

**REGULAR  
CITY COMMISSION MEETING  
TUESDAY, NOVEMBER 10, 2020  
@ 7:00 P.M.**



Administrative  
727/595-2517

Building/Planning & Zoning  
727/517-0404  
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, NOVEMBER 10, 2020 @ 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.**
  - C. PRESENTATION BY the Florida City and County Management Association.**
  
- 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 October 13, 2020 Regular City Commission Meeting Minutes.
- B. RESOLUTION NO. 2020-10.** Calling for a Municipal General Election for the purpose of electing, at large, qualified candidates to fill the vacancies of two Commissioner Seats for two-year terms.

**6. PUBLIC HEARINGS:**

- A. ORDINANCE NO. 2020-04 — SECOND AND FINAL READING.**  
An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 15 – Schedule of Fees, Article III – Planning/Zoning/Land Use, Section 15-21 – Site Development Plan Review Fees, Distinguishing Fees based on commercial, multifamily, or single family properties, including engineers as consultants to be paid by applicant if required; providing for legislative findings, and providing for an effective date hereof.
- B. ORDINANCE NO. 2020-05 — SECOND AND FINAL READING.**  
An Ordinance of the City of Indian Rocks Beach, Florida, repealing Section 74-1 of the Code of Ordinances concerning the prohibition of certain fishing activities; making related findings; and providing for codification, severability, and an effective date.
- C. ORDINANCE NO. 2020-06 — SECOND AND FINAL READING.**  
An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 62 – Traffic and Vehicles, Article III – Operation of Golf Carts, Section 62-40 – Golf Carts; amending the title of the section to include low-speed vehicles and micromobility devices; amending the section to align it with State Statutes; providing definitions for terms to be used in the section; providing for regulation of golf carts and low-speed vehicle operation on sidewalks; providing for the prohibition of micromobility scooters; providing for legislative findings, and providing for an effective date hereof.

**7. OTHER LEGISLATIVE MATTERS:**

- A. ORDINANCE NO. 2020-07 — FIRST READING.**  
An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 62 – “Traffic and Vehicles,” Article II – “Stopping, Standing and Parking,” Section 62-39 of the Code of Ordinances by adding the following provision: [Section] of the Code of Ordinances of the City of Indian Rocks Beach by adding Section 62-39, to provide for controlled parking in residential areas, to authorize parking by permit only in designated residential areas with penalties and limited exceptions, to provide for the issuance, renewal and potential revocation of parking decals for permit parking; providing for severability, resolution of conflicts and an effective date.

**B. ORDINANCE NO. 2020-08 — FIRST READING.**

An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 62 – Traffic and Vehicles, Article II – Stopping, Standing and Parking; increasing the fee for parking violations; restricting the hours of parking on the City's beach accesses, amending the requirements for securing a resident parking permit decal; repealing the provision for temporary guest parking permits; amending the fee for replacing a city-issued parking permit; providing for severability and an effective date.

**C. ORDINANCE NO. 2020-09 — FIRST READING.**

An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 74 – Waterways, creating Article IV, to be entitled 'Leave No Trace', creating Section 74-100 – Purpose and Title; creating Section 74-101 – Definitions; creating Section 74-102 – Digging holes on beach; creating Section 74-103 – Obstructions on the beach and beach access areas prohibited; creating Section 74-104 - Exceptions; creating Section 74-105 – Permits; creating Section 74-106 – Fires prohibited; repealing Chapter 26 – Environment, Article V - Junked, Wrecked or Abandoned Property, Division 1 – Generally, Section 26-131 – Confiscation of abandoned property; repealing Chapter 74 – Waterways, Article III – Beaches, Division 1 – Generally, Section 74-65 Tents, canopies, and volleyball nets; creating a leave no trace ordinance prohibiting the leaving or abandonment of personal property on the city's beaches; prohibiting unfilled holes on the city's beaches; prohibiting the obstruction of the beach and beach access; providing for exceptions; providing for a permitting process; prohibiting fires on the beach; providing for legislative findings; and providing for an effective date thereof.

**D. ORDINANCE NO. 2020-10 — FIRST READING.**

An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 38 – Parks and Recreation, Article II – Parks, Section 38-31 – Park hours; special events; amending Article III – Skate facility, Section 38-51 – Hours of operation; Amending Article IV – Nature Preserve, Division 1 – Generally, Section 38-100 – General; amending Division 2 – Boardwalk, Section 38-116 – Usage regulations; amending Article V – Keegan Clair Boat Docks, Section 38-140 – Hours of operation; amending the hours of operation of parks throughout the City; reserving repealed sections; providing for legislative findings; correcting scrivener's errors and providing for an effective date thereof.

**8. WORK SESSION ITEMS [DISCUSSION ONLY]:** None.

**9. OTHER BUSINESS.**

**10. ADJOURNMENT.**

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**APPEALS:** Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. Court Reporter).

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

POSTED: November 6, 2020

**MEETING ALSO AVAILABLE THROUGH ZOOM:**

Join Zoom Meeting

<https://zoom.us/j/97737846578?pwd=dnFEZ3UwWDEwejVucUgwcWoxLy9qUT09>

Meeting ID: 977 3784 6578

Passcode: 0mHngj

One tap mobile

+13126266799,,97737846578#,,,,,0#,,596863# US (Chicago)

+19292056099,,97737846578#,,,,,0#,,596863# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 977 3784 6578

Passcode: 596863

**NEXT REGULAR CITY COMMISSION MEETING  
TUESDAY, DECEMBER 8, 2020**

**AGENDA ITEM NO. 1A**

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



**AGENDA ITEM NO. 1B**

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

## **October 2020 Report from the Pinellas Suncoast Fire & Rescue District**

### **David Ardman, IRB Commissioner – For Nov. 10, 2020 City Commission Meeting**

1. COVID-19 is again effecting staffing levels. Four staff members are out – three from a possible workplace exposure and one from non-duty related exposure. All are doing well.
2. The PSFRD Commission opted to discontinue further “reopener” negotiations with the labor organization. The existing Collective Bargaining Agreement remains in place.
3. A joint study between the Pinellas County Fire and EMS Administration and the PSFRD was just completed and evaluated future fire station location needs based upon response times within the District. It was not a facilities study but none of the three current stations comply with current code, have adequate ingress or egress for emergency equipment, or have any public meeting space. The response study was presented to the PSFRD Fire Commission in October for consideration and potential adoption in November. If the report is adopted by the PSFRD Commission, the Fire Chief will request to be placed on a future IRB meeting/workshop agenda to discuss the report.

4. Fireboat #27 responded to the fatal boat crash that took place in the Intracoastal Waterway over Halloween weekend.

5. October was another busy EMS month in IRB with 53 calls for service. The EMS calls included:

COVID Related – 7	Respiratory - 2
Unconscious Person – 8	Stroke - 1
Medical Alarm - 2	Falls – 4
Other EMS calls - 10	Water Rescues – 2
Overdose – 1	Cardiac - 3

All emergency responses, except for two, were within our target of 7 min. 30 sec. Both cases over 7.5 minutes were due to coinciding calls at other stations. Average EMS response time for the calls above was 4 min. 23 sec.

6. October was slower than average month for fire responses in IRB with a total of 11 that included one electrical hazard, two elevator rescues, three fire alarms, one hazardous materials incident, one outside fire, one citizen assist, and one structure fire. All emergency responses were within the 7 min. 30 sec. target with an average of 4 min. 36 sec.7. All are reminded to follow safe health practices as we move toward Thanksgiving with regards to food safety and COVID-19. If planning to deep-fry a turkey, please review:

[https://www.usfa.fema.gov/downloads/pdf/publications/turkey\\_fryers\\_flyer.pdf](https://www.usfa.fema.gov/downloads/pdf/publications/turkey_fryers_flyer.pdf).



**AGENDA ITEM NO. 1C**

**PRESENTATION BY THE  
FLORIDA CITY AND COUNTY  
MANAGEMENT ASSOCIATION**

**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**

**NOVEMBER 10, 2020 CITY COMMISSION REPORT  
COMMISSIONER JOE MC CALL**

Community Turkey Drive for the Beach Food Pantry

Sponsored by the IRB Homeowners, C21 Beggins, and Plumlee Realty

Drop off locations: 5:00 to 8:00 p.m.

November 11 <sup>th</sup>	Crabby Bill's
November 13 <sup>th</sup>	Anecdote Brewery
November 18 <sup>th</sup>	Chicago Jaqx
November 20 <sup>th</sup>	18 on the Rocks

or Drop off anytime at C21 Beggins



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

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

**APPROVAL OF  
the October 13, 2020  
Regular City Commission Meeting  
Minutes**

**MINUTES — OCTOBER 13, 2020  
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, OCTOBER 13, 2020**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence in memory of the COVID-19 patients.

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

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

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

**1A. Pinellas County Sheriff's Office.** (Written report submitted)

The Pinellas County Sheriff's Office (PCSO) submitted a written Crime Analysis Report for the month of September 2020 for the City of Indian Rocks Beach.

**1B. Pinellas Suncoast Fire & Rescue District:** (Written report submitted):

The Pinellas Suncoast Fire and Rescue District submitted a written report for the month of September 2020.

Mayor-Commissioner Kennedy congratulated Chief Burton on his third anniversary with the Fire District.

**2. PUBLIC COMMENTS.**

**Phil Wrobel, 112-13<sup>th</sup> Avenue**, stated instead of sending out postcards and emails for advertising upcoming agendas items and general information on City events, the City should use the back of the City's quarterly newsletter because all residents receive the newsletter, and not all residents are signed up to receive the City's emails.

City Manager Mims stated the newsletter has to be submitted to the publisher one month ahead of publication. With the last newsletter, he stated it was a deadline issue, and the City is will mail out a postcard to advise the residents of the upcoming ordinances that will be on the November City Commission Meeting.

**John Thayer, 1819 Bay Boulevard**, spoke on the proposed parking ordinance. He stated the City is trying to solve a non-resident beach parking problem and stated the issue only affects residents of the first couple blocks east of Gulf Boulevard. The City sought community feedback at a workshop in the middle of the afternoon during a pandemic with their first attempt at using Zoom. There were only two options (Option A-Increase parking fines and Option B-Resident Parking only from 8:00 a.m. to 5:00 p.m. on side streets) given by the City Manager to consider. Option A has largely been implemented with the installation of no parking signs all over the affected areas.

Mr. Thayer asked the City Commission not to jump on Option B, the proposed ordinance.

**Michael Campbell, 80 Gulf Boulevard**, spoke on occupancy standards. One of the earliest things that cities have the power to do is regulate the density of occupancy of dwellings. His friends had found that their house's market value decreased because when they tried to move away from a party house that was consistently being rented out to too many people.

Mr. Campbell suggested a very inexpensive license that was not designed to raise money but was designed to obtain control of the situation.

**Heather Boles, 722-1<sup>st</sup> Street**, stated 17 vehicles were parked at an Airbnb this weekend on her street.

Ms. Boles stated between 8th and 9th Avenues along 1st Street, there are "no" no parking signs, and questioned why there were no signs at that location.

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

#### ***OCCUPANCY/SHORT-TERM VACATION RENTALS***

City Attorney Mora stated when the City Commission discussed and adopted an ordinance on short-term vacation rentals, the City Commission took a more cautious approach when drafting and adopting an ordinance for short-term vacation rentals.

City Attorney Mora stated that occupancy is a more robust regulation available, and the City Commission did discuss this issue on several occasions. He stated under Florida Statutes, the City can regulate occupancy, and he had said nothing to the contrary.

City Attorney Mora stated as the City Commission discussed occupancy, he raised two core concerns. He represents communities on the west coast that have received nearly \$26 Million in claims under the Bert Harris Act for various regulations, most specifically

those dealing with occupancy restrictions. For example, a community was challenged on occupancy; two persons per bedroom not to exceed "x" number and have thus far been upheld in the courts and have prevailed because the occupancy restrictions were built into their comprehensive plan. He advised that the City does not have occupancy restrictions built into its comprehensive plan.

City Attorney Mora stated there is a statutory authority in Florida. He explained under the Constitution that if the government takes a person's property, the government must pay the person for it. By statute in Florida, there is an added level where if the government causes a diminution in a person's reasonable investment back to the expectations of the person's property, and the government causes a diminution in value as evidenced by a bona fide valid appraisal, then a person may be compensated for that diminution invalid. He stated attorneys for the plaintiffs have said regulations like this that are intended to address ancillary aspects of rentals can create those suits. Whether those are successful will depend on a judge to judge and ultimately on appeal.

City Attorney Mora stated the other concern was are occupancy restrictions enforceable. The challenge with enforceability is an administrative one. One, how does the City authenticate the appropriate occupancy, and second, how does the City determine if there is a violation. There are added concerns about fire safety and the like, but that is for the fire safety element to regulate, and the City Commission and the Pinellas Suncoast Fire and Rescue District have had those discussions.

City Attorney Mora reiterated it is not unlawful to regulate occupancy for short-term vacation rentals.

City Attorney Mora stated in communities where occupancy regulations have been the most successful, those communities have on the front end their own separate vacation rental certificate, not the business tax receipt, but a vacation rental certificate. As a part of obtaining the certificate, the City does a complete inspection of the property, determines how many areas within the property meet the definition of a bedroom, and then allots occupant space based on what their ordinance states per bedroom and then there is a sticker on the door that says this number of occupants based on this many bedrooms. He stated that was a level of resources and administrative concern that the City did not intend to add at that time.

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

City Manager Mims reports on the following issues and projects:

*Perpetual Beach Easements.* The Army Corps of Engineers is requiring on beach renourishment projects (nationwide) a perpetual beach easement from property owners that live along the beach. Approximately a year ago, Pinellas County sent out 181 letters with a detailed legal document asking beachfront property owners to sign the perpetual easement. The purpose of the detailed document was to explain to the property owners that the Corps would not do any beach renourishment project until 100% of the easements

were signed. Out of the 181 easements for Indian Rocks Beach, only 71 easements have been signed and returned to Pinellas County.

City Manager Mims stated the Corps has determined that 100% of the easements are needed before any beach renourishment project could begin. If one person does not sign, the beach renourishment project does not go forward.

City Manager Mims stated, in previous years, all the way back to the 1980's, no one questioned the need for easements.

City Manager Mims stated Pinellas County is trying to go through the U.S. Senator now to pass a bill to exempt Pinellas County from the Corps perpetual easement requirement.

City Manager Mims stated Clearwater Beach and Belleair Beach are the only two cities that have received 100%.

City Manager Mims stated over the next couple of months, Pinellas County said they would meet as many times as the public or elected officials want to meet to address questions and try to clear up whatever issues property owners might have.

City Manager Mims stated if the Corps does not come off their position that 100% of beachfront property owners have to sign these easements, they will not place sand on the beach.

City Manager Mims stated he could not imagine that a two and half mile beach with no sand or very little for the beachfront property owners and non-beachfront property owners and how that is not going to affect property values and other things.

*Gulf Boulevard Undergrounding of Utilities Project.* The new light poles are starting to be installed, and the project should be completed by the end of November/first of December. There will be no holiday decorations from Walsingham Road south because of the construction work.

*FY2021 Budget.* Available on the City's website and went into effect on October 1st.

*Reconstruction of LaHacienda Drive Project.* The project has started.

*Campalong Baseball Field Lighting Project.* The project consists of replacing all the lighting with LED lighting. The City is pursuing two different grants to help fund part or all of this project. Currently, it is funded through the CIP Budget.

*Beach Toy Boxes.* The Take-A-Toy Leave-A-Toy Boxes encourage families to reuse beach toys and, at the same time, assist in keeping the beach clean. IRB Greentown Kids have partnered with the City to monitor the boxes and interact with the public on the importance of reuse and keeping the beach clean. The public is encouraged to donate clean, slightly



used beach toys as part of this effort. Beach Toy boxes are located at the 4th, 8th, 17th, 22nd, 24th, and 27th IRB Beach Accesses.

*IRB Hallowfest.* Has been canceled due to COVID-19.

*IRB Greentown Kids Pumpkin Patch Drive-Thru.* On Thursday, October 15th, from 5:00 p.m. to 7:00 p.m., the City and the IRB Greentown Kids will host a "Pumpkin Patch Drive-thru" for residents and their children at City Hall, to take home a free pumpkin and a treat for the kids.

*Citywide Garage Sale.* Weekend of November 21-22, 2020.

*Pinellas County Gulf Boulevard Pedestrian Study.* Stated, in response to an email, that Gulf Boulevard is a County road, and it depends on the County's schedule and budget. Pinellas County has completed the pedestrian crosswalk markings on the east side of Gulf Boulevard and will also do the west side. As far as implementing the rest of the plan, Pinellas County will not close up the three existing pedestrian island crosswalks/medians and build the eight new crosswalks until Gulf Boulevard is resurfaced.

*November 10, 2020 City Commission Meeting.* The following ordinances are scheduled for the November 10, 2020 City Commission Meeting, for first reading: (1) On-street parking, (2) Parking fines, (3) No trace (items left on the beach), and (4) Park hours.

*Florida County & City Managers Association Presentation.* During the November 10, 2020 City Commission Meeting, the FCCMA will be recognizing the City on its 50th Anniversary of the Commission/Manager form of government.

Commissioner McCall asked who are receiving the informational postcards.

City Manager Mims replied the postcards are sent out to homes of registered voters.

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

#### **COMMISSIONER FLAGG**

- Stated she would like to coordinate an in-house meeting regarding the perpetual beach easements.

#### **COMMISSIONER HOOFNAGLE**

- Stated Pinellas County will never receive 100% on the perpetual beach easements. He has had some conversations with some of the holdouts, and they will not sign the easements.
- COVID-19 has placed a challenge on the City Commission and City staff to continue enhancing ordinances, and he thinks staff has done a great job despite some of the feedback discussed this evening. He has received a large amount of correspondence from the public concerning parking. He is glad that the message

got out, and he is glad the public has had a chance to comment. He thinks it is constructive as the City Commission discusses and passes the parking ordinance.

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

- Stated she wants to find out who exactly wrote the perpetual easements from the Corps, and even Pinellas County did not know who wrote the easements. She stated she talked with Steven Cary, District Director, Congressman Crist Office, and advised him of the dilemma with the beach easements. Congressman Crist has agreed to talk to the Corps about the easement that seems to be the problem for the property owners who do not want to sign the easement. She reiterated this is out of the City's hands. This is in the hands of the County, State, and Federal government.

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

5. **CONSENT AGENDA:**

- A. **CONFIRMING ACTION** taken during the September 17, 2020 Special City Commission Meeting.
- B. **APPROVAL** of the September 3, 2020 Special City Commission Meeting Minutes.
- C. **APPROVAL** of the September 8, 2020 Regular City Commission Meeting Minutes.
- D. **APPROVAL** of the September 17, 2020 Special City Commission Meeting minutes.
- E. **AUTHORIZING** the City Manager to enter into a Contract for Audit Services with MSL, P.A., for Fiscal Years Ending September 2021 through 2025.

City Attorney Mora read the Consent Agenda, consisting of Agenda Items 5A through 5B, by title only.

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

6. **PUBLIC HEARINGS:** None.

7A. **ORDINANCE NO. 2020-04 — FIRST READING.**

**An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 15 – Schedule of Fees, Article III – Planning/Zoning/Land Use, Section 15-21 – Site Development Plan Review Fees, Distinguishing Fees based on commercial, multifamily, or single family properties, including engineers as consultants to be paid by applicant if required; providing for legislative findings, and providing for an effective date hereof.**

*(Beginning of Staffing Report)*

**BACKGROUND:**

The City of Indian Rocks Beach currently determines the schedule of fees for site development plan review in Section 15-21 of the Code of Ordinances of the City of Indian Rocks Beach.

The fees associated with reviewing site plans vary based on the size and use of the property, which is not currently reflected in the City Code.

The City Commission desires to distinguish the site review fees depending on the use of the property, be it multi-family, commercial, or single-family.

The costs associated with engineering consultants are better attributed to the applicant.

**ANALYSIS:**

Amendments to Section 15-21, Site development plan review fees are as follows:

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

- (1) Initial site development plan review for multifamily or commercial property. ~~\$800.00~~ \$1,000.00
- (2) Initial site development plan review for single family property ..... \$500.00
- (23) Subsequent submittals to initial site development plan review ..... 400.00
- (34) Site development plan amendment ..... 400.00
- (45) Lot line adjustment (dividing an existing lot into two conforming lots) ..... 200.00
- (56) Violation of the approved site development plan, conditions of approval, or installation of improvements, clearing, or other land alteration not depicted on or otherwise authorized as part of the approved plan, per violation ..... 2,400.00
- (67) When legal counsel ~~and/or an engineering consultant~~ are required by the city, actual cost of legal and consulting fees shall be paid by the applicant within 30 days after final site plan approval or prior to the issuance building permits.

*(End of Staffing Report)*

City Attorney Mora read Ordinance No. 2020-04, for first reading, by title only.

City Manager Mims presented the item, and reviewed the staffing report. He stated with this amendment, it clarifies that there is one fee for commercial and one fee for residential.

There were no public or City Commission comments.

**MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2020-04, ON FIRST READING, AMENDING CHAPTER 15 – SCHEDULE OF FEES, ARTICLE III – PLANNING/ZONING/LAND USE, SECTION 15-21 – SITE DEVELOPMENT PLAN REVIEW FEES, DISTINGUISHING FEES BASED ON COMMERCIAL, MULTIFAMILY, OR SINGLE FAMILY PROPERTIES, INCLUDING ENGINEERS AS CONSULTANTS TO BE PAID BY APPLICANT IF REQUIRED; PROVIDING FOR LEGISLATIVE FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**ROLL CALL VOTE:**

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

**NAYS: NONE**

**MOTION CARRIES UNANIMOUSLY.**

**7B. ORDINANCE NO. 2020-05 — FIRST READING.**

**An Ordinance of the City of Indian Rocks Beach, Florida, repealing § 74-1 of the Code of Ordinances concerning the prohibition of certain fishing activities; making related findings; and providing for codification, severability, and an effective date.**

*(Beginning of Staffing Report)*

**BACKGROUND:**

Section 74-1 of the Indian Rocks Beach Code of Ordinances (the Code) has, for at least four decades, prohibited shark or spear fishing within 1,000 feet of the beach, and surf fishing on the beach in close proximity to swimmers.

In 1973, Florida Statutes § 379.2412 was created to “expressly reserve to the state” the power to regulate taking or attempting to take saltwater fish, with the exception that a local government may prohibit saltwater fishing from real property owned by it, for reasons of protecting the public health, safety, or welfare.

Since 1998, § 9 of Article IV of the Florida Constitution consolidated regulatory and executive authority over marine life within the Florida Fish and Wildlife Conservation Commission (FWCC), subject to complimentary legislative enactments by general law on the subject of hunting and fishing.

In *Bell v. Vaughn*, 155 Fla. 551, 21 So.2d 31 (1945), the Florida Supreme Court held that even under the State’s predecessor Constitution, a municipal ordinance regulating fishing within city limits were preempted by state authority over that activity.

The City desires to ensure that its Code does not contain provisions which have been preempted to the State or are otherwise unenforceable due to state law; and

## ANALYSIS:

Staff is recommending repealing Section 74-1 of Article I of Chapter 74 (Waterways) of the Indian Rocks Beach Code of Ordinances in its entirety.

### ~~Sec. 74-1. Fishing on or near beach. Reserved.~~

~~(a) Shark fishing. Shark fishing is prohibited on and within 1,000 feet of the beach. Shark fishing is permitted beyond 1,000 feet from the beach between sunset and sunrise.~~

~~(b) Surf fishing. Surf fishing is prohibited upon any beach within the corporate limits of the city in close proximity to swimmers.~~

~~(c) Spear fishing. Spear fishing is prohibited upon any beach within the corporate limits of the city or within 1,000 feet of any beach within the city.~~

~~(Code 1980, § 4-15; Code 1989, § 11-53)~~

*(Ending of Staffing Report)*

City Attorney Mora read Ordinance No. 2020-05, for first reading, by title only.

City Attorney Mora stated that while the City has been aware of this more generally for some time now, it is often prudent to bring the City Code into conformity with Florida Statutes. The City has not been citing anybody for violations for these issues, such as shark fishing, for some time now. In part because Florida Statutes states those waters are not city waters, and, therefore, beyond the City's jurisdiction to regulate the activities that take place in the water. So with that, this ordinance proposes to remove those for two reasons: (1) to align them with Florida Statutes, and (2) not to give the false impression to residents or visitors that the City will be enforcing something that it cannot.

Commissioner Hoofnagle asked if someone has asked the City to remove this from the City Code or is the City being proactive.

City Attorney Mora stated the City has not cited anyone under this section of the City Code and then been challenged in the course of proceedings. The City has had residents come forward and ask why this is in the City Code, and it should not be in the City Code based on Florida Statutes.

City Attorney Mora stated there have been incidents in the past where residents have made complaints of certain activities. He advised the City Manager of what is and is not the City's enforcement capacity. He stated the City has chosen within prosecutorial discretion not to pursue such matters. Rather than put management in that kind of difficult position having something in the City Code that cannot be enforced, the prudent measure going forward was to remove the language.

Mayor-Commissioner Kennedy stated this is another pre-exemption from the State that has taken the City's ability to govern the City in how the City Commission sees fit. In this case, it is shark fishing.

City Attorney Mora stated that just so the City Commission is clear, this is not something that has come down in the last couple of sessions, and stated this also has to do with regulating activities in the salt waters beyond the cities' beaches.

Mayor-Commissioner Kennedy opened the public comment session for this agenda item.

**Jim Labadie, 316-10<sup>th</sup> Avenue**, stated he understands that the State is saying that the City cannot regulate shark fishing from the shore, and asked if a commercial fisherman sets up on the beach, can the City shut them down.

City Manager Mims responded that the City does have the right to shut down a commercial business on the beach and stated the City has an ordinance that deals with commercial activity on the beach.

City Clerk O'Reilly stated Ana Ponce DeLeon, a student from St. Petersburg College, submitted an email, providing her recommendation and explaining why she would like the City Commission to deny Ordinance No. 2020-05.

Mayor-Commissioner Kennedy closed the public comment session.

Commissioner Hoofnagle stated this is another assault on the City's home rule capabilities. He would rather send a letter to the State that this kind of activity would result in taxing the City's first responders. If this causes an injury, it affects the City's local ability to manage first response. He thinks the State should rescind it. He is not inclined to support it. It has been here for a long time. He does not think it is a good idea that the City give in to State overreach without pushing back to protect the City's rights.

Vice Mayor-Commissioner Hanna stated when he was on the Beach Management Committee, the Committee had discussions about fishing from the beach. The one thing that the Committee was concerned about was safety with swimmers and fishermen being in the same area. He still stands by that, and he feels that safety, especially when there is a commingling of recreational people and fishermen, can present a danger. The Committee discussed having a separate area where fishermen could go, and then came the argument of who was there first.

Commissioner McCall stated he does agree with Commissioner Hoofnagle and Vice Mayor-Commissioner Hanna on the home rule aspect. However, when he walks the beach in the mornings, he sees anywhere from 5 to 10 citizens line fishing, which is a great past time for this City. He has not heard of any shark attacks or hook issues, but honestly, that is one of the great past times of IRB.



Commissioner Flagg stated there is a distinction between shark fishing and residents doing everyday fishing. When she sees some of the sharks they bring in, she would not want her grandchildren swimming when they are shark fishing. If there is some way, the City can relate to the State to protect the swimmers from fishers. Fishing is no problem, but if a person is going to shark fish right off the beach in chum waters, she would like to see if this could be stopped if at all possible.

Commissioner McCall stated the State does prohibit chumming off the beach's shores, so that should not be an issue. If there are violations, they should be addressed through State law enforcement (FWC - Florida Fish & Wildlife Conversation).

Commissioner Hoofnagle stated he does not think that this prohibits the type of fishing that Commissioner McCall spoke of. If the only thing that could be contentious is the close proximity to swimmers, he thinks people would work that out throughout time. His issue is more of a ceding to the State without pushing back a little bit.

City Manager Mims stated a resident came to a City Commission Meeting and put the City on notice that Section 74-1 was not in compliance with Florida Statutes. That is why it is being repealed, plus the City cannot enforce that Code Section.

City Manager Mims stated as a separate item, the City could address home rule aggressively with the Pinellas County Legislative Delegation.

