

**MINUTES — MARCH 9, 2021  
CITY OF INDIAN ROCKS BEACH  
REGULAR CITY COMMISSION MEETING**

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The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, MARCH 9, 2021**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:01 p.m., followed by the Pledge of Allegiance and a moment of silence in memory of her mom who passed on Friday.

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Philip J. Hanna, Commissioner Edward G. Hoofnagle (digitally attended), Commissioner Denise Houseberg, Commissioner Joe McCall, and City Manager Brently Gregg Mims.

**OTHERS PRESENT:** City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, and Technology Moderator Consultant Matt Sabella.

*(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 submitted a written report crime analysis report for the months of January 2021 and February 2021.

Commissioner Hoofnagle commended the Pinellas County Sheriff's Office for the professional way they handled the fatal accident on the Indian Rocks Beach Bridge.

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

The Pinellas Suncoast Fire and Rescue District submitted a written report for the month of February 2021.

**2. PUBLIC COMMENTS. [3-minute time limit per speaker.]**

**Nancy Pedersen, 528 20th Avenue**, stated she is not eligible for a parking decal despite the fact that Ordinance No. 2020-08 states that a person must have two of the four documents to be issued a decal. She had three of the four documents but did not have an Indian Rocks Beach Driver's License. Because she is a part-time resident, she feels she is being penalized. When she is here, she volunteers at the Beach Food Pantry and the Toy Drive, donates time and money, picks up trash on the beach.

**David Gennis, 429 12th Avenue**, stated he has owned his home since 1996 and has stopped renting it out since 2000. He knows his neighbors, but his residence is in Tampa.

He stated the ordinance states that a person needs to have two out of the four documents to be issued a beach decal, which he has. He indicated his driver's license and vehicle registrations are registered in Tampa; therefore, his wife was denied a decal. Previously, he only had to show proof that he owned the property. Now, the City requires the person to have their driver's license and vehicle registration in Indian Rocks Beach.

Mr. Gennis stated the ordinance states a person can show two out of the four documents, and the person shall be entitled to a parking decal. The City Attorney told him yesterday that that was not the intent of the ordinance.

Mr. Gennis stated he asked the City Commission if the application and his and his wife's experience were the proper implementations of the ordinance as written or whether it may be something else. He also asked the City Commission to think if it was the intent to limit parking to whatever a full-time resident is.

**Myra Treutel, 2504 Gulf Boulevard, #503**, stated she has an issue with prohibiting overnight parking at the beach accesses. She has been a full-time resident for 21 years and lives in Dolphin Reef Condos, a 40-unit condo complex. They have one parking space per unit and nine guest spaces. There is a beach access on each side of the complex and stated those beach access parking spaces are 90% vacant during the overnight hours, except during the holidays.

Ms. Treutel stated she uses the beach accesses for overnight parking when her children visit her, and as she gets older, she may need help in the future. If her children have to come at night to assist her, they have nowhere to park. City Hall is closed in the evening.

**Mark Bodine, Vice President, Vacation Property Management, Inc., Resort Manager, Camaron Cove Resort, 2402 Gulf Boulevard**, stated Camaron Cove Resort is the only weekly deeded timeshare property in Indian Rocks Beach. He asked if the deeded owners at Camaron Cove Resort could be issued a 7-night Beach Access Parking Permit since their deed is for the week and since their check-in is on a Saturday. He noted that the Indian Rocks Beach City Hall is closed on the weekends and holidays and asked if these temporary parking permits be purchased before check-in on Saturday over the internet so their owners could have a check-in on Saturday.

**Jim (LNU), 2004 Beach Trail, #B**, stated either he or his neighbors had not experienced any problems with overnight parking on the beach accesses. He stated if there were problems in specific locations, a specific avenue or two, that has not been delineated because he or his neighbors have not seen it. They would like to know exactly where this was an overwhelming problem.

**Pete Dalina, 1201 Bay Palm Boulevard**, stated he supports the new parking ordinance and the City's positive action concerning parking. However, the school bus barely gets by when cars are parked on both sides of 12th Avenue.

