

**FINAL MINUTES — OCTOBER 8, 2019
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, OCTOBER 8, 2019**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Commissioner Diane Flagg, Commissioner Phillip J. Hanna, and Commissioner Ed Hoofnagle.

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

ABSENT: Vice Mayor-Commissioner Nick Palomba.

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

Mayor-Commissioner Kennedy welcomed and introduced Bode Ahlers, a Largo High School Student in the ExCel Program, who asked to shadow the City Commission this evening.

Mr. Ahlers explained as part of the Excel Program twice a year, students pursue “job shadowing” in professions in which they express interest in, in order to understand the daily tasks of their prospective career and better prepare them to make choices about their future.

1A. REPORT OF Pinellas County Sheriff’s Office.

The Pinellas County Sheriff’s Office (PCSO) presented the September 2019 Crime Analysis Report for the City of Indian Rocks Beach.

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

Kelly Cisarik, 448 Harbor Drive South, spoke on Consent Agenda Item No. 5G, the short-term vacation rental letter to the Governor, the Pinellas County Legislative Delegation, and the Florida House and Senate Leadership. She wholeheartedly agrees with the general theme of that letter.

Ms. Cisarik stated Representative DiCeglie and Representative Webb both cosponsored House Bill 1129 in the last session, which bill was in favor of licensing requirements for vacation rentals and it was at the State level, and that would have replaced the City's licensing requirements. She expressed about the Florida League of Cities in this area. She recommended that the City join with other BIG-C cities to lobby in Tallahassee.

Bill Thomas, 470 20th Avenue, stated the City adopted Ordinance 2018-01 to regulate short-term rentals. It was implemented about a year ago. This was to resolve the issues and complaints that people had concerning short-term rentals.

Mr. Thomas stated there is a difference between short-term rentals that are not managed on-site versus residential residences that rent out bedrooms.

Mr. Thomas recommended the short-term vacation rental letter to the Governor, the Pinellas County Legislative Delegation, and the Florida House and Senate Leadership be distributed to the businesses that are running short-term vacation rentals, so that they are aware of what is happening in IRB, and what the City Commission is deciding to do.

Dana Thomas, 470 20th Avenue, stated she was surprised to learn about the short-term vacation rental letter to the Governor after the City Commission had adopted an ordinance to regulate short-term vacation rentals.

Ms. Thomas stated her neighbor asked her to read the following letter into the record:

"October 8, 2019

*City of Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach, FL 33785*

To Whom It May Concern:

We live at 472 20th Avenue, Indian Rocks Beach, FL 33785 and my neighbors, Dana and William Thomas, have been hosting guests through short term rentals at their residence which is 470 20th Avenue Indian Rocks Beach, FL 33785 for approximately two years and we have no complaints about any of their guests thus far. We have actually enjoyed meeting their guests and many of them have been from other countries which we found fascinating.

We have lived in Indian Rocks Beach for twenty years and we have no complaints about short term rentals.

*Sincerely,
Gerry and Roger Zink"*

Aiden Bowles, 530 Harbor Drive North, owner of Salt Public House, 1309 Gulf Boulevard, stated he has been an Indian Rocks Beach property owner for 30 years, and he thinks he has the best interest of the City at heart. He was contacted by the Code Enforcement Officer and was advised that his three 7" X 36" animated signs above the garage doors are prohibited by the sign ordinance.

Mr. Bowles recommended the sign ordinance be brought up to 2019.

Michael W. Davis, 14130 Rosemary Lane, Largo, former IRB resident for 34 years, and owner of Davis Suncoast Realty, stated his purpose here is to inform the City regarding some best practices in licensing and taxation of short-term rentals and went into detail on the City's business tax receipt (BRT) fee associated with short-term vacation rentals and the collection of data on short-term vacation rentals within the City.

John Pfanstiehl, 448 Harbor Drive South, thanked City Manager Mims and Public Services Director Scharmen for putting the labels on the recycling containers, and also for including the illustration of what can and cannot be recycled in the City's quarterly newsletter. He also recommended that the illustration be included in the next newsletter.

Mr. Pfanstiehl stated there have been two fatalities on the Indian Rocks Beach Bridge. There is a small sign before the span, but to try to prevent further tragedies, he would recommend placing a large directional sign where the curve begins.

