

**TUESDAY,  
OCTOBER 12, 2021**

**REGULAR  
CITY COMMISSION MEETING**

**@ 7:00 PM**



# City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

[www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

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, OCTOBER 12, 2021 @ 7:00 P.M.**  
**CITY COMMISSION CHAMBERS**  
**1507 BAY PALM BOULEVARD**  
**INDIAN ROCKS BEACH, FLORIDA 33785**

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**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.**
  - C. City Commission.**
- [3-minute time limit per City Commission Member.]**

**4. ADDITIONS/DELETIONS.**

5. **CONSENT AGENDA:**
    - A. **APPROVAL OF** the September 8, 2021 Special City Commission Meeting Minutes.
    - B. **APPROVAL OF** the September 14, 2021 Regular City Commission Meeting Minutes.
    - C. **APPROVAL OF** the September 22, 2021 Special City Commission Meeting Minutes.
    - D. **CONFIRMING ACTION** taken during the September 22, 2021 Special City Commission Meeting.
    - E. **APPOINTING HERB SYLVESTER** to the Planning & Zoning Board as a regular board member for a two year term, expiring May 31, 2023.
  6. **PUBLIC HEARINGS:** None.
  7. **OTHER LEGISLATIVE MATTERS:** None.
  8. **WORK SESSION ITEMS [DISCUSSION ONLY]:**
    - A. **DISCUSSION** of Updated FEMA Flood Insurance Rate Map Comparison to Pinellas County Vulnerability Assessment Study.
  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](mailto:doreilly@irbcity.com), no later than four (4) days prior to the proceeding for assistance.

POSTED: October 8, 2021

**NEXT REGULAR CITY COMMISSION MEETING  
TUESDAY, NOVEMBER 9, 2021 @ 7:00 P.M.**

**AGENDA ITEM NO. 1A**

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



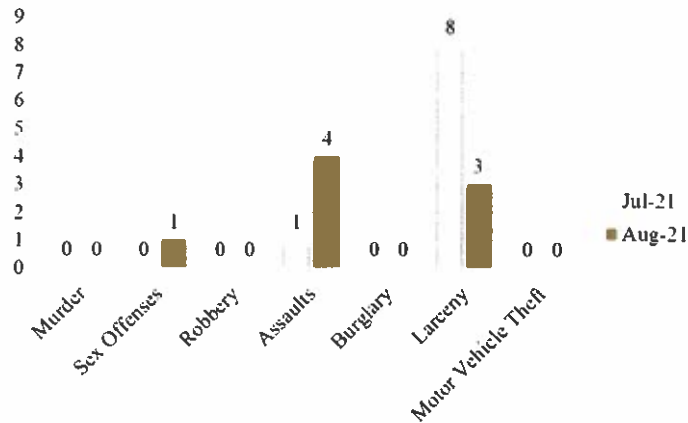
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

August 2021

Select UCR Property & Person Crimes	July 2021	August 2021	August 2020 YTD	August 2021 YTD
Murder	0	0	0	0
Sex Offenses	0	1	3	2
Robbery	0	0	2	0
Assaults	1	4	6	18
Burglary	0	0	4	6
Larceny	8	3	46	32
Motor Vehicle Theft	0	0	1	5
<b>GRAND TOTAL</b>	<b>9</b>	<b>8</b>	<b>62</b>	<b>63</b>



\*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

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### August 2021

There were a total of 13 people arrested in the City of Indian Rocks Beach during the month of August resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>Felony</b>	<b>1</b>
Grand Theft-Auto	1
<b>Misdemeanor</b>	<b>5</b>
Battery-Domestic Related	2
Loitering/Prowling	2
Resist/Obstruct LEO Without Violence	1
<b>Traffic Felony</b>	<b>1</b>
Driving Under The Influence	1
<b>Traffic Misdemeanor</b>	<b>8</b>
Driving Und The Influence	7
Refusal Submit To Test-Intoxicated	1
<b>Grand Total</b>	<b>15</b>

\*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 **905** events in the City of Indian Rocks Beach during the month of August resulting in **1,270** 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 August. \*CAD data is filtered by problem type.

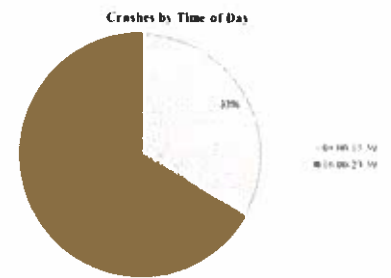
### August 2021

DEPUTY ACTIVITY	TOTAL
Traffic Stop	215
Directed Patrol	202
House Check	106
Assist Citizen	60
Vehicle Abandoned/Illegally Parked	49
Suspicious Person	26
Ordinance Violation	25
Noise	18
Assist Other Agency	13
Contact	13
Traffic Violation	10
Area Check	9
Information/Other	9
DUI	8
Transport Prisoner	8
Trespass	8
Suspicious Vehicle	7
Community Contact	7
Civil Matter	7
Lost/Found/Abandoned Property	7
Supplement	6
Assist Motorist	6
Building Check Business	6
Traffic Control	6
Theft-Not In Progress	5

## Crash & Citation Analysis

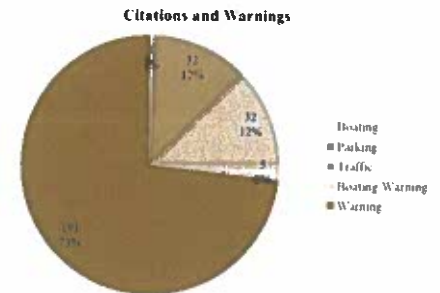
There were 3 crashes in the City of Indian Rocks Beach during August 2021. \*Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
2300 Gulf Blvd	1
8th Ave/Gulf Blvd	1
Gulf Blvd/16th Ave	1



There were a total of 267 citations and warnings issued in the City of Indian Rocks Beach during August 2021.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
15th Ave & Gulf Blvd	7
Gulf Blvd & 13th Ave	3
Gulf Blvd & 19th Ave	2
401 Gulf Blvd	2
Gulf Blvd & 8th Ave	2
Miami Ave & 1st St	2
Gulf Blvd & 27th Ave	1
1802 Gulf Blvd	1
Gulf Blvd & 3rd Ave	1
20th Ave & Gulf Blvd	1







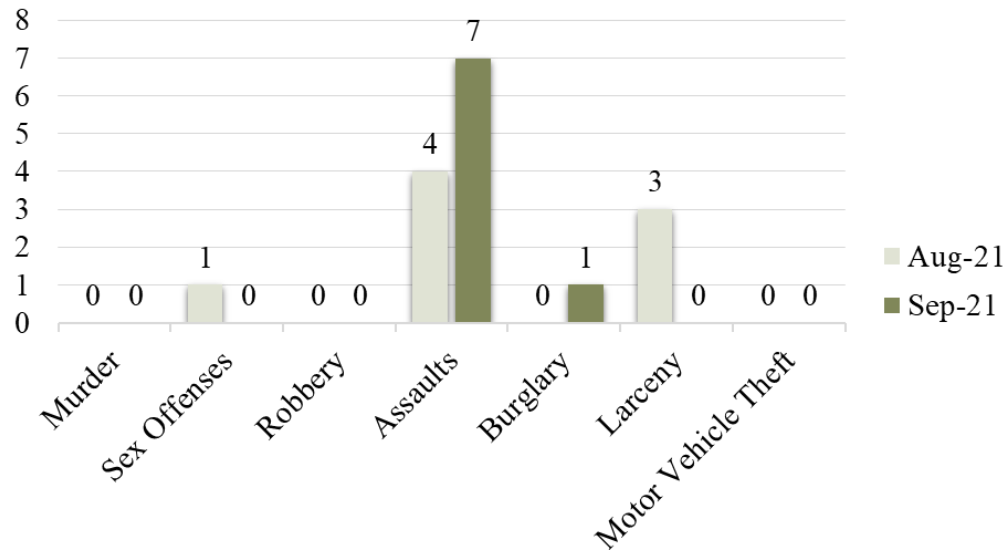
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

September 2021

Select UCR Property & Person Crimes	August 2021	September 2021	September 2020 YTD	September 2021 YTD
Murder	0	0	0	0
Sex Offenses	1	0	3	2
Robbery	0	0	2	0
Assaults	4	7	7	25
Burglary	0	1	5	7
Larceny	3	0	54	32
Motor Vehicle Theft	0	0	1	5
<b>GRAND TOTAL</b>	<b>8</b>	<b>8</b>	<b>72</b>	<b>71</b>



\*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

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### September 2021

There were a total of **16** people arrested in the City of Indian Rocks Beach during the month of September resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>Felony</b>	<b>4</b>
Battery On LEO	1
Possession Of Controlled Substance	2
Resist LEO With Violence	1
<b>Misdemeanor</b>	<b>11</b>
Battery-Domestic Related	3
Criminal Mischief	1
Disorderly Conduct/Breach Peace	1
Disorderly Intoxication	3
Possession Of Drug Paraphernalia	1
Resist/Obstruct LEO Without Violence	2
<b>Warrant</b>	<b>2</b>
Warrant Arrest	2
<b>Traffic Felony</b>	<b>3</b>
Fleeing/Attempt To Elude LEO	1
Grand Theft-Auto	2
<b>Traffic Misdemeanor</b>	<b>9</b>
Driving Under The Influence	6
Habitual Traffic Offender	1
Leave Scene (With Damage)	1
Refusal Submit To Test-Intoxicated	1
<b>Grand Total</b>	<b>29</b>

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

## Deputy Activity

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There were a total of **961** events in the City of Indian Rocks Beach during the month of September resulting in **1,306** 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 September. \*CAD data is filtered by problem type.

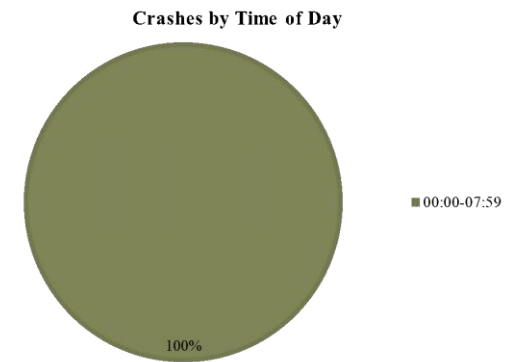
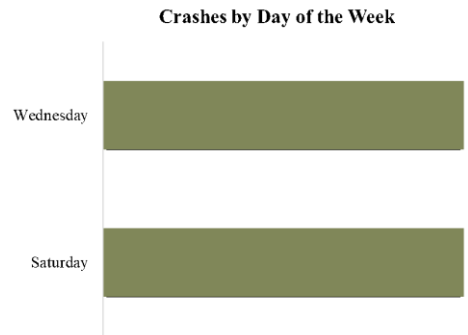
### September 2021

DEPUTY ACTIVITY	TOTAL
Directed Patrol	240
Traffic Stop	226
House Check	94
Vehicle Abandoned/Illegally Parked	57
Assist Citizen	39
Suspicious Person	27
Contact	24
Community Contact	22
Noise	16
Information/Other	15
Building Check Business	14
Assist Other Agency	14
Trespass	10
Suspicious Vehicle	10
911 Hang-up Or Open Line	10
Transport Prisoner	9
Traffic Violation	9
Animal Call	9
Traffic Control	7
Supplement	7
Assist Motorist	6
Disorderly Conduct	6
Ordinance Violation	6
DUI	6
Ambulance/Fire Department Call	5

## Crash & Citation Analysis

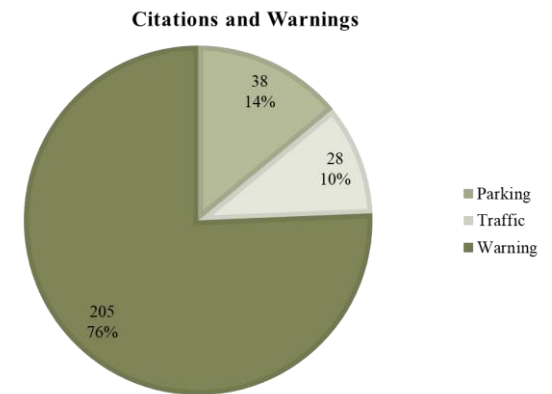
There were **2** crashes in the City of Indian Rocks Beach during September 2021. \*Crash data is filtered by disposition type and may include “accident and hit and run” problem types.

