

**TUESDAY,
AUGUST 10, 2021**

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 PM



Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137 (Fax)

AGENDA
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, AUGUST 10, 2021 @ 7:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

1. PRESENTATIONS.

- A. REPORT OF Pinellas County Sheriff's Office.**
- B. REPORT OF Pinellas Suncoast Fire & Rescue District.**

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

(Any member of the audience may come forward, give his/her name and address, and state any comment or concern that he/she may have regarding any matter over which the City Commission has control, **EXCLUDING AGENDA ITEMS**. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent or slanderous remarks shall be permitted. No speaker shall be interrupted and no debate shall take place between the speaker and the City Commission.)

3. REPORTS OF:

- A. City Attorney.**
- B. City Manager.**
(1) 3rd Quarter Financial Report.
- C. City Commission.**
[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. **CONSENT AGENDA:**
 - A. **APPROVAL OF** July 13, 2021 Regular City Commission Meeting Minutes.
 - B. **APPROVAL OF** July 20, 2021 Special City Commission Meeting Minutes.
 - C. **CONFIRMING ACTION** taken during the July 20, 2021 Special City Commission Meeting.
 - D. **REAPPOINTING** Regular Board Member Adrienne Dausés and Regular Board Member Frederick “Rick” McFall and appointing Scott A. Holmes as a Regular Board Member to serve on the Planning and Zoning Board/Local Planning Agenda for two year terms expiring on May 31, 2023.
 - E. **APPROVAL OF** the FY2022 Law Enforcement Contract with the Pinellas County Sheriff’s Office.
 - F. **AUTHORIZING** the City Manager to negotiate a Professional Services Contract with Utility Consultants of Florida for the City of Indian Rocks Beach Undergrounding Utilities Along Gulf Boulevard Project – Phase II.
 - G. **APPROVAL of** July 13, 2021 City Commission Budget Work Session Minutes.
 6. **PUBLIC HEARINGS:** None.
 7. **OTHER LEGISLATIVE MATTERS:** None.
 8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None.
 9. **OTHER BUSINESS.**
 10. **ADJOURNMENT.**
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APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 or doreilly@irbcity.com, no later than four (4) days prior to the proceeding for assistance.

POSTED: August 6, 2021

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 14, 2021 @ 7:00 P.M.**

BUDGET HEARINGS

**WEDNESDAY, SEPTEMBER 8, 2021 @ 6:00 P.M.
(First Reading of the FY2022 Operating Budget)**

**WEDNESDAY, SEPTEMBER 22, 2021 @ 6:00 P.M.
(Second and Final Reading of the FY 2022 Operating Budget)**

AGENDA ITEM NO. 1A

**REPORT OF
Pinellas County Sheriff's Office**



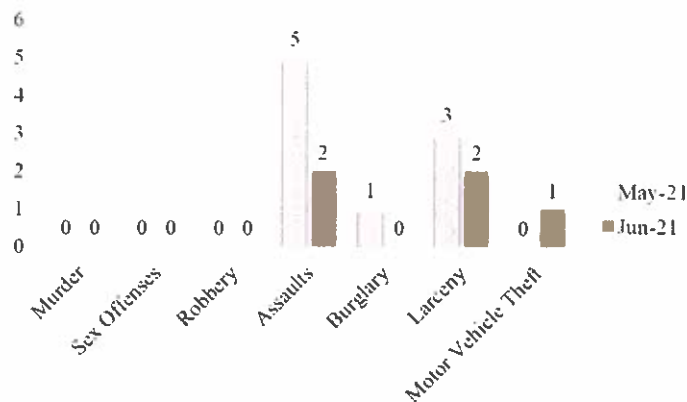
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

June 2021

Select UCR Property & Person Crimes	May 2021	June 2021	June 2020 YTD	June 2021 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	1
Robbery	0	0	1	0
Assaults	5	2	2	13
Burglary	1	0	3	6
Larceny	3	2	30	21
Motor Vehicle Theft	0	1	1	5
GRAND TOTAL	9	5	38	46



*Due to changes in UCR reporting taking effect January 1, 2021, there may be an increase in the categories listed

Prepared by: Casey Taylor
 Data Source: ACISS: UCR Offenses with Occurred Address, Arrested Subjects, Citation City Report
 CAD: Crime Analysis Views, Crime Analysis Incident History (Dispo- 7)

Arrests

June 2021

There were a total of 6 people arrested in the City of Indian Rocks Beach during the month of June resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Misdemeanor	3
Battery-Domestic Related	1
Disorderly Conduct/Breach Peace	2
Warrant	1
Warrant Arrest	1
Traffic Misdemeanor	2
Driving Under The Influence	1
No Valid Driver's License	1
Grand Total	6

*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

Deputy Activity

There were a total of **793** events in the City of Indian Rocks Beach during the month of June resulting in **1,070** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of June. *CAD data is filtered by problem type.

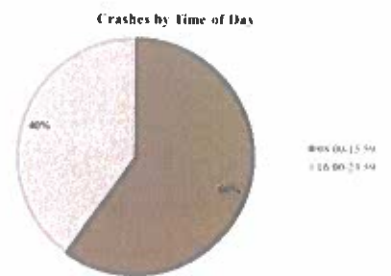
June 2021

DEPUTY ACTIVITY	TOTAL
Directed Patrol	204
Traffic Stop	150
House Check	93
Vehicle Abandoned/Illegally Parked	55
Assist Citizen	43
Suspicious Person	26
Noise	24
Information/Other	18
Contact	14
Alarm	11
Lost/Found/Abandoned Property	10
Disorderly Conduct	10
Assist Other Agency	9
Animal Call	7
Ordinance Violation	7
911 Hang-up Or Open Line	7
Accident	6
Supplement	6
Trespass	5
Fraud/Forgery-Not In Progress	5
Transport Prisoner	5
Civil Matter	4
Special Detail	4
Traffic Violation	4
Vandalism-Not In Progress	4

Crash & Citation Analysis

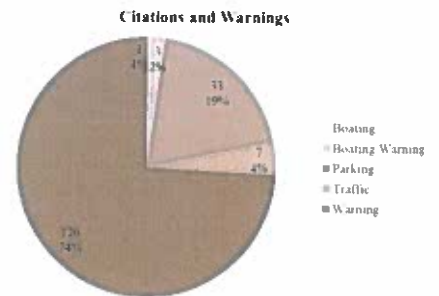
There were 5 crashes in the City of Indian Rocks Beach during June 2021. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
401 Gulf Blvd	1
500 1st St	1
727 Gulf Blvd	1
Gulf Blvd/5th Ave	1
Gulf Blvd/8th Ave	1



There were a total of 170 citations and warnings issued in the City of Indian Rocks Beach during June 2021.

TRAFFIC CITATION LOCATIONS	TOTAL
Gulf Blvd & 23rd Ave	2
8th Ave & Gulf Blvd	2
1st St & 3rd Ave	1
Gulf Blvd & 5th Ave	1
407 20th Ave	1



AGENDA ITEM NO. 1B

**REPORT OF
Pinellas Suncoast Fire & Rescue
District**

July 2021 Report for Indian Rocks Beach from Pinellas Suncoast Fire & Rescue District
For August 10 2021 City Commission Meeting

1. COVID: Pinellas County EMS has reported increased numbers of COVID cases being seen throughout the county. Increased protections being reinstated for EMS personnel on all service calls. As of July's end, the PSFRD has no personnel out with COVID-related issues.

2. EMS Call Activity: EMS call volume for July in IRB was 47 incidents. These calls included:

Person Down Calls – 11	Other Medical – 15	Trauma – 5
Falls – 8	MVC – 1	Overdose – 1
Cardiac – 2		

All EMS responses except two were within the 7 min. 30 sec. target. Those two calls were handled by one of our other units due to the primary unit being utilized on another incident. The average response time in July was 4 min. 55 sec.

3. Fire Call Activity: July IRB call volume totaled 30 incidents. These calls included:

Fire Alarm – 4	Outside Fire – 3	Structure Fire – 2
Water Rescue – 5		

All fire response time targets were met this month, and the data shows an average response time of 4 min. 25 sec.

4. PSFRD will be participating in a GPS Closest Unit program for dispatching all EMS calls and will be eager to see if this program produces any changes in response times.

AGENDA ITEM NO. 2
PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B

REPORTS OF City Manager

(1) 3rd Quarter Financial Report

DISCUSSION MEMO

INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: August 10, 2021

AGENDA ITEM: 3B(1)

SUBMITTED AND

RECOMMENDED BY:

Dan Carpenter, Finance Director



APPROVED BY:

Brently Gregg Mims, City Manager



SUBJECT:

Discussion of June 2021 Year-to-Date Financial Results

BACKGROUND:

Staff presents a quarterly discussion of year-to-date financial results to the City Commission.

ANALYSIS:

Financial reports comparing June 2021 fiscal year-to-date actual revenues and expenditures to budget are attached.

City of Indian Rocks Beach
FY 2021 BUDGET TO ACTUAL REPORT
AS OF JUNE 30, 2021

	<u>6/30/2021</u> <u>Period to Date</u> <u>Actual</u>	<u>FY 2021 TOTAL</u> <u>APPROVED BUDGET</u>	<u>OVER/(UNDER)</u> <u>BUDGET</u>	<u>% OF</u> <u>TOTAL FY 2021</u> <u>APPROVED BUDGET</u>
001 GENERAL FUND				
AD VALOREM TAX	\$ 2,379,785	\$ 2,371,020	\$ 8,765	100%
FRANCHISE FEE	\$ 296,645	\$ 433,000	\$ (136,355)	69%
COMMUNICATIONS SERVICES TAX	\$ 54,823	\$ 88,000	\$ (33,177)	62%
BUSINESS REG & OCC LICENSES	\$ 36,306	\$ 38,510	\$ (2,204)	94%
PERMITS & FEES	\$ 13,035	\$ 18,800	\$ (5,765)	69%
INTERGOVERNMENTAL	\$ 296,462	\$ 335,140	\$ (38,678)	88%
CHARGES FOR SERVICES	\$ 10,991	\$ 7,250	\$ 3,741	152%
PARKING FEES	\$ 190,764	\$ 120,000	\$ 70,764	159%
FINES AND FOREFITS	\$ 22,852	\$ 9,000	\$ 13,852	254%
INTEREST ON INVESTMENT	\$ 21,213	\$ 75,000	\$ (53,787)	28%
MISCELLANEOUS	\$ 39,208	\$ 17,500	\$ 21,708	224%
TRANSFERS	\$ 176,011	\$ 213,220	\$ (37,209)	83%
TOTAL REVENUE	\$ 3,538,095	\$ 3,726,440	\$ (188,345)	95%
CITY COMMISSION	\$ 40,977	\$ 51,840	\$ (10,863)	79%
CITY MANAGER	\$ 204,517	\$ 256,660	\$ (52,143)	80%
FINANCE	\$ 256,245	\$ 354,530	\$ (98,285)	72%
CITY ATTORNEY	\$ 42,641	\$ 100,500	\$ (57,859)	42%
PLANNING	\$ 44,017	\$ 80,550	\$ (36,533)	55%
CITY CLERK	\$ 106,984	\$ 168,330	\$ (61,346)	64%
LAW ENFORCEMENT	\$ 823,794	\$ 1,101,160	\$ (277,366)	75%
BUILDING & CODE ENFORCEMENT	\$ 101,865	\$ 159,540	\$ (57,675)	64%
PUBLIC SERVICES	\$ 711,382	\$ 956,670	\$ (245,288)	74%
LIBRARY	\$ 78,538	\$ 109,180	\$ (30,642)	72%
RECREATION	\$ 30,205	\$ 37,700	\$ (7,495)	80%
CENTRAL SERVICES	\$ 236,660	\$ 354,990	\$ (118,330)	67%
TOTAL EXPENDITURES	\$ 2,677,825	\$ 3,731,650	\$ (1,053,825)	72%
101 CAPITAL PROJECTS				
IC SURTAX PENNY FOR PINELLAS	\$ 315,913	\$ 440,000	\$ (124,087)	72%
UTILITY UNDERGROUND GRANT	\$ -	\$ -	\$ -	0%
GRANTS	\$ 57,976	\$ -	\$ 57,976	0%
TOTAL REVENUE	\$ 373,889	\$ 440,000	\$ (66,111)	85%
CONTRUCTION PROJECTS	\$ 895,049	\$ 675,000	\$ 220,049	133%
TOTAL EXPENDITURE	\$ 895,049	\$ 675,000	\$ 220,049	133%
402 SOLID WASTE FUND				
GRANT REVENUE	\$ -	\$ -	\$ -	0%
SOLID WASTE	\$ 948,758	\$ 1,413,460	\$ (464,702)	67%
TOTAL REVENUE	\$ 948,758	\$ 1,413,460	\$ (464,702)	67%
SOLID WASTE	\$ 954,281	\$ 1,354,530	\$ (400,249)	70%
TOTAL EXPENDITURE	\$ 954,281	\$ 1,354,530	\$ (400,249)	70%

AGENDA ITEM NO. 3C
REPORTS OF City Commission

AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

**AGENDA ITEM NO. 5A
CONSENT AGENDA**

**APPROVAL OF July 13, 2021
Regular City Commission Meeting
Minutes**

**AGENDA ITEM NO.: 5A - APPROVAL OF MINUTES.
DATE OF MEETING: AUGUST 10, 2021 CCM**

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

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, JULY 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.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Joe McCall, Commissioner Philip J. Hanna, Commissioner Edward G. Hoofnagle, and Commissioner Denise Houseberg.

