

**FINAL MINUTES
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, FEBRUARY 12, 2019**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and ten seconds of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy
Vice Mayor-Commissioner Edward G. Hoofnagle
Commissioner Phillip J. Hanna
Commissioner Nick Palomba
Commissioner Philip M. Wrobel

OTHERS

PRESENT: City Manager Brently Gregg Mims
City Attorney Randy D. Mora
City Clerk Deanne B. O'Reilly, MMC
Finance Director Dan A. Carpenter, CGFO
Public Services Director Dean A. Scharmen

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

1A. REPORTS OF THE PINELLAS COUNTY SHERIFF'S OFFICE:

The Pinellas County Sheriff's Office (PCSO) presented the January 2019 Crime Analysis Report for the City of Indian Rocks Beach, and addressed the City Commission's questions and/or concerns.

1B. REPORTS OF THE PINELLAS SUNCOAST FIRE AND RESCUE DISTRICT.

Fire Chief Michael Burton explained the District's referendum question that will appear on the March 12, 2019 Election Ballot.

2. PUBLIC COMMENTS:

Kelly Cisarik, 448 Harbor Drive South, spoke on the District's referendum as a citizen and not as a member of the District's Stakeholder's Task Force. The District is not allowed to advocate an official position on the referendum as some Task Force Members might have a different view than herself. She stated she personally supports this \$100 increase.

Darlene Kavanagh, 361 Mehlenbacher Road, Belleair Bluffs, and her parents live at 550 Harbor Drive South, stated she loves all the improvements with the new pickle ball courts and inquired if the City would be replacing the racquetball wall.

Matt Loder, Crabby Bill's Seafood, 401 Gulf Boulevard, stated he supports the Fire District's referendum, and he was also a member of the District's Stakeholder's Task Force.

John Pfanstiehl, 448 Harbor Drive South, stated he was strongly against the last Fire District's referendum; however, he is in favor of this referendum.

Mr. Pfanstiehl stated in the City Code, there is a provision for a straw poll in Chapter 22 - Elections (Sec. 22-75) that is non-binding. He suggested the City Commission approve a straw poll for City Commission term limits for the March 2020 Municipal Election.

Lonnie Fitton, 210 1st Street, inquired if there is a reason why the fire trucks use its air brakes when they are flying down 1st Street back to the fire station.

R.V. Clemmer, 1216 Bayshore Boulevard, stated he will be voting for only one candidate on March 12.

3A. REPORTS OF THE CITY ATTORNEY: No Report.

Vice Mayor-Commissioner Hoofnagle inquired, of the City Attorney, if the City Commission had the authority to approve a variance to elevate building heights above the maximum amounts in the City Code prior to the enactment of the PUD ordinance, with City Attorney Mora responding in the affirmative.

Vice Mayor-Commissioner Hoofnagle stated with the passage of the PUD, if a PUD application were to come before the City Commission and be approved, would the City Manager be able to increase the building heights without coming back to the City Commission.

City Attorney Mora responded no, and stated there is a provision within the PUD ordinance allowing the City Manager to make more restrictive changes if the applicant wants less space, fewer units, less landscaping. Those sorts of things can be accommodated, but the City Manager or staff would not have the ability under the ordinance to unilaterally increase building heights or living area rations.

Vice Mayor-Commissioner Hoofnagle clarified with the City Attorney that before and after the PUD ordinance existed, the sole group that has the authority to approve changes in building heights would be the City Commission.

Commissioner Wrobel stated he thought any increase in maximum building height requires a vote of four or more and inquired if this is still in effect.

3B. REPORTS OF THE CITY MANAGER:

City Manager Mims inquired if there were any questions and/or concerns on the Quarterly Financial Report.

3C. REPORTS OF THE CITY COMMISSION.

COMMISSIONER WROBEL:

- Received compliments on the volleyball courts in the Business District Triangle, but on the other hand, has received complaints about not enough parking.
- Gave a farewell speech to the City Commission and the public.

VICE MAYOR-COMMISSIONER HOOFNAGLE:

- Spoke in support of the Fire District's referendum.
- Thanked Commissioner Wrobel for his service to the community.

COMMISSIONER HANNA:

- Spoke in support of the Fire District's referendum.
- Thanked Commissioner Wrobel for his service to the community.

COMMISSIONER PALOMBA:

- Spoke about Fluff Animal Rescue.

MAYOR-COMMISSIONER KENNEDY:

- Stated in Coastal Living Magazine, Indian Rocks Beach was voted #2 as the most romantic and beautiful beach in this country with Honolulu, Hawaii, being #1.
- Spoke about the IRB Food Pantry and the low amounts of food, specifically meats, because of the Federal layoffs, and how IRB residents pulled together and filled the shelves of the pantry.
- Announced the City's and organization's upcoming events.
- Announced a Red Tide Summit hosted by Pinellas County and the City of Indian Rocks Beach on March 28, 2019, from 6:00 - 8:30 P.M., at the Sheraton Sand Key Resort.

4. ADDITIONS/DELETIONS. None.

5A. APPROVAL of the January 8, 2019 Regular City Commission Meeting Minutes.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER PALOMBA, APPROVING THE JANUARY 8, 2019, REGULAR CITY COMMISSION MEETING MINUTES, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

6A. ORDINANCE NO. 2019-01 — PUBLIC HEARING/SECOND AND FINAL READING. Providing for amendments to the Code of Ordinances by amending Chapter 110, Zoning; Article I - In General, Section 110-1 "Definitions" to

define “paid parking lots;” amending Article III - District Designation and Regulations, Division I - Generally, Section 110-131 “Establishment of Zoning Districts,” Subsection 6 “Business Zoning District-B” to provide for paid parking lots as a permitted use in the Business District Triangle Overlay Zone; amending Article III – District Designation and Regulations, Division 1. – Generally, Section 110-135 “Business District Triangle Overlay Zone” to allow the operation of paid parking lots.

