

**MINUTES — JANUARY 12, 2021
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, JANUARY 12, 2021**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:03 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Philip J. Hanna, Commissioner Diane Flagg, Commissioner Edward G. Hoofnagle (digitally attended), and Commissioner Joe McCall.

OTHERS PRESENT: City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Finance Director Daniel Carpenter, CGFO, and Technology Moderator Consultant Matt Sabella.

ABSENT: City Manager Brently Gregg Mims.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

1A. REPORT OF Pinellas County Sheriff's Office.

The Pinellas County Sheriff's Office (PCSO) submitted a written Crime Analysis Report for the month of December 2020.

1B. REPORT OF Pinellas Suncoast Fire & Rescue District.

The Pinellas Suncoast Fire and Rescue District submitted a written report for the month of December 2020.

2. PUBLIC COMMENTS.

Alan Hopley, 531 Harbor Drive North, requested the City Commission reconsider, modify, or delete Sections 110-292 and 110-284 of the Code of Ordinances. He provided a brief background of his situation with those sections. The City Commission denied his variance request, and the Circuit Court stayed his charges of the variance request regarding those Code Sections. He has done some research by car and by boat and has found several residences in his neighborhood that violate these two same sections that he was cited for. He has photographs of properties with similar trees or maybe even greater than what he has that he would like to share with the City Commission.

Mayor-Commissioner Kennedy asked Mr. Hopley to forward the photographs to the City Clerk.

Nancy Obarski, 708 Beach Trail, #B, advised she attended the Board of County Commissioner's Meeting this morning to offer some public comment on the subject of beach easements that the Army Corps of Engineering is using to hold the City's 2024 renourishment sand hostage.

Ms. Obarski stated John Bishop, of the Pinellas County Environmental Management Division, in a letter dated November 19, 2020, to the Corps, pleaded with the Corps to advance the Project by nourishing municipalities where 100% of the necessary easements have been secured.

Don House, 2104 Beach Trail, stated there is a lack of communication with Pinellas County and the Army Corps of Engineers regarding beach renourishment.

3A. REPORT OF the City Attorney. No Report.

3B. REPORT OF the City Manager. No Report.

3C. REPORTS OF the City Commission.

COMMISSIONER MCCALL:

- Reported on the HOA Toy Drive hosted by Century 21 Beggins, Plumlee Realty, and the IRB Homeowners' Association. He stated Century 21 Beggins collected 213 bicycles and tons of toys. The bicycles were distributed to Shepherd's Village and RCS Grace House, and the toys went to Miracle on the Bay, which houses disabled children and families. The extra bikes and toys went to struggling restaurant workers and the food pantry.
- Reported on the Turkey Drive hosted by the IRB Homeowners' Association and stated with the help of several local restaurants, the turkey drive was a success.

VICE MAYOR-COMMISSIONER HANNA:

- Stated he received his first dose of the COVID-19 Vaccine and has had no after effect. He stated the Mid-Pinellas County Health Department provided an absolutely wonderful experience for him and his wife.

COMMISSIONER FLAGG:

- Thanked everyone who participated and supported A2K's first Virtual Run/Walk Challenge. She stated that A2K exceeded their goal of \$6,000, covering the annual costs to maintain their projects across City.

MAYOR-COMMISSIONER KENNEDY:

- Senator Manny Diaz, Jr., Hialeah, has filed a bill (SB 522) largely giving the State control of regulation of vacation rentals, preventing local restrictions. The bill stated local governments could only regulate the rentals in the same way as other properties

in neighborhoods, a restriction that cities and counties have strenuously opposed in the past. Senator Diaz's bill is filed for the Legislative Session that will start March 2, 2021. She stated he sponsored a similar measure during the 2020 Session, but it did not pass.

CONSENSUS FOR THE CITY ATTORNEY TO DRAFT A LETTER TO SENATOR MANNY DIAZ, JR., THE PINELLAS COUNTY LEGISLATIVE DELEGATION, AND PINELLAS COUNTY MAYORS OPPOSING SB 522, VACATION RENTALS.

4. **ADDITIONS/DELETIONS.** None.