OTHERS PRESENT: City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, and Hetty C. Harmon, AICP.

ABSENT: City Manager Brently Gregg Mims.

(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 month of May 2021.

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

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

2. PUBLIC COMMENTS.

R.B. Johnson, 1206 Beach Trail, spoke on the perpetual storm damage reduction easements and beach renourishment.

Mr. Johnson stated back in 1990-91, when nourishment was first undertaken, the Corps received temporary easements from property owners, but they were not perpetual

easements. They may not have been able to receive those specifically, but they could have received some kind of easement in perpetuity or some agreement, but they did not at the time ask for those types of agreements.

Mr. Johnson stated for the next several series of renourishment, the Corps declined to ask for easements as well. The City had series of renourishments where they brought sand in. For the vast majority of Indian Rocks Beach, the Corps did not put sand anywhere near that private property line, the erosion control line, except in the instances perhaps at the extreme north and south ends of Indian Rocks Beach. Even in those areas, it was in a very minimal capacity.

Mr. Johnson stated the Corps had changed their policy due to Super Storm Sandy and the Water Resources Development Act of 1986 (WRDA), which is an agreement whereby the Corps has the ability to do a number of projects. WRDA states federal funds cannot be utilized to put sand on private property. After Super Storm Sandy, the Corps decided to go back and apply this policy across the board. The Corps is more less retroactively asking gulf front beach owners to sign off on these easements that they did not ask for way back when.

Mr. Johnson stated the situation on the beach does not look like anything like it did back in 1990-91 or in 1985 when Hurricane Elena hit. So, there is a very different beach situation out there.

Mr. Johnson stated he does not worry about the public use of the private property in front of his seawall. It does not bother him partly because before any of these beach renourishment projects, nobody considered that area their private property or acted like it was. No one tried to ban people from the beach when it was only 50 feet wide. People used to put their beach towels and chairs right below his seawall, but if they were sitting on his seawall, which they sometimes did, they were on his private property. He stated that he does not see people using the area in front of the seawalls, sitting on the seawalls, or going onto backyards like before.

Mr. Johnson stated he is not upset about the notion that by signing these easements, they would be taking away a right whereby activities would change drastically in that private property area. That is not something that has upset him.

Mr. Johnson stated he has realized that the Corps was adamant about the notion that if 100% of the easement were not returned, the beach would not be renourished even if they were not coming anywhere near the erosion control line or the private property.

Mr. Johnson does not think the Corps should at this point say that they are not going forward with the next renourishment unless all easements are received, even though they are not going anywhere near the erosion control line (private property mark).

Mr. Johnson stated the Corps should have received these perpetual easements many years ago and not let so much time go by because so many people have moved here who do not realize how much the beach has changed. He thinks it messes up the works. It confuses people, and when they do not see the historical basis for what is going on here and then say this has to happen or otherwise it will not be renourished again immediately. He thinks that is the wrong way of going about it.

Mr. Johnson stated this is something wherein the long run that the Corps has a point in a sense that the City could get hit by a big storm sometime this summer. For instance, half the dunes could wash away, and then they would be back pretty close to the erosion control line, and then another storm could hit. He stated when Hurricane Elena hit in 1985, Tropical Storm Juan followed a month later that compounded the damage done by Hurricane Elena. He said that it is not inconceivable that relatively soon or in the next few years, a series of storms could hit that could necessitate a placing of sand closer to or actually on areas that are considered private properties.

Mr. Johnson stated he looks at this as a situation wherein the long run, the Corps is correct to a certain extent, but in the short run, he thinks they are wrong about the way they are going about this.

Mr. Johnson stated he would be signing the perpetual storm damage reduction easement. He does believe in the long run, it may be of benefit to have these easements in place in case it is necessary to put sand back eastward or landward of the erosion control line or what is considered the private property line.

Mr. Johnson stated he is not blaming anyone publicly for not signing. He believes there should be a way for the Corps to renourish the IRB beach without receiving 100% of these easements signed. He does not think other people should be attacking other people whether they are signing or not signing. He does not have a personal problem with the easement language. He stated there is almost nothing a person can do with the public use of the area below his seawall other than to protect the vegetation, which the State of Florida protects because of the coastal construction control line (CCCL). The CCCL is another demarcation line that runs virtually along the seawalls, and all vegetation seaward of that line is protected by the State of Florida. There is almost nothing that a person can do in that area — no building, no fences, etc.

Lauren (LNU), 522 2nd Street, stated she supports beach renourishment. She said that 5% of Florida shorelines are critically eroding, which will affect turtle nests. IRB plays a primary role in hosting loggerhead turtles, kemp ridley turtles, green sea turtles, and nests. As the beaches erode, so will their nesting areas. More than one-third of the State's shoreline has lost ground over the past five decades. Florida's key brand and source of tourist revenues are washing away. The State of Florida receives more than \$3 Million in sales from taxes during the tourist season, and without nourishment, IRB faces a coast more vulnerable to hurricanes. The Florida Governor and Legislature have allowed an

annual backlog of unfunded beach projects to peak more than \$80 Million. The City and residents need to preserve IRB for someone like her who has young children.

Nancy Obarski, 708 Beach Trail, #B, spoke about a Facebook post with misinformation about the beach easements. She is not blaming the poster because gulf front property owners have not been informed about what has been going on with beach renourishment. It was likely the result of the post-Hurricane/Tropical Storm Elsa news coverage that Pinellas County received from Bay News 9 and Channel 10 from last week. Bay News 9 again, but the onus on the gulf front property owners.

Mrs. Obarski stated the City needs to figure out how to get sand. It is going to take some serious pushback from the Corps, even if it is legal action.

Mrs. Obarski stated she complained to the Pinellas County Board of County Commissioners about the lack of information on the status of the renourishment project. She said Pinellas County is busy asking her to give up important property rights, but then she has to do internet searches to find out what is going on.

Don House, 2104 Beach Trail, stated he was also at the Pinellas County Board of County Commissioners Meeting. He told the County Commission that no one talks to the beachfront property owners. They are only lectured to. He stated it was great that a County Commissioner, Mayor-Commissioner Kennedy, and Congressman Crist were on the beach, but none of them had any standing in the game. None of them own property on the beach. The County needs to get some people that actually live on the water involved in the situation.

Mr. House stated John Bishop, Pinellas County Coastal Management Director, said the wide beach protects the cities from hurricanes. Wide beaches do not protect the City. The City's beach walkovers do nothing to stop the water from going onto Gulf Boulevard. He said his residence would stop the water from coming into the City.

Mr. House stated trash is being left around 21st Avenue Beach Access. This time, it was beer cans. They are parking overnight on the beach access and were on the beach around midnight. That area is now being called the 21st Avenue Campground.

Mr. House stated he would like to see hang tags for overnight parking on the beach accesses reinstated. Hang tags were a way to control and identify people who parked at the beach accesses overnight.

Jose Coppen, 4 Gulf Boulevard, spoke about the perpetual beach easements and his discussions with the Corps. He stated he has a 10-foot dune that is seaward of the erosion control line. He said the State defines the erosion control line as to where his property ends. He no longer has riparian rights, which he used to have because the State

established the erosion control line. He stated anything westward of the erosion control line is State land, except the easement on Gulf Boulevard.

Mr. Coppen stated he looked at the certified drawings. He said the contractor is prohibited from placing any sand on private property without the specific authorization of a representative of the Corps. He said the Corps is lying, and he is not signing the easement.

Mr. Coppen stated he is surprised and disappointed that the elected officials and the press have kept quiet for so long. For example, New Jersey beachfront residents had signed easements with the Corps for sand, but if the Corp did not place sand on private property, the easements became null and void. The Corps has not extended that courtesy to the Pinellas County residents.

Scott Shapiro, 2032-20th Avenue Parkway, complimented the City Commission on the problematic discussion they made on prohibiting fireworks in Indian Rocks Beach.

Mr. Shapiro stated the City was incorporated in 1955. Indian Rocks Beach has been continuously renourished since 1988, and approximately \$9 Million has been spent on rebuilding American beaches since 1923. Before 1988, the tide did reach up to the seawalls, which some residents do remember. It is a proven fact that beach renourishment would reduce coastal storm damage to homes, businesses, and critical infrastructure, mitigate future land loss, maintain recreational value, and demand for the beach. This action would benefit sea turtles, shores birds, and other wildlife. This action would help the City's local economy by maintaining the area as a year-round tourist destination and support related businesses and jobs. Failure to renourish would result in severe beach and dune erosion, destruction of property, wildlife habitat, and loss of recreation area, which would result in a significant negative impact on the City's tourism-based economy.

Mr. Shapiro stated in the last eight months, Pinellas County had two named storms, Ada and Elsa, impact the local beaches. After Elsa, there were tidal rivers that now exit where dry sand once stood during low tide yesterday. Today, he saw the high tide, and the beach is narrower than it has been since the City's last renourishment.

Mr. Shapiro stated this is not a political issue, this is a pending environmental crisis at the City's front door. The issue before the City today, in his opinion, is the most crucial of the last 20 years that he has lived here in IRB. It is detrimental to the City's longevity as the pearl of Pinellas County.

Mr. Shapiro stated the City, County, State, and Federal governments and the Corps are not taking anything from anyone. The plain reading of the perpetual storm damage reduction easements states the purpose is for public use, and there will be no commercial enterprises or construction of any permanent structures. The grantee says that it is solely for activities necessary for the construction and operation of beach renourishment.

Mr. Shapiro stated he does not understand how the City can jeopardize losing its upcoming beach renourishment. He does not understand how a vocal minority can hold the beach and City hostage and create possible further harm to them and the City itself. He cannot understand how one percent of the City's population can dictate the environmental, fiscal, and future success of Indian Rocks Beach. Unfortunately, most IRB property owners also live east of Gulf Boulevard and have no idea that this is even an issue.

Mr. Shapiro stated he is a huge advocate of private property rights, but here, in this case, there is no taking, and this is an issue of public interest versus private property rights. Since the nourishment began, the erosion control line and mean high tide line are continually moved west past what was once submerged.

Mr. Shapiro stated he believes the issue has been asked and answered in the courts. He believes the City can establish no taking since the existing dry sands are public and established by ancient and customary use. He stated IRB has more beach access and parking than most cities in Florida; therefore, the dry sand is not private.

Mr. Shapiro implored the City to use every available asset to explore every available remedy law for the City, County, State, and others to secure and prevail in the City's much-needed beach renourishment.

Mr. Shapiro asked those who refuse to sign if they are willing to vacate their right to file a floodplain claim should one occur from coastal flooding. He thinks that is only fair since it could be argued that they may have contributed to their harm.

Mr. Shapiro stated he understands from other meetings that cities from other states did nothing and allowed those who refused to dictate policy, which cost them their publicly funded sand. This cannot happen in IRB. The City is better than this.

