



**City Council Meeting  
City of Belleair Beach, Florida**

**Monday, December 3, 2018  
Community Center, 6:00 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, Michael "Todd" Harper, John Pietrowski, Jody Shirley, and Wanda Schwerer; Vice Mayor Glenn Gunn, Mayor Leslie Ford Notaro, City Manager Lynn Rives, City Clerk Patricia Gentry, and City Attorney Paul Marino.

Mayor Notaro requested a moment of silence for the passing of President George H.W. Bush.

#### **1. Approval of Agenda.**

**MOTION** was made by Vice Mayor Gunn and seconded by Councilmember Harper to approve the Agenda.

**Motion passed 7-0.**

#### **2. Presentation: Pinellas County Sheriff's Office.**

The report from PCSO Sergeant Katzer included:

- Review of the report sent to City Council each month
- 324 House Checks
- 187 Traffic Stops
- Sergeant Katzer reminded everyone to continue to keep their vehicles locked

#### **3. Presentations:**

**Councilmember Glenn Gunn 2018 Institute for Elected Municipal Officials (IEMO) Certificate of Completion.**

**Councilmember Jody Shirley 2018 Institute for Elected Municipal Officials (IEMO) Certificate of Completion.**

Mayor Notaro thanked Councilmember Gunn and Councilmember Shirley for attending the IEMO and presented their Certificates of Completion.

4. **Citizens Comments. (Each speaker will be recognized once and will be limited to a (3) three-minute presentation on any subject that is not on the Agenda)**

See no one, Citizens Comments was closed.

#### **Consent Agenda**

5. **Approval of November 5, 2018, City Council Meeting Minutes; and November 19, 2018, City Council Work Session Minutes.**
6. **Request City Council Authorization to Enter into an Agreement with Spectrum for Undergrounding of the Cable Cross Wires along Gulf Boulevard from Harrison Avenue to Causeway Boulevard.**
7. **Request City Council Authorization to Award a Professional Services Contract to Engineering Sciences Group, Inc. for Design and Engineering Services for Storm Water Improvements on Third through Fifth Street in the amount of \$45,500.00.**

**MOTION** was made by Councilmember Schwerer and seconded by Councilmember Behm to approve the Consent Agenda.

**Motion passed 7-0.**

#### **Public Hearing**

8. **Consideration of Ordinance 18-07, An Ordinance Of The City Council Of The City Of Belleair Beach, Florida, Amending Certain Sections Of Chapter 10 Pertaining To Building And Building Regulations; Amending Section 10-1 Pertaining To Regulation Of Builders; Amending Section 10-33 Pertaining To Time Limits; Amending Section 10-35 Pertaining To Sanitary Facilities; Amending Section 10-36 Pertaining To Site Debris And Hurricane Protection; Amending Section 10-37 Pertaining To Damages To Public And Private Property; Amending Section 10-38 Pertaining To Compliance With NPDES Requirements; Amending Section 10-74 Pertaining To General Standards; Amending Section 10-75 Pertaining To Basic Equipment And Facilities; Amending Section 10-77 Pertaining To Maintenance And Appearance Standards; Amending Section 10-80 Pertaining To Maintenance Of Vacant Buildings And Removal Of Partially**

**Demolished Buildings Or Structures; Amending Section 10-84 Pertaining To Violation Of Article; Penalty; Providing For Severability; And Providing For An Effective Date. (Second Reading)**

City Attorney Marino read Ordinance 18-07 by Title only.

**MOTION** was made by Councilmember Shirley and seconded by Councilmember Behm for Ordinance 18-07.

**Motion passed 7-0.**

9. **Consideration of Ordinance 18-08, An Ordinance Of The City Council Of The City Of Belleair Beach, Florida, Amending Certain Sections Of Chapter 22 Pertaining To Environment; Amending Section 22-31 Pertaining To The Definition Of Weeds; Amending Section 22-33 Pertaining To Prohibited Conditions, Declaration Of Nuisance; Amending Section 22-34 Pertaining To Duty Of Property Owner And Outdoor Lighting; Amending Section 22-38 Pertaining To Abatement By City, Notice Requirement; Amending Section 22-40 Pertaining To Liens For Cost Of Nuisance Abatement; Amending Section 22-62 Pertaining To Exemptions; Providing For Severability; And Providing For An Effective Date. (Second Reading)**

City Attorney Marino read Ordinance 18-08 by Title only.