CRASH LOCATIONS	TOTAL
Gulf Blvd/12th Ave	1
1511 Gulf Blvd	1



There were a total of **271** citations and warnings issued in the City of Indian Rocks Beach during September 2021.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
12th Ave & Gulf Blvd	4
Gulf Blvd & 11th Ave	3
15th Ave & Gulf Blvd	2
1511 Gulf Blvd	2
2307 Bay Blvd	2
1st St & 3rd Ave	2
7th Ave & Gulf Blvd	1
21st Ave & Gulf Blvd	1
Gulf Blvd & 9th Ave	1
5th Ave & 2nd St	1



**AGENDA ITEM NO. 1B**

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

**Indian Rocks Beach PSFRD Report for September 2021**

1. COVID – The District remains stable with regards to COVID staffing with only one employee out during September for COVID related issues. Conditions are regularly monitored and protocols remain fluid and are updated regularly.

2. EMS CALL ACTIVITY: EMS call volume saw significant increases in EMS call volume with no known basis for the increase. There were 70 EMS calls for service in Indian Rocks Beach in September. The EMS calls included

Falls – 9	Sick Person or Other EMS – 28
Seizures - 5	Respiratory – 3
Injury/Trauma - 5	Unconscious – 6
Overdose - 2	Water Rescues - 2
Cardiac/stroke – 6	

All EMS emergency responses that were handled by PSFRD units were within the target of 7 min. 30 sec., with the exception of one. In three other emergency calls where the target time was not achieved, it was due to units responding from Indian Shores, Largo, or Clearwater when the Indian Rocks Beach unit was not available. Average EMS response time for the above was 4 min. 42 sec.

3. FIRE CALL ACTIVITY: The fire call activity was a more typical month with a total of 13 incidents. The pattern of call types was consistent with summertime storm patterns and included:

Fire Alarm – 7  
Elevator Rescue – 3  
Structure Fire – 2  
Vehicle Fire - 1

All FIRE emergency responses were within the 7 min. 30 sec. target. The average response time was 5 min. 29 sec.

4. FIRE CHIEF SELECTION PROCESS: The response to the job posting to fill the fire chief position has been substantial with over 30 applicants for the position with over half of them being from out of state. The PSFRD Commission will hold interviews with six finalists on October 13 in the Indian Shores Town Hall with an anticipated start date of November 15, 2021.

5. FINANCE DIRECTOR: At their September meeting, the PSFRD Fire Commission welcomed Ms. Erin Brooks as the new Finance Director. She will begin some part time work in October as part of an orientation and will begin full-time work in mid-November. She will be replacing David Martin who is retiring and whose last day is December 3, 2021.

**AGENDA ITEM NO. 2**  
**PUBLIC COMMENTS.**

**AGENDA ITEM NO. 3A**  
**REPORTS OF City Attorney**



**AGENDA ITEM NO. 3B**  
**REPORTS OF City Manager**

**AGENDA ITEM NO. 3C**  
**REPORTS OF City Commission**

**AGENDA ITEM NO. 4**  
**ADDITIONS/DELETIONS**

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

**APPROVAL OF September 8, 2021  
Special City Commission Meeting  
Minutes**

**AGENDA ITEM NO.: 5A - CONSENT AGENDA**  
**DATE OF MEETING: OCTOBER 12, 2021 CCM**

**MINUTES — SEPTEMBER 8, 2021**  
**CITY OF INDIAN ROCKS BEACH**  
**SPECIAL CITY COMMISSION MEETING**

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The City of Indian Rocks Beach Special City Commission Meeting was held on **WEDNESDAY, SEPTEMBER 8, 2021.**

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance and a moment of silence in memory of the 20<sup>th</sup> Anniversary of "911" and victims of the Afghanistan conflict.

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

**OTHERS PRESENT:** Acting City Attorney Jeremy Simon, City Clerk Deanne B. O'Reilly, MMC, and Finance Director Daniel A. Carpenter, CGFO.

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

**FISCAL YEAR 2021-2022 BUDGET PUBLIC HEARINGS:**

- 1A. ORDINANCE NO. 2021-03 — PUBLIC HEARING / FIRST READING.**  
Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2021/2022; providing for notification of requisite government authorities; and providing for an effective date.

*[Beginning of Staffing Report.]*

**BACKGROUND:**

The City Commission previously established the proposed millage rate for Fiscal Year 2021/22 at 1.8326 mills, with no change to the previous Fiscal Year Millage Rate. The current millage rate has been in place since 2019, when it was reduced at that time from 1.93 to 1.8326.

**ANALYSIS:**

With a millage rate of 1.8326, the total estimated tax collection is \$2,551,610 based on a 97% collection rate. For Fiscal Year 2021/22, a millage rate of 1.8326 is 7.41% higher than the roll back rate of 1.7062. The proposed millage rate of 1.8326 remains one of the lowest in Pinellas County. Currently, millage rates in Pinellas County range from 0.5823 to 6.7550.

*[End of Staffing Report.]*

Acting City Attorney Simon read Ordinance No. 2021-03 in its entirety for first reading.

City Manager Mims introduced Ordinance No. 2021-03. He stated the current millage rate of 1.8326 has been in place since 2019 when it was reduced from 1.93.

City Manager Mims stated the millage rate of 1.8326 still puts the City in the position of being one of the lowest millage rates in County.

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

***MOTION MADE COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2021-03, ON FIRST READING, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF INDIAN ROCKS BEACH, PINELLAS COUNTY, FLORIDA, FY2022 AT 1.8326.***

Commissioner Hoofnagle thanked the City Manager and the Finance Department for the work that they did in putting the budget together. He stated he had a lot of active discussion with the City Manager and the Finance Director about the rollback rate versus the current millage rate.

Commissioner Hanna stated "kudos" to staff for their efforts with the budget. He stated to do this once in a while is one thing. But to be as consistent as the City has been shows that the City is watching what is going on and is able to stay ahead of things and that is important.

Vice Mayor-Commissioner McCall stated that he is impressed with the City, the Finance Director, and the Finance Budget and Review Committee, and with everything that the City had went through last year with the COVID pandemic to financially stay on path and to keep the City with one of the lowest millage rates in the County.

Mayor-Commissioner Kennedy stated at some of the Florida League's Conferences the City's budget is used as an example as how well its budget is put together.

***ROLL CALL VOTE:***

***AYES: HOUSEBERG, McCALL, HANNA, HOOFNAGLE, KENNEDY***

***NAYS: NONE***

**MOTION CARRIED UNANIMOUSLY.**

**1B. ORDINANCE NO. 2021-04 — PUBLIC HEARING / FIRST READING.**

**Adopting a budget for Fiscal Year 2021/2022; making appropriations and operating expenditures for Fiscal Year 2021/2022; providing for notification of requisite government authorities; and providing for an effective date.**

*[Beginning of Staffing Report]*

The City Commission reviewed the City Manager's proposed budget for Fiscal Year 2021/22 at the July 20, 2021 City Commission Budget Work Session. Prior to the budget work session, the City Manager and Finance Director met with each member of the City Commission to brief them on the proposed budget. In addition, the City of Indian Rocks Beach Finance and Budget Committee met on July 14, 2021, and unanimously endorsed the proposed budget.

The City Manager and Finance Director made presentations, which provided an overview of the Fiscal Year 2021/22 Program Budget, and together, the City Commission and staff reviewed all aspects of the proposed budget in detail. The Final Budget for Fiscal Year 2021/22 is the result of a consensus by the City Commission from the July Budget Work Session.

**ANALYSIS:**

The final budget is balanced in all funds and presents a comprehensive plan for providing services during the coming fiscal year. With the approval of the Final Budget for Fiscal Year 2021/22, the City will establish a spending plan for Fiscal Year 2021/22 and provide approval for the City Manager to implement the plan.

*[Ending of Staffing Report.]*

Acting City Attorney Simon read Ordinance No. 2021-04 in its entirety for first reading.

City Manager Mims introduced Ordinance No. 2021-04 and gave an overview of the FY2022 Budget and the 5-Year Capital Improvement Plan.

- On June 23, 2021, the City Manager's FY2022 Proposed Budget was released.
- On July 14, 2021, the Finance & Budget Review Committee reviewed the Proposed Budget had no recommended changes.
- On July 20, 2021, a City Commission Budget Work Session was held. No one from the public objected to the Proposed Budget and no changes were made the City Commission.

- 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 7.60% or 1.35% higher than last year's value.
- The budget provides for maintaining the mill levy at 1.8326%, which ensures the City's ranking among the lowest millage rates in Pinellas County. 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 storm wastewater fee or imposing a utility tax.**
- The City's unassigned reserves balance is approximately \$3.5 Million or 88% of the General Fund expenditures. In addition to the General Fund Reserve Account, the Budget includes an updated 5-Year Capital Improvement Plan with an estimated Reserve Balance at the end of the 5-year period of approximately \$922,010.
- The City is going to net approximately \$17,000 in savings in Property and Casualty Insurance, which includes workers' compensation, because the City outsourced its Building Department Services to Pinellas County.
- The next year, the Building Department Budget will not include any portion of the Office Administrator's salary, that salary will come out of City Manager' Budget.

***Highlights of the General Fund Budget include:***

- Continued reduction of the 25% cost allocation from the Solid Waste Budget to the General Fund Budget.
- 3% cost of living (COLA) increase for all team members.
- Continued allocation of \$50,000 for proactive drainage maintenance.
- Continued funding for the installation of solar powered lights beach accesses.
- 3.11% increase in the Pinellas County Sheriff's Office 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).

***Highlights of the Solid Waste Budget include:***

- 3% cost of living increase for all team members.
- Continued reduction of 25% of the cost allocation from the Solid Waste Budget to the General Fund.
- 6% rate increase in solid waste fees (first rate increase in three years).
- 6% increase in Pinellas County Tipping Fee.
- Replacement of and purchase of one packer truck.

***Highlights of the 2022-2026 Capital Improvement Plan***



- Annual funding for road milling, resurfacing, curbing, and drainage.
- Allocation of \$5,696,870 from Pinellas County Penny to Gulf Boulevard Undergrounding Phase II.
- Allocation of the majority of the City's estimated American Rescue Plan funds (\$1,629,750) to future drainage enhancement projects and updating the City's 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 parks upgrades FY2022 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 Kolb Park Basketball Court and the Nature Preserve Boardwalk reconstruction (a multi-year effort).
- Additional funds are allocated for the remainder of the 5-year period for enhancement to City parks.

Mayor-Commissioner Kennedy stated there have been some emails concerning drainage issues on Harbor Drive North, and stated the City would be preparing a Citywide drainage plan.

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

***MOTION MADE BY VICE MAYOR-COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2021-04, ON FIRST READING, ADOPTING A BUDGET FOR FY2022; MAKING APPROPRIATIONS AND OPERATING EXPENDITURES FOR FY2022.***

***ROLL CALL VOTE:***

***AYES: HOOFNAGLE, HOUSEBERG, HANNA, McCALL, KENNEDY***

***NAYS: NONE.***

***MOTION CARRIED UNANIMOUSLY.***

**2. ORDINANCE NO. 2021-05 — FIRST READING.**

**An Ordinance of the City of Indian Rocks Beach amending Chapter 50 – “Solid Waste”, setting the minimum fee for large or abnormal trash collection; providing for severability; requiring removal of yard waste created or collected by third parties; establishing a fee relating to the provision of a replacement or supplemental trash can; increasing the fees and charges relating to the pickup**

**of trash and garbage; providing for applicability; providing for inclusion in city ordinances; providing for severability; and providing for an effective date.**

*[Beginning of Staffing Report.]*

**BACKGROUND:**

The City continues to maintain a high service level residential and commercial solid waste program that benefits all citizens. Services include a recycling program, curbside pick up, and yard waste disposal. The fee schedule for the collection and disposal of solid waste of the City is addressed in Section 50-91 of the Code of Ordinances. The goal or emphasis of any solid waste rate increase is to adjust rates to allow for the Solid Waste Fund to generate adequate income to satisfy annual cost requirements and provide for minimal operating reserves of 3 months within the fund.

