



**City Council Work Session  
City of Belleair Beach, Florida**

**Monday, March 18, 2024  
Community Center, 6:00 PM**

## **PUBLIC MEETING MINUTES**

The meeting was called to order at 6:00pm by Mayor Dave Gattis followed by a Pledge of Allegiance to the Flag of the United States of America.

**Roll Call:** Present were Councilmembers Frank Bankard, Lloyd Roberts, Kim Shaw Elliott, Mayor Dave Gattis, City Manager Kyle Riefler, City Attorney Randy Mora, and City Clerk Renee Rose.

**For continuity, items are listed in agenda order although not necessarily discussed in that order.**

### **1. Codes Review – Chapter 94**

City Manager Kyle Riefler opened the discussion. Councilmember Roberts questioned the 5-year look back. Mayor Gattis expressed concerns about Councilmember Bankard's suggestion of striking out the entire look-back period. Bankard said the 5-year 50% rule causes residents to tear down their homes and suggested there be no look back. Riefler said the 50% rule would then be per event or per permit. Mayor Gattis suggested a 1-year look back. City Attorney Mora explained the federal floodplain regulation known as the 50% rule as it pertains to flood insurance. If improvements or repairs meet or exceed 50% of the structure's value, the owner needs to bring the structure up to modern floodplain regulations for compliance. Noncompliance may affect insurance ratings with the federal floodplain program. Roberts asked what the risk is to the city if they have no look-back. Mora said residents would phase their projects in such a way that no one would exceed the 50% rule. Bankard said residents can fix their homes in the 50% mark with multiple permits, but the city gets the taxes and benefit from each permit. Bankard's concerns are for homes with major damage. Gattis said there are provisions in the code for emergencies. Councilmember Elliott asked if the city's rating leads to penalties or if the rating impacts commercial carriers' ratings. Mora said if it affects the city's rating, it can affect insurance policies. Mr. Serna said it's a point system, and the better the rating, the better the insurance rates for a community. Bankard said FEMA hasn't proven these rates are helping communities. Gattis doesn't support no look-back because there will be abuse and will impact staff but does support trialing a 1-year look-back. Bankard said the code changes won't go to council until the fall, and he recommended bringing this code change separately and before the storm season. Consensus was achieved to modify the look-back period to one year. Mora will confirm if the code change needs to go before the Planning and Zoning Board before Council approval.

Mayor Gattis raised concerns about Section 94-6 Landscaping, specifically the damage created by mulch during storm events. City Attorney Mora said they don't currently regulate the substrate, and if they do going forward, it could be perceived as a more restrictive Land Development regulation within SB 250 and cannot be passed until after October 2024. They will need to determine how to administer a change and handle the dozens of properties currently with mulch that would be nonconforming. Councilmember Bankard said it clogs storm drains, goes into the bay, and most are now dyed which is an ecology issue. Gattis said it's useful and inexpensive, but asked how they will regulate it when everyone already has it. City Manager Riefler said it would be difficult to police. Councilmember Elliott suggested more communication and education over creating more laws. Most don't think of the hazards so they need educational material published to

the community. Gattis said it would be less code than what they have now. Mora reminded the council about enforceability from staff. Council should stand by and behind what decision they make so they aren't putting staff in a difficult position. Gattis said the mulch does create a problem and in the code they are giving instructions to residents. If it's about education and they don't want residents to use it, then he suggests removing it completely. Councilmember Roberts suggested a pamphlet to new homeowners and something published on the city's website about what they recommend and why, rather than an enforceable code. Gattis suggested continuing the discussion at a future work session.

Mayor Gattis continued, recommending changes to 94-209, Heights. He suggested changing two to three habitable stories alongside a garage or storage area to make use of the space not supposed to be used in a three-story home and inserting two over a garage or storage area so the house is still limited to three stories even if the bottom story is not habitable. The overall height remains the same but increases the taxable square footage in the existing box. City Manager Riefler said the overall height changed when they adopted the Florida Building Code for 1 ft freeboard. The height code is based on base flood elevation (BFE). There's BFE and there's design flood elevation (DFE) that's included in the freeboard. They can adjust the height code to be based on the DFE as opposed to the BFE. The language would be 35 feet above the DFE. Mr. Serna said that most communities use DFE.

Councilmember Roberts said they addressed artificial turf recently and asked if staff had any issues since. City Manager Riefler said no; he's been following two new homes using artificial turf. There is a section in the code that if it was already installed, there was a timeline to bring it up to the new code. Roberts asked why the code states that if artificial turf is used in the front yard it can only be in 4" maximum spaces between pavers. There is a resident who is allergic to grass. Riefler said it was due to aesthetics. Mayor Gattis said they are creating a certain look.