**MOTION** was made by Councilmember Harper and seconded by Councilmember Schwerer for Ordinance 18-08.

**Motion passed 7-0.**

10. **Consideration of Ordinance 18-09, An Ordinance Of The City Council Of The City Of Belleair Beach, Florida, Amending Certain Sections Of Chapter 30 Pertaining To Marine Structures, Activities And Facilities; Amending Section 30-52 Pertaining To Plan Review; Amending Section 30-53 Pertaining To Compliance With Florida Building Code Standards And Deleting An Exception; Amending Section 30-74 Pertaining To Permit Review And Inspections; Amending Section 30-144 Pertaining To Aircraft; Providing For Severability; And Providing For An Effective Date. (Second Reading)**

City Attorney Marino read Ordinance 18-09 by Title only.

**MOTION** was made by Councilmember Behm and seconded by Councilmember Harper for Ordinance 18-09.

**Motion passed 7-0.**

- 11. Consideration of Ordinance 18-10, An Ordinance Of The City Council Of The City Of Belleair Beach, Florida, Amending Certain Sections Of Chapter 38 Pertaining To Parks, Recreation Areas And City Facilities; Amending Section 38-31 Pertaining To The Marina; Amending Section 38-57 Pertaining To Number Of Meetings; Amending Section 38-58 Pertaining To Responsibilities To City Staff; Amending Section 38-59 Pertaining To Grant Requests; Amending Section 38-81 Pertaining To The Marina; Amending 38-82 Pertaining To Overnight Parking; Amending Section 38-84 Pertaining To Permission From City Manager; Amending Section 38-88 Pertaining To Grills; Amending Section 38-90 Pertaining To Nighttime Sleeping; Amending Section 38-109 Pertaining To Renter Decal; Amending Section 38-143 Pertaining To Usage Fees For City-Sponsored Events; Providing For Severability; And Providing For An Effective Date. (Second Reading)**

City Attorney Marino read Ordinance 18-10 by Title only.

**MOTION** was made by Councilmember Behm and seconded by Councilmember Harper for Ordinance 18-10.

**Motion passed 7-0.**

- 12. Consideration of Ordinance 18-11, An Ordinance Of The City Council Of The City Of Belleair Beach, Florida, Amending Certain Sections Of Chapter 94 Pertaining To Zoning; Amending Section 94-2 Pertaining To The Definition Of Hedges And Living Fences; Amending Section 94-6 Pertaining To Landscaping Requirements; Amending Section 94-69 Pertaining To Green Yard Landscaping Requirements; Amending Section 94-135 Pertaining To Uses; Amending Section 94-172 Pertaining To Fences; Amending Section 94-210 Pertaining To Detached Buildings; Deleting Section 94-211 Pertaining To Housekeeping Facilities; Amending Section 94-214 Pertaining To Docks; Deleting Section 94-216 Pertaining To Fences; Amending Section 94-217 Pertaining To Parking; Amending Section 94-251 Pertaining To Fences, Walls And Hedges; Amending Section 94-252 Pertaining To Commercial Activities; Amending Section 94-256 Pertaining To Temporary Structures; Providing For Severability; And Providing For An Effective Date. (Second Reading)**

City Attorney Marino read Ordinance 18-11 by Title only.

**MOTION** was made by Councilmember Schwerer and seconded by Councilmember Behm for Ordinance 18-11.

After Council discussion regarding the definitions of annex and affix in the City Code, consensus of Council was to pass the Ordinance on Second Reading, research and clarify the intent of "annex" and "affix", and bring a revision of that portion of the Ordinance back for consideration if needed.

