

MINUTES — APRIL 13, 2021
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, APRIL 13, 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 for COVID-19 victims.

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

OTHERS PRESENT: City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Finance Director Daniel A. Carpenter, CGFO, 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 March 2021.

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

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

1C. PRESENTATION OF the Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2020, by Moore Stephens Lovelace, P.A.

Jeff Wolf, CPA, Audit Manager, of Moore Stephens Lovelace CPAs & Advisors, presented the Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2020, and stated the City is in a very good financial position and has no debt.

2. PUBLIC COMMENTS.

Linda Dalina, 1201 Bay Palm Boulevard, stated on behalf of the Indian Rocks Historical Museum she thanked the City, the local organizations, and the community for their tremendous support at their garage sale fundraiser.

3A. REPORTS OF CITY ATTORNEY:

City Attorney Mora provided a brief report on the following legislative bills:

- **HB 883/SB 60**, Code Enforcement Anonymous Complaints. This bill would prohibit code enforcement officers from investigating and enforcing a potential code violation if the complaint is received anonymously. The bill requires any person who reports a violation of a code or ordinance to provide their name and address to the local government before any enforcement proceedings occur. The bills were amended to still allow for enforcement of anonymous complaints if they pose an imminent threat to public health, safety or welfare or imminent destruction of habitat or sensitive resources.
- **SB 522/HB 219**, Short-Term Vacation Rentals. SB 522 is expected to be heard in the Senate Rules Committee on April 14, 2021. The current version of the bills protects vacation rental regulations but preempts cities from specifically regulating advertising platforms. HB 219 stalled as of March 18, 2021, and has not seen any record activity.
- **SB 284/HB 55**, Building Design. HB 55 was temporarily postponed on the House floor on Wednesday. The bill prohibits local governments from adopting land development regulations that require specific building design elements for single- and two-family dwellings with certain exceptions. The Senate companion, SB 284, is not currently on the Senate Rules Committee agenda for next week.
- **SB 266/HB 403**, Home-Based Businesses. Next week, SB 266 is expected to be heard in the Senate Rules Committee. SB 266 has been amended to provide that a home-based business may not create noise, vibration, heat, smoke, dust, glare, fumes, odors or electrical or electronic interference detectable by neighbors. SB 266 would also allow local regulation of a home-based business for things such as parking, hours of operation, signage, exterior structures and the use of hazardous materials. HB 403 is awaiting a final vote on the House floor. HB 403 completely preempts local governments regulating a home-based business in a manner that is different from other businesses in a local government's jurisdiction.
- **SB 750/HB 337**, Impact Fees. On Wednesday, SB 750 (Gruters) and HB 337 (DiCeglie) both passed through their respective committees. The bills restrict what are allowable expenditures of impact fees revenue and cap by how much impact fees can be raised on yearly basis. Impact fees are collected by local governments to fund local infrastructure to meet the demands of population growth. The bills were amended to ease the restrictions on expenditure of impact fee revenues to allow for the purchase of fire department vehicles, emergency medical service vehicles, sheriff's office vehicles, police department vehicles and the equipment necessary to outfit the vehicles for their official use.
- **SB 1876/HB 421** Governmental Actions Affecting Private Property Rights Moves Through Committee. This week, SB 1876 and HB 421 both passed their second committee of reference. The bills amend the Bert J. Harris, Jr., Private Property Rights Protection Act and the Florida Land Use and Environmental Dispute Resolution Act to provide procedures and remedies to landowners whose property is inordinately burdened by a local government regulation.

- **SB 1412/HB.1113**, Traffic and Pedestrian Safety. By October 1, 2022, the Department of Transportation shall submit to the Federal Government a request for authorization to allow yellow rapid flashing beacons to be replaced by red rapid flashing beacons. If the Federal Government grants the request, all yellow rapid flashing beacons at each crosswalk with red rapid flashing beacons within 12 months after the date of federal authorization. If the Federal Government denies the request, all yellow rapid flashing beacons from each crosswalk must be removed by October 1, 2025. Before the installation of a pedestrian crosswalk after October 1, 2021, on a public highway, street, or road, a traffic engineering study must be conducted by a Florida licensed professional engineer which recommends the installation of such crosswalk.