Councilmember Roberts questioned the fence code. City Manager Riefler said if it's a repair or to replace some of the boards, it doesn't need a permit, but if the material is changed or height is changed, then it should be permitted. Mayor Gattis agreed; a resident can make repairs, but it should be put back the way it was inspected. Changes to the fence needs a permit. Riefler recommends residents get a survey for the property lines before working on fences.

Councilmember Shaw Elliott asked several general questions. She asked if the city had any issues with sheds. City Manager Riefler said there haven't been issues with the code they have on the books currently. Elliott asked about 94-206 stating that a wood frame building can be constructed with what a third party, like a structural engineer or licensed architect says is okay. Riefler said the city hasn't had any issues. Engineers are licensed and if they sign off, it's on them. Elliott asked earth berms are prohibited. Riefler said it's related to drainage. Elliott asked if there's anything in the code that addresses xeriscaping. Mayor Gattis said there are several lawns in town; it's a reduction in water usage. Elliott noted 94-255 requires an appraisal if a project exceeds \$20,000. Riefler supports getting rid of that as they are already tracking it. If the house is worth a lot, and the residents wants to replace windows, it's reasonable to use the property appraiser value for the FEMA 50% rule. Gattis asked how staff tracks the value of the upgrade. Riefler said the value of the project is on the permit. Elliott asked if they are going to discuss antennas and towers. City Attorney Mora spoke with the resident's attorney to gather information to be considered regarding revisions. Federal law requires clear criteria to reasonably accommodate amateur antenna radios. They need to craft it in a way that is compliant with modern state and federal standards. Elliott asked if there are prohibitions on leasing space on the antenna. Mora said it would no longer be considered an amateur radio antenna. The code can be improved and made compliant with modern regulations.

City Manager Riefler briefly discussed issues he shared with Mr. Serna regarding nonstructural fill, flag poles, hedges and plants in front setbacks in cul-de-sacs, and basic guidelines of holiday decorations. There was discussion on holiday decorations, and City Attorney Mora cautioned council about regulating aesthetics. Riefler is also looking into better defining floor area ratios, generators, side setback exceptions in Bellevue Estates Island for docks. Mayor Gattis

said it's likely the 12 ft setback is to prevent conflict if two neighbors have large boats. Riefler said there was an issue recently with a very large boat blocking a neighbor's view. There are no code violations, but council may consider code revisions. Councilmember Bankard asked about littoral rights on the bay. Mora said the city does not regulate the waterway. There is no right to view left and right of a resident's property, and the right to view straight out ends at the property line. Gattis said they could consider clearance issues regarding boat sizes on the small harbors. Riefler continued with the issue of fences on multifamily lots. The code currently states that a fence on such property should end before the seawall cap. About half go all the way to the cap. Other communities allow that, and it would prevent people from crossing through properties. Gattis supports it because people have pets to be contained. Riefler discussed using a flat roof to have an observation or access. This has not been allowed because if there is an electrical outlet or other utility on the roof, it's considered to be a habitable space. Some residents are proposing building houses with access to the roof but without any utility. Gattis said that exceeds the height limit. Riefler said there's nothing in the code prohibiting a flat roof, but there is nothing addressing it as an observation point. Gattis supports putting a cap on how high a structure can be and what can be done with it once it's built to the height limit. Councilmember Elliott expressed safety concerns with people on top of a flat top roof. Gattis suggested if they build the full three stories, they can't use the roof as a standing surface. If they build two stories, they can use the roof.

## **2. General Business.**

Mayor Gattis said there were two applicants for city council seats. They won't know how many seats will need filled until after the election. The application period is still open until tomorrow. At the next meeting, they can appoint for whatever is required. City Attorney Mora explained that if the charter amendments pass, they will not take effect immediately. They will be phased in. The council will still be a body of seven until the election in 2026. This council can choose to fill one or three seats, but it will still have seven seats until the next election. Mora will send out a summary once the election is over and they know which amendments pass. Gattis said if the charter amendments pass, he would support seating one new council member and operate as a body of five. Councilmember Bankard noted that one of the proposed amendments changes the requirement for a quorum. Mora said the proposed change is that three members shall constitute a quorum, and they need a majority vote of the seated council to approve a measure. Mora advised that a discussion on how they move forward would be best served once they know what amendments pass.

## **ADJOURN**

**MOTION** was made by Councilmember Bankard and seconded by Councilmember Roberts to adjourn at 7:38 pm.

**Motion passed 4-0.**

April 8, 2024  
Date Approved

APPROVED: Dave Gattis  
Dave Gattis, Mayor

ATTEST: [Signature]  
City Clerk