



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

**Thursday, October 11, 2018  
Community Center, 5:30 PM**

### **PUBLIC MEETING MINUTES**

The meeting was called to order by Mayor Leslie Ford Notaro, followed by a Pledge of Allegiance to the Flag of the United States of America.

**Roll Call:** Present were Councilmembers Marv Behm, Todd Harper, Wanda Schwerer, and Jody Shirley; Mayor Leslie Ford Notaro, Vice Mayor Glenn Gunn, City Manager Lynn Rives, City Clerk Patricia Gentry, and Attorney Jackie Spoto Bircher. Councilmember John Pietrowski was unable to attend.

#### **1. Discussion on City Code Review Ad Hoc Committee Recommendations to City Council and Draft of Proposed Changes.**

Mayor Notaro congratulated and thanked Chairperson Wanda Schwerer and the Committee on their many weeks of work.

Mayor Notaro advised that City Manager Rives and Attorney Spoto Bircher had attended all Committee meetings and had gone through all minutes and recommendations regarding the proposed changes.

City Manager Rives stated that at this Work Session, each recommendation would be reviewed, discussed, and changes stated for draft ordinances. Discussion and revisions followed:

Sec. 10-1. Regulation of builders. **Revisions:** (c) *Business registration.* All builders and contractors or other persons required to be licensed by the county shall register with the city before commencing work and shall submit a copy of their county license, ~~and shall pay the registration fee set forth in section 54-61(e) of the City Code.~~ State licensed contractors or builders are exempt from the registration fee, but and shall pay an annual administrative filing fee of \$5.00 \$10.00 for recording documentation due October 1 of each year

City Manager Rives: This is simply to have a record of who is doing work in the City.

Sec. 10-1-Regulation of builders. **Revisions:** (e) As an alternative to the imposition of the fines imposed by section ~~2-266~~ 2-248 of the City Code,

City Manager Rives: This is eliminating 2-266 and adding 2-248.

Sec. 10-35.-Sanitary facilities. **Revisions:** Such portable sanitary facility shall be maintained at the site in an inconspicuous location, to be specified in the site plan, until after the hookup of interior sanitary facilities.

Sec.10-36.-Site debris and hurricane protection. **Revisions:** (c) Within 24 hours, comply with an order from the building inspector or code enforcement officer to cleanup the construction site when, in the building inspector's or code enforcement officer's opinion, the site presents safety hazards or adverse appearances beyond what can be reasonably expected.

(d) Provide a dumpster of sufficient size and with a cover to hold the amount of debris generated at the construction site.

City Manager Rives: These are housekeeping items to the Code.

Sec. 10-37.-Damages to public and private property. **Revisions:** Builders within the city shall be held responsible for damages caused by them to public and private property in pursuit of the construction project, and shall promptly take necessary steps to repair or replace any damaged property within 60 days of becoming aware of or notified of the damage.

Sec. 10-38.-Compliance with NPDES requirements. **Revisions:** (a)(2) 5. A fee ~~in the amount of \$500.00~~ in an amount to be set pursuant to an adopted fee schedule shall be paid to the city at the time of submittal of the site plan required by this section to offset the cost of plan review and one inspection.

City Manager Rives: There is a fee schedule for site plan reviews, remove the \$500.00 fee stated, and establish a fee schedule for NPDES.

Sec. 10-74-General standards. **Revisions:** (12) Garbage shall be placed in the garbage disposal facilities or storage containers with lids as required by all applicable city codes.

City Manager Rives: This adds that a lid is required.

Sec. 10-75-Basic equipment and facilities. Following Council discussion of CCRAC proposed change - (5) All ~~occupied~~ residential buildings shall be supplied with a working and active connection to an approved water supply, wastewater treatment system and electric power provider. **Revisions:** (5) All residential dwellings

City Manager Rives: Changed to residential dwellings.

Sec. 10-77.-Maintenance and appearance standards. **Revisions:** (1) The exterior surfaces of all premises and every structure on the premises, including all parts of the structure and appurtenances, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, rust, mildew, algae, ripping, tearing, or other holes or breaks.; (15) Where large areas (greater than one square foot) of the

aggregate of any painted wall shall have peeling or flaking or previous paint worn away, the entire wall shall be repainted within 90 days. Patchwork painting shall be prohibited and any patchwork utilized to compare and choose paintcolors shall be uniformly repainted within 90 days.