Mr. Pfanstiehl thanked Commissioner Flagg for making the short-term vacation rental letter to the Governor, the Pinellas County Legislative Delegation, and the Florida House and Senate Leadership. He stated this is a very good start, but there are two other things that need to occur: (1) Cities have to ban together, get aggressive, and make it a priority, and (2) Voters need to know how their Legislators are acting on these issues.

Tyler Fischer, 1815 27th Avenue West, Bradenton, stated he was invited here by Michael Davis. He stated he is an employee of a vendor that provides short-term rental enforcement, regulation, consulting, taxation, registration fees, and permitting.

3A. REPORTS OF the City Attorney:

Commissioner Hoofnagle inquired if there is a level of fee, which is considered exorbitant for a business receipt tax for short-term vacation rentals.

City Attorney Mora stated he would research the issue, and report back to the City Commission.

3B. REPORTS OF the City Manager.

City Manager Mims stated the City has applied for the Florida Senate Local Funding Initiative Request Grant for FY 2020-2021 through Senator Brandes Offices for Campalong Baseball Field. The Project provides for funding to relight Campalong Youth Baseball Field with new LED energy efficient lights. Included in the project are new poles for the field lighting and electrical upgrades. The LED lights are more than 40% more energy efficient than the current field pole lights. The total project cost for Fiscal Year 2020-2021 would be \$140,000 with the City being responsible for approximately \$26,000.

City Manager Mims stated he would like to put into the record the amount of donations received from the City's three civic organizations:

**City of Indian Rocks Beach
FY 2019 Donation Detail**

CIVIC ORGANIZATION	DETAILS	AMOUNT
Action 2000, Inc.	Employee Luncheon	\$ 600.00
IRB Homeowners	Employee Luncheon	\$ 600.00
Action 2000, Inc.	Holiday Decorations	\$ 1,500.00
IRB Homeowners	Volleyball Court/Keegan Clair	\$ 9,385.39
Action 2000, Inc.	10 th Ave Park Landscaping	\$ 495.00
Action 2000, Inc.	Flag Day	\$ 300.00
Action 2000, Inc.	Visioning Market Retain Study	\$ 6,000.00
IRB Homeowners	Flag Day	\$ 250.00
IRB Rotary Club	Flag Day	\$ 200.00
Action 2000, Inc.	Kolb Park Gazebo	\$50,000.00
TOTAL		\$69,330.39

SUMMARY	AMOUNT
Action 2000, Inc.	\$58,895.00
IRB Homeowners	\$10,235.39
IRB Rotary	\$ 200.00
TOTAL	\$69,330.39

City Manager Mims stated the City would normally amend the budget to reflect these donations; however, since the budget ended up so well, there was no need to amend the budget at the end of the fiscal year.

City Manager Mims provided a brief update on the Gulf Boulevard Underground Project stating they are working on the last stretch of placing the conduit and the sidewalk work at

the intersection of Walsingham Road and 5th Avenue, and the next step would be pulling the cable through the conduit and the removal of the overhead poles and wires.

City Manager Mims stated Duke Energy is in the process of installing electric charging stations at City Hall and at the Post Office.

3C. REPORTS OF City Commission.

COMMISSIONER HANNA:

- Recommended to have a work session on the ideas presented this evening on short-term rentals and the increase of the business receipt tax for short-term vacation rentals. He has been a proponent of a minimum of one month for rentals in residential areas, and everyone he has spoken with seems to think a one month minimum would be something that they could get along with. City Attorney Mora reiterated the point that at present the City is preempted from regulating the duration or frequency of short-term vacation rentals.

COMMISSIONER FLAGG:

- Read into the record the short-term vacation rental letter to the Governor, the Pinellas County Legislative Delegation, and the Florida House and Senate Leadership. She stated this is the first step in getting the cities' home rule under control.

"Dear Governor DeSantis,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

The subsequent effect resulted in the establishment of incompatible vacation rental housing operations in traditional residential areas. In our residentially-zoned areas, conversion of traditional single family houses to commercial vacation rental operations are occurring on a daily basis. In the last six months, over one hundred and thirty (130) homes have been converted. Many houses are being purchased by non-resident investors who do not share the small town feel or concerns of our residents.