[Staff Report Begins]

BACKGROUND: During the September 11, 2018 City Commission Meeting, there was discussion on paid commercial parking lots and the City Commission recommended to forward the issue to the Planning and Zoning Board to discuss/consider the pros and cons of amending the IRB Land Code to allow paid commercial parking lots in any commercial district in Indian Rocks Beach.

During the October 23, 2018 Planning and Zoning Board Meeting, the Board discussed the idea of allowing paid parking lots. The Board recommended that the paid commercial parking lots only be allowed in the Business District Triangle area and not in the other areas of the Business District.

During the December 4, 2018 Planning and Zoning Board Meeting, the proposed Land Development Code revisions were presented. The Planning and Zoning Board discussed the implications for future paid parking lots in the City including the possibility of parking garages, number of lots that could be utilized for paid parking lots, and the benefits to the City. After a lengthy discussion the Planning and Zoning Board voted 6-1 to recommend denial of the modifications to the Land Development Code to allow paid parking lots.

PLANNING AND ZONING BOARD RECOMMENDATION: the Planning and Zoning Board recommended denial of Ordinance No. 2019-01 by a vote of 6 to 1.

Sec. 110-1. Definitions.

Paid parking lot is for the general public to pay for use of parking vehicles and is designed to be consistent with the criteria in Division 8, Off-Street Parking and Loading Facilities, Section 110-371, General standards for parking facilities, and Chapter 106, Vegetation in the Land Development Code.

Sec. 110-131. Establishment of zoning districts.

(6) *Business zoning district — B.*

- b. *Permitted uses.* The permitted uses in the B, business district are as follows:
 - (15) Paid parking lots shall be a permitted use solely in the Business District Triangle Overlay Zone.

Sec. 110-135. Business district triangle overlay zone.

(e) *Use regulations and development standards.*

(13) *Paid Parking Lots.* Paid parking lots shall be a permitted use in the Business District Triangle Overlay Zone.

Pursuant to a legal notice published in the February 1, 2019, of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on February 12, 2019, for Ordinance No. 2019-01 on second and final reading.

[Staff Report Ends]

City Attorney Mora read Ordinance No. 2019-01 by title only for second and final reading.

City Attorney Mora reviewed the staffing report and explained Ordinance No. 2019-01 would allow for private paid parking lots or garages specifically and exclusively within the Business District Triangle Overlay Zone.

City Attorney Mora stated the Planning and Zoning Board recommended denial of Ordinance No. 2019-01 by a vote of 6 to 1.

Mayor-Commissioner Kennedy opened the public hearing.

Gordon Obarski, 708 Beach Trail, inquired if this includes the west side of Gulf Boulevard.

City Manager Mims stated the west side of Gulf Boulevard is not part of the Business District Triangle Overlay Zone.

Mr. Obarski inquired about the cost versus the revenue. The parking lot would have to be maintained, the money would have to be picked up, and is the City going to hire a meter person and so forth.

City Attorney Mora stated, for clarity, this ordinance is not considering the establishment of a municipal paid parking lot. This is the establishment of a permitted use for private property owners. Though that would include the City, if it owned or acquired property within the Business District Triangle Overlay Zone, to be able to construct a paid parking lot. This is not a contemplated City project, but rather a permitted use within a zoning district change.

Lonnie Fitton, 210 1st Street, inquired if these paid parking lot are going to be regulated.

City Manager Mims stated all parking lots would meet the Building Code and City Code.

Mayor-Commissioner Kennedy closed the public hearing.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2019-01, ON SECOND AND FINAL READING, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 110, ZONING; ARTICLE I - IN GENERAL, SECTION 110-1 "DEFINITIONS" TO DEFINE "PAID PARKING LOTS;" AMENDING ARTICLE III - DISTRICT DESIGNATION AND REGULATIONS, DIVISION I - GENERALLY, SECTION 110-131 "ESTABLISHMENT OF ZONING DISTRICTS," SUBSECTION 6 "BUSINESS ZONING DISTRICT-B" TO PROVIDE FOR PAID PARKING LOTS AS A PERMITTED USE IN THE BUSINESS DISTRICT TRIANGLE OVERLAY ZONE; AMENDING ARTICLE III – DISTRICT DESIGNATION AND REGULATIONS, DIVISION 1. – GENERALLY, SECTION 110-135 "BUSINESS DISTRICT TRIANGLE OVERLAY ZONE" TO ALLOW THE OPERATION OF PAID PARKING LOTS.

ROLL CALL VOTE:

AYES: (5) PALOMBA, WROBEL, HANNA, HOOFNAGLE, KENNEDY

MOTION CARRIED UNANIMOUSLY.

6B. ORDINANCE NO. 2019-02—PUBLIC HEARING/SECOND AND FINAL READING. Amending Section 106-44 and Section 106-45 of the Land Development Code concerning removal of dead or diseased trees; providing for enforcement; making related findings.

[Staff Report Begins]

EXECUTIVE SUMMARY: This ordinance amendment is advanced in an effort to modernize and clarify the City's provisions governing the removal of trees.

BACKGROUND INFORMATION: In its current form, the language is unclear governing the removal of trees, and whether certain tree species are exempt from these provisions. This revision also clarifies that it is unlawful to sell or plant certain tree species within the City, on a going-forward basis.

The proposed amendments are as follows:

Sec. 106-44. Noxious trees prohibited; Removal of dead or diseased trees on private property.

(a) No person shall sell or plant any tree in the City which has been designated by the State of Florida Department of Agriculture in Rule 5B-57.007, Florida Administrative Code, as may be amended from time to time, including but not limited to the following common invasive trees:

(1) Australian pine (Casuarina spp.)