City Manager Rives: This will also apply to homes that currently have multiple paint patches.

Sec. 10-80.-Maintenance of vacant buildings and removal of partially demolished buildings or structures. **Revisions:** (b) or abandoned; (1) or abandoned

City Manager Rives: Attorney Spoto Bircher to do further research to determine if the City has met all requirements to demolish a building.

Sec. 10-174.-Setbacks; height; width.

City Manager Rives advised that at one point the City Code stated the height of a swimming pool was permitted to be at "grade". Property owners had brought in "fill", raised the height of the grade, and then used the increased height as a starting point. After research he found that had been changed in 2014 to "the crown of the road". He advised that there needs to be a permanent benchmark other than the lot, as it the lot grade can be elevated by an owner. NPDES violations, drainage, and other issues are created by lot fill. Discussion followed regarding waterfront and non-waterfront homes, the 24 inches above the crown of the road allowed for a garage floor in the code now, and the additional 24 inches in height allowed for a spa over the height of a pool, and an additional four-foot fence, and the resulting combined height that would reach in comparison to neighboring properties. The "crown of the road" is used for other benchmarks in the City Code.

Mayor Notaro: Would we like to table this for future consideration and move on?

City Manager Rives: We will look into it further.

Sec. 22-31.-Definitions. **Revisions:** *Weeds* shall mean a general term for any undesirable, invasive or troublesome plant species, usually one introduced, ~~or~~ out of place, or occurs without intentional cultivation. Weeds are usually plants that are very prolific, invasive, competitive, harmful, destructive, or difficult to control including Brazilian Pepper. Weeds detract from the appearance of grass or lawn areas or other landscape bedding or features; or interfere with the function and health of natural areas. For the purpose of this ~~code chapter~~, dead, dying or unattended plant life, named or unnamed, which is abandoned or overgrown to a height of seven inches or more on developed property or ~~12 inches or more in height on~~ undeveloped property, shall be defined as a weed unless it is on pristine property.

City Manager Rives: Grass height is the biggest problem during the summer months. Advising the property owner that the violation notice given will be in effect for 12 months without another notice has helped with former repeat violators.

(17) Excessive growth or accumulation of weeds, grass, undergrowth or other similar plant materials, reaching a height of ~~12 inches or more on an undeveloped property~~ and seven inches or more on a developed property or undeveloped property,

(24) Children's toys, bicycles, skateboards, garbage cans, tools or any other portable items that are not part of the natural landscaping shall not be left on any of the owner's property and visible from the street longer than for 24 hours.

City Manager Rives: This would include portable basketball hoops, trampolines, and soccer goals.

Sec. 22-34.-Duty of property owner. **Revisions:** (a) (1) The owner, lessee or person in charge or control of the property, developed or undeveloped, within the city shall cut down and remove all weeds, grass, undergrowth clippings on said property when said weeds, grass, or undergrowth is seven inches or more in height on developed properties and ~~12 inches or more in height on undeveloped properties.~~

~~(b) The owner of pristine undeveloped lots, tracts, and parcels or pristine portions of developed lots, tracts, and parcels, shall not be required to cut the vegetation, which is primarily native plant species. In the abutting right-of-way of the pristine lot, weeds, grass and undergrowth shall not exceed seven inches in height. The entire property and abutting right-of-way shall be kept free from any trash, debris and litter. Maintenance of the property is the responsibility of the property owner and tenant, and the property owner and tenant shall take all reasonable steps to prevent any landscaping, including trees and hedges, as well as any weeds, grass, or undergrowth, from encroaching on or otherwise affecting any neighboring properties.~~

City Manager Rives: Property owners are required to take care of vegetation on their vacant lot.

(f) Irrigation systems shall not overspray the public sidewalk or the roadway.

City Manager Rives: This will be difficult to enforce depending on conditions, such as wind.

Sec. 22-38.-Abatement by city; notice requirement. **Revisions:** (a) Upon failure or refusal by the owner and/or occupant of a premises to remedy the condition existing in violation of the requirements of this article within 5 days after service of notice to do so as provided herein, the city manager or his designee shall proceed to have such condition remedied by contract or direct labor, or both, and the cost thereof and an administrative fee of ~~\$100.00~~ up to \$500.00 (which may be amended from time to time by resolution of the city council) shall be and become a lien against such property to the same extent and character as the lien for special assessments and with the same penalties and with the same rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens.

