



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

**Monday, May 20, 2019
Community Center, 5:00PM**

PUBLIC MEETING MINUTES

The meeting was called to order by Mayor Joseph A. Manzo, followed by a Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present were Councilmembers Marv Behm, Dave Gattis, and Rita Swope; Vice Mayor Glenn Gunn, Mayor Joseph A. Manzo, City Manager Lynn Rives, City Clerk Patricia Gentry, Finance Officer Melanie Kruszona, and Attorney Jackie Spoto Bircher. Councilmember Jody Shirley arrived at 5:17pm. Councilmember Robyn Ache arrived at 5:29pm.

1. Authorize the City Manager to Advertise for Legal Services (City Attorney).

MOTION was made by Councilmember Behm to amend the Agenda to authorize the City Manager to obtain an estimate to underground utilities from Bayshore Drive to Gulf Boulevard within the existing underground budget of the Bellevue Estates Island project.

Motion died for lack of a second.

Mayor Manzo called for a five-minute recess at 5:05pm for Attorney Spoto Bircher to research whether items can be added to a Special Meeting agenda.

The meeting reconvened at 5:09pm. Attorney Spoto Bircher advised that City Code Section 2-52 states "No other business shall be transacted at the special meeting, except as stated in the notice of the special meeting.", therefore the agenda could not have been amended. Councilmember Behm asked that it be discussed at the Work Session.

MOTION was made by Vice Mayor Gunn and seconded by Councilmember Behm for Agenda Item 1.

Councilmember Swope: I feel we're pushing this item through. We wouldn't let the Community speak at the last meeting on behalf of our Attorney. I would like to see us slow this down, so we don't make a decision that is not good for the entire community. The comment made at the City Council meeting about the 20-year people – we need to respect our 20-year people and their opinion, so I would like to see this set aside until we can do more due diligence.

MOTION was made by Councilmember Swope to have Agenda Item 1 removed and discussed in a different format.

Motion died for lack of a second.

Councilmember Behm: We're not looking for a new attorney at this point, we're just looking to see what's out there in the field. We're trying to update most of the contracts the City has and see if there are different needs. We haven't had a discussion with Mr. Marino about different needs.

Vice Mayor Gunn: The real issue of people stepping up to underscore Mr. Marino's effectiveness and work was out of place. It was just a motion about an RFP and an RFQ to see what's changed in the requirements and what else is out there and it [public comments] was just out of place. We can discuss that during the work session.

Mayor Manzo: Mr. Marino's contract is a month-to-month contract which requires a 30-day notice to terminate. There is nothing on the table for termination. The new start date will be August 1st for whoever is taking the contract so notice of termination will go out on July 31st. Contracts should be bid for everything this Council does to get the best value for the taxpayers. We are bidding the engineering contracts and every contract as they come up including the Sheriff. My recommendation to Council is to vote to put this out for RFQ. There will be an evaluation process and at that time the invited people will come back for a presentation to Council and the Community.

Councilmember Shirley: My position is that this contract and any other contract should be reviewed and put out for bid when they are up for renewal - not singling out the Attorney or any engineer.

Mayor Manzo to Attorney Spoto Bircher: At this point we will go to legal counsel. This is about any topic you want, you have three minutes and then we are going to move to Citizens.

Attorney Spoto Bircher: The first thing I want to be very clear on is I disagree with you on the constitutionality of the parking ordinance. I believe the City's parking ordinance is constitutional under the law review article I forwarded to you. I clearly think the sign ordinance, as most sign ordinances in the country are, unconstitutional right now

under the 2015 decision. Most cities still have not changed their sign ordinance country-wide despite that, because of the difficulty figuring out how to comply with the U.S. Supreme Court. I won't address the comments regarding Mr. Marino's history, I will allow you to rely on your own dealings with Paul Marino and I will let him respond for himself when he returns. He has been tremendous to me and a great fount of legal knowledge. I would like to say I understand your process to see what is best for the City and I do not take it personally.

Mr. John Hansich, 103 22nd Street, spoke regarding reviewing open-end contracts, and election campaigns on not raising taxes.

Mr. Mike Gershowitz, 102 8th Street, spoke regarding signs in front yards and bamboo plantings.

Ms. Becky Burgess, 111 5th Street, stated she understands contracts being reviewed and sent out for bid, but asked that when citizens voice their opinions as requested by Council that Council thank them and consider their opinions.

Mayor Manzo: At the last meeting I allowed everyone their full three minutes or more to speak, every citizen was heard.

Mayor Manzo called for the vote.

Councilmember Ache	Aye
Councilmember Behm	Aye
Councilmember Gattis	Aye
Councilmember Shirley	Aye
Councilmember Swope	Aye
Vice Mayor Gunn	Aye
Mayor Manzo	Aye

Motion passed 7-0.

2. Any Additional Comments Regarding May 6, 2019, Regular City Council Meeting Agenda Item #7.

City Manager Rives stated this is to underground the Spectrum wires going north from 1st Street to 12th Street on the east and west sides of Gulf Boulevard for the Gulf Boulevard Beautification Project. The Mayor was concerned at the last meeting that everyone did not understand the location specified.

There were no additional comments.

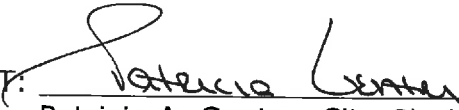
ADJOURN

MOTION was made by Councilmember Behm and seconded by Councilmember Gattis to adjourn at 5:45pm.

Motion passed 7-0.

July 1, 2019
Date Approved

APPROVED: 
Joseph A. Manzo, Mayor

ATTEST: 
Patricia A. Gentry, City Clerk