Hugh Smith, 20202 Gulf Boulevard, Indian Shores, stated beach renourishment is good. However, the attempt by the Corps to take private property and turn it over for public use with no compensation whatsoever for an easement that they do not need is flat out wrong. He and his wife authored a booklet titled "Things You Should Have Been Told Before You Signed The County's Beach Nourishment Easement And What You Do About it Now." In that booklet, they did a detailed study of Florida Law on the issues presented. They established that these rights go back to the Florida Constitution, and the most important one of the rights is that these beachfront owners have the right to exclude others from that area that is private property. Be as it may, the Florida Law is very clear if the government needs to take private property for public use, there is a legal way to do it, and that is to condemn it. His point here is that the Corps is an administrative agency of the U.S. Department of Defense. The Corps came up with an arbitrary rule that has no foundation in Federal Law.

Mr. Hugh stated the Corps refers to the Water Resources Development Act (WRDA) are false. It is a misreading of the Act altogether. He said the fault does not lie with the property owners but with the County government and those in governmental positions which will not take on the Corps and fight for the rights of the beachfront property owners.

Wendy Lee, 1214 Bay Palm Boulevard, stated she loves Indian Rocks Beach, and she loves to ride her bike to the beach. She did not realize how the beach looked before renourishment until she saw pictures. She asked what the solutions are and what the residents can do to maintain the beach.

Diana Fuller, 20202 Gulf Boulevard, Indian Shores, stated her main concern about all the misrepresentations being put forth through local materials and County materials being sent explicitly to their mailboxes. The Corps advised them that this policy (WRDA) has been in effect forever, and they are just now enforcing it. While it may be a policy, it is not written anywhere except on their website. It is not in the Code of Federal Regulations. It is not in the statute. It is being touted, and everybody is just accepting it as being valid. The Corps will not provide sand unless these easements are submitted by 100% of the beachfront property owners. They say enough misinformation that there can be a post like this morning's saying that the greedy, inconsiderate beachfront property owners deny access to place the sand on the beach. To the extent that someone can post that and undoubtedly believing it, it is not untrue. That is not what the issue is. The real issue here is public use, and every person on that beach is in a different position from every other person on that beach. Some think that property rights are paramount to this Country's foundation, and she happens to be one of them. Others believe that the public good requires that the beachfront property owners make a sacrifice of their property. She stated after two years of attempt persuasion, the fact of the matter is that 59% of the people do not agree. She said the beach communities need to come with a solution, and one of those solutions is at least to get to the bottom of the Corps position that Federal Law mandates this. It is not. If it were, there would have been no beach renourishments going back to 1988. She stated Indian Shores never had water come to their seawalls. The erosion control line is not an approximation of where the water used to come from. In Indian Shores, they have received sand, and their dunes have gotten higher, but the water was never in danger of coming up to their seawalls.

Jackson Tenney, 1-25th Avenue, stated that he has lived here for the past 25 years and has closely watched every hurricane that has impacted Indian Rocks Beach because he enjoys waves and staying safe.

Mr. Tenney stated beach renourishment is done every five years, and he hopes that a storm does not come now. If IRB misses this threshold for the beach renourishment, and IRB has to wait ten years, he does not want to know what the beach will look like. After the last renourishment, IRB had a massive storm, and the beach lost more sand than he has ever seen relatively quickly. He thinks the storm hit at the perfect time after the

renourishment was completed, and that is why there was so little sand now, at least in his eyes.

Mr. Tenney stated during Hurricane/Tropical Storm Elsa, they had water up into their sea oats. He has seen water come up to the 25th Avenue Beach Access, where it was a couple of inches from the top, all most into his backyard. He thinks it is ridiculous to say that beach renourishment is not crucial to prevent water from coming into the backyards of beachfront property owners. He stated the way waves work is they can get only so high based on how deep the water is, and so long as there is enough sand, it keeps the sandbar shallow enough to protect the beachfront property owners from storm surge.

Mr. Tenney stated he has been watching this his entire life. He thinks if the beach is not renourished until 2030, the beach will be terrible.

3A. REPORTS OF CITY ATTORNEY:

City Attorney Mora stated he attended the Florida Municipal City Attorney Association Conference to benefit from the knowledge and information relayed by municipal attorneys from across the State.

City Attorney Mora stated one of the points he would like to sensitize the City Commission on is the terms of the Legislative Session having been complete now, and the bills continue to trickle towards the Governor's Office.

- **HB-403, Home-Based Business.** The City Commission previously discussed this bill, and the Governor has signed the bill.
- **SB 1876/HB 421. Governmental Actions Affecting Private Property Rights. (Bert Harris Act.)** He stated he has already communicated his concerns to the City Commission on the five to ten-year outlook on what this would do for residential zoning throughout the State, not just Indian Rocks Beach. That is his personal legal interpretation of that, not necessarily something broader. As the City Commission has seen in the dialogue tonight, there continues to be very emphatic statements and codifications of private property rights and memorializing them.
- **Comprehensive Plan Amendments.** He stated one of the other amendments that came through is when the City moves forward with its next round of comprehensive plan amendments, ordinarily amended every seven years. There is a legal requirement that there be sections making statements about private property rights and their sacrosanct status within the State to memorialize them. In addition to the various places where it is stated in statute otherwise.

City Attorney Mora stated apart from the recent Legislative Session, he continues to work with City Staff on fireworks. There is a scheduled meeting with the Pinellas County Sheriff's Office to discuss policies, implementation, and enforcement in the City.

3B. REPORTS OF CITY MANAGER:

COMMUNITY RATING SYSTEM (CRS0): On July 8, 2021, the City received notice that the City's Community Rating Cycle verification review resulted in the City maintaining its CRS Class 6 rating in the program. This program requires compliance with a variety of reporting requirements, code compliance, and community outreach. The Class rating of 6 saves property owners in the City of Indian Rocks Beach is approximately \$599,000 in flood insurance premiums. Congratulations to the City's CRS IRB Team, who continue to make this program successful.

BUDGET/CIP WORK SESSION: The City of IRB Budget/CIP Work Session is scheduled for July 20, 2021, at 4:00 p.m.

SPECIAL CITY COMMISSION MEETING: The City Commission will set the tentative mill rate on July 20, 2021, at 7:00 p.m.

GULF BOULEVARD UNDERGROUNDING PHASE I: The Gulf Boulevard Undergrounding of Utilities will be completed with a punch list by August 6th.

COMMUNICATIONS CONCERNING AGING CONDOMINIUMS: Pinellas County provides numerous inspections during the construction of the buildings (new construction, remodels, or additions) in accordance with the requirements of the Florida Building Code and other applicable codes, ordinances, and regulations. The City also coordinates with "Special Inspectors," which is a person certified, licensed or registered under Chapter 471, Florida Statutes, as an engineer or under Chapter 481, Florida Statutes, as an architect to inspect "Threshold" buildings.

Threshold buildings are defined in the Florida Statutes as any building which is greater than three stories or 50 feet in height or which has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

Once all required Florida Building Code, Fire District Life Safety Codes, and jurisdictional requirements are met, a Certificate of Occupancy (new building) or Certificate of Completion (remodel or addition to an existing building) can be issued.

For existing buildings, Pinellas County does not require additional inspections, except for the aforementioned remodels or additions. If a citizen makes a report to the Building Official, of a possibly unsafe or dangerous existing building, the Building Official would investigate the situation, safe off any apparent safety hazards, and possibly require (at the owner's expense) an engineer or architectural evaluation of the structure. Once the results are analyzed, corrective actions would need to take place.

Media Information: How often are high-rises, skyscrapers, and other buildings over ten-stories tall inspected for potential structural deficiencies or structural integrity issues?

There are no statutory requirements for Pinellas County Building Services to perform periodic inspections on any type of existing structure for structural deficiencies. That said, there are a number of periodic inspections like fire marshal and elevator inspections, and if those inspectors notice anything concerning, they report it to their local building official.

The building official typically works for the municipality the building is located in (St. Pete, Clearwater, etc.). Pinellas County Government serves that role for unincorporated parts of the county, as well as for several smaller municipalities who have contracted to cities for services like Belleair Beach, Belleair Bluffs, Belleaire Shore, Indian Rocks Beach, and Safety Harbor.

Pinellas County does not perform periodic inspections on any type of existing structure for structural deficiencies. If the periodic inspection mentioned above or citizen reporting via SeeClickFix identifies areas of concern, the building official will coordinate with state-licensed inspectors to ensure structural integrity.

How many inspections do these inspectors conduct a year, what's their case load?

While each municipality maintains its own inspection capability, Pinellas County have 23 inspectors who specialize in mechanical, electrical, plumbing, or building trades. Pinellas County does not have structural engineers on staff. If a structural engineer (i.e., Special Inspector) is needed, the County will inform the developer, who must hire a licensed structural engineer that submits their findings to the County. The special inspector is responsible to the enforcement agency and, prior to the certificate of occupancy, a signed and sealed statement must be filed with the enforcement agency, which is substantially in the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency".

Pinellas County does not perform periodic inspections on any type of existing structure for structural deficiencies.

How many buildings over ten-stories are inspectors with Pinellas County responsible for?

Pinellas County is working with the Property Appraisers Office, which is a separate constitutional entity, not falling under the Board of County Commissioners, to gather this information.

Do older buildings, like ones built in the 1980s, 1990s or earlier, get checked more often due to the difference in building materials and lack of building code pre-2001?

No. There have been building permits issued in Pinellas County since the early '50s.

What does the inspection process look like? What kind of tests are run, how long does it take, etc.?

High-Rise/Threshold Buildings Inspections:

Pinellas County Building and Development Review Services is responsible for the health, safety, and welfare of the public, as related to the built environment of the unincorporated area of Pinellas County.

The Florida Building Code is applied to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Chapter 1 of the Florida Building Code, Section 110.3 states the minimum required inspections for each building or structure built or altered.

Numerous inspections are required for each of the "trades". Building trade focuses on the structural and building envelope requirements. Electrical inspects all electrical system requirements to provide electrical power to the structure. Plumbing/Gas trade inspects for safe delivery and use of sewer, water, and gas systems within and outside of the structure. Mechanical trade verifies code compliance with air conditioning, heating, and ventilation requirements.

When discussing the inspections related to High-Rise buildings, it is important start with two related definitions:

High-Rise Building means a building with an occupied floor located more than 75 feet above the lowest level of fire department vehicle access.

Threshold building in accordance with Florida Statue is any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

Since all new "High-Rise" buildings are considered "Threshold" buildings, the Florida Building Code requires additional inspections along with all the required inspections the local jurisdiction makes, due to their complex structural systems and structural loading requirements.

The "Special Inspector" is a person certified, licensed or registered under Chapter 471, Florida Statutes, as an engineer or under Chapter 481, Florida Statutes, as an architect. The special inspector is responsible to the enforcement agency and prior to the certificate of occupancy, a signed and sealed statement must be filed with the enforcement agency, which is substantially in the following form: "To the best of my knowledge and belief, the above-described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency".

Once all required Florida Building Code, Fire District Life Safety Codes, and jurisdictional requirements are met, a Certificate of Occupancy or Certificate of Completion can be issued.

Existing Buildings:

If a citizen made a report to the Building Official, of a possibly unsafe or dangerous existing building, the Building Official would investigate the situation, safe off any apparent safety hazards, and possibly require (at the owner's expense) an engineer or architectural evaluation of the structure. Once the results are analyzed, corrective actions would need to take place.

What are some of the issues these inspectors specifically look for, and what are some of the most common deficiencies inspectors find?

Pinellas County does not perform periodic inspections on any type of existing structure for structural deficiencies. Inspectors would typically look for things like differential settlement, removal of a load-bearing wall, damage to a building (such as after a fire).

3C. REPORTS OF CITY COMMISSION:

COMMISSIONER HANNA:

- Commissioner Hanna stated he represented the City at the Grand Opening Celebration of Groupers on the Gulf this past Saturday.

MAYOR-COMMISSIONER KENNEDY:

- **BEACH RENOURISHMENT.** Mayor-Commissioner Kennedy stated, for several months, the City has been in discussions with Congressman Crist's Office, who is on the Federal Appropriations Committee, and the Army Corps of Engineers. She stated she reached out again to Congressman Crist's Office after the City lost more sand because of Hurricane Elsa. Congressman Crist has requested \$900,000 in the Fiscal Year 2022 for the Pinellas County Sand Key, Treasure Island, and Long Key Design and Engineering Activities. The funding would be used for design and engineering activities for the

Sand Key, Treasure Island, and Long Key segments of the Pinellas County Shore Protection Project in order to align design of the Sand Key segment with the other two Pinellas County segments also scheduled for design in 2022. Aligning, design, and engineering work will promote efficiency and save taxpayer money. In addition, keeping the Pinellas County Shore Protection Project on track for the next scheduled nourishment will support the regional economy; provide habitat for threatened and endangered species; and protect lives and infrastructure from storm damage, thereby saving taxpayer money in post-disaster costs.