The character of our traditional neighborhoods is drastically being altered as they evolve from residential to commercial operations. This evolution creates public safety-related issues as these dwellings are not subject to the same fire and safety codes as traditional commercial operations. For many years our codes provided protection and a sense of

place for all of our zoning districts. These provisions provided a great diversity for rental opportunities, but also gave our residents in residential zones the peace of mind that their homesteaded property was protected. For the majority of people that purchase a home, it is the largest financial investment of their lives. Many of our full time residents now feel that their property rights have been compromised and their quality of life has been forever changed.

The elimination of home rule as it relates to vacation rentals has resulted in many Bert Harris claims in response to local governments' efforts to find alternative legislative solutions. The City of Anna Maria Island is facing claims totaling \$5.3 Million and \$22.7 Million in Flagler County. Some of these claims have been settled resulting in large monetary costs. Our city embraces tourism, but the pervasive conversion of traditional single family houses to commercial operations is not an appropriate change to the character of the city.

Airbnb contributed over \$1.2 Million to state political campaigns during the 2018 election cycle. Our small city cannot compete with these resources.

All of these issues were created by the 2011 law that deviated from the traditional principle of home rule. The Florida Legislature and Governor should allow local governments like ours to manage our communities and zoning districts by returning to traditional Florida home rule principles. Allowing the expansion of vacation rentals in our neighborhoods without local control should never have occurred.

The City of Indian Rocks Beach urges the Florida Legislature and Governor DeSantis to take the necessary steps to restore home rule and the ability to regulate vacation rentals to local governments like ours."

COMMISSIONER HOOFNAGLE:

- Announced Oktoberfest is Saturday, October 12, 2019, from 11:00 a.m., to 7:00 p.m. He stated, as chair of Oktoberfest, he would like to thank all the 120 plus volunteers, who will be actively engaged in running Oktoberfest on Saturday, and not to mention the City Manager and all City staff members, who go the extra mile to set up Oktoberfest. Oktoberfest is a day of enjoyment of festivities where Action 2000 raises money that goes back into the community for preservation and enhancement. He thanked all the former chairs and the volunteers, and encouraged everyone to come to Oktoberfest for some good community fun.

MAYOR-COMMISSIONER KENNEDY:

- Announced the events and meetings of the City Commission and civic organizations.
- Stated all the BIG-C Mayors had a press conference after their last meeting, which was held in Indian Rocks Beach, regarding short-term vacation rentals.

- Stated she receives anywhere from 1 to 16 complaints a month on short-term vacation rentals during her Conversations with the Mayor.
- Thanked everyone for attending the Gulf Boulevard Visioning Session II.

4. **ADDITIONS/DELETIONS.**

Commissioner Hoofnagle requested the City Commission workshop the following issues:

- Discussion of short-term vacation rentals and fees (business tax receipts) associated with short-term vacation rentals.
- Discussion of the sign ordinance, specifically minimalized animated signs.

CONSENSUS TO WORKSHOP SHORT-TERM VACATION RENTALS AND FEES AND THE SIGN ORDINANCE, SPECIFICALLY MINIMALIZED ANIMATED SIGNS.

5. **CONSENT AGENDA:**

- A. **APPROVAL of the September 10, 2019 Regular City Commission Meeting Minutes.**
- B. **APPROVAL of the September 17, 2019 Special City Commission Meeting Minutes.**
- C. **CONFIRMING the action taken at the September 17, 2019 Special City Commission Meeting.**
- D. **RESOLUTION NO. 2019-05. Calling for a Municipal General Election for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commissioner Seat and two Commissioner Seats for two-year terms.**
- E. **APPROVAL of a Task Order with CivilSurv for the survey, design, permitting, SWFWMD coordination, and construction administration for the 319 Harbor Drive and 360 La Hacienda Drive Stormwater Improvements Project.**
- F. **AUTHORIZING the City Manager to sign a Dock Lease Agreement with the Pinellas Suncoast Fire & Rescue District.**
- G. **APPROVAL of the short-term vacation rental letter to the Governor and the Pinellas County Legislative Delegation.**
- H. **APPROVAL of Vice Mayor-Commissioner Nick Palomba's absence from the October 8, 2019 Regular City Commission Meeting. [Charter Sec. 2.2(d)(3)]**
- I. **PROCLAMATION: Proclaiming October 21-27, 2019, as Florida City Government Week.**
- J. **PROCLAMATION: Proclaiming October 12, 2019 as IRB Action 2000, Inc., Day.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Item Nos. 5A through 5J.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER FLAGG, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5J, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

Mayor-Commissioner Kennedy presented Julie Hoofnagle, President of Action 2000, Inc., with a proclamation, proclaiming October 12, 2019 as IRB Action 2000, Inc. Day, and thereafter read the proclamation into the record.

