



Meeting Minutes

Tuesday June 16, 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. Computed next year's budget based on the preliminary numbers provided by the County Appraisers office of \$181,412,293. Treasurer noted that the proposed budget of \$128,163 using last year .6350 millage rate, that the town can have a balanced budget. Commissioner Blume questioned if the estimate was actual 6 months X 2. Questioned whether any items on the budget would be affected by Covid 19. Counsel explained the budget and rolled back rate to the Commission. Counsel explained a possible decrease to be seen in property values for FY 2021/2022, not sure if it will affect Belleair Shore as it would other municipalities. Every municipality has limits on how much each municipality can increase their budget every year. Belleair Shore has the lowest millage rate in Pinellas County. Municipalities must take stepped increases if the Commission decides to increase. Treasurer stressed the possible Covid 19 implications for FY 2021/2022 budget. Also noted were the increased costs for next year and possible increased costs. Legal costs may also significantly increase. Treasurer went over each expenditure line item with Commission. Mayor Schmidt commented that the Town already received contract information from the Sheriff. Mayor noted that Gate maintenance of \$1000.00 can be kept in. Mayor noted that any maintenance should be done by Belleair Beach. The Town of Belleair Shore put in the new gates 5 years ago, but going forward it would be for Belleair Beach to maintain. Mayor noted that it is his understanding that ANY maintenance involving the accesses is the responsibility of Belleair Beach. Mayor also noted that the legal costs have risen and he would not like to raise taxes due to legal issues. Counsel noted that a frank discussion needs to be had regarding the emails etc coming in recently, but there have been a lot of inquiries on the owner's rights/rights of the citizens at the beach and increased fees due to Covid and the Code Enforcement cases. Counsel also spoke regarding Code Enforcement Costs, planning for the wants and needs of the Town in the future. All of this needs to be planned for and the Town does not have these options in the budget financially. Mayor Schmidt noted that it is a very difficult thing to police the accesses. Counsel noted that weekend beach patrols and other things will have a significant cost not in the budget. Counsel cited issues that have arisen recently. 4th amendment issues have arisen regarding the accesses and could leave us open to litigation. Captain Leiner responded that the Deputies are prepared to handle any ordinance violations, but they will not enforce ordinances on private property. Captain Leiner will be educating the Deputies. The Deputies will enforce from the seaweed line to the water. If there are ordinance issues on private property, it is up to the

homeowners to contact the Sheriff to enforce. Counsel noted that loitering cannot be a part of our Ordinance. Counsel noted that to employ a special Counsel to provide an opinion on the public portion of the beach, the cost would be well more than our current legal budget. Mayor noted that he has lived in the Town for 25 years and only since Covid there are 3 or 4 people in Town that are complaining. Mayor noted that as a resident he has never had a problem. Noted that it seems that this has been blown all out of proportion. Mayor noted that the amount of people parking in the Marina parking lot of Belleair Beach and pulling wagons full of paraphernalia to the beach was shocking. Commissioner Niewiarowski noted that she has lived here for 35 years and has never seen our beach like this and she believes that it has always been a problem at the south of the Town because that end of the Town ends at Indian Rocks Beach. Indian Rocks Beach is flooded to the south. She believes that the public then looks north along the shore and sees that it is quiet. Commissioner Niewiarowski believes that the Town needs to make our signs clear that Belleair Shore beach is NOT a public beach as is Indian Rocks Beach. Commissioner Blume recommended that the Code Enforcement Budget be raised from \$3,000 to \$6,000. Vice Mayor Roseman commented that the time now is the time of VRBO and we have a little more entitled generation now, that Covid has worsened this situation and agrees with Commissioner Blume on a raise in the Code Enforcement budget. Counsel explained the differences between Code Enforcement ordinances and Sheriff enforced ordinances. Captain Leiner confirmed. It was moved by Commissioner Tolbert and seconded by Commissioner Niewiarowski to adjourn the Budget Workshop. The roll call vote was unanimous. Adjourned 5:59pm

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

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

Comments from the public on any agenda item:

Patty Stockell wanted to be added to the agenda. Mayor agreed to add Patty Stockell to the end of the agenda.

Approval of minutes from the May 19, 2020 meeting:

It was moved by Commissioner Blume and seconded by Commissioner Tolbert 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. May 2020 expenditures: Regions Bank Svc Chg \$29.83, Clerk/Treasurer salary \$896.50, Pinellas County Sheriff \$2850.00, Waste Connections \$793.20, Verizon \$69.09, Persson & Cohen \$2474.10, Duke Energy \$240.84, Charles W. Thomas \$8.42 (Tax bill postage). It was moved by Vice Mayor Roseman and seconded by Commissioner Blume to approve both the treasurers report and expenditures. The roll call vote was unanimous.

