

MINUTES — JULY 23, 2020
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **THURSDAY, JULY 23, 2020**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 4:00 p.m.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Phillip J. Hanna, Commissioner Diane Flagg, Commissioner Edward G. Hoofnagle, and Commissioner Joe McCall.

OTHERS PRESENT: City Manager Brently Gregg Mims, City Attorney Randy Mora, City Clerk Deanne B. O'Reilly, MMC, Planning Consultant Hetty C. Harmon, AICP, and Captain Michael Leiner, Pinellas County Sheriff's Office.

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

Mayor-Commissioner Kennedy reviewed the format of the zoom meeting.

City Manager Mims stated there are five primary topics today, and it is hoped that the City Commission could reach a consensus of each topic. If the City Commission provides direction to amend the City Code as it relates to each topic, staff will draft the amendments. The draft ordinances would be prepared and then posted on the City's website for 30 days. After that, there would be two public hearings on each ordinance at a future date.

1. DISCUSSION OF on-street parking.

City Manager Mims provided a background and some basic facts regarding on-street parking.

The City has existed for over 65 years, and parking-related issues have always existed at various stages.

In 2014, the City Commission held two work sessions concerning the beach and related challenges, and discussion from those meetings has resulted in various changes such as:

- The addition of daily collection of solid waste on the beach and twice a day on holidays and peak times.
- Additional mechanical raking of the beach.

- Enhanced cleaning of the County Park public restrooms.
- Begun the process of updating informational signage at each beach access, which includes “Leave Only Your Footprint” signs.
- Trimming of sea oats at each beach access to open the view for older citizens and individuals with ADA issues.
- Enhanced parking enforcement. The Pinellas County Sheriff’s Office and the City’s Code Enforcement Officer have issued over 194 parking citations during the months of May and June.
- Three additional resident-only parking spaces at almost every beach access. There are a couple at the south end of town that are small accesses where it could not be done.
- There are 67 resident-only parking spaces. Three at the Nature Preserve, three at the Keegan-Clair Park, and 61 at the beach accesses.

City Manager Mims stated resident beach parking decals are issued for two years, and in this cycle, which ends in December, the City has issued more than 2,490 decals.

City Manager Mims stated back in 2014 there was a recommendation submitted to the City Commission to consider an ordinance to limit parking to IRB residents with decals from 8:00 a.m. to 5:00 p.m., or the alternative was for staff to go out and restrict side streets with no parking signs. The City Commission chose the designation of no parking on at least one side on every street from 5th Avenue to 27th Avenue.

Since 2014, the staff has installed almost 230 no parking signs from 5th Avenue to 27th Avenue, and others have been installed based on complaints and volume of cars. For example, 1st Street has no parking signs from one end to the other.

The City has eliminated parking on vacant lots on Gulf Boulevard.

The parking violation fines were increased from \$20 to \$40.

City Manager Mims offered the following recommendations to the City Commission for consideration:

- **OPTION A:**
- Increase parking violation fines from \$40 to \$80. If not paid within 15 days, the fine will be \$95.
- Increase parking violation fines at 15th Avenue boat ramp from \$25 per axle to \$80. If not paid within 15 days, the fine will be \$95.00.
- Continue to restrict parking on one side of the streets east of Gulf Boulevard.

City Manager Mims stated within the Proposed FY2021 Budget, he has asked for a part-time code enforcement officer, who would work part-time on weekends, holidays, and on peak days to work with the two deputies and the one code enforcement officer.

OPTION B:

- Increase parking violation fines from \$40 to \$80. If not paid within 15 days, the fine will be \$95.
- Increase parking violation fines at 15th Avenue boat ramp from \$25 per axle to \$80. If not paid within 15 days, the fine will be \$95.00.
- Draft an ordinance to impose parking restrictions on all streets east of Gulf Boulevard and north of 5th Avenue to 27th Avenue, for resident-only parking from 8:00 a.m. to 5:00 p.m., with exceptions for delivery services, licensed contractors, yard services, etc. There would still be some permanent no parking signs for safety issues. For example, the curve at Brown Park (Harbor Drive area).

There were no City Commission comments at this time.

Mayor-Commissioner Kennedy opened the public comment session.

Gordon Obarski, 708 Beach Trail, Unit #B, stated he liked Option B but would like to see the hours from 8:00 a.m. to 7:00 p.m. He stated this would help with parking at the baseball field if the hours were extended.

David Ardman, 351 LaHacienda Drive, stated just for a point of clarification the Town of Indian Shores doubled their parking violation fines from \$25 to \$50. As a resident, he would like to express his support for Option B. He stated the area of 7th, 8th, and 9th Avenues around East Gulf Boulevard get very congested on both sides of the streets when everyone is parking there.

Mr. Ardman stated, as an Indian Rocks Beach Fire Commissioner, he would also like to impress upon the City Commission the importance of keeping clearance for the fire district's front apparatus vehicles. This is sometimes an issue with the overflow of on-street parking throughout the neighborhoods.

Carol McGlaughlin, 115-21st Avenue, thanked the City for putting up the no parking signs on 1st Street, and stated she did not understand how the options would affect the parking on 1st Street.

City Manager Mims stated staff would determine which no parking signs would remain because of safety issues. If the City Commission chose Option B, residents with decals would be able to park on 1st Street from 8:00 a.m. to 5:00 p.m., but after 5:00 p.m., there would be no restrictions on who could park on 1st Street or any other side streets north of 5th Avenue to 27th Avenue.

City Manager Mims explained staff's initial plan of placing new signs at every side street and Gulf Boulevard intersection that reads: "Resident Parking Only from 8:00 a.m. to 5:00 p.m. with a decal. Violators will be ticketed and/or towed."

Ms. McGlaughlin submitted a petition to the City appreciating the fact that the City Commission is addressing the parking issue, and hoping the residents could get some clarification and enforcement in terms of parking.