**Motion passed 7-0.**

**Regular Agenda**

**City Attorney**

City Attorney Marino advised that Attorney Spoto Bircher would attend the January meeting.

**City Manager**

**13. Monthly Financial Report.**

The monthly financial report from City Manager Rives included:

- The General Fund is at \$3,143,506.00
- With the Marina Money Market account and the Certificate of Deposit, the Marina Fund is at \$266,000.00
- The CPF includes \$1,787,566.00 which is BEI Undergrounding Project Funds
- The Hurricane Fund has now been brought up to \$1MM
- The Marina docks and catwalks savings plan is at \$22,500.00
- \$46,677.00 has been received from the FEMA grant, and the total received will be \$109,000.00
- Parking Station revenue is lower due to Red Tide
- First Street and Belle Isle Avenue stormwater projects are ahead of schedule and are expected to come in under budget
- The \$329,000.00 Belle Isle Avenue seawall project is ready to move forward
- He will check with the contractor regarding milling on Belle Isle Avenue as it is not included in the bid

**14. City Manager Comments.**

City Manager Rives reviewed:

- First Street and Harbor Drive will be milled this week, and new curbs will be installed the following week, the asphalt will begin the first of next year when the asphalt plants reopen
- The Belle Isle Avenue seawall preconstruction meeting was today
- A mitigation application has been submitted to FEMA for the \$450,000.00 7th Street project

- The survey has been completed on the walking easement, there are some encroachments – one approximately one foot with a fence; and City Manager Rives is considering a survey of the Residents regarding improvements to the walking easement
- The code enforcement monthly report was distributed
- The code enforcement brochure distributed highlights the major code changes and will be mailed to all Residents before enforcement of the new codes begin
- He reminded everyone that the Election qualifying period for the Mayor and Council seats begins December 13th and ends December 20th
- The Belleair Beach Island Garden Club donated \$2,400.00 to the City for three metal benches on the outdoor patio
- He is meeting with Mark Goldman regarding the BEI Undergrounding Project and there will be a survey of the right-of-way to the curb line

**City Clerk**

**15. Consideration of Appointment of Park and Recreation Board Alternate Member.**

Mayor Notaro advised there is one Alternate position on the Park and Recreation Board. She stated that Mr. Joseph A. Manzo has expressed an interest in being appointed to the Board and asked if Mr. Manzo was present.

Mr. Manzo came forward and stated: I'm a regular user of the parks – I've seen things that I like and things that I don't like. One of my first experiences was the boat launch at the end of 7th Street that was filled with debris. I'm sorry to say I didn't get the response that I expected when I brought that to people's attention. So, what they tell you to do is if you don't like something, do something about it, so I'm here to do something about it. As an Alternate, to the extent that I can have some input and make some observations, I'd like to do that to keep the parks at tip-top condition.

Mayor Notaro thanked Mr. Manzo.

**MOTION** was made by Councilmember Pietrowski and seconded by Councilmember Harper to appoint Mr. Joseph A. Manzo as a Park and Recreation Alternate Board Member.

**Motion passed 7-0.**

Mayor Notaro congratulated Mr. Manzo.

**Unfinished Business**

**16. Discussion on City-Wide Streetlighting Standard.**

City Manager Rives stated that this item needs to stay on the Agenda until City Council can resolve it. He asked if there was any feedback on which direction to go since the Work Session on City-Wide Streetlighting Standard.

City Manager Rives: There is a group of citizens that I am meeting with on Thursday regarding the Undergrounding Project and they are doing research on lighting to make a suggestion for the Project, but I don't have anything from them at this time.

Councilmember Harper: So, the decision is wooden poles, concrete poles, or poles with special light fixtures?

Vice Mayor Gunn: After analysis City Manager Rives and I have excluded the solar lights as they are too expensive.