City Manager Rives: This advises that the fee may go up to as much as \$500.00.

Sec. 22-40-Liens for costs of nuisance abatement. **Revisions:** Each of the liens provided for in this action may be paid within ~~90~~ 30 days after mailing of a copy of the notice of completion of work without interest.

City Manager Rives: Thirty days is consistent with other sections of the code. Chapter 10-84 states 8%, this is a scrivener's error, and should be 12%.

Sec. 22-62.-Exemptions. (5) **Revisions:** Noise from alterations, repairs, general maintenance landscape and yard equipment when conducted or operated by the property owner between the hours of 7 a.m. and 6 p.m. on weekdays and weekends and the holidays of New Year's Day, Christmas Day, Memorial Day, Fourth of July, Labor Day and Thanksgiving Day, provided all motorized equipment are equipped with functioning mufflers or other effective sound control devices similar to those provided on the original equipment.

City Manager Rives: This is simply for clarification.

Consensus was to also revise (7) to: Community events such as special events and community festivals, etc. Such events or activities shall not start before 9:00 a.m. and those events or activities, shall not extend their activities beyond ~~10:00~~ 11:00 p.m. Any community activity or event, which is proposed to extend beyond ~~10:00~~ 11:00 p.m., must obtain city ~~council~~ manager approval.

City Manager advised (7) only applies to outdoor events.

(15) **Revisions:** Any authorized use of the city community center pursuant to Sec. 38-141 so long as such activities do not extend beyond midnight, unless otherwise approved by the city manager or his designee.

Sec. 30-52.-Plans and specifications. **Revisions:** An applicant for a permit to construct a dock, wharf, boat hoist or piling within the city shall first submit plans and specifications to the city for initial review. After the city's initial review, the applicant shall then submit the permit application to through the Pinellas County Building Department to the County Environmental Management Department which provides construction permitting and inspection services for the city. ~~building department.~~ Such plans and specifications shall show the relationship of such structure to the property and seawall line, and to adjoining properties and docks. Permit fees shall be based on a fee schedule as amended in the standard county code. ~~All other dock permits shall be issued with a minimum charge of \$10.00.~~

City Manager Rives: These are items for clarification regarding docks.

Sec.30-53-Construction. **Revisions:** (b) Piles. Nine-inch diameter wood marine piles with chromated copper arsenate salts treatment with two and one-half pounds salt per cubic foot of wood, retention type C per American Wood Protection Association Standard P-5, dated 2001 may be substituted for the ten-inch by ten-inch concrete piles used in docks, boat hoists or wharves.

(c) Materials. **Revisions:** Mooring, tie-off and davit piles may be of Southern Pine piles treated with chromated copper arsenate type A, B or C in accordance with American Wood Protection Association Standard A-2 , with a minimum retention and distribution of solid preservative of 2.5 PCF in the zone one and one-half inches to two inches from the surface, or 3,500 psi reinforced concrete.

City Manager Rives: This is a housekeeping item for what used to be called American Protectors Association.

(k) Exceptions. **Revisions:** ~~(1) For lots with less than 44 feet of waterfront, the dock shall~~

~~a. Be centered on the waterfront property line;~~

~~b. Extend no further than 20 feet from the seawall; and~~

~~c. Be no wider than four feet.~~

~~(2)~~ (1) For the city-owned property known as the "Belleair Beach Marina":

City Manager Rives: This is regarding what are referred to as "pie-shaped lots"

Consensus was to revise Sec. 30-53-Construction. to add language from 94-215 stating the benchmark is the seawall.

City Manager Rives: We need to determine a way to check the condition of all seawalls from the water side.

Sec. 30-144.-Prohibited activities. (9) **Revisions:** Aircraft operation. A- ~~No person shall not take off or land any unlicensed or unregistered manned or unmanned aircraft of any kind within the corporate limits of the city on any waters adjacent to the beach or on the beach, including model or remote operated aircraft, except for police, fire, rescue ~~or air med-evac aircraft or drone~~ or other public safety aircraft, without first having obtained prior written permission from the city manager. Except for public safety aircraft, no person shall operate any manned aircraft over any beach area at an altitude below that authorized by the Federal Aviation Administration.~~

City Manager Rives: This is regarding drones.

