



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

**Monday, April 22, 2024
Community Center, 6:00pm**

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. Code Review – Chapters 70, 74, 78, 82, 86, 90

Mayor Gattis asked Mr. Luis Serna, from Calvin, Giordano & Associates, what stood out as suggestions for change. Mr. Serna said Parks and Recreation is an optional item for concurrency management. The city is not required to have a level of service standard for Parks and Recreation and Transportation. Section 70-7 Proportionate Fair-share language is out of date and nonconforming to the county's mobility management system. Mr. Serna moved to the next Chapter 74, Floodplain Management, he doesn't recommend major changes. City Manager Riefler sent the city's ordinance to the state for review before they make any changes. Mr. Serna said Chapter 78 can be incorporated into Chapter 94. City Attorney Mora asked if the LPA is typically found in other sections. Mr. Serna confirmed that it's under an administrative section with other boards. Mr. Serna moved on to 82 – Satellite Antennas. He didn't have any notes and wasn't sure if this section was needed. Attorney Mora said it's prudent to have the regulation if it's an issue. Mayor Gattis called on resident Marv Behm, Louisa Dr., to speak. Mr. Behm said the old satellites and antennas were to be in the center, mounted to the house on waterfront properties. He recommended not removing the code because there are new satellite technologies that may require a house-mounted satellite. Riefler said he's not had to refer to this chapter, but it's good to have. He noted Pinellas County has a code that prohibits sunlight from solar panels glaring into a neighboring window. They may consider something similar. Member Bankard noted a concern with setbacks and believed the recently installed antenna encroached on that. Attorney Mora said this is different as this is applicable to satellite antennas and not telecommunications antennas. Mr. Serna skipped to Chapter 90 – Subdivisions. He suggested adding a provision for minor lot revisions, unities of title, and lot splits that can be approved administratively. Gattis asked who would have authority to sign off. Mr. Serna said he would work that out with the city manager. There was further discussion about lot sizes, non-conforming lots, and joining lots. Mora said council can define the policy but provide for administrative approval. Member Elliott expressed concern that large homes would be built and be out of character of the neighborhood. Bankard noted that FEMA rules prevent the city from issuing permits on the traditional slab homes they currently have. Riefler asked about replatting versus unionizing lots. Mr. Serna said they can set up a process to do it administratively rather than go through the planning board. Mr. Behm noted several issues to consider when joining or splitting lots, like driveway approaches and multiple utility taps. Mr. Serna returned to Chapter 86 – Signs. Attorney Mora shared the recent history of the current draft of the sign ordinance. It's very robust, but Manager Riefler expressed no concern of administering it. Mora said he can revise it based on direction from the council. He summarized the challenges regarding sign regulations. Mayor Gattis views the ordinance as a means to prove the city did everything they could do to prevent potential litigation. Mora confirmed it provides the city a defensible position, if challenged.

Gattis noted Riefler didn't have issue administering this but asked about Code Enforcement. Riefler said they come to him with any questions. Gattis asked about the ability to make a guide. Riefler said he can make a brochure. Member Bankard said it's overwhelming and he thinks it goes against the Reed case. They haven't enforced a sign ordinance in four years and haven't had issues. This ordinance is government overreach. Member Elliott expressed concerns that the citizens won't understand. She asked for examples of ordinances from other communities in the state. Mora can research how other communities have done this. He said there were only two firms willing to rewrite these ordinances when the Reed ruling came down. His firm has taken what was done then and adapted it towards their clients. There are other approaches. He works for a consensus direction and can look to Mr. Serna for additional context. Bankard asked if a large sign in his yard is protected by free speech. Mora said it's protected by the First Amendment, but the city can have time, place, and manner restrictions. Bankard said they should leave the sign ordinance alone. Mora said the existing code has language they cannot enforce. He advises not holding it in abatement. Gattis said they have seen abuse in the past. They do need to regulate signs to avoid problems in the future. Mora said the struggle comes from non-commercial temporary signage. He will provide examples from other communities. Mr. Serna said this community is unique because it doesn't have commercial and that's where most sign regulations are focused. Member Roberts supports reviewing other cities' codes and using parts that work best for their residential community. It's important that staff is comfortable with enforcement. Gattis suggested Member Elliott review this with the examples from other communities. If they want to remove things, he wants to see what they absolutely must keep. Mora encouraged council to share anything they may be aware of or concerned about so he can factor those issues into the draft. Gattis shared some issues that occurred to initiate this review. Mora will get examples from other communities in the state and will bring this back at the June work session. Roberts said less is not always better. Staff need to be able to point to specific language.