Mayor-Commissioner Kennedy stated this appropriation request would go before the Senate and the House at the Federal level for consideration.

Mayor-Commissioner Kennedy stated President Biden has selected Deputy Interior Secretary Michael Connor as his nominee to be Assistant Secretary of the Army for Civil Works, the Pentagon official who oversees the Army Corps of Engineers and was confirmed.

Mayor-Commissioner Kennedy stated the City continually works on this very diligently with Pinellas County and the Corps. She will continue to keep the City Commission and the public abreast as time goes on.

4. ADDITIONS/DELETIONS. None

5. CONSENT AGENDA:

- A. AUTHORIZING the City Manager to sign a one-year agreement to renew group health coverage with the Public Risk Management (PRM) Group Health Trust for FY 2021-22.**
- B. REAPPOINTING Regular Board Member Rick Alvarez and appointing Michael A. Campbell as 1st Alternate Board Member to the Board of Adjustments and Appeals for three-year terms, expiring June 30, 2024.**
- C. APPROVAL OF June 8, 2021 Regular City Commission Meeting Minutes.**

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

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR MC CALL, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS., 5A THROUGH 5C. UNANIMOUS APPROVAL BY ACCLAMATION.

City Attorney Mora stated before they begin, please be advised that the City Commission is transiting from reports and legislative acts to quasi-judicial hearings. As the City Commission is aware, in a quasi-judicial posture, the City Commission is not making the

law but rather applying the law to the competent, substantial evidence and testimony provided to them this evening.

6A. BOA CASE NO. 2021-05 — 306 BAHIA VISTA DRIVE — PUBLIC HEARING

Considering a variance request from Section 94-86, of the Code of Ordinances, to allow a dock to encroach 6 feet into the 12-foot side yard setback for the installation of new boat lift for the property located at 306 Bahia Vista Drive, Indian Rocks Beach, Florida, and legally described as Bahia Vista Subdivision, Lot 6 & part of Water Lot A lying within side lot lines extended northerly, according to the plat thereof recorded in Plat Book 31, Page 26, of the Public Records of Pinellas County, Florida. Parcel #: 12-30-14-02394-000-0060.

[Beginning of Staffing Report]

SUBJECT — BOA CASE NO. 2021-05: Variance request from Code Section 94-86 of the Code of Ordinances to allow the dock to encroach 6 feet into the 12 feet side yard setback for the installation of a new boat lift for property located at 306 Bahia Vista Drive, Indian Rocks Beach, Florida, and legally described as Bahia Vista Subdivision Lot 6 & part of Water Lot A lying within side lot lines extended northerly, according to the plat thereof as recorded in Plat Book 31, Page 26, of the Public Records of Pinellas County, Florida. Parcel #12-30-14-02394-000-0060.

OWNER: Steve Levine
PROPERTY LOCATION: 306 Bahia Vista Drive
ZONING: S- Single Family

Direction	Existing Use	Zoning Category
North	Intracoastal	N/A
East	Residential	S
South	Residential	S
West	Residential	S

BACKGROUND:

Steve Levine is requesting to install a boat lift on an existing dock. Due to the size of the desired boat lift, it will encroach into the required side yard setback by 6 feet leaving a 6-foot distance between the boat lift and the side property line extended. The abutting property to the west who is impacted by the reduced setback has no objections and signed off on the location of the new boat lift.

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 property is located in an area where there the water is deep allowing the use the existing dock.*
- 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 the boat lift to be constructed on an existing dock.*
- 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 boat lift.*
- 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.*

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

PUBLIC NOTICES: A 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 June 28, 2021. (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: A letter of support was received from Heidi M. Wilkers, 312 Bahia Vista Drive. She stated the Levines are outstanding neighbors, full-time residents, and property owners that contribute so much to IRB.

LEGAL ADVERTISEMENT: A legal notice was published in the June 30, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on July 13, 2021, for BOA Case No. 2021-05.

[End of Staffing Report]

City Attorney Mora read the title of the Agenda Item by title only.

City Attorney Mora inquired of the Members if they 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.

The City Attorney duly swore in all persons planning to give testimony during the quasi-judicial hearing.

Mayor-Commissioner Kennedy opened the public hearing.

Planning Consultant Harmon stated the applicant is requesting a variance from Section 94-86 of the Code of Ordinances for the property located at 306 Bahia Vista Drive. The applicant would like to encroach 6 feet into the 12-foot side yard setback to install a new boat lift on the left side of the existing dock. She stated the abutting property owner to the west, who is impacted by the reduced setback, has no objections and signed off on the location of the new boat lift.

Planning Consultant Harmon provided a PowerPoint Presentation depicting aerial views of the property and a plan view drawing. She explained the applicant would like to build a new boat lift on the left side of the existing dock. As seen in the aerial views, the applicant would keep his current boat at the end of his dock and move his smaller boat from the right side to the left side, where the applicant is requesting a variance to encroach into the side setback.

Planning Consultant Harmon stated staff recommends approval, and the Board of Adjustments and Appeals recommended denial on a vote of 3 to 1.

Steve Levin, 306 Bahia Vista Drive, applicant, stated he has a 56 feet wide lot. His required side setbacks on each side are 12 feet that is 24 feet, which leaves him 32 feet,

so it equals 42% of his property that he cannot use. He purchased this place to use it for waterfront usage, boating, and his livelihood.

Mr. Levin stated he had owned the property since October 1984 and said that having a well-lifted boat is safer than having a boat hanging on davits, which is what is there now. To make it safer, he and his wife feel if they invested in a boat lift, it would help them from getting hurt.

For the record, there were no public comments.

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

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE BOA CASE NO. 2021-05, A VARIANCE REQUEST FROM CODE SECTION 94-86, OF THE CODE OF ORDINANCES, TO ALLOW THE DOCK TO ENCROACH 6 FEET INTO THE 12-FOOT SIDE YARD SETBACK FOR THE INSTALLATION OF A NEW BOAT LIFT FOR PROPERTY LOCATED AT 306 BAHIA VISTA DRIVE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS BAHIA VISTA SUBDIVISION LOT 6 & PART OF WATER LOT A LYING WITHIN SIDE LOT LINES EXTENDED NORTHERLY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 26, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

ROLL CALL VOTE:

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

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

6B. BOA CASE NO. 2021-06 — 378 LA HACIENDA DRIVE — PUBLIC HEARING
Considering a variance request from Section 110-131(1)(f)(2)(i), of the Code of Ordinances, of a range from 12 feet to 5.5 feet for a length of 22 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 feet, to allow for a covered porch on the rear of the house, for the property located at 378 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition and part of Water Lot C in front and 14.5 feet x 115 feet T/A on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14 of the Public Records of Pinellas County, Florida. Parcel #: 07-30-15-47394-000-0600.

[Beginning of Staffing Report]

SUBJECT — BOA CASE NO. 2021-06: Variance request from Code Sec. 110-131(1)(f.)(2)(i), of the Code of the Ordinances, of a range from 12 feet to 5.5 feet for a length of 22 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 feet, to allow for a covered porch on the rear of the house for property located at 378 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition and part of Water Lot C in front and 14.5 feet x 115 feet T/A on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14 of the Public Records of Pinellas County. Parcel #07-30-15-47394-00-0600.

OWNER: Elias Leousis
 PROPERTY LOCATION: 378 La Hacienda Drive
 ZONING: S- Single Family

Direction	Existing Use	Zoning Category
North	Intracoastal	N/A
East	Residential	S
South	Residential	S
West	Residential	S

BACKGROUND:

Elias Leousis is requesting to install a roof over the patio area at the rear of the house. The existing residence was built in 1968 and a portion of the residence has historically encroached into the rear yard setback approximately 5 feet for about 25 feet. The required rear yard setback in the single-family residential zoning district is typically 25 feet.

The City's approved site plan showed a CMU base of wood post on the plans and the new site plan shows a 16" x 16" CMU column and showing the new roof line. The intention of the post/column was to support the roof over the outside patio area which follows the existing line of the building and encroaches into the rear setback. The roof encroachment was not shown on the City's approved site plan only the post base.

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 and, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. The existing structure was built in 1968 prior to the current zoning regulations and a portion of the building is in the rear yard setback. The lot is located at the end of La Hacienda Drive where the rear lot lines are curvilinear.
- 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 confer special privileges to the applicant.
- 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 covered porch.
- 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 would not be injurious to the area involved or be detrimental to the public welfare.

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, and existing unique characteristics of the property, staff recommends approval of the request.

PUBLIC NOTICES: A 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 June 28, 2021. (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED: Letters of support from Jim Bone, 380, La Hacienda Drive, Christopher & Lydia Tremble, 381 La Hacienda Drive, Dave Edgerton, 377 La Hacienda Drive, Christie Roberts, 383 La Hacienda Drive, and Bob and Becky Griffin, 375 La Hacienda Drive.

A letter of objection was received from Paul and Patricia Jannarone, 376 La Hacienda Drive.

LEGAL ADVERTISEMENT: A legal notice was published in the June 30, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on July 13, 2021, for BOA Case No. 2021-06.

[End of Staffing Report]

City Attorney Mora read the title of the Agenda Item by title only.

City Attorney Mora inquired of the Members if they 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.

The City Attorney duly swore in all persons planning to give testimony during the quasi-judicial hearing.

Mayor-Commissioner Kennedy opened the public hearing.

Planning Consultant Harmon stated the applicant is requesting a variance from Code Section 110-313(1)(f.) (2)(i) of the Code of Ordinances of a range from 12 feet to 5.5 feet for a length of 22 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet from a length of 22 feet, to allow to install a roof over the patio area at the rear of the house at 378 La Hacienda Drive.

Planning Consultant Harmon presented a PowerPoint Presentation depicting aerial views of the property, a survey, proposed site plans, and pictures of the backyard showing the progression of work done.

Planning Consultant Harmon stated staff does recommend approval of the variance request due to the shape of the lot and the existing house on the lot. The Board of Adjustments and Appeals also recommended approval by a vote of 3 to 1.

City Attorney Mora stated the City did receive the following correspondence in connection with this variance request:

Letters of support from Jim Bone, 380, La Hacienda Drive, Christopher & Lydia Tremble, 381 La Hacienda Drive, Dave Edgerton, 377 La Hacienda Drive, Christie Roberts, 383 La Hacienda Drive, and Bob and Becky Griffin, 375 La Hacienda Drive.

A letter of objection was received from Paul and Patricia Jannarone, 376 La Hacienda Drive.

Carolyn Meadows, Esquire, Becker and Poliakoff, P.A., 1511 N. Westshore Boulevard, Suite 1000, Tampa, appeared on behalf of the property owner/applicant, **Elias Leousis 378 La Hacienda Drive**, thanked staff for their report. She stated she and the applicant agrees with the staffing report and are only here to add a few comments and answer any questions the City Commission should have on the variance request.

Attorney Meadows stated the applicant begun the review and permit process in late 2020. He was issued a building permit based on the same set of plans that he had initially submitted. The only change during that time period was a technical correction requested by City staff, which was complied with. The applicant began construction after nearly six months of review. He had passed four inspections before the stop-work order that was issued at the end of May. The property passed a footing inspection, a fill cell inspection, and two column inspections before the stop-work order. The applicant has not violated the stop-work order. The majority of the work is being done in the front of the home. The area in question is in the rear of the house and constitutes a small portion of the overall project. But, that small portion of the project is significant because it is tied into the roof truss plan, and the overall structural integrity of the home depends on that roof truss plan.

Attorney Meadows stated a stop-work order is in place, and the house is structurally comprised to an extent until the work can resume and things can get moving forward again. There is a concern that it is the middle of Hurricane Season.

Attorney Meadows stated the applicant is facing an undue hardship and believes that he has met the criteria for Section 2-152 of the Code of Ordinances, as laid out in the Staffing Report.

As mentioned by City Attorney Mora, Attorney Meadows stated that several neighbors supported the project, with one neighbor raising some objections.