Prices for wooden poles, concrete poles, various lighting options, the number of lights needed based on the output of each type of light – the more decorative lights have lower light output so much poles and lights would be required - the cost for buying the poles versus renting the poles, the cost of maintenance and possible insurance, and the life of the poles and lights were reviewed.

Councilmember Shirley: I think if we select a nice, uniform pole and fixture that is not your standard concrete, we would get more interest in cost-sharing from the Residents.

**17. Discuss Land and Water Conservation Fund Grant for Bayside Park.**

City Manager Rives: The design information and cost estimate I've distributed today is all information that I've given you before. The previous Council chose Concept A with some tweaks. The Land and Water Conservation Fund (LWCF) grant cycle is coming up in February/March so there are things we need to start preparing. The Park and Recreation Board recommended applying for the grant at their meeting last month. The grant requires a matching amount from the City. The maximum grant amount is \$200,000.00. I have received many of these grants, so they are attainable. It's a point schedule, so you have to try to get points for certain things. It does take a lot of time, so I am asking Council if they want to proceed with the grant or leave the Park as it is and make improvements when we can. If the match is not supported, it doesn't make sense to spend the time and do the work to pursue the grant.

Any combination of the proposed concepts can be used. As an example, if you put a restroom in the park, that scores higher points for the grant as something that is offered to the public. It would take some pressure off of this building as the number of people that walk the bridge, use the park and come into this building is unbelievable. I'm trying to get Council feedback to determine if there is any interest in moving forward with it, and support from Council to spend the Staff time, meeting time, and what has to be done to work at the point system. It's very time intensive.

Councilmember Schwerer: Bayside is our primary park. I talk to a lot of Residents that use it and I think it would be very beneficial to the City to improve it. I would like to move forward with it and do at least \$400,000.00, with the \$200,000.00 grant as part of it, and I think restrooms would be a good idea.

Councilmember Pietrowski: I think so, I think we should.

City Manager Rives: You have three concepts, I would be taking pieces from each concept – those that would be most beneficial to the City.

Councilmember Harper: The grant indicates that there is a three-year completion time line for the grant.

City Manager Rives: Yes, once awarded you have to set up a timeline detailing the execution and then make quarterly reports. The City pays the full amount up front and is reimbursed at the completion of the project.

Councilmember Harper: So, from a budgeting timeline we could parse that out over a three-year budget cycle to lessen the impact.

City Manager Rives: Yes, we just have to make sure we stay in the parameters of that timeline.

Vice Mayor Gunn: We're in the infancy portion of the Strategic Plan and haven't prioritized the key issues. We don't know what the costs will be in the out years to maintain improvements or additions. [Vice Mayor Gunn distributed a handout of five areas of strategic focus] City Manager Rives and I are looking at a way of sorting and evaluating the capital improvement projects. Until we understand what the priorities are and evaluate the capital improvement projects, I don't see how we can say we want to expend \$200,000.00 from our budget right now. I suggest that we put this off until we understand the dynamics of making an informed decision.

Mayor Notaro: This has been on the Agenda for over a year now, and when we "tabled" it a year ago, I got so many comments from people that use the Park, their children use the Park – the people want it,



we've heard from them. The issue now is do we want to authorize City Manager Rives to move forward with the LWCF grant.

City Manager Rives: If we're not committed to expending the funds there is no point in spending the time on it. There is extensive paperwork, public meetings required, surveys, Park and Recreation Board meetings, and many things that have to be done prior to submitting the grant application.

Councilmember Shirley: My concern is that we have so much deferred maintenance on infrastructure that I'm just concerned about spending money on a park right now when we have roadways that are falling apart, flooding, and ongoing issues that keep being pushed down the road. There is very little money set aside for repaving roads. I think we need to focus on infrastructure items before we start focusing on park improvements.

Councilmember Schwerer: So, you're prioritizing public safety and health higher than aesthetics, and I don't disagree with that.