**Carol McGlaughlin, 115 21st Avenue**, appreciates the new parking ordinance and the no parking signs on 1st Street. She stated she was in the hotel/motel business for 47 years in Indian Rocks Beach and said it was the law that her customers had to park on her property, and she had to provide parking for their guests. She does not remember her guests parking on the public streets because she provided enough parking for them.

**Trent Wolferberger, 2 15th Avenue, #403**, stated he is a resident of Hillsborough County, Florida, and his concern is the denial of the use of the 15th Avenue Boat Ramp for property owners. He stated, as mentioned by one of the City Commissioners during the February 9, 2021 City Commission Meeting, it was not the intention of the City Commission to deny boat ramp access to property owners. One of the reasons he purchased property in Indian Rocks Beach was for access to the 15th Avenue Boat Ramp.

**Paula Hamil, 2112 Gulf Boulevard, #2B**, stated she appreciates all the work that has been done to help resolve the parking issues, and she likes that the streets have no parking signs because it has eased up the congestion at the beach.

Ms. Hamil stated she is here tonight to ask the City Commission to repeal the section in Ordinance No. 2020-08 regarding temporary parking permits.

Ms. Hamil stated no other IRB property owner has to pay to park outside their residence, no beach-goer has to pay to park on IRB streets, but those who live on the west side of Gulf Boulevard have the distinction of being the ones that have to pay to park for their guests at night.

**Susanne Michale, 2112 Gulf Boulevard, #301**, stated she lives in Seahaven Condos, a 6-unit condo complex with one guest parking space. She would like the City Commission to reconsider the temporary parking permit to allow overnight parking on beach accesses for residents.

**Don House, 2104 Beach Trail**, stated this is an east side/west side issue again. He pays \$14,000 a year in taxes to live in a single-family residence on the beach, and maybe he should have the use of 200 square feet of asphalt at night. He has received no answer as to why residents could not park at the beach accesses overnight.

**Alan Pedersen, 528 20th Avenue**, stated he is a part-time resident and said he feels that he qualifies for the beach decal since he provided three of the four documents required as stated in the ordinance. He was denied a decal because his car registration did not have an Indian Rocks Beach address.

Patrick Walsh, 310 10th Avenue, stated 10th Avenue could become very dangerous for emergency vehicles on beach days with parking on both sides on the street.

**Mari Heshmati, 315 La Hacienda Drive**, stated she understands the parking permits may not be convenient for some of us; however, overall, she supports the new parking ordinance.

**Brad Case, 2600 Bay Boulevard, #B**, stated he had owned this property for 17 years, but his permanent residence is in Orlando and said he is not an Airbnb. He was advised that he could not obtain a beach decal because his address does not appear on his driver's license or car registration.

Mr. Case stated he feels everyone that lives here and pays taxes should be able to have a beach decal.

Mr. Case stated there also a parking problem on Bay Boulevard and an accident waiting to happen.

**Rhoda Cobin, 2000 Beach Trail, Units 2 and 3**, stated they occupy their property nearly full-time, they do not rent their property, and they have one car. They have lived there for almost nine years, and the complex has minimal parking. They, too, were denied a decal because their licenses and car registrations did not have their Indian Rocks Beach address on them.

**Evan & Ricki Frayman, 2000 Beach Trail, Unit 4**, stated they have very limited parking at their complex and would like the City Commission to consider allowing overnight parking at the beach accesses for guests.

### **3A. REPORTS OF THE CITY ATTORNEY:**

#### **SB522/HB219 — SHORT-TERM VACATION RENTALS**

City Attorney Mora reported on SB522/HB219, short-term vacation rentals. He stated this bill would preempt regulation inasmuch as it would make it such that any regulation imposed on a short-term rental would have to be equally applicable to any residential property irrespective of whether or not it is operating a short-term rental. SB522 made it through its first committee of 3, it is scheduled for its second committee, and it is still moving through the legislative process. HB219 has gone through one committee but is not presently scheduled to go on to its second committee.

