



Meeting Minutes

Tuesday July 21, 2020
Virtual Meetings

Special Meeting – Budget Workshop FY2020/2021 5:15PM

Special Meeting – Budget Workshop

Mayor Schmidt called to order budget workshop at 5:15 pm.
Roll Call conducted by Town Clerk: Mayor Schmidt-here, Vice Mayor Roseman-here, Commissioner Niewiarowski-here, Commissioner Blume-here, Commissioner Tolbert-here, Regina Kardash-here.

Treasurer presented the budget worksheet for FY 2020/2021. Presented all millage rate options and advised of votes needed by Commission to pass the millage rate options. Counsel Regina Kardash questioned our current millage rate. .6214 is current millage rate. The meeting was based on rolled back rate of .6020. Clerk noted that she would prefer to not take out the contingency budget. Commissioner Blume questioned if numbers are estimates or reality. Clerk noted that they numbers are reality. Clerk noted that the solid waste services number of \$12,250 is the proposed number and clerk is in negotiations with Waste Connections to try to get the number lower. The increase is based on recycling costs being significantly increased. Clerk also noted that the Clerk/Treasurer salary increase is based on the \$500.00 bonus received last year at Christmas and the number came out of quick books. Clerk also noted that FMIT insurance is estimating a 10% increase, so \$7900/year is in the budget. Law enforcement contract is accurate. Commissioner Blume noted that he would prefer to keep the millage at the rolled back rate. Mayor Schmidt also voiced the recommended that he would like to keep the millage at the rolled back rate and noted that the Town has reserves to draw from if we need to. Commissioner Tolbert also agreed that he sees no need to raise the millage rate. Mayor noted that his hope is that the situations going on in the Town will end and we will not need to keep calling on her legal intelligence and skill in the future for these things. Counsel Kardash asked that the Commission keep in mind that our Code Enforcement budget is being increased six-fold. Counsel noted that this increase is the majority of the \$7,000 budget deficit. Noted that if the Town is increasing code enforcement, legal fees will increase because it does take time and effort and energy to tend to these code enforcement issues. Counsel noted that she has several Friday afternoon calls. This Friday was with an attorney working for one of our Belleair Shore residents asking for a meeting with Counsel, a representative from the Town and their Counsel, involving potential litigation involving the beach. Counsel Kardash indicating that the Town is not interested in such litigation but that she would bring it forward to the Commission to see if anyone in the Town is interested in meeting with this attorney and the residents. Since we are discussing the budget, to see if it is something that the Town would like to be involved in. Counsel Kardash also noted that these are things that would need to be looked at by the Commission in our budget, so we can possibly do a step increase for legal services. Noted that if the Town is going to be dealing with legal issues with Belleair Beach, that is also going to take her time and will have a huge impact on this budget. Counsel Kardash recommended padding the legal budget by \$5000 to \$10000 as a conservative