Councilmember Harper: I say we spend the time to get the strategic plan in place and prioritized, and revisit this in the next grant cycle.

Mayor Notaro: My feeling is to work on the improvements to Bayside Park. The capital improvement program includes safety and infrastructure. This is a possibility to get grant money that everyone talks about. This is a positive thing for the citizens and their children to be on the Intracoastal.

Councilmember Schwerer: There is no longer a safety issue there as the playground equipment has been replaced.

Vice Mayor Gunn: I move that we delay any grant application for the Park until the next cycle.

Councilmember Shirley: Second.

Mayor Notaro: More discussion?

Councilmember Pietrowski: I think we should move forward with it. There's been a number of people from our community that have said they would like to have improvements to that park - they use it a lot.

Mr. Scott Canney, 907 Harbor Drive: Restrooms in the park would increase the traffic on 9th Street and Harbor Drive.

City Attorney Marino to Mayor Notaro: Is Vice Mayor Gunn trying to put forth a negative motion or a motion to table until a time certain, it sounds like the latter.

Vice Mayor Gunn: To clarify – I’m not against improving the park I’m saying let’s delay making that decision until we truly understand the strategic plan, what’s important to us, prioritize those things, and understand how to evaluate capital improvements in the budget process. So, let me rephrase the motion:

I move that we delay any future action for this grant until the next grant application deadline which would be 2020.

Mayor Notaro: I see someone in the audience who would like to make a comment.

Ms. Barb Colucci, 404 9th Street: If we don’t do the grant is there money to do sprucing up, like the basketball court, without a major overhaul?

City Manager Rives: There is money for park maintenance, but that’s not money for enhancement, just maintenance. There was approximately \$58,000.00 set aside a couple of years ago for playground equipment. It was decided to leave that for a possible grant match.

Ms. Colucci: People use the Park all of the time – to play tennis, basketball, and children play. Is it possible to have more access to the water from the land and beach areas for kayaks and paddle boards. I believe the people in this area that walk here several times a day would not like the bathrooms – they believe it would draw transients.

Ms. Wendy Gattis, 309 22nd Street: I would like to see a strategic plan with prioritization of the projects. I would like to see improvements made to beautify the City, but I see that paving of the roads is needed. I suggest tabling the project, I would rather see the money spent on other projects.

Mr. Joseph Manzo, 102 7th Street, to City Manager Rives: What is the minimum on the matching grant? I’m going to exercise my new position as an Alternate Member of the Parks Board, and looking to Mr. Canney in the audience who is a member of the Board – I’ll have to take a look into this thing – if it’s too much work, throw it to us [the P&R Board] and have us take a look at this thing. You don’t have to spend \$200,000.00, it looks like you might be able to spend \$50,000.00, possibly even less. I think parks are important, this is quality of life, as are streets, but there are no matching funds for streets. I’m not for bathrooms for people that walk the bridge from out of town, but I am for things that help our citizens. I think you’ve pushed it down the road a year, now another two years. The citizens want it now.

Mr. Mike Gershowitz, 102 8th Street: I caution you not to go after free money to spend on an improvement we have to maintain forever.

Mayor Notaro to Vice Mayor Gunn: We have a motion on the floor to put off seeking a grant for Bayside, is that basically your motion?

Vice Mayor Gunn nods in the affirmative.

Mayor Notaro: Patti, would you call the roll on that.

|                      |    |
|----------------------|----|
| Councilmember Behm   | No |
| Councilmember Harper | No |

Vice Mayor Gunn: Before we vote here, I'd just like to clarify that we're voting to delay this, is that correct?

Mayor Notaro: Excuse me, you are voting - the motion is to delay it, so they - yes, and they're voting against the motion. I'm sorry, Patti, go ahead.

|                          |     |
|--------------------------|-----|
| Councilmember Pietrowski | No  |
| Councilmember Schwerer   | No  |
| Councilmember Shirley    | Yes |
| Vice Mayor Gunn          | Yes |
| Mayor Notaro             | No  |

**Motion failed 5-2.**

Councilmember Shirley: Can I clarify what we are going forward for? Are we asking for \$200,000.00 or are we asking for the minimum amount, because we don't have \$200,000.00 to match.