WHEREAS, IRB Action 2000, Inc., found the genesis as an outgrowth of the momentum generated by the Idea Sessions in 1997; and

WHEREAS, On May 5, 1999, a small group of focused citizens formally established a not-for-profit 501(c)(3) corporation instilled with the determination of spurring public involvement and nurturing private sector funding of community-based projects to improve the physical image of the City of Indian Rocks Beach; and

WHEREAS, IRB Action 2000, Inc., is dedicated to working with residents, business, and City officials to continually seek positive solutions to accommodate future changes, which preserve/revitalize/enrich the City of Indian Rocks Beach's unique small town qualities in a cost-effective manner that is both beneficial and equitable to all; and

WHEREAS, Furthermore, IRB Action 2000, Inc., is committed to continuing to provide aesthetic improvements to Gulf Boulevard and adjacent commercial, tourist, and residential areas with streetscape design, fund raising, all the while stimulating volunteerism, and investing in assistance to the City of Indian Rocks Beach in the refinement of community planning guidelines; and

WHEREAS, IRB Action 2000, Inc., main fundraiser is Oktoberfest and they are proud to have partnered with the City on this event since 2001; and

WHEREAS, In acknowledgment that all money raised go back into beautification projects in the City of Indian Rocks Beach; and

WHEREAS, Since 2014, IRB Action 2000, Inc., has put over \$280,000 into numerous projects around the City.

NOW, THEREFORE, I, Joanne Moston Kennedy, Mayor-Commissioner, of the City of Indian Rocks Beach, Florida, do hereby proclaim:

***SATURDAY, OCTOBER 12, 2019
AS IRB ACTION 2000, INC. DAY***

and urge all Indian Rocks Beach residents to join the City in recognizing and honoring IRB Action 2000, Inc., for their continued unsurpassed contributions to the quality of life in the City of Indian Rocks Beach.

Julie Hoofnagle, President of Action 2000, Inc., stated this will be the 18th year for Oktoberfest and stated it does take over 120 plus volunteers to run Oktoberfest. She stated Oktoberfest is Action 2000's partnership with the City. Action 2000 could not do Oktoberfest without the help, the work, and partnership with the City. She thanked the City for the proclamation and accepted it with enthusiasm. Action 2000 is very excited to be honored and for the projects they will work on going forward with the City. Again, thank you to the City of Indian Rocks Beach.

6. PUBLIC HEARINGS: None.

7. OTHER LEGISLATIVE MATTERS: None.

8A. DISCUSSION of fireworks.

[Beginning of Staffing Memo]

I. EXECUTIVE SUMMARY.

The Florida Legislature has banned the use of consumer fireworks with limited, though rarely legitimately used, exceptions. Pinellas County has embraced these limited exceptions, but allows individual municipalities to impose more stringent requirements. The City of Indian Rocks Beach has already enacted a ban on the sale and use of fireworks within its corporate limits, unless a person secures express permission from the City Commission. If the City wishes to prohibit fireworks, it would only need to enforce its existing ordinance.

If the City wishes to permit fireworks, in any fashion, then the most prudent approach would be to amend its code. Any amendment should set clear parameters for the use of fireworks, and could not conflict with the limited exceptions provided by state statute.

II. FLORIDA STATUTES & CASE LAW.

Florida's fireworks laws have been described by some as "bizarre," "weird" or even an "institutionalized charade."¹ From a technical standpoint, consumer fireworks are illegal in Florida subject to a limited exception.