City Attorney Mora stated home rule is about regulating the land that is the City of Indian Rocks Beach. It is a long-held legal principle that the coastal waters are not part of the City. As the City Commission is talking about regulating 1,000 feet off the beach, the City Commission is no longer talking about the City, and it is outside of the City's home rule power. He stated the City Commission is talking about a Code provision that extends the City Commission's authority beyond its actual boundaries.

***MOTION MADE COMMISSIONER MCCALL, SECONDED BY COMMISSIONER FLAGG, TO APPROVE ORDINANCE NO 2020-05, ON FIRST READING, REPEALING § 74-1 OF THE CODE OF ORDINANCES CONCERNING THE PROHIBITION OF CERTAIN FISHING ACTIVITIES; MAKING RELATED FINDINGS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.***

Commissioner Flagg stated she would still like to pursue talking to the Pinellas County Legislative Delegation on the health and safety of people fishing on the shoreline next to swimmers.

***ROLL CALL VOTE:***

***AYES: HANNA, FLAGG, MCCALL, KENNEDY***

***NAYS: HOOFNAGLE***

***MOTION CARRIED BY A VOTE OF 4 TO 1.***

**7C. ORDINANCE NO. 2020-06 — FIRST READING.**

**An Ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 62 – Traffic and Vehicles, Article III – Operation of Golf Carts, Section 62-40 – Golf Carts; amending the title of the section to include low-speed vehicles and micromobility devices; amending the section to align it with State Statutes; providing definitions for terms to be used in the section; providing for regulation of golf carts and low-speed vehicle operation on sidewalks; providing for the prohibition of micromobility scooters; providing for legislative findings, and providing for an effective date hereof.**

*[Beginning of Staffing Report]*

The City Commission asked for a review and analysis of current Florida statutory restrictions and regulatory limits regarding golf carts. As to better understand and analyze the issues raised by this inquiry, this memorandum also analyzes municipal authority relative to low-speed vehicles (LSV), micromobility scooters (MM), and other alternative transportation.

**I. EXECUTIVE SUMMARY**

As detailed below, this seemingly easy inquiry is complicated by the patchwork tapestry of statutes used to regulate and make fine distinctions which are socially treated as being functionally the same.

Golf carts are motorized four-wheeled vehicles with a maximum speed of 20 miles per hour do not require insurance and do not require a driver's license.

Low-speed vehicles are four-wheeled vehicles, which in some cases resemble golf carts, but are capable of a maximum speed of 25 mph, require insurance and registration, and require the operator to have a driver's license.

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

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

**II. GOLF CARTS.**

Golf Carts are motorized four-wheeled vehicles with a maximum speed of 20 miles per hour that are allowed to travel on certain roads with a posted speed limit of 30 miles per hour or less. By statute, golf cart operators must be at least 14 years old, but are not

required to be registered or insured. State statute and the Florida Attorney General opinions hold that while municipalities may regulate some golf cart operations, these regulations may only apply to unlicensed drivers. Further, as there is no requirement that a golf cart operator has a driver's license, a municipality may not enact an ordinance that requires a driver's license to operate a golf cart or even a seat belt.

## **A. FLORIDA STATUTES**

Florida Statute defines golf cart as “[a] motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.” [§316.003(26), F.S.] Another section of Florida Statutes also define golf carts as “[a] motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational and that is not capable of exceeding speeds of 20 MPH.” [§320.01(22), F.S.]

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

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

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

Violations of § 316.212, F.S. (golf cart operating Florida Statute) are considered noncriminal traffic infractions punishable as a moving violation. [§ 316.212(9)]. Violations of golf cart ordinances enacted to § 316.212, F.S., are also punishable by local ordinance.

## **B. PERSUASIVE AUTHORITY: ATTORNEY GENERAL OPINIONS**

Attorney General opinions are not binding legal precedent, but can offer valuable insight into how the executive branch of the state has interpreted the enforcement of various statutory provisions.

In Florida Attorney General Opinion 2016-07, the Attorney General's office responded to a series of inquiries on behalf of the City of Winter Garden. The Attorney General opined on several issues regarding the operation of golf carts within a municipality. Among other things, the Attorney General has held that a municipality may not prohibit the operation of a golf cart by an unlicensed driver. AGO 16-07.

As explained in AGO 16-07, § 316.212, F.S., previously had language that authorized local governments to enact more restrictive golf cart equipment and operation regulations than state law provides. However, during the 2005 Florida Legislative Session, House Bill 1697 (2005) was amended on the floor to add the term, "must apply only to an unlicensed driver." This limiting language was added on the floor without debate. Without much legislative history, the plain language of the amended statute indicates that any regulations imposed by municipal ordinance on the operation or equipping of a golf cart on municipal streets is limited to unlicensed drivers operating golf carts. AGO 16-07.

AGO 16-07 further interprets § 316.212, F.S., by opining that state statute clearly authorizes unlicensed drivers to operate golf carts pursuant to § 322.04, F.S., and therefore, precludes a municipality from enacting an ordinance prohibiting the operation of golf carts by an unlicensed driver.

The Attorney General Opinion does state that a person with a suspended or revoked driver's license would be considered an unlicensed driver under Florida Statute. AGO 06-17, and therefore, able to lawfully operate a golf cart.

In Attorney General Opinion 2003-58, the Attorney General's office responded to an inquiry from the City of Cedar Key regarding equipment and operation of golf carts on municipal streets. The Attorney General opined that the City could not require additional safety equipment, or require mandatory inspection of golf carts. AGO 03-58. The opinion further clarifies that municipalities are preempted from requiring a licensed adult to accompany operators under the age of 16, or from enacting more restrictive age or licensure requirements. AGO 03-58.

### **C. CITY CODE PROVISIONS**

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

The City Code also requires that golf cart operators must possess a valid driver's license. [Sec. 62-40(2) of the Code of Ordinances]. This section is preempted by Florida Statutes and likely unenforceable as noted above. AGO 16-07 in conjunction with § 316.212, F.S. would prohibit the City from requiring driver's licenses or raising the

minimum age of golf cart operators. It would be advisable to amend this section of the City Code in light of statutory language and secondary legal authority.

### **III. LOW-SPEED VEHICLES**

Low-Speed Vehicles are motorized four-wheeled vehicles with a maximum speed of 25 miles per hour that can often look very similar to golf carts. Low-speed vehicles require a driver's license to operate, must be registered and insured, and may only operate on streets with a posted speed limit of 35 mph or less (and therefore not on sidewalks). Municipalities currently have the authority to prohibit operation of low-speed vehicles on any road under their jurisdiction.

#### **A. FLORIDA STATUTE**

Florida Statute defines a low-speed vehicle as "any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 (federal safety standards) and § 316.2122 F.S." [§ 320.01(41), F.S.]

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

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

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

As § 316.2122, F.S., only authorizes the operation of low-speed vehicles on certain public roads, low-speed vehicles are not permitted to operate on sidewalks. The Florida Department of Highway Safety and Motor Vehicles also permits the conversion of golf carts to low-speed vehicles by allowing golf cart owners to modify their golf carts to comply with low-speed vehicle statute restrictions.

## **B. ADDITIONAL LEGAL AUTHORITY**

While there have been no AGOs interpreting the low-speed vehicle statute, one Appellate Decision from the Eleventh Circuit has stated that, under Florida law, low-speed vehicles are not “cars” for purposes of automobile insurance. In *State Farm Mut. Auto. Ins. Co. v. Baldassini*, 545 Fed. Appx. 842 (11th Cir. 2013), an insurer brought action seeking declaration that an automobile policy did not cover accidents that occurred while the insured’s daughter was operating an low-speed vehicle. The Eleventh Circuit held that, under Florida law, low-speed vehicles (and four-wheel electric vehicles) are not designed for main use on public roads and thus did not fall within the definition of “car” covered by insured’s automobile insurance policy.

## **C. CITY CODE PROVISIONS**

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

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

## **IV. ALTERNATIVE TRANSPORTATION**

### **A. MICROMOBILITY DEVICES & MOTORIZED SCOOTERS**

The 2019 Florida Legislature passed House Bill 453 (2019) which was a comprehensive bill related to micromobility devices (“MM”) and motorized scooters. Once signed into law, HB 453 created Chapter 2019-109, Laws of Florida, which amended various sections of Chapter 316, Florida Statutes, (the Florida State Uniform Traffic Control laws) that deal with micromobility devices and scooters.

Micromobility devices are defined as: “any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.” [§ 316.003(38), F.S.]

Section 316.003(45), F.S. By comparison, the statutory definition of a “motorized scooter,” includes micromobility devices within its scope, encompassing: “[a]ny vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.”

HB 453 also amended § 316.2128, F.S., which is now titled “micromobility devices, motorized scooters, and miniature motorcycles, requirements.” Section 316.2128, F.S. that micromobility devices and scooter operators have all the rights and duties of bicycle riders except those found in § 316.2128(1), F.S. (child safety restraint requirements). Further, local governments are expressly authorized to adopt ordinances governing the operation of micromobility devices and motorized scooters on, “streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction.” [§ 316.2128(1), F.S.]

Similar to golf carts, micromobility devices and scooters are not required to be registered or insured. [§ 316.2128(2), F.S.] Operators of micromobility devices and scooters are not required to have a driver’s license.

The First District Court of Appeal recently issued an opinion regarding micromobility devices in Panama City Beach, holding that a City may prohibit the daily rental of micromobility devices without outright banning all micromobility devices. In *Classy Cycles, Inc. v. Panama City Beach*, 44 Fla. L. Weekly D2729 (Fla. 1st DCA Nov. 13, 2019), a motorized scooter vendor brought action against the City, challenging the validity of the City’s ordinances which prohibited motorized scooter rentals. The Circuit Court granted summary judgment in favor of city and the vendor appealed. The First District affirmed the lower court’s ruling holding that the municipal ordinances which prohibited night rentals of motorized scooters, and which imposed a general prohibition against all motorized scooter rentals after a certain date, were not arbitrary or unreasonable for only prohibiting rental rather than operation of scooters, and therefore the ordinances were valid pursuant to rational basis analysis. Id.

The City Code does not presently define, regulate, or prohibit micromobility devices or scooters. It may be advisable for the City to address micromobility devices or scooters, whether generally or in the daily rental scheme.

## **B. MOTOR ASSISTED BIKES & ELECTRIC BICYCLES**

Currently, electric bicycles (“e-bikes”) fall under the statutory definition of a bicycle. Florida Statutes defines a bicycle as: “[e]very vehicle propelled solely by human power, and

every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels."

Recently, the 2020 Florida Legislature passed House Bill 971 related to Electric Bicycles. HB 971 separately defines e-bikes as a "bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts." If signed into law, HB 971 would create regulations governing the operation of e-bikes and provide that an e-bike or an operator of an e-bike must be afforded all the rights and privileges of a bicycle. The bill authorizes an e-bike to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, and bicycle lanes. However, local governments are authorized to regulate the operation of e-bikes on the prescribed areas. The bill is now awaiting the Governor's signature. Its effective date, if signed, is October 1, 2020.

## V. CONCLUSION

While golf carts and low-speed vehicles are similar in look and design, state statute treats them distinctly and municipal authority over each is varied. Municipalities are limited in their ability to regulate golf cart operation, as they can only regulate unlicensed drivers and may not require anything further than statute permits. Municipalities are empowered to regulate and prohibit low-speed vehicles and micromobility devices. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable. The City Code is currently silent as to low-speed vehicles and micromobility devices, but the City does have authority to prohibit low-speed vehicles and micromobility devices, or regulate them within the confines of Florida Statutes.

*[End of Staffing Report]*

## PROPOSED ORDINANCE AMENDMENTS:

The following amendments are recommended to Section 62-40, Golf carts, low-speed vehicles, and micromobility devices.

### **Sec. 62-40. Golf carts, low-speed vehicles, and micromobility devices.**

Golf carts and low-speed vehicles ~~equipped in the manner prescribed by as defined in this section~~ may travel on or cross the public roads or streets within the ~~geographic boundaries~~ designated areas described in this section, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts ~~and low-speed vehicles~~ is ~~are~~ hereby permitted in the City with the stipulations to include the following provisions:



(1) ~~Required equipment. A golf cart shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, a rearview mirror, a windshield, and standard hip restraints for all passengers.~~ Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) Golf cart shall mean a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreation purposes, and that is not capable of exceeding 20 miles per hour and that may only be operated on designated roadways with a posted speed limit of 30 miles per hour or less.

(b) Low-speed vehicle shall mean any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles and must comply with federal safety standards as found in 49 C.F.R. s. 571.500. Low-speed vehicles may only be operated on designated roadways with a posted speed limit of 35 miles per hour or less, must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking breaks, rearview mirrors, windshields, seat belts, vehicle identification numbers, and must be registered and insured with in accordance with § 320.02, Florida Statutes, and titled pursuant to Chapter 319, Florida Statutes.

(c) Micromobility device shall mean any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground.

(2) ~~Golf cart and low-speed vehicle operators. The golf cart operators must possess a valid driver's license pursuant to F.S. § 322.03. Any person operating a golf cart within the jurisdictional boundaries of the City must be at least 14 years old. Any person operating a low-speed vehicle within the jurisdictional boundaries of the City must have in his or her possession a valid driver's license.~~

(3) *Designated areas.* The "designated areas" encompassed by this authorization are the municipal streets of the city and the following Gulf Boulevard intersections:

- 8th Avenue
- 12th Avenue
- 15th Avenue
- 16th Avenue
- 17th Avenue
- 18th Avenue
- 19th Avenue
- 20th Avenue
- 21st Avenue
- 22nd Avenue
- 23rd Avenue

24th Avenue  
25th Avenue  
26th Avenue  
27th Avenue

Legally conforming golf carts and low-speed vehicles may traverse the above intersections as described in the designated areas, but may not travel north or south on or alongside Gulf Boulevard.

(4) ~~*Golf cart defined.* The golf carts authorized for use are incapable of exceeding 20 miles per hour.~~ *Sidewalks.* Golf carts and low-speed vehicles may not be operated on any sidewalks with the jurisdictional boundaries of the city.

(5) ~~*Hours of operation.* Golf carts may only be operated during the hours between the sunset and sunrise and sunset well as during daylight hours~~ in the designated areas only. Golf carts may be operated after sunset if the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) *Penalties.* Violations of this article shall be enforced pursuant to or otherwise consistent with the provisions of F.S. § 316.212, F.S. § 322.03, and City ordinances by a law enforcement officer or city code enforcement officer as such officer's legal authority and jurisdiction allows. Code enforcement officers shall have the right to enforce all matters having to do with golf cart required equipment, the streets upon which golf carts may be operated, and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers.

(7) *Territory embraced.* This section shall apply only to the designated municipal-owned streets and Gulf Boulevard intersections identified in subsection 62-40(3) within the territorial jurisdiction of the city.

(8) *Pinellas County approval.* The city shall obtain the advance approval of Pinellas County for all golf cart crossings on Gulf Boulevard under county jurisdiction and any related traffic control devices needed for safety purposes. No golf cart travel shall be allowed along Gulf Boulevard.

(9) *Prohibition on micromobility devices.* Micromobility devices may not be operated on streets, sidewalks, or sidewalk areas within the jurisdictional boundaries of the city.

City Attorney Mora read Ordinance No. 2020-06 by title only.

City Attorney Mora introduced the agenda item and reviewed his Staffing Report.

City Attorney Mora reviewed the definitions of golf carts and low-speed vehicles, safety standards, and regulations, according to Florida Statutes.

City Attorney Mora stated he has received some feedback and stated in the current draft it states: "Legally conforming golf carts and low-speed vehicles may traverse the above intersections as described in the designated areas, but may not travel north or south on or alongside Gulf Boulevard." As this ordinance was drafted, he stated it was drafted in a more restrictive manner that included the prohibition of low-speed vehicles on Gulf Boulevard. By Florida Statutes, low-speed vehicles could operate on Gulf Boulevard; however, by that same Florida Statute, if a municipality decides a street within its jurisdiction should not have them operate if they pose safety concerns, then it can make that restriction. Presently in the draft, golf carts and low-speed vehicles are not allowed to go north and south on Gulf Boulevard. This is a policy decision and could be changed by the City Commission.

City Attorney Mora stated this ordinance also addresses micromobility scooters, which is a term of art and is specifically defined. Micromobility scooters under Florida Statute are scooters that are part of a peer-to-peer platform registering. They are motorized transportation devices made available for private use by reservation through an "online" application, website, or software for point-to-point trips and which are not capable of traveling at a speed greater than 20 miles per hour on level ground.

Commissioner McCall inquired about regulations on motorized bicycles because they are starting to become more and more popular in the community.

City Attorney Mora stated he does not have the details on motorized bicycles, which was not part of this ordinance.

Commissioner McCall stated he has no problem with having low-speed vehicles on Gulf Boulevard because they reduce the number of cars on Gulf Boulevard and are good peplemovers.

Commissioner McCall asked why there are no Gulf Boulevard intersection crossings for golf carts after 8th Avenue.

City Clerk O'Reilly stated the City would need to obtain State approval for golf cart crossings on Gulf Boulevard. She stated Gulf Boulevard from Walsingham Road south is under State jurisdiction.

Commissioner Hoofnagle stated he is not clear on e-bicycles. The City Attorney's memo states that e-bicycles have to be afforded the opportunity to operate where bicycles are allowed. Then the next sentence states that local governments are authorized to regulate the operation on the prescribed areas. This issue that was brought before the City Commission was the operation of high-speed e-bicycles on the sand and the danger they pose to beach pedestrians, the fishermen, and other things. So, he is not clear from the memo if the City Commission would be able to address the operation of e-bicycles on the beach or not.

City Attorney Mora advised the City Commission that the Governor signed the Florida Statutes reference in June 2020. He is presently reading the enrolled text to make sure that it stays in a form that aligns with his memorandum references. His recollection of the ordinance before the City Commission addresses golf carts, low-speed vehicles, and micromobility devices, but it does not specifically address electric bicycles.

City Attorney Mora stated as e-bicycles were raised as a concern by the City Commission, but there was no discussion from the City Commission about further restricting their operation.

Commissioner Hoofnagle stated to be clear, the City Commission was not sure they could restrict e-bicycles on the beach.

Commissioner Hoofnagle inquired if the operation of low-speed vehicles along Gulf Boulevard north and south, is within the City's jurisdiction or not.

City Attorney Mora stated the statutory language reads as follows: "A county or municipality may prohibit the operation of low-speed vehicles or mini-trucks on any road under its jurisdiction if the government body of the county or municipality determines that such prohibition is necessary for the interest of safety."

City Attorney Mora stated Gulf Boulevard is within the City's corporation jurisdiction, whether it is under its jurisdiction as the City Commission has heard. As often as the City has encountered, the City cannot unilaterally do things on Gulf Boulevard, such as signs and the like. He stated that the issue is debatable as to how it is written. If the City means it to say that it is a road that is maintained, controlled, and inspected by the City, it is not. If jurisdiction is interpreted to mean within the City and within the area the City regulates, it is within the City.

Commissioner Hoofnagle inquired today, are low-speed vehicles allowed to go north and south on Gulf Boulevard.

City Attorney Mora responded yes; low-speed vehicles can go north and south on Gulf Boulevard.

Commissioner Hoofnagle asked if this proposed ordinance prohibits low-speed vehicles from traveling north and south on Gulf Boulevard.

City Attorney Mora stated the proposed ordinance includes language restricting low-speed vehicles from traveling north and south on Gulf Boulevard, which is presently not restricted.

Commissioner Hoofnagle asked the City Attorney if the City Commission gave him the guidance to prohibit low-speed vehicles from traveling north and south on Gulf Boulevard, and was there a consensus of the City Commission regarding the prohibition of low-speed vehicles on Gulf Boulevard traveling north and south.

City Attorney Mora stated he was not given chapter and verse direction on every single restriction in the draft ordinance. He took the consensus that he understood about maximizing safety and eliminating impediments to the flow of traffic on Gulf Boulevard and produce a draft ordinance for the City Commission to work with.

City Manager Mims stated he has no problem allowing low-speed vehicles to travel north and south on Gulf Boulevard.

Commissioner Flagg inquired about e-bicycles.

City Manager Mims stated he had received many calls regarding the growing number of issues with e-bicycles on the beach and stated this is an issue that needs to be addressed; either in this ordinance or in a separate ordinance.

City Attorney Mora stated he would like to prepare a separate ordinance on e-bicycles, so he has ample time to research and prepare the appropriate language.

Vice Mayor-Commissioner Hanna stated only non-motorized bicycles are allowed on the beach.

City Attorney Mora stated an electric bicycle is a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the rider's use, and an electric motor of less than 750 watts.

Mayor-Commissioner Kennedy opened the public session comment for this agenda item.

**Mike Fowler, 102 Marcdale Boulevard**, spoke in support of low-speed vehicles traveling on Gulf Boulevard north and south and requested that the prohibition be removed from the proposed ordinance.

**John Thayer, 1819 Bay Boulevard**, stated low-speed vehicles are not the problem, and they should be allowed to travel north and south on Gulf Boulevard. Golf carts are the problem. They do not obey the laws. They ride up and down on the sidewalks and in the bike lanes on Gulf Boulevard. People drive reckless on the golf carts and abuse the laws. He stated that more enforcement is needed with golf carts, or golf carts should not be allowed in Indian Rocks Beach if they keep disobeying the rules and regulations.

**Phil Wrobel, 112-13<sup>th</sup> Avenue**, stated golf carts were traveling on the sidewalks and in the bike lanes on Gulf Boulevard and stated the problem he sees is lack of enforcement. He stated he is surprised that a motorized vehicle is allowed on the beach, such as an e-bicycle, and he cannot believe Florida Statutes do not address motorized vehicles on beaches.

**Todd Plumlee, 417-1<sup>st</sup> Street**, stated low-speed vehicles are safer than golf carts, and he supports low-speed vehicles traveling north and south on Gulf Boulevard.

**James Mills, 814-1<sup>st</sup> Street**, stated that he is an owner of a low-speed vehicle. He and his wife enjoy going up and down Gulf Boulevard, visiting the restaurants and the beach. He believes that low-speed vehicles help with the City's parking issues. He supports low-speed vehicles traveling north and south on Gulf Boulevard. He believes that low-speed vehicles make the community feel "homey." There are not just cars going everywhere. He does have a problem when he sees six and eight people hanging off a golf cart.

**Beth Fynn, 914 Harbour House Drive**, thanked the City Commission for putting together this ordinance on golf carts. However, she still has a concern with the vacation rentals that have golf carts for renters. She is a big proponent of low-speed vehicles.

Mayor-Commissioner Kennedy closed the public comment session.

***MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2020-06, ON FIRST READING, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE III – OPERATION OF GOLF CARTS, SECTION 62-40 – GOLF CARTS; AMENDING THE TITLE OF THE SECTION TO INCLUDE LOW-SPEED VEHICLES AND MICROMOBILITY DEVICES; AMENDING THE SECTION TO ALIGN IT WITH STATE STATUTES; PROVIDING DEFINITIONS FOR TERMS TO BE USED IN THE SECTION; PROVIDING FOR REGULATION OF GOLF CARTS AND LOW-SPEED VEHICLE OPERATION ON SIDEWALKS; PROVIDING FOR THE PROHIBITION OF MICROMOBILITY SCOOTERS; PROVIDING FOR LEGISLATIVE FINDINGS, AND DELETING THE WORDS “AND LOW-SPEED VEHICLES” FROM SECTION 62-40(3).***

**ROLL CALL VOTES:**

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

**NAYS: NONE**

**MOTION CARRIED UNANIMOUSLY.**

**CONSENSUS OF THE CITY COMMISSION FOR THE CITY ATTORNEY TO PREPARE A DRAFT ORDINANCE PROHIBITION E-BICYCLES ON THE BEACH.**

**8. WORK SESSION ITEMS [DISCUSSION ONLY]:** None.

**9. OTHER BUSINESS.**

**Phil Wrobel 112-13<sup>th</sup> Avenue**, stated due to COVID-19, will the City have speakers outside broadcasting the November 10, 2020 City Commission Meeting.

City Manager Mims stated if the CDC COVID guidelines are still in place, the November 10, 2020 City Commission Meeting will be in-person and on ZOOM.

**10. ADJOURNMENT.**

November 10, 2020  
Date Approved

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

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

/DOR

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

**RESOLUTION NO. 2020-10  
March 9, 2021  
Municipal General Election**



**STAFFING REPORT  
INDIAN ROCKS BEACH CITY COMMISSION**

**MEETING OF:** November 10, 2020 **AGENDA ITEM:** 5B

**SUBMITTED AND:**

**RECOMMENDED BY:**

Deanne B. O'Reilly, MMC, City Clerk 

**APPROVED BY:**

Brently Gregg Mims, City Manager 

**SUBJECT:**

**RESOLUTION NO. 2020-10.** Calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of two Commissioner Seats for two-year terms and entering into a contract with the Pinellas County Supervisor of Elections for the **MARCH 9, 2021 MUNICIPAL GENERAL ELECTION.**

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**BACKGROUND:**

The City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106.

Pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections.

The City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their Municipal General Election to be held on March 9, 2021.

The Pinellas County Supervisor of Elections has agreed to providing such assistance to the City subject to conditions, considerations, and agreements.

The Pinellas County Supervisor of Elections advised that final ballot language for the March 9, 2021 Ballot is due on or before January 8, 2021.

Pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election [December 23, 2020], the City Clerk shall transmit to the Pinellas County Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

***CANDIDATE QUALIFYING WILL BEGIN MONDAY, DECEMBER 7, 2020 AT NOON, AND WILL END MONDAY, DECEMBER 14, 2020 AT NOON.***

The outcome of the election for the Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

The Pinellas County Canvassing Board, will conduct the Logic and Accuracy Tests, open and prepare absentee/mailed ballots for tabulation and tabulate all ballots for the March 9, 2021 General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

The City Manager is authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Elections Service Center.

The Pinellas County Supervisor of Elections shall be responsible for appointing all poll workers.

Election tabulation will take place at the Elections Service Center. Election results will be released throughout the night and posted to the Pinellas County Supervisor of Elections' website, [www.votepinellas.com](http://www.votepinellas.com). Only cumulative results will be released on election night. No results will be suppressed. The Elections Office will provide precinct results when the Pinellas County Canvassing Board certifies the official results.

**MOTION:**

**I MOVE TO APPROVE/DENY RESOLUTION NO. 2020-10, CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON MARCH 9, 2021, FOR THE PURPOSE OF ELECTING, AT LARGE, QUALIFIED CANDIDATES TO FILL THE VACANCIES OF THE TWO COMMISSIONER SEATS FOR TWO-YEAR TERMS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS.**

/dor

**CITY OF INDIAN ROCKS BEACH  
RESOLUTION NO. 2020-10**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CALLING FOR A GENERAL ELECTION FOR THE PURPOSE OF ELECTING, AT LARGE, QUALIFIED CANDIDATES TO FILL THE TWO CITY COMMISSIONER SEATS FOR TWO-YEAR TERMS; AUTHORIZING THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS TO APPOINT POLL WORKERS; AUTHORIZING THE ASSIGNMENT OF POLLING PLACE; ESTABLISHING A CANDIDATE QUALIFYING PERIOD; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106; and

**WHEREAS**, pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections; and

**WHEREAS**, the City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their municipal general election to be held on March 9, 2021; and

**WHEREAS**, the Pinellas County Supervisor of Elections has agreed to providing such assistance to the City subject to conditions, considerations, and agreements; and

**WHEREAS**, the Pinellas County Supervisor of Elections advised that final ballot language for the March 9, 2021 Ballot is due on or before January 8, 2021; and

**WHEREAS**, pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election [*December 23, 2020*], the City Clerk shall transmit to the Pinellas County Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, that:**

**Section 1.** The City of Indian Rocks Beach, Florida, Municipal General Election shall be conducted on March 9, 2021, for the purpose of electing, at large, qualified candidates to fill the vacancies of the two City Commissioner Seats for two-year terms.

**Section 2.** The outcome of the election for the two City Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

**Section 3.** Except as otherwise provided by the City Charter and Code of Ordinances, the provisions of the election laws of the State of Florida shall apply to this election.

**Section 4.** The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

**Section 5.** All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

**Section 6.** Candidate Qualifying Period will begin Monday, December 7, 2020 at noon, and will end Monday, December 14, 2020 at noon.