- (2) Brazilian pepper (Schinus spp.)
- (3) Chinese tallow (Sapium sebiferum)
- (4) Melaleuca (Melaleuca quinquenervia)
- (5) Chinaberry (Melia azedarach)
- (6) Carrotwood (Cupaniopsis anacardioides)
- (7) Lead tree (Leucaena leucocephala)
- (8) Catclaw mimosa (Mimosa pigra)

(b) Any person who owns land upon which a City-approved arborist determines any tree thereon to be dead or diseased shall, within 60 days of receipt of written notice by the City of such determination, cause the tree to be removed. In the event a City-approved arborist determines further that a dead or diseased tree poses an immediate threat to life or property, or that the tree harbors insects or disease which constitute an immediate threat of infestation or infection of other healthy trees in the City, t The City shall have the right to cause the immediate removal of such any dead or diseased trees if the owner fails to do so within the 60 day notice period on the private property within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the City. The City will notify in writing the owner of the such tree. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event the City must remove a dead or diseased tree at its expense, the actual documented costs of the removal shall be assessed against the owner of failure to owners to comply with such provisions , the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice. The City manager has the authority, where the owner is acting in good faith to comply with the requirements of this subsection and where good cause is shown, to extend the 60 day deadline set forth herein.

Sec. 106-45. Exceptions; enforcement.

(a) If any tree shall be determined to be in hazardous or dangerous condition as determined by the City so as to endanger health or safety and require immediate removal without delay, verbal authorization for removal may be given by the City.

(b) During the period of emergencies such as hurricane, windstorm, flood, freeze or other disasters, the requirements of this article may be waived by the City. The waiver must be for a time certain and may not be for an indefinite period.

(c) ~~Specifically exempt from the terms and provisions of this article are the following species of trees:~~

- ~~(1) Australian pine (Casuarina spp.)~~
- ~~(2) Brazilian pepper (Schinus spp.)~~

- (3) ~~Chinese tallow (*Sapium sebiferum*).~~
- (4) ~~Melaleuca (*Melaleuca quinquenervia*).~~
- (5) ~~Chinaberry (*Melia azedarach*).~~

In addition to any other remedies set forth in this Article as to enforcement, violations of any section of this article shall constitute an unlawful code violation punishable as provided for in § 1-14 of the City Code, enforced as provided for in Chapter 2, Article IV, Division 2 (code enforcement) of the City Code.

Pursuant to a legal notice published in the February 1, 2019, of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on February 12, 2019, for Ordinance No. 2019-02 on second and final reading.

[Staff Report Ends]

City Attorney Mora read Ordinance No. 2019-02 by title only for second and final reading.

City Attorney Mora stated Ordinance No. 2019-02 addresses two items:

- It prohibits a person from selling or planting any tree in the City which has been designated by the State of Florida, Department of Agriculture in Rule 5B057.007, Florida Administrative Code as being invasive trees.
- Clarifies the City's provision governing the removing of dead or diseased trees and sets forth the process for removing dead or diseased trees.

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

MOTION MADE BY COMMISSIONER WROBEL, SECONDED BY VICE MAYOR-COMMISSIONER HOOFNAGLE, TO APPROVE ORDINANCE NO. 2019-02, ON SECOND AND FINAL, AMENDING SECTION 106-44 AND SECTION 106-45 OF THE LAND DEVELOPMENT CODE CONCERNING REMOVAL OF DEAD OR DISEASED TREES; PROVIDING FOR ENFORCEMENT; MAKING RELATED FINDINGS.

ROLL CALL VOTE:

AYES: (5) PALOMBA, HANNA, HOOFNAGLE, WROBEL, KENNEDY

MOTION CARRIED UNANIMOUSLY.

6C. ORDINANCE NO. 2019-03—PUBLIC HEARING/SECOND AND FINAL READING. Amending the Code of Ordinances by amending Chapter 15, Schedule of Fees; Article V, Library; Section 15-41, Borrowing periods; fines for late return of material, audio CDs, DVDs, and Blu-Ray; by Section 15-42, Fees for

replacement of damaged or missing materials; by Section 15-43, Miscellaneous library fees and charges; by providing for an adjustment to the Library Services Fee Schedule; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, and providing for an effective date.

Pursuant to a legal notice published in the February 1, 2019 of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on February 12, 2019, for Ordinance No. 2019-03.

City Attorney Mora read Ordinance No. 2019-03 by title only for second reading.

City Manager Mims reviewed the amendments to the Library Fee Schedule.

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

MOTION MADE BY COMMISSIONER PALOMBA, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2019-03, ON SECOND AND FINAL READING, AMENDING CHAPTER 15, SCHEDULE OF FEES; ARTICLE V, LIBRARY; SECTION 15-41, BORROWING PERIODS; FINES FOR LATE RETURN OF MATERIAL, AUDIO CDS, DVDS, AND BLU-RAY; BY SECTION 15-42, FEES FOR REPLACEMENT OF DAMAGED OR MISSING MATERIALS; BY SECTION 15-43, MISCELLANEOUS LIBRARY FEES AND CHARGES; BY PROVIDING FOR AN ADJUSTMENT TO THE LIBRARY SERVICES FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

ROLL CALL VOTE:

AYES: (5) HOOFNAGLE, WROBEL, HANNA, PALOMBA, KENNEDY

MOTION CARRIED UNANIMOUSLY.

6D. ABT 06-2019. AQUA PRIME SEAFOOD & STEAKS, 213 GULF BOULEVARD AND 208 1ST STREET. QUASI-JUDICIAL PROCEDURE. Dale F. Schmidt, d/b/a Aqua Prime Seafood & Steaks, has requested a permanent extension to the approved 4COP-SRX Alcoholic Beverage Use Designation (consumption on-premises only, special restaurant) for Aqua Prime Seafood & Steaks, located at 213 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 15, Lots 5 thru 8, and Lots 11 and 12, to extend its license to include property located at 208 First Street, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 15, Lot 13.

[Staff Report Begins]

SUBJECT: Dale Schmidt, owner/applicant, Aqua Prime Operations, LLC, d/b/a Aqua Prime Seafood & Steaks, has requested a permanent extension to the approved 4COP-SRX, (consumption on premises only, special restaurant), Alcoholic Beverage Designation for Aqua Prime Seafood & Steaks, located at 213 Gulf Boulevard, Indian Rocks Beach, and legally described as Indian Rocks Beach, Block 15, Lots 5 thru 11 and 12, to extend its license to include the property located at 208 First Street, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 5, Lot 13.