Todd Plumlee, 469 Harbor Drive North, stated he supports Option B and asked if there would be fewer signs since there would not be so many parking signs; there would only be signs at the intersections and signs at the entrances of the City.

City Manager Mims stated if the City Commission goes with Option B, it would be one, maybe two more decorative-looking signs at each intersection.

Mr. Plumlee asked if Option B would be easier to enforce.

City Manager Mims responded in the affirmative.

David Gardella, 705 Harbor Drive, Belleair Beach, stated he owns some apartments on Bay Boulevard. Since all the no parking signs have been installed on the side streets between 18th Avenue through 28th Avenue, the beach parkers have made their way to Bay Boulevard to park. He stated Bay Boulevard is where all the apartments are, and there is always an overflow of parking in that area from the apartments.

Mr. Gardella stated he likes Option B. It would be consistent with parking from 5th Avenue to 27th Avenue, and there would be fewer signs.

Mr. Gardella stated Church of the Isles, 200-24th Avenue, tried to do some parking on the weekends. It was packed for two weekends in a row but received some flack from the neighborhood. He suggested that the City try to partner with the church for beach parking by monitoring and closing the parking lot on the weekends with the part-time code enforcement officer.

City Manager Mims stated the City was aware of the situation and requested Church of the Isles to stop because of the number of complaints received.

City Manager Mims stated Calvary Episcopal Church, 1615-1st Street, has been using their parking lot for beach parking on weekends for donations for the past three or four years. Legally, there is nothing the City can do if a church decides to have parking where people make donations, but if they were to have a set fee, that is a different issue.

R.B. Johnson, 1206 Beach Trail, stated he does not believe the residential neighborhoods in a town of an approximate 4,000 person population should bear the burden of being the pre-parking mecca for a metropolitan area of over two million people because that is essentially what Indian Rocks Beach has become, whether it is back in the neighborhoods or out at the beach itself. The number of people and the amount of traffic

that is here now is like weekends used to be during weekdays, and weekends are now like holiday weekends used to be. It is incredible and over a couple of years, especially over the last six months or so, the increase in the activity that the City has here. He thinks it has gotten to the point where it is absolutely unbearable. Therefore, he does believe that Option B is probably the direction to go. He stated after 5:00 p.m., there could still be problems with people trying to park to get to the beach to enjoy the sunset.

Mr. Johnson stated a few years he would not have advocated for this, but it is just getting worse and worse, and it is not going to get any better.

City Manager Mims stated 8:00 a.m. to 5:00 p.m., is just a starting point with the City Commission. He wanted the City Commission to keep in mind that it would not go too late into the evening with the no parking plan because it will interfere with parties and barbecues.

Joe Romano, 359-12th Avenue, stated he agrees beach parking is terrible, and he strongly supports Option B. He stated parking on 12th Avenue is ridiculous on the weekends. It would be impossible to get a first response vehicle down 12th Avenue on the weekends should there be an emergency. Over the past couple of years, the traffic and parking situation has gotten worse. There are times when he is unable to drive his car down 12th Avenue. He stated Option B is a good starting point, but it will not be the end-all because Indian Rocks Beach is becoming this "trash pot" where everybody wants to come and park for free. Possibly, maybe there is a parking garage in the future? Parking is great for a city. It brings in money and industry to the City, but not at the residents' expense that live here.

Karla Stahl, 1000 Gulf Boulevard, Reef Club Condominiums, stated she does understand the issue with beach parking on the side streets. However, occasionally her household has an overflow of parking for her family or guests, and stated the beach decals would not help her, and asked if there would be temporary parking hang tags available.

City Manager Mims stated further in the meeting the City Commission will be addressing and clarifying resident parking decals and who receives those. Also, there are two different categories of temporary hang tags. The one that would most likely apply to Ms. Stahl would be the temporary hang tag that has a minimum fee that is good for a specific time period.

Dave Whiteside, 446 Harbor Drive North, stated the resident-only parking spots at the beach accesses are being abused by residents who live on the beach accesses. They are using those spots as their own private parking spots and are not moving their vehicles or taking them first thing in the morning. He sees the same cars in the same spots each morning. He would like to see no overnight parking on the beach accesses.

City Manager Mims stated a growing trend of residents has the beach decal to leave their vehicle parked in a resident space for a day, a two, or three at a beach access.

City Manager Mims stated he would be asking the City Commission to allow staff to clarify that particular problem because it has become an issue.

David Bliesner, 1612-1st Street, stated his quality of life in the last year had been degraded significantly on the weekends by Calvary Episcopal Church when they allow beachgoers to park in their parking lot. When the church does that, it is a commercial parking lot by all intents and purposes. The trash has gotten out of hand and goes over in the mornings to cleans it up. He even puts out his trash cans in the parking lot. He reiterated this is a commercial operation; a person cannot park unless they pay.

Mayor-Commissioner Kennedy stated other residents on 16th Avenue have complained about the beach parking at the Calvary Episcopal Church.

Mark Poznan, 921 Harbour House Drive, stated what happens if his driveway is full of his cars during the day, and a friend stops by.

City Manager Mims suggested that he move one of his vehicles that have a decal on the street and let his friend use his driveway.

Mr. Poznan asked if the City Commission would consider selling non-residents beach parking decals for \$50 a year.

Mayor-Commissioner Kennedy closed public comments.

Commissioner Hoofnagle stated the following concerning beach parking:

- Parking violation fines/15th Boat Ramp parking violation fines. The higher, the better. Maximum per Florida Statutes.
- Hours for Resident Parking Only: Timing to be as late as possible.
- Temporary Hanging Parking Permits. As few hanging parking permits as possible. The City is overrun with out-of-town residents, who just come, park, and destroy the beach. They come back leave to their cars and leave garbage in people yards and in the streets. He has heard horror stories of drunk people having all kinds of issues before they get in their car and drive away in no condition to drive.
- Overnight Parking: If restricted, it needs to be careful in terms of more than one night because if a resident is intoxicated and not able to drive home, they should have the right to leave their car overnight and then come back the next day to pick it up. He thinks what the City is trying to control is people parking who are residents for seven days in a row at the same beach access spot. The City should not put someone in a position where they feel they have to drive a car if they are not in a condition to drive.