#### **ORDINANCE NO. 2020-08 — PARKING ORDINANCE**

Commissioner Hoofnagle stated several people had come forward this evening and indicated there might be incorrect language in Ordinance No. 2020-08 concerning proof of residence for beach decals' issuance.

City Attorney Mora stated the language in Ordinance No. 2020-08 presently says that to secure a permit, the application shall be accompanied by two or more of the following as proof of residence. He can certainly understand the plain reader leading the conclusion of it is just two, no more. There is certainly an argument to be had in terms of the Administration's attempt to harmonize the language with the stated intent and articulated intent by the City Commission and others that at least two does not necessarily preclude more.

City Attorney Mora stated he would suggest that if this City Commission intends to continue to operate in the fashion that the Administration has been implementing this ordinance; the City Commission should amend the language to make it explicitly clear and void the need for some artful debate on the matter and quail the issue that way.

### **3B. REPORTS OF THE CITY MANAGER:**

- Acknowledged the loss of Mayor-Commissioner Kennedy's mother and expressed his condolences from City staff.
- Congratulated and welcomed Commissioner Houseberg to the City Commission.
- Stated there was a horrific fatal traffic accident on the Indian Rocks Bridge on March 8<sup>th</sup>. It is just a reminder of the dedication and service of the Fire District, Sheriff's Office, and Coroner's Office.
- Acknowledged Pinellas County Sheriff Deputy Michael Magli's death, who was killed in the line of duty after a suspect intentionally rammed into his vehicle patrol car. He left behind a wife and two children.
- Acknowledged Tampa Master Patrol Officer Jesse Madsen's death, who was killed in the line of duty when he veered his patrol car into a wrong-way driver on I-275 to save others. Master Patrol Officer Madsen left behind a wife and three children.
- Stated he had jury duty today. He commended Ken Burke, Pinellas County Clerk of the Courts, and the Pinellas County Sheriff, from the security to the professionalism in running the courts.

### **CAPITAL PROJECTS:**

- *Baseball Field Project:* Started the installation of the LED lights at the baseball field.
- *Gulf Boulevard Underground Utilities Project Phase I:* The utility companies are working to underground their lines.
- *LaHacienda Drive Road Project:* The complete reconstruction of LaHacienda Drive Road Project is complete.

### **BEACH PARKING — ORDINANCE NO. 2020-08**

City Manager Mims stated the parking discussion has been going on for years, and for over a year, the City Commission has been discussing changing the parking ordinance.

City Manager Mims stated staff is implementing what the majority of the City Commission voted for and approved. In fact, at the December 8, 2020 Regular City Commission Meeting, when Ordinance No. 2020-08 was adopted, the maker of the motion clarified that only full-time residents would be issued beach decals. The City Commission discussed hang tags and parking overnight at the beach accesses, and who would and would not be given beach decals. The ordinance was approved by a vote of four to one. The dissenting City Commissioner had concerns about the ordinance and said if adopted, part-time residents would not qualify for the beach decals.

City Manager Mims stated the City Commission did discuss the temporary parking permit (hang tag). The old ordinance allowed for unlimited temporary hang tags, and residents who lived on the east side of Gulf Boulevard were securing these hang tags and abusing

them. The City Commission decided to eliminate that loophole where residents could obtain unlimited numbers of temporary hang tags for a limited time period.

City Manager Mims stated the City Commission took the time to adopt the parking ordinance, and their intentions are documented in the minutes. The staff has implemented the intentions of the City Commission.

City Manager Mims stated his job is to implement the ordinances that the City Commission adopts. Staff will issue beach decals and temporary parking permits to whomever, and however, the City Commissions wants staff to issue them.

### **15th Avenue Boat Ramp**

Mayor-Commissioner Kennedy inquired if the City Commission could amend the ordinance to allow property owners to use the 15th Avenue Boat Ramp.

