



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

**Monday December 2, 2019
Community Center, 6:00 PM**

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 Robyn Ache, Marv Behm, Dave Gattis, Jody Shirley and Rita Swope; Mayor Joseph A. Manzo, Vice Mayor Glenn Gunn, City Manager Lynn Rives, City Clerk Patricia Gentry, and City Attorney Fred Reilly.

1. Approval of Agenda.

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

MOTION was made by Vice Mayor Gunn and seconded by Councilmember Gattis to **AMEND** the Agenda to move Item 5 from the Consent Agenda to the Regular Agenda; move Item 11 to be Item 6; change the Vote on Item 11, now Item 6 to read "up to two" for the regular member and "up to one" for the alternate member; add a report by the Park and Recreation Board, and add a report by the Planning and Zoning Board as Item 11.

Motion passed 7-0.

The **AMENDED** Agenda was passed by unanimous consent.

2. 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)

Citizens Comments included:

- A statement from a Resident read into the record asking for the immediate resignation from Mayor Manzo

- An inquiry of how to reach Mayor Manzo from a Resident who stated he had not received an answer from his emails to the Mayor

Mayor Manzo advised that a message could be left on the City Council telephone hotline at City Hall and Staff would relay the message to the Mayor; by writing a letter to him at City Hall; or before or after any Council meeting.

3. Presentation: Pinellas County Sheriff’s Office.
 • **Belleair Beach monthly analysis of events**

The report from PCSO Sergeant Swiech included:

- Two arrests – one probation violation and one DUI
- 802 events with 930 units responding
- 2 vehicle crashes
- Discussion of boating vessel stops in the waterways
- Discussion of Neighborhood Watch program

Public Hearing

4. Consideration of Ordinance 19-01, An Ordinance Of The City Council Of The City Of Belleair Beach, Florida, Providing For A Fee For The Issuance Of Beach Easement Parking Decals; Providing For Incorporation Of Recitals; Providing For The Amendment Of Section 38-108 Of The City Code Of Ordinances Relating To Property Owner Decal; Providing For The Amendment Of Section 38-109 Of The City Code Of Ordinances Relating To Renter Decals; Providing For The Amendment Of Section 38-111 (B) Of The City Code Of Ordinances Relating To Parking Decal Fees; Providing For A Copy To Be Kept On File; Providing For Severability; Providing For The Repeal Of All Ordinances In Conflict Herewith; And Providing For An Effective Date. (Second Reading)

Mayor Manzo read Ordinance 19-01 by Title only.

MOTION was made by Councilmember Shirley and seconded by Councilmember Behm for Ordinance 19-01.

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.

Consent Agenda

5. **[Item number 5 was moved to the Regular Agenda]**
Authorize City Manager to Execute the Land and Water Conservation Fund Grant Agreement.
- **Request City Council authorize the City Manager to execute the 2018-2019 LWCF agreement for improvements for Bayside Park**

MOTION was made by Vice Mayor Gunn and seconded by Councilmember Behm for discussion of Item 5.

Discussion included:

- The Strategic Plan was not in place and priorities had not been established when the Bayside Park plan was proposed
- What are the recurring maintenance costs
- Would the public restroom create an attractive nuisance
- Would there be recommendations from the Finance Advisory Committee
- Making changes to the plan and what effect that would have on the point system and ranking that qualified the City for the Grant
- The timeline of the Grant once accepted by the City
- Reminder that it is a 50/50 matching grant and the funds must be expended by the City to be reimbursed
- Community Services Administrator Kyle Riefler did an outstanding job on the Grant
- This is an administrative detail and does not commit the City to the Grant
- There is a time commitment for the designated Grant area, as with the 25-year commitment for the tennis courts

City Manager Rives will check the point value of the commitment, what effect removing items will have on the point value and at what point the City is committed.

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

MOTION to authorize the city manager to execute the land and water conservation fund grant agreement with the instructions and provisos set by City Council passed 7-0.

Mayor Manzo requested that a copy be given to the Finance Advisory Committee and the Parks and Recreation Board.

11. [Now Item 5.5] Consideration of Resolution 2019-11, A Resolution Of The City Council Of The City Of Belleair Beach, Florida, Regarding The Belleair Beach Charter Review Committee; And Establishing An Effective Date.

Mayor Manzo read Resolution 2019-11 by Title only.

MOTION was made by Councilmember Gattis and seconded by Councilmember Behm for discussion.

Discussion included:

- Councilmember Behm and Councilmember Ache offered to step down so that Councilmember Shirley could serve on the Committee – Councilmember Ache stepped down – Mayor Manzo nominated Councilmember Shirley as a permanent member
- In response to an inquiry from Council, Mayor Manzo stated he was not required to recuse himself from voting as applicant Ms. VanScoyoc is his girlfriend and not a relative.