Commissioner Hoofnagle stated he supports Option B and would like it as strongly enforceable as possible.

Vice Mayor-Commissioner Hanna stated he agrees with Commissioner Hoofnagle comments and stated the City should enter into a towing contract.

Vice Mayor-Commissioner Hanna stated that the parking had gotten out of hand over the past couple of years, and something needs to be done. It is now affecting the quality of life of IRB residents.

Commissioner Flagg stated safety for the City's walkers, bikers, and pedestrians are at risk, so it is time that City does something. The City needs to make its streets safer for emergency vehicles.

Commissioner Flagg stated she favors Option B but wants to see the highest fine possible for parking violation fines and limit the issuance of temporary hang parking permits.

Commissioner McCall stated the parking violation fines should be raised to the maximum as possible.

Commissioner McCall stated the City has done a fantastic job over the years with the increase of traffic and people.

Commissioner McCall stated because of COVID-19, the City has seen an influx of traffic and people. With families having no other options but to come to the beach, the City is seeing record numbers.

Commissioner McCall stated he is not entirely onboard with Option B. He is a social person, and he does not want to have to run to City Hall to get temporary tags for his guests.

Commissioner McCall stated the City should address the people that are infringing on the City and are violating the criminal laws. He stated if the fine is large enough, then the City could control parking.

City Manager Mims stated under Options A and B, there is no scenario where someone comes to City Hall to get some type of temporary pass to parking on the street during the designated resident parking only hours. His suggestion would be for the resident to move his vehicles that have the decals on the street and let the visitors park in his driveway.

PSCO Captain Leiner stated whatever the City Commission comes up with, the sheriff's office will enforce. It will be a big change, so it would probably come with education first, but he understands what the public is talking about.

Mayor-Commissioner Kennedy stated she had received emails from residents stating that after 5:00 p.m., non-residents are parking in the resident only parking spaces on the beach

accesses. She would like more patrolling on that, and if they do not have a resident beach parking decal, she would like them ticketed if they are parking in a resident space.

Mayor-Commissioner Kennedy asked the City Attorney to provide the City Commission with the insight if the parking violation fines are raised to \$99.

City Attorney Mora stated s. 316.1967, F.S. provides that an official can determine as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100 or the fine amount designated by county ordinance, plus court costs.

Commissioner Flagg stated the resident-only parking does not affect the Business District Triangle parking. She does understand where Commission McCall is going because people invite people over in the evening, creating some challenges. Still, for the benefit of most of the community, she is going to try to have to work that out with neighbors, Ubering, etc.

Commissioner McCall asked if the sheriff's office tracks repeat offenders of parking violators, with Captain Leiner responding that their system automatically does that when a ticket is written.

Mayor-Commissioner Kennedy stated she has received many emails concerning parking on Bay Boulevard and explained if the City Commission approves Option B, a resident would be eligible for a parking decal and would be able to park on the side street anytime. Non-resident parking would be available after 5:00 p.m.

Mayor-Commissioner Kennedy stated there are parking problems on 25th, 26th, and 27th Avenues.

Mayor-Commissioner Kennedy asked how would the City address people who leave their cars parked at the beach accesses or on side streets overnight when they have had too much to drink, and they do not want to drive home.

City Manager Mims stated that it is a personal responsibility.

CONSENSUS OF THE CITY COMMISSION TO DIRECT STAFF TO PROCEED WITH OPTION B, WITH COMMISSIONER MCCALL DISSENTING.

City Manager Mims clarified that resident parking only on the side streets would be from 8:00 a.m. to 5:00 p.m.

SEC. 62-35. PARKING ON BEACH ACCESSES AND 15TH AVENUE BOAT RAMP

(c) Permit parking on beach accesses. Permits for parking at beach accesses in the City shall be as following as:

- (1) All residents of the City shall, upon application and proof of automobile registration, be issued one resident permit per vehicle for parking on beach accesses and no fee shall be charged for such permit. Proof of residency within the corporate limits of the City shall be required for such permit. The City shall provide parking places on accesses designated for residents only where deemed feasible by the city manager. The resident parking permit decal must be permanently attached to the exterior rear of the vehicle in a visible location.

City Manager Mims stated the wording in this subsection needs to be clearer. There are 67 resident-only parking only, and approximately 2,400 resident parking decals have been issued.

City Manager Mims stated currently, residents and property owners are issued resident parking decals. He believes, when this was written, the resident parking decals were for someone who truly resided in Indian Rocks Beach, and that would be determined by a vehicle registration tying them to an Indian Rocks Beach address where they reside. He stated for whatever reason, this is not how this section of the Code has been applied since 1980.

City Manager Mims stated under Florida Law, a person has 30 days to update their driver's license and tags once they move.

City Manager Mims stated the guidelines that staff uses is if a person is leasing, they must provide proof that they are leasing the property for at least a year.

Commissioner Flagg stated the decals should be issued to Indian Rocks Beach residents only, and their automobile registration should determine proof of residency. The parking decal should be permanently affixed to the back of their vehicle.

Mayor-Commissioner Kennedy stated one of the City Manager's questions was a period of time when a person is truly a resident, and asked Commissioner Flagg what her thoughts were on that.

Commissioner Flagg asked if they would have their car there and would it be registered at that Indian Rocks Beach address.

City Manager Mims responded in the affirmative. Staff was trying to avoid giving someone a decal that is good for two years when their situation was that they were only going to be here for six to eight months, but they were going to have to change their driver's license and automobile tag to comply with State Law.

