



Meeting Minutes

Tuesday August 16, 2022
Belleair Bluffs City Hall
6:00pm

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

PRESENT:

Mayor Schmidt, Vice Mayor Blume, Commissioner Seith, Commissioner Tolbert (telephonic), Attorney Regina Kardash, Sgt. McKnight, Deputy Doherty

Call to order by Mayor Schmidt

Consideration to Approve Agenda:

It was moved by Commissioner Seith and seconded by Vice Mayor Blume 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 July 13, 2022

It was moved by Vice Mayor Blume and seconded by Commissioner Seith to approve the minutes from the July 13, 2022 meeting. The voice vote was unanimous.

Sheriff's Report

The Sheriff's report was presented to Commission by Sgt. McKnight. No crime, no arrests, 240 events, 250 units responding, no crashes, 83 parking. Vice Mayor Blume questioned 9 ordinance violations. Sgt. McKnight noted that he would research. Deputy Doherty noted that this might be input from code enforcement in their system. Vice Mayor Blume also questioned illegal parking number of 67 and then noted 83 parking citations are printed. Mayor questioned the previous night of helicopter activity etc. on the water. Sgt. McKnight noted that he believes it was a call from IRB on a person in distress in the water.

Code Enforcement

The Code Enforcement report was presented to Commission by Deputy Doherty. Vice Mayor Blume questioned regarding 880 Gulf open lot. Deputy Doherty advised that the owner has now put a chain up across the access point for security until plans for building are obtained.

Treasurers Report

Clerk/Treasurer, Barb Colucci went over balance sheet and P&L for July 2022. Treasurer noted increase in interest in the Town general fund. Treasurer questioned if any excess in checking account can be transferred to the general fund. Counsel explained that treasurer would be able

to do it with permission of the Commission and has permission to spend within the guidelines of the Town budget. Expenditures: Microsoft 365G \$144.00, Regions Bank Svc Chg \$30.02, Clerk/Treasurer Salary \$896.50, Staples \$38.51 (paper), Persson & Cohen \$3280.000, Waste Services \$1077.75, Duke Energy \$204.04, Verizon \$50.50, Google Mail Storage \$19.99 (annual), U.S. Treasury \$540.00 (quarterly 941), PCSO Law Enforcement \$2892.00, PCSO Code Enforcement \$99.60. It was moved by Vice Mayor Blume and seconded by Commissioner Tolbert to approve both the treasurers report and expenditures. The voice vote was unanimous.

Counsel Report

Open Public Hearing 6:18pm open

Ordinance 2022-01 amendment/appeal Section 30-53

Counsel noted that the change is that a single pole 4ft umbrella be allowed in beach access lots 21,43 and 66.

Robin Lally 1720 Gulf Blvd. Was out of the country and not aware of the ordinance. Was approached by deputy outside her seawall with a canopy erected for an event.

Sean Hyer 1300 Gulf Blvd. Questioned if canopies or umbrellas are allowed on personal property. Counsel noted that the restriction now reads that they are not allowed within the corporate limits of the Town. Also, stated that he does not like that he is not allowed an umbrella on his property. Commissioner Seith noted that the amendment to the ordinance, that 4ft umbrellas would be allowed within the access lots.

Vice Mayor Blume noted that what the residents were looking for was a definition of private property vs beyond their property and how the ordinance effects both of these issues.

Mayor confirmed that this ordinance pertains to the entire municipality of the Town of Belleair Shore and noted that to satisfy all involved, the ordinance would also have to say that the residents of the Town would be able to erect an umbrella this size within their property.

Vice Mayor Blume questioned if the ordinance could be amended to stipulate private vs public property.

Lori Shelly 1320 Gulf. Questioned how would the Sheriff know what is private vs public property?

Vice Mayor Blume noted that Captain Leiner was using the seaweed line to differentiate private vs public in an attempt to help deputies on duty.

Counsel noted again that there is no distinction between private and public property in the ordinance as it is written. It is within the incorporated limit of the Town of Belleair Shore. Counsel stated that she would have to look into the constitutionality of this request.

Dave Gattis 22nd St Belleair Beach. Stated that he believes that 4ft umbrellas would not be adequate and stated that an average beach umbrella was 6 ½ to 7 ½ feet. Requested that a 7ft umbrella be allowed in the accesses.

Commissioner Seith stated situations that he feels necessitated the Town to move to in this ordinance direction.

Mayor expanded on this comment by stating that he feels that Covid started the situation in the Town. Feels that Uber and Lyft cars bringing people to the beach with tents, umbrellas, coolers and trash etc. The residents of the Town realized this and wanted action. Mayor also corrected Dave Gattis that the relationship the Town has had with the City of Belleair Beach has always been excellent and the relationship has been excellent with the whole mess of litigation by a Belleair Beach citizen, so when Gattis noted 'correct the relationship', Mayor noted that he thinks the municipalities still have a great relationship with the City of Belleair Beach and their residents. Noted that maybe the Town overstepped a bit and that is what the Town is trying to correct tonight with the Ordinance amendment.

