

**FINAL MINUTES  
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, JULY 9, 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 followed by ten seconds of silence.

**PRESENT:**

Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Nick Palomba, Commissioner Diane Flagg, Commissioner Phillip J. Hanna, and Commissioner Ed Hoofnagle.

**OTHERS PRESENT:**

City Manager Brently Gregg Mims, City Attorney Randy D. Mora, and City Clerk Deanne B. O'Reilly, MMC.

*(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 June 2019 Crime Analysis Report for the City of Indian Rocks Beach.

**2. PUBLIC COMMENTS.**

**Kelly Cisarik, 448 Harbor Drive South**, expressed her concern where underground equipment may be exposed to minor storm surge and/or short-term water intrusion, and shared with the City Commission Duke Energy's response to the City's underground electric system.

Ms. Cisarik also inquired if any City moneys will be used on the burying of underground utility lines on Gulf Boulevard or Walsingham Road.

City Manager Mims stated the Gulf Boulevard Underground Utilities Project is being paid for by Pinellas County through their Penny for Pinellas money, and the Walsingham Road Underground Utilities Project has been deleted from the 5-Year CIP Budget because it is cost prohibitive.

**Paul Kleeman, 469 20<sup>th</sup> Avenue**, expressed his concern with large boats speeding in the 20<sup>th</sup> Avenue lagoon causing damage to the sea grass, sea walls, and marine life. Boaters do not care and have no respect for the marine life or other people's property. He advised that he has been in contact with the City and has received a letter from the Florida Fish and Wildlife Conservation Commission regarding his concerns.

**Bob Griffin, 375 LaHacienda Drive**, requested the City Commission consider having the Citywide garage sales for one day instead of two days. He stated the Christmas Tree Lighting is scheduled on "Black Friday" and inquired where it is being held this year, as he heard it is being moved to Kolb Park, to which City Manager Mims stated it will be at the 12<sup>th</sup> Avenue Park.

Mr. Griffin asked if the City Commission would reconsider purchasing Christmas Cards at \$350 each to be displayed at the City entrances, and at City Hall. He stated he is willing to donate them to the City.

**Peter Sawchyn, 1206 Gulf Boulevard, Unit F**, stated, during the April City Commission Meeting, he spoke about trying to get some bicycle lanes on Gulf Boulevard between Walsingham Road and 28<sup>th</sup> Avenue. There are proper bicycle lanes in Indian Rocks Beach from Walsingham Road down south.

Mr. Sawchyn stated Public Services Director Scharmen sent him an email, which read: *"In response to your inquiry, at the City Commission Meeting of May 14, Gulf Boulevard in IRB does not have a bike lane. The area outside of the travel lane is a paved shoulder and cannot be marked or signed as a bike lane as the areas do not meet the standards for a bike lane. As you may be aware, the City Commission did not authorize any changes to the travel lane with the recent Gulf Boulevard Study presented by Pinellas."*

Mr. Sawchyn stated there was a Visioning Workshop on June 19, 2019, which he did not attend, however, pedestrian and bicycle safety was discussed.

Mr. Sawchyn stated he hopes some solution can be found in the further Visioning Workshops for pedestrian and bicycle safety.

**John Pfanstiehl, 448 Harbor Drive South**, stated in March 2019, more than 70% of Madeira Beach voters approved a referendum, placing term limits of six years on their elected officials and that they cannot seek reelection for a two-year period.

Mr. Pfanstiehl stated the subject of term limits was brought up during the January City Commission Meeting, and the City Attorney noted that 77% of Florida voters chose term limits for the Florida Legislators.

Mr. Pfanstiehl stated there are pros and cons on this issue with one resident stated term limits disenfranchise voters when they want to keep a City Commissioner on the City Commission. But, if the City Commission does not allow a referendum on term limits, the City is, in effect, disenfranchising all of the Indian Rocks Beach voters on this issue.

Mr. Pfanstiehl stated after the discussion of term limits in January, the City Commission stated, respectively, that they will come back at another date on this or put it on a March post-election work session discussion. He realizes that term limits can turn out current City Commission Members, and this is a personal interest, and this is why some City Commission Members might not want this. However, it has been five months, and he now urges the City Commission to follow through on scheduling a work session and a referendum on term limits.