3B. REPORT OF CITY MANAGER:

- Approved the installation of 51 LED streetlights in the Business District. LED Street lights will replace existing lights, require less maintenance, and are more energy efficient. The installation is a continuation of the City's commitment for energy efficiency.
- Gulf Boulevard Undergrounding Phase I is scheduled to be completed this month.
- Working with staff to develop an RFP for Gulf Boulevard Undergrounding Phase II. Should release to the public within 30 days. The City Commission would ultimately approve the successful firm.
- A Special Magistrate RFP has been released to the public. Deadline for submission of proposals is April 30, 2021. The City Attorney and the City Manager will forward a recommendation to the City Commission at their June 2021 meeting.
- The City has received notice that we will receive \$1.8 Million as part of American Rescue Plan. Staff is awaiting official guidance from the United States Treasury Department on rules, regulations, and eligible uses of the funds. Staff will conduct a work session with the City Commission at a future date.
- All capital improvements related to the Campalong Baseball Field are complete. This year's enhancements included new LED lights and bleachers.
- The Finance Director and City Manager have begun the process of developing the Fiscal Year 2021-22 draft budget. The budget calendar is on tonight's Consent Agenda.
- Re-reviewed s. 163.043, F.A. [SB 1159 (2019)], which prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation or pruning, trimming, or removal of a tree on residential property when an arborist or landscape architect documents that the tree presents a danger to persons or property. He stated he is starting to see this occur in this City.
- He stated there is a family within the IRB Community that just continues to give to the City. He stated about six weeks ago he met with the Crabby Bill's Family (The Loder Family), and they advised him that they wanted to do something on an annual basis for the City in addition to everything else they do for the City. This year, they have donated \$25,000 to the City to be the sole sponsor of Hollowfest and the remaining funds will be allocated to an enhancement project, which would probably be an art project. He wanted to publicly recognized Crabby Bill's and the Loder Family and what they continue to do for the City.

3C. REPORT OF CITY COMMISSION:

The City Commission expressed their gratitude to the Crabby Bill's Family (The Loder Family) for all that they do for the City and for the IRB Community.

VICE MAYOR-COMMISSION MC CALL:

- Expressed concern with unlicensed golf carts driving on sidewalks or in the bike/pedestrian lane on Gulf Boulevard. He asked if a letter could be sent to all short-term vacation rentals to advise them of the City's rules and regulations on golf carts.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. APPROVAL of March 9, 2021 Investiture Ceremony Minutes.**
- B. APPROVAL OF March 9, 2021 Regular City Commission Meeting Minutes.**
- C. APPROVAL of the Fiscal Year 2021/2022 Budget Calendar.**
- D. RESOLUTION NO. 2021-05. A resolution adopting Pinellas County's Community Rating System Multi-Jurisdictional Program for Public Information (PPI).**
- E. RECEIVE/FILE the Annual Updates to the Pinellas County's Community Rating System Program for Public Information (PPI).**
- F. RECEIVE/FILE the Annual Updates to the Pinellas County's Local Mitigation Strategy (LMS).**
- G. ACCEPT/FILE the Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2020.**
- H. AUTHORIZING the City Manager to execute a property lease with the City of Largo for the IRB Solid Waste Operations.**
- I. RECEIVE/FILE the Indian Rocks Beach Annual Progress Report on Flood Mitigation Projects in Pinellas County's Local Mitigation Strategy.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Items 5A through 5I, by title only.

MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY VICE MAYOR-COMMISSIONER MC CALL. UNANIMOUS APPROVAL BY ACCLAMATION.

6. PUBLIC HEARINGS:

- A. BOA CASE NO. 2021-03 — 1203 BAY PALM BOULEVARD**
Considering variance requests from Section 110-344(4) to allow variances of 5 feet into the 10 foot rear yard setback and 2 feet 6 inches into the 7 foot 6 inch side yard setback to allow for the installation of a swimming pool for the property location at 1203 Bay Palm Boulevard,

**Indian Rocks Beach, Florida, and legally described as Lot 7, Block 84,
First Addition to Re-Revised Map of Indian Beach Subdivision.
Parcel #01-30-14-42048-084-0070.**

(Beginning of Staffing Report.)