Applicants:

Ms. Kathleen Klaeser
Ms. Leslie Notaro
Mr. Berc Sarafian
Ms. Wanda Schwerer
Mr. H. Stanley Sofer
Ms. June VanScoyoc
Mr. Michael Zabel

Mr. Sarafian, Mr. Sofer, Mr. Zabel, and Ms. VanScoyoc, each reviewed their qualifications and experience. Ms. Notaro declined to speak. Ms. Klaeser and Ms. Schwerer were unable to attend.

Mayor Manzo nominated Councilmember Ache to the Committee.

MOTION was made Councilmember Gattis and seconded by Councilmember Behm to **AMEND** the last recital of the Resolution, with language proposed by City Attorney Reilly, to read: "WHEREAS the Belleair Beach City Council desires to appoint up to two Alternate Members to the Charter Review Committee (including one Resident Alternate and one Councilmember Alternate). [in the first provision where the Alternates are named and add letter] i., Councilmember Alternate [and a blank."

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.

Vote for up to one Resident Alternate, up to One Councilmember Alternate, adding Councilmember Ache as the Alternate and Councilmember Shirley as the Regular to the ballot:

Councilmember Ache voted for	Jody Shirley
Councilmember Behm voted for	Jody Shirley
Councilmember Gattis voted for	Jody Shirley
Councilmember Shirley voted for	Jody Shirley
Councilmember Swope voted for	Robyn Ache as Alternate
Vice Mayor Gunn voted for	Jody Shirley
Mayor Manzo voted for	Jody Shirley

Councilmember Swope stated "I voted for Robyn Ache as Alternate because I assumed that Jody Shirley was already on because Robyn Ache resigned."

Mayor Manzo stated there are six votes for Jody Shirley so she is now the permanent Member.

Resident Member – vote for up to two.

Councilmember Ache voted for	Mr. Sofer and Mr. Zabel
Councilmember Behm voted for	Mr. Sofer and Mr. Zabel
Councilmember Gattis voted for	Mr. Sofer and Mr. Zabel
Councilmember Shirley voted for	Mr. Sarafian and Mr. Zabel
Councilmember Swope voted for	Ms. Notaro and Ms. Schwerer
Vice Mayor Gunn voted for	Mr. Sarafian and Mr. Zabel
Mayor Manzo voted for	Mr. Sofer and Mr. Zabel

Mayor Manzo stated that Mr. Sofer and Mr. Zabel received the majority of votes at four and six respectively and are the permanent Members.

Resident Alternate – vote for up to one.

Councilmember Ache voted for	Mr. Sarafian
Councilmember Behm voted for	No Vote
Councilmember Gattis voted for	Mr. Sarafian
Councilmember Shirley voted for	Mr. Sofer
Councilmember Swope voted for	Mr. Zabel
Vice Mayor Gunn voted for	Mr. Sofer
Mayor Manzo voted for	Ms. VanScoyoc

Another vote was required. Mr. Sofer and Mr. Zabel were stricken as they were already elected.

Remaining applicants were:

- Ms. Klaeser
- Ms. Notaro
- Mr. Sarafian
- Ms. Schwerer
- Ms. VanScoyoc

Resident Alternate – vote for up to one.

Councilmember Ache voted for	Mr. Sarafian
Councilmember Behm voted for	Mr. Sarafian
Councilmember Gattis voted for	Mr. Sarafian
Councilmember Shirley voted for	Mr. Sarafian
Councilmember Swope voted for	Ms. Notaro
Vice Mayor Gunn voted for	Mr. Sarafian
Mayor Manzo voted for	Mr. Sarafian

Mayor Manzo stated there are six votes for Mr. Sarafian as the Alternate.

Mayor Manzo called for a Roll Call vote to vote for Robyn Ache (the only candidate) as the Councilmember Alternate.

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

Mayor Manzo congratulated Councilmember Ache as the Alternate.

Mr. Sofer nominated Mr. Zabel to open the first meeting of the Committee until the officers were elected.

Nomination was passed by City Council unanimously.

Regular Agenda

6. Approval of November 4, 2019 City Council Meeting Minutes.

MOTION was made by Councilmember Behm and seconded by Councilmember Shirley to approve the November 4, 2019 City Council Meeting Minutes.

Motion passed 7-0.

7. Approval of November 18, 2019 Special City Council Meeting Minutes.

MOTION was made by Councilmember Behm and seconded by Councilmember Gattis to approve the November 18, 2019 Special City Council Meeting Minutes.

Motion passed 7-0.

8. Approval of November 18, 2019 City Council Work Session Minutes.

MOTION was made by Councilmember Behm and seconded by Councilmember Gattis to approve the November 18, 2019 Special City Council Meeting Minutes.

Motion passed 7-0.