option. Her concern is if we have to respond to any of these situations, we do not have a sufficient legal budget if our insurance does not cover these situations. Clerk noted that there have been Special Magistrate amounts already for our 660 Gulf Blvd address. Mayor questioned Counsel on whether or not the Town can somehow incorporate the costs incurred by the non-compliant residents in our Ordinances. Counsel noted that it does not exactly work like that with Code compliance. Because code compliance is not a revenue source, but to have the property become compliant with our code. In some cases, it can be requested of the property owner in the process, but is not guaranteed. Explained that the fines that could be received would not ever cover the complete legal expenses. Mayor Schmidt went back to speak about threatened law suit. Counsel Kardash explained that this was an attorney with Holland and Knight and they are not looking at litigation against the Town, but it is to see if the Town wants to partner with Belleair Shore citizens to seek some more definition with respect to the rights of the public on the beach. Counsel Kardash indicated that the Town is not interested in pursuing that as a 'Town' entity. Their counsel indicated that they would not be able to move forward without the Town support. They were looking to, along with the residents they represent, to bring more clarification to the ECL and mean high water line. This takes time, money, expert opinions and fees. Counsel noted that the Town needs to keep these things in mind when putting together our budget. Clerk noted that Commissioner Blume requested at the last workshop to increase code enforcement to \$6000 and we will be discussing this at our regular meeting. Also, noted that the income from parking citations is estimated on the budget worksheet as \$1200 and this month alone, the Town is looking at receiving a bit over \$1300. There might be more income that the Town can obtain from this and might require the Sheriff's office to step up in enforcing the citations for non-permitted cars at the accesses, but it is up to their discretion. The other expenses do not seem to be able to be cut. Maybe we can come down a bit on dues and memberships, but not by a lot. Commissioner Blume noted again that he would like to use the rolled back rate and see what happens later. Counsel Kardash noted that the Town must pass a balanced budget by law. Income and expenses must balance. Commissioner Tolbert would like to use the rolled back rate and would like to start reducing the big numbers. He recommended legal fees, gate maintenance...etc. Mayor Schmidt would like to use the rolled back rate because we are only talking about a \$7000 deficit. Commissioner Roseman would like to use the rolled back rate, but she also feels we need to keep code enforcement what it is. Counsel Kardash noted the differences between the rolled back rate and the current millage rate. Explained that the rolled back rate would keep the general fund at the same amount as last year. Mike Tolbert questioned if we keep the same millage rate as last year, it would be technically a tax increase. Mayor questioned whether or not someone from the Town can meet (Mayor and Commissioner Blume possibly) with the Belleair Beach 'intent to sue' letters without adding legal fees. Counsel Kardash said yes, but it can only be one person from our Commission (not counting Barb or Counsel), due to violation of Sunshine Laws. Once someone meets with these people, it can be discussed with the Commission at a properly noticed public meeting. It was noted that the Holland and Knight is the attorney that is working with a Belleair Shore resident on homeowner property rights. Commissioner Roseman noted that some issues on the beach are the responsibility of the homeowner to have enforced. Counsel Kardash brought up the issue that she has come to find out that the City of Belleair Beach has been charging a fee for permits/passes in the Belleair Shore beach accesses. She noted that even though we have an interlocal agreement with them and they have access rights, but on it's face it would be as if Belleair Shore would be selling parking passes for Clearwater Beach. She is not sure of the ethics of them collecting a fee for a municipality that is not in their jurisdiction. Commissioner Blume questioned if this was for parking at the Belleair Beach marina? Counsel Kardash answered that the City of Belleair Beach is charging for the parking permits to park at

the Belleair Shore access lots. Mayor Schmidt said that this would be the residents of Belleair Beach to take up with the Belleair Beach Council. Commissioner Blume interjected to go back to the budget and made suggestions to balance it that include: take out contingency budget of \$5000 and take out \$1000 for the gate and change the waste cost to \$10000. Commissioner Roseman asked Commissioner Blume to help her understand why he wants to use the rolled back rate vs the current rate? Commissioner Blume said he feels then we would just increase it every year. Commissioner Roseman noted that this is the cost of business.

Clerk/Treasurer went over the numbers and suggested: making the income from court fines \$6000 for the year, take out gate maintenance of \$1000, reduce contingency budget by \$2000 and this would balance the budget. Mayor Schmidt voiced his opinion that this sounds like the right plan for the Town. Vice Mayor Roseman agreed. Vice Mayor Roseman noted that she believes that at some point in the future, the Town should look into legal fee reimbursement for code enforcement issues.

It was moved by Commissioner Blume and seconded by Commissioner Tolbert to adjourn the Budget Workshop. The roll call vote was unanimous.

Adjourned 5:51 pm

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 Tolbert, Commissioner Niewiarowski, Commissioner Blume, Attorney Regina Kardash, Captain Leiner, Auditor Richard Cristini

Roll Call:

Mayor Schmidt called to order the Regular Town Meeting at 6:00 pm.

Roll Call conducted by Town Clerk: Mayor Schmidt-here, Vice Mayor Roseman-here, Commissioner Niewiarowski-here, Commissioner Blume-here, Commissioner Tolbert-here, Regina Kardash-here.