Subject: BOA CASE NO. 2021-03 — 1203 Bay Palm Boulevard. Variance request from Section 110-344(4) to allow a variance of 5 feet into the 10 foot rear yard setback and 2 feet 6 inches into the 7 foot 6 inch side yard setback to allow for the installation of a swimming pool for property located at 1203 Bay Palm Boulevard, Indian Rocks Beach, Florida, and legally described as Lot 7, Block 84, First Addition to Re-Revised Map of Indian Beach Subdivision, according to the map or plat thereof as recorded in Plat Book 23, Pages 11 through 13, of the Public Records of Pinellas County, Florida. Parcel #01-30-14-42048-084-0070

Staff Recommendation: Based on the variance review criteria of Section 2-152, staff recommends approval of the request.

Board of Adjustments and Appeals Recommendation: Unanimous approval.

OWNER: John P Klassen
PROPERTY LOCATION: 1203 Bay Palm Boulevard
ZONING: Single Family

Direction	Existing Use	Zoning Category
North	Residential	S
East	Residential	S
South	Residential	S
West	Residential	S

BACKGROUND:

John P. Klassen is requesting variance for the side and rear yard setbacks for the installation of a swimming pool. They are requesting the pool encroach 5 feet into the 10-foot rear yard setback leaving a 5-foot rear yard setback and 2 feet 6 inches into the 7-foot 6 inch south side setback leaving a setback of 5 feet.

Sec. 2-152. Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The Board of Adjustments and Appeals shall make recommendations on and the City Commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide

any variance from the terms of subpart B, the Board or the City Commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The lot is pie shaped and the north property line is only 90 ft therefore limiting the size and depth of the backyard.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for a pool to be constructed.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the pool.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will be in harmony with the general intent and purpose of subpart B.*

PUBLIC NOTICE: Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on March 29, 2021. (Sec. 2-149 of the Code of Ordinances.)

LEGAL ADVERTISEMENT: A legal notice was published in the March 31, 2021-edition, of the St. Pete Times Section of the *Tampa Bay Times*, for a public hearing that has been scheduled on April 13, 2021, for BOA Case No. 2021-03.

CORRESPONDENCE RECEIVED: Letters of support were received from the three abutting property owners: Shelly Patrick, 1205 Bay Palm Boulevard, Mike Kelley, 304 12th Avenue, and Linda and Pete Dalina, 1201 Bay Palm Boulevard.

(Ending of Staffing Report)

City Attorney Mora read Agenda Item No. 6A/BOA Case No. 2021-03 by title only and stated that this was a quasi-judicial proceeding.

City Attorney Mora inquired of the Members if any of them had any ex-parte communications with the applicant, with all Members responding in the negative.

City Attorney Mora inquired of the Members if any of them had done a site visit for the limited purpose of evaluating this case, with all Members responding in the negative.

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 Manager Mims presented BOA Case No. 2021-03. He stated the applicant is requesting variances from Section 110-344(4) to allow variances of 5 feet into the 10 foot rear yard setback and 2 feet 6 inches into the 7 foot 6 inch side yard setback for the installation of a swimming pool on the property located on 1203 Bay Palm Boulevard.

City Manager Mims stated all three abutting property owners have submitted letters of support. He stated the Board of Adjustments and Appeals unanimously recommended approval to the City Commission of this variance request.

Butch Brown, Modern Pools, 9445 Ulmerton Road, Largo, explained the variance request and stated the reason for the variance is because of the pie-shaped backyard. He stated he received permission from all three abutting neighbors regarding the variance request. He asked if the City Commission had any other questions or concerns.