**ANALYSIS:**

Through operating efficiencies, the City has been able to maintain the same solid waste rates from 2019 until today. A review of the solid waste fund revenue and expenditures was performed during the July 20, 2021 City Commission Budget Work Session. Based on the most up-to-date data and economic factors available, adjustments were recommended to the current solid waste fees. Key areas include the generation of adequate annual operating income, significant increases in costs associated with curbside recycling, future capital equipment replacement costs, and the accumulation of operating reserves within the fund.

The FY 2022 Tentative Budget reflects increases in monthly residential and commercial solid waste rates of 6.00%. The current \$27.81 per month charge for residential solid waste is recommended to increase to \$29.48. For commercial solid waste customers, rates are recommended to increase 6% in the Tentative FY 2022 Budget.

*[End of Staffing Report.]*

City Attorney Simon read Ordinance No. 2021-05 by title only.

City Manager Mims introduced the Ordinance No. 2021-05. He said this is first increase to solid waste fees since 2019. The increase is due to the rate increase in Pinellas County tipping fees.

The changes to Chapter 50, Solid Waste, of the Code of Ordinances are as follows:

**Sec. 50-36. Industrial waste; oil and grease; construction debris; bulky waste.**

- (c) The City will collect such items as waste or trash consisting of discarded office equipment, discarded broken furniture, beds, bedsprings, empty cans, small metal parts from minor repair work, and any other items which can be lifted by two men, other than motors, large repair parts and other heavy materials at specific times throughout the year. Where collections of trash of any nature are usually large and abnormal, the City Manager is authorized to remove such trash at a nominal fee to be based on the amount of trash involved and the additional cost to the City of such removal. The minimum amount of the corresponding fee shall be \$25.00.

#### **Sec. 50-37. Garden trash.**

Any premises upon which the proper and required fee has been paid, under the terms of this article, shall be entitled to the collection of tree limbs, palm fronds or other garden trash of such size or nature as cannot be deposited in a regular trash can, subject to the following terms and conditions. Normal yard waste and trimmings of shrubs or trees are picked up free, when cut in four-foot lengths and when limbs are not more than four inches in diameter and when stacked neatly at the curb. The stack shall not exceed four feet in height and the pile shall not be longer than eight feet. Piles of yard waste and trimmings that are larger than this description, that are randomly piled or that contain remains of full tree removal (i.e., stumps or larger than four-inch-diameter limbs) shall require a call for a special pickup and shall require a charge based on the size of the pickup with a minimum charge of ~~\$48.75~~ \$25.00. The City will supply an employee to measure the pile and provide a written estimate containing the charges for the pickup. The estimate must be paid to the city in advance of the pickup. Such garden trash shall be deposited adjacent to the alley, if the property is served by an alley, at curbside, or in containers if such containers are used by multifamily or commercial establishments. It shall be unlawful for any person to deposit any garden trash upon any lot or premises belonging to another, whether vacant or improved, occupied or unoccupied, or upon any street, plaza or park, or in any of the waters lying within the City.

Property owners who hire any type of vendor to trim, generate, or gather vegetative waste at their property are required to direct the vendor to, or otherwise arrange for the prompt removal of the vegetative waste from the subject property.

#### **Sec. 50-62. Garbage cans required.**

All residents or occupants of any single-family dwelling and the owner, manager or occupant of any multiple-family dwelling or of any place of business or commercial establishment or civic, fraternal, public, religious or educational facility within the city are hereby required to utilize the garbage can(s) provided by the City.

Each single-family dwelling or multiple-family dwelling unit will be provided one (1) garbage can free of charge. Any replacement or additional garbage cans may be provided at a cost of \$50.00 per garbage can. Where a property acquires additional garbage cans,

as opposed to a replacement garbage can, the City may increase the corresponding fees and charges on a pro-rated basis.

**Sec. 50-91. Fee schedule.**

(a) *Basic fees.* The fees for pickup of garbage and trash are as follows:

- (1) Single unit rate, two times per week, per month . . . . . ~~\$20.27~~ \$21.49
- (2) Multi-unit rate, two times per week, per month . . . . . ~~\$19.26~~ \$20.42
- (3) Commercial business establishment, five cans, two times per week, per month . . . . . ~~\$25.31~~ \$26.83
- (4) Dumpster rates:
  - a. Two yards, two times per week, per month. . . . . ~~\$195.73~~ \$207.47
  - b. Four yards, two times per week, per month . . . . . ~~\$356.93~~ \$378.35
  - c. Six yards, two times per week, per month . . . . . ~~\$506.58~~ \$536.97
- (5) Each additional pickup:
  - a. Two-yard dumpster, one time per week, per month . . . . . ~~\$97.91~~ \$103.78
  - b. Four-yard dumpster, one time per week, per month. . . . . ~~\$178.50~~ \$189.21
  - c. Six-yard dumpster, one time per week, per month . . . . . ~~\$253.10~~ \$268.29
  - d. Commercial can pickup, one time per week, per month. . . . . ~~\$12.66~~ \$13.42
- (6) Single one-time pickup:
  - a. Two-yard dumpster. . . . . ~~\$97.91~~ \$103.78
  - b. Four-yard dumpster . . . . . ~~\$178.50~~ \$189.21
  - c. Six-yard dumpster. . . . . ~~\$253.10~~ \$268.29

(b) *Additional per-unit fee.* In addition to the fees set forth in subsection (a) of this section, the amount of ~~\$7.54~~ \$7.99 per unit per month shall be added to each of the basic fees for subsections (1) and (2), and the amount of ~~\$8.56~~ \$9.07 per unit per month shall be added to the basic fees for subsections (3), (4), (5), and (6).

(f) *Compactor and front-end loader dumpsters.* Compactor dumpsters and front-end loader dumpsters will be installed upon written request from the property owner or business owner and upon approval by the city manager. Fees will be based on rental charges, pull charges and dumping fees. In addition, there shall be an administrative charge of ~~\$230.26~~ \$244.08 per month for each compactor dumpster in excess of ten cubic yards. For compactor dumpsters and front-end loader dumpsters less than ten cubic yards, the administrative fee shall be ~~\$115.14~~ \$122.05 per month per dumpster. Billing shall be on a bimonthly basis.

(g) *Commercial construction roll-off dumpsters.* Commercial construction roll-off dumpsters shall be installed by the owner or the general contractor for all new construction and major remodeling projects. There shall be an administrative charge of ~~\$250.00~~ collected at the time of building permit issuance.

City Manager Mims stated \$250.00 should not be stricken-through and should remain in the ordinance.

**CONSENSUS OF THE CITY COMMISSION TO UN-STRIKE \$250.00 FROM SECTION 50-91, FEE SCHEDULE, OF THE CODE OF ORDINANCES, SUBSECTION G, COMMERCIAL CONSTRUCTION ROLL-OFF DUMPSTERS.**

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

Commissioner Hanna asked if this ordinance would cover short-time vacation rentals as they generate a lot of trash. He feels that short-term vacation rentals are technically considered a business and not a residential unit, and should be charged the commercial rate.

City Manager Mims stated the ordinance allows for the City to issue notices of violation to these short-term vacation rentals who generate large volumes of trash and use multi garbage cans. The Public Services Director has and does use this provision of the City Code for short-term vacation rentals who generate large volumes of trash.

**MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER McCALL, TO APPROVE ORDINANCE NO. 2021-05, ON FIRST READING, AS AMENDED, AMENDING CHAPTER 50 – “SOLID WASTE”, SETTING THE MINIMUM FEE FOR LARGE OR ABNORMAL TRASH COLLECTION; PROVIDING FOR SEVERABILITY; REQUIRING REMOVAL OF YARD WASTE CREATED OR COLLECTED BY THIRD PARTIES; ESTABLISHING A FEE RELATING TO THE PROVISION OF A REPLACEMENT OR SUPPLEMENTAL TRASH CAN; INCREASING THE FEES AND CHARGES RELATING TO THE PICKUP OF TRASH AND GARBAGE; PROVIDING FOR APPLICABILITY; PROVIDING FOR INCLUSION IN CITY ORDINANCES.**

Commissioner Hoofnagle stated the increase is understandable given that Pinellas County has increased their tipping fee. He is happy that the individuals that are generating excess waste especially from the short-term vacation rentals are now being asked to pay their fare share of the environmental impact.

**ROLL CALL VOTE:**

**AYES: HANNA, HOUSEBERG, McCALL, HOOFNAGLE, KENNEDY.**  
**NAYS: NONE.**

**MOTION CARRIED UNANIMOUSLY.**

**3. ADJOURNMENT.**

**MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER JOE McCALL, TO ADJOURN THE MEETING AT APPROXIMATELY 6:31 P.M.**

**UNANIMOUS APPROVAL BY ACCLAMATION.**

October 12, 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  
September 14, 2021 Regular City  
Commission Meeting Minutes**

**AGENDA ITEM NO.: 5B - APPROVAL OF MINUTES.  
DATE OF MEETING: OCTOBER 12, 2021 CCM**

**MINUTES — SEPTEMBER 14, 2021  
CITY OF INDIAN ROCKS BEACH  
REGULAR CITY COMMISSION MEETING**

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The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, SEPTEMBER 14, 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 Hoofnagle, and Commissioner Denise Houseberg.

**OTHERS PRESENT:** City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Code Enforcement Officer Michael Kelley, and Planning Consultant Hetty C. Harmon, AICP.

**ABSENT:** City Manager 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 crime analysis report for the month of July 2021.

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

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

Commissioner Hoofnagle stated Chief Michael Burton is retiring, and Fire Commissioner David Ardman is resigning in October.

Commissioner Hoofnagle stated suggested the City notify its residents that there is an opening for a Fire Commissioner, and if they are interested, they should contact the Fire Department.



Mayor-Commissioner Kennedy stated she will reach out to the Fire Chief, and she will ask him how he would like to handle the vacancy on the Fire Board.

## **2. PUBLIC COMMENTS.**

**Don House, 2104 Beach Trail**, expressed his concern with the amount of trash being generated and with garbage cans laying around by short-term vacation rentals on the west side of Gulf Boulevard. He would like the City to adopt a program for rentals that do not have an on-site property manager, rent for less than a month, and do not have dumpsters. Then those rentals are subject to an extra \$10.00 weekly fee to allow for backyard pickup.

Mr. House stated during the August BIG-C Meeting, Mayor-Commissioner Kennedy said she and Pinellas County are going to put together a list of everything that has been done to inform individuals that have not signed the perpetual beach easements. Mr. House stated he would like for her to start with the two questions about what was wrong with the beach renourishment pamphlet, authored by Attorney Hugh Smith.

**Linda Newton, 438 Harbor Drive North**, expressed concern about the flooding problem on the North Harbor Drive area. She learned that some of the culverts were cleaned out some time in July. However, the culvert at 428 is halfway covered with oysters and needs to be cleaned out.

**John Ballock, 436 Harbor Drive North**, stated the City is well aware of the flooding problem on Harbor Drive North. The Public Services Director forwarded him a study wherein the engineers said the drains are insufficient. The drains are 12 inches, and they should be 24 inches. There are already cost estimates, and the American Recovery Act has granted the City \$1.2 Million for projects like this. He stated that the area has an immediate problem with flooding. He would like for the City Commission to act on that as opposed to wait for another study.

**Tom Marinelli, 430 Harbor Drive North**, stated he hears this project is on the 5-Year Capital Improvement Plan, and asked what does that mean.

Mayor-Commissioner Kennedy stated the budget has to be approved, the City is waiting on funding, and the City still has more to do with the engineering studies.

Mr. Marinelli stated he got the impression from the Public Services Director that even though the City has the funding, the project would not begin for another year or so. He asked if there was any reason that those funds could not be released sooner than that.

City Attorney Mora stated that Mr. Marinelli spoke about the procurement process for a local government and explained the procurement process for local governments.