6:00 pm Call to order by Mayor Schmidt – Counsel noted the Virtual Meeting Procedures

Approval of Agenda:

It was moved by Vice Mayor Roseman and seconded by Commissioner Tolbert to approve the agenda. The roll call vote was unanimous.

Comments from the public on any agenda item:

No comments.

Approval of minutes from the June 19, 2020 meeting:

It was moved by Commissioner Tolbert and seconded by Vice Mayor Roseman to approve the minutes. The roll call vote was unanimous.

Treasurer's Report, Approval of Expenditures and Budget Worksheet:

Clerk/Treasurer, Barb Colucci went over balance sheet and P&L. June 2020 expenditures: Regions Bank Svc Chg \$29.83, Clerk/Treasurer salary \$896.50, Payment to B. Colucci \$106.61 (\$79.99 Website annual and \$26.62 paper and CAFR storage container), Trask & Daigneault \$57.00 special magistrate, Pinellas County Sheriff \$2850.00, Persson & Cohen \$2773.80, Verizon \$69.09, Waste Connections \$793.20, Duke Energy \$252.97, Tampa Bay Times \$138.00 Ordinance 2020-01. It was moved by Commissioner Dorothy and seconded by Commissioner Blume to approve both the treasurers report and expenditures. The roll call vote was unanimous.

Tentative Millage Rate Decision from July 21, 2020

It was moved by Commissioner Tolbert and seconded by Commissioner Blume to use the rolled back rate for our millage rate at the upcoming public hearings. The roll call vote approved by Commissioner Tolbert, Commissioner Blume, Commissioner Dorothy and Mayor Schmidt. Vice Mayor Roseman does not agree with the rolled back rate being used.

Sheriff's Report

Captain Leiner reported no crime, no arrests. Noted that the report needed to be updated to include accurate. He adjusted beach patrol from 11 am to noon to sunset. Noted 29 patrols, 1 dog and did have 1 call for a boat at shore, by the time the deputy arrived, the boat had taken off. Noted 36 citations at the accesses, 180 patrols in June for the lots. Made certain of other ordinances on beaches minus the shade ordinance that is still in discussion. Vice Mayor Roseman questioned about 2 residents near her home and walk their dogs on the beach every evening at sunset. Captain Leiner requested the location and he will have the deputies look into it. Commissioner Blume noted that he has a resident next to him that walks their dog on the beach at sunset also. 1200 Gulf. It was moved by Commissioner Tolbert and seconded by Commissioner Blume to accept the Sheriff's report. The roll call vote was unanimous.

CAFR 2018/2019

It was moved by Commissioner Blume and seconded by Vice Mayor Roseman to approve the CAFR representation letter for FY2018/2019 to Saltmarsh, Cleaveland and Gund. All items from Audit from last year were addressed. The roll call vote was unanimous. Counsel noted that we will need to go through the statutory process for our next audit. Richard Cristini went over CAFR for FY2018/2019. Commissioner Blume questioned how our cash equivalents are held. Cristini informed that this refers to cash or money market accounts that the Town holds. Cash is held by Regions Bank and our investments are held by the state fund. Blume questioned if it is a requirement to use the state of Florida Investment fund and was advised by Cristini that it is not, but we are held to mitigating risk (safety) and return. In today's marketplace Tallahassee is not recommending other options such as mutual funds or other equities. It was moved by

Commissioner Blume seconded by Vice Mayor Roseman to approve CAFR. The roll call vote was unanimous.

Code Enforcement

Counsel noted that we received approval from the Special Magistrate hearing to extend the date of the fencing and comply at 660 Gulf Blvd to July 31, 2020 and this was sent to the respondent. Clerk noted that there were no responses for the position of Code Enforcement Officer that was advertised. Mayor Schmidt noted that he had the email from the current Code Enforcement Officer and does not believe that he is worth the pay raise that the officer is requesting. Clerk reiterated information regarding using the code enforcement officer through the Sheriff's Dept. The hourly rate is approx. \$49.50/hour. Mayor noted that whatever we are going to do, the Town needs to put a cap on it to keep in line with our budget. Captain Leiner interjected that there is no minimum or maximum for this officer. He also noted that this Code Enforcement Officer position can just be added to our yearly contract. Clerk advised that with the current budget, the Code Enforcement Officer up to 10 hours a month. Commissioner Blume questioned if that is enough. Counsel responded that this is well beyond what we are spending now for Code Enforcement and there would be spikes if there are active cases. The Town would need to account for investigation, preparation, documents and participation in code enforcement hearings. Counsel noted that she feels that these hours would be more than sufficient for our budget. Commissioner Blume questioned if the Officer will be in uniform or plain clothes. The Officer would be in uniform per Captain Leiner.