**Section 7.** The Pinellas County Canvassing Board shall conduct the Logic and Accuracy Tests, open and prepare absentee and mail ballots for tabulation, and tabulate all ballots for the March 9, 2021 General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

**Section 8.** The Pinellas County Supervisor of Elections is hereby authorized to appoint poll workers.

**Section 9.** The City Manager shall be authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Pinellas County Supervisor of Elections' Service Center.

**Section 10.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of November, 2020, by the City Commission of the City of Indian Rocks Beach, Florida

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

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

/dor

**AGENDA ITEM NO. 6A  
FIRST READING**

**ORDINANCE NO. 2020-04  
PUBLIC HEARING  
SECOND AND FINAL HEARING**

**Code Section 15-21  
Site Development Plan  
Review Fees**

**STAFFING REPORT  
INDIAN ROCKS BEACH CITY COMMISSION**

**MEETING OF:** November 10, 2020

**AGENDA ITEM:** 6A

**SUBMITTED AND RECOMMENDED BY:** Randy D. Mora, City Attorney  
Deanne Bulino O'Reilly, City Clerk, MMC

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

**SUBJECT:** **ORDINANCE NO. 2020-04 - SECOND/FINAL READING**  
Amendment to Section 15-21, Site Development Plan Review Fees; distinguishing fees based on commercial, multifamily, or single, multifamily, or single family properties, including engineers as consultants to be paid by applicant.

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**BACKGROUND:**

The City of Indian Rocks Beach currently determines the schedule of fees for site development plan review in Section 15-21 of the Code of Ordinances of the City of Indian Rocks Beach.

The fees associated with reviewing site plans vary based on the size and use of the property, which is not currently reflected in the City Code.

The City Commission desires to distinguish the site review fees depending on the use of the property be it multi-family, commercial, or single-family.

The costs associated with engineering consultants are better attributed to the applicant.

On October 13, 2020, the City Commission approved Ordinance No. 2020-04 unanimously.

**LEGAL NOTIFICATION:**

A legal notice was published in the October 28, 2020-edition, of the St. Pete Times Section of the *Tampa Bay Times*, to advertise for a public hearing that has been scheduled on November 10, 2020, for Ordinance No. 2020-04.

**ANALYSIS:**

Amendments to Section 15-21, Site development plan review fees are as follows:

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

- (1) Initial site development plan review for multifamily or commercial property . ~~\$800.00~~ 1,000.00
- (2) Initial site development plan review for single family property . . . . . \$500.00
- (23) Subsequent submittals to initial site development plan review . . . . . 400.00
- (34) Site development plan amendment . . . . . 400.00
- (45) Lot line adjustment (dividing an existing lot into two conforming lots) . . . . . 200.00
- (56) Violation of the approved site development plan, conditions of approval, or installation of improvements, clearing, or other land alteration not depicted on or otherwise authorized as part of the approved plan, per violation . . . . . 2,400.00
- (67) When legal counsel ~~and/or an engineering consultant are~~ required by the city, actual cost of legal and consulting fees shall be paid by the applicant within 30 days after final site plan approval or prior to the issuance building permits.

**MOTION:**

I move to **APPROVE/DENY** Ordinance No. 2020-04 on second and final reading.

/dor

**CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2020-04**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 15 – SCHEDULE OF FEES, ARTICLE III – PLANNING/ZONING/LAND USE, SECTION 15-21 – SITE DEVELOPMENT PLAN REVIEW FEES, DISTINGUISHING FEES BASED ON COMMERCIAL, MULTIFAMILY, OR SINGLE FAMILY PROPERTIES, INCLUDING ENGINEERS AS CONSULTANTS TO BE PAID BY APPLICANT IF REQUIRED; PROVIDING FOR LEGISLATIVE FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City of Indian Rocks Beach currently determines the schedule of fees for site development plan review in Section 15-21 of the Code of Ordinances of the City of Indian Rocks Beach; and

**WHEREAS**, the fees associated with reviewing site plans vary based on the size and use of the property, which is not currently reflected in the City Code; and

**WHEREAS**, the City Commission desires to distinguish the site review fees depending on the use of the property be it multifamily, commercial, or single-family; and

**WHEREAS**, the costs associated with engineering consultants are better attributed to the applicant; and

**WHEREAS**, the City Commission finds this Ordinance benefits public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**Section 1.** Section 15-21 of Article III (Planning/Zoning/Land Use) of Chapter 15 (Schedule of Fees) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

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

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

(1)	Initial site development plan review for multifamily or commercial property .	<del>\$800.00</del> <u>1,000.00</u>
(2)	<u>Initial site development plan review for single family property . . . . .</u>	<u>\$500.00</u>
(23)	Subsequent submittals to initial site development plan review . . . . .	400.00
(34)	Site development plan amendment . . . . .	400.00
(45)	Lot line adjustment (dividing an existing lot into two conforming lots) . . . . .	200.00



- (56) Violation of the approved site development plan, conditions of approval, or installation of improvements, clearing, or other land alteration not depicted on or otherwise authorized as part of the approved plan, per violation . . . . . 2,400.00
- (67) When legal counsel ~~and/or an engineering consultant are~~ required by the city, actual cost of legal and consulting fees shall be paid by the applicant within 30 days after final site plan approval or prior to the issuance building permits.

**Section 2.** For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words underlined represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**ADOPTED ON FIRST READING** on the 13<sup>th</sup> day of October 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**PUBLISHED THE 28<sup>th</sup>** day of October 2020 in the Tampa Bay Times.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_ 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

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

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

Approved as to form:

\_\_\_\_\_  
Randy Mora, City Attorney

RM/dor

**AGENDA ITEM NO. 6B  
PUBLIC HEARING  
SECOND AND FINAL HEARING**

**ORDINANCE NO. 2020-05  
Repealing Section 74-1  
Concerning the prohibition of  
certain fishing activity.**

**STAFFING REPORT  
INDIAN ROCKS BEACH CITY COMMISSION**

**MEETING OF:** November 10, 2020

**AGENDA ITEM:** 6B

**SUBMITTED AND RECOMMENDED BY:** Randy D. Mora, City Attorney  
Deanne Bulino O'Reilly, City Clerk, MMC

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

**SUBJECT:** **ORDINANCE NO. 2020-05—SECOND AND FINAL READING**  
Repealing § 74-1 of the Code of Ordinances concerning the prohibition of certain fishing activities; making related findings.

---

**BACKGROUND:**

Section 74-1 of the Indian Rocks Beach Code of Ordinances (the Code) has, for at least four decades, prohibited shark or spear fishing within 1,000 feet of the beach, and surf fishing on the beach in close proximity to swimmers.

In 1973, Florida Statutes § 379.2412 was created to “expressly reserve to the state” the power to regulate taking or attempting to take saltwater fish, with the exception that a local government may prohibit saltwater fishing from real property owned by it, for reasons of protecting the public health, safety, or welfare.

Since 1998, § 9 of Article IV of the Florida Constitution consolidated regulatory and executive authority over marine life within the Florida Fish and Wildlife Conservation Commission (FWCC), subject to complimentary legislative enactments by general law on the subject of hunting and fishing.

In *Bell v. Vaughn*, 155 Fla. 551, 21 So.2d 31 (1945), the Florida Supreme Court held that even under the State’s predecessor Constitution, a municipal ordinance regulating fishing within city limits were preempted by state authority over that activity.

The City desires to ensure that its Code does not contain provisions which have been preempted to the State or are otherwise unenforceable due to state law.

On October 13, 2020, the City Commission approved Ordinance No. 2020-04 unanimously.

**LEGAL NOTIFICATION:**

A legal notice was published in the October 28, 2020-edition, of the St. Pete Times Section of the *Tampa Bay Times*, to advertise for a public hearing that has been scheduled on November 10, 2020, for Ordinance No. 2020-04.

**ANALYSIS:**

Staff is recommending repealing Section 74-1 of Article I of Chapter 74 (Waterways) of the Indian Rocks Beach Code of Ordinances in its entirety.

**~~Sec. 74-1. Fishing on or near beach. Reserved.~~**

~~(a) Shark fishing. Shark fishing is prohibited on and within 1,000 feet of the beach. Shark fishing is permitted beyond 1,000 feet from the beach between sunset and sunrise.~~

~~(b) Surf fishing. Surf fishing is prohibited upon any beach within the corporate limits of the city in close proximity to swimmers.~~

~~(c) Spear fishing. Spear fishing is prohibited upon any beach within the corporate limits of the city or within 1,000 feet of any beach within the city.~~

(Code 1980, § 4-15; Code 1989, § 11-53)

**MOTION:**

I move to **APPROVE/DENY** Ordinance No. 2020-05 on second and final reading.

/dor

**CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2020-05**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, REPEALING § 74-1 OF THE CODE OF ORDINANCES CONCERNING THE PROHIBITION OF CERTAIN FISHING ACTIVITIES; MAKING RELATED FINDINGS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, § 74-1 of the Indian Rocks Beach Code of Ordinances (the Code) has, for at least four decades, prohibited shark or spear fishing within 1,000 feet of the beach, and surf fishing on the beach in close proximity to swimmers; and

**WHEREAS**, in 1973, Florida Statutes § 379.2412 was created to “expressly reserve to the state” the power to regulate taking or attempting to take saltwater fish, with the exception that a local government may prohibit saltwater fishing from real property owned by it, for reasons of protecting the public health, safety, or welfare; and

**WHEREAS**, since 1998, § 9 of Article IV of the Florida Constitution consolidated regulatory and executive authority over marine life within the Florida Fish and Wildlife Conservation Commission (FWCC), subject to complimentary legislative enactments by general law on the subject of hunting and fishing; and

**WHEREAS**, in *Bell v. Vaughn*, 155 Fla. 551, 21 So.2d 31 (1945), the Florida Supreme Court held that even under the State’s predecessor Constitution, a municipal ordinance regulating fishing within city limits were preempted by state authority over that activity; and

**WHEREAS**, the City desires to ensure that its Code does not contain provisions which have been preempted to the State or are otherwise unenforceable due to state law; and

**WHEREAS**, consistent with this desire, the City Attorney has recommended adoption of this Ordinance; and

**WHEREAS**, the City Commission finds that this Ordinance is in the best interests of the City’s residents and property owners.

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Indian Rocks Beach, Florida, that:

**Section 1.** Section 74-1 of Article I of Chapter 74 (Waterways) of the Indian Rocks Beach Code of Ordinances is hereby repealed in its entirety.

**Section 2.** If any section, subsection, sentence, clause, provision or word of this

Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 3.** The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 4.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**ADOPTED ON FIRST READING** on the 13<sup>th</sup> day of October 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**PUBLISHED THE** 28<sup>th</sup> day of October 2020 in the Tampa Bay Times.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_ 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

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

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

Approved as to form:

\_\_\_\_\_  
Randy Mora, City Attorney

**AGENDA ITEM NO. 6C  
PUBLIC HEARING  
SECOND AND FINAL HEARING**

**ORDINANCE NO. 2020-06  
Section 62-40  
Golf Carts, low-speed vehicles,  
and micromobility devices.**



THOMAS J. TRASK, B.C.S.\*  
JAY DAIGNEAULT  
ERICA F. AUGELLO  
RANDY D. MORA, B.C.S.\*  
ROBERT M. ESCHENFELDER, B.C.S.\*  
PATRICK E. PEREZ  
DAVID E. PLATTE  
JEREMY SIMON

*\* Board Certified by the Florida Bar in  
City, County and Local Government Law*

## MEMORANDUM

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DATE: March 24, 2020

TO: Gregg Mims

FROM: Randy Mora, Esq., City Attorney

RE: Municipal Authority to Regulate Golf Carts, Low Speed Vehicles,  
and Micromobility Scooters

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You have asked for a review and analysis of current Florida statutory restrictions and regulatory limits regarding golf carts. As to better understand and analyze the issues raised by this inquiry, this memorandum also analyzes municipal authority relative to, Low Speed Vehicles (“LSV”), Micromobility scooters (“MM”) and other alternative transportation.

### **I. EXECUTIVE SUMMARY**

As detailed below, this seemingly easy inquiry is complicated by the patchwork tapestry of statutes used to regulate and make fine distinctions which are socially treated as being functionally the same.

Golf Carts are motorized four-wheeled vehicles with a maximum speed of 20 mph, do not require insurance, and do not require a driver’s license to operate. Low speed vehicles are four-wheeled vehicles, which in some cases resemble golf carts, but are capable of a maximum speed of 25 mph, require insurance and registration, and require the operator to have a driver’s license. Municipalities are limited in their ability to regulate golf cart operation, as they can only regulate unlicensed drivers and may not require anything further than state statute permits. Municipalities are empowered to regulate and prohibit LSVs. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable.

While the City Code is currently silent as to LSVs and MMs, the City does have statutory authority to enact ordinances that prohibit or regulate the operation of LSVs and MMs.



## II. GOLF CARTS

Golf carts are motorized four-wheeled vehicles with a maximum speed of 20 miles per hour that are allowed to travel on certain roads with a posted speed limit of 30 miles per hour or less. By statute, golf cart operators must be at least 14 years old, but are not required to have a driver's license. Golf carts are not required to be registered or insured. State statute and Florida Attorney General opinions hold that while municipalities may regulate some operations of golf carts, these regulations may only apply to unlicensed drivers. Further, as there is no requirement that a golf cart operator have a driver's license, a municipality may not enact an ordinance that requires a driver's license to operate a golf cart, or even a seat belt.

### A. FLORIDA STATUTE

Florida statute defines golf carts as, “[a] motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.”<sup>1</sup> Another section of Florida's Statutes also define golf carts as, “[a] motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and **that is not capable of exceeding speeds of 20 MPH.**”<sup>2</sup>

A separate statutory provision addressing the operation of golf carts on certain roadways and general prohibitions and regulations of the operation of golf carts also offers relevant insight.<sup>3</sup> While generally the operation of golf carts on public roadways is prohibited, “[a] golf cart may be operated only upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts.”<sup>4</sup> Further, golf carts may only be operated on roads with a posted speed limit of 30 mph or less.<sup>5</sup> According to Florida's statutes, golf carts may only operate on sidewalks under the following conditions: if provided by municipal ordinance, the sidewalks are eight feet wide, and if the top speed of golf carts on the sidewalk is 15 miles per hour.<sup>6</sup>

While golf carts are not required to be licensed or insured, a golf cart may not be operated on public roads or streets by any person under the age of 14.<sup>7</sup>

Continuing, golf carts may only be operated between sunrise and sunset, unless the county or municipality has determined that golf carts may be safely operated outside those hours **AND** the golf cart has headlights, brake lights, turn signals, and a windshield.<sup>8</sup> Local governments may enact an ordinance relating to golf cart operation and equipment that is more restrictive than statute, but the ordinance may only apply to unlicensed drivers and the municipality must post signs regarding the more restrictive golf cart ordinance.<sup>9</sup>

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<sup>1</sup> § 316.003 (26), Fla. Stat.

<sup>2</sup> § 320.01 (22), Fla. Stat. (emphasis added).

<sup>3</sup> § 316.212, Fla. Stat.

<sup>4</sup> § 316.212 (1), Fla. Stat.

<sup>5</sup> § 316.2126 (1) (c), Fla. Stat.

<sup>6</sup> § 316.212 (8), Fla. Stat.

<sup>7</sup> § 316.212 (7), Fla. Stat.

<sup>8</sup> § 316.212 (5), Fla. Stat. (emphasis added).

<sup>9</sup> § 316.212 (8) (a), Fla. Stat.

Violations of Sec. 316.212, Fla. Stat. (golf cart operating statute) are considered noncriminal traffic infractions punishable as a moving violation.<sup>10</sup> Violations of golf cart ordinances enacted pursuant to Sec. 316.212, Fla. Stat. are also punishable by local ordinance.

## **B. PERSUASIVE AUTHORITY: ATTORNEY GENERAL OPINIONS**

Attorney General opinions are not binding legal precedent, but can offer valuable insight into how the executive branch of the state has interpreted the enforcement of various statutory provisions.

In Florida Attorney General Opinion 2016-07, the Attorney General's office responded to a series of inquiries on behalf of the City of Winter Garden. The Attorney General opined on several issues regarding the operation of golf carts within a municipality. Among other things, the Attorney General has held that a municipality may not prohibit the operation of a golf cart by an unlicensed driver. AGO 16-07.

As explained in AGO 16-07, Sec. 316.212, Fla. Stat. previously had language that authorized local governments to enact more restrictive golf cart equipment and operation regulations than state law provides. However, during the 2005 Florida Legislative Session, House Bill 1697 (2005) was amended on the floor to add the term, "must apply only to an unlicensed driver." This limiting language was added on the floor without debate. Without much legislative history, the plain language of the amended statute indicates that any regulations imposed by municipal ordinance on the operation or equipping of a golf cart on municipal streets is limited to unlicensed drivers operating golf carts. AGO 16-07.

AGO 16-07 further interprets Sec. 316.212, Fla. Stat. by opining that state statute clearly authorizes unlicensed drivers to operate golf carts pursuant to Sec. 322.04(1)(e), Fla. Stat., and therefore precludes a municipality from enacting an ordinance prohibiting the operation of golf carts by an unlicensed driver.

The attorney general opinion does state that a person with a suspended or revoked driver's license would be considered an unlicensed driver under Florida statute. AGO 06-17, and therefore able to lawfully operate a golf cart.

In Attorney General Opinion 2003-58, the Attorney General's office responded to an inquiry from the City of Cedar Key regarding equipment and operation of golf carts on municipal streets. The Attorney General opined that the City could not require additional safety equipment, or require mandatory inspection of golf carts. AGO 03-58. The opinion further clarifies that municipalities are preempted from requiring a licensed adult to accompany operators under the age of 16, or from enacting more restrictive age or licensure requirements. AGO 03-58.

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<sup>10</sup> § 316.212 (9), Fla. Stat.

### C. CITY CODE PROVISIONS

Presently, City Code regulates golf carts in Chapter 62, Article III, of the Code of Ordinances of the City of Indian Rocks Beach (“City Code”). City Code states that golf carts must be equipped with headlamps, stop lamps, turn signals, tail lamps, reflectors, brakes, rearview mirrors, windshields, and standard hip restraints. Sec. 62-40(1), City Code. Because the City allows golf carts to be operated between the hours of sunset and sunrise, this additional required equipment language is likely permissible under the City’s authority found in Sec. 316.212(5), Fla. Stat.

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

### III. LOW SPEED VEHICLES

Low Speed Vehicles are motorized four-wheeled vehicles with a maximum speed of 25 miles per hour that can often look very similar to golf carts. LSVs require a driver’s license to operate, must be registered and insured, and may only operate on streets with a posted speed limit of 35 mph or less (and therefore not on sidewalks). Municipalities currently have the authority to prohibit operation of LSVs on any road under their jurisdiction.

#### A. FLORIDA STATUTE

Florida Statute defines a Low Speed Vehicle (LSV) as “any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 (federal safety standards) and Sec. 316.2122.”<sup>11</sup>

Section 316.2122, Fla. Stat., deals with the safety standards and operations of LSVs or mini trucks. Operations of LSVs are authorized on any road with the following restrictions:

- (1) A low-speed vehicle or mini truck **may be operated only on streets where the posted speed limit is 35 miles per hour or less**. This does not prohibit a low-speed vehicle or mini truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. (emphasis added).
- (2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- (3) A low-speed vehicle or mini truck must be registered and insured in accordance with Sec. 320.02 and titled pursuant to Chapter 319.

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<sup>11</sup> Sec. 320.01(41), Fla. Stat. (emphasis and internal parenthetical added).

(4) Any person operating a low-speed vehicle or mini truck **must have in his or her possession a valid driver license.** (emphasis added).

(5) A county or municipality may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

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

As Sec. 316.2122, Fla. Stat. only authorizes the operation of LSVs on certain public roads, LSVs are not permitted to operate on sidewalks. The Florida Department of Highway Safety and Motor Vehicles also permits the conversion of golf carts to LSVs by allowing golf cart owners to modify their golf carts to comply with LSV statute restrictions, via the TL-63 procedure (enclosed).

## **B. ADDITIONAL LEGAL AUTHORITY**

While there have been no AGOs interpreting the LSV statute, one Appellate Decision from the Eleventh Circuit has stated that, under Florida law, LSVs are not “cars” for purposes of automobile insurance. In State Farm Mut. Auto. Ins. Co. v. Baldassini, 545 Fed. Appx. 842 (11th Cir. 2013), an insurer brought action seeking declaration that an automobile policy did not cover accidents that occurred while the insured’s daughter was operating an LSV. The Eleventh Circuit held that, under Florida law, LSVs (and four-wheel electric vehicles) are not designed for main use on public roads and thus did not fall within the definition of “car” covered by insured’s automobile insurance policy.

## **C. CITY CODE PROVISIONS**

Presently, the City Code does not define, regulate, or prohibit LSVs within the City.

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

#### IV. ALTERNATIVE TRANSPORTATION

##### A. MICROMOBILITY DEVICES & MOTORIZED SCOOTERS

The 2019 Florida Legislature passed House Bill 453 (2019) which was a comprehensive bill related to Micromobility devices (“MM”) and motorized scooters. Once signed into law, HB 453 created Chapter 2019-109, Laws of Florida, which amended various sections of Chapter 316, Florida Statutes, (the Florida State Uniform Traffic Control laws) that deal with MMs and scooters.

MMs are defined as: “[a]ny motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.”<sup>12</sup>

Section 316.003(45), Fla. Stat. By comparison, the statutory definition of a “motorized scooter,” includes MMs within its scope, encompassing : “[a]ny vehicle or **micromobility device** that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.”

HB 453 also amended section 316.2128, Fla. Stat. which is now titled “Micromobility devices, motorized scooters, and miniature motorcycles, requirements.” Section 316.2128, Fla. Stat. states that MM and scooter operators have all the rights and duties of bicycle riders except those found in Sec. 316.2128(1), Fla. Stat. (child safety restraint requirements). Further, local governments are expressly authorized to adopt ordinances governing the operation of MM and motorized scooters on, “streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction.”<sup>13</sup>

Similar to golf carts, MMs and scooters are not required to be registered or insured.<sup>14</sup> Operators of MMs and scooters are not required to have a driver’s license.

The First District Court of Appeal recently issued an opinion regarding MMs in Panama City Beach, holding that a City may prohibit the daily rental of MM without outright banning all MMs. In Classy Cycles, Inc. v. Panama City Beach, 44 Fla. L. Weekly D2729 (Fla. 1st DCA Nov. 13, 2019), a Motorized scooter vendor brought action against the City, challenging the validity of the City’s ordinances which prohibited motorized scooter rentals. The Circuit Court granted summary judgment in favor of city and the vendor appealed. The First District affirmed the lower court’s ruling holding that the municipal ordinances which prohibited night rentals of motorized scooters, and which imposed a general prohibition against all motorized scooter rentals after a certain date, were not arbitrary or unreasonable for only prohibiting rental rather than operation of scooters, and therefore the ordinances were valid pursuant to rational basis analysis. Id.

The City Code does not presently define, regulate, or prohibit micromobility devices or scooters. It may be advisable for the City to address MM or scooters, whether generally or in the daily rental scheme.

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<sup>12</sup> § 316.003 (38), Fla. Stat.

<sup>13</sup> § 316.2128(1), Fla. Stat

<sup>14</sup> § 316.2128(2), Fla. Stat.

## **B. MOTOR ASSISTED BIKES & ELECTRIC BICYCLES**

Currently, electric bicycles (“e-bikes”) fall under the statutory definition of a bicycle. State statute defines a bicycle as: “[e]very vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.”<sup>15</sup>

Recently, the 2020 Florida Legislature passed House Bill 971 related to Electric Bicycles. HB 971 separately defines e-bikes as a “bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts.” If signed into law, HB 971 would create regulations governing the operation of e-bikes and provide that an e-bike or an operator of an e-bike must be afforded all the rights and privileges of a bicycle. The bill authorizes an e-bike to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, and bicycle lanes. However, local governments are authorized to regulate the operation of e-bikes on the prescribed areas. The bill is now awaiting the Governor’s signature. Its effective date, if signed, is October 1, 2020.

## **V. CONCLUSION**

While golf carts and LSVs are similar in look and design, state statute treats them distinctly and municipal authority over each is varied. Municipalities are limited in their ability to regulate golf cart operation, as they can only regulate unlicensed drivers and may not require anything further than statute permits. Municipalities are empowered to regulate and prohibit LSVs and MMs. The City Code presently regulates golf carts, but aspects of the provision are likely invalid and unenforceable. The City Code is currently silent as to LSVs and MMs, but the City does have authority to prohibit LSVs and MMs, or regulate them within the confines of state statute.

Encl:

Florida Department of Highway Safety and Motor Vehicles Low Speed Vehicles guide  
Florida Department of Highway Safety and Motor Vehicles TL-63 LSV conversion procedure

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<sup>15</sup> § 316.003(3), Fla. Stat.

**CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2020-06**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE III – OPERATION OF GOLF CARTS, SECTION 62-40 – GOLF CARTS; AMENDING THE TITLE OF THE SECTION TO INCLUDE LOW-SPEED VEHICLES AND MICROMOBILITY DEVICES; AMENDING THE SECTION TO ALIGN IT WITH STATE STATUTES; PROVIDING DEFINITIONS FOR TERMS TO BE USED IN THE SECTION; PROVIDING FOR REGULATION OF GOLF CARTS AND LOW-SPEED VEHICLE OPERATION ON SIDEWALKS; PROVIDING FOR THE PROHIBITION OF MICROMOBILITY SCOOTERS; PROVIDING FOR LEGISLATIVE FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City of Indian Rocks Beach currently regulates golf carts in Section 62-40 of the Code of Ordinances of the City of Indian Rocks Beach; and

**WHEREAS**, recent updates, revisions, and amendments in Florida Statutes require amendments to the City Code to align it with state law; and

**WHEREAS**, Section 320.01, Florida Statutes, defines a “golf cart” as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreation purposes and that is not capable of exceeding 20 miles per hour; and

**WHEREAS**, Section 316.212, Florida Statutes, states that a golf cart may only be operated on a designated roadway with a posted speed limit of 30 miles per hour or less; and

**WHEREAS**, per Section 316.212, Florida Statutes, a golf cart may not be operated on public roads or streets by any person under the age of 14 years old; and

**WHEREAS**, per Section 316.212, Florida Statutes, golf carts may only be operated between the hours of sunrise and sunset, unless the golf cart has headlights, brake lights, turn signals, and a windshield; and

**WHEREAS**, violations of Section 316.212, Florida Statutes, are considered noncriminal traffic infractions punishable as moving violations; and

**WHEREAS**, municipalities are preempted by the State to regulate unlicensed operators of golf carts, per Attorney General Opinion 2016-07, and municipalities are unable to restrict or prohibit an unlicensed driver from operating a golf cart; and

**WHEREAS**, the City Commission finds that, pursuant to Florida Statutes, golf carts should be regulated in terms of where they may be operated within the City, by whom they

may be operated, at what hours they may be operated within the City, and particular equipment golf carts should possess; and

**WHEREAS**, to effectuate that regulation, the City Code should be amended to reflect those regulations of golf carts; and

**WHEREAS**, Section 316.212(8), Florida Statutes permits local governments to regulate the operation of golf carts on sidewalks within the local government's jurisdiction; and

**WHEREAS**, the City Commission finds that, based on the intended and actual use of sidewalks by pedestrians, and the dimensions of sidewalks within the City, the operation of golf carts on sidewalks within the City's jurisdiction would have a negative effect on pedestrian safety and welfare; and

**WHEREAS**, pursuant to Section 316.212, Florida Statutes, the operation of golf carts on sidewalks within the City should be prohibited; and

**WHEREAS**, Section 320.01, Florida Statutes, defines a "low-speed vehicle" as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles and must comply with federal safety standards as found in 49 C.F.R. s. 571.500; and

**WHEREAS**, Section 316.2122, Florida Statutes, only authorizes low-speed vehicles to be operated on streets with a posted speed limit of 35 miles per hour or less; and Whereas, pursuant to Section 316.2122, Florida Statutes, a low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers; and

**WHEREAS**, pursuant to Section 316.2122, Florida Statutes, a low-speed must be registered and insured in accordance with Section 320.02, Florida Statutes, and titled pursuant to Chapter 319; and

**WHEREAS**, pursuant to Section 316.2122, Florida Statutes, any person operating a low-speed vehicle must have in his or her possession a valid driver's license; and Whereas, Section 316.2122, Florida Statutes only authorizes the operation of low-speed vehicle on certain public roads, therefore low-speed vehicles are not permitted to operate on sidewalks; and

**WHEREAS**, the City Commission finds that, pursuant to Florida Statutes, low-speed vehicles should be regulated in terms of where they me operated within the City, by whom they may be operated by, and particular equipment low-speed vehicles should possess; and



**WHEREAS**, to effectuate that regulation, the City Code should be amended to reflect those regulations of low-speed vehicles; and

**WHEREAS**, Chapter 2019-109, Laws of Florida, was the enactment of Florida House Bill 453 (2019) which was the comprehensive bill related to micromobility devices and motorized scooters signed into law in 2019 that amended various sections of Chapter 316, Florida Statutes; and

**WHEREAS**, Section 316.003, Florida Statutes, defines micromobility devices as any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground; and

**WHEREAS**, Section 316.2128, Florida Statutes, expressly authorizes local governments to adopt ordinances governing the operation of micromobility devices on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

**WHEREAS**, pursuant to Section 316.2128, Florida Statutes, the City Commission finds it in the best interest of the general health, safety, and welfare to prohibit the operation of micromobility scooters in the jurisdiction boundaries of the City; and

**WHEREAS**, the City Commission finds this Ordinance benefits public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**Section 1.** Section 62-40 of Article III (Operation of Golf Carts) of Chapter 62 (Traffic and Vehicles) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**Sec. 62-40. Golf carts, low-speed vehicles, and micromobility devices.**

Golf carts and low-speed vehicles ~~equipped in the manner prescribed by~~ as defined in this section may travel on or cross the public roads or streets within the ~~geographic boundaries~~ designated areas described in this section, considering factors including the speed, volume, and character of motor vehicle traffic using these roads or streets, and the use of golf carts ~~and low-speed vehicles is~~ are hereby permitted in the City with the stipulations to include the following provisions:

- (1) ~~Required equipment. A golf cart shall include headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, a rearview mirror, a windshield, and~~

~~standard hip restraints for all passengers.~~ Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) Golf cart shall mean a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreation purposes, and that is not capable of exceeding 20 miles per hour and that may only be operated on designated roadways with a posted speed limit of 30 miles per hour or less.

