

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 Rob Baldwin, Julie "Jewels" Chandler, Pamela Gunn, Mitchell Krach, and John Pietrowski; Mayor Leslie Ford Notaro, Vice Mayor Wanda Schwerer, Interim City Manager/Community Services Director Lynn Rives, City Clerk Patricia Gentry, and City Attorney Paul Marino.

1. Approval of Agenda.

MOTION was made by Councilmember Chandler and seconded by Councilmember Krach to amend and approve the Agenda to add Item 12.a Lien on Home in Belleair Beach.

Motion passed 7-0.

2. Approval of January 8, 2018, City Council Meeting Minutes.

MOTION was made by Vice Mayor Schwerer and seconded by Councilmember Chandler to approve the January 8, 2018, City Council Meeting Minutes.

Motion passed 7-0.

3. 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)

Seeing no one, Citizens Comments was closed.

Consent Agenda:

4. Proclamation: Proclaiming March 2018 as Problem Gambling Awareness Month

MOTION was made by Councilmember Baldwin and seconded by Councilmember Krach to approve the Consent Agenda.

Motion passed 7-0.

Regular Agenda:**5. Presentation by Undergrounding Assessment Methodology Consultant Elizabeth Rodriguez.**

Mr. Chris Roe, of Bryant Miller Olive, P.A., and Ms. Elizabeth Rodriguez, of Elizabeth Rodriguez & Associates, Inc. consulting agency presented a PowerPoint summarizing the resolution regarding special assessments to fund the undergrounding of utilities in Bellevue Estates Island assessment area. Mr. Roe advised he had a conference call scheduled for the next day with the financial advisor regarding the timeline, and that the public hearing would be March 5, 2018.

Discussion followed regarding pros and cons of underground utilities increased safety, increased property values and the aesthetic benefit; that the language of the bond or loan would state that the special assessment would be the only source of security, the lender would have no recourse to come to the City for any shortfall; that to be certain that all residents be heard before finalizing; if an adjacent property could "piggyback" onto this project by paying their portion up front, and that it may change the assessment area; and Mr. Roe advised that a property owner could sue the City if they did not like an aspect of the project for whatever reason, and this is a threat that will continue indefinitely. Mr. Roe advised that "one technique I strongly recommend is the judicial validation" process to have a judge decide any legal issues up front. Affected property owners could come to the validation to present their arguments.

6. Consideration of Resolution 2018-02, a Resolution of the City Council of the City of Belleair Beach, Florida, Relating to the Acquisition, Construction and Funding of Capital Improvements Associated with the Undergrounding of Electrical, Cable and Communications Utilities, and the Installation of Street Lighting Improvements, on and Adjacent to Bellevue Estates Island; Providing for the Imposition of Special Assessments to Fund the Costs of Such Improvements; Describing the Proposed Bellevue Estates Island Assessment Area; Estimating the Cost of the Improvements; Establishing the Method of Assessing the Costs of the Improvements Against Specially Benefited Real Property; Directing the City Manager to Prepare a Preliminary Assessment Roll; Establishing a Public Hearing to Consider Imposition of the Proposed Assessments; Directing the Provision of Notice in Connection Therewith; and Providing an Effective Date. (Interim City Manager) (see backup)

City Attorney Marino read Resolution 2018-02 by Title only.

MOTION was made by Councilmember Krach and seconded by Councilmember Gunn for Resolution 2018-02.

Discussion followed from Council and from Residents regarding concern whether all Residents had been heard from; if all had received the petition packet before the deadline; that 90+ petitions had been returned; which Councilmembers live in that area, which are on the Committee and that it was the opinion of the Office of the Attorney General that the number of properties in the project area was sufficiently large enough that it did not specifically benefit the Councilmembers' property; that there was one vote per property; and there would be an opportunity for all to be heard at the March 5, 2018, public hearing.

Councilmember Baldwin	No
Councilmember Chandler	No
Councilmember Gunn	Aye
Councilmember Krach	Aye
Councilmember Pietrowski	No
Vice Mayor Schwerer	Aye
Mayor Notaro	Aye

Motion passed 4-3.