BACKGROUND: On October 10, 2017, Dale Schmidt, d/b/a Aqua Prime Seafood and Steaks, was granted a 4COP-SRX by the Indian Rocks Beach City Commission, and there have been no reported complaints to the State of Florida.

Subsequently, Aqua Prime Operations purchased the lot adjacent to Aqua Prime Restaurant located at 208 1st Street and razed two structures on the property providing for an open lot and also purchased the Lighthouse Donut Shop, located at 215 Gulf Boulevard, for its employee parking.

In their application, Aqua Prime Operations proposes to serve barbecue from the side kitchen window of Aqua Prime Restaurant when the restaurant is not open to the public. Patrons would order and pickup their meals from the side kitchen window and enjoy their meal on the picnic-style atmosphere created through pavers and shell on the lot located at 208 1st Street. The applicant is proposing to place 10 picnic tables that would accommodate 40 patrons in this area. Patrons would use Aqua Prime restrooms facilities and their parking lots.

ANALYSIS: Alcoholic Beverage Use Designations are governed by Chapter 6, Alcoholic Beverage.

The surrounding zoning is B-Business on the east side of Gulf Boulevard with CT-Commercial Tourist on the west side of Gulf Boulevard. Aqua Prime Seafood & Steaks is located in a single-story masonry building. The other lot is presently vacant. Both properties are located within the Business District Triangle Overlay Zone (Code Section 110-135).

A review of the application by the Pinellas County Sheriff's Office, per records maintained within the PCSO records management system, identified offenses for Dale F. Schmidt, the interested party on the State of Florida Alcoholic Beverage & Tobacco Application.

After review of the application by the Planning Consultant, it was determined that Aqua Prime was in compliance with Code Chapter 6, Alcoholic Beverage, Chapter 110, Zoning, and Resolution No. 2002-95, Restaurant Seating/Parking Chart.

Section 6-33, Authority of City Commission to designate locations, empowers the City Commission to designate the location and classification and to place reasonable restrictions that may be deemed appropriate such as: Repeated or intermittent nuisance

activity and/or unlawful noise levels originating from the establishment or the parking area would result in the revocation of the alcoholic beverage designation.

FISCAL IMPACT: If approved, Aqua Prime Seafood & Steaks would be required to obtain a business tax receipt annually from the City.

Pursuant to a legal notice published in the February 1, 2019, of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on February 12, 2019, for ABT 06-2019.

[Staff Report Ends]

City Attorney Mora read ABT 06-2019 by title only and advised this is a quasi-judicial proceeding.

City Attorney Mora briefly explained the procedure for a quasi-judicial proceeding.

City Attorney Mora inquired if any City Commission Member needed to disclose any ex-parte communications; to which the City Commission responded in the negative.

City Attorney Mora inquired if any City Commission Member had conducted any site visits regarding this application; to which Mayor-Commissioner Kennedy responded in the affirmative.

City Attorney Mora stated Mayor-Commissioner Kennedy stated she had visited the subject property, and inquired if she felt that in any way affected her ability to adjudicate this matter in a nonpartisan matter, with Mayor-Commissioner Kennedy responding in the negative.

Vice Mayor-Commissioner Hoofnagle inquired why this Agenda Item is considered quasi-judicial.

City Attorney Mora stated this is quasi-judicial because the City Commission is considering the propriety of allowing this and cannot do so in an arbitrary and capricious manner.

All persons planning to give testimony during the quasi-judicial proceeding were duly sworn in by the City Attorney.

Mayor-Commissioner Kennedy opened the public hearing.

City Clerk O'Reilly reviewed the Staffing Report, consisting of the background, analysis, and financial impact for ABT No. 06-2019. She stated the applicant submitted a request for a permanent extension to the approved 4COP-SRX, (consumption on premises only, special restaurant), Alcoholic Beverage Designation for Aqua Prime Seafood & Steaks, located at 213 Gulf Boulevard, to extend its license to include the property located at 208 1st Street.

City Clerk O'Reilly stated due to parking limitations, Aqua Prime and the barbeque joint cannot operate at the same time.

City Clerk O'Reilly presented a PowerPoint Presentation depicting photographs of the property: the BBQ service window, 208 1st Street (extension area), parking lots, an aerial view, front view of Aqua Prime, and back outdoor patio seating for Aqua Prime.

Shane Crawford, 15332 Harbor Drive, Madeira Beach, stated 208 1st Street had an old decrepit cottage and a 4-unit apartment complex on it that was not salvageable. Aqua Prime Operations purchased the lot because it was adjacent to the restaurant.

Mr. Crawford stated Aqua Prime used to serve lunch from 11:00 a.m. to 3:00 p.m. If approved, Aqua Prime would open at 3:30 p.m. and sell barbeque from the side window from 11:00 a.m. to 3:00 p.m.

Mr. Crawford stressed that the hours of Aqua Prime and the barbeque joint would never coexist.

Commissioner Wrobel inquired if Aqua Prime would be serving beer and drinks on the new outside patio lot after 10:00 p.m., with Mr. Crawford responding only if the City allows that. He stated there are plenty of bars and restaurants open until 1:00, 2:00 in the morning.

Mr. Crawford stated Aqua Prime and the barbeque joint would not operate concurrently.

Vice Mayor-Commissioner Hoofnagle inquired if Mr. Crawford would be uncomfortable if the City Commission were to severely restrict the access to that lot outside of the hours that were indicated in his letter.

Mr. Crawford stated he does not think the hours were specific in his letter, but the hours for the barbeque joint would be from 11:00 a.m. to 3:00 p.m., and Aqua Prime would be from 3:00 p.m. to 10:00 or 11:00 p.m. He does not think that hours after that were addressed, but they would not coexist. However, the City Code does allow establishments to be open until 2:00 a.m., and Aqua Prime would like to be afforded that same opportunity.