(b) Low-speed vehicle shall mean any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles and must comply with federal safety standards as found in 49 C.F.R. s. 571.500. Low-speed vehicles may only be operated on designated roadways with a posted speed limit of 35 miles per hour or less, must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking breaks, rearview mirrors, windshields, seat belts, vehicle identification numbers, and must be registered and insured with in accordance with § 320.02, Florida Statutes, and titled pursuant to Chapter 319, Florida Statutes.

(c) Micromobility device shall mean any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground.

~~(2) Golf cart and low-speed vehicle operators. The golf cart operators must possess a valid driver's license pursuant to F.S. § 322.03. Any person operating a golf cart within the jurisdictional boundaries of the City must be at least 14 years old. Any person operating a low-speed vehicle within the jurisdictional boundaries of the City must have in his or her possession a valid driver's license.~~

(3) *Designated areas.* The "designated areas" encompassed by this authorization are the municipal streets of the city and the following Gulf Boulevard intersections:

- 8th Avenue
- 12th Avenue
- 15th Avenue
- 16th Avenue
- 17th Avenue
- 18th Avenue
- 19th Avenue
- 20th Avenue
- 21st Avenue
- 22nd Avenue
- 23rd Avenue

24th Avenue  
25th Avenue  
26th Avenue  
27th Avenue

Legally conforming golf carts and low-speed vehicles may traverse the above intersections as described in the designated areas, but may not travel north or south on or alongside Gulf Boulevard. (Amended during the 10.13.2020 CCM)

(4) *Golf cart defined.* ~~The golf carts authorized for use are incapable of exceeding 20 miles per hour.~~ Sidewalks. Golf carts and low-speed vehicles may not be operated on any sidewalks with the jurisdictional boundaries of the city.

(5) *Hours of operation.* ~~Golf carts may only be operated during the hours between the sunset and sunrise and sunset well as during daylight hours~~ Golf carts may be operated after sunset if the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6) *Penalties.* Violations of this article shall be enforced pursuant to or otherwise consistent with the provisions of F.S. § 316.212, F.S. § 322.03, and cCity ordinances by a law enforcement officer or city code enforcement officer as such officer's legal authority and jurisdiction allows. Code enforcement officers shall have the right to enforce all matters having to do with golf cart required equipment, the streets upon which golf carts may be operated, and all other matters not exclusively within the jurisdiction of and lawful authority of law enforcement officers.

(7) *Territory embraced.* This section shall apply only to the designated municipal-owned streets and Gulf Boulevard intersections identified in subsection 62-40(3) within the territorial jurisdiction of the city.

(8) *Pinellas County approval.* The city shall obtain the advance approval of Pinellas County for all golf cart crossings on Gulf Boulevard under county jurisdiction and any related traffic control devices needed for safety purposes. No golf cart travel shall be allowed along Gulf Boulevard.

(9) *Prohibition on micromobility devices.* Micromobility devices may not be operated on streets, sidewalks, or sidewalk areas within the jurisdictional boundaries of the city.

**Section 2.** For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words underlined represent additions to original text, words stricken are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**ADOPTED ON FIRST READING** on the 13<sup>th</sup> day of October 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**PUBLISHED** on this 28<sup>th</sup> day of October 2020 in the Tampa Bay Times.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_ 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

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

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

Approved as to form:

\_\_\_\_\_  
Randy Mora, City Attorney

**ADDITIONAL  
CORRESPONDENCE**

**O2020-06  
GOLF CARTS &  
LOW-SPEED  
VEHICLES**

## O'Reilly, Deanne

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**From:** eaf1@aol.com  
**Sent:** Monday, November 02, 2020 3:39 PM  
**To:** Kennedy, C; Hoofnagle, Edward; Flagg, Diane; McCall, Joe; Hanna, Phil; Mims, Gregg  
**Subject:** Ordinance No. 2020-06 Operations of Golf Carts

Hello all,

In regards to the amendments to change chapter 62 re: operation of Golf Carts:

The dialog held during the October 13th, 2020 City Commission Meeting was very informative and I am excited to see that work is being done to address the "golf cart" topic.

There are a couple points I would like ensure are still under review or communicated stronger to our community:

- Golf Carts aren't allowed on beach and are only to park in designated parking spots.
  - I believe the above is true but have continued to see golf carts parked at pedestrian entrances (like the one on 9th Ave)
- Renters should be informed of all rules and guidelines in regards to using a golf cart. There appears to be a couple places who rent their places out for short term that are allowing renters use of their golf carts.
- Explanation of the rules pertaining to a Golf Cart vs a Low Speed Vehicle.
  - I understand that a clear definition is part of what will be included in the amendment. There have been some recent dialogs on Next Door that make it clear that people don't understand the difference and the State vs City rules.

On a separate note, will an ordinance be made in regards to electric bikes? The speed that some of the riders use on the beach is a hazard. My understanding is that a motorized bike isn't allowed but there isn't a clarification for electric?

Thanks for your time

Elizabeth (Beth) Flynn  
914 Harbour House Drive



## O'Reilly, Deanne

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**From:** John Thayer <ultralight03@gmail.com>  
**Sent:** Friday, October 23, 2020 9:25 PM  
**To:** Kennedy, C; Hanna, Phil; Hoofnagle, Edward; Flagg, Diane; McCall, Joe; O'Reilly, Deanne  
**Subject:** Revised Golf Cart Ordinance 2020-06

I have reviewed this ordinance as amended since the November 13 City Commission meeting. I offer the following comments/suggestions:

While this is a weighty document (24-Whereases & 6-pages), I found it somewhat confusing. It adds a lengthy definitions of the difference between a golf cart and low speed vehicle (LSV), and fixes the conflict with state law allowing a 14-year old to operate a golf cart, it still is unclear about the use of LSVs. The opening sentence of Sec. 62-40 states that both golf carts & LSVs may travel in the city within the "designated areas described in this section". Sec. 62-40 (3) details the designated areas as the streets of IRB and listed intersections only. Then the last sentence (amended by the 10/13 CCM) states that golf carts are not allowed to travel north or south on Gulf Blvd. Sec. 62-40 (4) prohibits golf carts from sidewalks (typo? should be 'within', not with) the city. Golf carts have never been allowed on Gulf Blvd. or sidewalks.

The intent was to allow LSVs on Gulf Blvd, but I do not see it clearly stated anywhere in the ordinance. I understand that LSVs are regulated by the State DMV as motor vehicles and are allowed on any public streets unless the municipality specifically prohibits them for safety reasons, which IRB does not. Thus they can be used anywhere in the city and Gulf Blvd (county) per state law. This is further confused by Whereas No. 18 which says the city must define where (typo? should be 'be', not me) operated, who operates and equipment possessed. This appears to be totally the FL DMV's role as they are licensed vehicles.

As stated in my email of August 25th regarding the July Workshop and last week at the CCM, LSVs are not the problem but the solution:

I suggest just one Whereas instead of over a dozen for the golf cart/LSV portion of this ordinance; "Whereas the City has been unable to prevent the misuse of golf carts through ordinance or enforcement"... After (pick a date) golf carts shall be illegal to operate within the City; LSVs shall continue to be allowed in all areas of the City per FL Statute 320.01. This would make the ordinance much clearer as most everything else other than items relating to micromobility devices could be eliminated. This solves a host of problems:

- a valid drivers licence is required for operation
- they must be licensed with proof of insurance by the FL DMV
- safety equipment specified and required by the FL DMV
- they can be operated legally all areas of the city
- they can safely be operated at night
- enforcement is simplified, no different than a car. Seatbelts are required to be installed for each fixed seat (although FL does not require use), however this would indicate the seating capacity and make it easier to enforce grossly overloaded vehicles via negligent operation statutes

It is time for IRB to get rid of golf carts before there are serious injuries or a fatality; it is only a matter of time.


Thank You. John Thayer 1819 Bay Blvd.

**AGENDA ITEM NO. 7A  
FIRST READING**

**ORDINANCE NO. 2020-07  
Adding Section 62-39 to provide  
for control parking in residential  
areas, to authorize parking by  
permit only in designated  
residential area.**



**CITY OF INDIAN ROCKS BEACH  
CITY COMMISSION AGENDA MEMORANDUM**

**FOR MEETING OF:** November 10, 2020 **Agenda Item: 7A**  
**SUBMITTED BY:** Randy D. Mora, City Attorney  
**APPROVED BY:** Brently Gregg Mims, City Manager   
**SUBJECT:** "On Street Parking Ordinance" (Ordinance # 2020-07)

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**Executive Summary**

Following the Commission's previous work session on the matter, this Ordinance was drafted as a proposed means for addressing parking on the congested roadways within the City's residential districts.

Though the Ordinance sets forth a series of administrative guidelines and restrictions, foremost among them is that the streets located North of 5<sup>th</sup> Avenue, East of Gulf Boulevard, and South of 28<sup>th</sup> Avenue would be designated as "parking by permit only" between 9:00 a.m. and 5:00 p.m. Violators may be issued a parking citation and fine, or towed (subject to the adoption of additional language).

The ordinance details the evidence the City will consider in determining whether to issue a resident permit, and generally describes the process for securing one.

**Background Information**

In recent years, most especially in the early months of the global health pandemic and consequent quarantining restrictions, the City has observed intensified attendance to its parks and beaches. Paired with the City's finite amount of public parking spaces, this increase in vehicular traffic has led to increased day-time street parking on the City's traditionally residential roadways. If adopted, this ordinance would codify a proposed solution limiting daytime street parking to vehicles bearing a parking permit, which will only be issued upon sufficient evidence that the vehicle's owner resides in the City.

**CITY OF INDIAN ROCKS BEACH  
ORDINANCE 2020-07**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 62 – “TRAFFIC AND VEHICLES,” ARTICLE II – “STOPPING, STANDING AND PARKING,” SECTION 62-39 OF THE CODE OF ORDINANCES BY ADDING THE FOLLOWING PROVISION: [SECTION] OF THE CODE OF ORDINANCES OF THE CITY OF INDIAN ROCKS BEACH BY ADDING SECTION 62-39, TO PROVIDE FOR CONTROLLED PARKING IN RESIDENTIAL AREAS, TO AUTHORIZE PARKING BY PERMIT ONLY IN DESIGNATED RESIDENTIAL AREAS WITH PENALTIES AND LIMITED EXCEPTIONS, TO PROVIDE FOR THE ISSUANCE, RENEWAL AND POTENTIAL REVOCATION OF PARKING DECALS FOR PERMIT PARKING; PROVIDING FOR SEVERABILITY, RESOLUTION OF CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Indian Rocks Beach is a small coastal community that attracts thousands of tourists and transient guests who visit its beaches along the Gulf of Mexico; and

**WHEREAS**, most beachgoers arrive in Indian Rocks Beach by motor vehicles and many park on local residential streets to gain access to its beaches along the Gulf of Mexico; and

**WHEREAS**, the City has documented the negative impact that improperly and illegally parked vehicles has had on residential areas, including blocked driveways and sidewalks, inaccessible mailboxes, impediments to trash collection and first-responder access, and the deposit of garbage and other waste; and

**WHEREAS**, beach-goers’ vehicles may pose a significant danger to pedestrians and bicycle riders who have to dodge through vehicles, and are not directly visible to other motorists whose vision may be impeded by the presence of vehicles parked on residential roadways, most especially when grouped together; and

**WHEREAS**, the City Commission of the City of Indian Rocks Beach has sought community feedback, conducted public workshops, and sought available data to investigate and determine that it is in the best interest of the City to establish controlled parking in residential areas to restrict commuter vehicles in residential areas to provide convenient parking to residents, improve quality of life by reducing noise, traffic hazards, and litter, and to preserve the character of the City’s residential neighborhoods; and

**WHEREAS**, with the adoption of this Ordinance, the City Commission wishes to alleviate chronic levels of commuter vehicle parking along streets with adjacent residential properties by establishing controlled residential parking areas; and

**WHEREAS**, the City Commission finds this Ordinance to be a reasonable exercise of its police power to prohibit the stopping, standing or parking of a vehicle in the controlled parking

residential areas without an appropriate permit as evidenced by a decal displayed on a vehicle to ensure the public health, safety, and welfare of the City’s residents and visitors; and

**WHEREAS**, this Ordinance is intended to control access to limited on-street parking spaces so they may be used by nearby residents and other Indian Rocks Beach residents who would benefit by providing parking in close proximity to the Gulf Beaches; and

**WHEREAS**, a residential parking permit program will promote the health, safety, and welfare of City residents and will accomplish the following goals as set by the City Commission, including but not necessarily limited to the following:

- Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas; and
- Protect residential areas from excessive noise and disorderly conduct; and
- Protect residents of those areas from unreasonable burdens to gain access to their residences; and
- Preserve the residential character of residential districts; and
- Promote efficiency in the maintenance of residential streets in a clean and safe condition; and
- Preserve the value of the property in residential areas; and
- Protect the safety of children, other pedestrians, and bicycle riders; and
- Promote traffic safety, clean air, and the comfort, health, convenience, and welfare of residents and visitors.

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Indian Rocks Beach, Florida, as follows:

**SECTION 1. FINDINGS OF FACT.** The above “whereas” clauses are adopted as findings of fact and hereby made a part of this ordinance.

**SECTION 2. SECTION 62-39 ADDED:** Chapter 62 – “Traffic and Vehicles,” Article II – “Stopping, Standing and Parking,” Section 62-39 of the Code of Ordinances is amended by adding the following provision:

**Section 62-39. Permitted Parking in Residential Districts**

- (a) Designation of parking by permit only zone. Unless otherwise posted, streets located North of 5th Avenue, East of Gulf Boulevard and South of 28th Avenue have been designated as “parking by permit only” between the hours of 9:00 a.m. and 5:00 p.m. Only vehicles that properly display a valid parking permit decal may park on the streets in this designated area. The streets limited to parking by permit only shall be designated on a map retained by the custodian of records at City Hall, and shall be designated by clearly marked signage. The City Manager shall retain the authority to update this map from time to time as circumstances may require, and direct the installation of whatever signage is deemed appropriate to implement the “parking by permit” only zone established in this section. The City Manager shall also retain the authority to

temporarily suspend the parking restrictions in any “parking by permit only zone” during special community-wide events, natural disasters, or other emergency as declared by the Federal, State, or County government or the City Commission.

(b) Availability of map designating parking by permit zones. The map depicting the areas limited to parking by permit only shall be made available to the public in City Hall during regular business hours and shall be posted on the City’s website.

(c) Entitlement to Non-transferable “Parking by Permit Only” Decals.

- 1) Any parcel with a separate tax parcel ID assigned by the Pinellas County Property Appraiser that is located within a designated “parking by permit only” zone established in this section and used as a primary residence by the owner or a lessee, with a lease term of at least one year, shall be entitled to the issuance of a parking decal for each registered vehicle, including low speed vehicles, owned or leased by the owner and family members living at the residence provided that the vehicles are registered to the property address correlating to the same tax parcel ID.
- 2) It shall be unlawful for any person to represent that he or she is entitled to a residential parking permit when he or she is not entitled, or to hold or display such a permit at any time when he or she is not entitled to do so. A violation of this provision may result in a fine.
- 3) It shall be unlawful to sell, assign, or otherwise transfer a City-issued parking decal to another person or legal entity. A violation of this provision may result in a fine.
- 4) In addition to assessing a fine, the City retains the right to suspend or revoke a parking decal if it is shown that the holder of such decal has violated any of the restrictions of this Section. The procedure for such determination shall be established by the City Manager or the City Manager’s designee.

(d) Application for “Parking by Permit Only” Decals.

- 1) Property owners must apply to the City on a form provided by the City, and pay the designated fee in order to receive a valid decal. The application shall be submitted under oath and accompanied by two or more of the following as proof of residence or real property tax assessment:
  - i. State of Florida driver’s license identifying the driver’s address within the City for which the permit is sought;
  - ii. A valid automobile registration reflecting the address within the City for which the permit is sought;

- iii. The applicant or a member of the immediate family being listed on the current real property tax rolls at the address within the City for which the permit is sought;
  - iv. A copy of one utility bill, all of which bear the address within the City for which the permit is sought;
- 2) The City shall not process an application until an applicant submits a complete copy of the City's designated form, accompanied by the requisite proof of residence. A \$10.00 fee will be charged for the replacement of resident parking permit decals in cases where the permit was lost, stolen, damaged or a new permit is required as a result of the sale or transfer of a vehicle or real property interest.
  - 3) The City Manager shall establish an application process for the issuance of parking decals within ninety (90) days of the effective date of this Ordinance and shall begin enforcing the "parking by permit only" restriction within one hundred and twenty (120) days of the effective date of this Ordinance.
- (e) Parking Restricted. Parking in areas designated for "Parking by Permit Only" shall be restricted in the following manner.
- 1) Except as otherwise provided in the following subsections, parking decals shall be required for any vehicle that is parked, in part or in full, on a street, roadway, or right-of-way in a "parking by permit only" zone. The holder of a residential parking decal that is properly displayed shall be permitted to stand or park a motor vehicle in the appropriately designated parking area during permitted time periods. The parking permit decal must be permanently affixed to the exterior rear of the vehicle in a visible location. A residential parking decal shall not guarantee or reserve to the holder a parking space within the designated parking zone. Nothing in this section shall be interpreted to require a parking permit decal for a vehicle parked entirely within a residential garage or driveway.
  - 2) A residential parking decal shall not authorize the holder of the decal to park in spaces or areas designated by law as restricted or prohibited parking such as loading zones, fire hydrants, disabled, or other such regulated areas, nor shall it exempt the holder from the observance of any traffic regulations or compliance with an official traffic control device, sign or signal.
  - 3) Contractors with business signs or logos on their vehicle that are actively performing work, providing services, or repairing existing residential parcels pursuant to a valid permit where applicable, may park in the right-of-way of a "parking by permit only" zone. Nothing in this section shall be interpreted to allow for the overnight parking of such vehicles in parking by permit only zones.

- 4) Contractors and subcontractors that are actively engaged in remodeling or construction of a residential unit, pursuant to a valid permit where applicable, and located in a “parking by permit only” zone may park in the right-of-way when working on the residential unit. Nothing in this section shall be interpreted to allow for the overnight parking of such vehicles in parking by permit only zones
- 5) The operators of golf carts are not required to obtain and display a “parking by permit only” decal to park the golf cart on a roadway, street, or equivalent right of way in a “park by permit only zone.
- 6) Vehicles found within a “parking by permit only” zone during the time limits posted, without a valid permit for that area:
  - i. shall be subject to the issuance of a parking citation and fine consistent with Section 62-31 of this Chapter; and
  - ii. may be subject to being towed pursuant to this Article if another applicable provision of Chapter 62 authorizes the vehicle to be towed.

**SECTION 3. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

**SECTION 4. CONFLICTING ORDINANCES.** Any section or provision in the City’s Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon adoption by the City Commission.

**ADOPTED ON FIRST READING** on the \_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

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Joanne Moston Kennedy  
Mayor-Commissioner

**Approved as to form:**

**Attest:**

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Randy Mora, City Attorney

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Deanne B. O'Reilly, MMC  
City Clerk

**MINUTES FROM THE**

**JULY 23, 2020**

**CITY COMMISSION WORK SESSION**



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

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

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

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

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

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

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

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

**1. DISCUSSION OF on-street parking.**

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

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

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

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

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

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

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

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

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

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

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

**OPTION A:**

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

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

**OPTION B:**

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

There were no City Commission comments at this time.

Mayor-Commissioner Kennedy opened the public comment session.

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

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

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

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

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

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

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

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

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

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

City Manager Mims responded in the affirmative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor-Commissioner Kennedy closed public comments.

Commissioner Hoofnagle stated the following concerning beach parking:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City Manager Mims stated that it is a personal responsibility.

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

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

## **SEC. 62-35. PARKING ON BEACH ACCESSES AND 15<sup>TH</sup> AVENUE BOAT RAMP**



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor-Commissioner Kennedy opened the public comments.

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

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

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

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

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

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

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

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

Mayor-Commissioner Kennedy closed the public comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. DISCUSSION OF golf cart ordinance.**

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

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

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

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

## **CORRESPONDENCE**

## O'Reilly, Deanne

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**From:** John Thayer <ultralight03@gmail.com>  
**Sent:** Monday, August 24, 2020 5:33 PM  
**To:** Kennedy, C; Hanna, Phil; Hoofnagle, Edward; Flagg, Diane; McCall, Joe; Mims, Gregg  
**Subject:** Commission Work Session, Thursday 23JUL2020 - Part 2

Mayor, Commissioners and City Manager,

On the workshop subject of beach decals:

Beach decals should be only for full time residents of IRB. The decals should only be issued to persons who present their current FL vehicle registration and their current FL drivers license both showing proof of IRB residency.

Stopping the use of beach parking spots overnight and all weekend was also brought up. I, too have seen a work panel van with a beach decal parked from Friday night until Monday morning in these spots. I have also seen the same vehicle parked overnight during the week, so it is probably a valid issue. Simple solution: Add no overnight parking to the signage. However, signs should define hours, unlike the ones that simply say "no overnight parking" as around the ballfield. These are likely unenforceable. Midnight to 6AM should cover it reasonably.

Nothing the City does about this will make any difference unless there is enforcement. This past weekend I witnessed an out-of-town pickup with no decal using an IRB reserved space for approximately 5-hours on Saturday. We know what happens with no enforcement: Look at the fireworks issue; from out of control to no issue with enforcement.

Thank you.  
John & Suzanne Thayer  
1819 Bay Blvd  
727-744-2342

## O'Reilly, Deanne

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**From:** Joanne "Cookie" Kennedy <cookieirb52@gmail.com>  
**Sent:** Tuesday, November 03, 2020 9:29 AM  
**To:** O'Reilly, Deanne  
**Subject:** Fwd: street parking

Deanne,  
Please see below and forward to Commission.  
Thank you,  
Cookie

----- Forwarded message -----

**From:** Karl Balducci <[krbsurfer@yahoo.com](mailto:krbsurfer@yahoo.com)>  
**Date:** Tue, Nov 3, 2020, 8:46 AM  
**Subject:** street parking  
**To:** Joanne "Cookie" Kennedy <[cookieirb52@gmail.com](mailto:cookieirb52@gmail.com)>

Good morning,  
I am a home owner in IRB and I appreciate the need for emergency vehicles to have full unobstructed access to all streets, and agree that any street parking that obstructs emergency vehicles should be eliminated, but only in those particular areas. I further believe that raising the parking ticket amounts for other infractions should be enough to keep people from continuing to commit further parking violations. However, I believe eliminating all street parking north of 5th Ave. is not necessary and in fact is punitive, will create ill will with those tourists and Pinellas County residents that want to enjoy our beach, and certainly won't help our small business owners in these already trying times. Please forward this correspondence to all commissioners.  
Thank you,  
Karl Balducci



## O'Reilly, Deanne

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**From:** eaf1@aol.com  
**Sent:** Monday, November 02, 2020 4:02 PM  
**To:** Kennedy, C; Hoofnagle, Edward; Flagg, Diane; McCall, Joe; Hanna, Phil; Mims, Gregg  
**Subject:** November 10th Ordinances

Good afternoon,

I will be attending the City Commission meeting on Tuesday, November 10th but wanted to get feedback to you all prior to that meeting.

### On Street Parking:

- Is the parking sticker a separate sticker from the beach parking sticker?
- How do these rules apply to Golf Carts and Low Speed Vehicles? (I see the section that addresses Golf Carts)
- How many parking decals could one household obtain?

### Parking Fine Ordinance

- How do these rules apply to Golf Carts? I see Golf Carts parked in no stopping, standing, and parking zones

### No Trace Ordinance

- I am very excited that we are getting this updated and addressed. Also excited about the no fires as that seems to be one we come up against during holiday and busy times

### Park Hours Ordinance

- The time changes make sense. What about dog park hours? I believe there was a conversation to potentially change Saturday and Sunday access to 1 hour later? The Walsingham Dog Park opens at 8:00 a.m.
- What's considered an authorized vehicle for the Keegan Clair boat dock?

Thank you for your time

Elizabeth (Beth) Flynn  
914 Harbour House Drive

**O'Reilly, Deanne**

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**From:** O'Reilly, Deanne  
**Sent:** Monday, November 02, 2020 7:49 AM  
**To:** Hanna, Phil; Hoofnagle, Edward; Flagg, Diane; McCall, Joe  
**Cc:** Mims, Gregg  
**Subject:** FW: Indian Rocks parking Permits

Deanne Bulino O'Reilly, MMC, City Clerk  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
[doreilly@irbcity.com](mailto:doreilly@irbcity.com)  
727/595-2517

*Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

**From:** Allen Goins <agoins10@gmail.com>  
**Sent:** Sunday, November 01, 2020 8:57 PM  
**To:** Kennedy, C <CKennedy@irbcity.com>  
**Subject:** Indian Rocks parking Permits

If I understand the Board consideration for charging for daily parking passes, it appears that your Board's priority consideration is on limiting or assessing the parking privileges to tourists without due regard to guests of its citizens.

I do not believe that it is reasonable for my having to come to City Hall for a Parking Pass whenever my friends or family members visit us.

Please review this matter further as I do not understand the reasonableness if this is the case.

Best personal regards,  
*Allen Goins*  
President  
A.G. Development Group, Inc.  
13801 North Dale Mabry Highway, Suite 200  
Tampa, Florida 33618  
Phone: 813 265 4500 Cell: 813 767 0101

**From:** Gordon Obarski <gordo@cmdinc.net>  
**Sent:** Wednesday, October 21, 2020 11:17 AM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** RE: 11-10-2020 City Commission Meeting Ordinance Package

Please distribute to commissioners

I am questioning the wording below. What is the designated fee? Is this fee being put into the ordinance in order to apply a fee at a later date?

