



## **Meeting Minutes**

Tuesday May 19 2020  
Virtual Zoom Meeting  
6:00PM

### **Town of Belleair Shore** **Virtual Meeting of the Board of Commissioners**

**PRESENT:** Roll Call: Vice-Mayor Roseman, Commissioner Niewiarowski, Commissioner Blume, Commissioner Tolbert, Attorney Regina Kardash, Captain Leiner, Doug Seith 300 Gulf Blvd, Mr. and Mrs. Gene Camali 1020 Gulf Blvd, Mrs. Maria Callas and Annamaria Callas 520 Gulf Blvd

**6:00 pm Virtual Meeting Announcement – Executive Order 20-69**

**6:03 pm Call to order by Mayor Schmidt**

#### **Approval of Agenda:**

It was moved by Commissioner Niewiarowski and seconded by Commissioner Tolbert 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 April 21, 2020 meeting:**

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

#### **Treasurer's Report, Approval of Expenditures:**

Clerk/Treasurer, Barb Colucci went over balance sheet, P&L. Noted \$300.00 from parking citation dollars from March. April 2020 balance sheet and P&L are self-explanatory. Our Prime Florida account has gone down tremendously, in half due to interest rate drop. Noted that State Rev Sharing Income and Sales Tax will be lower than usual due to Covid 19. April 2020 expenditures: Pinellas County Sheriff \$2,850.00 for March, Regions Bank Svc Chg \$30.62, Verizon \$69.09, Pinellas County Sheriff \$2,850.00 for April, Persson & Cohen \$920.00, Clerk/Treasurer salary \$896.50, Waste Svcs \$793.20, Duke Energy \$252.97. 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. Mayor Schmidt noted that our Waste Connections fees have not increased, but thought there was to have been an CPI increase on Jan 1, 2020 and that did not happen.

#### **Sheriff's Report**

Captain Mike Leiner reported March 2020 no crime or arrests. Most of the actions are directed patrol. Captain noted that there was a sprinkler broken at 18<sup>th</sup> and Gulf, directly after that the Sheriff received a call regarding a suspicious person at the address with the broken sprinkler, it

turned out to be the repair person for the broken sprinkler. Loud music was handled by a deputy at the end of 3<sup>rd</sup> Street. Captain noted the graffiti call for 660 and 640 Gulf Blvd seawall. Resident called regarding an open door/open window at around 14<sup>th</sup> Street. The call was that a garage door was open at 2am. The resident was contacted and the doors were closed. Captain noted that he will have strategic planning add the enforcement actions taken at our beach accesses to the report. Since the beaches opened on May 4, there were no less than 108 patrols, 20 citations, 14 warnings. Follow up from last month, Captain noted that in follow to the Commission request from the previous meeting, Deputies have been out patrolling no less than 14 times. Mayor Schmidt questioned what the citations at the accesses are for. Captain noted that these were parking citations and parking warnings, also could be marine citations. Captain noted that he will be adding illegal parking. Commissioner Blume noticed much more visibility on the beaches of the Deputies. Noted he spoke to an officer at one point on Saturday and the officer stated that she had given 7 citations. He noted that he did not see an officer on Sunday. Commissioner Blume noted that he has also seen more officers at sunset when most of the code violations happen. Most notably the motorized skateboards. Counsel noted on the last Ordinance we changed, that the intent of the Commission was to enforce every motorized vehicle is not allowed on the beach. Captain noted that he is here to make sure all that our Commission wants and our ordinances are enforced. Resident Doug Seith asked if there was a faster way to reach an officer that is patrolling the beach besides the non-resident general number? Captain noted that he would give a number to Town clerk that can be used. Resident Seith noted that on Saturday there were people that were up on his property and would like to be able to reach the Deputy on duty quicker.

### **Code Enforcement Change**

Mayor Schmidt noted that there have been numerous discussions about terminating our Code Enforcement Officer Mr. Buckner. Counsel noted that the Town has prepared a job description and that there is a Virtual Special Magistrate hearing being set for the violations at 660 Gulf Blvd.

### **Code Enforcement Clerk Appointment**

It was moved by Commissioner Blume, seconded by Commissioner Niewiarowski to appoint Barbara Colucci as Code Enforcement Clerk for the Town. The voice vote was unanimous.

### **Ordinance 2020-01 First Reading Section**

AMENDING CHAPTER 30-WATERWAYS, DIVISION 2.-BEACH AND ACCESS AREA RESTRICTIONS, SECTION 30-53.-PROHIBITED ACTIVITIES, OF THE TOWN OF BELLEAIR SHORE CODE OF ORDINANCES, TO INCLUDE THE PROHIBITION ON ALL CANOPIES, ERECTED SHADES, TENTS, OR TEMPORARY OUTDOOR RECREATIONAL STRUCTURES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR ANEFFECTIVE DATE.