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

MOTION MADE BY VICE MAYOR-COMMISSIONER MC CALL, SECONDED BY COMMISSIONER HOUSEBERG TO APPROVE BOA CASE 2021-03, VARIANCE REQUESTS FROM SECTION 110-344(4) TO ALLOW A VARIANCE OF 5 FEET INTO THE 10 FOOT REAR YARD SETBACK AND 2 FEET 6 INCHES INTO THE 7 FOOT 6 INCHES SIDE YARD SETBACK FOR THE INSTALLATION OF A SWIMMING POOL FOR PROPERTY LOCATED AT 1203 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 7, BLOCK 84, FIRST ADDITION TO RE-REVISED MAP OF INDIAN BEACH SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGES 11 THROUGH 13, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. PARCEL #01-30-14-42048-084-0070.

Vice Mayor-Commissioner McCall stated the driving force for the variance request was the pie-shaped lot.

Commissioner Hoofnagle stated the hardship was created by the nature of the geometry lot.

ROLL CALL VOTE:

AYES: HANNA, HOOFNAGLE, HOUSEBERG, MC CALL, KENNEDY

NAYS: NONE.

MOTION CARRIED UNANIMOUSLY.

7. OTHER LEGISLATIVE MATTERS: NONE.

8A. DISCUSSION OF pickleball.

Mayor Kennedy opened public comments.

Maria Heshmati, 315 La Hacienda Drive, stated as everyone knows all pickleball players are welcome at the IRB courts. However, there have been several altercations at the courts where non-residents have disrespected the residents. Also, a non-resident disrespected a City employee. The City's website indicates that the courts at Kolb Park are for the use of residents, homeowners, and guests, and Brown Park is open to all. In the past, keys were issued by the City to access the Kolb Park courts.

Dr. Madgy Abdelhameed, 100 Windrush Boulevard, #3, distributed a flyer that was prepared by several residents that play pickleball. The flyer includes issues and solutions for the Kolb Park pickleball courts and additional items for discussion.

Solutions:

1. Limit IRB pickleball courts at Kolb park to IRB residents only or IRB residents and their guests. The City must put a clear sign on the courts with this rule. The City should also make this rule clear on their website. It should also add that Brown Park courts are open for public.
2. Specify certain hours of each day for residents or residents and guests play only. The City shall post a clear sign on the courts with these hours. The residents can form an IRB pickleball club to make it more cohesive. For example:

IRB Residents Only (or IRB Pickleball club)	7:00 A.M. to Noon
Open Play	Noon to 2:00 P.M.
IRB Residents Only (or IRB Pickleball club)	2:00 P.M. to 7:00 P.M.
Open Play	7:00 P.M. to 9:00 P.M.
3. Specify certain days of the week, e.g., Monday, Wednesday and Friday and certain hours on these days for IRB residents or IRB residents and guests only. Other days of the week and hours of the day can be open for public. The City shall post a clear sign on the courts with these days and hours. The City website should reflect the same information.
4. The City can convert one of the two tennis courts to three or even four pickleball courts. The City shall build a short fence to separate between the tennis and pickleball courts. With a total of five to six pickleball courts, the City can easily assign two courts full-time to IRB residents or IRB residents and guests as suggested in number 1 above.

Additional Items for Discussion

- A. Playing For Fees. If the City builds additional courts, the City can charge out of town players fees for using the courts. The mechanism of collecting this fee may include selling monthly or quarterly passes for long term users or a daily pass for short term users.
- B. The City should prohibit the use of both the pickleball and tennis courts for giving private lessons that are not organized by the City.
- C. Parking.
 - The City should limit parking on 16th Avenue and 1st Street (either no parking or limit parking to two hours or parking with City decal only).
 - The City should look at assigning more parking spots next to City Hall and the Beach Art Center for residents only.
- D. Baseball Field.
 - How are the baseball activities being handled? It looks like the senior league and little league are on the baseball field in summer all the time where the field is closed to these games.
 - Can the IRB Pickleball players form a league of their own with assigned playing time?

Mayor-Commissioner Kennedy closed public comments.