City Manager Mims stated the City used to give out separate decals — one for the beach and one for the boat ramp. The City Commission amended the ordinance to combine those decals into one decal.

City Manager Mims stated he would not want to create a separate decal system for the boat ramp.

City Manager Mims stated he would suggest the City Commission workshop who should receive the beach decals and have only one decal for both the beach and the 15th Avenue Boat Ramp.

### **3C. REPORTS OF THE CITY COMMISSION:**

The City Commission welcomed newly-elected Commissioner Houseberg to the City Commission.

The City Commission their condolences to Mayor-Commissioner Kennedy for the loss of her mother.

#### **COMMISSIONER HOUSEBERG:**

- Provided a brief background on herself.

#### **COMMISSIONER MCCALL:**

- Stated he is open to reconsidering beach parking, and he was the City Commissioner who voted against Ordinance No. 2020-08. He believes part-time residents should be able to receive a beach decal.

#### **COMMISSIONER HANNA:**

- Stated the public comments did not fall on deaf ears, and he does not want anybody to think that they did. A lot of discussion and decisions went into Ordinance No. 2020-08, and there is never a perfect solution. Indian Rocks Beach is one of the

very few cities along the beach area with free beach parking, and the City has prided itself on that. Many people take advantage of the decals, which is where the City ran into a problem. He stated he is a City Commissioner that looks for solutions and not putting up blockades, and anything or ideas that citizens have this City Commission has always been very prideful of having a great management team and a good solid City Commission. Still, most of all people work together, and between the three groups, a solution is always found.

**COMMISSIONER HOOFNAGLE:**

- Stated he would like to remedy the boat ramp issue through another decal or some other solution. He believes that the boat ramp was not intended to be for true residents only, and he hoped the City Commission could address this issue.
- Stated most of the issues with the frustration over parking on the west side of Gulf Boulevard stem from inadequate parking in the buildings. The City Commission should keep this in mind when the City Commission is considering parking variances PUDs. The answer to having inadequate parking at a facility is not having overnight parking at the beach accesses; that is not the right solution. There should be adequate parking in the first place.
- Regarding the Airbnb owners or the vacation rental owners who are abusing the parking decals, he regrets that the part-time residents are negatively impacted. He is pleased that the City can stop the more considerable abuse, which was the Airbnb rentals clogging up the beach access parking, and he hopes the City can find a solution for the part-time residents. He does not want to permit the short-term rentals to have a resident beach decal that is not what the City envisioned. He does not believe that should happen.

**MAYOR-COMMISSIONER KENNEDY:**

- The City Commission's intention was not to restrict the 15th Avenue Boat Ramp and stated residents and property owners should be able to use it.
- The City Commission does hear what the public has to say, and she hopes that the public will work with the City. The City will figure it out, but she does not know if it will work out for everyone. The City Commission will go back to the table to figure out what can be done with the parking issue on Gulf Boulevard's west side.
- Briefly reflected on her mom and the influence her mom had on her life.

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

**5. CONSENT AGENDA:**

- A. APPROVAL of the February 9, 2021 Regular City Commission Meeting Minutes.**
- B. APPROVAL of the August 11, 2020 City Commission Work Session Minutes.**

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

**MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER MCCALL, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A AND 5B, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.**

6. **PUBLIC HEARINGS:** None.

7A. **RESOLUTION NO. 2021-03. A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a member of the City Commission to serve as Vice Mayor-Commissioner; and providing for an effective date.**

*[Beginning of Staffing Report]*

**BACKGROUND:** Charter Section 4.4 authorizes the City Commission to appoint a Vice Mayor-Commissioner from among the members of the City Commission at its first regular meeting following certification each year.

The duties of the Vice Mayor-Commissioner shall be to preside over the meetings of the City Commission during the absence of the Mayor-Commissioner, and in general, in the absence or the incapacity of the Mayor-Commissioner, he or she shall do and perform those acts and things provided in the City Charter to be done by the Mayor-Commissioner.