Florida Statutes 791.001, et seq. regulate the sale of fireworks. The opening provision of the statute provides that the chapter applies uniformly throughout the state and shall be enforced by local law enforcement departments.² As a matter of regulation, individuals are entitled to use fireworks: (1) "solely and exclusively in frightening birds from agricultural

works and fish hatcheries;³" (2) for "signal purposes or illumination of a railroad or quarry;⁴" or (3) "for signal or ceremonial purposes in athletics or sports."⁵ Consequently, those who purchase fireworks often fill out forms that the fireworks will not be used simply for festive celebrations. In Florida, the possession or use of illegal fireworks is classified as a misdemeanor. The penalty for such violation is \$1,000 or up to a year in prison.⁶

The Florida Supreme Court has stated that the state statute regulating the sale and use of fireworks does not expressly or impliedly preempt the field of fireworks regulation.⁷ The Florida Supreme Court has found that counties are able to enact ordinances that impose additional regulations on the sale and use of fireworks, though the penalties for non-compliance cannot be greater than the penalties found in Chapter 791.⁸ Indeed, this chapter repeatedly empowers boards of county commissioners to adopt reasonable rules and regulations pertaining to the sale of fireworks.

III. PINELLAS COUNTY ORDINANCES.

Pinellas County has invoked its authority to regulate the sale of fireworks (the "Pinellas Ordinance").⁹ The Pinellas Ordinance embraces all unincorporated and incorporated areas of Pinellas County, unless a municipality enacts an ordinance which conflicts with the Pinellas Ordinance, in which case the municipal ordinance shall control.¹⁰

The Pinellas Ordinance, along with the requirements of Chapter 791, requires vendors of fireworks to obtain proper permits, which includes a permit from the fire authority.¹¹ Vendors must also carry liability insurance of not less than \$1 million.¹² Except as provided in §§ 791.02, 791.04, or 791.07, it is unlawful for any person, firm, partnership, or corporation to offer for sale, use, or explode any fireworks within the county.¹³

The Pinellas Ordinance designates all fireworks and sparklers as ultra-hazardous and dangerous products, which subjects the vendors, distributors and manufacturers to strict liability for any injury sustained by a purchaser or user of such item.¹⁴

The Pinellas Ordinance also has a separate division for use and display of fireworks that only encompasses unincorporated Pinellas County.¹⁵ Within this division, sparklers and snake or glow worms are not considered fireworks.¹⁶ No person or entity can use, explode, or store fireworks in the county unless the person first obtains an appropriate county permit, or uses the fireworks for the enumerated purposes listed in Chapter 791, F.S.¹⁷ Supervised public displays of fireworks are permitted if they meet certain requirements, including an application, permit, and adherence to the Code for Display of Fireworks, as set out by the National Fire Protection Association.¹⁸

Violation of the Pinellas Ordinance subjects the offender to arrest and prosecution.¹⁹ Parents or guardians are responsible for violations by minors.²⁰ Pinellas County Sheriffs Office and the fire district are responsible for enforcement of the ordinance.²¹ PCSO may seize illegal items at the owner's expense.²²

IV. INDIAN ROCKS BEACH ORDINANCES.

The City of Indian Rocks Beach has enacted ordinances regulating the sale and use of fireworks.²³ Section 34-4 of the City of Indian Rocks Beach Code of Ordinance states that it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, use or explode any fireworks as defined by the laws of the state within the city, except by special permission of the city commission.²⁴ Indian Rocks Beach Code also prohibits fireworks in the Indian Rocks Beach Nature Preserve and the Keegan Clair Boat Docks.²⁵

V. CONCLUSION.

The City has already enacted a ban on all fireworks. If the City wishes to prohibit fireworks, no changes to the ordinance would be necessary, only increased enforcement through the already established channels would be required. This would consist of PCSO enforcing the City of Indian Rocks Beach's ordinance and state statute, which may include citations, seizure of illegal fireworks, or possibly arrests.

If the City wishes to permit fireworks, in any fashion, then an amendment to the fireworks ban would be most prudent. Currently, the only exception to the fireworks ban is by special permission of the city commission. This special permission is not detailed in the ordinance, so certain requirements or parameters may be practical if the City would like a more definite exception to the fireworks ban. The City may wish to parallel the Pinellas Ordinance's fireworks exception, which includes an application process that requires permitting, insurance, and proof of adherence to safety guidelines.