City Manager Mims stated in 2017, the tennis courts in Kolb Park and Brown Park were both recoated and repainted, and the City added pickleball lines at the request of the residents. It was the right thing to do, and as indicated, it is a fast-growing sport. The courts were redone with Penny for Pinellas money. He stated a third of Penny for Pinellas money comes from tourists, and the rest comes from residents of Pinellas County. When the Kolb Park Courts were redone, the City replaced the racquetball and shuffleboard courts with four pickleball courts because they were never used. Based on concerns and complaints from surrounding property owners, the City installed landscaping and sound barriers to accommodate those neighbors, and the LED lights were re-originated not to shine into anyone's windows. The original construction price was \$50,000 and an additional \$14,000 for the landscaping, sound barriers, and adjustments of the LED lights.

City Manager Mims stated about a year, or so ago, there was a request to have more concrete around the pickleball courts between the pickleball courts and the restroom area, which cost approximately \$4,400.

City Manager Mims stated when he arrived. He had the locks removed from the tennis courts because it was not working, and some of the tennis courts serve as a dual purpose as tennis courts and as pickleball courts. He stated those are public parks.

City Manager Mims stated that he would have the misinformation about Kolb Park removed from the City's website.

City Manager Mims stated the City has had a lease with the Little League for 30 plus years. The City is not involved with scheduling or signing children up. Little League does not

discriminate and children from the surrounding areas are on the teams. Within the lease, it states that anybody can use it when the Little League is not using the ballfield.

City Manager Mims stated that every year, the Senior Softball League, which is open to anyone, sits down with the Little League and organizes their schedules. Everything seems to work out well.

City Manager Mims stated the pickleball players could put bylaws together, like the Senior Softball League, and bring them back to the City Commission for acceptance. He said there is plenty of parking around the pickleball courts. The City added additional resident-only spaces at Brown Park, Kolb Park, and the Nature Preserve.

City Manager Mims stated the most viable option is to have the pickleball group look at the possibility of forming a league, and it needs to be like the Senior Softball League and the Little League. If a league is created, it needs to be open to everyone to both residents and non-residents.

Vice Mayor-Commissioner McCall stated forming a league was a great suggestion. He stated the City has the opportunity to convert some of the other tennis courts in Kolb Park into pickleball courts, which is also great. He thought that maybe the nonprofit organizations, such as the Homeowners' Association and Action 2000, Inc., could provide some funding to enhance those tennis courts if that is a path that the City Commission would like to take.

City Manager Mims stated that the courts would need to be recoated within the next year, and the City could convert the two tennis courts in Kolb Park to at least four pickleball courts.

Commissioner Hanna stated he agrees that the league is a possibility so long as the league is open to everyone. He stated the parks belong to everyone.

Commissioner Houseberg stated her only concern would be who would monitor the courts for league playing time. What happens if other people are on the courts when it is time for the league to play?

Commissioner Houseberg asked if the City is going to be responsible for policing that effort?

City Manager Mims stated it would be the Code Enforcement Officer, and he would be the one to match up the driver's licenses, which is why he is suggesting a league.

Commissioner Hoofnagle asked if the legal memorandum that the City Commission received has been provided to the public and are they aware of the content of that legal memorandum.

City Attorney Mora stated the legal memorandum referenced was in the agenda packet materials available to the public.

City Attorney Mora reviewed his legal memorandum.

City Attorney Mora stated the First Amendment bars the City from excluding non-residents or limiting their access to its public parks. The City's ability to impose such restricts may also be proscribed by the Equal Protection Clause of the United States Constitution. Courts and the Florida Attorney General's Office have both opined that exclusive or limitation or non-residents simply because they are non-residents is unconstitutional.

City Attorney Mora stated the pickleball courts are part of a park paid for with public funds, including a portion from the Penny for Pinellas Program. Courts have historically considered public parks open public fora for the purpose of assembly and exchange of ideas. Any limitations placed on access to a public forum must be content-neutral and uniformly constrained to restrictions on the time, place, and manner of expression. Any restriction must be narrowly tailored to serve a significant government interest and leave ample alternative channels of communications. The City Commission should be mindful of the resources necessary to administer any alternative solutions in light of the park's existence as an open-air facility with multiple points of entry and variable recreation resources.