*(d) Application for "Parking by Permit Only" Decals.*

1) Property owners must apply to the City on a form provided by the City, and where applicable pay the **designated fee** in order to receive a valid decal. The application shall be submitted under oath and accompanied by two or more of the following as proof of residence or real property tax assessment:

## O'Reilly, Deanne

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**From:** McMullen <becrisler@aol.com>  
**Sent:** Monday, October 12, 2020 8:41 PM  
**To:** O'Reilly, Deanne  
**Cc:** tmcullen63@gmail.com  
**Subject:** Re: On street parking  
**Attachments:** 20201003\_181759-COLLAGE.jpg

To the city commissioners,

In a follow-up to the letter we already sent to you on September 11th, 2020, we would like to point out what our street will look like if we pass the ordinance to restrict off-street parking. These photos were taken up the street from our home on Harbor Drive South. As we mentioned in our first letter, many of our IRB homes have small driveways. If this ordinance passes and we have a city-wide ban of off-street parking for non-residents, We are afraid that we would see more and more of this on our street where residents try to accommodate the ordinance. It's unsightly and doesn't project what we wish our neighborhood to look like on Harbor Drive South.

We would also like to add that for areas that do have issues with off-street parking due to their close proximity to the beach, the problem seems to exist mostly on the weekends or holidays. So, roughly four days out of the month there is a parking issue for certain parts of the city. However, this ordinance seeks a 100% parking restriction for a problem that occupies less than 15% of our month. Along Harbor Dr. South and North and other areas of the city, it is even less of a problem, if at all.

We've attached the photo's for your review.

Thank you,  
Beth and Tom McMullen  
481 Harbor Dr. South  
727-678-6636



## O'Reilly, Deanne

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**From:** Gordon Obarski <gordo@cmdinc.net>  
**Sent:** Monday, October 12, 2020 4:55 PM  
**To:** O'Reilly, Deanne  
**Subject:** Parking Permits

Please distribute to the commission:

As I read the new On-Street Parking Ordinance it appears that all IRB residents are now required to purchase a new permit for \$10.00 as opposed to getting the decals at no cost. Is this correct? Please advise. Thank you.

Gordon Obarski, Broker  
727-480-4665  
[gordon@gordonrealty.house](mailto:gordon@gordonrealty.house)



**O'Reilly, Deanne**

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**From:** roniflowers@gmail.com  
**Sent:** Tuesday, September 29, 2020 9:14 PM  
**To:** Kennedy, C  
**Subject:** Street parking ordinance

Dear Mayor Kennedy,

I am opposed to a street parking ban that is city-wide. Even though I live in a neighborhood where the streets are used for beach parking. (9<sup>th</sup> Ave and and E. Gulf Blvd. This is part of what it means to live hear, and I've never seen issues with it. If we have specific streets that where the residents want restrictions then I'm ok with that, especially during the day.

I think an ordinance is unnecessary, and I don't want residents to be burdened with any extra cost to enforce it.

Regards,

Roni Flowers  
825 E. Gulf Blvd. Unit B,  
Indian Rocks Beach Fl

Sent from [Mail](#) for Windows 10



Cookie and the rest of the IRB commissioners,

I apologize for the length of this email. It is a fatal flaw of mine as I try to get my points across. I am writing to oppose the proposed ordinance that bans non-residential parking on the streets of Indian Rocks Beach. The reasons I oppose this ordinance can be found at the end of this long email. Having put a lot of thought and research into this, I thought I'd start with suggestions for possible solutions.

#### Focusing on solutions

Simple solutions don't exist for the complex problems our parking issues are causing our city. After listening to all the commission meetings I believe we need to not lump them all in as one problem/solution. The issues and complaints are multifaceted with a lot of discussion about parking decals focused on parking at the beach accesses. What rights the residents have to those parking spaces, problems with residents staying in the spaces overnight, golf cart use/decal issues. Then there is the problem in certain parts of the city with on-street parking in the residential neighborhoods. Dissecting that further, it appears as though the complaints are a result of 1. The day visitors to the beach, 2. Guests at STR's. We are all over the board with this and I feel as though these issues need to be handled one thing at a time instead of lumped together.

Blanketed solutions such as a city-wide ban of on-street parking for non-residents to solve the problems that exist in certain parts of the city are a default solution that fails to fully explore more long-term alternatives. With Clearwater Beach becoming more and more congested and tourism increasing, our problem isn't going to go away. I believe Gregg Mims recently said that IRB's tourism has gone up 20% since the year prior. As it gets harder for locals to travel to Clw. Bch, they will look for alternative locations.

Many IRB residents are offended by the exclusivity of our neighbor to the north. I've lived in both towns and as a young mother, I can recall being questioned by another resident about where exactly I lived when I was enjoying an afternoon with my baby on Belleair Beach across the street from my home on Harbor Drive. Pretty offensive. I also recall the major inconvenience it was to have guests over to our home as we had a one-car driveway with a carport only. By eliminating the availability of non-residents to come to our beaches by seriously reducing access due to a lack of parking without bookending our "solution" with alternatives, we are essentially becoming exactly what I disliked about Belleair Beach. Exclusive.

The state of Florida has many other coastal communities or popular downtowns with narrow streets and with very similar issues IRB is facing, so we are not unique with our problems. Not just coastal communities either, popular vacation towns also have parking headaches, such as Aspen, Colorado, Sarasota, or even Dunedin, Fl. This allows us to look to them for what they have done to seek solutions. What I don't know is if this has been looked into by our local officials? Has anyone spoken to other towns that have instituted solutions to their similar parking problems? Without knowing an answer to that, I will continue as if it hasn't been explored. This is uncharted territory for me as I don't know the in's and out's when it comes to what is feasible for our town and what isn't. But I've been doing a lot of reading about this and thought I would put my two cents in. Pretty much everything I've read states that if our parking issues are getting worse, and visitors are increasing then it's our job to offer alternative transportation solutions to help ease the problems.



I will admit that our town is unique when compared to others because of its small size, lack of parking on Gulf Blvd (like Delray Beach has along A1A), and a lack of a bustling central East/West street with multiple shops, restaurants, similar again to Delray Beach. However, we still do have a business district and many businesses along the Walsingham bridge.

1. The most glaring issue I see is that IRB has a lack of information available on the web regarding parking in our town. I may be missing it, but the only ones I see that mention parking is not affiliated with the town. If you google "Anna Maria Island Parking" or something similar for other towns, they have a page devoted to where their visitors can find parking. Does IRB have adequate visible signage/brochures pointing out public parking and prices?
2. I believe I read that Gregg Mims said we have adequate public parking spaces available that meet the needs to qualify for beach renourishment, but clearly we have a problem at times with enough spaces to meet the popular weekend/holiday visitors. Other towns have decided to build parking garages as part of their solution to their parking issues. Our land is too valuable, so I don't see this being a popular solution. "Devoting land and funds to automobile parking often reduces the resources available to support other non-auto modes. As a result, policies that increase parking supply tend to reduce overall transportation choices."  
<https://ccdcoise.com/wp-content/uploads/2016/02/Parking-Problems-and-Creative-Solutions.pdf> But what I do see that we have available to us is unutilized or underutilized private parking. If you load Google map then search for IRB, do a screenshot and paste the image in MS Paint or a similar program. Start highlighting the open surface parking lots in our town to see what I mean. With this information, the city could partner with some of this available private space to take advantage of different peak periods. I read a study that showed most beachgoers have left their parking spaces by 5 pm on average. We could put in place a smart meter system similar to what is being used in Delray Beach. "The meters will have the ability to read license plates and feed information into a regulatory parking system, managed by an outside contractor." "private owners will have the option to partner with the city and place meters on their lots." The private owners will keep the parking revenue, and the city will monitor the lots and keep any citation revenue." [https://www.govtech.com/fs/news/App-Enabled-Meters-to-Replace-the-Boot-in-Delray-Beach-Fla.html?fbclid=IwAR0i2M98pxsqoVFEEQwK3sRR1a45z8wFKsPXWIXiohA\\_Lf7-7gCIF28Lm\\_iw](https://www.govtech.com/fs/news/App-Enabled-Meters-to-Replace-the-Boot-in-Delray-Beach-Fla.html?fbclid=IwAR0i2M98pxsqoVFEEQwK3sRR1a45z8wFKsPXWIXiohA_Lf7-7gCIF28Lm_iw) The company Delray Beach is using (if I am understanding it correctly) is Lanier Parking. <https://www.lanierparking.com/news/post/DelrayBeach> For instance, there is a large private lot behind the newly purchased building at 300 5th Ave right before the Walsingham bridge. I'm not sure of the new owner's plans, but if the city could partner with this owner, for example, it could funnel people to the business district for a win/win.
3. In addition to the discussion above, also available is the option where residents can charge people to park in their personal driveways. There is an app for that. It allows drivers to make reservations for spots. The homeowners set their hours and rates, which range from \$1 to \$5 per hour. <https://www.findparkstash.com/>. Here is another one: <https://www.pargex.com/about-pargex/>

4. Another solution Delray Beach, Savannah, Aspen, and Tampa, have found has helped ease their parking issues and congestion is by increasing access to public transportation to and around the town. One of the ways they have done this is by contracting with a company that provides on-demand free rides using eco-friendly 100% electric vehicles to supplement our existing public transportation. It would be fully funded by the city government. The city of Tampa has eight vehicles and have paid for theirs with "city redevelopment property tax revenue, plus state and federal funds and contributions from the nonprofit Partnership and downtown hotels, office towers, and developers." <https://www.tampabay.com/news/transportation/tampa-expands-free-downtowner-electric-shuttle-service/2332405/> And from Delray Beach: <https://delraynewspaper.com/downtowner-returns-to-downtown-delray-beach-28028> I know this is expensive, but perhaps a smaller version of something like this is worth a discussion. I spoke to one of the owners to understand it better and he said they could tailor it to our needs including a seasonal contract, weekends only, and also during special city events. In order to reduce traffic, the cars coming into our town looking for parking, the city would need to lease a remote parking lot and utilize the vehicles with drop-off locations within the town.
5. The only other thought I had was to campaign for more bike usage in our small town. Our town has plenty of back roads to navigate the city safely along with the bike trail that's on Gulf Blvd. We frequently see people walking or biking across the Walsingham bridge to get to our beach and many times they are bringing with them beach chairs, etc. We've even seen people trailering kayaks behind their bikes going over the bridge. I know we added bike racks to the beach accesses, but I'm not sure how many are available citywide. I read in the Action 2000 masterplan that they wanted to create a back-street bike trail but I couldn't find it online. Has that been done?
6. If certain areas of the city need to make a change to on-street parking so emergency vehicles can more easily maneuver those streets, consider one side street parking that gets alternated every year or every other year.

Finally, I want to add that we are vehemently against a blanket solution for the entire town to limit on-street parking to residents only. Here are our reasons:

1. Parking is a problem for certain parts of the city during certain days of the week or holidays. It is not a problem where I live at the end of Harbor Drive South. I have been paying very close attention to the streets as I purposely travel through our town since our last meeting, and I don't understand the uproar over this issue. Even the streets where it is more of an issue during the weekends, for the most part of the week, I cannot see there is a problem with their on-street parking. Our city manager pointed out that in March that there have only been 4 formal parking complaints over the last year and I believe one of them was about a boat on a trailer. Has this all be exasperated over the current virus situation?
2. We moved from Belleair Beach to IRB in part because of the restrictions placed on us over parking in that town. I've already touched on that, so I will move on.
3. When we built our HDS home 21 years ago, we purposely designed our driveway to have more green space in front of our property. We could have designed a giant concrete driveway, but we choose to have a more attractive landscape instead. As a result, we cannot accommodate in our driveway only, the number of guests we have at times.

4. When I first moved to IRB, my neighborhood was predominately retirees, seasonal residents, and local fishermen. Very few young couples starting families lived here. Over time, more and more young couples moved in around us making IRB their home where they raised their young kids, going to school locally, playing baseball at Campalong, and doing all one does in their community when raising a family. With that comes kids that grow up locally making many local friends who visit them. Even Action 2000 spoke of this in their Masterplan: "2.2 Demographics: Historically, Indian Rocks Beach had a high proportion of Non-resident property owners, including weekenders from neighboring cities and seasonal visitors from the North. This group generally had little concern for the community, other than the beach and its restaurants. A major change in the mix of various age groups has taken place in the city over the past decade. Indian Rocks Beach has experienced an influx of young families. Essentially, this change has given Indian Rocks Beach a greater "sense of community". According to an article in the St. Petersburg Times (23 April 2000), "Two-thirds of those who have either bought or built homes in the city between 1996 and 1999 are between 30 and 49." "This demographic change, from predominantly tourist/retirement character to one of small-town neighborhoods, has brought about the necessity to accommodate the changing needs of the community. The influx of young children is one of the most significant." <http://www.indian-rocks-beach.com/docs/A2K%20Comprehensive%20Master%20Plan.pdf>

At one point, we had 5 teenagers living with us. At any given time, one of our sons would have his girlfriend visiting, the other would have several friends come over to go boating, another would have a friend stay the night, and at times our local family members would come to visit us. My husband and I have very large extended families and they all live locally. The solution to make IRB resident-only parking is a problem for our family and probably for many other families in our town. I feel as though most of the support for this blanket solution is coming from residents with two members of the household and they aren't considering how it would affect others with larger families in this community.

5. I own an electric car that needs to be plugged in to charge (in my garage). So, the solution that when we have guests over, we switch our resident car to the street and allow our guests to use our garage/driveway is a problem for me personally. Consider that the guest visiting is visiting another member of my family and I need to use my vehicle and come home to charge it. See the problem? As more and more electric vehicles are sold, I will not be the only one with this issue.
6. We are opposed to putting our very expensive, garage kept car, out on the street in the elements during the day if we have guests visiting a family member in our home.
7. Many of the homes in IRB were originally built with one car driveways when this area was developed. They are not equipped to accommodate multiple guests and this proposed ordinance would essentially restrict the number of guests you can have visit you at one time. I think that's ridiculous! In the end, you will find our neighborhoods with cars parked in the grass/yards in front of their homes in order not to get a ticket. As well as cars with their bumpers sticking out into the street trying to squeeze in.
8. As far as building a parking pad in the right of way (which once again limits the green space in our community....usually the opposite of what a community tries to do), we took up an existing gravel parking pad at a long term rental home we purchased at 421 HDS, to replace it with pavers. However, the city told us since we took it up, we could not replace it. I assume the

reason was one of aesthetics and beautification of the city. If this proposed ordinance is passed, I guess that will no longer be a priority for the city. I think that is going backward.

9. This ordinance will certainly affect West Pinellas Little League when they have practices and games. It will also be an issue for when the city has festivals and beach parties.
10. The proposed paid \$3/guest pass would only work for small families with a few infrequent visitors. It would be too expensive for families with multiple family members who have frequent guests.
11. One of my son's vehicle is registered to his father using his father's address in Belleair Beach. Although my son's driver's license has his IRB address which is his permanent address. From what I read, only those who's car is registered to their IRB address is eligible for a resident sticker.

This a lifestyle issue for us, so it has our full attention. This proposed ordinance is a significant change to our front yard. We have already had the same happen to our back yard a few years ago. This solution to end all non-residential on-street parking city-wide does not sit well with us and we feel as though it deserves further thought and discussion towards a solution that solves a situational problem. Not essentially place the burden of all the parking issues on the residents of IRB. During the March meeting, there was a short back and forth discussion about how these parking issues could be handled concerning the problem areas. Mr. Mims didn't say it couldn't be done, the discussion was more that it would be difficult to do. We know our commissioners are seeking a difficult solution. Against so much pressure to do otherwise, many residents seek to continue to hold on to being a small town. So hard to find that balance when the squeeze is all around us. Believe me, we want to hold on to our quaint small town. we just hope we all can agree it is more of a problem in certain parts of the city, therefore we should seek a compromise based on the problem at hand.

Thank you and regards,

Beth Crisler McMullen

Tom McMullen

481 Harbor Drive South

Indian Rocks Beach

727-678-6636

## O'Reilly, Deanne

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**From:** O'Reilly, Deanne  
**Sent:** Thursday, September 10, 2020 7:38 AM  
**To:** Hanna, Phil; Flagg, Diane; Bie, Eddie; McCall, Joe  
**Cc:** Mims, Gregg  
**Subject:** FW: Banning of Street Parking

-----Original Message-----

**From:** gulfside3@aol.com <gulfside3@aol.com>  
**Sent:** Wednesday, September 09, 2020 2:46 PM  
**To:** Kennedy, C <CKennedy@irbcity.com>  
**Subject:** Banning of Street Parking

My husband and I support whatever form of parking restrictions you decide. We use 12th Avenue, that allows parking on the south side of the street to access our home on Bay Palm Blvd. Being a narrow street, it's usually very challenging to navigate 12th Avenue weaving in and out of parked cars to allow for oncoming vehicles. Parked cars show no respect parking in front of driveways, mailboxes, on lawns, leaving trash behind for homeowners to cleanup. While we can't force visitors to be more courteous, access can be restricted. Enforcement will also be needed, otherwise there's no point.

Sincerely,  
Karl & Patricia Dietiker  
1206 Bay Palm Blvd.  
Sent from my iPhone

**O'Reilly, Deanne**

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**From:** Kathy Paro <kathyd.paro@gmail.com>  
**Sent:** Wednesday, September 09, 2020 12:38 PM  
**To:** Flagg, Diane  
**Subject:** Street parking IRB

Please don't limit street parking in IRB. I live on Harbor drive North and there is no problem with beach parking. Occasionally we have problems when someone is building or remodeling but that is temporary and we do not need a law in place for that.

Thank you

Kathy Paro

Sent from my iPhone

**O'Reilly, Deanne**

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**From:** Nadine Hartzell <nadinerh@gmail.com>  
**Sent:** Tuesday, September 08, 2020 7:55 PM  
**To:** Kennedy, C  
**Subject:** Parking

Frank and I support parking restrictions in IRB. 12th Avenue is narrow and when vehicles park on the street, it is difficult to navigate. It really is a safety concern.

Thanks for representing us.

Nadine and Frank Hartzell

**From:** Kerry Rieumont <[krieumont@gmail.com](mailto:krieumont@gmail.com)>  
**Subject:** Parking ban  
**Date:** September 6, 2020 at 5:01:20 PM EDT  
**To:** Phillip J Hanna <[phanna1@tampabay.rr.com](mailto:phanna1@tampabay.rr.com)>

I support a parking ban. My main concern is safety. The roads become very narrow with cars on both sides which impede emergency vehicles and many turns are blind due to cars blocking visibility. There is poor line of sight. I do sympathize when I hear other residents have difficulty accessing their driveways and property damage from beach goers. I feel Harbor Dr hasn't been affected as much because beach goers take all the parking spots for the tennis courts and playground and occupy the blocks that are of better proximity for beach access. My understanding is that a parking ban would not apply to commercial vehicles and workers so that is not an issue. It's not that beach goers aren't welcome in IRB but if the volume exceeds the public lot and the designated spaces, it can become problematic for many residents who do live here to find spots at the access because there are not enough and there is no enforcement. A parking ban would also have an indirect effect on potentially limiting the attractiveness of VRBO residential properties which I believe detract from property value once you hit a certain price threshold. There are positive and negatives to any decision That a municipality makes. I see both sides but the positive impacts outweigh the negative impacts In my opinion.



## O'Reilly, Deanne

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**From:** Curtis Zeringue <cezeringue@cox.net>  
**Sent:** Sunday, September 06, 2020 4:29 PM  
**To:** Kennedy, C  
**Subject:** Street Parking

I completely support the ban on street parking!

You can't please everyone!

I think the people that live in our community overwhelmingly support this ban.

Parking on our streets have made it dangerous for all of us in one way or another.

It has been abused by others and look forward to the parking ban going into effect.

I'm sure this will only make our quaint town just more desirable.

Please pass this on to all commissions!

Keep your citizens happy 😊

Sincerely,

Curtis Zeringue

328 La Hacienda Drive

Indian Rocks Beach

Curtis Zeringue

225-963-4164

**O'Reilly, Deanne**

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**From:** Linda Roberts <twinlinda3@yahoo.com>  
**Sent:** Sunday, September 06, 2020 2:58 PM  
**To:** Kennedy, C  
**Subject:** Street Parking

Dear Leaders of IRB,

I'm a resident and have very limited parking. I currently park one of my vehicles on the street and I have frequent guests year round who also park on the street.

I'm opposed to the ban on street parking! It would be very inconvenient and unnecessary for the majority of residents in IRB.

Maybe consider no parking on the end of streets that are affected by beach parking but certainly not the whole city.

Thank you for your consideration on this important issue.

Sincerely,

Linda Roberts  
416 12th Avenue  
Sent from my iPhone

## O'Reilly, Deanne

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**From:** Dana Anderson <dana.anderson2018@gmail.com>  
**Sent:** Sunday, September 06, 2020 2:31 PM  
**To:** Kennedy, C  
**Cc:** Hanna, Phil; Flagg, Diane; Hoofnagle, Edward; McCall, Joe  
**Subject:** Street Parking Ban

Greetings, Ms. Kennedy and Commission: I am a teacher at the Victory Program at Country Day School in Indian Rocks Beach and a former resident of Indian Rocks Beach. I am emailing you after hearing a lot lately about the street parking ban on "outsiders."

Working at our beautiful little school since 2015 and living in IRB for the past 2.5 years has been one of the great joys of my life. IRB is (at least for now) a unique, authentic and friendly small community. The traditional rental property where I lived in IRB was purchased by a short-term vacation rental company. As a result (assisted by Joe and Tammie McCall's terrific mortgage company), I recently purchased a home just over the IRB bridge so that my teens and I would remain close to IRB for my daily work commute to the school and for the fun beach, businesses, and community activities my teens and I participate in there in IRB.

For those people like us who do not live in IRB but live close enough to patron its terrific local businesses on a near daily basis (18 on the Rocks, Pinkys, the Bait and Cigar Shop, Nekton, Cafe Paris, laundromat, etc.), as well as attend the IRB community events, such as volunteer cleanups at the beaches, and whose walk to sunsets have become a family tradition, we just generally want to be positive contributors to this community, even though we can't afford to own a home there. Sadly, many of those people will decide to take their business and their family traditions and their regular times there (what brings real heart to a community) elsewhere. As a child of parents who owned a small restaurant and bar, I can tell you public perception of your community and of how welcoming (or unwelcoming) you are to all people matters to those businesses' survival.

I am asking the good people on this commission to really stop and think about doing the right and good thing for the *whole* community -- meaning, "the IRB community" as an entity, not just as a geographic boundary. I and my teens and many people like us truly feel that we are a part of the IRB community who are welcome, who care about this place, who work there and patron the businesses there and know the people there, even though we do not live within the city limits.

Please do the right thing and do not approve this street parking ban. If you pass it, you might as well hang a "You're Not Wanted or Welcome Here" sign on the IRB Bridge because that is how it's going to feel to people like us.

Sincerely,  
Dana Anderson

--

"Learn from yesterday, live for today, hope for tomorrow." -- Albert Einstein

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Dana Anderson MSJ, AMS  
(727) 403-7200

**O'Reilly, Deanne**

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**From:** wsnell1@tampabay.rr.com  
**Sent:** Sunday, September 06, 2020 11:33 AM  
**To:** Hoofnagle, Edward  
**Subject:** Parking

I don't think we need this. We are a friendly town! Everyone should be able to enjoy our beaches!

Allison Snell

Sent from my iPad

## O'Reilly, Deanne

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**From:** Mims, Gregg  
**Sent:** Friday, September 04, 2020 8:37 PM  
**To:** kenneth waite  
**Cc:** \_Commission; Leiner,Michael; Kelley, Mike; Mora, Randy (City Attorney)  
**Subject:** Re: Bay Boulevard Parking

Mr. Waite,

Good evening. I directed staff to install the signs before the holiday weekend. On my wife and I evening walk yesterday I noticed that they had been installed.

PCSO provides excellent law enforcement services to our city.

If you need anything else, please feel free to contact me.

Have a good weekend.

Brently Gregg Mims  
City Manager  
City of Indian Rocks Beach  
Florida

Sent from my iPhone

On Sep 4, 2020, at 8:23 PM, kenneth waite <kwaite.jandg@me.com> wrote:

Mr. Mims:

Thank you for the focus and attention to the parking issues along Bay Blvd. The new "No Parking" signs have been installed and PCSO have been visible in the area. In speaking with Deputy Siems, he represents our community as a true professional. He has been issuing tickets plus educating visitors on the new parking limitations.

It's disappointing that a few had to ruin it for the families that come to enjoy our community.

Again, thank you to yourself, Mayor Kennedy, and PCSO for resolving this issue.

Ken

Kenneth Waite  
2403 Bay Blvd  
832-244-3466

<image0.jpeg>

<image1.jpeg>

Sent from my iPad

On Aug 17, 2020, at 8:57 AM, Mims, Gregg <gmims@irbcity.com> wrote:

Mr. Waite,

Good morning. Thank you for your email to Mayor-Commissioner Kennedy concerning parking on Bay Boulevard. By way of this email I am requesting that the Pinellas County Sheriff Office contact you. I have copied Captain Leiner of PCSO on this email. As an update, the Commission has directed the City Attorney and I to draft an ordinance to prohibit on street parking from 8:00 to 5:00 without a IRB resident decal. The Commission will consider this ordinance later in the year.

Have a good day.

Brently Gregg Mims, City Manager  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
Phone: (727) 595-2517  
Fax: (727) 595-4627  
Website: [www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

"The two most important days in your life are the day you are born and the day you find out why." Mark Twain

All government correspondence is subject to the public records law.

<mime-attachment>

**O'Reilly, Deanne**

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**From:** Jo Nocera <jonocera@gmail.com>  
**Sent:** Thursday, September 03, 2020 3:01 PM  
**To:** Kennedy, C  
**Subject:** Parking in Indian Rocks Beach

Dear Cookie, Commissioners, and Gregg Mims,

We want to give our support to the efforts to improve the street parking situation in our city. We believe the suggestion to limit street parking between the hours of 9am - 5pm (or similar)

would be a big improvement. This would go a long way to ease the congestion on our streets. Although some may think this isn't an issue, as the problem hasn't been as critical this year due to Covid19,

those with better memories will remember the impassible streets that often plague our city's avenues. Besides the difficulty for emergency vehicles trying to navigate the streets,

there is also the hazard for pedestrians and bicyclists sharing the roadway.

Thanks to all of you for the many hours you spend making our city a better place!  
Jo and Bert Nocera

## O'Reilly, Deanne

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**From:** John Thayer <ultralight03@gmail.com>  
**Sent:** Monday, August 24, 2020 6:33 PM  
**To:** Flagg, Diane; Hoofnagle, Edward  
**Subject:** Re: City Commission Work Session Thursday 23JUL2020

Commissioner Flagg,

Thank you for your comment. I received the same comment from Commissioner Hoofnagle so I have included him on this reply.

I understand there will be two readings on this (see my last paragraph). My concern is that with very little public comment, the Commission has given the City Manager and the City Attorney the green light to go ahead and write an ordinance banning daytime parking all over the city when the issue is beach parking east of Gulf Blvd for a couple of blocks.

Most residents I have talked to do not know this is happening. By the time they understand the issue it will be headed into law. I urge you to table this issue for 6-months or so. Let the new signage work and see if further action is necessary. Double the parking fines if you want, but please do not penalize all the residents because of an issue around Gulf Blvd.

Thank you,  
John & Suzanne Thayer

On Mon, Aug 24, 2020 at 4:47 PM Flagg, Diane <[dflagg@irbcity.com](mailto:dflagg@irbcity.com)> wrote:

Suzanne and John,

Regarding your e mail, I wanted to let you know that there will be 2 public hearings before the ordinance is adopted. Both hearings will be at our regular

City commission meetings.

Sincerely,

Diane Flagg

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**From:** John Thayer <[ultralight03@gmail.com](mailto:ultralight03@gmail.com)>  
**Date:** Sunday, August 23, 2020 at 5:27 PM  
**To:** "Kennedy, C" <[CKennedy@irbcity.com](mailto:CKennedy@irbcity.com)>, "Hanna, Phil" <[phanna@irbcity.com](mailto:phanna@irbcity.com)>, "Hoofnagle, Edward" <[ehoofnagle@irbcity.com](mailto:ehoofnagle@irbcity.com)>, "Flagg, Diane" <[dflagg@irbcity.com](mailto:dflagg@irbcity.com)>, "[jmcall@irbcity.com](mailto:jmcall@irbcity.com)" <[jmcall@irbcity.com](mailto:jmcall@irbcity.com)>, "Mims, Gregg" <[gmims@irbcity.com](mailto:gmims@irbcity.com)>  
**Subject:** City Commission Work Session Thursday 23JUL2020



Mayor, Commissioners and City Manager,

I was dismayed with the timing of this work session. To schedule an agenda of this magnitude, especially including the hot topic of parking, during a weekday afternoon severely limited the participation from the average resident. This work session should have been for parking only and held in the evening to include more participation on this very important topic.