Mr. Crawford stated Aqua Prime Operations would like the flexibility, if they want to reopen the barbeque joint, when Aqua Prime, closes and remain open until 2:00 a.m.

Commissioner Palomba stated, for clarity purposes, Aqua Prime Operations would like the opportunity, when Aqua Prime closes, to reopen the barbeque joint to sell barbeque, beer, and drinks until 2:00 a.m., on the recently purchased lot at 208 1st Street.

Commissioner Palomba inquired what is a 4COP-SRX, with City Attorney responding an SRX is for consumption on premises only and for special restaurants. In response to Commissioner Palomba's questions, City Clerk O'Reilly stated there is a ratio formula of 51% of food sales and 50% of alcoholic beverage sales.

Vice Mayor-Commissioner Hoofnagle inquired if there have ever been any regular recordings by holders of these licenses to confirm that they are compliance with those breakouts between food and beverage to the City for informational purposes.

City Manager Mims stated the State is responsible for checking on these ratios and the City does not have a process in place for restaurants to report.

Mayor-Commissioner Kennedy opened the public hearing.

Lonnie Fitton, 210 1st Street, stated he has lived there for the past 19 years, and the subject property is adjacent to his. He stated he has a concern with the noise that would be generated from the barbeque joint should it reopen at 10:00 p.m., and stay open until 2:00 p.m. He would have to deal with amplified or live music, beer bottles and cigarette butts being thrown on his property and with people wandering around his property.

Don House, 2104 Beach Trail, stated there is not enough parking for both Aqua Prime and the barbeque joint to be open at the same time. He cautioned the City with the overlapping of the two restaurants and the parking problems that it would cause.

Matt Loder, Crabby Bill's Seafood, 401 Gulf Boulevard, confirmed that the ratio for an SRX is 51% of gross food and beverage from the sale of food and nonalcoholic beverages, and the State does check on the sales ratio and other required items for an SRX license, but not often enough.

Mr. Loder stated this Agenda Item is interesting to him because if he can use parking at different times, he is interested in doing the same thing.

City Attorney Mora stated the City received the following letter on February 12, 2019, from Frances Comar & Family, 209 Gulf Boulevard, Indian Rocks Beach, Florida:

"This letter is being written in strong opposition of the proposed variance of Aqua Prime request for a permanent extension to the approved 4COP-SRX Alcoholic Beverage Use Designation to extend its license to the newly acquired property located at 208 1st Street.

We do not want the proposed "beer garden" to be allowed behind our house. We have owned and lived at 209 Gulf Boulevard for over 16 years since 2002, which is the property directly behind 208 1st.

The reason for the strong opposition to this proposed extension of their license, is we do not wish the drunken disorderly conduct, beer bottles, litter, loud music, and cigarettes with the potential for fire (there was a fire at Aqua Prime a few months ago) at our front door. Our upstairs entrance is directly facing the proposed beer garden. We will not be able to use our outdoor balcony for our family. We will feel like prisoners in our own home!

When we purchased our home, the property behind us 208 1st Street was zoned for apartments. It was nice and peaceful and they were good neighbors. Indian Rocks Beach

was a family-oriented environment and considered a “quaint town”. This quaint feeling is the reason why Indian Rocks Beach has become so popular with tourist.

Let’s keep IRB the upscale and desired town it is.”

Vice Mayor-Commissioner Hoofnagle clarified that this is not a variance even though the letter references a variance.

Vice Mayor-Commissioner Hoofnagle stated the letter also stated when they purchase their home 16 years ago, it was zoned for apartments, and inquired if there have been any zoning changes that he is not aware of, with City Attorney Mora responding not in his tenure as City Attorney in the last five years. He does not know the zoning history or when the Comars acquired title to this property.

City Manager Mims stated the entire Business District Triangle is zoned “B” Business and it has been for the past 5 ½ years.

Mr. Crawford stated the subject property was in very poor repair. It came for sale and Aqua Prime Operations bought it, not knowing what to do with it. The cottage could not be saved; if it could have been, they would have taken a look at that.

Mr. Crawford stated a lot of this discussion stems from a report that was given that they were going to build a hotel there that is just not going to happen. This is not about development. This is about buying a lot next door and cleaning it up and trying to make it part of their restaurant.

Mr. Crawford reiterated when the barbeque joint opens at 11:00 a.m., no one would be seated in the Aqua Prime Restaurant, and when Aqua Prime opens up at 3:00 p.m., the barbeque joint and the open lot would shut down, and then Aqua Prime would reopen. Aqua Prime Operations is not changing the traffic flow, traffic count, or the number of people because they were always open for lunch at 11:00 a.m.

Mr. Crawford stated there are 15-foot buffer setbacks for each residential piece that is clearly earmarked with a 15-foot artificial turf on the western side.

Mayor-Commissioner Kennedy stated one of the biggest problems with this property is the outside music being played after 10:00 p.m., and noise. She has advised the residents to call the Pinellas County Sheriff’s Office should they have a noise complaint.

Mr. Crawford stated he was not aware of any noise violations or issues, and he has not even received a phone call concerning noise. If there are noise issues, he can make sure those are addressed.

Vice Mayor-Commissioner Hoofnagle inquired if there is anything that prohibits Aqua Prime from, in its existing license, being open until 2:00 p.m., with City Attorney Mora responding in the negative.

Commissioner Wrobel inquired why Aqua Prime cannot use their existing outdoor patio to serve their barbeque, since the patrons will be using Aqua Prime restrooms, and instead of using a lot right next door to a cottage. He stated patrons are going to hang out and wander over near to the cottages.

Mr. Crawford stated originally the property was purchased for a parking lot, but then they realized there are 15-foot required setbacks on each side, so they came up with this idea.

Mayor-Commissioner Kennedy closed the public hearing.