- 7. **Request Authorization for the City Manager to Obtain a Binding Estimate from Duke Energy for the Undergrounding of Utilities in Bellevue Estates Island. (Interim City Manager) (see backup)**

Interim City Manager/Community Services Director Rives advised that this will offer a better detail of the costs that are associated with the project.

Mr. Rives recommended approval and advised that it would take approximately six months to receive the binding estimate and then there would be six months after to accept the binding estimate.

MOTION was made by Councilmember Baldwin and seconded by Vice Mayor Schwerer to obtain a binding estimate from Duke Energy for the undergrounding of utilities in Bellevue Estates Island.

Motion passed 7-0.

- 8. **Authorize the City Manager to Advertise for Bids for the Belle Isle Avenue Seawall Renovation. (Interim City Manager) (see backup)**

Interim City Manager/Community Services Director Rives stated this included the replacement with vinyl panels, and adding the new cap that is 12" higher than the existing, and at the same time doing some correction on the flooding at the intersection by the City Engineer.

MOTION was made by Vice Mayor Schwerer and seconded by Councilmember Krach to authorize the City Manager to advertise for bids for the Belle Isle Avenue seawall renovation.

Motion passed 7-0.

9. **Consideration of Ordinance 18-01, An Ordinance of the City Council of the City of Belleair Beach, Florida, Amending Section 94-210 Pertaining to Detached Buildings; Providing for Severability; and Providing for an Effective Date. (First Reading) (see backup)**

City Attorney Marino read Ordinance 18-01 by Title only.

Mayor Notaro advised this ordinance was to increase the height of a storage shed from the present maximum of five feet tall to eight feet tall.

MOTION was made by Councilmember Pietrowski and seconded by Councilmember Baldwin for Ordinance 18-01.

Motion passed 7-0.

10. **Consideration of Ordinance 18-02, An Ordinance of the City Council of the City of Belleair Beach, Florida, Amending City Code Section 38-87 Pertaining to Picnic and Public Gathering Permits; Providing for Severability; and Providing for an Effective Date. (First Reading) (see backup)**

City Attorney Marino read Ordinance 18-02 by Title only.

MOTION was made by Councilmember Krach and seconded by Vice Mayor Schwerer for Ordinance 18-02.

Interim City Manager/Community Services Director Rives stated this ordinance was in response to several requests received in the last few weeks from wedding planners asking to have weddings for their clients at Morgan Park with chairs, arches, etc. at no cost, instead of renting the Community Center.

Discussion followed regarding consideration of a resolution to charge for a permit.

Motion passed 7-0.

11. **Consideration of extending Resolution 2017-08, the City Manager Selection Advisory Committee term for an additional 120 days per City Code Section 2-102, Ad hoc committees. (City Attorney) (see backup)**

City Attorney Marino stated this would be a verbal resolution to extend Resolution 2017-08.

MOTION was made by Vice Mayor Schwerer and seconded by Councilmember Krach to extend Resolution 2017-08.

Motion passed 7-0.

12. Update on Florida Communities Trust (FCT) Requirements for Playground Equipment in Bayside Park. (Interim City Manager)

Interim City Manager/Community Services Director Rives advised he had spoken to Florida Communities Trust (FCT) and the Florida Recreation Development Assistance Program (FRDAP). Discussion followed regarding going out for bid for different equipment with a range of costs; the products used on the "fall zone area" of the playground; and safety and liability issues. Mr. Rives recommended taking it back to the Park and Recreation Board and advised that last year the Florida Legislature did not appropriate funding for that year, so the list was rolled over with hope of funding this year. He stated there is another potential grant opportunity with the Land and Water Conservation Fund, but that notice has not come out yet. That type of grant has a points system based on the plan. The possibility of a restroom was mentioned and Mr. Rives advised that a restroom would earn more points, such as the grant he had written for the restroom and shelter at Morgan Park. The possibility of a playground at Belle Isle Avenue Park was mentioned. Equipment for all ages in addition to adult exercise equipment was discussed.