**3A. REPORTS OF THE CITY ATTORNEY:** No Report.

**3B. REPORTS OF THE CITY MANAGER:** No Report.

**3C. REPORTS OF THE CITY COMMISSION:**

**COMMISSIONER HOOFNAGLE:**

- Stated it took five years to correct the flooding of the sidewalks in the The Narrows when it rained. It takes a long time and asked the resident in the Harbor Drive North area to be patient.
- Stated he is the Chairperson for Oktoberfest, October 23, 2021, from Noon to 6:00 p.m., in Kolb Park. Action 2000, Inc., is sponsoring the event and are looking for volunteers.

**VICE MAYOR/COMMISSIONER McCALL:**

- Stated it is great to see the investment that is coming back into the City. The City currently has three new restaurants that are coming in to improve old buildings that have needed it for a very long time. He loves to see the personal and private investments from the different business coming into the City and ultimately rehab it and make it better.

**MAYOR-COMMISSIONER KENNEDY:**

- Announced the following events:
  - October 30, 2021 Halloween
  - October 31, 2021 Historical Museum Potluck Luncheon
  - Taste of IRB sponsored by the IRB Homeowners Association is being held in November, and are looking for volunteers.

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

**5. CONSENT AGENDA:**

- A. APPROVAL OF August 10, 2021 Regular City Commission Meeting Minutes.**
- B. CONFIRMING ACTION taken during the September 8, 2021 Special City Commission Meeting.**
- C. AUTHORIZE the City Manager to dispose of surplus property/equipment which has become unnecessary or unfit for the City's use.**
- D. AUTHORIZE the City Manager to sign a one year renewal agreement with Public Risk Management (PRM) of Florida for property, casualty, and workers' compensation, and flood coverages for FY 2021-22.**

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

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

**6A. CONDEMNATION PROCEEDINGS — 2004 GULF BOULEVARD, INDIAN ROCKS BEACH.** The garage (structure) on the property located at 2004 Gulf Boulevard, Indian Rocks Beach, Florida 33785, more particularly described as Indian Beach Re- Revised, Block 11, Lots 14 & 15 less RD R/W on E, in the most recent recording in the Pinellas County Official Records Book 9358 Page 2398, has been declared unsafe and a nuisance pursuant to Sections 14-301 and 14-321 of the Indian Rocks Beach Municipal Code, and is subject to condemnation proceedings under Section 14-309 of the Indian Rocks Beach Municipal Code.

*[Beginning of City Attorney Erica Augello Memorandum to the City Commission.]*

“This memorandum is to provide you with a recitation of the relevant code enforcement actions the City has taken against this property in an effort to gain compliance with the City’s Codes. While this property has been the subject of various Code violations over the years, this memorandum is focused solely on the garage structure located on the property. Ultimately, the property owner, Ms. Thelma Smith (hereinafter “Property Owner”), has failed to comply with the City’s Codes and the garage structure has been declared unsafe and a nuisance by the City’s Code Enforcement Officer Mike Kelley, pursuant to Sections 14-301 and 14-321 of the City’s Code of Ordinances.

Section 14-301 of the City’s Code allows the City Manager or his designee to declare any building “which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health and safety of the occupants or the public” unfit for occupancy and to be a nuisance, and to allow for condemnation of such a building.

Section 14-321 of the City’s Code prohibits unsafe buildings and defines same as “all residential buildings or structures used which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment”.

The narrative below and associated documents more than demonstrate the garage structure meets and exceeds the definition of an unsafe building and should be declared condemned.

On October 25, 2017, the City's previous Code Enforcement Officer, the late Jack Ouimette, issued the Property Owner a Notice to Appear to County Court for violating City Code Section 14-262(1) for failing to maintain the property constituting a blighting factor for adjoining properties. The Property Owner was served a Notice of Arraignment in Court Case Number 17-16020-MO, and entered a written plea of not guilty. Though the Property Owner pleaded not guilty to the violation, she ultimately chose to pay the \$93 fine and was adjudicated guilty by the judge. However, the property failed to come into compliance.

On June 25, 2019, the City's current Code Enforcement Officer, Mike Kelley, issued a Code Enforcement Violation Notice (City Code Enforcement Case No. 200102661) for violating City Code Section 14-262 for failing to properly maintain the property, noting the garage was in a state of disrepair with the windows, doors, and soffits being rotted, constituting a blighting factor for neighboring properties as well as posing safety issues to the general public, and constituting an attractive nuisance. Mr. Kelley allotted ten (10) calendar days to correct or abate the violations.

On August 7, 2019, after inspection and finding that the Property Owner failed to bring the structure into compliance, Mr. Kelley issued another Notice of Violation (City Code Enforcement Case No. 2001026760) for violating City Code Sections 14-262 and 14-321, for failing to properly maintain the structure allowing the garage to be in a state of disrepair with the windows and doors rotted, missing, or boarded up, the soffits rotted, and evidence of rats and other rodents, and for continuing to be a blighting factor for neighboring properties as well as safety and health hazard. Mr. Kelley allotted ten (10) calendar days to correct or abate the violations.

On August 22, 2019, after inspection and finding the violations on the property still outstanding, Mr. Kelley issued a Notice to Appear to County Court for violating City Code Sections 14-262 and 14-321. The Property Owner was served a Notice of Arraignment in Court Case Number 19-14257-MO, and entered a plea of not guilty. Again, though the Property Owner pleaded not guilty, she opted to pay the fine of \$250 and the judge adjudicated her guilty. The garage, however, remained in a state of disrepair and dilapidation.

On December 13, 2019, Mr. Kelley, after inspection, issued a Notice to Appear to County Court for violating City Code Section 14-321, as the garage structure in its state of disrepair was deemed a prohibited unsafe building. The Property Owner was served a Notice of Arraignment in Court case Number 19-20080-MO, and entered a plea of not guilty. This case made it as far as a pre-trial hearing in February 2020, however, to avoid going to trial, the Property Owner paid the \$495 fine and was adjudicated guilty by the judge. Unfortunately the garage structure continued to be in a state of disrepair and was rapidly

deteriorating.

On December 4, 2020, upon inspection, Mr. Kelley issued a Notice of Violation for violation of City Code Sections 14-263 (a) and (e), as the garage was continuing to deteriorate, had a large hole in the roof, was rodent and vermin infested, and constituted a severe blight to neighboring properties. Mr. Kelley allotted ninety (90) days to abate or correct.

After years of issuing notices of violations, unsuccessful court intervention, continued discussions with the property owner with promises of correction but no action, and City action at a cost to taxpayers to abate the structure, on March 9, 2021, Mr. Kelley issued a Notice of Violation pursuant to City Code Section 14-322 citing that the garage was continuing to deteriorate with a large hole in the roof, it was rodent-infested, and there were broken and boarded windows. Mr. Kelley determined the garage was an unsafe structure and allotted thirty (30) days to correct or abate or the City would pursue condemnation proceedings seeking to demolish the structure pursuant to City Code Sections 14-301 and 14-309. This notice was posted on the property as well as sent Certified Mail Return Receipt Requested to the Property Owner.

The Property Owner failed to correct or abate the violation within the thirty days, and did not appeal the determination as per City Code Section 14-308. Therefore, on August 6, 2021, pursuant to City Code Section 14-309, Mr. Kelley issued a Notice of Hearing which was both posted at the property and sent to property owner via Certified Mail Return Receipt Requested. The Notice specified that all interested parties are required to show cause as to why the occupant, owner, or both should not comply with the Code Violation Notice dated March 9, 2021. This Notice of Public Hearing was published in the Tampa Bay Times on August 25, 2021 and September 1, 2021, as required by the City's Code.

Section 14-309 (b) of the City's Code provides: *Action by City Commission*. If at the public hearing designated in the notice under subsection (a) of this section no objections are filed or presented, or if objections filed or presented shall be deemed insufficient by the City Commission, it shall then by resolution order that the repair, alteration or improvement or vacation or closing of the building, or the removal or demolition of the building, be completed by the occupant or owner thereof within 30 days after the passage and adoption of the resolution. If the occupant or owner of the property fails to comply with the resolution in accordance with the terms thereof, the City Commission shall cause the correction, repair, alteration or improvement, or vacation or closing of such building, or the removal or demolition of the building, to be done in accordance with the requirements of the minimum building or housing code.

To date, the property owner has failed to comply with the City's Code and the garage remains unsafe and in disrepair. The City has received no evidence from the Property Owner as of the submission of this memorandum that shows cause as to why the garage structure should not be condemned and demolished."

*[End of City Attorney Erica Augello's Memorandum to the City Commission.]*

City Attorney Mora read Agenda Item No. 6A 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.

Code Enforcement Officer Kelley introduced the Agenda Item and reviewed City Attorney Erica Augello's Memorandum, which details the City's action over the past five years. The City has received no evidence from the Property Owner as of the City Attorney's memorandum submission that shows cause as to why the garage structure should not be condemned and demolished.

Code Enforcement Officer Kelley stated that the garage continues to deteriorate with a large hole and other holes in the roof. It is rodent-infested, a homeless structure, and there are broken and boarded windows. He continued by stating there is stuff, like furniture and equipment, in the garage structure that has just been sitting there getting ruined by the weather.

Code Enforcement Officer Kelley stated he has determined the garage structure is an unsafe structure. He advised the Property Owner that she has 30 days to correct or abate the garage structure, or the City would pursue condemnation proceedings seeking to demolish the garage structure according to City Code.

Code Enforcement Officer Kelley stated staff is seeking to demolish the garage structure under Section 14-309 (b) of the City's Code.

City Attorney Mora noted for the record that Thelma Smith, her agent, or a representative was not and asked if there was anybody specifically here on Ms. Smith's authorization.

City Attorney Mora stated the City is in receipt of the following letter from Thelma Smith, postmarked September 7, 2021:

From:  
*"T. Smith*  
*12596 Lucas Lane*

*Anchorage, KY 40224"*

To:  
*"City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785"*

*"Sept. 6, 2021*

*Re: 2004 Gulf Blvd.*

*I am getting estimates for repairs on my barn - roof.*

*I am doing regular repair on the house. Plans for roof repairs.*

*I need 90 days to complete.*

*Thanks*

*Thelma Smith*

*over→*

*I am working with Historic Preservation to keep my buildings."*

**Andy Hyde, 2006 Beach Trail**, stated his property abuts the subject property. He stated that Ms. Smith is always saying that she will do something, and she never seems to do anything. The structure in question is not a garage. She calls it a barn. It is some structure, it is for storage. It is full of junk. To his knowledge and his neighbor's, it has never been used as a garage. That may seem to be semantics, but that is important to them because of what happens to the property after it is condemned. He does not understand why the house has not been condemned because it is probably worse than the garage.

Mr. Hyde stated that the property had a curb cut on Gulf Boulevard for access to the actual garage of the house. He said that property is going to be purchased at some point, and it will be redeveloped into a four or six-unit development. If there is no access from Gulf Boulevard, the access will be from Beach Trail. Beach Trail is a tiny road, maybe 80 feet long, 8 feet wide.

Mr. Hyde stated whenever there is a storm, pieces of the structure and roof fly into his and his neighbor's driveway, yards, and onto Beach Trail.

**Don House, 2104 Beach Trail**, asked why the house was not being condemned and demolished at the same time. The house was built in 1925, and it is beyond repair. He would like to see both the house and the garage structure condemned and demolished.

**Evelyn Adikes, 2004 Beach Trail, #B**, stated Ms. Smith has a garage that is part of the house that she converted into living quarters in 2000. She does not even know if this work was permitted. She stated that Ms. Smith talked the City Commission into allowing her to use Beach Trail to access her residence.

Ms. Adikes stated the access to her residence does not matter now, but when the property is redeveloped, the ingress and egress will count to the abutting property owners.

Ms. Adikes stated she and her neighbors are asking for the City Commission to consider giving Ms. Smith's Gulf Boulevard curb cut back for further reasons.

City Attorney Mora closed the public hearing.