9. Consideration of Resolution 2019-13, A Resolution Of The City Council Of The City Of Belleair Beach, Florida, To Appoint The City Treasurer; Providing For Incorporation Of Recitals; Providing For Appointment Of The City Treasurer; And Establishing An Effective Date.

- **Appointment of Interim City Treasurer to City Treasurer**

Mayor Manzo read Resolution 2019-13 by Title only.

MOTION was made by Councilmember Shirley and seconded by Councilmember Behm for Resolution 2019-13.

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.

10. Consideration of Resolution 2019-12, A Resolution Of The City Council Of The City Of Belleair Beach, Florida, To Adopt A Public Records Policy; Providing For Incorporation Of Recitals; Providing For Adoption Of A Public Records Policy; And Providing For An Effective Date.

- **A policy for access, inspection, and copying of public records**

Mayor Manzo read Resolution 2019-12 by Title only.

MOTION was made by Councilmember Shirley and seconded by Councilmember Behm for Resolution 2019-12.

Discussion included:

- Is it possible to set a specific time frame for the “reasonable time frame”
- Have all current requests been provided in a reasonable time frame
- The City does still have some open requests
- Records requests made before this policy should not be under this policy
- Under 2.9 Format – the words “or in some other meaningful format such as paper or pdf” should be stricken as it was believed that they are expanding the law
- Under 5.3 Extensive Public Records Requests – should change from “thirty minutes of staff time” to “fifteen minutes of staff time”
- Under 5.4 Written Estimate – does that include legal costs

City Attorney Reilly stated the policy proposed is based on Florida Statutes, particularly Chapter 119. “Reasonable” is the standard in Chapter 119 and based on the totality of the circumstances of the request. The policy is to provide guidance, consistency, and transparency. As to deleting the phrase “or in some other meaningful format such as paper or pdf” - leaving it in gives a basis for an alternate method of doing it. The public records law is a very complicated law, which has been continually revised by the Legislature along with case law and court rulings over the years, in order to provide transparency.

MOTION was made by Vice Mayor Gunn and seconded by Councilmember Ache to **AMEND** Resolution 2019-12 to strike “or in some other meaningful format such as paper or pdf”; change “thirty minutes of staff time” to “fifteen minutes of staff time”, and add “Section 6.6. This policy shall not be applied retroactively.” to the enacting Resolution.

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

Motion to AMEND Resolution 2019-12 passed 7-0.

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

Amended Resolution 2019-12 passed 7-0.

- 11. [Moved to Item 5.5] Consideration of Resolution 2019-11, A Resolution Of The City Council Of The City Of Belleair Beach, Florida, Regarding The Belleair Beach Charter Review Committee; And Establishing An Effective Date.**
 - **City Council ballot vote for 2 Resident Committee Members and 1 Resident Alternate Committee Member**

Planning and Zoning Board Report

City Manager Rives advised that proposed meeting dates have been sent to Board Members for their consideration. Following their first meeting they will have a report for Council.

Park and Recreation Board Report

Chair VanScoyoc gave an overview of the upcoming Children’s Holiday Party. Chair VanScoyoc thanked all who made donations to the Event.

12. City Attorney

City Attorney Reilly gave an update on City Council’s request that he review the City’s insurance coverage for elected officials and board members to assess any potential vulnerability that those individuals

would be exposed to potential lawsuits. He will provide to Council upon completion.

13. City Manager

City Manager Rives reviewed:

- The stormwater boxes and piping have been delivered to be installed at Third through Sixth streets
- There is only one street remaining of the BEI Undergrounding Project with Spectrum wires. The wires will be taken down this week, followed by removal of the poles

City Manager Rives read a letter into the record citing his concerns regarding continued hostility and interference with City operations from Mayor Manzo and Ms. June VanScoyoc. He advised that he had discussed this with several Councilmembers and the City Attorney. He stated that he had asked the City Attorney to have a discussion with Mayor Manzo regarding the City Manager form of government following an email he had received from the Pinellas County Sheriff's Office asking for clarification on the operations of the City, but to no avail. The situation continues to happen - usurping the City Manager form of government, and he would be taking direction from City Council as a whole, not one individual. City Manager Rives advised that he had endured accusations, avoidance, harassment, and interference, as documented in the information he would distribute. He stated that the threats to him and his family, along with the derogatory comments to him and other staff, has negatively affected and diverted Staff resources from the efficient daily operation of the City. He advised that he would continue to do his job to the best of his abilities taking care of the business of the City of Belleair Beach, but that he could not allow the hostility and interference in City operations to continue for himself or the Staff. He stated that after speaking with several Councilmembers over the months it was still continuing.

Mayor Manzo directed City Attorney Reilly to prepare information regarding the definition of a hostile work environment to share with City Council.