**Phil Wrobel, 112 13<sup>th</sup> Avenue**, stated he supports a referendum on term limits, stating let the citizens decide whether they want the Mayor or City Commissioners to be elected for six, eight, or 12 years.

Mr. Wrobel suggested that instead of having a bike lane, extend the sidewalk 3 feet and allow bicycles to ride on the sidewalks.

### **3A. REPORT OF the City Attorney.**

City Attorney Mora stated he has been selected for the Leadership Florida Program for the Leadership Florida Connect Class 10, and through that, he might miss a City Commission Meeting.

### **3B. REPORT OF the City Manager.**

City Manager Mims reported on the following issues:

- Short-term vacation rentals: Tracking of short-term vacation rentals and compliance and noncompliance of them.
- Insurance coverage for cybersecurity attacks.
- Received \$29,000 in grants from Pinellas County Recycling Grant, Tampa Bay Regional Planning Council, and State of Florida/Library Grant.
- Reminded everyone to lock their vehicle doors as both vehicles that were stolen had keys in the vehicles.

### **3C. REPORTS OF the City Commission.**

The City Commission thanked the volunteers, the City workers, and sponsors for participating in the Fourth of July clean up, and commented on the mess left behind by the beach visitors.

#### **COMMISSIONER HOOFNAGLE:**

- Stated there is a provision in the City Code and Florida Statutes that provides for registered voters to place a referendum on the ballot through the initiative process.

#### **MAYOR-COMMISSIONER KENNEDY:**

- Thanked Crabby Bill's and the Homeowners' Association for sponsoring the Fourth of July Clean Up Event.
- Stated in October, the City Commission will be workshopping "fireworks" with the Fire Chief and the Pinellas County Sheriff's Office taking part in the discussion.

- Stated 90% of accidents that happen are caused by impairment with that being said, she will be sitting down with Forward Pinellas to talk about the fatality bicycle accident that occurred on the Indian Rocks Beach Bridge last week.
- Reiterated that if residents are having problems with short-term vacation rentals to call the Pinellas County Sheriff's Office.

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

5. **CONSENT AGENDA:**

A. **APPROVAL of the June 11, 2019 Regular City Commission Meeting Minutes.**

City Attorney Mora read the Consent Agenda by title only.

**MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER FLAGG, TO APPROVE THE JUNE 11, 2019 REGULAR CITY COMMISSION MEETING MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.**

6. **PUBLIC HEARINGS:**

A. **BOA CASE NO. 2019-04 — 316 WINDRUSH BOULEVARD, UNIT #6, BOAT SLIP #1.** Jeffrey Vorisek, the applicant/owner, is requesting a variance of 2 feet 10 inches into the required 12.0 foot side yard setback on the west side of an existing dock, resulting in a total side yard setback of 9 feet 2 inches for a new boat lift, for the property located at 316 Windrush Boulevard, Unit #6, Boat Slip #1, and legally described as Indian Cove Condo, North Building, Unit 6, together with use of Boat Slip 1. Parcel ID # 12-30-14-42680-001-0060.

*[Beginning of Staffing Report.]*

**BOA CASE NO. 2019-04:** Variance request of 2 feet 10 inches into the required 12.0 feet side yard setback on the west side of an existing dock, resulting in a total side yard setback of 9 feet 2 inches, to allow for a new boat lift for Boat Slip No. 1 of Indian Cove Condominium for property legally described as Indian Cove Condo North Building, Unit 6 together with use of Boat Slip #1 located at 316 Windrush Boulevard #6, Indian Rocks Beach, Florida. Parcel # 12-30-14-42680-0010-0060

**STAFF RECOMMENDATION:** Based on the variance review criteria of Section 2-152, staff recommends approval of the request.

**BOARD OF ADJUSTMENTS AND APPEALS (BOA) RECOMMENDATION:** On June 18, 2019, the BOA voted 3 to 2 to recommend to the City Commission approval of BOA 2019-04, with Vice Chair DeVore and Member Clark casting the dissenting votes.