2. Discussion of Stormwater Study – Engineer Larry Fluty

Engineer Larry Fluty shared four potential options for a stormwater pump system at 9th Street and one option for 7th Street. He worked with MWI Pumps to get a pump size and costs. The options for 9th Street would carry water to the north to the creek and discharge it out to the intracoastal. The options discussed were based around where the pumps and controller would be placed, and where the pipe would be installed. Mr. Fluty said they tried to keep all options in the right-of-way or publicly owned land. Mayor Gattis asked about the height of the well out of the ground. Mr. Fluty said the top would be ground level. The control box would be the item above ground and is usually 4-5 foot stainless steel box. Member Roberts noted that the pumps would discharge the water into the open creek and gravity takes it out to the intracoastal. He asked what would happen if there's a very high tide. City Manager Riefler said the water would have to come up all the way to the top of the swale to block the pipe. Roberts asked if it floods currently. Riefler said yes and it backs up into the retention pond. Member Elliott asked if that has ever overflowed. Riefler has not seen it, but said it was close during Idalia. Gattis asked how the water exits the seawall. Riefler said there's a pipe from the retention pond under the road. Gattis said the options are all pretty much equal and asked if there is any advantage to picking a particular location for the pump station. Mr. Fluty said there's the most advantage by picking the lowest downstream point, but there isn't much difference with these elevations. It becomes an aesthetic and cost preference. Gattis said the residents in the area should be consulted. Bankard said the only aesthetic concern is the control box. Elliott asked if they could put panels around it. Mr. Fluty said yes if there's room. Bankard said MWI Pumps has built some where the control box is buried. Mr. Fluty said it can be in an underground vault if they can keep it watertight. Bankard said the residents won't be upset if it gets rid of the flooding. Gattis said hiding everything would drive up cost. Mr. Behm said the pump in front of a home is a deterrent and he recommends moving it to city property. Additionally, he asked how it would be powered when the power goes out. Mr. Fluty said it's like sanitary lift stations with back up power. Mr. Behm said they have emergency generators brought out. He said there was a seawall planned for that area in the past. If that was put in, the swale could be made

larger. Bankard had heard about the seawall and agreed that it would reduce the issue. Gattis called for a focus on the pump stations with the understanding they won't prevent flooding but will reduce the amount of flood time. Bankard said when water breaches the seawall, there's 2-4 feet of water in the street. With the pumps, it would only be for a short period of time. There would be water in the street, but not the houses. Gattis said the other advantage would be the check valve closing during high tide and there's torrential rain. Elliott asked for the engineering attributes of each of the four options. Mr. Fluty summarized the key points of the first option. Gattis said the exit should be over the seawall and not through it. Mr. Fluty said the discharge line on the first option is an 8" force main. The water can go one way because of the check valves. Elliott asked if there was an option for moving the discharge line into the street. Mr. Fluty said yes, but it would be more expensive.

Mayor Gattis called for a brief recess at 7:38pm. The meeting resumed at 7:44pm.