City Manager Rives: There are certain things that you get points for and certain things you don't get points for and if you don't fit them in from a points standpoint - you're competing with every other city and county in the State of Florida. It also specifies what the funds can be used for. I'll review the previous grant and the current scoring system for the State and then for the region of Pinellas County. If we exclude certain things and can't obtain enough points it would be a moot point.

Councilmember Harper: So, we're evaluating the grant process and the points process to come back with a determination whether it is viable or not viable to put time and energy into going after this grant.

City Manager Rives: Yes, because I can tell you from experience that this grant has a very cumbersome process.

**City Council Comments**

Councilmember Harper: I think the strategic plan Vice Mayor Gunn has started is extremely critical to the community. Parks and Recreation are critical to the mission statement of the lifestyle of being a premiere gulf coast community, along with fiscal responsibility and obtaining a balance.

Councilmember Behm to City Manager Rives: Can the walking easement be part of this grant.

City Manager Rives: There is a recreational grant that may fit the walking easement. If the Residents recommend shell along the walkway, that would not be a major cost.

Councilmember Schwerer: I attended the 2018 FLC Legislative Conference in Orlando. The emphasis was on developing the League's priorities for the coming Legislative Session. The purpose was to define the priorities when the FLC representatives meet with the Legislators. I wrote a short report and included documents that City Clerk Gentry will email to Council tomorrow. There is a legislative roundtable I will be attending on January 18th to introduce myself to the Legislators that I have not met.

Councilmember Shirley to City Manager Rives: Will the seawall companies from last month's meeting be allowed to use the Belle Isle Avenue seawall for staging?

City Manager Rives: No, the Belle Isle Avenue seawall won't be available for the next 90 days due to construction. There are pieces of the seawall that are broken off. The request will be on the Agenda for a decision.

Councilmember Shirley: What is the status of landscaping for the Harrison Avenue island?

City Manager Rives: We will be putting some plants in.

Councilmember Shirley: There is a lot of trash and debris gathered in the corners where the seawalls meet at the road. Can Public Works net anything that gathers there?

City Manager Rives: Yes, we can purchase a net for the smaller items, we don't have the capability for large items such as a floating dock. Public Works is aware and does clean the debris at the 7th Street boat ramp that the tide brings in.

Councilmember Shirley: The Code Enforcement brochure was great, I love the communication to the Residents and we need to keep it up, good job.

Councilmember Pietrowski: What is the time frame to remove the wires on Gulf Boulevard, and Merry Christmas to everyone and have a happy holiday.

City Manager Rives: I met with Duke Energy last Thursday, we have secured approximately fifty percent of the easements.

Vice Mayor Gunn: I just got a certificate for attending IEMO training and it was good training. The good takeaway from that was it validated a lot of things that I came to the Council with - strategic planning, prioritizing, evaluating the budget process. Apparently we've all gone, but maybe it just hasn't stuck, I don't know. I find it very ironic that we talked about the strategic plan, to support the strategic plan, we support prioritizing and then we turn right around and shoot from the hip and commit ourselves to spending money possibly to support this grant for the park, I see that totally ironic. Lastly the election process - anybody out there, talk to your neighbors, if you have people who are interested in filling some of the seats that are coming up, by all means get the word out and keep your eye out for the key dates, it starts December 13th.

Mayor Notaro: I want to wish everyone Merry Christmas, Happy Holidays. The Council Dinner, Friday evening, hope to see all of you there.

**ADJOURN**

**MOTION** was made by Councilmember Behm and seconded by Councilmember Harper to adjourn at 7:48 pm.

**Motion passed 7-0.**

January 7, 2019  
Date Approved

APPROVED: Leslie Ford Notaro  
Leslie Ford Notaro, Mayor

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