Ordinance 2020-01 Umbrellas - Mayor

Mayor Schmidt noted that he has received many calls on this issue, including Senator Brandes, other mayors and residents. Mayor Schmidt related his personal opinion about feeling the Town should amend the Ordinance 2020-01 to allow umbrellas from Ordinance 2020-01, but it is up to the Commission. Commissioner Blume questioned the Mayor as to why? Mayor feels that many problems have developed and other people feeling that the ordinance is unreasonable. Commissioner Blume questioned Counsel on whether or not the Town is within the law with this ordinance? Mayor Schmidt noted that this is up to the Commission, but feels as though the Town will end up in a lawsuit over this one. Commissioner Blume questioned again as to whether the Town is legally within our rights to have this ordinance. Counsel Kardash responded that from a legal standpoint, "Yes we are". Also, that there are Attorney General opinions that talk about the jurisdictions ability to regulate the areas within your Town. From her legal perspective the Town is within its rights. Commissioner Tolbert voiced his opinion that the Commission needs to step back and think about why we enacted this ordinance in the first place. This is not a new issue. You can find press clippings going back at least 4 years ago, that the Town has been experiencing difficulties on the beach. It seems to him that a lot of frustration is from the neighbors across the street. Noted he has a lot of friends from Belleair Beach and he has no problems with them, or them being on the beach, but he does know that a lot of Belleair Shore residents that have problems and this is the one solution that we could find that we tried to address. It is more of a problem near the accesses and on the south side. He does not feel that the Town can just walk away from this issue and say, okay now you can have umbrellas. He thinks we need to have a solution that everyone can live with. Commissioner Tolbert listened to the Belleair Beach discussion on umbrellas and from his perspective and from what he heard, Belleair Beach was

sympathetic to the problems that the Belleair Shore residents have on the beach. He thinks that we just need to find a solution that everyone can work with. Vice Mayor Roseman feels that every resident should know what the rules are. Each resident patrolling the trash in front of their homes on the beach. Also, being consistent with contacting the police when there are offenders. Rather than having this hit or miss situation. Feels that if residents would be part of the solution instead of just complaining it would help.

Comments from the public:

Lynn Rives City Manager from Belleair Beach. The communities have been working together for 20 years and can work together to come up with a solution. His original thought process was let umbrellas be in the beach accesses. He thinks that when the beach opened people went nuts. Feels that there have not been problems in the last month. Thinks maybe if we put towing in the parking lot or some other things might help. He asks the Commission to tentatively remove the umbrellas and work together to come to a solution. He is referring to umbrellas only, not the canopies. Maybe the Belleair Shore residents can mark their private property. He hopes that the Commission can work with a group from Belleair Beach to come up with a solution where everyone is happy. Commissioner Tolbert noted that the ECL line on the south side of Town, the residents have about 100 feet from the sea wall and he has 26 feet from the seawall. He wonders if whether or not a small placard can be placed on the seawall for identification of the feet from the seawall where the owner's property ends. The property lines are a frustration for the residents and noted that he has had people walk up on his property and has people sitting on his seawall all the time. The week of 4th of July, someone put up an umbrella right in front of the steps of his access to the beach. He does not feel he has a lot of problems compared to a lot of people. Lynn Rives is asking that we work together to make all happy. Mayor Schmidt noted that he thinks it is the opinion that we would like to leave the ordinance the way it is and have a meeting with Belleair Beach without violating the Sunshine Laws. Mayor Schmidt noted that we have had an excellent relationship for many years with Belleair Beach and Belleair Shore is certainly interested in maintaining that relationship with our neighbors.