Attorney Meadows stated the applicant is not requesting a height variance and is not seeking to enclose the area, which is an important part of the project, and has never requested that this area be enclosed. She stated the applicant is happy to memorialize this as a covenant running with the deed to ensure that the backyard porch area is not enclosed without the City Commission's consent and approval.

Commissioner Hoofnagle stated he does not understand the nature of the structural instability right now.

Attorney Meadows stated the contractors had removed part of the roof in preparation for the next step in the project, including some additional truss work.

Elias Leousis, 378 La Hacienda Drive, applicant, stated he has been living in this home for 26 years and has raised his children there. He said his house was built in the 1960s,

and the homes for that time period have low ceilings. His remodel project included raising the ceilings to be more modernized. He after that went through the steps he has gone through and has experienced delays with getting supplies, specifically with the roof trusses.

Commissioner Hoofnagle asked how is the house right now exposed and making it unstable?

Mr. Leousis stated because the contractor had to build up the walls in the front structurally.

Commissioner Hoofnagle stated the front is unstable, not the back. It has nothing to do with the back variance. Is it something with the front?

Mr. Leousis stated the variance is for the back. He said since the column is not poured, it is not structurally sound. The contractor had to tie into the existing roof in the front so part of the roof is exposed.

Commissioner Hoofnagle stated the stop-work order did not let the contractors finish the roof in the front, so the structure is unstable.

Lydia Tremble, 381 La Hacienda Drive, spoke in support of the variance request for 378 La Hacienda Drive.

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

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVAL BOA CASE NO. 2021-06, A VARIANCE REQUEST FROM CODE SECTION 110-131(1)(f.) (2)(i), OF THE CODE OF ORDINANCES, OF A RANGE FROM 12 FEET TO 5.5 FEET FOR A LENGTH OF 22 FEET INTO THE REQUIRED 25-FOOT REAR YARD SETBACK, RESULTING IN A TOTAL REAR YARD SETBACK OF A RANGE FROM 13 FEET TO 19.5 FEET FOR A LENGTH OF 22 FEET, TO ALLOW FOR A COVERED PORCH ON THE REAR OF THE HOUSE FOR PROPERTY LOCATED AT 378 LA HACIENDA DRIVE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LA HACIENDA 1ST ADDITION AND PART OF WATER LOT C IN FRONT AND 14.5 FT X 115 FT T/A ON EAST SIDE OF LOT 61 RECORDED THEREOF RECORDED IN PLAT BOOK 43, PAGE 14 OF THE PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA.

Commissioner Hoofnagle stated the hardship has to do with the shape of the lot. He does not think the roofline extending in that direction creates necessarily a new variance, it is continuing the roofline. Given those two hardships, he is not sure that he understands the communication about the enclosure. Still, he is not sure if that makes a difference from the City Commission's point of view regarding the variance itself. He further stated that they

had begun construction is not a hardship. It is unfortunate, but that does not affect his thinking. He thinks it is more about the roofline and the property shape.

ROLL CALL VOTE:

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

NAYS: NONE.

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 HANNA, SECONDED BY COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:25 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

August 10, 2021
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/DOR

**AGENDA ITEM NO. 5B
CONSENT AGENDA**

**APPROVAL OF July 20, 2021
Special City Commission Meeting
Minutes**

**AGENDA ITEM NO.: 5B - APPROVAL OF MINUTES.
DATE OF MEETING: AUGUST 10, 2021 CCM**

**MINUTES — JULY 20, 2021
CITY OF INDIAN ROCKS BEACH
SPECIAL CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, JULY 20, 2021**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Joe McCall, Commissioner Philip J. Hanna, and Commissioner Denise Houseberg.

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

ABSENT: Commissioner Edward G. Hoofnagle and City Manager Brently Gregg Mims.

1. RESOLUTION NO. 2021-07. Establishing the tentative millage rate for Fiscal Year 2021/2022.

[Beginning of Staffing Report]

BACKGROUND:

Pursuant to Florida Statutes, the City has received Form DR-420, Certification of Taxable Value from the Pinellas County Property Appraiser.

In order for the Property Appraiser to mail out TRIM notices, the City Commission is required to set a tentative millage rate.

The tentative millage rate is recommended to be 1.8326 mills. The Finance Director advises that the current rolled back rate would be 1.7062 based on the proposed valuation of \$1,435,405,505 for the City of Indian Rocks Beach. With an adopted millage rate of 1.8326 for FY 2021/22, an additional \$176,850.00 ad valorem tax revenue would be collected over current year collections.

ANALYSIS:

Pursuant to Chapter 200.065 (4) (d) F.S., once the tentative millage rate is set, in no event may the final millage rate that is adopted in September exceed the millage rate tentatively adopted, however, it may be lower.

City Attorney Mora read Resolution No. 2021-07 in its entirety.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one, she closed the public hearing.

City Attorney Mora noting for the report there was no public present for public comment.

There was no City Commission comments.

MOTION MADE BY VICE MAYOR-COMMISSIONER MC CALL, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE RESOLUTION NO. 2021-07, ESTABLISHING THE TENTATIVE MILLAGE RATE FOR FY 2021-2022 AT 1.8326.

ROLL CALL VOTE:

AYES: HANNA, HOUSEBERG, MC CALL, KENNEDY

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

2. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 7:06 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

August 10, 2021

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/DOR

**AGENDA ITEM NO. 5C
CONSENT AGENDA**


**CONFIRMING ACTION taken
during the July 20, 2021 Special
City Commission Meeting**

AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: August 10, 2021 **AGENDA ITEM:** 5C

SUBMITTED AND

RECOMMENDED BY: Deanne Bulino O'Reilly, City Clerk, MMC 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Confirming action taken during the July 20, 2021 Special City Commission Meeting.

BACKGROUND:

Pursuant to Charter, Section 4.12, Special Meetings of the Commission, decisions taken at a special meeting shall be confirmed at the next regular meeting.

The City Commission took the following action during the July 20, 2021 Special City Commission Meeting:

1. **RESOLUTION NO. 2021-07.** Established the tentative millage rate for Fiscal Year 2021/2022 at 1.8326. ***Unanimous approval.***

MOTION:

I move to confirm the action taken during the July 20, 2021 Special City Commission Meeting.

/DOR

**AGENDA ITEM NO. 5D
CONSENT AGENDA**

**APPOINTMENTS to the Planning
and Zoning Board/Local Planning
Agency**

AGENDA MEMO

INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: August 10, 2021 **AGENDA ITEM:** 5D

SUBMITTED AND

RECOMMENDED BY: Deanne Bulino O'Reilly, MMC, City Clerk *DB*

APPROVED BY: Brently Gregg Mims, City Manager *BGM*

SUBJECT: The reappointment of Regular Board Adrienne Dausés and Regular Board Rick McFall, and the appointment of Scott A. Holmes, as Regular Board Members to the Planning and Zoning Board/Local Planning Agency with terms expiring May 31, 2023.

BACKGROUND:

As of August 2, 2021, four regular board member vacancies and two alternate board member vacancies exist on the Planning and Zoning Board/Local Planning Agency. Four vacancies exist due to the expiration of terms for Regular Boards Adrienne Dausés, Rick McFall, Michael Campbell, and Beth Smith, and two alternate positions are available.

The current members of the Planning and Zoning Board are:

- Richard Antepenko, Regular Board Member
- Michael A. Campbell, Regular Board Member (Term Expired)
- Adrienne Dausés, Regular Board Member (Term Expired)
- Rick McFall, Regular Board Member (Term Expired)
- Peter Sawchyn, Regular Board Member
- Beth Smith, Regular Board Member (Term Expired)
- 1st Alternate Board Member Seat Vacant
- 2nd Alternate Board Member Seat Vacant

ANALYSIS:

Board Member Dausés and Board Member McFall have indicated their preference for reappointment.

Michael A. Campbell was appointed to the Board of Adjustments and Appeals in August. Mr. Campbell indicated his preference in being appointed to the Board of Adjustments and Appeals.

Beth Smith indicated due to family obligations, she would be unable to serve another term of the Planning and Zoning Board.

The City reached out to Action 2000, Inc., and the Indian Rocks Beach HOA to ascertain if any members of their organizations were interested in serving on the Planning and Zoning Board.

Scott Holmes submitted his application for the Planning and Zoning Board or the Board of Adjustments or Appeals. Mr. Holmes is an architect by trade.

MOTION:

I move to **APPROVE/DENY** the reappointments of Regular Board Member Adrienne Dauses and Regular Board Member Rick McFall and the appointment of Scott A. Holmes as a Regular Board Member to the Planning and Zoning Board/Local Planning Agency with terms expiring May 31, 2023.

/dor



Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137(Fax)

LOCAL PLANNING AGENCY/PLANNING AND ZONING BOARD

REGULAR MEMBERS:

Richard Antepenko
498 Harbor Drive North
727-286-7147 (home)
727-415-5623 (cell)
lrbmarker46@gmail.com
(Term: January 8, 2013 - May 31, 2022)(4th Term)

Michael Austin Campbell — APPOINTED TO BOA
80 Gulf Boulevard
727-518-5020
campbeach@live.com
(Term: November 12, 2019 - May 31, 2021) (1st Term)

Adrienne Daus — REAPPOINT YES
2008 Gulf Boulevard, Unit 3
804-229-5151 (cell)
findhomesonthebeach@gmail.com
(Term: December 11, 2018 - May 31, 2021)(1st Term)

Frederick "Rick" McFall — REAPPOINT YES
408 Harbor Drive North
727-517-8075 (home)
727-515-8149 (cell)
aajetrick@aol.com
(Term: April 11, 2006 - May 31, 2021)(8th Term)

Peter Sawchyn
1206 Gulf Boulevard, Unit F
703-473-0546 (cell)
psawchyn@yahoo.com
(Term: June 1, 2018 - May 31, 2022)(2nd Term)

Beth Smith — REAPPOINT NO/TRAVELING
443 Harbor Drive South
502-523-0569 (cell)
bettybeach123@icloud.com
(Term: June 1, 2019 - May 31, 2021) (1st Term)

REGULAR MEMBERS:

Todd Styrwold — MOVED OUT OF TOWN
2012 Bay Boulevard
907-419-7336 (cell)
tstyrwold@gmail.com
(Term: November 12, 2019 - May 31, 2022) (1st Term)

ALTERNATE BOARD MEMBERS

Bert Valery - 1ST Alternate — MOVED OUT OF TOWN
447 18th Avenue
727-517-0517 (home)
727-215-5560 (cell)
727-517-8888 (work)
bertvalery1@hotmail.com
(Term: November 12, 2019 - May 31, 2022) (1st Term)

2nd Alternate — VACANT



Administrative
 727/595 2517
 727/596-4759

Building/Planning & Zoning
 727/517 0404
 727/596 4759 (Fax)

City Clerk
 727/595-2517
 727/596-4759

Library
 727/596 1822
 727/596-4759

Public Services
 727/595 6889
 727/593-5137 (Fax)

CITY OF INDIAN ROCKS BEACH
APPLICATION for Serving on City Board

1. **Name:** Scott Holmes, AIA, NCARB, EIT, LEED AP

Home Phone: n/a **Cell Phone:** 727-501-6536

Work Phone: 727-216-6709x0 **Email:** scott@holmes-architects.com

2. **Home Address:** 311 Bahia Vista Dr

3. **Occupation:** Architect

4. **Education & Training:** Chemical Engineer BS (University of Colorado, 1999);
Biochemistry BA (University of Colorado, 1999), Masters of Architecture
(University of Florida, 2007), HAZWOPER (Expired), HAZMAT (Expired),
Engineer in Training (EIT), LEED Accredited Professional, NCARB (Certificate
No. 71019), Florida Licensed Architect (AR 95190)

5. **Experience: Brief Job History, use additional sheets, if necessary:**
Owner / Principal Architect - Holmes Architects 2010 to present
Architect / Draftsman - Holmes Hepner Architects 1996 - 2010 (various times)
Visiting Assistant Professor - University of Florida 2007
Air Quality Inspector - Bay Area Air Quality Management District 2001 - 2003
Staff Environmental Engineer- ERRG, Inc 2000-2001
Draftsman / CAD Operator - DE Holmes Architect 1990-1993 (summers)
Draftsman - Rowe Holmes Hammer Russel Architects 1989

6. **Are you a resident of the City, if so, for how long?** 14 years

7. **Are you a registered voter:** Yes No

8. **Have you ever held public office at any time:** Yes No - If yes, when? _____

SEE REVERSE SIDE

9. Have you ever served on a City board/committee: Yes No - If yes, please state the boards/committees and the dates that you served on those boards/committees: _____
Environmental Stewardship Board, Chairman, Aug 2007 - Jun 2010

10. Do you currently serve on a City board/committee: Yes No - If yes, please state the board/committee and when your term will expire on that board/committee: _____

11. Are you related to a commissioner or an employee of the City of Indian Rocks Beach?
 Yes No

12. Please check the boards/committees that you are interested in serving on.

<input checked="" type="checkbox"/>	Board of Adjustments & Appeals
<input type="checkbox"/>	Finance & Budget Review Committee
<input checked="" type="checkbox"/>	Planning and Zoning Board
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

13. Would you consider serving on another board/committee other than the one(s) you selected above? Yes No

The Office of the City Clerk will submit your application when vacancies occur. Applications are effective one year from the date of submittal. If you have any questions, please contact the City Clerk at telephone number 727/595-2517.