Vice Mayor-Commissioner Hanna stated the parking decals should be issued to legal residents with proof of residency, a car registration.

Commissioner Hoofnagle suggested parking decals be issued for one year. A typical household lease is 12 months. Something to think about is the duration of the parking decal.

Commissioner Hoofnagle confirmed that Commissioner Flagg stated that if the person's car was not registered in Indian Rocks Beach, then they would not be entitled to a decal, with Commissioner Flagg responding in the affirmative.

Commissioner Flagg stated full-time residents would be entitled to a decal, but a part-time resident would not be. For example, someone who spends four months out of the year in Indian Rocks Beach.

Commissioner McCall stated that he does not think there is a difference between a full-time resident property owner and a property owner. He does not know if a part-time property owner should have any less rights than a full-time property owner. He would not issue a decal to a renter unless it is obtained or in conjunction with the property owner. If the property owner contacts the City and wants one of their tenants to have a decal as part of the lease, then a process can be developed for that through the lease.

City Manager Mims stated one of the things that has happened to the City in the last three or four years is the east side of Gulf Boulevard in the residential areas, the City has topped in the mid-150 range of houses that have been converted from traditional single-family houses to short-term vacation rentals.

City Manager Mims stated if the City Code remains the same, decals would be issued to traditional residents, property owners, and renters. He stated the decals are supposed to be permanently affixed to the vehicle. Still, renters and some property owners affix the decal with Scotch tape making it easy to switch the decal from car to car, making enforcement difficult. Decals are issued based on automobile registration.

Mayor-Commissioner Kennedy opened the public comments.

Carol McGlaughlin, 115-21st Avenue, stated parking decals should be issued to homesteaded property. If it is homesteaded, that is the person's homestead, and that person should have their car registration at the address.

Ms. McGlaughlin stated in 1980 when this ordinance was enacted, the intention was that the parking decals were for property owners.

Gordon Obarski, 708 Beach Trail, Unit #B, stated the parking decals should be for anyone who owns property. He stated many people who own beach property own it for investment purposes. He thinks anyone who owns property here should be issued a parking decal. He stated beachfront property owners and non-homesteaded property owners pay more in taxes. He stated to eliminate those individuals would be a disservice to this City.

David Gardella, 705 Harbor Drive, Belleair Beach, stated the parking decals should be renewed yearly and proof of residency determined by car registration.

Jean Scott, 420 Harbor Drive South, inquired if the City would be issuing parking decals for the golf cart, with City Manager Mims responding that the City would be issuing decals for golf carts.

Todd Plumlee, 479 Harbor Drive, stated the parking decals should be renewed yearly and proof of residency determined by car registration.

Kelly Cisarik, 448 Harbor Drive South, stated the number of parking spaces for golf carts on the beach accesses had expanded a few years ago. Still, those spots are available to both residents and non-residents that stay in vacation rental properties. Many vacation rentals now provide golf carts for their guests' use, so she sees more golf carts on the streets now. She would like to see some of the dedicated golf cart parking spaces returned to general parking decal holders, and those can be for both golf carts and full-size cars. It is hard for her to park at the beach now because she does not own a golf cart, and there are more parking spaces for golf carts at her beach access, 27th Avenue, then there are for resident-only. Decals should be required for resident golf carts.

Ms. Cisarik stated parking decals should be for all residents and all property owners.

Mayor-Commissioner Kennedy closed the public comments.

Commissioner Hoofnagle stated he had heard a lot of the comments about property ownership and parking for residents. He does understand when people talk about property owners, and they pay taxes, but he does not think this is what this issue is about. Taxes are where the City's money costs come from, and it does entitle property owners to a resident parking pass, and so as difficult as that would be for some people to hear. He thinks what the City is dealing with here is a resident's quality of life issue and the way the City addresses that is by restricting the passes to residents instead of saying this is a general property right.

City Manager Mims responded that is correct. There would only be one decal, which would serve as the resident only beach access parking decal, and if Option B is approved, it will serve as the on-street resident only parking decal.

Commissioner McCall stated he is more interested in second homes, the snowbirds. The City is making a distinction between residents and the snowbird community (second home property owners).

City Manager Mims stated it would be the same decal, so whatever the City Commission decides Option A or Option B.

City Manager Mims stated that if the City is going to issue to property owners and residents, then the City Commission might want to discuss limiting the number of decals per household. He stated many cities in Florida and around the Gulf-of-Mexico had put limits on the number of beach parking decals issued per household.

Commissioner Flagg stated anyone who owns, rents, or leases (long term at least a year) property in Indian Rocks Beach that have cars registered in Indian Rocks Beach or can prove ownership would be entitled to a decal.

Commissioner Hanna stated he is leaning more toward the one-year distribution for decals and proof of residency, car registration, and one decal per household.

Commissioner Hoofnagle recommended issuing the decals yearly with proof of residency through car registration. These are resident decals.

City Manager Mims stated after the decals expire, individuals come to City Hall asking for temporary parking permits because under Subsection (2) there is no limit, there is no length of time, and no associated cost.

City Manager Mims stated there are over 100 temporary parking permits issued with the majority being issued to property owners on Gulf Boulevard's west side.

City Manager Mims stated Subsection (2) does not restrict who can obtain these permits, and some residents live on LaHacienda, Harbor Drive, and other places that have these parking permits. Subsection (2) has been abused dramatically over the years.

City Manager Mims recommended that Subsection 2 be deleted from the City Code and just have Subsection (3).

City Manager Mims stated if a resident or property owner needs a temporary parking permit for whatever the situation is, under Subsection (3) a temporary parking permit can be issued not to exceed more than three days.

Commissioner Flagg stated she sees cars parked in regular parking spaces for weeks at a time with these temporary parking permits, and they seem to leave the car indefinitely.

City Manager Mims stated when the Subsection (1) is rewritten, there will be some language that limits the time that someone can leave a vehicle parked at the beach because that has been an ongoing problem.