Consensus was to **Revise** 30-144 (6) to ten or more.

Sec. 38-31.-City parks list. (b) **Revisions:** City parks regulated by this chapter also include Crossman Park (at Causeway and Gulf Boulevards), Bayside Park (at the northernmost point of Harbor Drive), the marina, South Park (at the southernmost point of Harbor Drive) and all city recreational lands adjacent to city hall. The park and recreation board shall meet at least three times per year.

City Manager Rives: This adds the Marina as one of the Park and Recreation Advisory Board's parks and mandates the number of times the Board will meet.

Sec. 38-58.-Powers, duties and responsibilities. **Revisions:** (1) (3) (4) (7) (8)

- (1) The board shall have only advisory power to the city council and the ~~mayor~~ city staff, and will be a major catalyst for consolidating the wishes of the city.
- (3) The board shall make such recommendations to the city council and the ~~mayor~~ city staff as the board deems necessary for the maintenance of high standards of beautification and utilization of the city parks; and public lands. ~~and private property.~~
- (4) The board shall coordinate the efforts of individual citizens and groups in specific beautification and utilization projects, and shall be empowered to call to the city council and the city staff's ~~mayor's~~ attention properties not meeting acceptable appearance standards to the end that a remedy may be achieved.

- (7) The board shall direct the attention of the city council and/or the ~~mayor~~ city staff to all unauthorized uses of, or plantings on, park lands.
- (8) The board shall cooperate with the city council and/or the ~~mayor~~ city staff in utilizing public lands and buildings for recreational purposes.

City Manager Rives: These are housekeeping items, and to strike "private property" from (3).

Sec. 38-59.-Funds. (a) **Revisions:** Operating funds for the park and recreation board shall ~~may~~ be provided annually through the budgeting procedure of the city approved by the city council.

(c) All requests for funds for use by the board shall be made to the city manager, who shall be authorized to approve any request for funding projects with or without city council approval in accordance with the purchasing policy.

Consensus was to add "in accordance with the purchasing policy".

Sec.38-82.-Closing hours; overnight parking stickers. (b) **Revisions:** Overnight parking at the ~~Morgan Drive Easement~~ marina shall be allowed to residents who have been issued an overnight parking ~~sticker~~ permit. A resident who has been issued an overnight parking ~~sticker~~ permit for the ~~Morgan Drive Easement~~ marina may park there between the hours of 6:00 p.m. and 9:00 a.m., and shall not park at ~~such easement~~ the marina at any other time. Such overnight parking ~~stickers~~ permits may be applied for and issued as follows:

- (1) Residents shall complete an application for an overnight parking permit which shall include a statement releasing the city from all liability for damages to a vehicle parked at the ~~Morgan Drive Easement~~ marina under the conditions of this section.
- (2) Such overnight parking permit shall be displayed on the vehicle's windshield.:
  - a.—~~Be reflective;~~
  - b.—~~Attach adhesively to the vehicle; and~~
  - e.—~~Be conspicuously displayed on the rear of the vehicle.~~
- (3)—~~A resident may receive one overnight parking permit per two year period.~~
- (4)—~~The expiration of all overnight parking stickers issued shall be December 31 of every even-numbered year, and the color of the stickers shall change January 1 of every odd-numbered year.~~
- (5)—~~Charges to residents for the cost of stickers and administrative overhead shall be determined and administered by resolution.~~

City Manager Rives: Overnight parking is not permitted at Morgan Park.

Sec. 38-84-Planting, building or placing objects in parks or playgrounds. **Revisions:** There shall be no planting, building or placing of anything in or on any park or playground or other city-owned property without having first obtained the written permission of the ~~mayor~~ city manager.