 Signature

7-26-2021

 Date

**AGENDA ITEM NO. 5E
CONSENT AGENDA**

**APPROVAL OF the FY2022 Law
Enforcement Contract with the
Pinellas County Sheriff's Office.**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: August 10, 2021 **AGENDA ITEM:** 5E

**SUBMITTED AND
APPROVED BY:**

Brently Gregg Mims
City Manager



SUBJECT: Pinellas County Sheriff's Office FY 2020-21 Law
Enforcement Contract for Services

BACKGROUND

During the FY 2020-21 Proposed Budget review process, the City Commission noted a 3.11% increase in PCSO law enforcement services. The total cost of law enforcement services for FY 2020-21 is \$1,127,700.00
Attached to this memorandum is the proposed contract.

MOTION

That the City Commission approve a contract for law enforcement services with the Pinellas County Sheriff's Office at a total cost of \$1,127,700.00 and authorize the Mayor-Commissioner and the City Manager to sign all necessary documents and agreements.

Attachment 1

**City of Indian Rocks Beach
Cost of Law Enforcement Services
Worksheet - FY 22**

A.	Cost per Deputy								\$	103,575.00	
B.	Deputies by Post										
	Number		Relief Factor		Deputy						
	8	x	1.2	x	\$ 103,575.00				\$	994,320.00	
C.	Vehicle Cost										
	Number		# Miles		\$ per Mile		Days per Year				
	8	x	36	x	0.7654	x	365		\$	80,459.00	
D.	Supervision										
	Number		Crime Factor		Sergeant/Supv						
	1	x	1.764%	x	\$ 135,385.00		Sergeant		\$	2,389.00	
E.	Equipment										
	Number		Positions		Equip Cost-CD						
	8	/	1,353	x	\$ 884,693.00				\$	5,231.00	
F.	Allocated Indirect Cost (AIC)										
	Number		Positions		AIC-CD						
	8	/	1,353	x	\$ 7,660,620.00				\$	<u>45,296.00</u>	
G.	Supervision, Equipment, and AIC total								\$	<u>52,916.00</u>	
H.	TOTAL										
							Yearly		\$	1,127,695.00	
							Rounding		\$	5.00	
							Contract Amount		\$	<u>1,127,700.00</u>	
							12 monthly payments		\$	93,975.00	
	<i>Increase from prior year (original cost for svc) -percentage</i>								\$	1,127,700.00 / \$ 1,093,656.00	3.11%
	<i>Increase from prior year (original cost for svc) -amount</i>								\$		34,044.00

CONTRACT FOR LAW ENFORCEMENT SERVICES

THIS AGREEMENT is made and entered into by and between the CITY OF INDIAN ROCKS BEACH, FLORIDA (hereinafter "CITY"), and BOB GUALTIERI, Sheriff, Pinellas County, Florida (hereinafter "SHERIFF").

WITNESSETH:

WHEREAS, the CITY is a municipality within the boundaries of Pinellas County, Florida; and

WHEREAS, the CITY has requested that the SHERIFF furnish law enforcement protection to its inhabitants and citizens; and

WHEREAS, the CITY desires that the SHERIFF furnish law enforcement protection on a full-time basis and do and perform any and all necessary and appropriate functions, actions, and responsibilities of a law enforcement force for the CITY; and

WHEREAS, it is further the desire of the CITY that the full, complete and entire responsibility for law enforcement within the CITY be performed by the SHERIFF for the period beginning October 1, 2021, and ending September 30, 2022; and

WHEREAS, the SHERIFF has indicated his desire and willingness to accept and fulfill the responsibilities herein before mentioned;

NOW, THEREFORE, in consideration of the mutual promises contained herein and given by each party to the other, the parties hereto do covenant and agree as follows:

1. By appropriate Resolution, the City Commission of the CITY shall declare that the SHERIFF shall perform the duties and functions and shall have the power and authority of a Police Department of the CITY during the contract period.

2. The SHERIFF hereby agrees to provide all necessary and appropriate law enforcement services in and for the CITY by providing two (2) patrol deputies with patrol automobiles for twenty-four consecutive hours per day, seven days per week, which will provide coverage "around the clock".

3. The SHERIFF shall discharge his responsibility under this Agreement by the enforcement of all state laws, county ordinances applicable within the CITY and ordinances of the CITY. The SHERIFF shall bring appropriate charges for violations for all laws and ordinances. The SHERIFF or his designee shall consult with the City Commission twice annually and the City Manager monthly to ascertain the "points of emphasis" for law enforcement services deemed necessary by the City Commission or City Manager and include reports on the results of said "points of emphasis" as part of the regular monthly report.

4. All fines and forfeitures rendered in any court as a result of charges made by the SHERIFF shall be distributed as provided by general law and the rules of the court. It will be noted on all citations and notices to appear for said violations that the violations occurred within the CITY.

5. The SHERIFF shall maintain Uniform Crime Reporting records regarding crimes committed within the CITY. These records shall include the number and type of crimes committed, the number of arrests made for each type of crime, and any other information required by law. The SHERIFF will provide a monthly crime analysis report to the CITY.

6. The SHERIFF shall provide each deputy who provides services under this Agreement with a patrol automobile and all other necessary or appropriate equipment as determined by the SHERIFF, with training provided by the SHERIFF on said equipment. Other discretionary equipment and training on said equipment may be provided at the

option of the SHERIFF. The CITY may also provide additional equipment for use by deputies in the CITY. The SHERIFF may provide training on the CITY-provided equipment when determined by the SHERIFF to be feasible; otherwise, the cost and provision of said training shall be borne by the CITY.

Deputies providing services under this Agreement shall operate out of the Sheriffs Administration Building or North District Station. The cost of operating and maintaining these facilities and the cost of purchasing, maintaining, and repairing equipment issued by the SHERIFF under this Agreement shall be borne by the SHERIFF.

7. The SHERIFF shall be responsible for the appointment, training, assignment, discipline and dismissal of all his law enforcement personnel performing services under this Agreement. The SHERIFF is in compliance with Florida Statute §448.095 which references the use of E-Verify.

8. The parties to this Agreement are represented by the following attorneys:

- A. SHERIFF OF PINELLAS COUNTY
Office of General Counsel
P.O. Drawer 2500
Largo, FL 33779-2500
- B. CITY OF INDIAN ROCKS BEACH
City Attorney
1507 Bay Palm Boulevard
Indian Rocks Beach, FL 33785

9. To the extent permitted by law and as provided by Section 768.28, Florida Statutes, the SHERIFF agrees to indemnify and hold harmless the CITY from and against all loss or expense including costs and attorney's fees by reason of liability imposed by law upon the SHERIFF for damages including any strict or statutory liability under Workers' Compensation Laws because of bodily injury, including death, sustained by any person or persons, or damage to property, including loss of use thereof, arising out of or in consequence of the actions of the SHERIFF'S law enforcement personnel performing services under this Agreement in accordance with, and subject to the limitation of Section 111.07 Florida Statutes. Lawsuits and claims that may be filed from time to time hereunder shall be handled by the SHERIFF in accordance with normal procedures.

10. This Agreement shall take effect on October 1, 2021, and continue in effect thereafter through September 30, 2022, unless hereafter extended upon such terms and conditions as the parties hereto may later agree. Should either party intend to modify the terms and conditions of this Agreement, written notice must be given to the other party ninety (90) days prior to the expiration of the Agreement.

The parties agree that where the Agreement is not terminated, the terms of this Agreement shall automatically continue for 120 days beyond September 30, 2022, in the event a replacement contract has not yet been completely executed. The CITY shall continue to pay to the SHERIFF on a monthly basis the amount due per this Agreement, until such time as a replacement contract has been approved. The parties further agree that an increase, if any, in the cost of service, shall be retroactively applied for services rendered from October 1, 2022, to the approval and execution of the replacement contract, and shall be

paid by the CITY to the SHERIFF immediately for the services already provided.

11. The CITY shall pay to the SHERIFF, as payment in full for all of the services herein agreed to be performed by the SHERIFF, the sum of ONE MILLION ONE HUNDRED TWENTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS (\$1,127,700.00). Payment shall be made in monthly installments of NINETY-THREE THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND NO CENTS (\$93,975.00). Payment shall be made on the first day of each month beginning on the 1st day of October, 2021. (See Attachment 1.)

12. In no event shall this Agreement confer upon any third person, corporation or entity other than the parties hereto any right or cause of action or damages claimed against either of the parties to this Agreement arising from the performance of the obligation and responsibilities of the parties herein or for any other reason.

13. This Agreement reflects the full and complete understanding of the parties to it and may be modified or amended only by a document in writing signed by the parties hereto and executed with the same formality of this Agreement.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF the parties to this Agreement have caused the same to be signed by their duly authorized representative this _____ day of _____ 2021.

ATTEST:

CITY OF INDIAN ROCKS BEACH

CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY MANAGER

CITY ATTORNEY

(CITY SEAL)

SHERIFF, PINELLAS COUNTY, FLORIDA

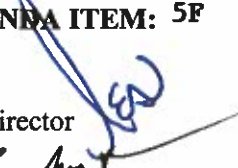
BOB GUALTIERI, Sheriff


**AGENDA ITEM NO. 5F
CONSENT AGENDA**

**Professional Services Contract
Utility Consultants of Florida
Underground Utilities Along Gulf
Boulevard Project — Phase II**

INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: August 10, 2021 **AGENDA ITEM:** 5F

SUBMITTED AND RECOMMENDED BY: Dean A. Scharmen, Public Services Director 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Authorizing the City Manager to Negotiate a Professional Services Contract with Utility Consultants of Florida for the City of Indian Rocks Beach Undergrounding Utilities Along Gulf Boulevard Project – Phase II.

BACKGROUND:

On April 14, 2021, the City issued a Request For Qualifications for the City of Indian Rocks Beach Undergrounding Utilities Along Gulf Boulevard Project – Phase II.

The Request For Qualifications was publicly advertised in the Tampa Bay Times on April 14 & 28, 2021, pursuant to Florida Statutes and the Code of Ordinances.

In addition, the RFQ was posted to the City's web site.

On May 14, 2021 at 3:00 P.M. in the City received submittals from the following firms:

- CES Consultants, Inc.
101 East Kennedy Boulevard, Suite 1160, Tampa, FL 33602
- CPWG
249 Corey Avenue, St. Pete Beach, FL 33706
- Utility Consultants of Florida
14800 Walsingham Road, Suite 102, Largo, FL 33774

ANALYSIS:

Based upon a review of the submittals, staff is requesting the City Commission's authorization to allow the City Manager to negotiate a contract with Utility Consultants of Florida for the City of Indian Rocks Beach Undergrounding Utilities Along Gulf Boulevard Project – Phase II.

The City's Manager may utilize various staff members and the City Attorney in the negotiation process.