¹ See <http://floridapolitics.com/archives/214885-florida-fireworks-law>; and <http://www.tbo.com/apps/pbcs.dll/article?avis=TB&date=20140629&category=ARTICLE&loper=140629261&Ref=AR&profile=1085&template=printart>

² Fla. Stat. § 791.001

³ Fla. Stat. § 791.07

⁴ Fla. Stat. § 791.04

⁵ Fla. Stat. §§ 791.02, 791.03, 791.04

⁶ Fla. Stat. § 791.06

⁷ *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005)

⁸ *Id.* at 1021

⁹ Pinellas County Code of Ordinances §§ 62-81 *et seq.*

¹⁰ Pinellas County Code of Ordinances § 62-83

¹¹ Pinellas County Code of Ordinances §§ 62-82 and 62-89

¹² Pinellas County Code of Ordinances § 62-90

¹³ Pinellas County Code of Ordinances § 62-85

¹⁴ Pinellas County Code of Ordinances § 62-88

¹⁵ Pinellas County Code of Ordinances § 62-97

¹⁶ Pinellas County Code of Ordinances § 62-98

¹⁷ Pinellas County Code of Ordinances § 62-99

¹⁸ Pinellas County Code of Ordinances § 62-10

¹⁹ Pinellas County Code of Ordinances § 62-82

²⁰ *Id.*

²¹ Pinellas County Code of Ordinances § 62-101

²² *Id.*

²³ Indian Rocks Beach Code of Ordinances §§ 34-4, 38-100 (c), and 38-141 (a) (19)

²⁴ Indian Rocks Beach Code of Ordinances § 34-4

²⁵ Indian Rocks Beach Code of Ordinances §§ 38-100 and 38-141

[End of Staffing Memo]

City Manager Mims presented the Agenda Item and stated fireworks are prohibited Statewide unless they are (1) solely and exclusively used in frightening birds from agricultural works and fish hatcheries, (2) for signal purposes or illumination of a railroad or quarry, or (3) for signal or ceremonial purposes in athletics or sports.

City Manager Mims stated on social media Indian Rocks Beach has become known as the beach to bring truckloads and U-Hauls of fireworks to be shot off on the beach.

City Manager Mims stated the firework problem is not only on the beach, but it is also throughout the neighborhoods as well.

Fire Chief Michael Burton reiterated fireworks are prohibited Statewide. Sparklers, snakes, and anything less that does not leave the ground is legal. Anything that leaves the ground is illegal. The sellers and retailers ask buyers to sign a waiver attesting they are familiar with Florida Statutes and that they are using the fireworks solely and exclusively for frightening birds from agricultural works and fish hatcheries and the sellers of the fireworks have no responsibility to verify what the buyer will be using them for. It is a significant issue at the State level for the State Fire Marshal as well.

Fire Chief Burton stated to help put the issue in prospective the Consumer Product Safety Commission estimates approximately 13,000 annual injuries are treated in an emergency room due to mishandling of live or misfired fireworks. Per the National Fire Protection Association, each year approximately \$20,000 Million in property damage come from fireworks. It is a sufficient issue.

Fire Chief Burton stated at a local level last year, there were three fires related to fireworks and discarded materials.

Fire Chief Burton stated he shares the City Manager's concerns that at some point, something is going in a direction that it was not intended at risk of great injuries or a sufficient fire.

Lindsey Flynn, Sea Turtle Conservation Program Supervisor, Clearwater Marine Aquarium, stated July 4 is a very pivotal time for the sea turtles. It is not only a time when sea turtles nest, but when the nests are hatching and the hatchlings are trying to make it to the water. She stated fireworks can affect sea turtles in many ways: debris acts as obstructions, debris can be confused as food items, light from the fireworks, noise from the fireworks, and the increase of human presence.

Holly Short, Project Manager, Bird Monitoring & Stewardship, Audubon Florida, stated she works closely with beach nesting birds in Pinellas County. Fireworks and particularly personal fireworks have been observed to have negative impacts on multiple species of shorebirds and seabirds, including black skimmers and least terns, which are

both listed as threatened species in the State of Florida. These colony nesting species have nested along the beaches of Pinellas County, and this year, black skimmers have set up a colony on Indian Rocks Beach for the first time in May.

Ms. Short stated in response to fireworks set off too closely, adult skimmers and terns flush or come off their nests temporarily or permanently abandon nesting sites.

Ms. Short stated Audubon Florida's interest is in protecting these beach nesting birds.