Sheriff's Report

Captain Leiner reported no crime, no arrests. Page 3 of the reported on the directed patrols, the ordinance violation calls and Deputy activity. 4 ordinance violations and 100 directed patrols were done on the beach. Captain explained calls that were received. Captain noted that addresses were assigned to each of the accesses and this allows the Sheriff's report to be more accurate and data will be captured for Belleair Shore. The addresses at the accesses are 600 Gulf, 1200 Gulf and 1880 Gulf respectively. Commissioner Blume noted that the most of the problems happen at sunset and requested the Captain to put more patrols at that time of day.

Public Meeting Resolution 2020-04 Local Mitigation Strategy

Counsel read Resolution 2020-04. Local Mitigation Strategy with Pinellas County.

6:20 pm Open Public Hearing

There were no public comments at this public hearing.

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

6:21 pm Close Public Hearing

Code Enforcement

Clerk noted that there were no applications for the position of Code Enforcement.

Local Ordinance Fines - Discussion

Clerk questioned Counsel on whether or not the class of the fine schedule should be listed in our ordinances. Counsel responded that no it does not need to be listed in the Town ordinances.

Public Hearing Second Reading Ordinance 2020-01 Section 30-53 - Canopies

Counsel read Ordinance 2020-1 Section 30-53 – Canopies –second and final reading.

6:24 pm Open Public Hearing

Patty Stockell 1280 Gulf questioned if these ordinances apply to residents as well. Counsel noted that the Sheriff's department will not enforce on private property. Counsel noted that there is no

size differentiation in the ordinance. Commissioner Niewiarowski questioned Counsel on whether the ordinance included umbrellas. Commissioner Niewiarowski and Commissioner Blume noted that the Commission does want to include umbrellas in the ordinance even though it is not in the title. Counsel noted that it is included in the 'temporary shade structure'.

It was moved by Commissioner Blume and seconded by Commissioner Niewiarowski to approve Ordinance 2020-01. The roll call vote was unanimous.

6:27 pm Close Public Hearing

Beach Signs

Mayor and Commission agree that signs need to be 4X4. Commissioner Blume questioned the situation of battery-operated vs pedal bikes in the icons. Commissioner Blume does not agree with no pedal bikes. Counsel noted that section 30-56 states that there are no bikes allowed on the beach and to change that we would have to change the ordinances with the full ordinance process. This has been an ordinance since 1984. Commissioner Niewiarowski thought we going to allow bikes, and then we were not going to allow bikes. Notes that it is very hard to differentiate between motorized or not motorized. Commissioner Tolbert does not like the motorized skateboards. Commission decided not to delay the signs any further and to move forward. Captain Leiner noted that anything that is not moving by human power and that is what the Sheriff will enforce.

Resident Gene Camali 1020 Gulf Blvd spoke about being informed by a Deputy that some of our ordinances are unenforceable because our ordinances do not relate to the county fine schedule. Captain Leiner noted that he would look into the situation. Commissioner Niewiarowski questioned if there was anything that the Town could do with the signs to make the owner rights lines more defined. Counsel noted that the wet sand vs dry sand is the easiest way for the Sheriff to differentiate owner's property. It was noted that the ECL line is what Pinellas County uses as owner property line. Per Counsel, for due process rights regarding the signs, it has to be sufficiently clear for a person of average intelligence to understand what activity is prohibited. Question from the public. Inside the line of private property the shade structures are allowed, outside the private property line, they are not allowed.

Miscellaneous

Counsel informed Commission that Form 1 is due July 1st 2020 and that Counsel will provide Ethics courses that can be taken online to conform to the education requirement needed.

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

Mayor	Yes
Blume	Yes
Niewiarowski	Yes
Roseman	Yes
Tolbert	No if it is not virtual Zoom
Clerk	?

Mayor/Commissioner comments on non-agenda items:

Resident Gene Camali 1020 Gulf notes that he is in the process of determining the ECL line and customary use of our beach with his attorney. He is looking into this on behalf of the Town.