I had to work that day and was unable to attend either in person or virtually. I have since though watched this 3-1/2 hour marathon twice on the internet. I was further dismayed by the speed at which the City Council jumped on option B to make the entire city no parking on the street during the day! Thank you Commissioner McCall for your vote for a less drastic solution.

The issue is parking for the beach. Basically the issue includes the first 2-3 blocks East of Gulf Blvd. Most of the few participants who spoke, all in favor of option B, did not live in this affected zone. This suggests another agenda, most likely vacation rentals, not limiting beach parking.

This huge leap to no parking all over the city during the day is a huge leap to becoming Belleair Beach. We have lived here 13-years and participated in every city election. Candidates, bar none, always say they are for keeping IRB the small, unique, family oriented place it is and not becoming like Belleair Beach, because that is what the residents want from their mayor & commissioners

IRB is not Belleair Beach and can never be. IRB was mostly developed in the late 40's, 50's and early 60's. Most lots are only 50 feet wide and homes were small, with a single driveway and sometimes just a carport. There are many multi-family dwellings. Many of these charming original homes still exist. I have lived in two of them, Parking more than 2-cars is often an issue without paving the entire front setback. Option B will cause a hardship in many of these cases. Belleair Beach, on the other hand, was developed later, on wider lots with larger houses, most of which have 2-car garages with room for 4-more cars in the driveway. On the east side of Gulf Blvd there no multi-family, only single family dwellings.

Three weeks ago, I drove every public street in IRB at 1:30PM on a sunny Sunday; perfect beach weather. I had no issues getting anywhere. Even during a weekend there were hardly any cars parked on any of the avenues between Bay Blvd and the ICW and East Main and the ICW. West of Bay Blvd and East Main most of the streets to Gulf Blvd had only one or two cars here and there. On 16th there were 4-5 cars clustered around one residence about 4-houses off of Gulf Blvd. The only other spot with a number of cars was on both 1st and East Main just south of 9th Ave; less than 10 on each street, but no congestion issue due to the width of the streets in that area.

The City Manager stated that several hundred new no parking signs have been installed east of Gulf Blvd. They have worked in my area of the city and I have not noticed beach goers parking deeper into the neighborhood. The kids are

going back to school and the pandemic will not last forever. Give the new signage a chance to work (basically option A). If there are specific issues, address them one at a time and maybe put up a few more signs if necessary. Raising the parking fine is okay but needs to be enforced, like any ordinance. No additional parking decals will be required.

Please revisit this issue and adjust it back before the first reading as once it gets to that point it becomes much harder to change in my experience. Drive the city you represent and not want to be like Belleair Beach. Look at the homes you will affect with option B; the many small, unique, family oriented places you pledged to preserve, who will have to shuffle cars around every time they have a friend or relative stop by for a visit.

Thank you,

John & Suzanne Thayer

1819 Bay Blvd

727-744-2342

**O'Reilly, Deanne**

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**From:** David M. Bliesner <bliesner@mindspring.com>  
**Sent:** Monday, August 24, 2020 9:57 AM  
**To:** Johnson, R  
**Cc:** kkbliiesner@verizon.net  
**Subject:** Some Advice Please

Good Morning RB-

I am not sure if you still receive e-mail at this address, but I thought I'd give a try.

I was wondering if I could arrange to speak with you for a few minutes?

I need some advice regarding the parking situation (in my front yard) that has been created by Father Jon Roberts of the Calvary Episcopal Church.

Thanks in advance!

Sincerely,

Dave and Kathy Bliesner

1612 1<sup>st</sup> Street  
Indian Rocks Beach

727.642.0182

## O'Reilly, Deanne

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**From:** Mims, Gregg  
**Sent:** Monday, August 17, 2020 6:39 PM  
**To:** \_Commission  
**Subject:** Fwd: Bay Boulevard Parking

Sent from my iPhone

Begin forwarded message:

**From:** kenneth waite <kwaite.jandg@me.com>  
**Date:** August 17, 2020 at 6:07:16 PM EDT  
**To:** "Mims, Gregg" <gmims@irbcity.com>  
**Subject:** Re: Bay Boulevard Parking

Mr. Mims:

I was contacted this morning by a local representative of PCSO. He was extremely helpful and fully aware of the challenges created by the "Skim Board Event" last Friday evening. He was gracious in his suggestions to address any future issues. It's unfortunate that a few ruin the wonderful opportunities of our community...for the many.

Thank you for your actions,

Ken

Sent from my iPad

On Aug 17, 2020, at 8:57 AM, Mims, Gregg <gmims@irbcity.com> wrote:

Mr. Waite,

Good morning. Thank you for your email to Mayor-Commissioner Kennedy concerning parking on Bay Boulevard. By way of this email I am requesting that the Pinellas County Sheriff Office contact you. I have copied Captain Leiner of PCSO on this email. As an update, the Commission has directed the City Attorney and I to draft an ordinance to prohibit on street parking from 8:00 to 5:00 without a IRB resident decal. The Commission will consider this ordinance later in the year.

Have a good day.

Brently Gregg Mims, City Manager  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785

Phone: (727) 595-2517  
Fax: (727) 595-4627  
Website: [www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

"The two most important days in your life are the day you are born and the day you find out why." Mark Twain

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<mime-attachment>

**From:** kenneth waite <[kwaite.iandg@me.com](mailto:kwaite.iandg@me.com)>

**Sent:** Friday, August 14, 2020 6:40 PM

**To:** Kennedy, C <[CKennedy@irbcity.com](mailto:CKennedy@irbcity.com)>

**Cc:** Frank DiMaria <[frankdimaria73@gmail.com](mailto:frankdimaria73@gmail.com)>; kenneth waite <[kennet5377@aol.com](mailto:kennet5377@aol.com)>

**Subject:** On Street Parking

Mayor Kennedy:

The street parking is ridiculously! You surrounded all the new townhomes with no parking signs, now the kids park in front of our property. Dumping beer cans. Pissing in the yard.

I'll park my truck in front of my property and block the road...maybe then the sheriff will get involved.

Come by and see this mess,

Ken

Kenneth Waite  
2403 Bay Blvd  
832-244-3466

## O'Reilly, Deanne

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**From:** Zeringue, Angela (CCI-Trapollo) <angela.zeringue@trapollo.com>  
**Sent:** Tuesday, August 11, 2020 2:53 PM  
**To:** Hanna, Phil; Hoofnagle, Edward; Flagg, Diane; McCall, Joe; Kennedy, C; Mims, Gregg  
**Subject:** Support of restricting street parking

Hi Cookie, Phil, Diane, Ed, Joe, and Gregg,  
I'm a resident at 328 La Hacienda.

As the raised idea of restricting parking comes back into future meeting agendas, I am in support of restricting street parking.

I walk most mornings and the street parking is a problem on numerous streets and areas of the city.

- 1) Many times I've seen parking on both sides of the street where it's a problem for 1 car to pass through. This is scary when you think about emergency vehicles trying to get through and then an ambulance trying to get out and back to a hospital as fast as possible.
- 2) The trash is ridiculous where there are parked beach-goers. No one wants to be picking up other people's fast food wrappers, empty bottles, etc.
- 3) I'm also concerned with the number of cars brought into Airbnb/VRBO. Small houses with limited # of capacity should be stopped from parking unlimited numbers of cars on the street.
- 4) There have been a number of times when the streets are blocked with parking and I walk past the public parking lot and it has plenty of space. People coming to the beaches should expect to pay for parking or go to the several larger free parking lots that are also available along the beaches.
- 5) If I am having guests, I can make arrangements with my neighbors to use parts of their driveways as well as my own. If we are going to have a planned event in the future, part of the planning will have to be how we'll accommodate the parking.

My support is to do something to restrict on-street parking. Please.

Thank you  
Angela

Angela Zeringue  
Key Account Manager  
Mobile: 727-692-5031  
Email: [Angela.Zeringue@Trapollo.com](mailto:Angela.Zeringue@Trapollo.com)

**PROUDLY CELEBRATING 10 YEARS SERVING THE HEALTHCARE COMMUNITY!**



## O'Reilly, Deanne

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**From:** Teri Becker <tebccslp@gmail.com>  
**Sent:** Tuesday, August 04, 2020 5:06 PM  
**To:** Kennedy, C  
**Subject:** Re: Street Parking Options Presented At City Commission Meeting/Work Session On 07/23/2020

Hey there Cookie -

I really appreciate your response and time - I know finding solutions to the parking situation is really tough.

Seriously, we are so lucky to have you for our mayor. I just got done watching your most recent Monday with the Mayor - it is always great to hear from you and the stories from your guests.

And, yes! That was our youngest out of the three, Lianna, who came into the shop and had her hair done by Lisa. She will be heading back to UCF in just a few short weeks. This momma has really enjoyed having her back at home for a bit :). We have all been diligent about the precautions/safety measures and have remained healthy so far, thank goodness.

I will keep my eyes and ears open for news about upcoming work sessions/meetings when the city will be discussing the parking again. Thanks again for being open to the discussion of hang tags for visitors or another option that can assist, if the city moves forward with no parking on the streets.

See you soon ~ Teri

On Tue, Aug 4, 2020 at 3:13 PM Kennedy, C <[CKennedy@irbcity.com](mailto:CKennedy@irbcity.com)> wrote:

Hi Teri

Thank you for your email. Next week the city manager and I will sit down and look at the emails we received concerning parking.

We will look at East Gulf Boulevard again and see if we can come up with a solution.

I appreciate your thoughtfulness and understanding as we navigate this issue.

I think 😊 one of your daughters' was in the shop. Beautiful! 😊

Hoping all of you are staying safe and healthy.

Cookie

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Teri Becker <[tebccslp@gmail.com](mailto:tebccslp@gmail.com)>

Date: 8/4/20 12:14 PM (GMT-05:00)

To: "Kennedy, C" <[CKennedy@irbcity.com](mailto:CKennedy@irbcity.com)>



Subject: Fwd: Street Parking Options Presented At City Commission Meeting/Work Session On 07/23/2020

Cookie -

Here you go. Thanks so much for sharing the below email with the group.

Talk to you soon ~

Teri

----- Forwarded message -----

From: Teri Becker <tebccslp@gmail.com>

Date: Tue, Aug 4, 2020 at 10:45 AM

Subject: Street Parking Options Presented At City Commission Meeting/Work Session On 07/23/2020

To: <ckennedy@irbcity.com>, <phanna@irbcity.com>, <dflagg@irbcity.com>, <ehoofnagle@irbcity.com>, <jmccall@irbcity.com>, <gmims@irbcity.com>

Dear Mayor Kennedy, City Manager Mims, and IRB City Commission Members,

My name is Teri Becker and I live at 635 Garland Circle (at the very south end of East Gulf Blvd.) in the area called Curlew Landings South - the light blue townhomes.

First, I would like to thank each of you for all of the effort being put into resolving the street parking issues we are currently experiencing in our wonderful city of Indian Rocks Beach. I have seen first hand how much the vehicle traffic has increased since we moved here in 2016....even more so in the past 4-5 months.

My apologies for not personally being able to attend the work session on July 23rd at the hall or on Zoom. I hope it is okay that I am sharing my thoughts via this email. At future work sessions/hearings, I will do my best to attend in person at the hall or via Zoom, if my job allows.

I totally see the need for something to be done about the excessive street parking that has gotten out of hand. For the most part, I agree that the Option B that was discussed at the work session is the best option, out of the choices given. However, I do have one major concern.....

Our Curlew Landings neighborhood has approximately 100 units. Each unit has a 1 car, outside driveway. For all 100 units, there are only 4 visitor parking spots available in our complex. As an example, when we have our three daughters come visit for a few hours at the same time (which they often do during the hours of 8am and 5pm), or have them over for a family cookout on a Sunday afternoon, and our complex's 4 visitor parking spaces are filled (which they usually are), they have no other choice but to use the street parking on East Gulf Blvd. if they want to spend time with us. I don't feel it is right for us to put a certain time of day mandate on our own daughters to see us - such as telling them they can only come to visit us after 5pm.

Again, I 100% agree that there needs to be some type of change from the current situation of street parking in our city. But, I do feel there needs to be some additional discussion about possible tweaks to option B, or another option being created, to assist with the example I provided above. I would imagine I am not the only resident of IRB that has concerns such as this, due to the already limited parking options they have available at their own residence.

In all aspects of life, I feel if there is room for improvement in a certain area, it is best to give some possible solutions to help solve the problem. Here is an option/idea that I hope can be considered to assist with Option B of the Street Parking Discussion:

*Allowing each Indian Rocks Beach household 4-5 guest passes, they can temporarily share with the family member(s)/friends to hang on their rearview mirror, so they could park on the street for a few hours, on the day a gathering is planned. This way, those without any extra parking at their residence would still be able to visit with a family member during the day, or enjoy a cookout with friends/families on a weekend afternoon.*

Being a retired military veteran, I have lived many places in my life, and my husband and I have never been more happy than we are here in Indian Rocks Beach. Please know I definitely understand that there is no way to please everyone who lives here when it comes to finding an answer to the street parking issue. I just wanted to be sure you had the chance to hear my thoughts and concerns.

Thank you, in advance, for taking the time to read this email and consider the ideas/solutions that could be added to Option B, or be a part of an additional Option, from which to choose.

Very respectfully,  
Teri Becker

## O'Reilly, Deanne

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**From:** Fr Jon Roberts <JRoberts@calvaryirb.org>  
**Sent:** Monday, August 03, 2020 10:11 PM  
**To:** Kennedy, C  
**Subject:** Re: Letter  
**Attachments:** 080320 Cookie Kennedy.pdf

Dear Mayor,

Please feel free to contact me if you would like to discuss the parking issue further.

On Mon, Aug 3, 2020 at 8:03 PM Joanne "Cookie" Kennedy <[cookieirb52@gmail.com](mailto:cookieirb52@gmail.com)> wrote:  
[Ckennedy@irbcity.com](mailto:Ckennedy@irbcity.com)

On Mon, Aug 3, 2020, 3:56 PM Fr Jon Roberts <[JRoberts@calvaryirb.org](mailto:JRoberts@calvaryirb.org)> wrote:

Hello Cookie,

Hope your summer is going well, all things considered.

I would like to send you a letter that I put some time into, that gives you better insight on the IRB parking situation from the Church's point of view. I read the Beach Beacon article recently and it looks like parking is once again, a big issue for some of our residents. The Church and Clergy names were not mentioned, thankfully, but it does not need to go unchecked. My letter simply gives more detail to which you can share as you like.

The topic is important to all of us and I have a few ideas that may also be helpful.

If you provide me with an address to send the letter, I will put in the mail tomorrow or I can send you the pdf if you like.

--

Blessings,  
Fr. Jon

The Rev. Jon Roberts  
Rector  
Calvary Episcopal Church  
*"To know Christ and make Him known"*  
1615 First St. Indian Rocks Beach, Florida 33785-2809  
[Calvaryirb.org](http://Calvaryirb.org)

727/595-2374 (w)

[Facebook](#)  
[LinkedIn](#)

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Blessings,  
Fr. Jon

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727/595-2374 (w)

[Facebook](#)

[LinkedIn](#)



August 3, 2020

Dear Mayor Cookie,

I hope your summer has been safe and sound from all that is going on in our world and that you have been able to find peace. I just returned from some personal time with my family, so it was nice to get some needed rest.

I am writing to let you know how much I appreciate you and all our City Commissioners. It is a tall task to do everything you all do and know there will be people who we cannot make happy with any decision that is made. Recently, one of our neighbors across from the Church spoke at the recent City meeting with discontent towards Calvary and me personally, as the subject relates to how our parking lots are being used. He has been adamantly opposed to all activities where the Church becomes a place of frequent visitations. The Beach Beacon ran the comment where that person spoke with the "pastor" "who did not seem to care." That is far from the truth. We open our doors to everyone, including our parking space. Asking for donations for the church is within our privilege and is a common practice by Churches located near attractions across the country. People may park, then come over to the Church for a quiet moment and to pray. They obviously would like to support our mission. We have multiple groups such as Food Pantry clients/patrons & volunteers, NA, AA, the Firemen, Sermon on the Mount, etc., who have enjoyed parking and coming to meet for the last 10-20 years. We have employees from Keegan's and Guppy's who park here, as well as their patrons who cannot find places to park at those establishments. About 2-3 times a year we have our youth work the lots to raise money for their summer mission trips. We even have neighbors who tell their visitors to park at the Church since "they won't mind." That is a fair statement, one I have heard often. Most of the people who live nearby, enjoy walking their dogs through our lots, going down to the water and admiring the view from our fence. I even saw a father teaching his daughter how to ride a bike in our parking lot a short while ago. We have allowed free parking for the HOA Taste of IRB event and for the Beach Art Center Gala. We have often prided ourselves with being that neighbor who is open and hospitable. The long and short is, we are actively engaged with, and accessible to, the public because that is what we are called to do.

Our neighbor is not happy about the rise in parking at our church by those who go to the beach. The reason for this is because they cannot find any more space at the public accesses nor do they feel safe about parking on the streets. It is mainly a weekend and seasonal occurrence. Covid resulted in a huge spike of people who had nowhere else to go, to get away, and to be "healed" from their woes, by coming to the beach. We noticed the initial spike when pay stations were erected at the nearby public access a few years ago. We began to see people drift over to our lots to avoid making payments but now we are just seeing more people park at the Church because of overflow from the Public accesses. The swell is obviously not only a 17th St. observation, but throughout all of IRB. Between COTI and Calvary, we can park about 400 cars at one time, thereby clearing them off IRB streets. We feel this is a help to the City

1615 1<sup>st</sup> Street, Indian Rocks Beach, Florida 33785-2809  
Tel 727/595-2374 ✉ <http://www.calvary.org> ✉ [jroberts@calvaryirb.org](mailto:jroberts@calvaryirb.org)  
The Reverend Jon Roberts, *Rector*

rather than a detriment. The people who park, who our neighbor may deem as undesirable, is a subjective observation. Most of the people in whom I meet and greet are good people. They come from Orlando, Tampa, Ocala as well as Largo, Seminole and Clearwater. They come over with their family. They say all the other beaches are too inaccessible and they are worried the same may happen one day for IRB. They are so appreciative, and it touches my heart when we chat about their view of God, the Church and of their faith. When they park here, those conversations are welcomed and tell us a lot about our culture. The parking lots, and development of places to receive donations was organic because people were asking how they could help support us. It was not intended to be a profit center nor vice for greed, as our neighbor has slandered us in doing so. We only ask for donations and make it convenient to do so. There has never been any charge to park, as alleged by this neighbor. The extra wear & tear on our lots naturally requires maintenance and monitoring to which is offset by these donations. We now have a much prettier appearance with decorative fencing and we even have cameras to monitor everything, to see who comes and goes. If we can get people closer to our church, even if they come to park for the beach, it is an opportunity for us to share our mission statement. We offer an open invitation to become part of our church family and parking is a true form of Christian evangelism and outreach.

Our neighbor may have made his investment years ago when IRB was quieter, but what he may not be aware of is the challenge for the Religious, for Churches all around who are experiencing a cultural shift. When Calvary was established in 1958, 5% of Americans did not believe you needed God to have a moral life. Today, 40% of Americans do not believe you need God for a moral life. We have moved from a God-oriented culture to a more atheistic culture. The Church should not be taxed by comments of those who are self-centered but raised up and cherished by the collective whole community around us. It saddens me to think we are not loving our neighbors as ourselves. I have invited our neighbor to join us but for the last seven years, this person has, yes one person, has ignored such hospitality. I do wonder who is the one not caring for the other.

By continuing to make our property accessible and inviting the support of the public, could be one small step to reversing this trend leaning every day to a godless society. I love you dearly and pray that IRB will be a place where Calvary can continue its mission and be a symbol of hope for many years to come. Please call me if you would like to discuss further. To be of further help to you, I have been talking with this one gentleman, Mike Ianelli, for the last three years about the parking situation at IRB. He represents Parkmobile, the same product/service that St. Pete, Tampa and now Madeira are using for their congestion issues. It may be worthwhile to investigate for IRB. People will not stop coming to IRB to enjoy the beach and we should be looking at creative new ways to show hospitality to strangers, keeping our image positive and welcoming to all. Again, I do not envy you and the Commissioners regarding this difficult subject and the task to serve the community.

Summer blessings,  
The Rev. Jon Roberts



July 31, 2020

Mayor Cookie Kennedy and Commissioners,

It has been brought to my attention, that the majority of the commissioners, are in favor of putting up "NO PARKING signs" along our streets. If this is the case, I firmly, even highly suggest; that you remove any signs that states the word "WELCOME" to Indian Rocks Beach. You are now turning away, those who like to come to our city wide events; October Fest, Beach Fest, Boat Parade, City wide garage sale; not to mention our small businesses, bars and restaurants.

For the "few" that are inconvenienced for a "few" weekends, during the summer months, you are restricting residents of parking , for their own family and friends, for the WHOLE YEAR. Residents will no longer have parking, for family birthdays & anniversaries, New Years Eve, Christmas and Easter get-togethers. Or just good old fashion family gatherings. There will be NO WHERE TO PARK FAMILY CARS!

I live on 2<sup>nd</sup>. St.; just off the 7<sup>th</sup>. Ave. beach access. Most of the people, who park cars here, have been very courteous and not a big issue. There have been a few, that park to close to stop signs, in front of a fire hydrant, wrong way parking, by mail boxes and worse of all, not stopping for those in cross walks. Please note, these violations SHOULD BE ENFORCED by the sheriffs dept.. Which I may add, many of these violations, have been seriously over looked by the authorities. I would like to add; this would definitely help to clear up our streets, if they were better enforced. Not just ticketing , for those that do not reduce, to the required 30 miles per hour speed limit.

Our streets are used for parking, to welcome family and friends to our homes, our businesses, restaurants and beaches. NOT TO BE POSTING A " DO NOT PARK " SIGN.

Which clearly states-

**WE DO NOT WANT YOU HERE!!! GO AWAY !!! FIND ANOTHER BEACH !!! WE DO NOT WANT YOU TO VISIT OUR RESTAURANTS, OUR BARS, OUR SHOPS, OUR BEACHES !!**

**GO AWAY !!!!!**

**We want to stay the WARM and FRIENDLY, WELCOMING BEACH, that we all moved here for and love !**

Sincerely,

Margaret Demmler

702-A 2<sup>nd</sup>. Street

Indian Rocks Beach, Fl

## O'Reilly, Deanne

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**From:** McCall, Joe  
**Sent:** Thursday, July 30, 2020 9:55 AM  
**To:** O'Reilly, Deanne  
**Subject:** Fw: Thank you

See below

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**From:** Wendy Welch <wendy.millerwelch@gmail.com>  
**Sent:** Wednesday, July 29, 2020 7:05 AM  
**To:** McCall, Joe  
**Subject:** Thank you

Dear Mr. McCall:

I thank you for initial steps to pass the ordinance restricting day-time street parking to IRB residents. Our streets have become cluttered with inconsiderate parkers creating an overcrowded and possibly dangerous situation. I'm tired of needing to round several blocks unnecessarily because my car can't squeeze through our streets. I'm even more tired (and frankly disgusted) by the trash and beer/liquor bottles they leave strewn all over our streets and lawns at the end of the day. What would happen if I, my family or my neighbors required assistance and emergency vehicles were equally challenged navigating to our homes? Our streets are the only ones in the area open to day-trippers and our beach entrances have more beach parking than any nearby-by town. Isn't that allotted beach parking sufficient? The inconsideration extends beyond our streets to the out of state plates parked in our resident beach spots and the dogs who run freely on the beach and use our dunes to relieve themselves. Last year I saw a family barbecuing in our beach parking lot in front of the sign indicating that open fires are prohibited. Teenagers and twenty-somethings all know that IRB codes either don't exist or are not enforced causing the pandemonium we experienced this spring on our streets and beaches. This is my home. Please continue your efforts to help it feel that way!

Wendy Welch  
405 12th Ave  
IRB

Sent from my iPhone



**O'Reilly, Deanne**

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**From:** Cindy <ussquirts@gmail.com>  
**Sent:** Wednesday, July 29, 2020 7:26 AM  
**To:** Kennedy, C  
**Subject:** Fwd: IRB Parking

Dear Mayor Kennedy,

>>>>>

>>>>> We are 30 plus year residents in this area. We also have family and friends that live on IRB. This has always been our favorite spot since it is not commercialized. This is the only beach that we have come to over the years because of that. We are hearing about the parking ordinance you all would like to implement. This would be a crazy decision, and not fair to us locals. Where would we park???? Please do not change IRB into Belleair. There are other options. We would understand it if you limited parking to one side of the street. This would allow emergency vehicles to have no problems entering and exiting the neighborhood. We hope that you will consider this option!Also we pay taxes to live here and enjoy the beaches.

>>>>>

>>>>> We will all be at your next meeting opposing this change!!

>>>>>

>>>>> Regards,

>>>>>

>>>>> CNCroteau

## O'Reilly, Deanne

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**From:** Wendy Welch <wendy.millerwelch@gmail.com>  
**Sent:** Wednesday, July 29, 2020 7:04 AM  
**To:** Flagg, Diane  
**Subject:** Thank you

Dear Ms. Flagg:

Dara Ms. Kennedy:

I thank you for initial steps to pass the ordinance restricting day-time street parking to IRB residents. Our streets have become cluttered with inconsiderate parkers creating an overcrowded and possibly dangerous situation. I'm tired of needing to round several blocks unnecessarily because my car can't squeeze through our streets. I'm even more tired (and frankly disgusted) by the trash and beer/liquor bottles they leave strewn all over our streets and lawns at the end of the day. What would happen if I, my family or my neighbors required assistance and emergency vehicles were equally challenged navigating to our homes? Our streets are the only ones in the area open to day-trippers and our beach entrances have more beach parking than any nearby-by town. Isn't that allotted beach parking sufficient? The inconsideration extends beyond our streets to the out of state plates parked in our resident beach spots and the dogs who run freely on the beach and use our dunes to relieve themselves. Last year I saw a family barbecuing in our beach parking lot in front of the sign indicating that open fires are prohibited. Teenagers and twenty-somethings all know that IRB codes either don't exist or are not enforced causing the pandemonium we experienced this spring on our streets and beaches. This is my home. Please continue your efforts to help it feel that way!

Wendy Welch  
405 12th Ave  
IRB

Sent from my iPhone

## O'Reilly, Deanne

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**From:** jfady2@tampabay.rr.com  
**Sent:** Monday, July 27, 2020 2:41 PM  
**To:** Kennedy, C; Mims, Gregg  
**Subject:** Re: Resident comment on Workshop

Thank you Cookie and Gregg,

What was not mentioned in my previous communication is the underlying safety issue the traffic on 19th Ave presents.

The significant parking seekers traffic / beach drop off/ pedestrian traffic on the weekends on a main emergency/city vehicle access ramp road is a potential accident waiting to happen.

Thanks for your taking time to consider this request.

**From:** Kennedy, C  
**Sent:** Monday, July 27, 2020 9:18 AM  
**To:** jfady2@tampabay.rr.com ; Mims, Gregg  
**Subject:** RE: Resident comment on Workshop

Hi Juile,  
I will talk to Gregg and see about the barricade at 19th.  
Thanks for reaching out to us.  
Stay safe and well.

Cookie Kennedy

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "O'Reilly, Deanne" <doreilly@irbcity.com>  
**Date:** 7/27/20 8:01 AM (GMT-05:00)  
**To:** \_Commission <\_Commission@irbcity.com>  
**Cc:** "Mims, Gregg" <gmims@irbcity.com>  
**Subject:** FW: Resident comment on Workshop

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**From:** jfady2@tampabay.rr.com <jfady2@tampabay.rr.com>  
**Sent:** Friday, July 24, 2020 12:21 PM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** Resident comment on Workshop

I am Julie Fady President of the Kingfish Condos at 1 19th ave for the last 28 years. I am sending these comments on behalf of all 4 full time residents units of our building. We would like to address the issues of parking at both street and accesses that was part of the Agenda City Commission Workshop 7/23/20.