12. a Wedgewood Drive Lien.

City Attorney Marino stated that 15 years ago the City had placed a lien on a property on Wedgewood Drive. The City attempted to foreclose the lien in 2002 on the basis that the property was not a homestead property according to the Pinellas County Property Appraiser. Action was brought against the property owner, the property appraiser, and the internal revenue service which also had a lien on the property. The property appraiser settled with the property owner and granted them homestead status upon which the property owner filed suit against the City for filing a lien on homestead property. The City sent the matter to the Florida League of Cities to defend the City and it was subsequently dismissed. It was then filed as a completed file by the City somewhere between 2002 and 2008, and did not show up in a recent search of City files or the City financial system following a lien inquiry by Chicago Title Insurance Company. The attorney for Chicago Title Insurance Company stated the property owner alleges it was paid, even though no record can be found for that, and if the City does not resolve this issue they will bring action against the City. Mr. Marino stated that this would be involved and costly and his recommendation was to P&L the matter and release the liens when Chicago Title Insurance Company signs a release to the City. He asked for direction from Council. Council agreed to release the lien to satisfy the matter. The City

has changed the form and the procedure for future searches to ensure correct information is submitted.

13. Mayor and Council Comments.

Councilmember Baldwin advised that Residents had spoken to him regarding door-to-door solicitation. He stated that it is in the City Code and it may need more "teeth" to be enforced. He also advised that there was a problem with crab traps and he would like to see that addressed.

Councilmember Gunn suggested that "the City might consider developing a policy addressing elected officials using of social media sites where there's discussion going on of city issues. Also, I believe the City needs to address how the clerk might need to record these comments and discussions and keep them as public record for the city."

Councilmember Krach had no further comments.

Councilmember Pietrowski stated he believed that the time Mr. Rives spends on the undergrounding project should be charged back to the amount to be repaid by the assessment, as it is not time spent on City work.

Councilmember Chandler advised she had met with Community Improvement Officer White regarding ordinances that may need changes to be more enforceable, but did not realize that Interim City Manager/Community Services Director Rives was already working on that. She stated that she had voted "no" to Resolution 2018-02, as she was ready to move forward and is not opposed to the project, but "after I heard that comment, because I questioned some of the process, so I just think that...I agree with Rob's statement about waiting", "I just really felt that it was the right thing to do". She stated that Ms. Martha Vasquez had information regarding a Neighborhood Watch program. Ms. Vasquez stated that on February 15, 2018, at 5:30pm there would be a Pinellas County Sheriff's Office Deputy at the Community Center to explain the program and how to set it up.

Vice Mayor Schwerer had no further comments.

Mayor Notaro advised that the BIG-C presentations had been about offshore drilling. The BIG-C would be sending their resolution opposing drilling around Florida, and that she would have a resolution opposing drilling on the next City Council agenda. She reviewed the Interim City Manager/Community Services Director and City Clerk yearly evaluations stating that they were very, very positive and read excerpts from the evaluations.

14. City Attorney Comments.

City Attorney Marino had no further comments.

15. City Manager Comments.

Interim City Manager/Community Services Director Rives reviewed project updates:

- The drawings for the mast arms have been approved and ordered. Construction is projected to start in March 2018
- The Harrison Avenue Seawall will be finished by the end of the week
- The Public Works building is under construction. The walls and trusses are being installed
- Continuing to work with FEMA for the reimbursement of Hurricane Irma damage
- He has asked Community Improvement Officer White to review the codes and recommend revisions needed
- He has received comments from Residents regarding the maintenance of seawalls. Staff will be looking at current code requirements and recommend changes as needed
- The PCSO digital sign is out reminding Residents to lock their doors, especially car doors
- He has met with CPWG for contract negotiations
- The pilot solar street light has been ordered and placement is recommended in Bellevue Estates Island

ADJOURN

MOTION was made by Vice Mayor Schwerer to adjourn the meeting.

Motion passed 7-0.

March 5, 2018
Date Approved

APPROVED: Leslie Ford Notaro
Leslie Ford Notaro, Mayor

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