FISCAL IMPACT:

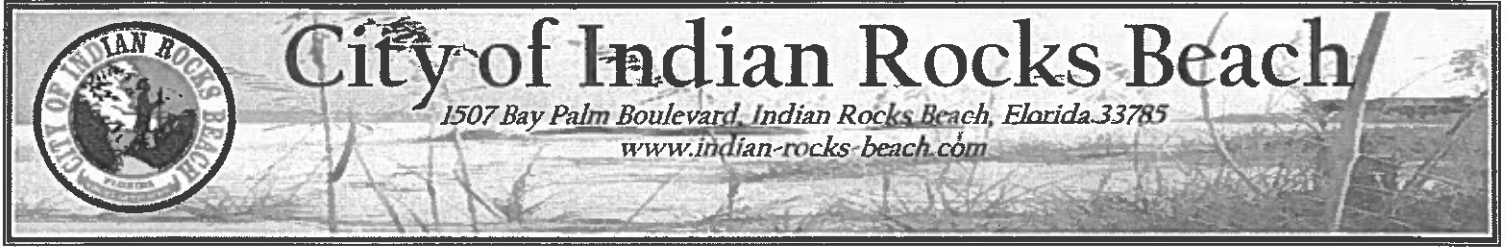
The subject funding for this project is being provided through an Interlocal Agreement with Pinellas County in the following manner:

FY 2020/21 = \$ 464,189
FY 2021/22 = \$1,308,170
FY 2022/23 = \$1,308,170
FY 2023/24 = \$1,308,170
FY 2024/25 = \$1,308,170

Total = \$5,696,869

MOTION:

I move to authorize the City Manager to Negotiate a Professional Services Contract with Utility Consultants of Florida for the City of Indian Rocks Beach Undergrounding Utilities Along Gulf Boulevard Project – Phase II as presented.



Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137 (Fax)

MAY 14, 2021
3:00 P.M.

PUBLIC SERVICES DEPARTMENT
1507 BAY PALM BOULEVARD

MINUTES

REQUEST FOR QUALIFICATIONS

CITY OF INDIAN ROCKS BEACH PROFESSIONAL SERVICES FOR UNDERGROUNDING UTILITIES ALONG GULF BOULEVARD – PHASE II

Submittals to the RFQ for Professional Services for Undergrounding Utilities Along Gulf Boulevard – Phase II were received at 3:00 P.M., on Friday, May 14, 2021.

PRESENT: Dean A. Scharmen, Public Services Director
Colleen Olson, Administrative Assistant Public Services Department

Submittals were opened, read aloud and documented by Public Services Director Dean A. Scharmen. A copy of that tabulation is attached hereto and made a part of this report.

The meeting concluded at 3:05 P.M.

A handwritten signature in black ink, appearing to be 'Dean A. Scharmen', written over a horizontal line.

Dean A. Scharmen
Public Services Director

Attachment (1)

cc: Brently Gregg Mims, City Manager
Daniel A. Carpenter, Finance Director



RFQ TABULATION

**CITY OF INDIAN ROCKS BEACH
PROFESSIONAL SERVICES
FOR
UNDERGROUNDING UTILITIES ALONG GULF BOULEVARD – PHASE II**

- **CES Consultants, Incorporated**
101 East Kennedy Boulevard, Suite 1160
Tampa, FL 33602
813/444-5190
(5/13/2021 – 12:00 P.M.)

- **CPWG**
249 Corey Avenue
St. Pete Beach, FL 33706
727/256-9685
(5/14/2021 – 11:20 A.M.)

- **UTILITY CONSULTANTS of FLORIDA**
14800 Walsingham Road
Largo, FL 33774
321/287-8911
(5/14/2021 – 2:12 P.M.)

**AGENDA ITEM NO. 5G
CONSENT AGENDA**

**APPROVAL OF the July 13, 2021
City Commission Budget Work
Session Minutes.**

**AGENDA ITEM NO.: 5G - APPROVAL OF MINUTES.
DATE OF MEETING: AUGUST 10, 2021 CCM**

**MINUTES — JULY 20, 2021
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION BUDGET WORK SESSION**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, JULY 20, 2021**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 4:05 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Joe McCall, Commissioner Philip J. Hanna, Commissioner Denise Houseberg, and City Manager Brently Gregg Mims.

OTHERS PRESENT: City Attorney Randy D. Mora, Finance Director Daniel A. Carpenter, CGFO, and City Clerk Deanne B. O'Reilly, MMC, Finance & Budget Review Committee Chair Jean Scott, Finance & Budget Review Committee Member Jim English, and Finance & Vice Chair Budget Review Committee Member Earl Wesson.

ABSENT: Commissioner Edward G. Hoofnagle.

1. REVIEW OF Five-Year Capital Improvement Plan (2022-26) and the FY2021-22 Proposed Budgets.

[Beginning of City Manager's Budget Letter]

In accordance with Section 5.3(6) of the City Charter, the City Manager is honored to present to the City Commission the City Manager's Proposed Budget for Fiscal Year 2021-22 for the City of Indian Rocks Beach. This proposed budget is balanced in all funds and provides a roadmap that guides City operations. COVID-19 represented unprecedented challenges to the City's operations, but the City did not waver in its duties to provide quality services to its citizens. The proposed budget represents a comprehensive plan for the City's spending activities as well as an overall plan for providing City services during the coming fiscal year. The appropriation levels reflect the requirement to balance the budget while maintaining conservative budgeting principles and proactively elevating the City's infrastructure. The proposed budget promotes accountability, tells the story of the City's continued successes in working together, and provides guides to help strengthen the City's organizational values.

The proposed budget acknowledges the importance of investing in our greatest resource, our IRB Employee Team. The proposed budget provides a continued competitive benefits package and ensures that the City is competitive in the public sector market.

REVENUE OUTLOOK

The General Fund expenses total \$3,952,240. According to the Pinellas County Property Appraiser's Office, the City's property tax assessed value is expected to increase by approximately 7.44% or 1.19% higher than last year's value. Of the 7.44% increase in taxable values, over 2.5% is attributed to new construction during the previous year. In total, the value of new construction exceeds \$2.5 Million.

The proposed budget provides for maintaining the mill levy at 1.8326%, which ensures the City ranks among the lowest mill rates in Pinellas County and one of the lowest in the State of Florida. All other revenue sources are stable, or rising slightly, which allows the City to accurately make future projections. The City's Reserve Fund remains strong and is significantly higher than the national average. All of this is accomplished without the benefit of a stormwater fee or imposing a utility tax.

The City's Unassigned Reserves Balance is approximately \$3.5 million or 88% of General Fund Expenditures. In addition to the General Fund Reserve Account, the budget includes an updated IRB Five-Year Capital Plan with an estimated reserve balance at the end of the five years of approximately \$922,010.

ELEVATING OPERATIONS

Highlights of the proposed General Fund Budget include:

- Continued 25% reduction of the cost allocation from the Solid Waste Budget to the General Fund Budget.
- 3% cost of living increase for all employees.
- Continued allocation of \$50,000 for proactive drainage maintenance.
- Continued funding for the installation of solar-powered lights at beach accesses.
- 3.11% Increase in our Pinellas County Sheriff's Law Enforcement Service Contract.
- Purchase of one Polaris for the Code Enforcement Division.
- Replacement of and purchase of one pickup truck.
- Replacement of and purchase of one bucket truck.
- Installation of a new telephone system for City Hall.
- Additional allocation of funds for public outreach (CRS, Code Compliance, VRBO)

PROVIDING OUTSTANDING SOLID WASTE OPERATIONS

Highlights of the Solid Waste Budget include:

- Continued reduction of 25% of the cost allocation from the Solid Waste Budget to the General Budget.
- 6% rate increase (First rate increase in three years).
- 6% increase in Pinellas County tipping fee.
- Replacement of and purchase of one packer truck.

ELEVATING INFRASTRUCTURE

Highlights of the 2022-2026 Capital Improvement Plan:

- Annual funding for road milling, resurfacing, curbing & drainage.
- Allocation of \$5,696,870 from Pinellas County Penny to Gulf Boulevard Undergrounding Phase II.
- Allocation of the majority of the City's American Rescue Plan funds (1,629,750) to future drainage enhancement projects and updating our drainage plans.
- \$600,000 for stormwater reconstruction projects (half of the total is funding by SWFWMD Grants).
- \$50,000 for dune walkover reconstruction.
- Annual funding for park maintenance and upgrades.
- City Park upgrades 2022 include refinishing of the tennis courts at Kolb Park to accommodate traditional tennis play and four pickleball courts, new backstop fencing at Campalong Field, reconstruction of the Kolb Park Basketball Court, and Nature Park Boardwalk reconstruction (a multi-year effort).

The City Manager would like to express his appreciation to his outstanding IRB Team Members for their energy and effort in delivering outstanding City services. Team Members' professionalism and commitment to the City of Indian Rocks Beach is unprecedented. The IRB Team appreciates the City Commission's support and input throughout the budget process. Working together, the IRB Team continues to provide superior services to IRB citizens.

The IRB Team looks forward to working with the City Commission during the remainder of the budget development process. The IRB City Commission CIP and Preliminary Budget Works Session are scheduled for July 20, 2021, at 4:00 p.m., in the City Auditorium. Public Hearings on the final version of the proposed budget will be on September 8, 2021, and September 22, 2021.

[End of City Manager Budget Letter]

City Manager Mims recognized the members of the Finance & Budget Review Committee Members for attending this meeting.

Additionally, City Manager Mims thanked and acknowledged Finance Director Carpenter's work in putting together the FY 2021-2022 Proposed Operating Budget and 2022-2026 Capital Improvement Plan.

City Manager Mims reviewed his budget letter to the City Commission and presented the FY 2021-2022 Proposed Operating Budget and Five-Year Capital Improvement Plan.

City Manager Mims identified the highlights of the General Fund Budget, the Solid Waste Budget, and the Five-Year Capital Improvement Plan as outlined in the budget letter.

SOLID WASTE BUDGET

City Manager Mims stated he receives a lot of compliments about the City's Solid Waste employees and said they are excellent about keeping the City clean.

City Manager Mims informed the City Commission that Pinellas County will be increasing tipping fees by 6%, which would be the first in three years. Pinellas County is now on a program that tipping fees would be going up 6% a year, but that does not mean the City would need to raise rates yearly.

City Manager Mims stated that this year the City would be replacing a garbage truck, which would cost around \$300,000.

CITY ATTORNEY BUDGET

City Manager Mims stated last year the City Attorney Budget did include a special magistrate; however, the City issued RFPs twice and received no responses. He said there is not much interest in this field, and he did not know if COVID had something to do with it. He said he would try one more time. He did, however, reduce the City Attorney Budget somewhat.

BUILDING — PERMITTING AND INSPECTIONS BUDGET

City Manager Mims stated the City is phasing itself out of the building permitting operation. As the City Commission recalls, the City entered into a contract, over a year ago, with Pinellas County. Since the City has contracted with Pinellas County, he has received one complaint about a building permit issue.

City Manager Mims stated if the City originally issued the permit, the City has to see the permit through the end. If a City permit is open and needs an inspection, the contractor needs to call the City, and City would arrange for an inspection by Pinellas County.

City Manager Mims stated the City has less than 20 open permits.

City Manager Mims stated that due to the low building permitting activity, the executive secretary's 20% salary would be zeroed out next year in the Building Department Budget. He said the City Manager's Budget would show 100% of that salary.

CODE ENFORCEMENT

City Manager Mims stated the City has a full-time and part-time Code Enforcement Officer. The part-time Code Enforcement Officer focuses on illegal parking and beach decals offenses in the evening hours and on weekends.

City Manager Mims provided examples of the violations of the beach decal ordinance.

PUBLIC SERVICES — BUILDING MAINTENANCE

City Manager Mims stated City Hall had a severe rodent problem about nine months ago. Additional monies were spent on pest control, with bait and traps being set up in the ceilings and around the perimeter of City Hall.

PUBLIC SERVICES — PARKS

City Manager Mims stated the Public Services, Parks Division, Budget includes the purchase of a pickup truck.

City Manager Mims stated there is a built-in provision in the mowing contract, which the City negotiates on a yearly basis.

LEISURE SERVICES

City Manager Mims stated Crabby's Bill is the sponsor for IRB Hallowfest. He said Crabby Bill's wrote a check to the City for \$25,000, and of the \$25,000, \$10,000 will be used for Hallowfest.

SOLID WASTE FUND

City Manager Mims stated in the Solid Waste Fund that \$300,000 has been allocated to purchase a garbage truck.