Commissioner Hoofnagle stated he does not understand Subsection (2) and does not understand why it exists.

Commissioner Hanna stated the temporary parking permits should be for a time specific.

~~CONSENSUS OF THE CITY COMMISSION TO ELIMINATE SECTION 62-35, PARKING ON BEACH ACCESSES AND 15TH AVENUE BOAT RAMP, (c), PERMIT PARKING ON BEACH ACCESS, (2): THE CITY MANAGER MAY, UPON REQUEST, ISSUE TEMPORARY GUEST PARKING PERMITS TO MOTELS/MOTOR LODGES, BUSINESSES OR RESIDENCES ON THE CONDITION THAT BUSINESS TAX RECEIPTS, IF APPLICABLE, ARE PAID. NO FEE SHALL BE CHARGED FOR THIS PERMIT. THESE TEMPORARY GUEST PARKING PERMITS MAY NOT BE USED IN THE SPACES DESIGNATED FOR RESIDENTS ONLY. THE PARKING PERMITS USED MUST BE VISIBLE FROM THE REAR OF THE VEHICLE.~~

CONSENSUS OF CITY COMMISSION FOR STAFF TO TWEAK SECTION 62-35, PARKING ON BEACH ACCESSES AND 15TH AVENUE BOAT RAMP, (c), PERMIT PARKING ON BEACH ACCESS, AS DISCUSSED BY THE CITY COMMISSION.

2. DISCUSSION OF golf cart ordinance.

City Attorney Mora stated the purpose of this discussion is to amend the City's ordinance so that there are no conflicts with Florida Statutes.

City Attorney Mora reviewed the definitions of golf carts and low-speed vehicles, per Florida State Statutes which are as follows:

- *Golf Carts.* Motorized four-wheeled vehicles with a maximum speed of 20 miles per hour do not require insurance and do not require a driver's license.
- *Low-Speed Vehicles.* Motorized four-wheeled vehicles, which in some cases resemble golf carts, but are capable of a maximum speed of 25 mph, require insurance and registration, and require the operator to have a driver's license.

Municipalities are limited in regulating and requiring the operator, as they can only regulate unlicensed drivers and may not require anything further than state statute permits. Municipalities are empowered to regulate and prohibit low-speed vehicles. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable.

While the City Code is currently silent on low-speed vehicles and micromobility scooters, the City does have statutory authority to enact ordinances that prohibits or regulate the operation of low-speed vehicles or micromobility scooters.

City Attorney Mora reviewed golf carts as defined in Florida Statutes, reviewed portions of Florida Statutes, and persuasive authority: Attorney General Opinions.

Golf Carts. Motorized four-wheeled vehicles with a maximum speed of 20 miles per hour that are allowed to travel on certain roads with a posted speed limit of 30 miles per hour or less. By statute, golf carts are not required to be registered or insured. State statute and the Florida Attorney General opinions hold that while municipalities may regulate some golf carts operations, these regulations may only apply to unlicensed drivers. Further, as there is no requirement that a golf cart operator has a driver's license, a municipality may not enact an ordinance that requires a driver's license to operate a golf cart or even a seat belt.

A separate provision addressing the operation of golf carts on certain roadway and general prohibitions and regulations of golf carts' operation also offers relevant insight [§ 316.212, F.S.]. While generally the operation of golf carts on public roadways is prohibited, a golf cart may be operated only upon a county road that has been designated by the county, a municipal street that has been designated by a municipality, or a two-lane county road located with the jurisdiction of a municipality, for the use of golf carts. [§ 316.212(1), F.S.]. Further, golf carts may only be operated on roads with a posted speed limit of 30 mph or less. [§ 316.2126(1)(c), F.S.]. According to State Statutes, golf carts may only operate on sidewalks under the following conditions: if provided by municipal ordinance, the sidewalks are eight feet wide, and if the top speed of golf carts on the sidewalk is 15 miles per hour. [§ 316.212(8), F.S.]. The City prohibits golf carts on sidewalks.

While golf carts are not required to be licensed or insured, a golf cart may not be operated on public roads by any person under the age of 14. [§ 316.212(7), F.S.]. However, golf carts can legally be operated by someone 14 years of age or older.

Golf carts may only be operated between sunrise and sunset, unless the county or municipality has determined that golf carts may be safely operated outside those hours and golf carts have headlights, brake lights, turn signals, and a windshield. [§ 316.212(5)]. Local governments may enact an ordinance relating to golf cart operation and equipment that is more restrictive than state statute, but the ordinance may only apply to unlicensed drivers, and the municipality must post signs regarding the more restrictive golf cart ordinance. [§ 316.212(8)(a), F.S.]

Violations of § 316.212, F.S. (golf cart operating state statute) are considered noncriminal traffic infractions punishable as a moving violation. [316.212(9)].

Presently, the City Code regulates golf carts in Chapter 62 of the Code of Ordinances. The City Code states that golf carts must be equipped with headlamps, stop lamps, turn lamps,

tail lamps, reflectors, brakes, rearview mirrors, windshields, and standard hop restraints.[Section 62-40(1) of the Code of Ordinances.] Because the City allows golf carts to operate between the hours of sunset and sunrise, this additional required equipment language is likely permissible under the City's authority found in § 316.212(5), F.S.

The City Code also requires that golf cart operators must possess a valid driver's license. [Sec. 62-40(2) of the Code of Ordinances]. This section is preempted by state statute and likely unenforceable as noted above. AGO 16-07 in conjunction with § 316.212, F.S. would prohibit the City from requiring driver's licenses or raising the minimum age of golf cart operators. It would be advisable to amend this section of the City Code in light of statutory language and secondary legal authority.

The City Code, under Section 62-40 (3), has designated areas where golf carts may cross Gulf Boulevard at the following intersections: 8th Avenue, 12th Avenue, 15th Avenue, 16th Avenue, 17th Avenue, 18th Avenue, 19th Avenue, 20th Avenue, 21st Avenue, and 22nd Avenue.