Sec. 38-22.-Fires, grills and barbecue stands. Fires, grills and barbecue stands shall be specifically prohibited in all city-owned parks and playgrounds, ~~except at the Morgan Drive Easement for those grills and barbeque stands provided by the city. When grills or barbecue stands are used at the Morgan Drive Easement, a permit, as authorized in section 38-87, shall be required. Grills and barbecues shall be used no closer than ten feet to the boundaries of the Morgan Drive Easement, and a fire extinguisher shall be immediately available.~~

Sec. 38-90.-Sleeping during nighttime prohibited. (a) **Revisions:** *Intent.* It is the intent of the city council to preserve and protect the beauty of the city's beaches, parks, marina and other public property for use by residents and tourists.

- (1) Being a largely residential and recreational community, the city's beaches, parks, marina and other public property within the corporate limits of the city are a very valuable asset.
  - (2) Such beaches, parks, marina and any other public properties are intended to be used solely for recreational purposes and not for sleeping during nighttime hours.
  - (3) Permitting persons to sleep on the beaches, in the parks, the marina and on any other public property during nighttime hours will adversely affect the health, safety and welfare of the residents and visitors of the City of Belleair Beach.
  - (4) Persons sleeping on the beaches, in the parks, the marina or on any other public property are exposed to the risk of harm from others or the elements.
- (b) *Prohibition.* (1) On any public beach or in any public park, the marina, or any other public property within the corporate limits of the city.

Sec. 38-109.-Renter decal. (a) **Revisions:** Any person leasing property for a term of six months or more and residing within the city may be issued a renter decal for the purpose of parking in Lots ~~46~~ 21, 43 and 66 in Belleair Shore, and for access to and use of the municipal boat ramp at Seventh Street and Harbor Drive, upon presentation, during office hours, at city hall of the following:

- (d) The renter's decal shall be affixed to the outside of the documented [vehicle] on either the driver's side rear bumper or the driver's side rear window, ~~or a second decal showing the marine identification number may be purchased and affixed to the windshield or bow of the watercraft using the boat ramp.~~ Such placement locations shall be the only ~~two~~ options for placement of the decal on the vehicle, and the choice of such locations shall be at the discretion of the vehicle owner.

City Manager Rives: This is housekeeping for parking decals.

Sec. 38-143.-Fees and deposits. (b) **Revisions:** City established boards and committees and city-sponsored events shall be exempt from the payment of any facility use fees or damage deposit fees that are established by resolution of the city council.

- (c) In any resolution establishing facility use fees and damage deposit fee, the city manager is authorized to ~~adjusted~~ or modify any to meet a particular need or use of a facility, on a case-by-case basis.

Sec. 94-2.-Definitions. Hedge. **Revisions:** Hedge means two or more closely and densely growing bushes, shrubs or trees along a property or boundary line that generally obstructs a person's view through it.

Consensus was to strike "trees" and add "similar to a fence"

Living fence is a permanent hedge that is sufficiently dense so as to serve the traditional functions of a manufactured fence, especially the functions of privacy and security.

Sec. 94-6.-Landscaping requirements. (d) **Revisions:** Except for semi-permeable landscape fabric, Pplastic sheet shall not be installed under mulch, stone or gravel.

(i) Dead, declining, and diseased plant material shall be removed or replaced, except that declining or diseased plants may instead be restored to health within 30 days.

Sec. 94-69. Green yard landscaping requirements for yard abutting public.

(d) Except for semi-permeable landscape fabric Pplastic sheet shall not be installed under mulch, stone or gravel.

(i)Dead, declining, and diseased plant material shall be removed or replaced except that declining or diseased plants may instead be restored to health within 30 days.

Sec. 94-135.-Uses. (d) **Revisions:** Recreation/open space land use district. The recreation/open space district is created to depict the areas of the city that are not used, or appropriate to be used, for recreation/open space uses.

Sec. 94-172-Fences. (b) **Revisions:** Ornamentals and specimen plants are commonly plants that are considered more decorative due to their flowers, foliage, bark or form.

Sec. 94-210.-Detached buildings. (b) **Revisions:** Notwithstanding the definition and limitations set forth in section 94-2 of the Code pertaining to separate buildings, a utility or storage shed may be erected in RL district II, provided it is constructed, erected or installed with a concrete base of not more than ~~36~~ 100 square feet and not more than eight feet ~~eight~~ eight inches (8'8") in height; and further provided that the utility or storage shed is anchored to the base in such fashion as to sustain wind velocity of 130 miles per hour.