5. **CONSENT AGENDA:**

- A. **APPROVAL OF the November 10, 2020 Regular City Commission Meeting minutes.**
- B. **APPROVAL OF the December 8, 2020 Regular City Commission Meeting minutes.**
- C. **RESOLUTION NO. 2021-01. A resolution of the City Commission of the City of Indian Rocks Beach, Florida, canceling the March 9, 2021 Municipal General Election, as authorized by Resolution No. 2020-10, providing for Commissioner-elect Phillip J. Hanna and Commissioner-elect Denise Houseberg will be seated for two-year terms and providing for an effective date for the commencement of their respective elected terms.**
- D. **RESOLUTION NO. 2021-02. Adopting the Program for Public Information (PPI) for the Community Rating System.**
- E. **PROCLAMATION: 2021 National Mentoring Month.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Item Nos. 5A through 5E, by title only.

MOTION MADE BY COMMISSIONER FLAGG, SECONDED BY COMMISSIONER MCCALL, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5E. UNANIMOUS APPROVAL BY ACCLAMATION.

6A. **ORDINANCE NO. 2020-01— PUBLIC HEARING/SECOND AND FINAL READING.**

An ordinance of the City of Indian Rocks Beach, Florida, amending the City of Indian Rocks Beach Comprehensive Plan pursuant to the Evaluation and Appraisal Process of Section 163.3191, Florida Statutes, and the amendment process of Section 163.3184, Florida Statutes, by amending the future land use, transportation, and coastal management and conservation elements to reflect changes in Florida Statutes, Chapter 163 since 2013, updating the future land use element to maintain consistency with the countywide plan for Pinellas County, as hereinafter provided; establishing the legal status of the comprehensive plan; providing for repeal of ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date.

[Beginning of Staffing Report]

BACKGROUND:

On August 11, 2020, the City of Indian Rocks Beach City Commission held a public hearing and voted to transmit to the Florida Department of Economic Opportunity the Comprehensive Plan amendments, which constitute an update to the Comprehensive Plan based on the Evaluation and Appraisal Review process pursuant to Section 163.3191, Florida Statutes. The City of Indian Rocks Beach Local Planning Agency also held a public hearing on July 9, 2020, to consider the amendments and recommended transmittal of the amendments.

The transmittal package was submitted on August 24, 2020, to the Florida Department of Economic Opportunity.

The Florida Department of Economic Opportunity reviewed and responded on October 23, 2020, to the transmittal package as follows:

Objection 1: Conservation and Coastal Management Element

Both the existing comprehensive plan and the proposed amendment fails to satisfy the requirements in sections 163.3178(2)(f)4., F.S., as indicated below. Section 163.3178(2), F.S., requires that the Coastal Management Element in the local government comprehensive plan include:

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R, part 60.

Department Objection: Both the existing comprehensive plan and proposed amendment do not address the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R, part 60.

Statutory Authority: Sections 163.3177(6)(g) and 163.3178(2)(f)4., F.S.

Recommendation: Consistent with Section 163.3178(2)(f)4, F.S., includes a policy in the Conservation and Coastal Management Element to state:

"The City shall be consistent with. or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set for in 44 C.F.R. part 60."

Policy 2.5.8 has been added to the Coastal Management and Conservation Element to reflect the recommendation.

The Florida Department of Transportation recommended updating the Level of Service numbers and maps to reflect the data from the forward Pinellas MPO 2020 Annual Level of Service Report.

The Level of Service has been updated in the tables and the maps.

A legal notice was published in the December 30, 2020-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on January 12, 2021, for Ordinance No. 2020-01.

[End of Staffing Report]

City Attorney Mora read Ordinance No. 2020-01 by title only and stated this second and final reading.

Planning Consultant Harmon presented the Agenda Item and reviewed the Agenda Memo.

Planning Consultant Harmon stated the Florida Department of Economic Opportunity reviewed and responded to the transmittal package as follows:

Planning Consultant Harmon stated the Florida Department of Economic Opportunity had identified an objection regarding the City's proposed comprehensive plan. The objection is as follows:

1. Objection:

Objection 1. Conservation and Coastal Management Element

Both the existing comprehensive plan and the proposed amendment fail to satisfy Florida § 163.3178(2)(f)4. F.S. § 163.3178(2) requires that the Coastal Management Element in the local government comprehensive plan include.