City Attorney Mora read Section 14-309(b): *"If at the public hearing designated in the notice under subsection (a) of this section no objections are filed or presented, or if objections filed or presented shall be deemed insufficient by the City Commission, it shall then by resolution order that the repair, alteration or improvement or vacation or closing of the building, or the removal or demolition of the building, be completed by the occupant or owner thereof within 30 days after the passage and adoption of the resolution. If the occupant or owner of the property fails to comply with the resolution in accordance with the terms thereof, the City Commission shall cause the correction, repair, alteration or improvement, or vacation or closing of such building, or the removal or demolition of the building, to be done in accordance with the requirements of the minimum building or housing code."*

City Attorney Mora stated a resolution had been given to the City Commission should the City Commission make findings that warrant a resolution. The resolution is structured for condemnation or destruction because that is what staff requested and the substantive motion beyond the Whereas Clauses read as follows:

*"Section 1. The Property Owner shall demolish and remove the garage structure on the Property within thirty (30) days after the passage and adoption of this resolution, including securing all necessary permits and approvals for the removal of the structure by lawful means.*

*Section 2. Upon the Property Owner's failure to timely comply with this Resolution, City staff is hereby directed to cause the demolition and removal of the structure, to be done in accordance with the requirements of the minimum building or housing code. In the event the City causes the demolition and removal of the structure, the City hereby reserves its*



*right to seek remuneration and impose a lien for the actual incurred costs, to the extent permitted by the applicable law.*

*Section 3. This resolution shall become effective immediately upon adoption by the City Commission."*

Commissioner Hoofnagle stated as a point of order, some of the residents brought up some questions that are not germane to what the City Commission is evaluating here in a quasi-judicial capacity. He stated any issues with the driveway and apron adjoining Gulf Boulevard and Beach Trail would be done during the site plan review of any development project. That is a separate approval. It would be done at that time. He stated the residents' concern is heard and understood. That is why the City has a Planning Consultant and City staff to ensure that when a development project takes place, there is an approval process to ensure that the traffic flow and everything else is appropriate.

Commissioner Hoofnagle stated the City started issuing notices of violation in 2017, and Ms. Smith has been communicating with the City although she has been biding time. He said taking someone's property and destroying it is a pretty significant step for a municipal body. He believes if the City Commission condemns the property, it should be subject to a 90-day wait as she has requested, but on day 91, the order would come effective.

Mayor-Commissioner Kennedy stated the City has been dealing with Ms. Smith on this issue.

Code Enforcement Officer Kelley stated the City had sent notices of violation to Ms. Smith since 2017. For the last two and half years, he has sent notices of violation to her, specifically on the garage structure, and her reply is, *"it is going to get done."* However, she has not corrected any of the violations. He has stayed in contact with her over the years.

Code Enforcement Officer Kelley stated the City has given Ms. Smith 30 days, 60 days, and 90 days to come into compliance, and he receives the same response: *"It is going to get done. I need more time,"* and still she has not come into compliance.

Code Enforcement Officer Kelley said the last time she was down, she made the beds, painted one of the inside rooms, and swept the floors inside the main house, and that was her idea of fixing the place up. He stated nothing was done to the exterior of the home or to the garage/barn structure.

Commissioner Hanna clarified the issue tonight is the garage structure only and not the house, and inquired if down the road the City would be having another meeting about condemning the house.

City Attorney Mora responded potentially, yes, that prospect exists. The hearing before the City Commission tonight is specifically concerning the garage structure.

Commissioner Hoofnagle stated Ms. Smith is current with her property taxes. He would be happy to impose a lien for all the costs that the City has incurred, including the demolition of the garage structure, if the City Commission decides to demolish the garage structure.

Commissioner Hoofnagle stated he would like the demolition of the garage structure to be 90 days from receipt of the certified letter versus 30 days.

City Attorney Mora stated that Commissioner Hoofnagle is giving her 90 days to either remediate or remove. A remediate would be a sufficient remedy in the City's estimation. Upon failure to either remediate to the satisfaction of the City or remove the structure within those 90 days immediately after that, the City would proceed with demolition and removal of the structure.

Commissioner Hoofnagle stated yes, and with the placing of a lien on the property.

The City Commission discussed 90 days versus 30 days as outlined in the City Code and that the City has been dealing with this situation with Ms. Smith since 2017. The City Commission spoke about the neighbors' having to deal with rodents, garbage, stuff flying off her roof, illegal activity, and so forth. The City Commission's responsibility is to all the neighbors abutting her.

Commissioner Hoofnagle stated the City would be destroying Ms. Smith's private property. When a government comes in and backhoes a person's property, the City has a responsibility to diligently discuss and make sure the City has given that person every opportunity to rectify the situation.

Commissioner Hoofnagle stated he agrees with 30 days if the rest of the City Commission agrees that 30 days is enough time. He said in her letter, she asked for 90 days.

Commissioner Hanna stated if approved, this means the property is condemned. It does not mean action to destroy that property has to happen the very next day.

Commissioner Hoofnagle stated that is a fair point.

Vice Mayor-Commissioner McCall stated he is okay with 30 days. Ms. Smith has been notified multiple times with no corrective action taken. He said he is a property-rights guy, but the City has to stop notifying people and take action at some point.

City Attorney Mora stated the next step after demolition would be to file a lien against the property for the assessment amount according to Section 14-309, Subsection (c), Creating of the Lien/Payment of the Lien, Code of Ordinances.

**MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE RESOLUTION NO. 2021-08, FINDING THE GARAGE/BARN STRUCTURE AT 2004 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, UNSAFE, AND AMENDING SECTION 1 OF THE RESOLUTION TO READ AS FOLLOWING: SECTION 1: THE PROPERTY OWNER SHALL REMEDIATE TO STRUCTURALLY SAFE STATUS AS DEFINED AND INSPECTED PURSUANT TO LOCAL BUILDING CODES OR DEMOLISH AND REMOVE THE GARAGE STRUCTURE ON THE PROPERTY WITHIN THIRTY (30) DAYS AFTER THE PASSAGE AND ADOPTION OF THIS RESOLUTION, INCLUDING SECURING ALL NECESSARY PERMITS AND APPROVALS FOR THE REMOVAL OF THE STRUCTURE BY LAWFUL MEANS.**

**ROLL CALL VOTE:**

**AYES: McCall, HANNA, HOUSEBERG, HOOFNAGLE, KENNEDY**

**NAYS: NONE**

**MOTION CARRIED UNANIMOUSLY.**

**6B. BOA CASE NO. 2021-08 — 351-12<sup>TH</sup> AVENUE**

**Considering a variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 351-12<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 13 (See Map S06-30-15). Parcel #: 06-30-15-42066-089-0130.**

*[Beginning of Staffing Report.]*

**SUBJECT: BOA CASE NO. 2021-08:** A variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 351-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 13, Second Addition to Re-Revised Map of Indian Beach. Parcel #06-30-15-42066-089-0130

<b>OWNER</b>	<b>Patricia Jordan</b>
<b>PROPERTY LOCATION:</b>	<b>351-12th Avenue</b>
<b>ZONING:</b>	<b>S- Single Family</b>

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

**BACKGROUND:**

On February 18, 2020, the City Commission granted variances for Patricia Jordan, the applicant, 351-12th Avenue to extend the dock length 56 feet from the seawall and to encroach into the side yard setback by 11 feet 4 inches through BOA Case No. 2020-01.

The dock has been installed. At 56 feet, there was less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

Patricia Jordan, the applicant, is requesting an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection.

**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 in an area that has mangroves and seagrass and is not typical to most other properties in the City.*
- 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 dock and boat lift to be constructed and utilized.*
- 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 use the dock and 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.

**BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION:** Motion carried by a vote of 3 to 1.

**PUBLIC NOTICE:** Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 30, 2021. (Sec. 2-149 of the Code of Ordinances.)

**CORRESPONDENCE RECEIVED:** No correspondence was received.

**LEGAL ADVERTISEMENT:** A legal notice was published in the September 1, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 14, 2021, for BOA Case No. 2021-10.

*[End of Staffing Report.]*

Commissioner Hoofnagle stated that since Agenda Item No. 6B, BOA Case No. 2021-08, and Agenda Item No. 6C, BOA Case No. 2021-09, are substantially the same, could the City Attorney read the next case, and could the City Commission deliberate them in conjunction.

The City Attorney suggested that all testimony be taken under this case, and he can read both titles, and incorporate that separately, and that way, the City Commission can make separate determination as to each.

City Attorney Mora read by title only Agenda Item No. 6B, BOA Case No. 2021-08, 351-12<sup>th</sup> Avenue, and Agenda Item No. 6C, BOA Case No. 2021-09, 353-12<sup>th</sup> Avenue.

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

City Attorney Mora inquired of the City Commission 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 proceeding.

Planning Consultant Harmon stated on February 18, 2020, the City Commission granted variances for a dock to exceed the maximum 50-foot length by 6 feet and to encroach into the required 12-foot side yard setback by 11 feet 4 inches.

Planning Consultant Harmon stated the dock had been built. However, due to low water levels at 56 feet, the dock is unusable. The applicant is requesting to extend the dock length by an additional 16 feet for a total dock length of 72 feet 4 inches.

Planning Consultant Harmon presented a PowerPoint Presentation showing aerial views of the property, which depicts the seagrass, mangroves, build-up of sand, how shallow the water is at 32 feet, and beach shore, a photo with the applicant, Mr. Jordon, at low tide, the dock plan, and the dock profile.

Planning Consultant Harmon stated the Board of Adjustments and Appeals approved this BOA Case by a 3 to 1 vote.

**Joe Place, Enterprise Marine, 8165-46<sup>th</sup> Avenue North, St. Peterburg, appearing on behalf of the property owner/applicant, Patricia Jordan, 351-12<sup>th</sup> Avenue, stated his company did build the dock previously. They were not able to measure the water depths without the structure as accurately as they have now. The Jordans do not have the electric hooked up on their boat lift because it is basically inoperable except at extreme high tides. The dock had to be raised because of government intervention, the Army Corps of Engineers and Pinellas County, wanting the sun to reach the seagrass, and that is why the dock was raised. There is a requirement that docks be raised 5 feet above the mean high water over the seagrass.**

Mr. Place stated the issue is the water depth. Now that the dock is built, he can see where the water depths are and was able to take more exact measurements. As depicted in the picture, he stated that Mr. Jordan, the applicant, is standing in water up to his knees where the boat lift is located.

Mr. Place stated for the applicant to utilize their boat lift, the dock length would need to extend out 16 feet more for a total dock length of 72 feet 4 inches.

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

**MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED VICE MAYOR-COMMISSIONER McCALL, TO APPROVE BOA CASE NO. 2021-10, A VARIANCE REQUEST FROM SECTION 94-87 OF THE CODE OF ORDINANCES FOR AN ADDITIONAL 16 FEET 4 INCHES TO THE PREVIOUSLY GRANTED VARIANCE OF 6 FEET (BOA CASE NO. 2020-01) EXTENDING THE DOCK A TOTAL OF 22 FEET 4 INCHES BEYOND THE MAXIMUM DOCK LENGTH OF 50 FEET WHEN THERE IS LESS THAN 3 FEET OF WATER FROM THE END OF THE DOCK AT MEAN LOW WATER FOR A TOTAL DOCK LENGTH OF 72 FEET 4 INCHES FROM THE SEAWALL AT ITS MAXIMUM PROJECTION, FOR THE PROPERTY LOCATED AT 351-12<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS SECOND ADDITION TO RE-REVISED MAP OF INDIAN BEACH, BLOCK 89, LOT 13 (SEE MAP S06-30-15). PARCEL #: 06-30-15-42066-089-0130.**

Commissioner Hoofnagle stated this is the minimum variance, and the hardship is coming from both the shallow water and the natural vegetation around it.

Vice Mayor McCall stated it is more of an environmental concern than anything. He stated it looks like the boat lift will be placed to the side of the dock just from a channel prospective there. The dock does not seem to jar out too far into the channel.

**ROLL CALL VOTE:**

**AYES: HOUSEBERG, HANNA, McCALL, HOOFNAGLE, KENNEDY**

**NAYS: NONE**

**MOTION CARRIED UNANIMOUSLY.**

**6C. BOA CASE NO. 2021-09 — 353-12<sup>TH</sup> AVENUE**

**Consideration a variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-02) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock**

length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 353-12<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 14 (See Map S06-30-15). Parcel #:06-30-15-42066-089-0140.