Discussion continued with key attributes of the additional options, showing different locations for the pump system. Pumping the water to the creek is the least expensive way of getting discharge out of the street. All options are around the same cost. Mayor Gattis said option three is the least invasive aesthetically. Member Roberts compared the costs between options one and two and didn't see costs associated with cutting through the street in option two. Mr. Fluty didn't include a line item but did include it in the overall cost. Gattis asked if this project would cause any changes to the existing citywide stormwater project. Manager Riefler said no. Gattis inquired about costs to run power to the pump system. Mr. Fluty needs to meet with Duke Energy but would estimate an additional \$50,000. Member Bankard asked how much the city takes in each year with the stormwater tax. Riefler said \$170,000-\$175,000. Bankard suggested increasing the tax to collect \$250,000 a year. Riefler said they collect \$30 every two months. Bankard suggested a \$5-\$10 increase. Gattis asked how they planned to fund this project. Riefler said the city has reserves. Bankard said if this works, there may be other areas around the whole city. Gattis supports the project but asked Elliott and Bankard to speak to their neighbors in the project area because they will be the ones affected. He doesn't want residents to think this will stop the flooding, but it will help remove the flooding after it happens. Member Elliott asked if the current project will help 9th Street. Mr. Fluty said it will help get water to the collection points more efficiently. Elliott asked that the current project be moved back to 9th Street before storm season begins. Gattis said that will only work if they select an option that doesn't cross the street. He then asked about a timeline on this project. Mr. Fluty said the project would take 6-8 months. Riefler said Duke would need to run 3-phase power and that will take time to go through engineering. Elliott asked which option is preferred. Mr. Fluty said option one because it doesn't cross the street and keeps everything on one side of the street. Gattis noted that Duke may need cut the street to install power. He suggested not moving the current project yet. They may do the work, and then tear it up to make this happen. Bankard said they aren't losing anything by waiting. Roberts said the current street project would have a minimal impact. Option one would be the best approach, but they need to talk to the residents. Elliott asked if they would consider undergrounding the control box because of the pipes coming out of the ground. Gattis said it would just be a control panel, not pipes. Elliott said the box on 22nd street has pipes. Riefler said it's conduit for the electrical panel. There was discussion on the size of the box, which Mr. Fluty said they can dictate. Gattis said it needs to be higher than the water. Roberts asked about 7th Street. Gattis said there is only one option. Mr. Fluty said the wet well is in the park area. There was discussion regarding 7th Street costing more than 9th Street because the pipe is longer and will go under the boat ramp driveway. There was further direction for Bankard and Elliott to discuss with the neighbors, but to do it individually.

3. General Business

Member Roberts asked about appointing a new council member or members. Mayor Gattis shared his thoughts about not appointing anyone right now, including in part, the candidates' lack of engagement and the seated council is getting work done. Roberts asked if anyone can apply, if interested. Gattis said they aren't open for applications. Gattis said they have three elected officials

that were elected at the will of the people. The appointments are for people the citizens did not select. Elliott noted that Mr. Wellings has attended meetings. Gattis noted that none of the applicants have served on any committees. He asked if it's the right thing to do by adding people who have had very little interaction with city business. He has concerns with filling three seats because there would be four nonelected members. Roberts said some residents expressed concern about that. He asked what would happen if someone else wants to apply. Gattis said they would have to reopen the application period. Attorney Mora said council has the discretion to accept candidates at any time. They have established qualifying periods in the past, but they can solicit on an open basis. It's helpful to have a deadline, but it's not required. The council can appoint provided the person is a qualified elector of the city, and the clerk verifies they are a resident and a registered voter. Gattis appreciated Member Elliott for being on council. Business would have stopped because they didn't have anyone apply at that time. Gattis would like to wait to bring in a new member at this time. Elliott thanked Gattis for his comments and recognizing they are doing well. When they faced the importance of the four-member quorum and four-member unanimous vote, she issued a call to residents emphasizing the importance of more people on council. Mr. Wellings came forward on his own. Having one more member would avoid ties and help with physical quorum. They all have committed to being here twice a month, but things do come up. She asked Attorney Mora if they can change the physical quorum requirement. Mora explained that physical quorum isn't covered in the city's charter or ordinance or a state statute that he can point to. The Sunshine Law requires an open and public meeting; the Attorney General's office provided an opinion that it requires physical quorum. It's preserved as part of the spirit of the Sunshine Law in making all affairs of the council transparent and visible to the public. Gattis said they've postponed meetings for lack of quorum and have adapted. Roberts asked what the current quorum is. Mora said it's always been a majority of the council, so as long as they have been a council of four, the quorum is three. The issue before was the requirement for voting. Now they only need a majority of council to take official action and not four. Bankard said they've made great improvements to the audio system to attend remotely. Mora expressed concern about council members attending remotely if they are having a quasi-judicial hearing. Gattis asked if there's consensus for postponing the appointments and reopening the application period later. Bankard said the mayor is chair of the city and if he wants to delay, Bankard doesn't have issue with it. Roberts asked if they could bring the candidates back if they wanted to vote. Gattis said someone would have to put it on the agenda and pass a motion. If someone wants to bring it back up, he asked that they open it for the entire city to apply. Council is electing this person, not the citizens.

Adjournment

MOTION was made by Member Bankard and seconded by Member Roberts to adjourn the meeting at 8:41pm.

Motion passed 4-0.

May 6, 2024
Date Approved

APPROVED: Dave Gattis
Dave Gattis, Mayor

ATTEST: Renee Rose
Renee Rose, CMC
City Clerk