We all are appreciative that everyone acknowledged the fact that our beautiful beach town has been recognized as a "free parking meca".

Over the last several years it has become very noticeable to us at the Kingfish as we live at a main access ramp for city/emergency vehicles.

There are literally hundreds of cars who come down our access on 19th every weekend looking for parking (particularly non-resident) as we are next to the public parking/beach. All these cars are all turning around in our driveway and many take the liberty of parking in our private drive. Often they block in our cars. When we are able to encounter these individuals some have turned confrontational with us. We have added additional signs and getting a towing notice.

After 28 years of not having the need to address gating our driveway entrance we are in discussion of doing so. We have not done this in the past as realizing there would be challenges for the many emergency/city vehicles that use our drive to turn around large vehicles.

I was pleased that the commission looks like supporting option B. Like so many other beach communities the word of parking changes needs to be well published. (i.e..Holmes Beach and Anna Maria) Our concern it that this is going to even push more cars daily turning around on 19th in our driveway in search of the limited spaces.

The barricades that went up during beach re-opening stating parking full was a GREAT help. This continued practice on such a busily trafficked ramp access would be welcomed or simply limiting busy weekend to resident parking stickers only.

If this action would reduce the hundreds of cars on our 19th ave ramp access every weekend we may hold off on the gate. The current traffic volume is such that we are getting quotes on gating our entrance.

Regards,

Julie Fady  
cell 727-432-7684



Virus-free. [www.avg.com](http://www.avg.com)

## O'Reilly, Deanne

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**From:** Mims, Gregg  
**Sent:** Monday, July 27, 2020 1:46 PM  
**To:** jfady2@tampabay.rr.com  
**Cc:** \_Commission; Scharmen, Dean; Mora, Randy (City Attorney); Carpenter, Dan; Mike Burton; 'Leiner,Michael'  
**Subject:** Parking  
**Attachments:** FW: Resident comment on Workshop

Julie,

Good afternoon. Thank you for email concerning parking. The IRB City Commission has authorized the City Attorney and I to move forward with an amendment to the city code to mandate no on street parking without a IRB Resident decal. This amendment to the code would not apply to beach accesses. The beach access "full parking barricades" where setup and staffed by the Pinellas County Sheriff's Office for a temporary period of time. These barricades were also tied to a link on the PCSO website that provided "real time" information of parking availability for each beach access in Pinellas County. The City of Indian Rocks Beach has no plans to reinstate this program as it is beyond our staffing abilities and budget. We cannot limit beach parking to resident parking only due to beach renourishment regulations. These regulations require the city to provide parking to the general public. We have been advised by Pinellas County that the city could charge for parking at the beach accesses, but if the IRB City Commission decided to do so everyone would have to pay including IRB Residents.

If you install a gate to Kingfish Condos I would recommend that your coordinate the installation with Dean Scharmen our Public Services Director. This coordination would insure that our solid waste trucks and other public safety vehicles can access the condo property. I have copied Dean and Fire Chief Mike Burton of the Pinellas Suncoast Fire Rescue District on the email.

We appreciate your concerns, ideas and welcome any additional feedback. Unfortunately there are pros and cons of IRB beach accesses. One of the cons is that when the city accepted state funds to develop the IRB beach accesses they also accepted the many strings that comes along with funding.

Have a good evening

Brently Gregg Mims, City Manager  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
Phone: (727) 595-2517  
Fax: (727) 595-4627  
Website:www.indian-rocks-beach.com

"The two most important days in your life are the day you are born and the day you find out why." Mark Twain

All government correspondence is subject to the public records law.

## O'Reilly, Deanne

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**From:** O'Reilly, Deanne  
**Sent:** Monday, July 27, 2020 8:01 AM  
**To:** \_Commission  
**Cc:** Mims, Gregg  
**Subject:** FW: Resident comment on Workshop

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**From:** jfady2@tampabay.rr.com <jfady2@tampabay.rr.com>  
**Sent:** Friday, July 24, 2020 12:21 PM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** Resident comment on Workshop

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Regards,

Julie Fady  
cell 727-432-7684

## O'Reilly, Deanne

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**From:** tom <tguinand7@gmail.com>  
**Sent:** Sunday, July 26, 2020 4:04 PM  
**To:** Hoofnagle, Edward  
**Subject:** Parking

Dear Commissioner Hoofnagle,

Thank you for addressing the parking issues that we encounter. While my specific concern is not part of this proposal, it may be an opportune time to address it.

I noticed that the proposed ordinance excludes contractors. While I understand the need for contractors to access job sites, I think having multiple subs at the same site can and does create congestion.

I would propose that the city require a parking plan with every building permit. The general contractor would assume responsibility for all sub contractors working on a project. If violations occur, G.C. could be liable for fines and/or stop orders on construction. These problems occur throughout the fingers where subs are parking on both sides of the street, effectively blocking it.

Case in point is the construction on the corner of Beach Trail and 21<sup>st</sup> Ave. Trucks have repeatedly parked on Beach Trail (one lane) and blocked it. I have asked the subs to please clear the road and have basically been told to "pound salt".

I contact Dean and he sends code enforcement and ultimately it gets cleared. In this particular case Dean has said that he is having multiple problems with this project.

When city offices are closed I call the Sherriff who goes through the same motion to get them to move. Citation are not issued and the party starts again the next day.

This monkey should be lifted from Dean's shoulders placed squarely on the G.C.

Thanks for your consideration,

Tom Guinand  
444 Harbor Drine N  
IRB

Sent from [Mail](#) for Windows 10



**O'Reilly, Deanne**

---

**From:** Jim Sampey <jimsampey@yahoo.com>  
**Sent:** Sunday, July 26, 2020 1:42 PM  
**To:** Hanna, Phil  
**Subject:** Look at no parking west of 1st or 2nd if you think it's necessary.

Don't push this to a citywide no parking ordinance. We have Friends and especially our kids friends over that drive. This is not going down the right road. I have been here 31 years and are starting to get like BB.

Sent from my iPhone

**O'Reilly, Deanne**

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**From:** Jim Sampey <jimsampey@yahoo.com>  
**Sent:** Sunday, July 26, 2020 1:38 PM  
**To:** Hoofnagle, Edward  
**Subject:** Look at no parking west of 1 or 2nd ave, if you must.

No citywide ordinance makes senses. Don't turn the whole city into Belleair Beach.

Thanks Ed

Sent from my iPhone

## O'Reilly, Deanne

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**From:** Diane Flagg <flaggmeyer@yahoo.com>  
**Sent:** Sunday, July 26, 2020 9:22 AM  
**To:** O'Reilly, Deanne  
**Subject:** Fwd: Parking discussion workshop

E mail

Sent from my iPhone

Begin forwarded message:

**From:** Lee Wilkerson <gulfsid810@gmail.com>  
**Date:** July 25, 2020 at 4:40:03 PM EDT  
**To:** Diane Flagg <flaggmeyer@yahoo.com>  
**Subject:** Re: Parking discussion workshop

Diane

Thanks for your wonderful news- this ordinance you described will make a big difference. Mary had spoken with some other supporters and knew that the commission was aligned on this. The whole thing is a process, we will have some growing pains for a short time and things will gradually fall in line with the parking change.

LW

Lee Wilkerson

On Jul 24, 2020, at 12:46 PM, Diane Flagg <flaggmeyer@yahoo.com> wrote:

Hi Mary and Lee, we did come to a consensus of the commission yesterday at the workshop to prepare new ordinances for approval restricting parking on Irb residential streets between the hours of eight and five with resident decals only. Those who reside and have cars registered at that home address in Irb would be eligible for decals.

It is a start and we will have two additional meetings to fine-tune and then confirm final ordinance.

I have asked Deanne our city clerk to send you a copy of the workshop minutes when they become available.

Thank you for your continued interest and participation,

Diane Flagg

Thought I would hear you calling in yesterday 😊

Sent from my iPhone

On Jul 24, 2020, at 10:10 AM, Lee Wilkerson <gulfsid810@gmail.com> wrote:

Good Morning Diane

I am following up with you to see if you feel the 7/23 parking discussion is going the direction you expected and are we moving toward a permanent solution? I did not hear the whole conversation and would like to see what proposals were made for the parking changes. My daughter did hear the conversation and said Proposal B was discussed and a possible solution. Is that proposal in print?

All the best

Lee and Mary

Lee Wilkerson  
gulfsid810@gmail.com  
727- 463-1143

## O'Reilly, Deanne

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**From:** O'Reilly, Deanne  
**Sent:** Wednesday, July 15, 2020 1:59 PM  
**To:** \_Commission  
**Cc:** Mims, Gregg  
**Subject:** FW: 07.23.2020 City Commission Work Session Information

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**From:** Gordon Obarski <gordo@cmdinc.net>  
**Sent:** Wednesday, July 15, 2020 1:43 PM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** RE: 07.23.2020 City Commission Work Session Information

Deanne

Just in case I cannot make this meeting I wanted to address what I think is a solution to some of the parking issues faced by local IRB Residents.

1. The No Parking sign that were recently put into effect inhibit resident parking in certain areas.
2. Instead of No Parking signs...would it be possible to have signs similar to some of the beach access signs where parking is restricted to IRB Resident with stickers
3. This would allow residents access to some of the restricted areas.

Please distribute to the commission and all members of the workshop.

Thank you.

Gordon J. Obarski, Broker  
Gordon J. Obarski, PA



727-480-4665

[www.gordonrealty.house](http://www.gordonrealty.house)

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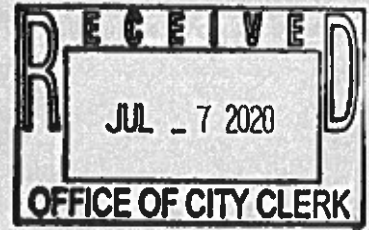
**From:** O'Reilly, Deanne [<mailto:doreilly@irbcity.com>]  
**Sent:** Wednesday, July 15, 2020 9:51 AM  
**To:** O'Reilly, Deanne <[doreilly@irbcity.com](mailto:doreilly@irbcity.com)>  
**Subject:** 07.23.2020 City Commission Work Session Information

Good Morning,

Attached please find information on the 7.23.2020 City Commission Work Session.

Kind Regards,

Deanne Bulino O'Reilly, MMC, City Clerk  
City of Indian Rocks Beach



July 6, 2020

**Mayor Joanne Kennedy  
Commissioner Phil Hanna  
Commissioner Ed Hoofnagle  
Commissioner Diane Flagg  
Commissioner Joe McCall  
City Manager Gregg Mims**

**Dear Friends,**

**The "No Parking" signs have made a world of difference to our neighborhood.**

**Cars are no longer parked under stop signs, too close to intersections, in front of mail boxes and on lawns and sprinkler heads.**

**There is practically no trash on the side of the street on Mondays.**

**Thank you. We appreciate what you have done in this regard.**

**Sincerely,**

*Carol*

**Carol McGlaughlin**

## O'Reilly, Deanne

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**From:** Gordon Obarski <gordo@cmdinc.net>  
**Sent:** Friday, June 26, 2020 10:03 AM  
**To:** O'Reilly, Deanne  
**Subject:** On Street Parking

Deanne

Over the past couple of weeks there have been a number of "No Parking" signs placed in areas that constrict parking in certain areas. This has become an issue for IRB residents who require parking in areas other than their homes, when visiting local restaurants, parks, etc. I understand that IRB has been inundated with non-residents parking on the street to go to the beach. This is a problem for residents. I have an idea that may remedy the situation.

1. Instead of "No Parking" signs, place signs that require a IRB Resident Decal similar to the beach access parking.
2. This would eliminate residents the risk of receiving a parking ticket and still restrict parking while giving the authorities the right to enforce the parking.

I would welcome the opportunity to discuss this with the commissioners and the city manager. Please pass this to the commissioners and Mr. Mimms.

Gordon J. Obarski, Broker  
Gordon J. Obarski, PA



727-480-4665

[www.gordonrealty.house](http://www.gordonrealty.house)

**O'Reilly, Deanne**

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**From:** Sandra Scaglione <dnstechs@yahoo.com>  
**Sent:** Tuesday, June 02, 2020 3:35 PM  
**To:** Scharmen, Dean; Mims, Gregg; Kennedy, C  
**Subject:** Parking in IRB neighborhood  
**Attachments:** IRB Parking.zip

Good Afternoon Cookie, Greg, and Dean,

I saw the Beach News issue about Parking in Indian Rocks Beach being a nightmare. I reached out to you in 2018 to address this issue at 12th ave and 1st street as we have soooooo many people park here. They are not only rude, but they block mailboxes, stomp on yards, etc. I was told at that time there was basically nothing I could do, they could park where they want and unless I spoke to all my neighbors to try and get a one side only parking signs that was about it. I am here to address the issue yet again. I did not email you on Memorial weekend because I know the sheriff was busy patrolling and I don't want to take away from that. However, on Mother's Day, 05/24/2020, people were parked on 12th avenue, at the corner of my lot and actually moved all my rocks away that I have placed as landscaping so that they could park on 12th. There are NO "no parking" signs in my area (or my side of the street) which is a resident only area as stated in the article.

Attached are photos from 03/30/2020. People blocking mailboxes, again parking in multiple numbers across from our driveway making it difficult to get out. 12th ave and 1st street is terrible for parking in addition to the proximity of stop signs and fire hydrants.

Please, I am begging you to reconsider resident parking only in the streets with permits. It's totally taking away from our small community feel and we as residents also have some rights. I would like to be included in your next workshop/forum and am not sure exactly how to do this.

Can you please reply and let me know when your next workshop is or what the exact name on the calendar would be so I can attend?

Respectfully,

David and Sandy Scaglione

Sandra Scaglione, RDMS, RVT  
SS Ultrasound Consulting  
Clinical Applications Specialist  
Abd, OB/Gyn, Vascular, Fetal Echo



29 May 2020

To: Indian Rocks Beach City Commissioners

Fr: Terry Hamilton Wollin

Re: Possible Short and long term solutions

Good afternoon, I am attaching some of the ideas and solutions discussed over the ten years I spent as our BIG-C representative. At one time or another each of the cities in BIG-C struggled with the same problems – residential parking vs. beach-goers. I am sure you've all already considered these but just in case...one thing I know for sure is that IRB has always put its citizens first and I am delighted to hear that there is a capable task force working on this issue now. We are the only city in the Barrier Islands that still sponsors "Come one, come all" when it comes to parking. Short term we can ban all parking on residential streets city-wide (as Belleair Beach does) without a permit or a trades/repair vehicle. The City can issue permits to anyone who has a car registered to them, for as many cars as they own. Trades people can sponsor employees by a special permit (such as swimming pools installation) or get one if they are single repairs and trades people for themselves. Naturally these permits should be free. Right now, Holiday Inn offers free parking for the 1st 20 people each day and paid parking after that. Plumlee has their lot open, churches are open for "donations." There may be other parking places on public property (City Hall, our museum.) The post office parking lot is listed with the property appraiser as owned by a holding company LLC . If so, perhaps an afterhours arrangement could be reached for parking. The lot is not owned by the Post Office. There are options other than the accesses and our residential streets. Down the line there sits the former solid waste parcel. It could be pay-for-parking multistory lot with the 1st 20 spaces designated "free". (As exists in Madeira Beach.) There may be grants available for that project. But since it would remove the insanity many of our residents are experiencing now it would be well worth it and pay back the money it costs in revenue. And there is the County parking lot on Gulf Blvd. Yes, we need to provide a certain amount of access, including parking, in order to be eligible for beach re-nourishment (a matter of no consequence at the present time,) Nowhere does it say all of the parking must be free. The County will allot painted parking spaces on Gulf Blvd, and they count bike racks as parking spaces. There are many ways to control what is going on and still make it possible accommodate beach-goers.

I wish all of you good luck and am confident you will find workable solutions.

## O'Reilly, Deanne

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**From:** O'Reilly, Deanne  
**Sent:** Monday, June 01, 2020 9:53 AM  
**To:** Mims, Gregg  
**Subject:** Fwd: Parking in public spaces in IRB

Sent from my iPad

Begin forwarded message:

**From:** Lee Wilkerson <gulfsid810@gmail.com>  
**Date:** June 1, 2020 at 8:08:35 AM EDT  
**To:** "Flagg, Diane" <dflagg@irbcity.com>, "Kennedy, C" <CKennedy@irbcity.com>, "Hoofnagle, Edward" <ehoofnagle@irbcity.com>, "Hanna, Phil" <phanna@irbcity.com>, "McCall, Joe" <JMcCall@irbcity.com>  
**Subject:** Parking in public spaces in IRB

Good Morning Diane

We survived another weekend! I would like to pass along ideas for a simple solution on our parking situation in IRB. These restrictions should reduce the free parking crowd that has overcrowded our beach access and forced residents off the beach.

1. On street parking outside of marked spaces is for residents with a sticker only. Service vehicles allowed while working.
2. Beach access parking unchanged.
3. Parallel parking and marked spaces in the business triangle are all metered hourly parking.
4. Parking beside our parks are for residents with sticker and have a 1 - 2 hour maximum.
5. Churches and other large public parking areas must be controlled and limited to use by their institution only.
6. Short term rentals do not get resident stickers.
7. Short term rentals allowed a maximum of 2 cars in driveway.

Thanks for continuing the conversation

Lee Wilkerson  
gulfsid810@gmail.com  
727- 463-1143

**O'Reilly, Deanne**

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**From:** Mims, Gregg  
**Sent:** Tuesday, May 26, 2020 2:53 PM  
**To:** Judy Overin  
**Cc:** Kennedy, C; Kelley, Mike; 'Leiner,Michael'  
**Subject:** RE: Parking issue

Judy,

Thank you for your email. I have asked the IRB City Commission to schedule a work session in late July to discuss on street parking. The goal of the work session is to receive direction by the Commission about issues related to on street parking. In the meantime by way of this email I will ask our Code Enforcement Officer and the Pinellas Count Sheriff's Office to monitor your area closely. If you see a vehicle that is blocking a mailbox please call the Pinellas County Sheriff's Office Dispatch at 727-582-6177. A private citizen cannot place barriers in the right of way.

Have a good afternoon.

Brently Gregg Mims, City Manager  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
Phone: (727) 595-2517  
Fax: (727) 595-4627  
Website: [www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

"The two most important days in your life are the day you are born and the day you find out why. " Mark Twain

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-----Original Message-----

**From:** Judy Overin <judyoverin@gmail.com>  
**Sent:** Tuesday, May 26, 2020 2:33 PM  
**To:** Mims, Gregg <gmims@irbcity.com>; Kennedy, C <CKennedy@irbcity.com>  
**Subject:** Parking issue

This is the text message sent to Ms. Kennedy and was asked to forward via email.

Is there anything you or anyone can do about folks parking on 1st. St. (mainly between 23rd and 24th Ave. but pretty bad too from 24th up to 26th). Mainly every Fri-Sunday it is very difficult to not only pull out of our driveways because there are so many beach/bar folks parking on 1s. street but we don't get our either when they park and block our drive up mailboxes. I have been asked about this for 3 years. It's really getting out of control especially now that the church also stopped allowing beach parking because of the loitering, trash, EXT They leave their garbage and beer trash by our mailboxes as well. The mailman has stated that as long as the boxes are blocked by cars, they will not get out if their postal trucks to put our mail into our

boxes. Its upsetting many folks along 1st St. I understand the city put up no parking signs on 24th ave. from 1st. St. to Bay Blvd. for same issues... so can they put signs on 1st. St. as well? Or can we legally block of a section ourselves where are mailboxes are? Leaving notes on their windshields is not working. Asking them politely is not working either. We should look out first for our residents that live here in IRB.

Judy Overin  
727-269-6020

**O'Reilly, Deanne**

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**From:** Jeni Bond <bond.jeni@gmail.com>  
**Sent:** Tuesday, May 26, 2020 9:58 AM  
**To:** Mims, Gregg  
**Cc:** Kennedy, C; Liz Willis; Scharmen, Dean  
**Subject:** Re: 7 th beach access

Thanks so much. That is terrific news and very appreciated.

Best

Jeni Bond

Sent from my iPhone

> On May 26, 2020, at 9:51 AM, Mims, Gregg <gmims@irbcity.com> wrote:  
>  
> Jeni,  
>  
> Good morning. I have asked our Public Services Director to place a white fence barricade at  
this location. This the same barricade that we use at other pedestrian only accesses.  
>  
> Have a good day.  
>  
> Brently Gregg Mims, City Manager  
> City of Indian Rocks Beach  
> 1507 Bay Palm Boulevard  
> Indian Rocks Beach, Florida 33785  
> Phone: (727) 595-2517  
> Fax: (727) 595-4627  
> Website:[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.indian-rocks-beach.com&c=E,1,PJIGiaS7TK27fF0y6-83r3pLmYNwge9pMrFPDNBaKuEN3mgEz-uTmv\\_KZgPnpxs6r50plugxTNTDWQyn0jaKh-E8H0pJucDOKHB6EQP5RY\\_MjzY,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.indian-rocks-beach.com&c=E,1,PJIGiaS7TK27fF0y6-83r3pLmYNwge9pMrFPDNBaKuEN3mgEz-uTmv_KZgPnpxs6r50plugxTNTDWQyn0jaKh-E8H0pJucDOKHB6EQP5RY_MjzY,&typo=1)  
>  
> "The two most important days in your life are the day you are born and the day you find out  
why. " Mark Twain  
>  
> All government correspondence is subject to the public records law.  
>  
>  
> -----Original Message-----  
> From: Jeni Bond <bond.jeni@gmail.com>  
> Sent: Tuesday, May 26, 2020 9:32 AM  
> To: Mims, Gregg <gmims@irbcity.com>; Kennedy, C <CKennedy@irbcity.com>; Liz Willis  
<divacat8@gmail.com>  
> Subject: 7 th beach access  
>  
> Hi

- >
- > I am a writing because we live at the 7th ave beach access at 618 Gulf Blvd. Since the beaches have been reopened we have noticed a massive increase in traffic issues at our beach access that doesn't even have any public parking. Each day numerous cars whip in and turn around in our driveway without any care of what we're doing. Never watching for us, our animals. They have dented our carport, vomited on our driveway and sped off, and the list goes on. We have also had many people park in our driveway and leave for the beach, or park in a way that we can't move our own cars out. This has become too much to handle over the past few weeks and with the beaches becoming such a busy destination and people are desperate to find parking anywhere, each day gets a little worse. No social distancing either.
- >
- > I would love to discuss having some sort of barricade put into place at our beach access road entrance to Gulf Blvd, to possibly slow the turn ins at our beach access. The installment of the crosswalk has been a great addition for walkers to the beach, but since there's no place to park, and really no place for anyone to turn around at our beach access, all the cars come in and have no where to go and it's really turned into a dangerous situation.
- >
- > Thanks so much for your time.
- >
- >
- > Kindest Regards
- >
- > Jeni And Jude Bond
- >
- > Sent from my iPhone

**O'Reilly, Deanne**

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**From:** Jeni Bond <bond.jeni@gmail.com>  
**Sent:** Tuesday, May 26, 2020 11:07 AM  
**To:** Hoofnagle, Edward  
**Subject:** Re: parking

Thanks so much for the note ED. Jude and I are here to help in anyway the town needs. Please just let us know.

Best  
Jeni

Sent from my iPhone

On May 26, 2020, at 10:51 AM, Hoofnagle, Edward <ehoofnagle@irbcity.com> wrote:

Thanks for the note Jeni, we've all seen the same thing – the increase is really not safe and out of the ordinary, even for our busy times. The decision on fence/barricade is made by Gregg Mims, as are the No Parking signs.

It has been very difficult to continue calling the sheriff for parking issues, and we continue to do that on our own street as and when it gets out of control.

We're having a commission workshop to address parking issues, as the problem is prevalent across the city, becoming especially tight on the finger streets.

Sincerely,

Ed

Sent from Mail for Windows 10

**O'Reilly, Deanne**

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**From:** Iramaria ----- <iramaria2008@yahoo.com>  
**Sent:** Tuesday, May 26, 2020 10:23 AM  
**To:** O'Reilly, Deanne  
**Subject:** Parking Issue in La Hacienda Dr  
**Attachments:** May16 Parked Car.jpg

Maria Heshmati at La Hacienda Dr

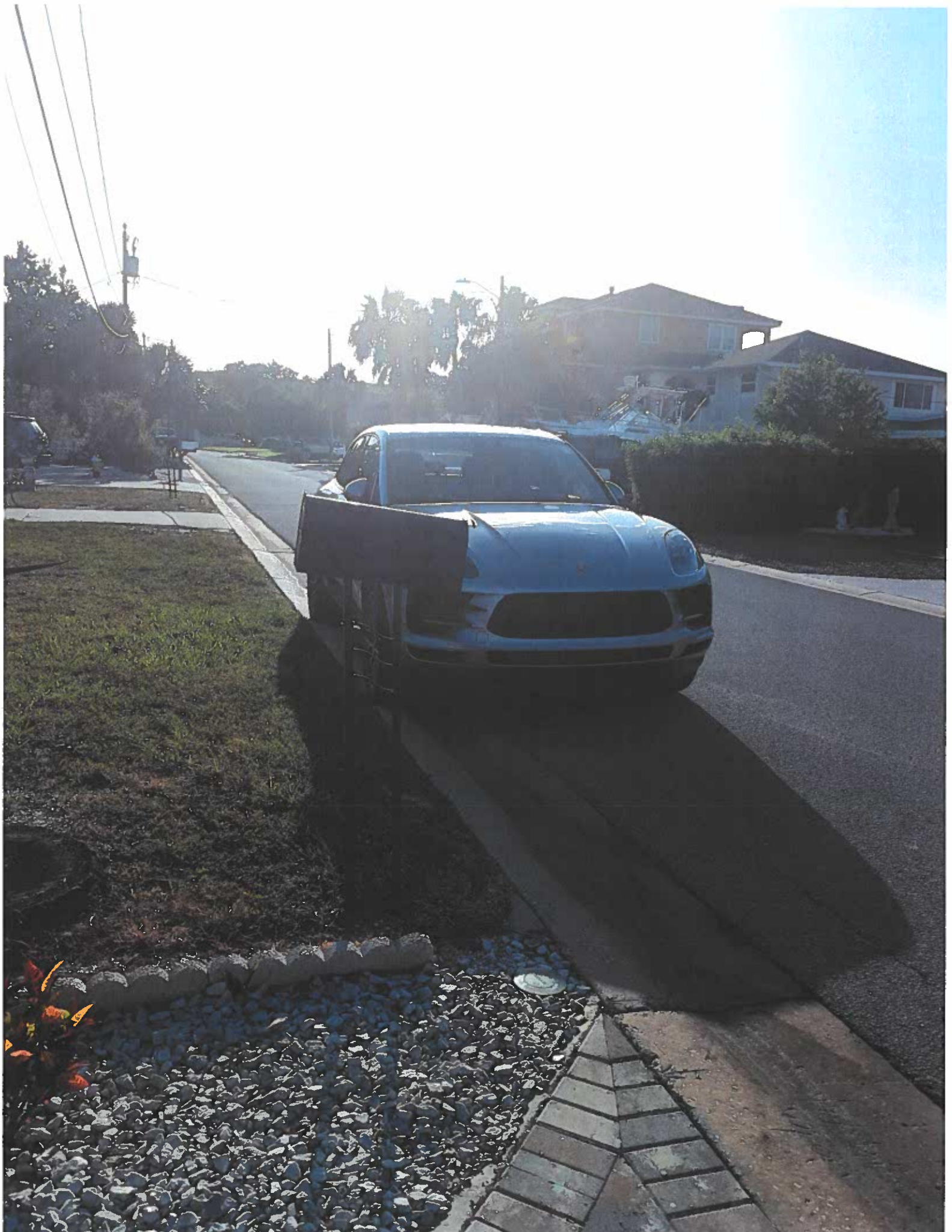
Dear Commissioners, Mayor and City Manager

I would like to thank you for all you do to keep our beautiful city as desirable as it is.  
All your hard work is much appreciated.