**ANALYSIS:** The City Commission should appoint a member of the City Commission to serve as Vice Mayor-Commissioner, which term shall commence on March 9, 2021, and shall expire on the newly elected City Commission's first meeting following certification of the March 15, 2022, Municipal General Election results.

*[End of Staffing Report]*

City Attorney Mora read Resolution No. 2021-03 by title only.

Commissioner Hoofnagle nominated Commissioner McCall to serve as Vice Mayor.

There were no other nominations.

**MOTION MADE COMMISSIONER HOOFNAGLE, SECONDED COMMISSIONER HANNA, TO APPROVE RESOLUTION NO. 2021-03, THE APPOINTMENT OF COMMISSIONER JOE MCCALL TO SERVE AS VICE MAYOR-COMMISSIONER EFFECTIVE MARCH 9, 2021, AND UNTIL THE FIRST MEETING OF THE NEWLY ELECTED CITY COMMISSION FOLLOWING CERTIFICATION OF THE MARCH 15, 2022 MUNICIPAL GENERAL ELECTION RESULTS. UNANIMOUS APPROVAL BY ACCLAMATION.**

7B. **RESOLUTION NO. 2021-04. A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a voting delegate and first and second alternate voting delegates to represent the City of Indian Rocks Beach**



**at the Barrier Islands Governmental Council (BIG-C) Meetings; and providing for an effective date.**

*[Beginning of Staffing Report]*

**BACKGROUND:** The BIG-C By-Laws, Article III, Section 2, Representation, states that all elected officials of each municipality shall be members of the council, one of whom shall be appointed by the municipality as the voting delegate. Each municipality may appoint other elected officials as alternate voting delegates. Each municipality shall designate their delegates in writing.

Delegate #1 - Name - Voting Delegate.

Delegate #2 - Name - Alternate to Delegate #1.

Delegate #3 - Name - Alternate to Delegate #2.

An alternate voting delegate may vote when the voting delegate is absent. Each city is entitled to one vote.

The object of the BIG-C is to stimulate communications between the barrier island cities to focus on problems common to all, including but not limited to: tourism, recycling, public transportation, beach preservation, renourishment and access, marine environment, air and water quality, public safety, density management, waterway regulation, taxation based on permanent residents and average transient population, to unite and be able to have one voice addressing the county, state, and federal governments while respecting the individuality of each.

**April, 2020 - March, 2021 - Voting Delegates**

Mayor-Commissioner Joanne Moston Kennedy - Voting Delegate

Commissioner Diane Flagg -1st Alternate

Commissioner Joe McCall - 2<sup>nd</sup> Alternate

**ANALYSIS:** The City Commission needs to appoint a voting delegate and two alternate voting delegates to the BIG-C.

The BIG-C meetings are held the last Wednesday of each month at 9 a.m., with the location rotating between the membership cities.

*[End of Staffing Report]*

Commissioner Houseberg nominated Mayor Kennedy as the voting delegate.

Commissioner Hoofnagle nominated Commissioner Houseberg as the 1<sup>st</sup> Alternate.

Commissioner Hanna nominated Vice Mayor-Commissioner McCall as the 2<sup>nd</sup> Alternate.

**MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER HOOFNAGLE, TO APPROVE RESOLUTION NO. 2021-04, APPOINTING MAYOR**

**KENNEDY AS THE CITY'S VOTING DELEGATE, WITH COMMISSIONER HOUSEBERG AS THE FIRST ALTERNATE VOTING DELEGATE, AND COMMISSIONER MCCALL AS THE SECOND ALTERNATE VOTING DELEGATE. UNANIMOUS APPROVAL BY ACCLAMATION. AT THE BIG-C MEETINGS. UNANIMOUS APPROVAL BY ACCLAMATION.**

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

**9. OTHER BUSINESS.** None.

**10. ADJOURNMENT.**

**MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER MC CALL, TO ADJOURN THE MEETING AT 8:37 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

April 13, 2021  
Date Approved

/DOR