Wendy Hayward, Audubon Florida Bird Steward volunteer, stated she volunteered to watch over the black skimmer colony on July 4, and recounted how several groups started to light big explosive fireworks very close to the colony and the birds were very upset. She and the other volunteers explained to the groups that the birds were a threatened species and asked if they could move down the beach to light their fireworks. She stated these groups reacted in a hostile manner.

Captain Michael Leiner stated fireworks are an issue, not only in Indian Rocks Beach, but throughout Pinellas County. The City Manager did hire an extra deputy on July 4 specifically for Indian Rocks Beach to monitor the beach, but the problem is the volume.

City Manager Mims stated 22 City truckloads of debris was removed from the beach on July 5.

Mayor-Commissioner Kennedy opened the public comment session.

R.V. Clemmer, 1216 Bayshore Boulevard, stated he used to work in the pyrotechnics field, and stated a 3-inch mortar is a very explosive and are dangerous explosives. In the pyrotechnics field, a person would need a license to fire these fireworks off.

Bill Thomas, 470 20th Avenue, stated fireworks are not only on the beach, but are in the neighborhoods also. He stated when fireworks do not explode correctly, they could hit a person's boat, home, or tree, causing structure damage, a fire, bodily harm.

Resident, 2200 Gulf Boulevard, stated if perhaps the City put on a fireworks display that would eliminate people coming down to the beach to set off their own. She knows it is very expensive, but the City is spending money on cleaning up the beach and maybe that would be a deterrent.

John Thayer, 1819 Bay Boulevard, stated fireworks are illegal and enforcement is necessary. If Indian Rocks Beach has become a known place to bring U-Hauls full of fireworks then before the next 4th of July and it is not just 4th of July, something needs to be done, such as a media blitz advising fireworks are prohibited in Indian Rocks Beach.

John Pfanstiehl, 448 Harbor Drive South, stated the City should have large signs the week before a holiday at the entrances of the City and at the beach accesses advising that fireworks are prohibited and that any individuals with fireworks will be prosecuted.

Julie Hoofnagle, 2 Fifth Avenue, stated the City needs to change the culture in Indian Rocks Beach about fireworks. It is not a sign that is put up a week before, it is a plan and it has to be a plan that is started many months before by educating the public through social media, putting ads in the newspapers.

Tricia Priest, 342 LaHacienda Drive, stated she never realized the problems that fireworks cause with the environment, the turtles, the birds, and the debris that left behind. She stated a plan needs to be developed to help control the fireworks issue.

Ron Sacra, 368 LaHacienda Drive, stated everyone is on the same page and wants to do away with fireworks on the beach for safety, for noise, and for environmental purposes, and stated the only thing that can be done is to enforce what is in the City Code.

Mayor-Commissioner Kennedy closed the public comment section.

City Attorney Mora read Code Section 34-4 as follows: *"It is unlawful for any person to offer for sale, expose sale, sell at retail, use or explode any fireworks as defined by the laws of the State within the City, except by special permission of the City Commission. Indian Rocks Beach Code also prohibits fireworks in the Indian Rocks Beach Nature Preserve and the Keegan Clair Boat Docks."*

City Manager Mims stated he would like to work on a multi-phase plan Citywide:

- partner with the sheriff's office, fire department, Action 2000, IRB Homeowners, and volunteers to educate the public
- social media
- advertisements
- press releases
- employees & volunteers at beach accesses informing individuals of the prohibition of fireworks in Indian Rocks Beach
- more law enforcement presence
- signage at the beach accesses

City Manager Mims stated a multi-phase plan is doable, but it will take about two years until it is completely in place.

Mayor-Commissioner Kennedy inquired what is the City Manager's thought on having a City fireworks display.

City Manager Mims stated that would need to be primarily driven by private donations. He stated he does not even know if the City wants to do that, since one of the largest fireworks displays is on Clearwater Beach.

Commissioner Flagg thanked everyone who commented and stated over the past five years, fireworks have continually gotten worse. It is just a matter of time, from a safety standpoint, before someone really gets hurt or something is going to catch on fire. The City needs to educate the public that fireworks are illegal.

Commissioner Hanna stated that fireworks are dangerous. He stated the City needs to set the tone and manner that Indian Rocks Beach has a zero tolerance for fireworks.

City Manager Mims stated he will take steps to develop a multi-phase plan to address the issue.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER FLAGG, TO ADJOURN THE MEETING AT 8:45 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

November 12, 2019
Date Approved

/dor