**OWNER:** Jeffrey and Kelly Vorisek  
**PROPERTY LOCATION:** 316 Windrush Boulevard, Unit #6  
**ZONING:** Medium Density Multifamily Residential (RM-2)

Direction	Existing Use	Zoning Category
North	Intercoastal	N/A
East	Residential	RM-2
South	Residential	RM-2
West	Residential	RM-2

**BACKGROUND:** Jeffrey and Kelly Vorisek want to install a boat lift and an addition to an existing dock. The proposed boat lift will encroach into the required side yard setback by 2 feet 10 inches, leaving a 9-foot 2 inches distance between the boat lift and the side property line.

**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 structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The condominiums were built in 1981 and the multi-use docks were permitted thru the county at that time.*
  - 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 will allow a boat lift to be built.*
  - 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. *But, for the variance, the applicant will not be able to have the boat lift.*
  - 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 boat lift as desired.*
  - 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 allow the owner to install the desired boat lift and would not be injurious to the surrounding uses or detrimental to the public welfare.*

A Notice was mailed by first class mail to the property owners within 150 in any direction of the subject property and posted on the subject property on June 24, 2019. (Sec. 2-149 of the Code of Ordinances.)

Pursuant to a legal notice published in the June 28, 2019-edition, of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on July 9, 2019, for BOA Case No. 2019-04.

*[Staffing Report Ends]*

City Attorney Mora read BOA Case No. 2019-04 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 or conducted any site visits regarding this application; to which all members of the City Commission responded 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 the BOA Case, stating the applicant is requesting a variance of 2 feet 10 inches into the required 12-foot side yard setback on the west side of an existing dock, resulting in a total side yard setback of 9 feet 2 inches, to allow for a new boat lift for Boat Slip No. 1 of the Indian Cove Condominium, and thereafter reviewed the Staffing Report.

There were no questions by the City Commission for staff.

**Jeffrey Vorisek, 314 Windrush Boulevard, Unit 6, the applicant**, explained his variance request and to answer any questions and/or concerns that the City Commission may have.

There were no questions by the City Commission for the applicant.

There were no questions by the public.

Seeing and/or hearing no one else wishing to speak, the public hearing was closed.

Commissioner Hoofnagle stated it seems like the docks are separate from the condo ownership, and that the boat slips are bought separately. He inquired if the condos to the west have the same kind of set up, where the boat slips do not correspond with the condo units, with City Manager Mims responding in the affirmative.

Commissioner Hoofnagle stated the only reason why the applicant is asking for a variance is because there is a property line that happens to run in between all these condo

buildings, it is not like it is someone's yard, with City Manager Mims responding in the affirmative.

Commissioner Hoofnagle inquired if they need a variance in the first place, with City Attorney Mora responding staff has done that analysis.

**MOTION MADE BY VICE MAYOR-COMMISSIONER PALOMBA, SECONDED BY COMMISSIONER HANNA, TO APPROVE BOA CASE NO. 2019-04, A VARIANCE OF 2 FEET 10 INCHES INTO THE REQUIRED 12.0 FOOT SIDE YARD SETBACK ON THE WEST SIDE OF AN EXISTING DOCK, RESULTING IN A TOTAL SIDE YARD SETBACK OF 9 FEET 2 INCHES FOR A NEW BOAT LIFT, FOR THE PROPERTY LOCATED AT 316 WINDRUSH BOULEVARD, UNIT #6, BOAT SLIP #1, AND LEGALLY DESCRIBED AS INDIAN COVE CONDO, NORTH BUILDING, UNIT 6, TOGETHER WITH USE OF BOAT SLIP 1. PARCEL ID # 12-30-14-42680-001-0060.**

**AYES: FLAGG, HOOFNAGLE, HANNA, PALOMBA, KENNEDY**

**NAYS: NONE**

**THE MOTION CARRIED UNANIMOUSLY.**

7. **OTHER LEGISLATIVE MATTERS:** None
8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None
9. **OTHER BUSINESS.** None.
10. **ADJOURNMENT.**

**MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT 7:52 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

August 13, 2019

Date Approved

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