**SUBJECT: BOA CASE NO. 2021-09:** A variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-02) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet where there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 353-12<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 13, Second Addition to Re-Revised Map of Indian Beach. Parcel #06-30-15-42066-089-0140

**OWNER** Adam & Deborah Probst  
**PROPERTY LOCATION:** 353-12<sup>th</sup> Avenue  
**ZONING:** S- Single Family

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

**BACKGROUND:**

On February 18, 2020, the City Commission granted variances for Adam and Deborah Probst, the applicants, 353-12<sup>th</sup> Avenue to extend the dock length 56 feet from the seawall and to encroach into the side yard setback by 9 feet 4 inches through BOA Case No. 2020-02.

The dock has been installed. At 56 feet, there was less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water. The applicants are requesting an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-02) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection.

**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 that has mangroves and seagrass and is not typical to most other properties in the City.*
- 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 dock and boat lift to be constructed and utilized.*
- 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 use the dock and 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.

**BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION:** Motion carried by a vote of 3 to 1.

**PUBLIC NOTICE:** Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 30, 2021. (Sec. 2-149 of the Code of Ordinances.)

**CORRESPONDENCE RECEIVED:** No correspondence was received.

**LEGAL ADVERTISEMENT:** A legal notice was published in the September 1, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 14, 2021, for BOA Case No. 2021-10.

*[End of Staffing Report]*

*[Please see Agenda Item No. 6B for testimony.]*

**MOTION MADE VICE MAYOR-COMMISSIONER MCCALL, SECONDED BY COMMISSIONER HANNA, TO APPROVE BOA CASE NO. 2021-09, A VARIANCE REQUEST FROM SECTION 94-87 OF THE CODE OF ORDINANCES FOR AN ADDITIONAL 16 FEET 4 INCHES TO THE PREVIOUSLY GRANTED VARIANCE OF 6 FEET (BOA CASE NO. 2020-02) EXTENDING THE DOCK A TOTAL OF 22 FEET 4 INCHES BEYOND THE MAXIMUM DOCK LENGTH OF 50 FEET WHEN THERE IS LESS THAN 3 FEET OF WATER FROM THE END OF THE DOCK AT MEAN LOW WATER FOR A TOTAL DOCK LENGTH OF 72 FEET 4 INCHES FROM THE SEAWALL AT ITS MAXIMUM PROJECTION, FOR THE PROPERTY LOCATED AT 353-12<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS SECOND ADDITION TO RE-REVISED MAP OF INDIAN BEACH, BLOCK 89, LOT 14 (SEE MAP S06-30-15). PARCEL #:06-30-15-42066-089-0140.**

**ROLL CALL VOTE:**

**AYES: HOOFNAGLE, HOUSEBERG, HANNA, McCALL, KENNEDY**

**NAYS: NONE**

**MOTION CARRIED UNANIMOUSLY.**

**6D. BOA CASE NO. 2021-10 — 300-10<sup>TH</sup> AVENUE**

**Considering a variance request variance request from Section 110-344(7)(f) of the Code of Ordinances to allow for a waterfall structure to exceed the 6-foot length requirement by 6 feet, for the property located at 300-10<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as First Addition to Re-Revised Map of Indian Beach Subdivision, Block 86, Lot 22, recorded in Plat Book 23, Page 11 of the Public Records of Pinellas County. Parcel #: 01-30-14-42048-086-0220.**

**SUBJECT: BOA CASE NO. 2021-10: Variance request from Sec. 110-344 (7)(f) to allow for a waterfall structure to exceed the 6-foot length requirement by 6 feet, for the property located at 300 10th Avenue Indian Rocks Beach, Florida, and legally described as Lot 22, Block 86, First Addition to Re-Revised Map of**

Indian Beach Subdivision recorded in Plat Book 23, Page 11 of the Public Records of Pinellas County. Property ID # 01-30-14-42048-086-0220

**OWNER:** All D Nuts, LLC, Trudi Holthouse  
**PROPERTY LOCATION:** 300-10<sup>TH</sup> Avenue  
**ZONING:** Single-Family Residential

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

**BACKGROUND:**

Ms. Holthouse is requesting a variance to build a waterfall 4 feet high, 12 feet long in the rear yard setback. Section 110-344 (7)(f) applies to decorative waterfalls where they are constructed as part of or integrated into a spa or swimming pool, provided the length or diameter of the improvement does not exceed 6 feet. The proposed waterfall would exceed the 6 feet length requirement by 6 feet.

**Sec. 2-152. Variances.**

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

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The applicant has designed a waterfall rock feature that tapers down to grade and exceeds the length allowed by City Code.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant has proposed a waterfall design that incorporates a rock formation rather than a waterfall wall.*
- 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 that is not allowed by the Land Development Code to other lands, structures, or buildings in the same zoning district.*
- 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/denial 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. *Granting of this variance would allow the applicant to have a unique waterfall design without impacting the neighbors.*
  - 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 not be injurious to the area involved or detrimental to the public welfare.*

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

**BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION:** Motion failed with a 2-2 vote. The Board did recommend changing the Land Development Code to allow waterfalls up to 12 feet in length.

**PUBLIC NOTICE:** Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 30, 2021 (Sec. 2-149 of the Code of Ordinances.)

**CORRESPONDENCE RECEIVED:** No correspondence was received.

**LEGAL ADVERTISEMENT:** A legal notice was published in the September 1, 2021-edition, of the St. Petes Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 14, 2021, for BOA Case No.2021-10.

*(End of Staffing Report)*

City Attorney Mora read by title only Agenda Item No. 7, BOA Case No. 2021-10, 300 10<sup>th</sup> Avenue.

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

City Attorney Mora inquired of the City Commission 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 proceeding.

Planning Consultant Harmon stated the applicant is requesting a variance from Section 110-344(7)(f) of the Code of Ordinance to allow a waterfall structure to exceed the 6-foot length requirement by 7 feet for property located at 300-10<sup>th</sup> Avenue. Waterfalls are permitted 4 feet high and 6-foot long. The applicant is requesting a 13-foot long waterfall.

Planning Consultant Harmon presented a PowerPoint presentation showing aerial views, a property survey, a site plan, and photos of the proposed pool and waterfall location.

Planning Consultant Harmon stated the Board of Adjustments and Appeals on this application grid-locked at a 2 to 2 vote. She stated there was no hardship, and stated the City Code needed to be amended to accommodate these requests.

Planning Consultant Harmon stated the Board to recommend to the City Commission to consider amending Section 110-344(7)(f) of the Code of Ordinances by allowing a maximum waterfall wall length of 12 feet.

**Steve Buscema, Sunsation Pools & Spas, 10945 Ulmerton Road, Largo, Florida, appearing on behalf of the property owner/applicant, Trudi Holthouse, 300-10<sup>th</sup> Avenue,** explained the variance request and asked the City Commission if they had any questions of him.

Mr. Buscema asked the City Commission to amend the City Code by allowing a maximum waterfall wall length from 6 feet to 12 feet.

City Attorney Mora stated the City Commission is considering a variance application based on the testimony and evidence that the City Commission has been given. He stated City Code reconsideration and revisions would have to be on another agenda. He stated amending the maximum length of the waterfall wall to 12 feet was also independently raised the Board of Adjustments and Appeals.

***MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE BOA CASE NO. 2021-10, A VARIANCE REQUEST VARIANCE REQUEST FROM SECTION 110-344(7)(F) OF THE CODE OF ORDINANCES TO ALLOW FOR A WATERFALL STRUCTURE TO EXCEED THE 6-FOOT LENGTH REQUIREMENT BY 6 FEET, FOR THE PROPERTY LOCATED AT 300-10<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS FIRST ADDITION TO RE-REVISED MAP OF INDIAN BEACH SUBDIVISION, BLOCK 86,***

**LOT 22, RECORDED IN PLAT BOOK 23, PAGE 11 OF THE PUBLIC RECORDS OF PINELLAS COUNTY. PARCEL #: 01-30-14-42048-086-0220.**

Commissioner Hoofnagle stated he would like the record to reflect that the City Commission deliberated this variance. This it has done through a board and has had substantial costs related to legal review, and the City may be able to save costs in the future, if the City were to amend its land development code to permit aesthetic waterfalls.

**AYES:       McCALL, HANNA, HOUSEBERG, HOOFNAGLE, KENNEDY**  
**NAYS:       NONE**

**MOTION CARRIED UNANIMOUSLY.**

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

Commissioner Hoofnagle stated he will be absent from the September 22, 2021 Special City Commission Meeting.

**10.    ADJOURNMENT.**

**MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:10 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

October 12, 2021  
Date Approved

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

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

**APPROVAL OF THE  
SEPTEMBER 22, 2021  
SPECIAL CITY COMMISSION  
MEETING MINUTES**

**AGENDA ITEM NO.: 5C - CONSENT AGENDA**  
**DATE OF MEETING: OCTOBER 12, 2021 CCM**

**MINUTES — SEPTEMBER 22, 2021**  
**CITY OF INDIAN ROCKS BEACH**  
**SPECIAL CITY COMMISSION MEETING**

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The City of Indian Rocks Beach Special City Commission Meeting was held on **WEDNESDAY, SEPTEMBER 22, 2021.**

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, Commissioner Denise Houseberg, and City Manager Brently Gregg Mims.

**OTHERS PRESENT:** Acting City Attorney Jeremy Simon, City Clerk Deanne B. O'Reilly, MMC, and Finance Director Daniel A. Carpenter, CGFO.

**ABSENT:** Commissioner Edward G. Hoofnagle.

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

**FISCAL YEAR 2021-2022 BUDGET PUBLIC HEARINGS:**

- 1A. FISCAL YEAR 2021-2022 BUDGET PUBLIC HEARINGS:**  
**ORDINANCE NO. 2021-03 — PUBLIC HEARING / SECOND AND FINAL READING.** Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2021/2022; providing for notification of requisite government authorities; and providing for an effective date.

*[Beginning of Staffing Report]*

**BACKGROUND:**

The City Commission previously established the proposed millage rate for Fiscal Year 2021/22 at 1.8326 mills, with no change to the previous fiscal year millage rate. The current millage rate has been in place since 2019. The millage rate was reduced at that time from 1.93 to 1.8326.



**ANALYSIS:**

With a millage rate of 1.8326, the total estimated tax collection is \$2,551,610 based on a 97% collection rate. For Fiscal Year 2021/22, a millage rate of 1.8326 is 7.41% higher than the roll back rate of 1.7062. The proposed millage rate of 1.8326 remains one of the lowest in Pinellas County. Currently, millage rates in Pinellas County range from 0.5823 to 6.7550.

*[End of Staffing Report]*

Acting City Attorney Simon read Ordinance No. 2021-03 in its entirety for the second and final reading.

City Manager Mims introduced Ordinance No. 2021-03. He stated the current millage rate of 1.8326 has been in place since 2019. He said all property owners have received their Trim Notice, which clearly explains the tax increases.

City Manager Mims reviewed the City's portion of the property tax bill of several residences, with most going up approximately between \$30 to \$50 for homesteaded properties.

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

***MOTION MADE COMMISSIONER HANNA, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE ORDINANCE NO. 2021-03, ON SECOND AND FINAL READING, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF INDIAN ROCKS BEACH, PINELLAS COUNTY, FLORIDA, FY2022 AT 1.8326.***

**ROLL CALL VOTE:**

**AYES: McCALL, HOUSEBERG, HANNA, KENNEDY**

**NAYS: NONE**

**ABSENT: HOOFNAGLE**

***THE MOTION CARRIED UNANIMOUSLY.***

**1B. ORDINANCE NO. 2021-04 — PUBLIC HEARING / SECOND AND FINAL READING. Adopting a budget for Fiscal Year 2021/2022; making appropriations and operating expenditures for Fiscal Year 2021/2022; providing for notification of requisite government authorities; and providing for an effective date.**

*[Beginning of Staffing Report]*

## **BACKGROUND:**

The City Commission reviewed the City Manager's Proposed Budget for Fiscal Year 2021/22 at a Budget Work Session on July 20, 2021. Prior to the Budget Work Session, the City Manager and Finance Director met with each member of the City Commission to brief them on the Proposed Budget. In addition, the City of Indian Rocks Beach Finance and Budget Committee met on July 14, 2021, and unanimously endorsed the Proposed Budget.