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate, unsafe development in the coastal areas when opportunities arise. The component must:

4. Be consistent with, more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R., part 60.

Department Objection: The Department's objection was that both the existing comprehensive plan and proposed amendment do not address the flood-resistant

construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R., part 60.

Statutory Authority: Florida § 163.3177(6)(g) and Florida § 163.3178(2)(f)4.

Recommendation: Consistent with Florida § 163.3178(2)(f)4, include a policy in the Conservation and Coastal Management Element to state:

"The City shall be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R., part 60."

Planning Consultant Harmon stated the other comment was from the Florida Department of Transportation. The FDOT stated in the Transportation — Data Analysis Section, the proposed amendment used traffic count data from the 2018 LOS Report & 2017 Data Year volumes prepared by the Forward Pinellas MPO. The Forward Pinellas MPO has recently adopted the 2019 Annual Level of Service Report containing the 2018 Data Year.

Planning Consultant Harmon stated all Level of Service numbers and maps reflect the Forward Pinellas 2020 Annual Level of Service Report data.

Planning and Consultant Harmon stated from here, the ordinance with attachments is sent back to the State for review, and after they review it, the ordinance will go into effect 30 days after that review.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

There were no comments or questions by the City Commission.

MOTION MADE BY COMMISSIONER FLAGG, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2020-01, ON SECOND AND FINAL READING, AMENDING THE CITY OF INDIAN ROCKS BEACH COMPREHENSIVE PLAN PURSUANT TO THE EVALUATION AND APPRAISAL PROCESS OF SECTION 163.3191, FLORIDA STATUTES, AND THE AMENDMENT PROCESS OF SECTION 163.3184, FLORIDA STATUTES, BY AMENDING THE FUTURE LAND USE, TRANSPORTATION, AND COASTAL MANAGEMENT AND CONSERVATION ELEMENTS TO REFLECT CHANGES IN FLORIDA STATUTES, CHAPTER 163 SINCE 2013, UPDATING THE FUTURE LAND USE ELEMENT TO MAINTAIN CONSISTENCY WITH THE COUNTYWIDE PLAN FOR PINELLAS COUNTY, AS HEREINAFTER PROVIDED; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ROLL CALL VOTE:

AYES: HOOFNAGLE, MCCALL, HANNA, FLAGG, KENNEDY
NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

6B. ORDINANCE NO. 2020-08— PUBLIC HEARING/SECOND AND FINAL READING.
An ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 62 – Traffic and Vehicles, Article II – Stopping, Standing and Parking; increasing the fee for parking violations; restricting the hours of parking on the City's beach accesses, amending the requirements for securing a resident parking permit decal; specifying permissible uses of a resident decal; repealing the provision for temporary guest parking permits; amending the fee for replacing a city-issued parking permit; providing for severability and an effective date.

[Beginning of Staffing Report]

Executive Summary:

Following the City Commission's previous work sessions, this ordinance was drafted as a proposed means for addressing parking violations, with added restrictions relating to the beach accesses.

Specifically, this proposed ordinance increases the fine for parking violations from \$40 to \$75. The proposed ordinance eliminates the use of "temporary guest parking permits." Also, while those with a valid resident parking permit may park in "resident-only" spots at the beach accesses, all persons are barred from parking on the beach accesses between 11:00 p.m. and 6:00 a.m. unless issued a temporary parking permit and defines who is entitled to an IRB resident parking decal.

Background Information:

In recent years, most especially in the early months of the global health pandemic and consequent quarantining restrictions, the City has observed intensified attendance to its parks and beaches. Paired with the City's finite amount of public parking spaces at or near its beach accesses, this increase in vehicular traffic has led to increased parking violations. If adopted, this ordinance would codify a proposed increase to the fine for parking violations, would eliminate a category of temporary permits, and clarify the restrictions concerning the use of resident spots at beach accesses.

On December 8, 2020, the City Commission approved Ordinance No. 2020-08 by a vote of 4 to 1, with Commissioner McCall casting the dissenting vote.

A legal notice was published in the December 30, 2020-edition of the St. Pete Times Section of the Tampa Bay Times to advertise for a public hearing that has been scheduled on January 12, 2021.