Counsel Kardash noted that this is an Ordinance, so the only way that the Ordinance can be changed is through the Ordinance adoption process. It cannot be amended or changed without going through the process. (a publication, 2 public hearings). She suggests that we have a joint agreement before amending this because it will be the third time we are amending this Ordinance this year.

Mr. Gene Camali 1020 Gulf Blvd. Noted that Counsel Kardash spoke to his attorney Ted Brown from Holland and Knight. Mr. Camali said that his is going to have the GIS study done for the Town so we can establish what the line is. Mr. Camali's opinion is that since Belleair Beach allows Air BNB's in their town, those renters should not be allowed to use the beach. He feels that we should not give up our ordinance and feels that the Town should make sure that the people who come to the beach are residents of Belleair Beach.

Jody Shirley 207 Harrison Belleair Beach City Council of Belleair Beach. Corrected Mr. Camali that Belleair Beach does not allow short term rentals. Jody Shirley noted that the Council of Belleair Beach has put a lot of time and effort into trying to do their best to maintain order and security on Belleair Shore's beach and parking areas. One thing that continually comes up is, that Belleair Shore enters into an agreement with a towing company to tow cars away that do not belong. Jody Shirley spoke about living in Belleair Shore for a time and understands the issues that the Belleair Shore residents deal with. Jody Shirley also noted that she and her son pick up the trash on the beach too. Stated that it would be nice if there could be a resolution to this situation that would be beneficial to both towns.

JM Joseph Manzo Belleair Beach Mayor. Noted that he uses the beach access points and when he bought his house 15 years ago, he bought it with the understanding that there would be deeded beach access and as he reads the deeds the gives...("I am only representing myself tonight, speaking only as a property owner") him the right to use the beach for bathing and beach purposes. He listened to both hearings and he thinks that the stated purpose of an ordinance was for the health and welfare of the community. But the real purpose he quotes a Commissioner saying "if they don't have covering, perhaps they won't stay so long". He is one of the 'they'. Addressed Commissioner Tolbert saying, he swims outside his house and has never once come in his pool and never once did anything improper. Says he has chased away people that he saw doing that. So...we are not your problem. I know there are people that are the problems. He says that he is disgusted to hear that people are swimming in the pool and sitting in your chair, but he does not believe that banning shade covering is a solution. I do think it interferes with, I will disagree with council, the requirements of the deed that we be provided beach access for beach and bathing purposes. Beach access in Florida includes putting up an umbrella. My doctor tells me to avoid sun exposure. I am going to get skin cancer if I stand out there in the sun, so I think it's a punishment to the innocent. I think the solution is a simple one. Lynn Rives and Jody Shirley have come up with some great ideas that may or may not work, subject to the Town approval. We can patrol these areas better and try to keep people that don't belong out of those beach access points. I don't know if I can help you with what is going on in India Rocks. I heard that and it was terrible what is going on, but I think that the folks who use our 'easements' need to have shade access, so I hope can resolve this thing in a nice manner. We have a great relationship between the towns and I like Bob Schmidt a lot. I am hoping that you will consider, or reconsider your ordinance and you will add those umbrellas as something that is not prohibited. I don't want to be a criminal across the street, going for a day at the beach. Thank you for your consideration.