The City Manager and Finance Director made presentations, which provided an overview of the Fiscal Year 2021/22 Program Budget, and together, the City Commission and staff reviewed all aspects of the Proposed Budget in detail. The Final Budget for Fiscal Year 2021/22 is the result of a consensus by the City Commission from the July Budget Work Session.

## **ANALYSIS:**

The Final Budget is balanced in all funds and presents a comprehensive plan for providing services during the coming fiscal year. With the approval of the Final Budget for Fiscal Year 2021/22, the City will establish a spending plan for Fiscal Year 2021/22 and provide approval for the City Manager to implement the plan.

*[Ending of Staffing Report]*

Acting City Attorney Simon read Ordinance No. 2021-04 in its entirety for the second and final reading.

City Manager Mims introduced Ordinance No. 2021-04 and gave a brief overview of the FY2022 Budget and the 5-Year Capital Improvement Plan.

City Manager Mims stated the FY2021 Budget is \$3.7 Million, and the FY2022 is \$3.9 Million, saying that the FY2022 Budget increased by \$220,590, of that \$152,500 is equipment.

City Manager Mims stated the City's process to prepare the budget starts with working with the City Commission and public from the millage rate to the proposed document to the details of projects listed in the CIP. He stated the City did not receive a single object on the budget, so he thinks it speaks well to the City's process and the openness that the City has with the public.

City Manager Mims thanked the City Commission, staff, and particularly the Finance Director for all his help preparing the FY2022 Budget. He thanked the public for the positive support that the City has had with its budgets.

Mayor-Commissioner Kennedy stated that since the eight years that City Manager Mims had been here, he has reduced the number of employees, tweaked things for the better, runs a very tight ship, and has received great audits.

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

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City Manager Mims thanked the City Commission, staff, and particularly the Finance Director for all his help with preparing the FY2022 Budget. He thanked the public for their positive support that the City has had with their budgets.

Mayor-Commissioner Kennedy stated since the eight years that City Manager Mims has been here, he has reduced the number of employees, he tweaks this for the better, he runs a very tight ship, and the City has been receiving great audits.

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

***MOTION MADE BY VICE-MAYOR McCALL, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE ORDINANCE NO. 2021-04, ON SECOND AND FINAL READING, ADOPTING A BUDGET FOR FISCAL YEAR 2021/2022; MAKING APPROPRIATIONS AND OPERATING EXPENDITURES FOR FISCAL YEAR 2021/2022; PROVIDING FOR NOTIFICATION OF REQUISITE GOVERNMENT AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.***

**ROLL CALL VOTES:**

**AYES: HANNA, HOUSEBERG, McCALL, KENNEDY**

**NAYS: NONE**  
**ABSENT: HOOFNAGLE**

**MOTION CARRIED UNANIMOUSLY.**

**2A. ORDINANCE NO. 2021-05 — PUBLIC HEARING / SECOND AND FINAL READING.** An Ordinance of the City of Indian Rocks Beach amending Chapter 50 – “Solid Waste”, setting the minimum fee for large or abnormal trash collection; providing for severability; requiring removal of yard waste created or collected by third parties; establishing a fee relating to the provision of a replacement or supplemental trash can; increasing the fees and charges relating to the pickup of trash and garbage; providing for applicability; providing for inclusion in city ordinances; providing for severability; and providing for an effective date.

*[Beginning of Staffing Report]*

**BACKGROUND:**

The City continues to maintain a high service level of residential and commercial solid waste program that benefits all citizens. Services includes a recycling program, curbside pick up, and yard waste disposal. The fee schedule for the collection and disposal of solid waste of the City is addressed in Section 50-91 of the Code of Ordinances. The goal or emphasis of any solid waste rate increase is to adjust rates to allow for the Solid Waste Fund to generate adequate income to satisfy annual cost requirements and provide for minimal operating reserves of 3 months within the fund.

**ANALYSIS:**

Through operating efficiencies, the City has been able to maintain the same solid waste rates from 2019 until today. A review of the solid waste fund revenue and expenditures was performed during the July 20, 2021 City Commission Budget Work Session. Based on the most up-to-date data and economic factors available, adjustments were recommended to the current solid waste fees. Key areas include the generation of adequate annual operating income, significant increases in costs associated with curbside recycling, future capital equipment replacement costs, and the accumulation of operating reserves within the fund.

The FY 2022 Tentative Budget reflects increases in monthly residential and commercial solid waste rates of 6.00%. The current \$27.81 per month charge for residential solid waste is recommended to increase to \$29.48. For commercial solid waste customers, rates are recommended to increase 6% in the Tentative FY 2022 Budget.

*[End of Staffing Report.]*

City Attorney Simon read Ordinance No. 2021-05 by title only.

City Manager Mims introduced the Ordinance No. 2021-05. He said this is first increase to solid waste fees since 2019. The increase is due to the rate increase in Pinellas County tipping fees.

The changes to Chapter 50, Solid Waste, of the Code of Ordinances are as follows:

**Sec. 50-36. Industrial waste; oil and grease; construction debris; bulky waste.**

- (c) The City will collect such items as waste or trash consisting of discarded office equipment, discarded broken furniture, beds, bedsprings, empty cans, small metal parts from minor repair work, and any other items which can be lifted by two men, other than motors, large repair parts and other heavy materials at specific times throughout the year. Where collections of trash of any nature are usually large and abnormal, the City Manager is authorized to remove such trash at a nominal fee to be based on the amount of trash involved and the additional cost to the City of such removal. The minimum amount of the corresponding fee shall be \$25.00.

**Sec. 50-37. Garden trash.**

Any premises upon which the proper and required fee has been paid, under the terms of this article, shall be entitled to the collection of tree limbs, palm fronds or other garden trash of such size or nature as cannot be deposited in a regular trash can, subject to the following terms and conditions. Normal yard waste and trimmings of shrubs or trees are picked up free, when cut in four-foot lengths and when limbs are not more than four inches in diameter and when stacked neatly at the curb. The stack shall not exceed four feet in height and the pile shall not be longer than eight feet. Piles of yard waste and trimmings that are larger than this description, that are randomly piled or that contain remains of full tree removal (i.e., stumps or larger than four-inch-diameter limbs) shall require a call for a special pickup and shall require a charge based on the size of the pickup with a minimum charge of ~~\$18.75~~ \$25.00. The City will supply an employee to measure the pile and provide a written estimate containing the charges for the pickup. The estimate must be paid to the city in advance of the pickup. Such garden trash shall be deposited adjacent to the alley, if the property is served by an alley, at curbside, or in containers if such containers are used by multifamily or commercial establishments. It shall be unlawful for any person to deposit any garden trash upon any lot or premises belonging to another, whether vacant or improved, occupied or unoccupied, or upon any street, plaza or park, or in any of the waters lying within the City.

Property owners who hire any type of vendor to trim, generate, or gather vegetative waste at their property are required to direct the vendor to, or otherwise arrange for the prompt removal of the vegetative waste from the subject property.

**Sec. 50-62. Garbage cans required.**

All residents or occupants of any single-family dwelling and the owner, manager or occupant of any multiple-family dwelling or of any place of business or commercial establishment or civic, fraternal, public, religious or educational facility within the city are hereby required to utilize the garbage can(s) provided by the City.

Each single-family dwelling or multiple-family dwelling unit will be provided one (1) garbage can free of charge. Any replacement or additional garbage cans may be provided at a cost of \$50.00 per garbage can. Where a property acquires additional garbage cans, as opposed to a replacement garbage can, the City may increase the corresponding fees and charges on a pro-rated basis.

**Sec. 50-91. Fee schedule.**

(a) *Basic fees.* The fees for pickup of garbage and trash are as follows:

- (1) Single unit rate, two times per week, per month . . . . . ~~\$20.27~~ \$21.49
- (2) Multi-unit rate, two times per week, per month . . . . . ~~\$19.26~~ \$20.42
- (3) Commercial business establishment, five cans, two times per week, per month . . . . .  
~~\$25.31~~ \$26.83
- (4) Dumpster rates:
  - a. Two yards, two times per week, per month. . . . . ~~\$195.73~~ \$207.47
  - b. Four yards, two times per week, per month . . . . . ~~\$356.93~~ \$378.35
  - c. Six yards, two times per week, per month . . . . . ~~\$506.58~~ \$536.97
- (5) Each additional pickup:
  - a. Two-yard dumpster, one time per week, per month . . . . . ~~\$97.91~~ \$103.78
  - b. Four-yard dumpster, one time per week, per month . . . . . ~~\$178.50~~ \$189.21
  - c. Six-yard dumpster, one time per week, per month . . . . . ~~\$253.10~~ \$268.29
  - d. Commercial can pickup, one time per week, per month . . . . . ~~\$12.66~~ \$13.42
- (6) Single one-time pickup:
  - a. Two-yard dumpster . . . . . ~~\$97.91~~ \$103.78
  - b. Four-yard dumpster . . . . . ~~\$178.50~~ 189.21
  - c. Six-yard dumpster . . . . . ~~\$253.10~~ \$268.29

(b) *Additional per-unit fee.* In addition to the fees set forth in subsection (a) of this section, the amount of ~~\$7.54~~ \$7.99 per unit per month shall be added to each of the basic fees for subsections (1) and (2), and the amount of ~~\$8.56~~ \$9.07 per unit per month shall be added to the basic fees for subsections (3), (4), (5), and (6).

(f) *Compactor and front-end loader dumpsters.* Compactor dumpsters and front-end loader dumpsters will be installed upon written request from the property owner or business owner and upon approval by the city manager. Fees will be based on rental charges, pull charges and dumping fees. In addition, there shall be an administrative charge of ~~\$230.26~~ \$244.08 per month for each compactor dumpster in excess of ten cubic yards. For compactor dumpsters and front-end loader dumpsters less than ten cubic yards, the administrative fee shall be ~~\$115.14~~ \$122.05 per month per dumpster. Billing shall be on a bimonthly basis.

(g) *Commercial construction roll-off dumpsters.* Commercial construction roll-off dumpsters shall be installed by the owner or the general contractor for all new construction and major remodeling projects. There shall be an administrative charge of ~~\$250.00~~ collected at the time of building permit issuance.

City Manager Mims stated \$250.00 should not be stricken-through and should remain in the ordinance.

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

**MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2021-05, ON SECONDED AND FINAL READING, AMENDING CHAPTER 50 – “SOLID WASTE”, SETTING THE MINIMUM FEE FOR LARGE OR ABNORMAL TRASH COLLECTION; PROVIDING FOR SEVERABILITY; REQUIRING REMOVAL OF YARD WASTE CREATED OR COLLECTED BY THIRD PARTIES; ESTABLISHING A FEE RELATING TO THE PROVISION OF A REPLACEMENT OR SUPPLEMENTAL TRASH CAN; INCREASING THE FEES AND CHARGES RELATING TO THE PICKUP OF TRASH AND GARBAGE; PROVIDING FOR APPLICABILITY; PROVIDING FOR INCLUSION IN CITY ORDINANCES.**

**ROLL CALL VOTE:**

**AYES: McCALL, HANNA, HOUSEBERG, KENNEDY**

**NAYS: NONE**

**ABSENT: HOOFNAGLE**

**MOTION CARRIED UNANIMOUSLY.**

**3. ADJOURNMENT.**

**MOTION MADE BY VICE MAYOR-COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT APPROXIMATELY 6:16 P.M.**

**UNANIMOUS APPROVAL BY ACCLAMATION.**

October 12, 2021

Date Approved

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR



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

**CONFIRMING ACTION taken  
during the September 22, 2021  
Special City Commission Meeting**

**AGENDA MEMO  
INDIAN ROCKS BEACH CITY COMMISSION**

**MEETING OF:** September 22, 2021      **AGENDA ITEM:** 5D

**SUBMITTED AND**

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

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

**SUBJECT:**                      Confirming action taken during the September 22, 2021 Special City Commission Meeting.

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**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 September 22, 2021 Special City Commission Meeting:

- 1A. ORDINANCE NO. 2021-03 — *ADOPTED ON SECOND AND FINAL READING.*** Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2022 at 1.8326. ***UNANIMOUS APPROVAL.***
  
- 1B. ORDINANCE NO. 2021-04 — *ADOPTED ON SECOND AND FINAL READING.*** Adopting a budget for Fiscal Year 2022. ***UNANIMOUS APPROVAL.***
  
- 2A. ORDINANCE NO. 2021-05 — *ADOPTED ON SECOND AND FINAL READING.*** Increasing Solid Waste Fees. ***UNANIMOUS APPROVAL.***

**MOTION:**

I move to confirm the action taken during the September 22, 2021 Special City Commission Meeting.