Commissioner Tolbert stated that he goes different ways on this issue. In his research, he notes that he can find articles that go back pre-covid from 2014 with people coming up on their dunes and on their personal property. Notes that he believes that Belleair Shore is a unique community with only single-family homes and that our beach is much narrower than any other beach in Pinellas County, due to the fact the Town does not get re-nourishment. Noted that he can be in favor of umbrellas in the accesses, but feels as though the Commission needs to talk about the height of umbrellas also. Agrees with Mayor and with Dave Gattis previous comments. Mayor questioned Commissioner Tolbert on whether the residents should be allowed to have umbrellas. Commissioner questioned if the umbrella that he has on his patio would be in violation. Counsel noted that it would not be in violation because it is not in the sand on his property.

Vice Mayor Blume had additional comments about alcohol and drugs on the beach, tents, canopies, loud music and other violations happening all day and night on the beach during Covid. Stated that is why the Town did what it did and maybe over reacted. The Town is working with Belleair Beach Mayor to come to a compromise. Commissioner Tolbert noted that, no matter what the Commission does here, not everyone will be happy, but feels that this can come to a compromise that the majority will be happy.

Barry Gray 12th St Belleair Beach. Wants the Town to address the access points that no other public besides Belleair Beach residents be allowed to cross the access points.

Commissioner Seith made a motion to amend the ordinance to allow 7 ft umbrellas in the access points. Sean Hyer 1300 Gulf stated that he believes the residents be allowed umbrellas in the sand also. Vice Mayor Blume stated that he believes that if the Town does amend the ordinance, it must include the resident properties in Belleair Shore. Discussion ensued. Dave Gattis suggested tags for Belleair Beach residents on their umbrellas. Noted that he understands why the Town got where they did in the ordinance.

Counsel spoke about the Town legally can and cannot do. There are concerns under the 14th amendment when trying to differentiate certain things regarding residents vs non-residents in similarly situated properties. Noted she would have to do some specific research on this. Discussed a possible permit situation. Vice Mayor Blume questioned private property rights. Counsel reminded Commission of other ordinances, ie: highest fence along back property is only allowed at 4 feet to preserve owners and neighbors view of the water and littoral rights. Noted that it is not the job of the deputy to differentiate public and private property. Counsel noted that the Town is a single zoning district.

Darlene Gray 108 12th St. Belleair Beach. discussed champagne and caviar on private property and spoke about private vs public property. Noted she believes that the wet sand is owned by the state below the seaweed. Vice Mayor noted that residents of Belleair Shore want to enjoy their private property the same as she would on her property and that the dilemma is the access points vs private property. Vice Mayor noted that the Commission is trying to work to keep everyone satisfied.

Mayor noted that everyone has been given their 3 minutes or longer and would not like to cut anyone off. Noted that that he has lived on the Beach for over 30 years and been the Mayor or Commission and there has never been a problem like this. Mayor believes that the Town does not want to get into a permit situation. Noted that there has been an ordinance in the Town for no alcohol on the beach for some time. Mayor believes that there needs to be a reasonableness by all people involved and that all can come to a solution that all will be happy.

Motion was made by Vice Mayor Blume to table this Ordinance amendment to a future meeting. Seconded by Commissioner Seith. The voice vote was unanimous.

Counsel requested direction from the Commission on how to move forward with the Ordinance amendment at the next meeting.

Public Meeting Closed 7:03pm

Availability of Commissioners for September 6, 2022 Public Hearing 5:01pm

Mayor Yes
Seith Yes
Niewiarowski Yes
Tolbert Yes
Blume No

Availability of Commissioners for Final Public Hearing Budget and Millage September 19, 2022 5:01pm, Regular Town meeting immediately following

All Yes

Mayor/Commissioner Comments on Non-Agenda Items

None

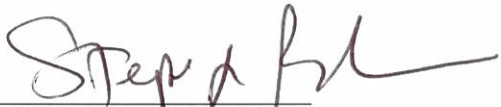
Public Comments on Non-Agenda Items

Debi Keith Harbor Dr Belleair Beach. Commented that she would like to thank the Commission for all the work that they are doing to work through this litigation situation.

Town Meeting adjourned 7:06pm.

It was moved by Commissioner Seith and seconded by Vice Mayor Blume to adjourn. The voice vote was unanimous. The meeting was adjourned at 7:06pm.

9,19.22
Date Approved

APPROVED: 
Robert E. Schmidt Jr, Mayor
STEPHEN G- Blum

ATTEST: 
Barbara Colucci, Town Clerk