(d) In no event shall there be more than one utility or storage shed with a base area of ~~36~~ 100 square feet or less constructed, erected or installed on any residential property in RL district II.

(g) The provisions of this section shall not apply to a small dock box erected on any dock within the city or a small pool box installed to store pool supplies with a base of no more than ~~eight~~ ten square feet and a height of no more than ~~two~~ three feet; provided, however, that the dock box or pool box is anchored to its base with lag bolts or similar fasteners.

~~Sec. 94-211. — Housekeeping facilities.~~

~~Within the RL district II, housekeeping facilities shall be installed to service the family unit as a whole. Installation of housekeeping facilities in garages is not permitted.~~

Mr. Mike Gershowitz, 102 8th Street, distributed handouts with images to Council regarding hedges, fence heights, and sheds.

Mr. Gene Burgess, 111 5th Street, spoke regarding sheds.

Consensus of Council was to follow the CCRAC change recommendations.

Sec. 94-214-Docks. (f) **Revisions:** Docks shall not be designed or constructed to accommodate more than two boats in or above the water by any means (e.g. slips, davits, lifts, tie poles) exclusive of water skis, jet skis, kayaks and other personal watercraft.

(g) The renting of docks, dock space, or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in RL district II except as part of a contract or lease to rent an entire residential property.

~~Sec. 94-216. — Fences.~~

~~Within the RL district II, either manmade or living fences shall be permitted within the guidelines set forth in section 94-251.~~

Sec. 94-217.-Parking. (5) **Revisions:** A similar exception shall be granted for residents of the city to allow such residents a maximum of 72 hours upon returning from a trip within which to unload and prepare their mobile home for storage, provided, either of such exceptions shall be granted only upon the resident informing the ~~police department~~ city staff in advance of their intention to park the mobile home for more than 24 hours in the resident's driveway for either of the purposes stated in this subsection.

(b) (1) Outside parking of one registered and tagged boat and boat trailer or non-commercial utility trailer shall be authorized along the side of a house and in the rear for landlocked lots, provided the boat, boat trailer or utility trailer is obscured from view by an adjacent property owner by the use of a fence or a living fence in a manner consistent with this Code.

Sec. 94-251-Fences, wall and hedges. (1) All fences, walls or hedges on residential property not bounded, in whole or part, by any waterway shall not exceed a height of ~~six~~ eight feet in the required side or rear setback area. A fence or wall is not permitted in the required front setback area. A hedge may be grown in the front setback area of residential property, but shall not exceed three feet in height.

City Manager Rives: A front hedge may go to the right-of-way, not in the right-of-way.

(2) On property bounded in whole or part by any body of water, a fence, wall and/or hedge shall not exceed a height of six feet in the required side setback area. A fence, wall or hedge shall not exceed a height of four feet in the required rear (water) setback area within 5 feet of

the sea wall, but may rise to a height of eight feet otherwise. A hedge may be grown in the front setback area of residential property, but shall not exceed three feet in height.

~~(5) vegetation planted within 3.5 feet of any property line shall, for the purpose of this chapter, be treated in the same manner as hedges and shall be maintained as required herein.~~

Sec. 94-252.-Commercial activities. (a ) **Revisions:** Businesses, offices, bars, manufacturing, professional services, restaurants, trades, warehouses, call centers or other business activities shall not be permitted in condominiums, dwellings, garages, collateral structures or anywhere on property within the city

Sec. 94-256. - Temporary structures. (b) **Revisions:** Portable storage units are permitted for temporary use within the corporate limits of the city, provided, however, that the use of portable storage units shall be limited to a period not to exceed 72 hours from the time of delivery to the time of removal.

Consensus of Council was to revise to "not to exceed seven days".

City Manager Rives had included information on shading lights on docks.

Consensus of Council was to change the hedge height for side and rear on non-waterfront lots to eight feet from six feet, and on waterfront lots sides to eight feet up to five feet from the seawall.

**ADJOURN**

**MOTION** was made by Councilmember Shirley and seconded by Councilmember Behm to adjourn at 8:00PM.

**Motion passed 7-0.**

November 5, 2018  
Date Approved

APPROVED: Leslie Notaro  
Leslie Ford Notaro, Mayor

ATTEST: Patricia A. Gentry  
Patricia A. Gentry, City Clerk