City Attorney Mora concluded by stating limiting access to the City's pickleball courts to City residents for the sole purpose of ensuring the availability of pickleball courts to those residents violates the First Amendment. It may also violate the Equal Protection Clause of the United States Constitution.

City Attorney Mora stated the pickleball courts are located within a public park paid for with taxpayer funds. This is a traditional public forum as defined by extensive Constitutional case law. For the City to place any limitations on the park, the regulations must be narrowly tailored to serve a significant government interest. Federal courts have consistently found that ensuring access to residents does not meet these requirements.

City Attorney Mora stated apart from policies that exclude or limit the access of non-residents, some have also proposed policies concerning access fees, sign-up sheets, and formal registration. Even so, caution is advised as those policies must also be rationally related to serving a significant government interest and will require the additional administrative expense and resource allocation by the City to police access to an open-air facility.

City Attorney Mora stated the City does not operate a Parks and Recreation Program to administer sports leagues. So, the leagues that have been referenced operate independently of the City with access to City resources. Since the management has expressed a willingness to work with access to resources, it could not formulate and fully administrate such a league.

Commissioner Hoofnagle stated if there was a league created that restricted access based on residency requirements, the League's Board of Directors would be liable in a lawsuit situation for any exclusionary behavior which violates the right to access (First Amendment).

Commissioner Hoofnagle asked if the painted tennis courts get used for pickleball because he heard it is too far to run and chase the ball, and it is more convenient to play on the enclosed pickleball court.

City Manager Mims stated they are used, but the preference is the new enclosed pickleball courts. He noted the tennis courts are used by pickleball players also.

City Manager Mims stated the City monitored the pickleball courts in December, January, February, and March, and the least utilized pickleball courts are the ones at Brown Park.

Commissioner Hoofnagle stated given the legal framework provided by the City Attorney. He is of the mind that probably that the most appropriate solution would be to increase the number of pickleball access points, more courts.

Commissioner Hoofnagle stated in terms of parks and recreation and meeting the lifestyle and exercise needs of the citizens. He feels that would be the best way to help serve IRB constituents better. He does not think that access restriction is going to be legal or preferable.

Mayor-Commissioner Kennedy stated she has spoken to the elected officials from Largo and Seminole. She said their courts are being under-utilized because they cost money, and some are inside, and some are outside.

City Manager Mims stated he would like to know the City Commission's thoughts on converting one or both Kolb Park Tennis Courts to accommodate pickleball. If so, this could be incorporated into next year's budget.

Commissioner Hanna stated he is glad to hear that one of the parks will still be left open for tennis because people still play tennis but just not as much anymore.

City Manager Mims clarified the two tennis courts would be resurfaced, striped and everything back that would accommodate tennis and pickleball, and the portable pickleball nets that can be rolled out. These will not be fixed nets.

City Manager Mims stated there had been complaints from tennis players because Kolb Park is the only lighted tennis court.

Commissioner Houseberg stated this is a great solution, creating more places for people to play pickleball.

Commissioner Hoofnagle clarified that the City of Largo charges, with Mayor-Commissioner Kennedy replying they have a Recreation Membership Card.

Commissioner Hoofnagle stated that is not one of the options that were discussed.

City Manager Mims stated the larger cities have a Parks and Recreation Department, and through that Department, they offer organized recreational activities, programs, and events that are fully staffed. He does not recommend to the City Commission a fully functional Parks and Recreation Departments, with the main reason being the City does not have the staff.

City Manager Mims stated there is a general code of conduct for parks in the Code of Ordinances. The suggested guidelines are posted at the tennis and pickleball courts.

City Manager Mims stated staff is not going to babysit people in park facilities. He said he has never been called to the little league field to resolve an issue. He stated if an issue rose to the level where there would be a physical altercation or loud cursing, the City would get involved by calling the sheriff's office to handle the situation.

City Manager Mims clarified that the City would not be initiating a league.

City Attorney Mora stated that private individuals would do something that private individuals would do related to a league. The City cannot give them legal advice or administrative guidance.

Commissioner Hoofnagle stated concerning the league, would the City Commission be taking a position on whether the league is formed in the event the City Commission is open to discuss with that league on some type of a league reservation basis.