Commissioner Wrobel stated there are too many gray areas for him with the parking, the opening and closing of restaurants, the use of restrooms, and where drinks will be served from.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE ABT 06-2019, A REQUEST FOR A PERMANENT EXTENSION TO THE APPROVED 4COP-SRX, (CONSUMPTION ON PREMISES ONLY, SPECIAL RESTAURANT), ALCOHOLIC BEVERAGE DESIGNATION FOR AQUA PRIME SEAFOOD & STEAKS, LOCATED AT 213 GULF BOULEVARD, INDIAN ROCKS BEACH, AND LEGALLY DESCRIBED AS INDIAN ROCKS BEACH, BLOCK 15, LOTS 5 THRU 11 AND 12, TO EXTEND ITS LICENSE TO INCLUDE THE PROPERTY LOCATED AT 208 1ST STREET, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN ROCKS BEACH, BLOCK 5, LOT 13 WITH THE RESTRICTION THAT REPEATED OR INTERMITTENT NUISANCE ACTIVITY AND/OR UNLAWFUL NOISE LEVELS ORIGINATING FROM THE ESTABLISHMENT OR THE PARKING AREA MAY RESULT IN THE REVOCATION OF THE ALCOHOLIC BEVERAGE DESIGNATION SUBJECT TO TWO ADDITIONAL CRITERIA: (1) AQUA PRIME RESTAURANT AND THE EXTENDED AREA (208 1ST STREET) CAN NEVER OPERATE SIMULTANEOUSLY BECAUSE OF PARKING LIMITATIONS, AND (2) THE EXTENDED AREA (208 1ST STREET) CANNOT BE USED AFTER 10:00 P.M.

Vice Mayor-Commissioner Hoofnagle stated he believes the City Commission wants to give them a chance to see how it could work, and he also wants to be respectful of the neighbors and the Business District Triangle. He feels this is a compromise that should address the primary concerns where people feel that noise, litter, and other issues could be really offensive.

Commissioner Hanna stated it is a viable solution to the situation.

Commissioner Palomba stated the closing hour for the lot is 10:00 p.m., so the lot will not be used for anything different from what it is being used for today. The City is giving Aqua Prime an opportunity to be successful in a business that they would like to try without impacting anything that is already in place today for the residents. He feels it is a fair compromise.

Mayor-Commissioner Kennedy stated one of the most difficult things living in the Business District Triangle is being a resident because residents are surrounded by restaurants. Personally, she likes living there, but she does not like music or noise after the hour.

ROLL CALL VOTE:

AYES: (4) PALOMBA, HANNA, HOOFNAGLE, KENNEDY

NAYS: (1) WROBEL

MOTION CARRIED 4 TO 1.

7. OTHER LEGISLATIVE MATTERS: None.

8A. DISCUSSION of Gulf Boulevard Pedestrian/Bicycle Safety Study.

City Manager Mims stated about two years ago, the City asked Pinellas County to look at the IRB stretch of Gulf Boulevard and pedestrian crossings, which has been completed.

City Manager Mims stated the purpose of tonight's Agenda Item is to discuss the recommendations that Pinellas County and the consultant have come up with for Indian Rocks Beach. What tonight is not, is for the City Commission to make a final decision on this study.

City Manager Mims stated the total City out-of-pocket cost for the project is \$175,000, which is for landscaping, irrigation, lighting, decorative pavement for the pedestrian medians, and Pinellas County has committed \$1.1 Million toward this project.

City Manager Mims stated Gulf Boulevard, from Walsingham Road north to 28th Avenue, is a Pinellas County right-of-way. The City is a partner with Pinellas County on a lot of issues on Gulf Boulevard. For example, if one of the flashing beacons goes out, the City is responsible for that repair.

City Manager Mims stated tonight Pinellas County will be discussing the possibility of the narrowing of the lanes on Gulf Boulevard to allow for bicycle paths, and they are interested in public comments; however, Pinellas County has the ultimate decision on the narrowing of the lanes. He stated the narrowing of lanes would not happen for another five to six years until Gulf Boulevard is resurfaced again.

City Manager Mims stated the City would be involved in the eight pedestrian crosswalks, and inquired if the community is onboard with the implementation of these eight crosswalks.

City Manager Mims stated this is a work session agenda item and will be placed on the April 9, 2019 Regular City Commission Meeting as a voting item.

Joan Rice, P.E., Traffic Engineering, Multi-Modal Safety, Pinellas County Public Works, presented the Gulf Boulevard Pedestrian/Bicycle Safety Study. The purpose of the study was to look at all the existing pedestrian crosswalks, the bicycle facilities along Gulf Boulevard, from Walsingham Road to the Sand Key Bridge, and make recommendations for improvements by adding new and removing crosswalk locations and general improvements to the bicycle facilities.

Ms. Rice stated the State's section of Gulf Boulevard is from Walsingham Road south, and from Walsingham Road north is the County's section.

Ms. Rice stated tonight's presentation will focus on the overview of the Indian Rocks Beach Section, recommendations, costs, and funding, and the schedule.

Ms. Rice reviewed the recommendations:

- Install new and/or remove existing crosswalks.
- Side street high emphasis crosswalk striping.
- Modify existing lane widths for standard bike lanes.
- Install green bike lanes along the corridor (not within Indian Rocks Beach).
- Wayfinding side street signage.

Ms. Rice reviewed the heavy crossing activity:

- Walsingham Road
- 7th Avenue
- 8th Avenue
- 9th Avenue to 18th Avenue
- 24th to 28th Avenue

Ms. Rice reviewed the existing and proposed crosswalks:

- South of 7th Avenue — REMAIN
 - 8th Avenue — NEW
 - Between 8th and 9th Avenue — REMOVE
 - North of 9th Avenue — REMAIN
 - 10th Avenue — NEW
 - Between 11th and 12th Avenue — REMOVE
 - 12th Avenue — NEW
 - 15th Avenue — NEW
 - 16th Avenue — NEW
 - Between 17th and 18th Avenue — REMAIN
 - Between 20th and 21st Avenue — REMAIN
 - 23rd Avenue — NEW
 - 24th Avenue — NEW
 - Between 25th Avenue and 26th Avenue — REMOVE
 - 26th Avenue — NEW
 - 28th Avenue — REMAIN
-
- Removal of 3 existing pedestrian medians \$20,000 each.