Commission Comments: Counsel wants to make sure that this is the wording that the Commission wants on the Ordinance and that the Commission can scale this back if it is the intent of the Commission. Counsel noted that previously the Town only prohibited camping. It was noted that anything in the Ordinance would apply to residents as well as non-residents. New beach signs can also be discussed after the new Ordinance is discussed. Commissioner Blume asked, "what if you put a tent or umbrella on the resident property, does it still apply?" Counsel



noted that this Ordinance does not differentiate between private or public property. Commissioner Blume noted that this will happen on resident property. He noted that maybe it is stupid to move forward with this, as he cannot get the Sheriff to stop a motorized skateboarder going 40mph, would he be able to get the Sheriff to enforce this? Commissioner Tolbert noted that umbrellas are not moving as fast as skateboards. Commissioner Blume noted that sometimes there are more than 40 or 50 people set up totally blocking the view and side by side, he guesses there would have to be an Ordinance to enforce this. Counsel responded that there must be an Ordinance to enforce. Counsel responded that this needs to be complaint driven for the Sheriff to enforce. Mayor Schmidt noted that there is no way for anyone to know if the tent or structure on the beach belongs to an owner or non-owner. Commissioner Niewiarowski noted that she likes the umbrella part because it would be a deterrent for people that do not belong on the beach. Commissioner Niewiarowski noted that the influx from Indian Rocks Beach is very large, especially when IRB was closed. Then these people erect large shade structures. The owners along the south end of Belleair Shore is not able to get the same peace and enjoyment of the beach as owners that are farther north. Commissioner Niewiarowski noted that Belleair Shore is not the public beach of IRB. She feels that the public needs to be educated. Mayor Schmidt responded, not to forget that Belleair Beach has access to Belleair Shore and how do you know if anyone on the beach is actually from Belleair Beach or not. Commissioner Tolbert questioned about the property rights of the owners and how this ordinance applies to that. Ordinance states within the incorporated limits of the Town. Counsel answered that it is drafted to apply to both private and public property of the Town. Counsel also noted that the Ordinance cannot differentiate between resident and non-resident, that it would be a constitutional violation under the equal protection laws. Commissioner Niewiarowski asked if we can put the wording on the signs 'End Public Beach'? Commissioner Tolbert asked if the Sheriff could be more diligent in advising people at the north and south end of the beaches. Commissioner Niewiarowski feels her rights are being violated when people come and sit on her chairs and these people are disrespectful. Feels people need to be educated as to where the public beach ends and the private beach begins. Counsel noted that property owners need to enforce their own property rights, it cannot be enforced by the Town municipality. Nothing can be erected by the Town regarding private property rights. Counsel noted that that the 'no trespassing' badge can be put up by the 'owners property rights area'. Full discussion ensued with all Commissioners and Mayor. Commissioner Tolbert mentioned that Uber and Lyft cars are now dropping off and picking up non-Belleair Beach residents to our beach. Town clerk was threatened by one of these people that was dropped off. Mayor recommended that there be a sign erected saying private property, for use of Belleair Beach residents only. Counsel noted that only the signs we are working on can be in the parking lots. Counsel will be looking into adding 'no loitering' to our signs. It was moved by Commissioner Blume and seconded by Vice Mayor Roseman to have Counsel look into this. The voice vote was unanimous.

Public Comments: Gene Camali 1020 Gulf Blvd. Believes the issue here is determining the Mean High Tide (MHT). Mr. Camali spoke with the Florida DEP and says that he was told that in order to determine the MHT, you have to know where your Erosion Control Line (ECL) is. He states he was able to speak with a gentleman in Tallahassee today that handles the shoreline mapping for the state and according to ECL regulations, he states, that when you have an extremely eroded shoreline as Belleair Shore, it states that the sovereign land is submerged. He says this is because the Town has not had renourishment and public funds pay for that. This is what allows the public to access. Mr. Camali says this gentleman did a 5year shoreline survey for him over the phone, right around 17<sup>th</sup> Street, and that the Belleair Shore residents property extends 100 feet from the seawall, into the water. Mr. Camali states that he will be having his attorneys look into this. He noted that we may be the only Town in the state that is a private beach and has not



done renourishment. He noted that he measured his wall to the water and it was 35 feet. He noted that this DEP person did not have documents that show our beach, but he did have a report from 2018 that determined that Belleair Shore beach is critically eroded. Based on that, the sovereign land, which is the rights to the public, is submerged. Mayor Schmidt noted that he built here 25 years ago, but when he bought the MHT was against the seawall and one storm can change the beach. Mr. Camali will have his attorneys look into this.

Doug Seith 300 Gulf Blvd. Commented about the signs. Is there any reason why we cannot make the investment and make the signs larger or more unavoidable? He believes he needs to include umbrellas in the ordinance.