Mayor Manzo asked City Manager Rives for the status of the meeting he had requested with Tom Washburn of Pinellas County. City Manager Rives stated he had emailed Mr. Washburn and left a voicemail and was waiting for a response.

Mayor Manzo stated that he had received no response to his proposal to expand the bridge by line changes, and with some type of toll mechanism on the bridge to decrease traffic flow, or City Manager Rives' proposal to do congestion pricing.

City Manager was to contact Mr. Washburn or his supervisor.

Mayor Manzo stated that Residents of Belleair Beach could contact Mr. Washburn directly and gave his telephone number.

14. City Clerk

15. Unfinished Business

- **None**

16. City Council Comments

Councilmember Ache hoped everyone had a great Thanksgiving and was looking forward to the Holiday Season. She told City Manager Rives that she appreciated everything he has done for the City and that she knows he works hard for the City. She believed that the Council could work better together to make sure all get along and are on the same page. She wished everyone a wonderful Holiday Season.

Councilmember Behm stated a lot of work has been done by the City Manager and City Council, and that a lot of things have been neglected over the years. He said let's try to cut the tension if we can, and Merry Christmas and Happy New Year.

Councilmember Gattis advised that 2019 has been very productive for this Council. He stated that he appreciated everyone's hard work, and the patience of the Citizens of Belleair Beach. There is much more to accomplish in 2020, including improvements on the Council. He believes they are headed in the right direction but still have wrinkles to iron out. He thanked everyone for coming and wished a Merry Christmas, Happy New Year, and other Holidays celebrated by all.

Councilmember Shirley advised that she and City Manager Rives are working on a couple of projects and she appreciates his help. She stated that she completely supports him. She believes there are times that the delivery of comments can go smoother and hopes that all take that position. She stated City Manager Rives has been a tremendous help to her, thanked him for that, and advised that he can reach out to her at any time. She hoped that everyone would be aware of how they approach Council and Staff as we all have the same goal. She looks forward to the new Committees, getting the City's business done, and wished everyone a Merry Christmas.

Councilmember Swope stated that City Manager Rives has done a tremendous job. Every time she has needed anything or any help he has been there as well as all of the Staff. She thanked each of the Staff and wished everyone a Merry Christmas and Happy Holidays.

Vice Mayor Gunn gave a reminder that due to its size and budget Belleair Beach is not always at the top of the pecking order or priority lists when dealing with Pinellas County and the State. He stated that his observations in working with City Manager Rives is that he is a superior tactical guy. He can get things done, as when it comes to how many balls can you keep in the air at one time, and that he has never seen anyone work as smoothly as Mr. Rives in leveraging his network. We're getting off track somewhere - we need to rely on Mr. Rives to be our point of contact and our focal point when dealing with the County and the State. He is the Chief Executive of this City. We're supposed to give him direction - not micro-manage him, not try to reach out when his efforts are not yielding what we expect, let's give him a chance to deal with it accordingly. The BEI Undergrounding is stupendous and will be the cookie-cutter and gamebook for Harrison, Howard and whoever is next. Kudos to Staff - the Christmas decorations look great. He advised that we are still tweaking the Consent Agenda.

Mayor Manzo stated that he was going to address some of the comments made by the City Manager. He advised that he believed City Manager Rives was wrong and that paperwork to Council would be met with paperwork from him. He believed there were things that City Manager Rives had not done, it is Council's job to oversee him, and that City Manager Rives works for City Council. He believes that when the Pinellas County Sheriff's Office does not have a presence at the Council meetings it's a safety issue for the community. He offered other details regarding City Manager Rives if anyone would like them. He advised that he was tired of the personal attacks against him and his girlfriend, June, and for City Manager Rives to knock it off. With regard to security - he advised there is an article by Alex Pickett about how Ocala and Gainesville are doing what he proposed. Mayor Manzo stated that he will no longer be able to be reached by email. He had checked with Tallahassee and it is not a State law. He advised that effective immediately he has asked that his email be taken down from the City website, he will not respond to emails, and he will not read emails. He will communicate the same way as was done 20 years ago, by telephone and paper. His telephone number will be on the City website and he will speak by telephone with callers as his time permits. He advised that letters may be sent to City Hall with a telephone number and he will respond by telephone as he will not most likely be writing. Mayor Manzo stated that the public record request from September 12, 2019, although legal is absurd. He stated that his position is that he will be paid for his time and that it's the City's decision how they want to do that. Mayor Manzo wished everyone a Merry Christmas, Happy Hanukkah, and all other Holidays they may celebrate, and a Happy New Year and peace and health in the New Year.

ADJOURN

MOTION was made by Councilmember Behm and seconded by Councilmember Gattis to adjourn at 8:19pm.

Motion passed 7-0.

Date Approved

APPROVED: _____
Joseph A. Manzo, Mayor

ATTEST: _____
Patricia A. Gentry, City Clerk