- Funding Source: Pinellas County to remove the pedestrian features and the median opening and to reduce costs, the median would remain.
- Installation of 8 new crosswalks \$86,000 each
 - Funding Sources:
 - FDOT Rectangular Rapid Flashing Beacons (RRFBs)
 - Pinellas County (raised median islands, curb ramps, signage)
 - City (landscaping, irrigation, lighting, decorative pavement not included in the cost above).
- Installation of 21 side street high emphasis crosswalk striping \$900 each.
 - Funding Source: Pinellas County
- Modify 1.8 miles of existing land widths for standard bike lanes \$140 per mile.
 - Funding Source: Pinellas County to consider during next resurfacing cycle.
- 8 median widths reduced \$12,000 each.
 - Funding Source: Pinellas County to consider during next resurfacing cycle.
- Cost Summary:
 - \$ 60K Remove 3 Crosswalks
 - \$688K Install 8 Crosswalks
 - \$ 19K 21 Side Street Crosswalks
 - \$252K 1.8 Miles Travel Lane Width
 - \$ 96K 8 Median Modification
 - \$1.1 M County Commitment

Ms. Rice stated one additional recommendation that came from the report was the installation of wayfinding signs and pavement markings to direct pedestrians to nearby crosswalks. She stated this would not be in Pinellas County right-of-way; therefore, it would be the City's responsibility to design and install the signs.

Commissioner Hanna stated the biggest concern he had heard, and it is one of safety, in order to have 5-foot bicycle lanes, is the center lane would be narrower.

Ms. Rice stated a standard bike lane is 5 feet, and currently in IRB, the bike lanes are 3 feet in width. In order to get the extra 2 feet, the extra feet would come from the curbs and/or from the center median (lane).

Commissioner Hanna stated Gulf Boulevard is narrow to begin with and cars and trucks are getting bigger, and residents are concerned about Gulf Boulevard becoming narrower.

Ms. Rice reiterated that the narrowing of Gulf Boulevard would not come up until the next resurfacing of Gulf Boulevard and all current standards at that time would be addressed and met.

Commissioner Wrobel spoke in opposition of narrowing Gulf Boulevard to increase the bike lane to 5 feet because in the mornings, bicyclists are riding three to four abreast on Gulf Boulevard, and if it is increased, they will be riding five to six abreast.

Vice Mayor-Commissioner Hoofnagle inquired if Pinellas County would ever make the bike lane substandard like 4 feet instead of 5 feet.

Ms. Rice stated Pinellas County would look at whatever items could be done. One item that could be done is the bike lane could be removed and sharrow markings could be put down. Sharrow markings are further south on Gulf Boulevard because bicycles are allowed to be in the travel lane. In other words, bicyclists share the lane with the motorists.

Vice Mayor-Commissioner Hoofnagle stated it is great to remove the mid-block crosswalks because no one uses those, they are not really useful at all.

Vice Mayor-Commissioner Hoofnagle stated that was done when the 7th Avenue Pedestrian Refuge Island was moved north a few hundred feet, and as a result of that median being there, it has created a shorter turn lane for turning left at the Gulf Boulevard/Walsingham Road Intersection, which has backed up a lot of traffic. It may not always be a great idea to leave the medians there.

Vice Mayor-Commissioner Hoofnagle stated the \$86,000 crosswalks do not have to be done, crosswalk lanes can just be placed on Gulf Boulevard.

Ms. Rice stated there are different options available to the City; however, Pinellas County likes to see the pedestrian refuge median, and the Florida Federal Highway Administration suggests with that type of traffic volume that a pedestrian refuge be installed.

Vice Mayor-Commissioner Hoofnagle reiterated when the pedestrian refuge medians are close to the intersections, if it has a physical barrier, it is kind of hard to make a left or right turn.

Ms. Rice stated the barrier would have to be back at least 50 feet to allow one car to be in there. She stated the report found that pedestrians like to cross closer to the intersection and not have to walk half a block up and then walk back to a beach access.

Commissioner Palomba stated he is interested in the side street high emphasis crosswalk striping, and stated it would be a great idea to get started right away on those.

Ms. Rice stated Pinellas County is looking at doing that soon.

Tom Washburn, Pinellas County Public Works, Traffic and Engineering, stated part of the study was to try and be more consistent with what the Department of Transportation (DOT) does, and in the last couple of years, DOT went to a policy where they striped the side streets with the crosswalks. Pinellas County has a striping crew in-house, so with City approval that is something that Pinellas County can do in relatively short order.

Commissioner Wrobel stated the complaint he has heard about the pedestrian islands is they cannot see the pedestrians standing there with the trees. Aesthetically, it is nice seeing trees in the middle of the street, but it is not safe for visibility.

In response to Commissioner Palomba's question about maintenance, City Manager Mims stated the City is responsible for maintaining the islands along Gulf Boulevard.

Mayor-Commissioner Kennedy opened the public comment portion of this Agenda Item.

Barry Eagle, 2200 Gulf Boulevard, Unit 203, stated the statistics show that there were four bicycle accidents per year. Everyone knows that no one will walk a half of a block to cross, let alone two blocks, to make a crossing to a beach access. If more crosswalks can be placed on streets that have beach access and remove all the other ones that would be great. He feels that the islands are very dangerous. He stated a woman was killed in Sand Key at an island because the driver did not see her because of the trees. He stated if bicyclists ride in single file, there is plenty of room in the bike lane for them. Gulf Boulevard is already too narrow, and by widening the bike lane, would only encourage them to ride two or more abreast and impede traffic flow.