City Attorney Mora reviewed the definition of low-speed vehicles definition and safety standards and operation of low-speed vehicles according to Florida Statutes.

Low-speed vehicles. Any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 (Federal Safety Standards) and § 316.2122. [§ 320.01(41), F.S.]

§ 316.2122, F.S. deals with the safety standards and operation of low-speed vehicles or mini-trucks. Operations of low-speed vehicles are authorized on any road with the following restrictions:

- (1) A low-speed vehicle or mini-truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini-truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- (2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- (3) A low-speed vehicle or mini-truck must be registered and insured in accordance with § 320.02, F.S. and titled pursuant to Chapter 319, F.S.
- (4) Any person operating a low-speed vehicle or mini-truck must have in his or her possession a valid driver's license.
- (5) A county or municipality may prohibit the operation of low-speed vehicles or mini-trucks on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

- (6) The Department of Transportation may prohibit the operation of low-speed vehicles or mini-trucks on any road under the jurisdiction if it determine that such prohibition is necessary in the interest of safety.

City Attorney Mora stated the City Code does not define, regulate, or prohibit low-speed vehicles within the City.

City Attorney Mora stated low-speed vehicles are separate and distinct from golf carts, it would be advisable for the City to amend the City Code or enact a new ordinance or define, regulate, and enforce low-speed vehicle operation. The City has the authority to ban low-speed vehicles on municipal roads outright, or it could regulate them within the confines of the statute by requiring a driver's license to operate, requiring registration and insurance. The City could prohibit their operation on any roads with a posted speed limit greater than 35 miles per hour.

Commissioner Hoofnagle stated is the City leaving the identification of whether it is a golf cart or a low-speed vehicle up to the enforcement officer.

Captain Leiner stated realistically more likely or not. It would be treated like a golf cart unless it has a tag. If there is a tag, it is a low-speed vehicle.

City Manager Mims asked if a 14-year could drive a golf cart on Gulf Boulevard.

City Attorney Mora responded yes. Under Code Section 62-40, the City allows golf carts to cross Gulf Boulevard at certain avenues.

Mayor-Commissioner Kennedy opened the public comment session.

Todd Plumlee, 469 Harbor Drive North, stated there is a distinction between golf carts and low-speed vehicles, and stated golf carts are not allowed to travel north and south on Gulf Boulevard. However, if the speed limit is under 35 miles per hour, low-speed vehicles can travel on those street. Low-speed vehicles require license tags and a licensed driver.

Patti Sullivan asked how you differentiate between 13 and someone who is 14 if they do not have an ID.

Captain Leiner stated the deputies would more than likely reach out to the parents for verification, but there needs to be a primary reason to stop the golf cart.

Elizabeth Flynn, 914 Harbour House Drive, stated it does not seem that the City is enforcing its current ordinance. She has seen people driving their golf carts up and onto the beach, parking at entrances where they are not authorized to park (9th Avenue), and she has seen overloaded golf carts with eight to ten people. She sees people driving their

golf carts on the sidewalk from 9th Avenue to 10th Avenue, a safety hazard for the pedestrian because the sidewalk is only eight feet wide. She sees a lot of golf carts driving down Gulf Boulevard.

Ms. Flynn asked what are the hours of operation for golf carts?

Captain Leiner stated golf carts should only be operated during daytime hours, and golf carts are not to be driven on Gulf Boulevard except to cross at the designated Gulf Boulevard intersections as outlined in the City Code.

Captain Leiner clarified if a golf cart has a windshield, brakes, headlamp, brake lights, and turn signal, they may travel at night.

City Manager Mims stated all sidewalks north of Walsingham Road are five feet in width, so legally, no one should be driving golf carts on sidewalks.

City Attorney Mora stated golf carts do not require driver's license, headlamps, or seat belts as outlined in the City Code. However, low-speed vehicles require a license tag, a licensed driver, headlamp, seat belts, and other safety equipment.

Kelly Cisarik, 448 Harbor Drive South, stated she thinks the City would have benefitted tremendously in the beginning if the City permitted low-speed vehicles and prohibited golf carts. The state law requires low-speed vehicles to register, have liability insurance, safety equipment, seat belts, licensed drivers, and they are not allowed to be on sidewalks.

Ms. Cisarik stated the majority of the golf carts had been converted to low-speed vehicles.

Mayor-Commissioner Kennedy seeing and/or hearing no one else wishing to speak. The public comment session was closed.

Mayor-Commissioner Kennedy clarified that only the Florida Legislature could increase the age to drive a golf cart from 14 to 16, with City Attorney Mora responding in the affirmative.

Vice Mayor-Commissioner Hanna expressed his concern with the overcrowding and the age of teenagers driving golf carts.

Vice Mayor-Commissioner Hanna stated most short-term vacation rentals have golf carts as an incentive and suggested that there be a requirement that the owner post the City's golf cart regulations inside their rentals.

City Attorney Mora stated laws would be broken. The City cannot require additional safety equipment beyond what the State law contemplated based on the Attorney General opinion.

City Attorney Mora stated that the City Code does not allow golf carts on sidewalks or Gulf Boulevard.

Commissioner McCall stated low-speed vehicles are registered with the State, and asked if it would violate State law to register golf carts with the City, so the City and law enforcement knows who owns those carts.

Commissioner McCall stated the public needs to be educated on golf carts and low-speed vehicles.

Commissioner McCall stated, for the record, he owns a golf cart/low-speed vehicle. He has had it for a year, and it has allowed him to get rid of two cars. He does have a license tag and does carry insurance as required. He stated it takes approximately \$1,200 to convert/apply for a license with the State of Florida.

City Manager Mims stated the registration of golf carts would serve absolutely no purpose. It would just be another layer of bureaucracy.