Maria Callas 520 Gulf Blvd. Saluted Commissioner Niewiarowski and 1020 Gulf residents for bringing this up. Mrs. Callas asked if there was an agreement with Belleair Beach to use the beach. Mayor replied that yes, there is a written agreement with Belleair Beach and that Belleair Beach maintains the accesses. Mrs. Callas noted that the use should then be only the width of the access points for Belleair Beach use. Noted that she feels that it is not the entire beach and not her back yard. Questioned what her legal rights are and feels as though her legal rights are being taken from her. Mayor noted that he has no problem with any comments made this evening, but wonders how to stop someone from being at the water and feels as though it is an impossibility to enforce. Mrs. Callas feels that there needs to be an education for the public and until that happens her constitutional rights will continue to be taken. She feels that once she gives up that right, if there is a new law, she will lose her rights. Mrs. Callas noted that she also owns property at Manasota key. That Manasota key received renourishment for free and with no easement requests from the homeowners. Mrs. Callas believes that if we have a beach renourishment, the homeowners will be less offended about having people in our back yard, drinking and partying. Mayor Schmidt stated that we do not have beach renourishment would mean then we would have to open our accesses and our beaches to the public. Counsel noted that according to law and the Army Corp of Engineers, they are requiring property owners to now sign perpetual easements in order for our community to receive beach renourishment. With respect to private property rights, it is not incumbent on the Town to enforce private property rights. If property owners have a problem with people trespassing, then the Sheriff would have to be contacted, as we contract with them for our law enforcement services. Mrs. Callas does not understand how Sarasota, Palm Beach enforce this situation. Counsel answered that these communities have their own law enforcement departments. Mrs. Callas argued that the Sheriff took 3 hours to come. Commissioner Tolbert stated that the Sheriff has responded to his calls within minutes. Mrs. Callas argued that the Sheriff will not run there because they are calling about people on their property. Commissioner Niewiarowski also feels that the public needs to be better educated. Counsel noted that Mrs. Callas has more than reached her 3 minutes of speaking. Mayor noted that we are not stopping the public from speaking and the comments could continue on for hours. Commissioner Blume commented after public comments were finished, that he appreciates the public speaking and he wants to do everything that he can to get the owner's rights back. Recommended that the signs be made larger and more explicit. Questioned the Counsel recommendation of not putting Private Property on the signs, but what happens if we do it anyway? Wants to make the comment that he will do anything he can to help the residents and is not happy that people Uber public is coming to the beach and that there is no way to know if the people are not Belleair Beach residents. Counsel advised that there must be 2 public readings of the changes to this Ordinance and that it needs to be advertised in between, then the Ordinance takes effect 10 days after the 2<sup>nd</sup> reading. Clerk is to research soonest the advertisement be done. It was moved by Commissioner Blume and seconded by Commissioner Tolbert to accept this Ordinance 2020-01 as written and consider this as the First Reading of said Ordinance. The voice vote was unanimous.

Clerk noted that the signs will take time to be manufactured so Commission needs to approve the signs at the next meeting. Clerk wondered how these new ordinances effect the interlocal with Belleair Beach. Counsel noted that she would review the interlocal. Mayor asked Counsel how big the signs can be 4X4 or 4x8. Counsel replied that she sees nothing in our Code that hinders the sign size. Clerk noted that these sign cost comes out of the contingency budget. Commissioner Blume requested that the Commission bring all ideas of the signs to next meeting so the signs can be done quickly.

### **New Business**

Mean High Tide (MHT) Homeowner property rights. Discussed during Ordinance 2020-01 Public Hearing.

### **Miscellaneous**

Mayor noted that the Belleair Beach proposed toll on the causeway from a couple of months ago that was tabled. Mayor noted that there is no way to have a toll on that bridge. Belleair Shore is and never was in favor of this and this has never been discussed with him. This ends the discussion on the bridge toll.

### **Availability of Commissioners for June 16, 2020 Virtual Town Meeting.**

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|----------------|-----|
| • Mayor        | Yes |
| • Niewiarowski | Yes |
| • Roseman      | Yes |
| • Blume        | Yes |
| • Tolbert      | Yes |

### **Mayor/Commissioner comments on non-agenda items:**

No comments on non-agenda items.

### **Public comments on non-agenda items:**

No public comments on non-agenda items. Mr. Gene Camali 1020 Gulf asked the Mayor what his thoughts are on the MHT and ECL. Mayor responded that his problem is how to police and enforce this. Mayor noted that this is not a new subject and has been going on for years. Mr. Camali noted that he is reading a document from the DEP Florida that states that an ECL must be established along the shoreline to define the property line and sovereign submerged land. It was noted that there is an ECL documented on the Pinellas County website. Counsel noted that Pinellas County has documented the ECL on their website. Mr. Camali continued that the ECL needs to be established. Mr. Camali noted that he will obtain this information from the DEP for the Town and then we can supply it to the Sheriff's Dept. Mr. Camali will do this on his own with his attorney and then he will share it.

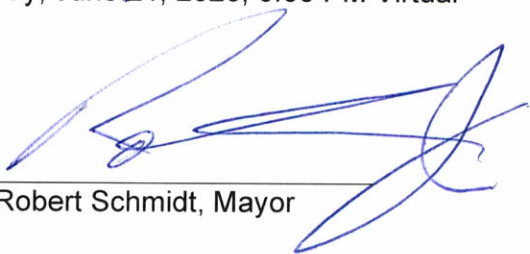
### **Adjourn: 7:24 pm**

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



The next regular Commissioners meeting will be Tuesday, June <sup>16</sup>~~21~~, 2020, 6:00 PM Virtual

6.16.2020  
Date Approved

APPROVED:   
Robert Schmidt, Mayor

ATTEST: 

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Barbara Colucci, Town Clerk