RECYCLING

City Manager Mims stated \$232,630 has been allocated for curbside recycling. The majority of what the City and everyone else sends to the recycling area in St. Petersburg is then loaded on a second truck and taken to the Pinellas County Landfill to be burned, which is then generated into electric to run the Pinellas County Solid Waste Disposal Facility.

Mayor-Commissioner Kennedy stated about six or eight years ago, the City sent out a postcard asking what were their three top concerns/issues, and recycling was one of the top three.

Mayor-Commissioner Kennedy stated she has a problem with the City spending \$232,630 for recycling that is not being recycled.

Mayor-Commissioner Kennedy brought up and reviewed in detail an article that was featured in the Florida Trend Magazine, "*Is recycling in Florida a waste?* Mike Vogel, 6/29/2021"

Mayor-Commissioner Kennedy stated after reading the article, she feels the City Commission should discuss recycling again. She does not want to get rid of recycling, and asked what the City can do to improve the recycling process.

Mayor-Commissioner Kennedy stated that most people probably have not read an article like this and do not know the in-depth process involved with recycling or how recycling is not being recycling like everyone thought.

Mayor-Commissioner Kennedy stated the article talks about a County that is not good recyclers. She stated Indian Rocks Beach residents are good recyclers with over 60% participants. The recyclable company told her that Indian Rocks Beach residents clean and separate their recyclables, but what happens is IRB recyclables are mixed with the other beach communities contaminated recyclables.

Commissioner Hanna stated that China, the biggest purchaser of recyclable goods, does not accept recyclables anymore. He said when recyclables get dumped on the cement slab in St. Petersburg. A middleman then separates them before going to the landfill, where they are burned and converted into energy. He does not want to see recyclables in the landfill that are buried with trash.

City Manager Mims stated this is not an Indian Rocks Beach problem. This is a global problem. China and Vietnam were the two biggest buyers of recyclables, and they do not want recyclables right now. There is no hope for IRB saying that the City is going to fix it.

City Manager Mims stated that if the citizens rely on Facebook and a neighborhood app for accurate City information, citizens are looking in the wrong places.

City Manager Mims stated the City could not fix the renourishment problem as the City cannot fix recycling either. He stated most people would be surprised where recyclables are going. He understands what the Mayor is saying about what the citizens said six years ago and what the situation is now, but the world has changed, and it costs the City \$232,630 to recycle.

City Manager Mims stated the City is still on a track where properties in the City's residential areas are being converted to short-term vacation rentals. It slowed up during the peak of COVID. The more houses being converted to short-term vacation rentals, there is less interest by tourists to recycle.

City Manager Mims stated there is not going to be a work session to figure out recycling. There is no figuring out recycling. It is out of the hands of the City.

City Manager Mims stated there is not even a market for cardboard.

Mayor-Commissioner Kennedy asked the City Manager if the City should send out another postcard advising the citizens that China is no longer taking recyclables and that recyclables are burned at the landfill or words to that effect.

City Manager Mims stated the City should do nothing but educate the public through the City's quarterly newsletters about what is happening in the recycling world.

Finance and Budget Review Committee Review Member English asked if there was an early termination fee with the contractor (Waste Connections of Florida).

City Manager Mims responded in the affirmative.

Mayor-Commissioner Kennedy asked when the contract with Waste Connections of Florida expires. Finance Director Carpenter stated he would have to report back to the City Commission with the expiration date.

Mayor-Commissioner Kennedy stated that this is very sad, and she knows that it is not the City's fault or anything like that. She feels that the City Commission is smart, and there are intelligent people in Indian Rocks Beach. She feels the City needs to figure this out. She stated recycling is so important with what is happening in the gulf and everything being dumped in the gulf. She feels that things are getting worse instead of better.

Mayor-Commissioner Kennedy stated she would like to see Indian Rocks Beach be part of a solution. She wants the City to be part of a solution that makes Indian Rocks Beach better and cleaner.

City Manager Mims stated generating power with materials is recycling. The residents would have more of an issue if all the trash were being taken to the landfill and buried.

City Manager Mims stated glass is taken to a landfill in Sarasota, and most of the glass is chopped up and buried there.

City Manager Mims reiterated that the City of Indian Rocks Beach cannot fix the recycling problem. This is a market-driven, global problem. He said the City needs to educate the public on recycling through its website and quarterly reports.

Finance and Budget Review Committee Review Vice Chair Wesson stated \$232,630 had been allocated for curbside recycling. The City's recycling bins weigh a lot more than garbage. His question is, how much more would the City pay in tipping fees if the residents did not recycle?

City Manager Mims stated the recycling contract is not based on weight. Recycling costs four times the cost of picking up garbage.

Mr. Wesson stated if the City did not recycle anymore, the City's tipping fees would go up because that contract is based on weight.

City Manager Mims stated the City saves two-thirds in tipping fees by recycling.

Mr. Wesson stated the City is saving approximately \$160,000 in tipping fees.

Mayor-Commissioner Kennedy stated she disagrees that Indian Rocks Beach is just a tiny city because local government impacts everyone. She would like the City to educate the public, and the City Commission should try to develop a solution. Sometimes she feels that is the easy way out. She stated that this City Commission had some challenging issues over the past few years that they had to deal with, and recycling is another one of those. It is the good people who go out and really want to make changes and do the best for the City, and she believes that is what the City Commission is trying to do here.

SOLAR PANELS

Commissioner Hanna inquired about the cost-savings with the solar panels on the City Hall Complex and the Historical Museum.

City Manager Mims stated he does not have that data before him, but the City has saved a substantial amount with the museum and about 40% with the City Hall Complex.

FIVE-YEAR CAPITAL IMPROVEMENT PLAN

City Manager Mims stated it is important to focus on the 2022 Budget Year because the out years are projections.

City Manager Mims reviewed the Capital Improvement Plan revenue sources.

	2022 BUDGET
Carry Forward Balance	\$1,608,101
LOST (Penny Funding) Fund Revenue Earned	\$500,000
Grants: Pinellas County Dune Walkovers	\$50,000
Grants: SWFWMD	—
Grant: American Rescue Plan	\$1,732,050
Grant: Pinellas County LOST/BIG-C	\$1,772,360
Total Revenues	\$4,054,410

City Manager Mims stated the City now has the influx of the American Rescue Plan money, and that has been a changing target of information for the last two or three months. For example, the number the City was given a while back was \$1.9 Million, and the City received an email the other day, and it is \$2.1 Million. He said the budget would reflect the actual amount it receives in American Rescue Plan revenue.

City Manager Mims stated that the BIG-C communities are receiving penny money for Phase II of the Underground of Gulf Boulevard. The City's project would pick up at 5th Avenue and go as far north as possible until the money runs out.

City Manager Mims reviewed the Capital Improvement Plans/Expenditures for the 2022 Budget.

PROJECTS	2022 BUDGET
Road Milling, Resurfacing, Curbing & Drainage	\$650,000
Stormwater Reconstruction	—
Dune Walkovers & Upgrades	\$50,000
City Park Upgrades	\$156,000
Undergrounding - Gulf Boulevard Phase II	\$1,772,360
TOTAL EXPENDITURES	\$2,628,360

City Manager Mims stated \$650,000 has been allocated for road reconstruction. The City would begin at Bay Boulevard and 18th Avenue, and the City's goal is to go to 24th Avenue. Next year, it is the City's goal to go to 24th Avenue around Brown Park.

City Manager Mims stated every few years, the City receives money from Pinellas County for dune walkovers. He said the City has three drive-on locations and two of them need some work to get equipment down the beach. The County would chose which beach access to redo, 9th Avenue or 27th Avenue.

City Manager Mims stated \$156,000 had been allocated for City park upgrades.

Brown Park: Of that amount, \$26,000 has been allocated to refinish and redo the tennis courts at Brown Park. Brown Park would then have two traditional tennis courts and four pickleball courts painted on the tennis courts with portable nets.

Campalong Baseball Field: The backstop fence at Campalong Field will be rebuilt. After this is completed, Campalong Field would have been completely reconstructed from the ground up. LED lights were installed, new irrigation, new bleachers, and restrooms were redone.

Kolb Park: Reconstruction of the Kolb Park Basketball Court and some tree and root work will also be done.

Nature Preserve Boardwalk: It is time to rehab the boardwalk, which would be a multi-year project. The most impacted areas would be done first. The wood would be removed and replaced with composite decking, and the handrails would also be replaced.

Stormwater Analysis Plan (HB 53): City Manager Mims stated HB 53 (2021) intends for each county, municipality, or special district providing a stormwater management program or stormwater management system to create a 20-year needs analysis. HB 53 also requires that all Florida governmental entities hire an engineering firm to update their

stormwater plan, and they need to report annually about the plan. Therefore, the City would be issuing an RFP for Engineers or would use the City's current engineers to update its comprehensive stormwater plan, which was last done in the 1990s. He stated the City had made continual stormwater drainage improvements throughout the City over the last decade. This plan needs to be updated because it is the guide for how the City spends money in the future on where drainage issues are and what the City does about them. This is an unfunded mandate, and the City would use American Rescue Plan funds for this expenditure.

Stormwater Drainage Issues: City Manager Mims stated the City still has some issues in the North Harbor Drive and Business District Triangle area that need to be resolved. The American Rescue Plan funds can be used for stormwater/drainage projects.

City Manager Mims stated he is not proposing to raise the millage rate, and he is not asking for a lot of reasons, and one reason is in 2009, there were 33.13 employees, and now there are 23.50 employees. This is attributed to having an outstanding team, the City has a core group of employees that would do anything that they are asked.

City Manager Mims stated Indian Rocks Beach does not have a stormwater fee or a utility tax like other cities have. He said there might be one other City that does not have those fees. Where cities have stormwater fees, they can tap into that funding sources to do maintenance, repairs, and projects associated with stormwater, i.e., street sweeping, pipe replacement, and drainage projects. These are items that Indian Rocks Beach does with its general fund money or through grants received through the SWFWMD.

City Manager Mims stated Indian Rocks Beach is ranked number five as being the lowest in Pinellas County with its millage rate.

2. PUBLIC COMMENTS.

Finance & Budget Review Committee Vice Chair Wesson commended the management team. He stated it was a pleasure to work with Finance Director Carpenter, and said Finance Director Carpenter was incredibly explanatory about the budget to the Committee. He stated that the City Manager had shown great leadership here, and the Committee is very thankful for having these gentlemen help run the City along with the City Commission.

BEACH RENOURISHMENT:

Mayor-Commissioner Kennedy stated after the last City Commission Meeting, it occurred to her that as far as beach renourishment and all the comments that were made that the City Commission may not have all the pieces of what the City and County have done.

Mayor-Commissioner Kennedy stated that she and the City Commission are going to come up with a timeline of what the County has been doing for this renourishment project and

how the City has been involved so that the City Commission and the public have a better understanding of what is actually going on with beach renourishment.

RED TIDE:

Mayor-Commissioner Kennedy stated on Friday, she would be going up in the Pinellas County Sheriff's Office helicopter to see the red tide bloom, which is 50 miles out.

City Manager Mims stated just today, the IRB Public Services employee picked up 4,800 pounds of dead fish.

Mayor-Commissioner Kennedy stated the City was very involved with the Red Tide Summit last year, with the City Manager speaking at it. The City also helped put it together with Pinellas County.

Mayor-Commissioner Kennedy stated Congressman Crist secured \$10 Million to combat red tide in the FY2020 Federal Budget. This funding is intended to address harmful algal blooms including red tide. Congressman Crist stated Florida's Gulf Coast was ravaged last year by red tide that lasted more than a year, causing dead fish to wash ashore on Florida beaches, which took a toll on beach communities — their beaches, wildlife, local businesses, economy, and people all endured destructive impacts.

Mayor-Commissioner Kennedy stated Pinellas County is stellar with the red tide efforts. She said Pinellas County was the first ones to go out in the Gulf-of-Mexico to pick up dead fish before they washed ashore.

3. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE CHAIR-COMMISSIONER MCCALL, TO ADJOURN THE MEETING AT 5:17 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

August 10, 2021
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/DOR

AGENDA ITEM NO. 6

PUBLIC HEARINGS

None

AGENDA ITEM NO. 7

**OTHER LEGISLATIVE MATTERS:
None**

AGENDA ITEM NO. 8

**WORKS SESSION ITEMS:
None**

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10
ADJOURNMENT.