Mr. Glenn Gunn 2215 Donato Drive Belleair Beach City Council

I think you have seen a lot of participation from the Council of Belleair Beach. I think that this is indicative of wanting to work with you in collaboration in solving these issues. I was listening to Lynn Rives and I really just want to embellish one point. It really comes with a problem solving perspective. There is a lot of confusion on this High Tide Line, Erosion Control Line and it takes a lot of studying and education to get smart on this stuff. I think this exists for beach goers, for residents of Belleair Shore, it even exists in the Sheriff's out there enforcing these codes and ordinances. So, just an analogy would be, I'm not a big tennis man or a big tennis player, but when I watch the game, it becomes easier to understand some things and that is because the boundaries of the game are well defined and very well marked. On this side of that boundary line it is out, if it is on the inside of the line it is in play and fair game. So, from the problem solving perspective and I think Lynn Rives hit on it, maybe once we identify the GIS boundaries for this ECL, we mark it some fashion and it doesn't need to be obtrusive or whatever. I am thinking maybe we have some sort of decorative concrete marker every 100 yards or 50 yards, maybe a dolphin or something. You have seen some of these concrete mailboxes, they can be kind of decorative, but it defines the boundaries. So, a resident can look up the beach, line up 2 of these boundaries and say okay, there is the ECL and my property is on this side. A deputy can look and say okay, that is private property on this side and beach access on the other side. At the same time the beachgoer can read the sign and say guess what, I am not allowed to put up an umbrella on private property and if the city decides to expand the or ordinance and say, no umbrellas within 25 feet of private property or 10 feet or whatever, that is some decision that can possibly be made further down the road. I am just saying that we might be able to eliminate a lot of this confusion for beachgoers, for residents and the Sheriffs who are supposed to enforce these

ordinances, if the boundaries are well defined and well marked. We are here to work with you and in the spirit of collaboration I hope we get together and form a meeting that can meet in some public forum so that residents can come in and express and give some inputs. Thank you very much for your time. That is all I have.

Lynn Rives asking if we can have a committee or something so we can come up with a solution that is favorable to everyone. Just to clarify our ordinance on short term rentals, we have a minimum of 3 months and I will tell you that we prosecute them very heavily if anyone abuses it. So that is just a clarification on short term rentals. We do not allow single day rentals, weekly rentals, you have to have a 3 month lease minimum. So, I hope we can work that out. If a Commissioner or resident and maybe a couple of our residents want to get together we can have a discussion and see what is best for all. Thank you.

Mayor Schmidt thinks that we should leave everything the way it is and I will take the responsibility to put something together between City Manager Lynn Rives and myself and try to get together to resolve these issues. Legal reminded that there cannot be 2 people with the same Commission due to Sunshine Law. Vice Mayor Roseman noted that if Mayor Schmidt needs some help, she would be happy to help and in the event that the Mayor is unable to go, she would be happy to go.

Miscellaneous

No miscellaneous items

Availability of Commissioners

August 18, 2020

Mayor	Yes
Blume	Yes
Niewiarowski	Yes
Roseman	Yes
Tolbert	Yes

September 15, 2020

Mayor	Yes
Blume	Yes
Niewiarowski	Yes
Roseman	Yes
Tolbert	Yes

September 28, 2020

Mayor	Yes
Blume	Yes
Niewiarowski	Yes
Roseman	Yes
Tolbert	Yes

Mayor/Commissioner comments on non-agenda items:

Commissioner Blume questioned if there was an item under new business? Mayor noted he took care of that and there is a letter out to the county.

New Business

No new business. Mr. Gene Camali suggests that Commissioner Tolbert and Commissioner Blume be the ones to represent us in Belleair Beach and he says that because they are the ones that have the biggest problems at their homes and I think that they should be the ones that make that decision. Commissioner Tolbert responds that he is not in Florida right now. Mr. Camali says "it can wait". Vice Mayor Roseman stated that in terms of who has problems, Commissioner Dorothy is at the top of that list. Commissioner Dorothy stated that she does not have the problems with the beach access, we get Indian Rocks Beach influx. Commissioner Blume stated that he is willing, but his position is I want to keep it. Counsel noted that there cannot be any decision made at these meetings, it is just to start the conversation between the two communities. So whether it is Belleair Beach or whether it is Belleair Shore, the decision will have to come to a public meeting where there will be that availability for public comment.

Public comments on non-agenda items:

Email in agenda packet

Adjourn:

Motion to adjourn made at 7:25 PM by Commissioner Blume and seconded by Commissioner Tolbert. The roll call vote was unanimous.

Adjourn: 7:25 pm

The next Town Meeting will be Tuesday, September 15, 2020 6:00 PM along with the First Public Hearing for Budget and Millage at 5:45 PM. Virtual

9.15.20

Date Approved

APPROVED:

Robert Schmidt, Mayor

ATTEST:

B. Colucci

Barbara Colucci, Town Clerk