



Meeting Minutes

Tuesday December 17, 2019
Belleair Bluffs City Hall
6:00PM

Town of Belleair Shore **Regular Meeting of the Board of Commissioners**

Regular Meeting of the Board of Commissioners

PRESENT:

Mayor Robert Schmidt, Commissioner Roseman, Commissioner Niewiarowski, Attorney Regina Kardash, Wayne and Nancy Ayers Beach Bee, Sgt Swiech, Deputy Ocasio, Gary and Lisa Clarke

6:04 pm Call to order by Mayor Schmidt

Approval of Agenda:

It was moved by Vice Mayor Roseman and seconded by Commissioner Niewiarowski to approve the agenda. The voice vote was unanimous.

Comments from the public on any agenda item:

There were no comments from the public on the agenda.

Approval of minutes from the November 19, 2019 meeting:

It was moved by Vice Mayor Roseman and seconded by Commissioner Niewiarowski to approve the minutes. The voice vote was unanimous.

Sheriff's Report

Sgt Swiech reported no crime. No arrests. 59 events. 63 units responding for directed patrols and information reports. No crashes. 10 citations including warnings.

Treasurer's Report, Approval of Expenditures:

Clerk/Treasurer, Barb Colucci went over balance sheet and P&L. Ad Valorem taxes are being distributed. Budget vs Actual is on target. November 2019 expenditures: Duke Energy \$214.89, Regions Bank Service Fee \$31.16, Clerk/Treasurer Salary \$896.50, Postmaster PO Box \$267.00, Waste Services \$793.20, Verizon \$69.67, Pinellas County Sheriff's Office \$2850.00, Pinellas County Municipal Clerk Assn \$25.00 Annual Dues Clerk, Persson & Cohen Attorney \$360.00. It was moved by Vice Mayor Roseman and seconded by Commissioner Niewiarowski to approve both the treasurers report and expenditures. The voice vote was unanimous.

Ordinance 2019-02 Public Hearing

Counsel read Ordinance 2019-02 Beach Access Prohibited Activities. Second and Final Reading.

Ordinance 2019-03 Public Hearing

Counsel read Ordinance 2019-03 Noise limited activity. Creating standard of enforcement and limit of sound. Second and Final Reading.

Additional information received from resident Doug Seith regarding decibel levels and requesting a max of 60 decibels from 9am to 9pm and 50 decibels from 9pm to 9am. These are different levels and different time frames. Counsel noted that the original decibel levels described in the revised ordinance were modeled after surrounding communities and Pinellas County. Vice Mayor Roseman noted that since Belleair Shore is only a residential community, that our decibel level can be at a lower level than most other communities in the area (for example, Seminole). Mayor Schmidt has no problem lowering the level. This would be for any noise. Mayor questioned about chain saws or leaf blowers. It was noted that residents would not be calling the police on these actions. Counsel noted that there is no differentiation in the ordinance for the types or sources of sound. It is only based on the decibel level. Vice Mayor Roseman questioned the time changes recommended by resident Seith. Commissioner Niewiarowski noted that she thinks and hopes that residents generally would not be intentionally disrespectful of their neighbors. Vice Mayor Roseman made a motion that we leave the hours as 7am to 11pm, but at 67 decibels and from 11pm to 7am at 50 decibels. Seconded by Commissioner Niewiarowski. Voice vote was unanimous.

Code Enforcement

Counsel noted that Code Enforcement report was received from our Code Enforcement officer that all was cleared up with the exception of the 2 overgrown lots. Counsel was not provided with accurate photos. Addresses are not matching up with the report. We need new photographs with no labels. Mayor advised Counsel to call Code Enforcement to get this cleared up. No further questions.

New Beach Access Signs Discussion

Commission was provided copies of the existing signs. Just prohibited activities need to be on the sign. Counsel cannot advise that 'private property' be on the signs. Counsel suggested that we just change the prohibited activities and we can note 'You are entering the Town of Belleair Shore' on the signs. The signs do note the owner property rights. Mayor noted that people tend to ignore signs anyway. Vice Mayor Roseman noted that the sign people would have the appropriate information. Clerk was instructed to just have the Town name 'Belleair Shore' and all of the new ordinance regulations along with the keep the noted owner property rights. Vice Mayor Roseman will provide information from the previous sign company.

Resident Gary Clark 80 Gulf Blvd asked: What makes Belleair Shore different. Mayor advised that Belleair Shore has no Public Access to our beach. That is why when other beach communities get beach renourishment, we do not qualify. Owner property rights run to the highwater mark. If we really wanted to, we could put a fence up at each end of the town property

and only allow public persons to walk along the water. Mayor explained that this stemmed from the original town fathers, wanting a very private beach and have no public access at all, so they created only 3 beach accesses from Gulf Blvd that are owned by the Town. The Town owns these accesses for the use and benefit of the City of Belleair Beach. Counsel noted that part of the issue with the sign and the Town declaring private property is that the government cannot expend funds on anything that would directly benefit private property, including an exclusion sign. The Town can put up signs related to Town government matters and signs to inform the public of Town government matters, but we cannot put up signs declaring private property for the benefit of a private property owner. Counsel and Mayor noted that trying to explain that our Town does not receive the benefit of beach renourishment, therefore the homeowners own to the highwater mark, on the sign, would be confusing. Counsel noted that the Town cannot define private property rights and what those private property rights are, because that is not our role as a municipal government. Our role is to hold what property is held by the government in trust for the use and benefit of the Town. So it is not up for the Town to declare what the private property is or what it is not.

Miscellaneous

Counsel stated that a Special Meeting might be possible if the Town needs to have an election. Closing date of Candidates is 12.23.19 and Supervisor of Elections needs to know by January 3, 2020. Clerk to advise if Special Meeting is needed.

Availability of Commissioners for January 21, 2020 Regular Town Meeting.

Mayor	No
Niewiarowski	Yes
Roseman	Yes

Clerk to check with Commissioners Blume and Piscitelli.

Mayor/Commissioner comments on non-agenda items:

Mayor Schmidt proposed to the Commission that Clerk/Treasurer Barbara Colucci receive a Christmas bonus. Vice Mayor Roseman made a motion to give Barbara Colucci a bonus of \$500.00, seconded by Commissioner Niewiarowski. Voice vote was unanimous.

Public comments on non-agenda items:

No public comments on non-agenda items.

Adjourn:

Motion to adjourn made by Commissioner Niewiarowski, seconded by Vice Mayor Roseman. The voice vote was unanimous.

Adjourn: 6:34pm

The next regular Commissioners meeting will be Tuesday, January 21, 2020, 6:00 PM, at the Belleair Bluffs City Hall, 2747 Sunset Blvd, Belleair Bluffs, FL.

Date Approved 01/21/20

APPROVED: Deborah Roseman Vice Mayor
Robert Schmidt, Mayor

ATTEST: B. Colucci

Barbara Colucci, Town Clerk