Mayor-Commissioner Kennedy stated if a deputy saw a golf cart with overcrowding, would the deputy be inclined to stop them.

Captain Leiner stated the deputy would refer to an overall general safety concern.

Commissioner Hoofnagle stated there should be one line in the City Code that reads the liability for injuries arising from the golf cart are the responsibility of the golf cart owner.

CONSENSUS OF THE CITY COMMISSION FOR STAFF TO DRAFT AN AMENDMENT TO THE CITY CODE THAT BRINGS THE CITY'S CURRENT GOLF CART REGULATION IN COMPLIANCE WITH STATE LAW.

3. DISCUSSION OF items left on the beach (no trace ordinance).

City Manager Mims stated there are two Code Sections that deal with items left on the beach, and those are: Section 74.65, Tents, canopies, and volleyball nets, and Section 26-131, Confiscation of abandoned property.

City Manager Mims stated, for example, the City is having a growing problem with beachfront property owners putting permanent chairs on the beach, creating issues for Public Services when they run the mechanical rake.

City Manager Mims stated he is requesting the City Commission authorize staff to draft an ordinance that would set forth that it would be unlawful for any person to leave an item of personal property on the beach after a specific time. If any personal property remains on

the beach after a specific time, it would be a violation and considered abandoned, and the City would remove the item. He stated both Sections 74-65 and 26-131 would be repealed.

City Attorney Mora stated § 705.103, F.S., Procedure for abandoned or lost property, addresses how the City shall dispose of abandon or lost property. He, therefore, reviewed the procedure for abandoned or lost property.

Commissioner Hoofnagle stated there are certain benches up and down the beach that have been there for many years and have signs on them that pertain to certain local businesses. It is his understanding that the City is going to outlaw those.

Commissioner Hoofnagle stated people come on July 2nd, put up a tent, and intend to keep it in that spot for the entire weekend, which is against the City Code. He recommends language be added that the City can remove these tents, and place them in the City's lost and found.

Commissioner Hoofnagle stated people flagrantly violate the City Code on this issue, and he does not think the City needs to make it convenient for them to get the items that they leave recklessly on the beach.

City Manager Mims stated during turtle season, the City is not allowed to go on the beach until the turtle patrol contacts the City advising that they are finished, which is around 9:00 a.m., and this creates problems in trying to determine when something was put out on the beach.

City Manager Mims stated those items, which over the years have been on the beach, that are now permanent need to come off the beach because they present problems with cleaning the beach.

Commissioner Flagg stated trash pickup for the Solid Waste employees is not easy. She walks the beach every day and sees a lot of tents and chairs on the beach. The City needs to get a handle on the items being left on the beach.

Commissioner Flagg stated weekly, monthly, and yearly condo rentals need to educate their tenants on the City's beach rules.

Commissioner Hanna stated volleyball nets become a hazard in the evening hours and at night, and asked about recovery fines for items removed from the beach.

Mayor-Commissioner Kennedy stated people are leaving holes on the beach, which walkers have twisted their ankles in, and asked if something could be done.

Mayor-Commissioner Kennedy opened the public comment session.

R.B. Johnson, 1206 Beach Trail, stated he is in support of a no trace ordinance. The beach has gotten so much more junked-up in recent years. He stated that a lot of tents and chairs had been left on the beach over the last few months since it has not been enforced lately by the City.

Mr. Johnson stated seaward of the main dune line is all State-owned property for the most part. Most of the beach where people are putting their chairs and tents on is all public property, so that should not be difficult to deal with.

Mr. Johnson stated he thinks over time, as the word gets out to the community that stuff is not supposed to be left on the beach, there will not be nearly as much stuff left there.

Elizabeth Flynn, 914 Harbour House Drive, stated the ordinance needs to be updated to be more realistic, and she likes the idea of having a no trace ordinance for the beach. Beachfront property owners need to provide education to their renters on the City's beach rules, and the rules should be posted in the lobbies of the condominiums.

Ms. Flynn stated she walks the beach every morning and sees the amount of stuff left, which has increased dramatically. Most mornings, she picks up a garbage bag full of garbage and cigarette butts from the beach.

Ms. Flynn stated the Solid Waste guys are doing a fantastic job. The amount of stuff they pick up is unbelievable, so "kudos" to the Solid Waste guys.

Mayor-Commissioner Kennedy seeing and/or hearing no one else wishing to speak, closed the comment portion of this agenda item.

City Manager Mims stated staff is requesting the City Commission to authorize staff to develop a no trace ordinance taking into consideration Chapter 705, Florida Statutes.

Commissioner Hoofnagle stated he does not want the City to overreact to Florida Statutes. He is in favor of removing the garbage that are tents and chairs, which are left there recklessly that injure wildlife and scar the beach. He stated the City's legal liability might be there if the City removes it, but the City's financial exposure is extremely de minimis. He stated if the City does not take a stand to protect the City's quality of the beach and the quality of life because the City is afraid of some ridiculous State Law that puts an undue burden on the City. The City needs to stand up for itself and clean its beaches. The City should push back a little bit. The City has "home rule".

Mayor-Commissioner Kennedy stated she agrees with Commissioner Hoofnagle.

Commissioner Flagg asked if someone picks something up that was removed from the beach, would they sign a release form and is there a fine attached to it.

City Attorney Mora stated those issues would be resolved before drafting the ordinance.

Mayor-Commissioner Kennedy stated the City needs to be pro-active in education once this ordinance is enacted by mailing a copy of the ordinance to all beachfront property owners and condominium associations so that everyone is aware of the new beach rules and regulations.

CONSENSUS OF THE CITY COMMISSION TO AUTHORIZE STAFF TO DRAFT A NO TRACE ORDINANCE FOR THE BEACH.

Mayor-Commissioner Kennedy stated there would be two more times when the public may speak again, which would be during first and second readings of the ordinance.