[Ending of Staffing Report]

City Attorney Mora read Ordinance No. 2020-08 by title only and stated this second and final reading.

City Attorney Mora introduced the Agenda Item and reviewed the Agenda Memo.

City Attorney Mora stated this ordinance deals with beach access parking decals, increases parking fines, the prohibition of overnight parking at the beach access, who is entitled to a parking decal, and temporary parking permits.

Commissioner McCall asked what the population of the City is?

Finance Director Carpenter stated according to the comprehensive plan, and annual financial report states, the total population for IRB is 4,340.

Commissioner McCall stated he sees this ordinance as dividing the community into individual sections — be it residents, second homeowners, beachgoers, tourists, snowbirds.

Commissioner McCall stated he had received some feedback from some second homeowners that feel that they have some rights to the beach decals to enjoy the beach.

Commissioner Flagg asked how many homesteaded properties does the City have?

Finance Director Carpenter stated he does not know that number but said the City is just shy of 3,000 taxable properties, and roughly 44% of those are homesteaded.

Mayor-Commissioner Kennedy opened the public hearing.

Paul Phillips, 2408 Beach Trail, stated he has lived there for 35 years, and the proposed ordinance would prohibit him from parking at the beach access overnight. He has no garage and no driveway, except for the vacated Beach Trail, and he can put two cars there. There is no place to accommodate his overnight guests, and in the past, he has always used the beach access for his guests. He has no problem getting a temporary permit and paying the fee, but City Hall is not open on the weekend.

Don House, 2104 Beach Trail, stated when the 21st Avenue Beach Access was improved, several parking spaces were lost. The City gave the motel at the corner four parking permits because it took all of its parking. He noted some of the restaurants are still using the beach accesses as part of their parking, and if the ordinance is adopted, it will hurt the restaurants.

Nancy Obarski, 708 Beach Trail, #B, stated the majority of Indian Rock Beach properties, because of the premium cost of their land, all have parking issues, that goes for the east and west side of Gulf Boulevard. But, the west side of Gulf Boulevard faces bigger hurdles.

Beachfront owners will not have that luxury if the City prohibits overnight beach because their streets are the beach accesses.

Ms. Obarski stated a few months ago, the City Commission threatened to restrict parking on the east side of Gulf Boulevard. Those residents voiced their voices, and the City Commission wisely listened. She hopes the City Commission would not pay less attention to their voices just because there are fewer of them.

Rebecca Sacra, 368 LaHacienda Drive, spoke in favor of the ordinance and stated there is no one size fits all.

Seeing and/or hearing no one wishing to speak, Mayor-Commissioner Kennedy closed the public hearing.

Commissioner Hoofnagle stated it is always very difficult to park on the beach. For the residents who live on the west side of Gulf Boulevard, it may be necessary, at times, to cross over to the east side of Gulf Boulevard to park there. He thinks it does not require a temporary pass, and it is not that catastrophic as was presented. He believes it is a good ordinance, and he supports it.

Commissioner Flagg stated she lives on the west side of Gulf Boulevard, and if she has an overflow of parking, her guests would have to park on the east side of Gulf Boulevard. She stated the City Commission might have to review the temporary permits and how they are issued.

MOTION MADE BY COMMISSIONER FLAGG, SECONDED BY COMMISSIONER HOOFNAGLE, TO APPROVE ORDINANCE NO. 2020-08, ON SECOND AND FINAL READING, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE II – STOPPING, STANDING AND PARKING; INCREASING THE FEE FOR PARKING VIOLATIONS; RESTRICTING THE HOURS OF PARKING ON THE CITY'S BEACH ACCESSES, AMENDING THE REQUIREMENTS FOR SECURING A RESIDENT PARKING PERMIT DECAL; SPECIFYING PERMISSIBLE USES OF A RESIDENT DECAL; REPEALING THE PROVISION FOR TEMPORARY GUEST PARKING PERMITS; AMENDING THE FEE FOR REPLACING A CITY-ISSUED PARKING PERMIT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

ROLL CALL VOTE:

AYES: HANNA, HOOFNAGLE, FLAGG, KENNEDY

NAYS: MCCALL

MOTION CARRIED BY A VOTE OF 4 TO 1, WITH COMMISSIONER MCCALL CASTING THE DISSENTING VOTE.