CONSENSUS OF THE CITY COMMISSION'S EXPRESSION OF A WILLINGNESS TO ENTERTAIN THE IDEA OF A LEAGUE AND RESERVATIONS IS BY NO MEANS A GUARANTEE OR ASSURANCE THAT ANY PROPOSAL SUBMITTED WOULD BE ACCEPTED BY THEM.

8B. DISCUSSION OF Ordinance 2020-08: Beach Decals, Hang Tags, and 15th Avenue Boat Ramp.

[Beginning of Staff Report]

Following March's City Commission meeting, he has has worked closely with City staff to incorporate proposed amendments to Ordinance 2020-07 restricting parking on the City's beach accesses. These proposed amendments are the product of reconciling input received in: (1) public comment received during public meetings and through e-mail; (2) individual meetings with each of the Commissioners; (3) review by the personnel responsible for administration and enforcement of the Ordinance; and (4) detailed discussions between the City Attorney and City Manager.

I. PROPOSED AMENDMENTS

The proposed amendments are as follows:

- **Findings of Fact - Section 62-35 (b):** Revised finding of fact to acknowledge scarcity of parking as a resource along the City's beaches and more particularly within the City's beach accesses;
- **Parking by Permit Decals Generally - Section 62-35 (c):** Revised restrictions establishing only means to gain access to privilege of parking decals, establishing different provisions for residents and property owners described as follows:
 - **Primary Residents - Section 62-35 (c)(1)(i):** Shall be entitled to issuance of a parking decal for each registered vehicle owned or leased by the owners or family members of the same property address.
 - **Application Requirements – Section 62 (d)(1):** City application accompanied by: (1) driver's license at address for which decal is sought; (2) valid automobile registration at same address; (3) *if applicable*, a lease or certified landlord attesting to year-long tenancy.
 - **Property Owners – Section 62-35 (c)(1)(ii):** Ownership of each separate tax parcel shall entitle the owner(s) of a parcel to only one (1) parking by permit decal for the property, regardless of the number of owners.
 - **Application Requirements – Section 62 (d)(2):** City application accompanied by: (1) a copy of property appraiser's record identifying applicant as owner of subject parcel; (2) Pinellas County Tax Collector records showing same; and (3) *if applicable* official Secretary of State records showing applicant is owner of corporation that owns subject property.
- **Temporary Parking Permits - Section 62-35 (e):** Removed to eliminate temporary parking permit provision. The elimination of this program is offset by the addition of a provision allowing a vehicle, regardless of its owner, to park in a single beach access for up to three nights in a row.
- **Boat Ramp Parking – Section 62-35 (g):** Removed language requiring a decal, while maintaining restriction of use to residents or property owners.

II. CONCLUSION

The foregoing proposed amendments (Ordinance No. 2021-02) are offered for the City Commission's consideration in response to public feedback and insights gleaned during individual sessions between City staff and commissioners. Ultimately, it is the City

Commission's duty to determine whether to embrace, modify, or reject the proposed amendments.

[Ending of Staffing Report]

City Attorney Mora reviewed his Staffing Report hitting the highlights of the report:

- *Finding of Facts.* There was a narrow change to the finding of facts adding and specifically acknowledging the scarcity of parking as a resource at the beach accesses.
- *15th Avenue Boat Ramp.* Removed language requiring a decal, while maintaining restrict of use to residents or property owners.
- *Temporary Parking Permits.* Removed to eliminate temporary parking permit provision. The elimination of this program is offset by the addition of a provision allowing a vehicle, regardless of its owners, to park in a single beach access for up to three nights in a row.
- *Primary Residents/Full-Time Residents.* Shall be entitled to issuance of a parking decal for each registered vehicle owned or leased by the owner or family members of the same property address.
 - *Application Requirements.* City application accompanied by (1) driver's license at address for which decal is sought; (2) valid automobile registration at same address; (3) if applicable, a lease or certified landlord attesting to year-long tenancy.
- *Property Owners.* Ownership of each separate tax parcel shall entitle the owner(s) of a parcel to only one parking permit decal for the property, regardless of the number of owners.
 - *Application Requirements.* City application accompanied by: (1) a copy of property appraiser's record identifying applicant as owner of subject parcel; (2) Pinellas County Tax Collector records showing same; and (3) *if applicable* official Secretary of State records showing applicant is owner of corporation that owns subject property.