/dor

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

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

**AGENDA MEMO  
INDIAN ROCKS BEACH CITY COMMISSION**

**MEETING OF:** October 12, 2021 **AGENDA ITEM:** 5E

**SUBMITTED AND**

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

**APPROVED BY:**

Brently Gregg Mims, City Manager

**SUBJECT:**

The appointment of Herb Sylvester, as Regular Board Members to the Planning and Zoning Board/Local Planning Agency with term expiring May 31, 2023.

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**BACKGROUND:**

As of August 10, 2021, two regular board member vacancies and two alternate board member vacancies exist on the Planning and Zoning Board/Local Planning Agency.

The current members of the Planning and Zoning Board are:

Richard Antepenko, Regular Board Member  
Adrienne Dauses, Regular Board Member  
Scott Holmes, Regular Board Member  
Rick McFall, Regular Board Member  
Peter Sawchyn, Regular Board Member  
Regular Board Member vacant  
Regular Board Member vacant  
1<sup>st</sup> Alternate Board Member Seat Vacant  
2<sup>nd</sup> Alternate Board Member Seat Vacant

**ANALYSIS:**

A board application was received from Herb Sylvester who has showed an interest in serving on the Planning and Zoning Board.

**MOTION:**

I move to **APPROVE/DENY** the the appointment of Herb Sylvester as a Regular Board Member to the Planning and Zoning Board/Local Planning Agency with terms expiring May 31, 2023.

/dor

OCT - 1 2021



Administrative  
727/595-2517

Building/Planning & Zoning  
727/517-0404  
727/596-4739 (Fax)

Library  
727/596-1822

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

**CITY OF INDIAN ROCKS BEACH**  
**APPLICATION for Serving on a City Board**

1. Name: Herb Sylvester  
 Home Ph: \_\_\_\_\_ Cell Ph: 727-415-2804  
 Work Ph: \_\_\_\_\_ Email: TUNA 3690@VERIZON.NET
2. Home Address: 369 12TH AVE
3. Occupation: BUSINESS OWNER, HOSPITALITY INDUSTRY
4. Education & Training: MILWAUKEE SCHOOL OF ENGINEERING  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
5. Experience: Brief Job History, use additional sheets, if necessary: \_\_\_\_\_  
 \_\_\_\_\_  
4-YEAR GENERAL ELECTRIC MEDICAL SYSTEM  
LAYING OUT ALL MEDICAL ROOMS IN NORTHEAST  
20-YEAR - FISHING & WORKING IN RESTAURANTS  
20-YEAR - OWN MY BUSINESS  
2-YEAR BUILDING 2-NEW HOMES
6. Are you a resident of the city, if so, for how long? YES 25 YEARS
7. Are you a registered voter:  Yes  No

see reverse side

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

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:** \_\_\_\_\_

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:** \_\_\_\_\_

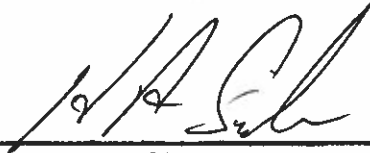
11. **Are you related to a commissioner or an employee of the City of Indian Rocks Beach?**  Yes  No

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

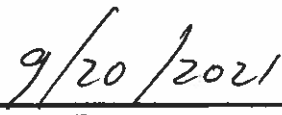
- Board of Adjustments & Appeals
- Finance & Budget Review Committee
- Planning & Zoning Board

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 727/595-2517.**



Signature



Date

**AGENDA ITEM NO. 6**

**PUBLIC HEARINGS**

**None**

**AGENDA ITEM NO. 7**

**OTHER LEGISLATIVE MATTERS:  
None**



**AGENDA ITEM NO. 8A**

**DISCUSSION of Updated FEMA  
Flood Insurance Rate Map  
Comparison to Pinellas County  
Vulnerability Study**



## City of Indian Rocks Beach

### Updated FEMA Flood Insurance Rate Map Comparison to Pinellas County Vulnerability Assessment Study

October 12, 2021



## FEMA FIRM Compared to Pinellas VA

Study	Storms Ensemble	Current Storms	Future Storms	Model	LIDAR
New FEMA FIRM	357	<2012	No	ADCIRC+SWAN (2D)	2007
Pinellas Vulnerability Assessment	300+	<2018	Yes	CH3D+SWAN (3D)	2017



## Flood Elevation Comparison

### 320 Gulf Boulevard

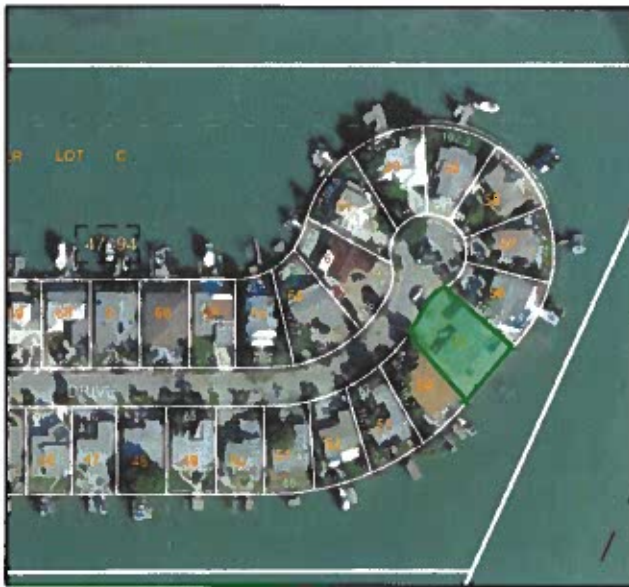


Standard	Flood Elevation
<b>FEMA 2021 Base Flood Elevation</b>	8 ft (AE)
<b>Pinellas VA 100-Year Elevation</b>	12.2 ft / 13.0 ft
<b>FEMA 2003 (Existing) Base Flood Elevation</b>	11 ft / 12 ft (AE)



## Flood Elevation Comparison

377 La Hacienda Drive



Standard	Flood Elevation
<b>FEMA 2021 Base Flood Elevation</b>	9 ft (AE)
<b>Pinellas VA 100-Year Elevation</b>	11.2 ft / 11.3 ft
<b>FEMA 2003 (Existing) Base Flood Elevation</b>	10 ft (AE)



## Flood Elevation Comparison

### 453 Harbor Drive South



Standard	Flood Elevation
<b>FEMA 2021 Base Flood Elevation</b>	9 ft (AE)
<b>Pinellas VA 100-Year Elevation</b>	11.0 ft
<b>FEMA 2003 (Existing) Base Flood Elevation</b>	10 ft / 11 ft (AE)





## Flood Elevation Comparison

### 2102 Beach Trail



Standard	Flood Elevation
<b>FEMA 2021 Base Flood Elevation</b>	2 ft Depth (AO) 10 ft (VE)
<b>Pinellas VA 100-Year Elevation</b>	12.4 ft / 13.0 ft
<b>FEMA 2003 Base Flood Elevation</b>	11 ft / 12 ft (AE) 12 ft (VE)



## References

### **Pinellas County Flood Information Application**

<https://pinellas-cgis.maps.arcgis.com/apps/webappviewer/index.html?id=a2e94afd62dd47ec87b8971ec72f7d3>



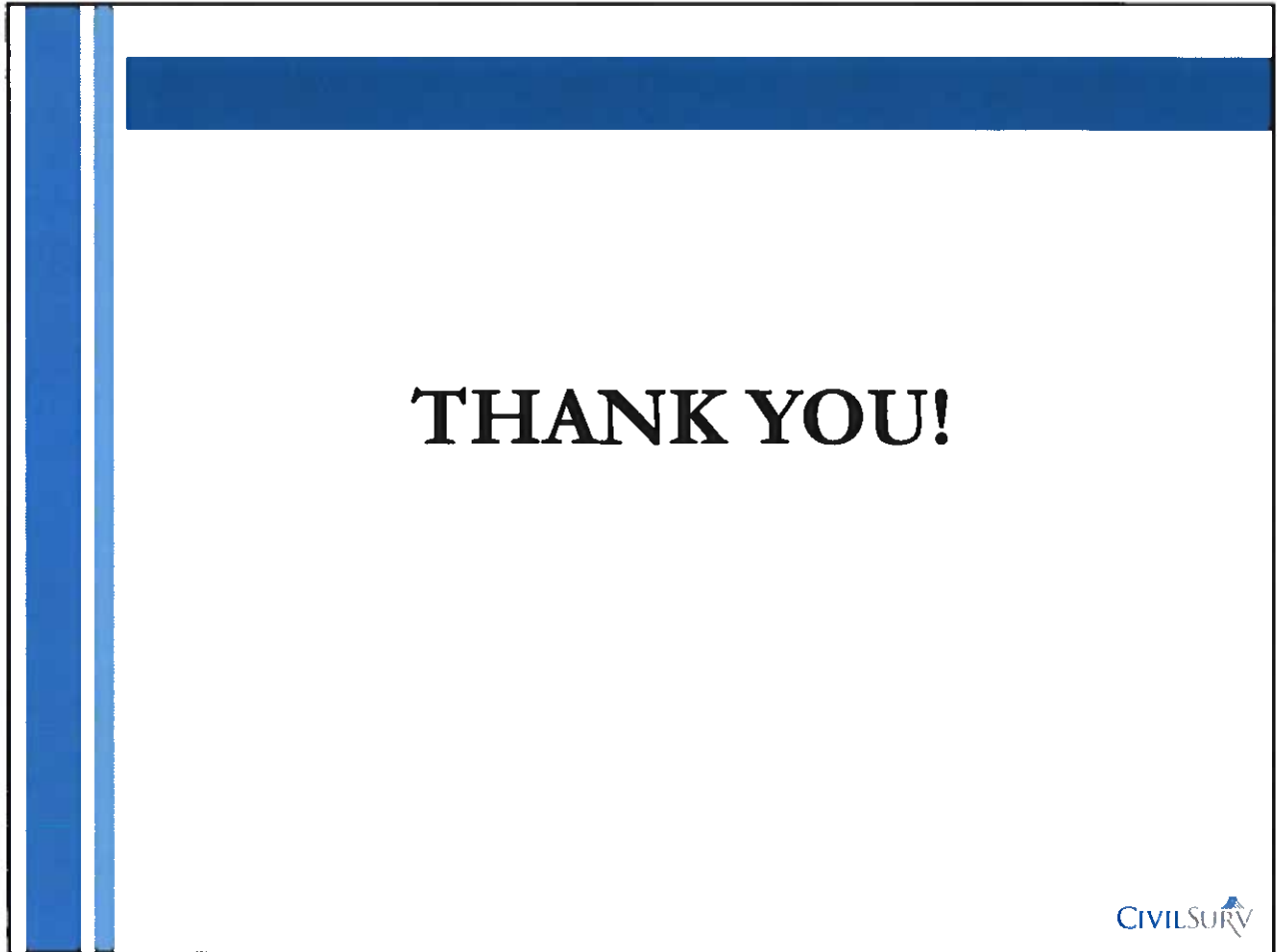
## Commission Considerations

### **Option A**


No Action Required  
Continue to Utilize Current FEMA Maps

### **Option B**

Adopt County Vulnerability Assessment Elevations



**THANK YOU!**





# CIVILSURV

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p. (863) 646-4771 | f. (863) 646-3378 | toll-free: (866) 397-4771

Certified Small Business Enterprise

**AGENDA ITEM NO. 9**

**OTHER BUSINESS**

**AGENDA ITEM NO. 10**  
**ADJOURNMENT.**