Gordon Obarski, 708 Beach Trail, stated Gulf Boulevard is already a substandard road; it is too narrow. He feels bicyclists that are riding up to four abreast on Gulf Boulevard, specifically on Saturdays and Sundays, should be ticketed by the Pinellas County Sheriff's Office for impeding traffic.

Bob Linderman, 455 20th Avenue, stated the pedestrian islands are not refuges for pedestrians as drivers cannot see them standing there with the trees. He thinks that Florida Statutes allows bicyclists to ride two abreast and 3-feet is not enough space and some consideration should be given to bicyclists. He stated people just cross Gulf Boulevard wherever they want, they do not use crosswalks. He feels there are too many crosswalks for a short period of time. It is so bad getting up and down Gulf Boulevard, especially during the season. He stated Gulf Boulevard should never be widened to four lanes because it would increase the speed of traffic.

Jerry Newton, 438 Harbor Drive North, stated bicycles ride multi abreast on Gulf Boulevard with very little, if any, regard for traffic especially on the weekends, and should be ticketed. He would rather have the existing laws enforced and make the cyclists go in the designated area than give them more area, which would encourage them to ride more abreast. He doubts if most accidents happen at the crosswalks. What he thinks is dangerous are the intersections when vehicles are pulling out onto Gulf Boulevard, stating a driver, in several locations, has to pull forward in the bike lane, to see oncoming traffic. He stated delivery trucks use the center lane for deliveries to businesses and the condos all the time.

Darlene Kavanagh, 361 Mehlenbacher Road, Belleair Bluffs, and her parents live at 550 Harbor Drive South, stated she owns a fifth wheel truck, and stated Gulf Boulevard is very narrow as it is, and this is a boating community also. Traffic is already slow as it is,

and she feels this move would only slow traffic down more. This is also an evacuation route people need to get through in a timely and safe manner. By making Gulf Boulevard narrower, it will force traffic into the residential neighborhoods.

Randy Britz, 466 20th Avenue, stated the Pinellas County Sheriff's Office should start enforcing jaywalking.

Bert Valery, 447 18th Avenue, stated the City has a pedestrian problem right now, and the narrowing of Gulf Boulevard and the bike lane issue is not going to be taking place for at least another five years, so the City Commission and the public should be focused on pedestrian crossing.

Mr. Valery stated the median islands were first put in as traffic calmers and not as crosswalks, and they did work well, and then they were turned into crosswalks.

Mr. Valery stated he would like to see more painted crosswalks going across Gulf Boulevard from the avenues that have enough traffic to warrant one. They are cheap, work, and are recognized all over the United States.

John Pfanstiehl, 448 Harbor Drive South, stated it would be great for the City Commission to put a very clear message to Pinellas County that the City does not want the narrowing of Gulf Boulevard in Indian Rocks Beach. The City should also be aware that the stated goal, according to the October presentation, is to slow traffic on Gulf Boulevard. He stated on a 10-foot narrow travel lane, FDOT's recommendation for transit lanes is 11 feet, so Pinellas County is narrowing it below what FDOT recommends. There are many vehicles whose mirrors are 10-foot wide. There are some vehicles whose mirrors are over 10-foot wide, so this just does not make any sense.

Peter Sawchyn, 1206 Gulf Boulevard, Unit F, stated he is a cyclist and stated motorists need to be educated on how to share the road with the beach and recreational bicyclists. However, he does agree with the Saturday and Sunday Peloton bike riders. He does not agree with expanding the bicycle lane to 5-feet.

Mayor-Commissioner Kennedy closed the public comment session for this Agenda Item.

City Manager Mims recommended this Agenda Item be placed on the April 9, 2019 City Commission Agenda as a voting item and the three items would be:

- Stripe side street high emphasis crosswalks.
- Install new and/or remove existing pedestrian crosswalks.
 - Install 8 new crosswalks
 - Remove 3 crosswalks
 - Removal of trees and lower the shrubs in the median islands
- Modify existing lane widths for standard bike lanes.
 - County to consider during next resurfacing cycle.

CONSENSUS OF THE CITY COMMISSION THAT THERE WOULD BE NO MORE MEDIAN REFUGE ISLANDS ON GULF BOULEVARD.

City Manager Mims inquired what is the approximate cost for the flashing beacon, striping, and signage per location, with Ms. Rice responding \$20,000.

Commissioner Wrobel asked who put in the original refuge islands.

Bert Valery, 447 18th Avenue, stated flashing beacons are not required at striped crosswalks. There is no State law.

Mr. Washburn stated the County put in the refuge medians when Gulf Boulevard was resurfaced, and the City installed the landscaping, the irrigations, and lights.

Mr. Washburn stated flashing beacons are not required at striped pedestrian intersection crosswalks, but it is something Pinellas County requires for a road that carries 18,000 vehicles per day. Pinellas County recommends signage with flashing beacons.

Mr. Washburn stated that is a decision for the City. This goes to State Statute with traffic control authority. Even though Gulf Boulevard is a County road, the City has the authority to say yes or no or to make additional recommendations.

8B. DISCUSSION of Charter Officer Evaluations, Salary Survey, Schedule. [Presented by Vice Mayor-Commissioner Hoofnagle.]

Vice Mayor-Commissioner Hoofnagle presented the Agenda Item.

CONSENSUS OF THE CITY COMMISSION TO APPROVE THE DRAFT EVALUATIONS FOR THE CITY ATTORNEY, CITY CLERK, AND CITY MANAGER.

Vice Mayor-Commissioner Hoofnagle presented the following schedule:

- Evaluations to be filled out during February - March.
- There will be three types of evaluations:
 - Self
 - Peer
 - City Commission
- Salary Surveys for the Charter Officers will be done.
- All information would be gathered and put into a packet for City Commission review in April to give feedback during the budget process.

CONSENSUS TO MOVE FORWARD WITH THE CHARTER OFFICERS EVALUATIONS AS PRESENTED BY VICE MAYOR-COMMISSIONER HOOFNAGLE.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOOFNAGLE, TO ADJOURN THE MEETING AT 9:20 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

March 26, 2019