Mayor-Commissioner Kennedy opened public comments.

Paul Phillips, 2408 Beach Trail, stated he is a part-time, non-resident owner since 1985, and said he had hang tags to park on the beach access and beach parking decals. He noted a lot of the parking problems are because of the lack of enforcement, but there has been more enforcement over the last couple of months.

Mr. Phillips clarified that a person could park on a beach access for three days without a hang tag, and if this is correct, how is this going to be enforced.

Mr. Phillips stated he assumes the City Attorney has looked at this for fairness and equality and potential legal questions. He is just questioning himself if this is truly legal to discriminate between a property owner and someone renting and giving more credence, more weight, and privileges to a renter than an owner paying taxes.

Trent Wolferberger, 2-15th Avenue, #403, thanked the City Commission for hearing the lack of access problem from property owners to the boat ramp and fixing the problem and providing one beach parking decal to non-resident, full-time property owners.

Rebecca Sacra, 368 LaHacienda Drive, thanked the City Commission for limiting the beach parking decals.

Mark Bodine, Vice President, Vacation Property Management, Inc., Resort Manager, Camaron Cove Resort, 2402 Gulf Boulevard, thanked the City Commission and the City Manager for listening to the homeowners discussing the beach parking situation. He is not in favor of completely getting rid of the hang tags. 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.

Joe Zagarino, 1 Windrush Boulevard, stated he is a part-time, non-resident property owner who rents his condo three months a year. He feels that the City is discriminating against the part-time, non-resident property owners who pay property taxes.

Karla Stahl, 1000 Gulf Boulevard, #404, (Reef Club), thanked the City Commission for reconsidering the part-time resident property owner and stated she is satisfied with one beach parking decal per property. (Inaudible)

Mayor-Commissioner Kennedy closed public comments.

City Manager Mims recapped the proposed changes to Ordinance No. 2021-08:

- Property owners may receive one beach parking decal per parcel.
- Primary residents/full-time residents may receive a beach parking decal for each registered vehicle owned or leased by the owner or family members of the same property address.
- Elimination of temporary parking permits (hang tags).
- Overnight parking allowed at the beach accesses for no more than three days.
- Residents and property owners may use the 15th Avenue Boat Ramp. No decals are required.

Commissioner Hanna stated the proposed changes are a good compromise. He said it is not the City's responsibility to provide additional parking to individuals who own condos or have rental properties for the advent of their business. The City only has so many parking spots, and people are coming from everywhere.

Commissioner Hoofnagle stated traffic is terrible, parking is terrible, and only getting worse. The City knows that, and the City has to apportion the scarce resource. He thinks this is an adequate attempt to do that. He wished the City could have a clause that does not grant a decal to a short-term vacation rental business because he does not feel that they are

residents. He feels that is apportioning something to the value of their business which the City is not required to do.

Commissioner Hoofnagle stated in driver's education, students learn that driving is a privilege, not a right. It is a privilege granted by the State, and parking by extension is a privilege as well. All the nonsense about rights and discrimination he does not believe that is a valid point. It is nice to threaten, but he feels very confident that the legislation is not in any way going to be challenged successfully in a legal situation.

Commissioner McCall stated the proposed amendments are a great compromise. The boat ramp has been addressed. Some of the issues with caregivers and family for condo owners on the west side of Gulf Boulevard have been addressed. Again, it allows property owners (second homeowners) to receive one beach parking decal per parcel for the 73 parking spaces.

Mayor-Commissioner Kennedy stated five years ago, the City did not have this issue like the City has today. She believes the changes are a great compromise.

City Manager Mims stated first reading will be May 11, 2021, with the second and final reading on June 8, 2021.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT 9:11 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

May 11, 2021
Date Approved

/DOR