4. DISCUSSION OF park hours.

City Manager Mims stated Code Sections 38-31, 38-51, 38-100, 38-101, and 38-140 all deal with park hours.

City Manager Mims stated Kolb Park, Keegan Clair Park, and Brown Park close at 11:00 p.m., and the Nature Preserve and the dog park close at dusk. There is no reason why the Nature Preserve and Brown Park need to be opened until 11:00 p.m.

City Manager Mims stated he recommends amending the City Code where the Nature Preserve and Brown Park at dusk, and Kolb Park at 9:00 p.m. The City has an agreement with the West Pinellas Little League that allows for them to occupy the baseball field until 10:00 p.m., and Keegan Clair Park to close at 11:00 p.m., to accommodate the businesses and boats that dock at the Keegan Clair dock facility.

Commissioner Hoofnagle stated park hours came before the City Commission before because of the pickleball courts, and the question was not only the closing time but the opening time. He asked if the opening time of the pickleball courts would be discussed.

City Manager Mims stated that was not the reason he brought up park hours, but a couple of residents had issues with the pickleball courts. He stated he is not recommending any changes for the opening time of parks.

Mark Poznan, 921 Harbour Drive, stated he wholeheartedly agrees that keeping these parks open until ten and eleven o'clock is unnecessary. He stated the City Commission should also look at the opening time of these parks. He lives next-door to the Nature Preserve and the dog park, which both open at 7:00 a.m. He cannot keep his doors and windows open during beautiful weather because he has dogfighting next to his house at 7:02 a.m. He requested that the City Commission look at the opening time for the dog park.

Elizabeth Flynn, 914 Harbour House Drive, stated the Nature Preserve should close at dusk, and the opening time of the dog park should be looked at by the City Commission. She stated it was fine when it was just residents using the dog park, but now it is mostly non-IRB people using the dog park.

CONSENSUS OF THE CITY COMMISSION TO CLOSE THE CITY PARKS AS FOLLOWS:

AT DUSK: NATURE PRESERVE, DOG PARK, AND BROWN PARK.

9:00 a.m. KOLB PARK, EXCEPT FOR THE WEST PINELLAS LITTLE LEAGUE THAT THE CITY HAS AN AGREEMENT THAT ALLOWS THEM TO OCCUPY THE BASEBALL FIELD UNTIL 10:00 p.m.

11:00 p.m. KEEGAN CLAIR PARK (BOAT DOCK FACILITY AND SAND VOLLEYBALL COURTS)

Commissioner Hoofnagle stated he would like to discuss the opening times for the dog park and the pickleball court because that is where most of the residential complaints have arisen. If there is no desire on the part of the City Commission to change those times, that is okay, but the City Commission owes it to those residents to say that the City Commission thought about it and said no. The City Commission cannot just ignore it.

Commissioner Hanna stated he understands the dog park and suggested moving the dog park's opening time a little later as a courtesy.

City Manager Mims stated the majority of the dog parks throughout Pinellas County open at 8:00 a.m.

Commissioner Flagg stated that parks open early for the public as far as she can remember, and that is the majority of people who want to use parks. Many of the City parks are located within residential areas, and 7:00 a.m., in her mind, is not a bad time for parks to open. She stated everybody uses the parks, and to her, 7:00 a.m. would be a regular time for a park to open.

Commissioner McCall stated that he agrees with Commissioner Flagg. Maybe the City Commission could discuss moving up the opening time of the dog park on Sundays.

City Manager Mims stated if the dog park opening time altered, it should be for seven days a week, not just for one day, or it would become too confusing.

City Manager Mims stated opening the dog park at a different time than the Nature Preserve does create some problem, especially on the weekends.

Commissioner Flagg stated garbage pickup starts at 7:00 a.m. and lawn services, and it is quite loud in the community in the mornings. She stated this is a densely populated little beach community.

Commissioner Flagg stated the opening times of parks need to be unified with some normalcy, and she does not think that 7:00 a.m. is a bad opening time for all the City parks.

Commissioner Hanna suggested 7:30 a.m., for the opening time for the dog park.

CONSENSUS OF THE CITY COMMISSION FOR ALL CITY PARKS TO OPEN AT 7:00 a.m.

5. DISCUSSION OF residential construction review fee.

City Manager Mims stated this is a housekeeping item and stated when the City contracted with Pinellas County to take over the Building Department, the City still retains the responsibility of plan review (residential and commercial) by the Planning Consultant.

City Manager Mims stated the City Code only has one site development plan review fee, and it does not spell out what it is for, and it is \$800.00. There is a fair amount of work that goes into reviewing residential and commercial site plans.

City Manager Mims is recommending the following:

Sec. 15-21. Site development plan review fees.

The following fees shall be paid in addition to any other fees where an application is filed requiring site development plan review services. The appropriate fees, costs, and other charges specified shall be submitted with, and paid at the time of, initial application submission or other initial document submission except otherwise specified in this Code.

- (1) Initial site development plan review- ~~\$800.00~~
- (a) Commercial and multi-family \$1,000.00
- (b) Single-Family \$500.00

CONSENSUS OF THE CITY COMMISSION FOR STAFF TO AMEND SECTION 15-21, SITE DEVELOPMENT PLAN REVIEW FEES, INCREASING COMMERCIAL AND MULTI-FAMILY INITIAL SITE DEVELOPMENT PLAN REVIEW FROM \$800.00 TO \$1,000.00 AND DECREASING SINGLE-FAMILY PLAN INITIAL SITE DEVELOPMENT PLAN REVIEW FEE FROM \$800.00 TO \$500.00.

6. ADJOURNMENT.

***MOTION MADE BY VICE MAYOR HANNA, SECONDED BY COMMISSIONER FLAGG,
TO ADJOURN THE MEETING AT 4:40 P.M. UNANIMOUS APPROVAL BY
ACCLAMATION.***

September 8, 2020
Date Approved

/DOR