the county handles inspections, but they should reference proper drainage in the code. Gattis said there have been issues of improperly maintained seawalls collapsing, and asked how the city can enforce that. Marv Behm, Louisa Dr., said he provided the city with a manual regarding seawalls and suggested a once-a-year waterside inspection of seawalls. Gattis said if people don't want the city on their property, they can't go on property. Riefler said the manual is a good tool for education. If they took an engineer on a boat, they wouldn't be on a person's property, but they don't have qualified staff. Mr. Behm said they don't have to be qualified to spot the 5 easily identified conditions. Mora said in terms of regulation, do they have the means and resources to regulate beyond stating they can't have unsafe structures. They don't want to put something in

the code if they can't administer and enforce it. Gattis said if they hire a qualified staff member, they still don't have access to the property. The manual is a suggestion, but they have no method of enforcement. Mr. Serna said Section 10-74 does require seawalls be maintained in accordance with the seawall manual adopted by council. Elliott suggested that failure to maintain a seawall can be considered a nuisance by code. Gattis again noted issue with enforcement. Mora said they can enforce the idea that any structure on a property must be maintained in a safe manner consistent with Florida building code or statutory national standard. Regarding the code reference to the manual, is the language prohibitive or aspirational? If it's prohibitive, the city should keep records and be able to prove if a wall hasn't been inspected. The burden of proof will be on the city. Mr. Behm noted dock permits, stating that many docks are built outside of the dimensions stated on the permit. The inspector should verify the measurements on the dock before they sign off. Riefler said that's determined by the county, and if they put strict requirements on them, the county may request the city find an independent inspector. The companies verify the measurements and if they are found to be different, the company is responsible. Gattis said it's subjective and should be self-regulated. Mr. Serna said docks are also addressed in Chapter 94 and will be discussed further.

Code Review – Chapter 50

Mr. Serna said this chapter is streets, sidewalks, and other public ways. This is not the design, which is covered under subdivision and development. 50-1 addresses roadway intersection visibility. He recommends the sight visibility triangle be further clarified. Mayor Gattis noted it doesn't have to apply to intersections, it can apply to straight drives. City Manager Riefler said that will be addressed in Chapter 94, landscaping in the right-of-way and in the front set-back. There's a lot of variation through the city and most properties aren't in line with the code. Mr. Serna said that will be included in Chapter 94 but can be cross-referenced to other areas. Marv Behm, Louisa Dr., noted that houses at the ends of cul-de-sacs could have privacy issues if they remove shrubs by their driveways. Gattis suggested exempting homes at the ends of cul-de-sacs.

4. General Business.

Mayor Gattis discussed the 5-year look back period and doesn't see the benefit of 5 years versus 1 year. Belleair Beach has a longer look back period than surrounding beach communities. City Manager Riefler explained the community rating system look back period as it relates to the NFIP incentive and how the city arrived at a 5-year period. The look back period is a cumulative substantial improvement per year or per event if there's substantial damage. Any improvement to the structure cannot be over 50% of the value of the structure. The 5-year look back restricts improvements of over 50% of the value in a 5-year period. Gattis said it's restricting people from making improvements to their homes and choosing to leave the community. Councilmember Elliott has encountered the 50% rule in the past and sees it as a detriment to the community. It leads to decaying properties. Riefler said there are exceptions for repairs and bringing something up to code. Gattis said reducing the look back could lead to more permitting and increased revenue. That may afford the city additional help for permitting. Tax value would go up as well. Councilmember Bankard said there's no proof they are receiving any discounts. Gattis said changing the look back period would result in more tax revenue and residents that would stay in the city longer. It will be discussed in Chapter 94 and he asked council to consider reducing the period from 5 years to 1 year.

Councilmember Bankard noted Chapter 94 as it relates to the radio antenna recently installed. Mayor Gattis said there's nothing that can be done about the one already installed, but they can address the language in the code to prevent them from installing in the set-back. City Manager Riefler said it was not installed in the set-back. It met the county requirements and there was separate engineering for wind rating. City Attorney Mora said the matter is settled. The violation of not having a permit was resolved and the structure passed permitting. They can review and amend the code going forward, but this structure would then be grandfathered. Gattis said if any new antennas go through an amended code and passes, the county will approve it.

Councilmember Elliott said there was an application for a council vacancy. Mayor Gattis said he opened the application period until the election, and they have two applications. He wants to wait until the election so they know how many positions will need to be filled. After the election, he suggests bringing the applicants to a work session for interview and then vote at the following council meeting. Consensus was achieved.

ADJOURN

MOTION was made by Councilmember Bankard and seconded by Councilmember Elliott to adjourn at 8:40 pm.

Motion passed 4-0.

March 4, 2024
Date Approved

APPROVED: Dave Gattis
Dave Gattis, Mayor

ATTEST: [Signature]
City Clerk