Public comments on non-agenda items:

Patty Stockell 1280 Gulf and Chip Stockell have 5 basic concerns:

1. Public access, she feels that there should be no public access. Uber drop offs, teenagers coming over the bridge. Has seen beer, pot smoking and large congregations. Questioned what the agreement with Belleair Beach and thought the accesses were for Belleair Beach only. Is there a code that can be put on the gates?
2. Are there many VRBO rentals in Belleair Beach?
3. Can we lock the gates legally to keep the general public out?
4. How are the rentals in Belleair Shore monitored?
5. Buoys, will they be replaced?
6. Feels communication is lacking in the Town.

Mayor noted the amount of people that are parking in Belleair Beach marina parking lot, the amount of people is huge. Mayor noted that if someone is renting in Belleair Beach, they do have access to the water along with residents. Mayor is not sure how to police the situation because any code can be given to other people.

The agreement that Belleair Shore has with Belleair Beach says renters have same privileges as residents.

Maria Callas 520 Gulf Blvd questioned if the agreement with Belleair Beach is a beach access right or the right to be in the back yards of the homeowners of the Town. Ms. Callas believed that the access to Belleair Beach was only to allow access between the walls of the accesses only. Mayor noted that the accesses are to allow access to the whole beach. Mayor noted the beach is really a public beach for people walking along the water line. Mayor noted that he does not know how to patrol it. Captain Leiner interjected that people should be only below the MHWL in the wet sand. Residents will have to call with trespassers.

Gene Camali 1020 Gulf has his law firm working on establishing the MHWL, that he is told is 98 feet from the sea wall. They are going to be working on enforcing the Customary use of the beach which is traversing along the water line from north to south. Not camping out in front of homes all day.

June VanScoyoc 102 7th Street Belleair Beach - Good evening. My name is June VanScoyoc. I am a resident of Belleair Beach, and I am the Chairperson of the Belleair Beach Parks and Recreation Board. I am also the life partner of the Honorable Joseph A. Manzo, Mayor of Belleair Beach. I speak with you this evening strictly on my own behalf. On June 8, 2020, Belleair Shore Town Clerk/treasurer Barbara Colucci sent a letter to the Belleair Beach City Council and City staff. A copy of that letter has today been provided to your town clerk and Mayor Schmidt for distribution at this meeting. In that letter, she makes accusatory, disparaging, and defamatory remarks about me, accuses me of violating the public records law, and accuses me of trying to interfere with her job. A further review of her letter shows that her facts are incorrect, and her interpretation of the Florida

Public Records Law is incorrect. If Ms. Colucci were any other citizen this writing would be bad enough, but the fact that she is one of your municipal officials is disturbing. Above all, Ms. Colucci is a public official, and, as such, she is subject to criticism by all citizens, who should be free to express their opinions without fear of reprisal and lawsuits by that public official. For the record, in her letter, your town clerk makes defamatory accusations about the Belleair Beach Mayor; she also makes false **accusations** about me and proceeds to call Belleair Beach Councilman Marv Behm a liar. Ms. Colucci, as a town clerk, knows or should know that the City Council of Belleair Beach has no authority to deal with a private records request. I feel that the conduct demonstrated in her letter is inflammatory and wholly unacceptable. The way I see it, the City of Belleair Beach is your friend, and the cities have enjoyed an unblemished excellent relationship over the years. Additionally, Mayor Manzo has often told me that he considers Mayor Robert Schmidt to be one of his real true friends as a fellow Mayor. It would be a crying shame if one person is permitted to sour the excellent relationship between the Mayors and the cities. But I seriously doubt the disrespectful views expressed by Ms. Colucci in her letter are shared by your town's government. Therefore, I respectfully ask that this Mayor and town Commission renounce the views expressed by Ms. Colucci and take whatever steps you deem necessary to assure that such a communication is never again associated with your fine Town. Thank you for your consideration.

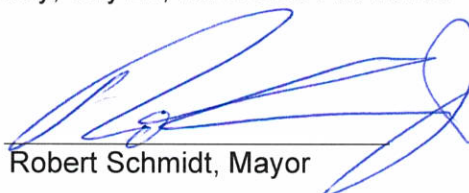
Adjourn:


Motion to adjourn made at 6:12 PM by Commissioner Tolbert and seconded by Vice Mayor Roseman. The roll call vote was unanimous.

Adjourn: 6:12pm

The next regular Commissioners meeting will be Tuesday, July 21, 2020 6:00 PM Virtual

7.21.20
Date Approved

APPROVED: 
Robert Schmidt, Mayor

ATTEST: 
Barbara Colucci, Town Clerk