7A. ORDINANCE NO. 2021-01.— FIRST READING.

An ordinance of the City Commission of the City of Indian Rocks Beach, Florida, amending the Fiscal Year 2020-2021 Budget; appropriating additional funds for employee wages; providing for severability and providing for an effective date. BUDGET AMENDMENT NO. FY2021-01

[Beginning of Staffing Report]

BACKGROUND:

On September 17, 2020, the City Commission approved Ordinance No. 2020-03 appropriating funds for operating expenses and adopting a budget for the City of Indian Rocks Beach for Fiscal Year 2020/21. The total approved budget for Fiscal Year 2020/21 was \$5,812,540, of which \$3,711,010 was allocated to the City's general fund, and \$1,354,530 to the solid waste fund. The adopted budget did not include a pay raise. It was the consensus of the City Commission to revisit the pay raise topic after the first quarter.

The budget may be amended in two ways: an informal budget transfer, requested by department heads and approved by the City Manager, that transfers dollars between line items within a department or from one department to another; or a budget amendment which increases expenditures, or the spending level of a fund, as requested by the City Manager and approved by the City Commission.

ANALYSIS:

Currently, there is one budget amendment recommended for FY 2020/21. A three percent (3%) across the board pay raise for all general employees is recommended effective February 2021. State revenues that the city receives are performing ahead of the projected amounts in the approved budget and expenses related to Pinellas County permitting have dropped substantially. The proposed budget amendment does not include a 3% raise for the City Clerk or City Manager.

In total, \$23,000 in budget amendment is being requested for FY 2020/21.

[Ending of Staffing Report]

City Attorney Mora read Ordinance No. 2021-01 in its entirety, and stated this is first reading.

Finance Director Carpenter introduced the Agenda Item and reviewed the Agenda Memo.

Finance Director Carpenter stated the three percent wage increase only pertains to general employees and not the charter officers — city manager or city clerk, and would not become effective until approved, meaning February forward.

Finance Director Carpenter stated that State revenues received by the City are performing ahead of projections, and the City's expenses related to County permitting have dropped substantially.

MOTION MADE BY COMMISSIONER FLAGG, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO AMEND ORDINANCE NO. 2021-01, ON FIRST READING, TO APPROPRIATE ADDITIONAL FUNDS FOR A THREE PERCENT PAY INCREASE FOR THE CITY MANAGER AND THE CITY CLERK, CHARTER OFFICERS.

Finance Director Carpenter stated if the increase is three percent to begin after second and final reading, the total for both charter officers (city manager and city clerk) would be \$5,360 in additional funds.

City Attorney Mora stated for the sake of clarity, the total amount of appropriations would go from \$23,000 to \$28,360 of which the additional \$5,360 would come out of the undesignated General Fund Balance.

Mayor-Commissioner Kennedy opened the public comment session.

ROLL CALL VOTE:

AYES: HOOFNAGLE, MCCALL, HANNA, FLAGG.

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

MOTION MADE BY COMMISSIONER FLAGG, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2021-01 AS AMENDED, ON FIRST READING, APPROPRIATING FUNDS FOR OPERATING EXPENSES AND AMENDING THE BUDGET FOR THE CITY OF INDIAN ROCKS BEACH, FLORIDA, FOR FISCAL YEAR 2020/21.

Mayor-Commissioner Kennedy opened the public comment session.

Rebecca Sacra, 368 LaHacienda Drive, clarified that the city manager and city clerk's raises are additional funds from the undesignated general fund balance and that no money is being taken away from the general employees' raises.

Mayor-Commissioner Kennedy closed the public comment session.

ROLL CALL VOTE:

AYES: MCCALL, HOOFNAGLE, HANNA, FLAGG, KENNEDY

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

8. WORK SESSION ITEMS [DISCUSSION ONLY]: None.

9. **OTHER BUSINESS:** None.

10. **ADJOURNMENT.**

MOTION MADE BY VICE MAYOR-COMMISSIONER HANNA, SECONDED BY COMMISSIONER MCCALL, TO ADJOURN THE MEETING AT 8:07 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

February 9, 2021

Date Approved

/DOR