As an update attached is a picture taken on May 16th, my mailbox has been blocked again and my mail was not delivered, since La Hacienda Dr is a residential street, i was wondering if it could be assigned to residents parking only.  
Many Thanks in advance.

Maria Heshmati





**O'Reilly, Deanne**

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**From:** Mims, Gregg  
**Sent:** Tuesday, May 26, 2020 10:42 AM  
**To:** iramaria2008@yahoo.com  
**Cc:** \_Commission; 'Leiner,Michael'  
**Subject:** Parking

Maria,

Good morning. Thank you for your email concerning parking near your mailbox. I have instructed Mike Kelley our Code Enforcement Officer to check the location on a daily basis. In addition per this email I am requesting a directed patrol from the PCSO via Captain Mike Leiner. If you see a car parked close to your mailbox please call City Hall 727-595-2517 or the PCSO Dispatch at 727-582-6177.

The IRB City Commission will meet within the next couple of months to consider a variety of options to address on street parking in our residential areas.

Have a great day.

Brently Gregg Mims, City Manager  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
Phone: (727) 595-2517  
Fax: (727) 595-4627  
Website: [www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

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## O'Reilly, Deanne

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**From:** Lee Wilkerson <gulfsid810@gmail.com>  
**Sent:** Friday, May 22, 2020 2:35 PM  
**To:** Flagg, Diane; Hoofnagle, Edward; Kennedy, C; Hanna, Phil; McCall, Joe  
**Subject:** Beach and Resident parking

Hi Diane

Thanks for the call and update today, we are moving in the right direction to eliminate our on street parking for public beach access. Photos from Sunday, check it out.

This is first street near 8th Ave

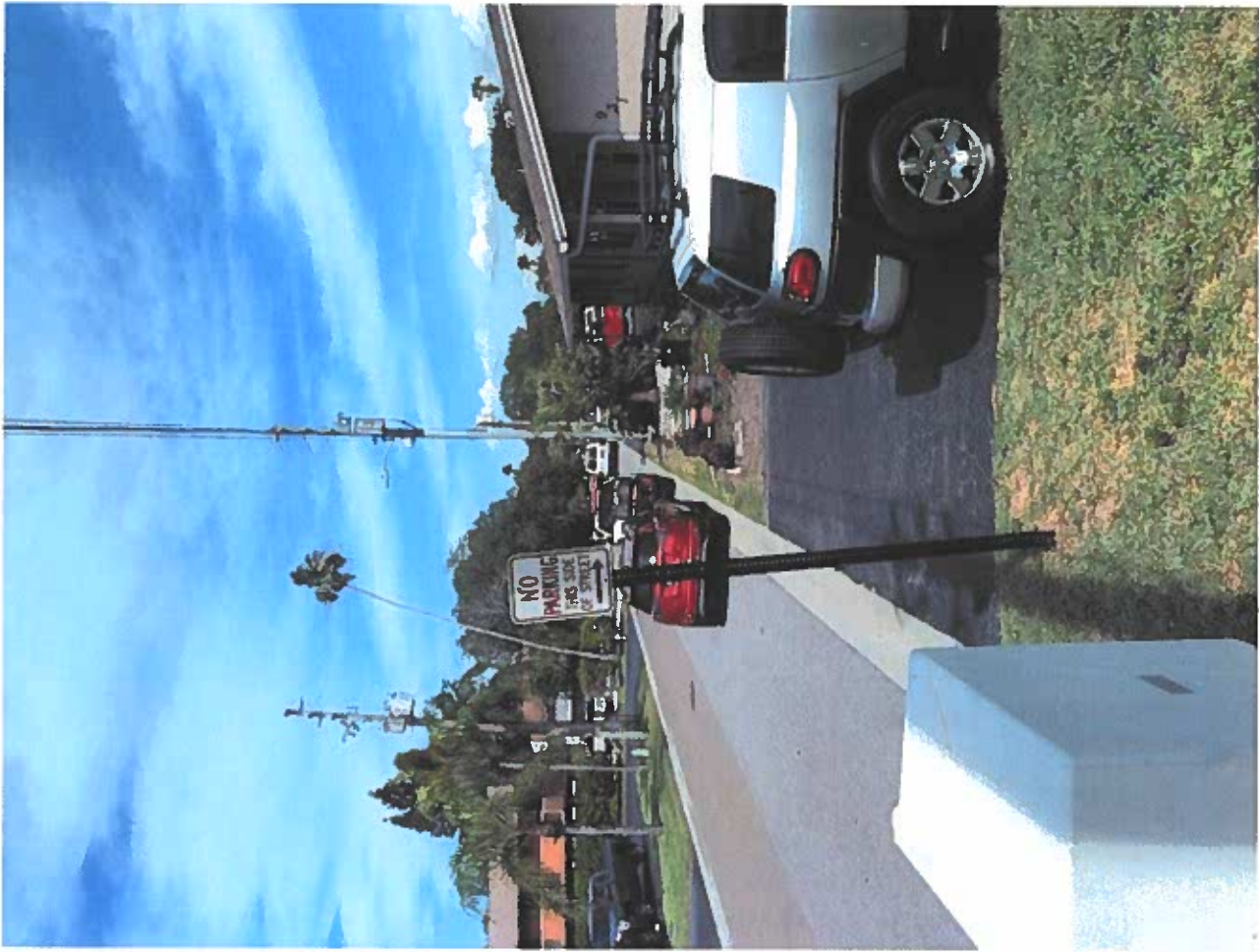


This is 1st street in front of my house on 11th, my guests had no place to park.





Here is a case of non- enforcement on 10th, this whole situation is ridiculous.



This is East Gulf Blvd near 9th, you can see that large groups are arriving in these cars and why we are so crowded right now.



Lee Wilkerson

[gulfside810@gmail.com](mailto:gulfside810@gmail.com)

727-463-1143

**O'Reilly, Deanne**

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**From:** Patricia Priest <tricia@patriciapriest.com>  
**Sent:** Monday, May 25, 2020 9:32 PM  
**To:** Brently Mims; Kennedy, C; Hanna, Phil; Flagg, Diane; McCall, Joe  
**Subject:** IRB Parking - Campaign to "Park Behind the Line"

Dear IRB City Manager Mims and City Commissioners,

As we are all aware, the beach parking has been spilling over into the neighborhoods and we are searching for solutions. I have an idea, would it be possible to spray paint a marker on the curb area 30 Feet Back from the Corner that says:

**Park Behind this LINE**

We could identify the problem streets and paint these signs on those areas, the "outline" of the sign could be a bright orange color and then the words, as above, could be sprayed on with a stencil in red inside the orange boarder (or whatever colors that the ordinance would allow).

This is just a simple idea, as we have an ordinance for this parking issue, but visitors are not aware of it, maybe a "Park Behind the Line" campaign could help to enforce the parking ordinance already in place. The area of East Gulf Blvd becomes very crowded on the weekends and I have even seen cars parked on the corner, this becomes extra dangerous for drivers to maneuver around the streets and see pedestrians, bicyclists and even other cars. The paint would be a more permanent solution and unlike a metal sign could not be stolen.

I am not in favor of a decal parking program, as this is not a year round problem, mostly spring and summer when the beach is a popular destination.

Thank you all for your continued hard work to solve problems and keep our community safe and happy.  
Very truly yours,  
Tricia

**Patricia J Priest, PA, SFR, GRI, MRP**  
*International President's Elite 2019*  
**Coldwell Banker Realty - Belleair and the Beaches**  
575 Indian Rocks Road North  
Belleair Bluffs, FL 33770  
**Call or Text: 727-612-6277**  
email me at: [tricia@patriciapriest.com](mailto:tricia@patriciapriest.com)  
View my listings: <http://triciapriest.cbintouch.com/>





## O'Reilly, Deanne

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**From:** Anne Lopez <anniezepol@yahoo.com>  
**Sent:** Friday, May 22, 2020 10:02 AM  
**To:** Flagg, Diane  
**Cc:** Hanna, Phil; Kennedy, C; Hoofnagle, Edward; Mims, Gregg  
**Subject:** Parking mess

Hi,  
This is Matt Lopez and I live at 352 12th ave with my girlfriend and dog Capone. I have a golf cart and on the weekend I use it to visit my friends. My main friend lives by the Methodist church and Last weekend I was almost smashed going around that corner. People where so jammed up parking everywhere and I could not get by. I also am not sure that the church parking is a great idea because it seems to be a parade of people walking in the middle of the street. I also can't walk Capone on the weekends because I think those people looking for parking do not see us. I have never written to you all but my mom told me this is how it is done so thank you for trying to figure out a see way to allow people on the beach.  
Matt Lopez



**O'Reilly, Deanne**

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**From:** Anne Lopez <anniezepol@yahoo.com>  
**Sent:** Friday, May 22, 2020 9:50 AM  
**To:** Hanna, Phil  
**Cc:** Flagg, Diane; Hoofnagle, Edward; Mims, Gregg  
**Subject:** Beach parking

Hi Commissioners and City Manager,  
My Name is Ashley Lopez and I live on 12th ave I manage Nekton Surf shop and was born and raised here in Indian Rocks. I love our little beach town and love how it has a relaxed feeling unlike our neighbors to the north. I have as of late been having problems with very rude people parking at the surf shop and heading to the beach. I have instructed the employees to ask them nicely to move but that is not working well. I have my employees park towards the back and they have been blocked in when people park on the street. They also throw items in our trash can and sometimes their aim is not the best! I do not want to become a stuffy place but I do think we need to address the off street parking problems.  
Thank you for your time,  
Ashley Lopez

**O'Reilly, Deanne**

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**From:** Lee Wilkerson <gulfsid810@gmail.com>  
**Sent:** Friday, May 22, 2020 7:27 AM  
**To:** Mims, Gregg; Kennedy, C  
**Subject:** Memorial weekend

Good Morning Greg

We have a large crowd coming this weekend. Our beach has been inundated each recent weekend with day visitors. Our Indian Rocks Beach residents are not happy with the large number of visitors crowding our side streets and blocking our access to our own homes and the beach. Drinking alcohol is rampant on the beach and no one is checking coolers or monitoring beach activity where alcohol is being consumed. Last Sunday afternoon I counted over 150 cars parked between 7th and 9th avenue parked on 1st street and East Gulf Blvd. We must do something immediately to reduced this crowd, residents are being pushed out of their own town and beach by day trippers from all over Florida. In a town with only 2.7 miles of sand, over 4000 homes and over 4000 permanent residents we just do not have room to safely accommodate the large number of extra visitors that are currently being allowed access. Please do not tell me that no one is complaining about this. Act now and keep our beach safe for our residents.

Lee Wilkerson  
gulfsid810@gmail.com  
727- 463-1143

## O'Reilly, Deanne

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**From:** Annie <anniezepol@yahoo.com>  
**Sent:** Thursday, May 21, 2020 1:53 PM  
**To:** Kennedy, C  
**Subject:** Street parking

Hi Cookie,

Hope you are well and the CVI9 is not driving you insane. I know that I emailed before about off street parking and I was wondering if anything had been decided before I purchase my Rent a cop 🚔 outfit and start patrolling in front of my motel and surf shop 😊 I know you'll figure it out these are strange times and that calls for creative thinking. Thanks as always for being your rockstar self.

Anne Lopez

**O'Reilly, Deanne**

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**From:** Mims, Gregg  
**Sent:** Monday, May 18, 2020 3:02 PM  
**To:** Flagg, Diane  
**Subject:** FW: Off street parking

Brently Gregg Mims, City Manager  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
Phone: (727) 595-2517  
Fax: (727) 595-4627  
Website:www.indian-rocks-beach.com

"The two most important days in your life are the day you are born and the day you find out why. " Mark Twain

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-----Original Message-----

**From:** Mims, Gregg  
**Sent:** Monday, May 18, 2020 10:11 AM  
**To:** 'Anne Lopez' <anniezepol@yahoo.com>  
**Cc:** McCall, Joe <JMcCall@irbcity.com>; Hanna, Phil <phanna@irbcity.com>; Hoofnagle, Edward <ehoofnagle@irbcity.com>; Kennedy, C <CKennedy@irbcity.com>  
**Subject:** RE: Off street parking

Anne,

Good morning. Thank you for your email concerning parking. The city is continually adding or adjusting no parking signs to deal with guest to the beach. We will take a look at the areas that you mention in your email. If you see someone that appears to be impaired we would ask that you call the Pinellas Count Sheriff dispatch and report the situation immediately. The act of reporting this type of situation could actually save a life.

Thanks again for your email.

Have a great day.

Brently Gregg Mims, City Manager  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
Phone: (727) 595-2517  
Fax: (727) 595-4627  
Website:www.indian-rocks-beach.com

"The two most important days in your life are the day you are born and the day you find out why. " Mark Twain

All government correspondence is subject to the public records law.

-----Original Message-----

From: Anne Lopez <anniezepol@yahoo.com>

Sent: Monday, May 18, 2020 8:15 AM

To: Mims, Gregg <gmims@irbcity.com>

Cc: Palomba, Nick <npalomba@irbcity.com>; Flagg, Diane <dflagg@irbcity.com>; Hanna, Phil <phanna@irbcity.com>; Hoofnagle, Edward <ehoofnagle@irbcity.com>; Kennedy, C <CKennedy@irbcity.com>

Subject: Off street parking

Hi Gregg,

My name is Anne Lopez and I live at 337 12th ave. I also own Nekton Surf shop and Coquina Cove Resort motel on 2nd ave. I have been a resident of Indian Rocks for 51 years so I have seen this beach go through lots of changes. Like everyone else I love our small town feeling and welcoming vibes however as of late we seem to be over welcoming. Two weeks ago I was riding my bike by Kolb park down 15th towards Gulf Blvd where the cars where park all along the road. A car came around those cars did not see me and I feel off my bike lucky into the dirt to avoid being hit. I have had to stand watch in front of my motel to keep car loads of people from parking there. Last weekend a group of kids were very creative in giving me there opinion of my parking stance LOL! Last night at 9:40 my husband Pete and I drove down our street and watched an obviously drunk cooler pulling couple weave there way to the car which they had parked in the street right at the 12th and Bay stop sign. Lastly we are having to paint customers only on all the surf shop parking stops because our manager JC, a former St. Pete police officer, has been cussed out trying to get people not to park there as they head to the beach. I believe that our policy of off street parking is creating an Indian Rocks which we are not going to like moving forward. We have become over crowded, unsafe and no longer do locals and paying guests have that small town welcoming vibe. I think that IRB parking should be restricted to designated spots and off street parking should be allowed by permit only. These weekend warriors are not coming into our shops, eating at our restaurants or respecting our beach. Don't even get me started on off street puking! As a community we need to reestablish our boundaries, redefine our space and regain control of this once hidden gem we call home. Thank you for your time.

## O'Reilly, Deanne

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**From:** Phil Wrobel <philshomeemail@gmail.com>  
**Sent:** Monday, May 18, 2020 9:20 AM  
**To:** Mims, Gregg  
**Cc:** O'Reilly, Deanne  
**Subject:** Parking

Good morning,

Can we get No Parking signs on the south side of the street please, see attached.

Phil



**ADDITIONAL  
CORRESPONDENCE**

**02020-07  
PARKING**

**O'Reilly, Deanne**

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**To:** \_Commission  
**Cc:** BRENTLY GREGG MIMS  
**Subject:** FW: Meeting about parking in IRB

**From:** Christine Bergman <[cbathebeach@outlook.com](mailto:cbathebeach@outlook.com)>  
**Sent:** Monday, November 09, 2020 7:52 PM  
**To:** Kennedy, C <[CKennedy@irbcity.com](mailto:CKennedy@irbcity.com)>  
**Subject:** Meeting about parking in IRB

Hello Cookie!

Thank you for taking time to share my input to the Commission's discussion on parking in IRB!

As a resident for 20 years, I have loved many things about our beautiful beach community. One of the many great qualities of Indian Rocks Beach is the public street parking and the beach access areas. I strongly believe All People should be able to enjoy the natural beauty of the beach, without costly parking meters or restricted access. I oppose limiting the parking on our streets any more than we already have. Street parking should be available for our friends, families, inland neighbors and out of town visitors. The recent concerns about parking in neighborhoods is an over reaction to a temporary situation. When the beaches reopened this past spring, there was an extra number of people desperate for the beach, and things were a little crazy for a while. This is not how it is typically. We do not need to over react. The addition of many parking restrictions in the town is more than enough to manage concerns.

Keep our town friendly, open and accessible for all beach lovers! Please do not add any additional no parking areas!

Sincerely,  
Christine Bergman  
2207 Bay Blvd. #202  
Indian Rocks Beach, FL  
[cbathebeach@aol.com](mailto:cbathebeach@aol.com)



**O'Reilly, Deanne**

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**To:** \_Commission  
**Cc:** BRENTLY GREGG MIMS  
**Subject:** FW: Tonight's ordinance vote.

**From:** Emily Choporis <emilychoporis01@gmail.com>  
**Sent:** Monday, November 09, 2020 5:13 PM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** Tonight's ordinance vote.

Hello.

As a resident of 431 harbor dr n, I oppose the ordinance that does not allow guests to sleep in RVs on their own property. I also oppose the ordinance that does not allow street parking.

Thank you,  
Emily

**O'Reilly, Deanne**

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**To:** \_Commission  
**Cc:** BRENTLY GREGG MIMS  
**Subject:** FW: Tonight's ordinance consideration

**From:** Full-time Family Traveling Adventures <kennyfoley@gmail.com>  
**Sent:** Monday, November 09, 2020 4:42 PM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** Tonight's ordinance consideration

As residence at 431 Harbor Drive North, IRB

We strongly oppose the ordinance preventing on street parking and we strongly oppose the ordinance preventing residence from sleeping in RVs on thier own property!!!!!!!!!!!!!! We often park on street and we often sleep in our RV while parked in our driveway. Do not prevent us from maintaining our current experience as residence of IRB!!!!!!!!!!!!!!

Kenneth and Jacqueline Foley

## O'Reilly, Deanne

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**To:** \_Commission  
**Cc:** BRENTLY GREGG MIMS  
**Subject:** FW: Commission Meeting for IRB street parking

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**From:** Dan Mynsberge <mynsdan@gmail.com>  
**Sent:** Monday, November 09, 2020 4:11 PM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** Commission Meeting for IRB street parking

The proposed parking rules seem to be overkill. The new "no parking" signs just east of the beach appear to be effective. Please do not limit our ability to our homes to please just a few people. The vendors that service our homes create the greatest obstruction and safety concern in our neighborhoods but, we must accept them as we all have service needs. There is also a statement in the proposal referring to "primary residence". Is this to put a greater restriction on property owners who are not full time residents; they pay a higher tax to the city than "primary residents" do.

*(c) Entitlement to Non-transferable "Parking by Permit Only" Decals.*

*1) Any parcel with a separate tax parcel ID assigned by the Pinellas County Property Appraiser that is located within a designated "parking by permit only" zone established in this section and used as a primary residence by the owner or a lessee, with a lease term of at least one year, shall be entitled to the issuance of a parking decal for each registered vehicle, including low speed vehicles, owned or leased by the owner and family members living at the residence provided that the vehicles are registered to the property address correlating to the same tax parcel ID. 2) It shall be unlawful for*

Please do not proceed with this parking restriction plan. Thank you.  
Daniel and Kayanne Mynsberge  
442 Harbor Dr N, Indian Rocks Beach

**O'Reilly, Deanne**

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**From:** Dave Faeth <davefaeth1@gmail.com>  
**Sent:** Tuesday, November 10, 2020 6:31 AM  
**To:** Kennedy, C  
**Subject:** Guest Parking Pass

Hello, my name is David Faeth, owner of a condominium unit in Dolphin Reef (2504 Gulf Blvd, Unit 205). I respectfully request you to reconsider the elimination of the Guest Parking Pass for IRB residents. We rely on it heavily for visits by our son and other family members who live elsewhere in the Tampa/St. Pete area. Guest parking in the Dolphin Reef building area is very limited. We recognize the problems associated with limited parking in IRB but feel that tax-paying condo owners should not be penalized in this manner. Thank you for your consideration of my request.

**O'Reilly, Deanne**

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**From:** Leola Bonham <leolabonham@gmail.com>  
**Sent:** Tuesday, November 10, 2020 7:37 AM  
**To:** Kennedy, C  
**Subject:** Guest pass for over night parking

Dear Mrs Kennedy,

I am definitely not in favor of changing the over night parking requirements in beach access areas. Our condo has limited guest parking and only one space per unit for regular parking. Having to get parking permit would be a great inconvenience and could be quite expensive. Please do not change current requirements. This beach access availability was one of the incentives for purchasing property I Indian Rocks Beach!! Thank you for all you do for our community.

Leola and Chris Bonham  
Dolphin Reef  
2504 Gulf Blvd  
IRB

Leola Bonham  
Grace and peace be yours in abundance.  
1Peter 1:2

**O'Reilly, Deanne**

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**To:** \_Commission  
**Cc:** BRENTLY GREGG MIMS  
**Subject:** FW: Parking Ordinance 2020-07

**From:** tony johnstone <jjstone007@yahoo.com>  
**Sent:** Monday, November 09, 2020 1:52 PM  
**To:** O'Reilly, Deanne <doreilly@irbcity.com>  
**Subject:** Parking Ordinance 2020-07

November 7, 2020

City of Indian Rocks Beach Commission

1507 Bay Palm Boulevard  
Indian Rocks Beach, FL 33785

Dear Commissioners:

We would like to go on record supporting Ordinance 2020-07 regarding controlled parking in residential areas and adding parking by permits only in certain residential areas which will protect the residential areas dealing with noise and disorderly conduct.

We are a small city with the charm only afforded to small beach communities and we, as long time residents cherish the community spirit to keep our city safe.

We also agree with the parking by permit only between the hours of 9am to 5 pm.

Thank you.....

Joan Johnstone & Ron Whaley

430 Harbor Drive S.

Indian Rocks Beach



**O'Reilly, Deanne**

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**From:** McCall, Joe  
**Sent:** Monday, November 09, 2020 1:10 PM  
**To:** O'Reilly, Deanne; Mims, Gregg  
**Subject:** Parking Petition  
**Attachments:** petition parking 2020- 2.pdf

Good afternoon Deanne:

Please find attach Parking Petition send to me by Tammy McCutchen.

It is split into 3 emails due to size.

Please forward to Commission for review.

Respectfully,

Joe McCall

# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB <span style="background-color: black; color: black;">[REDACTED]</span>

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Tammy McCutchen	<i>Tammy McCutchen</i>	201 7th Ave I.R.B	I vote for parking passes	8-21-2020
Dana McCutchan	<i>Dana McCutchen</i>	201 7th Ave IRB	1-side street parking Resident Parking Passes	8/21/2020
LINDA Bullerman	<i>Linda Bullerman</i>	LANE LARGO 127 Palmetto	PASSES FOR Residences	8-21-2020
Sharon Slatt	<i>Sharon Slatt</i>	4548 SUNY An Ln	I vote for parking passes + 1 side parking	8-21-2020
Kevin Focke	<i>Kevin Focke</i>	112 Haven Beach	I vote for parking passes	8-24-2020
Greg Ardley	<i>Greg Ardley</i>	112 MACDALE	I vote Parking Pass	8-24-20
Michael Ferrell	<i>Michael Ferrell</i>	1305 Gulf Blvd	Tax for one side	8/26/20
SABINA Bowles	<i>Sabina Bowles</i>	123 12th Ave	Park on ONE Side	8/27/20
Breck Hampe	<i>Breck Hampe</i>	1313 Gulf Blvd	would lose business	8/27/20
Christopher McDonald	<i>Christopher McDonald</i>	1313 Gulf blvd	Takes away business	8/27/2020
HANK Nguyen	<i>Hank Nguyen</i>	1401 GULF BLVD #4	I vote for parking passes	8-27-2020
Morgan Myers	<i>Morgan Myers</i>	1401 GULF BLVD #5	VOTE FOR ONE SIDE street parking	8-27-2020
TIM CHASE	<i>Tim Chase</i>	1401 GULF BLVD #10	I VOTE FOR 1-SIDE PKG	8/27/20
Joey Conner	<i>Joey Conner</i>	1461 Gulf Blvd #12	yes for street parking	8/27/20
Danna Green	<i>Danna Green</i>	1301 Gulf Blvd	yes for 1 side parking	8/27/20
<del>MARIA DAVILA</del>	<del>[Signature]</del>	2601 GULF BLVD	TAKE AWAY BUSIN	8-26-20
<del>MARIA DAVILA</del>	<del>[Signature]</del>	1211 GULF BLVD	TAKE BUSIN AWAY	8-27-20
Fred Bowsher	<i>Fred Bowsher</i>	1519 Gulf Blvd Ste	Keep 1 side of it open	8/27/2020
Nichol Ewert	<i>Nichol Ewert</i>	1519 Gulf Blvd	1 side for parking	8/27/2020
Jacqueline Schonowski	<i>Jacqueline Schonowski</i>	464 Harbor Dr	1 side for parking	8/27/20

Please choose one preference and enter in the comment column



# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

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Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB [REDACTED]

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Linda Gowen	Linda Go	2001 Bayview Pl	One side street parking	8-27-2020
SAL R Femolo	Sally R Femolo	2001 Bayview	one side street parking	8-27-2020
Joseph Ciccarec	[Signature]	340 12th Ave	One side street parking	8-27-2020
Joanne Inguaggiato	[Signature]	760 Gulf Blvd	One side street parking	8-27-2020
Sharon Corena	Sharon Corena	2107 Bay Blvd.	one sid street parking	9-1-2020
C.J. Turpin	C Turpin	10714th Ave	One side street parking	9-1-2020
Mike Fisher	[Signature]	2300 Gulf Blvd	one side street parking	9-1-20
Luigi D'Archi	[Signature]	2300 gulf Blvd	one sided	9/1/20
Roger Layton	[Signature]	1511 GULF BLVD		9-1-20
Kathy McKenna	[Signature]	1511 Gulf Blvd	Allow parking	9/1/20
Rose Schuster	[Signature]	1511 Gulf Blvd	ONE SIDE ONLY	9.1.2020
Andrea Harms	[Signature]	203 12th Ave	one side street parking	9-2-20
Chris Swett	[Signature]	602 2nd St.	one sided parking	9-2-20
Melissa Petron	[Signature]	1 Windrush Blvd #1	one side parking	9-3-20
Bill Dotson	Bill Dotson	1 Windrush #74	one side parking	9-3-20
Joseph Roback	[Signature]	2010 20th Ave #100	one side parking	9-4-20
Mary Kudak	Mary Kudak	604 2nd St. 33785	ONE side of street	9-5-20
WALTER Daulton	[Signature]	604 2nd St	one side street	9-5-20
MARIE LUCAS	[Signature]	614 GULF BLVD	ONE SIDE PARKING	9/6/20
John Lucia	[Signature]	614 Gulf Blvd	one side parking	9/6/20

\*Please choose one preference and enter in the comment column\*

# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB [redacted].*

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Amanda Faraone		1307 Gulf Blvd.	alt. days/sides	9/5/2020
Shelton [redacted]		# Windrush Blvd		9/4/2020
Lauren Vastano		windrush blvd		9/5/20
Nicole Mares		windrush blvd		9/5/20
<del>Stacy Githis</del>	<del></del>	<del>1345 [redacted]</del>		<del>9/5/20</del>
EARL WERTHEIM		1109 HIDDEN HARBOR	GREAT KEYS	9/11/20
Lois [redacted]		900 Gulf Blvd		9/11/20
Debra Conley		605 Garland		9/12/20
Kayla Baker		364 Bahia Vista Dr		9/12/20
SHANA-MARIE ZIEGLER		802 GULF BLVD		9/13/20
Patrick Flaney		2204 1st Street Unit F		9/14/20
Bliss Conerton		84 Beachtrail		9/15/20
Christine [redacted]		1 Windrush Blvd	1st side of the street	9/18/20
Andra Morales		724 east gulf blvd	love this	9-18-20
Melissa [redacted]		659 [redacted]		9/18/20
PITIL PERL		605 2ND ST	JOANNE Rocks!	9/20/20
The Drakes		22 NATION ST # 33765		9/20/20
F. Smith		121a Hacienda Drive	its fine the way it is	9/20/20
R. Wisnom		WINDRUSH		9/22/20
W. Bloodworth		339 12th Ave		9-22-20

\*Please choose one preference and enter in the comment column\*



# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB [REDACTED]*

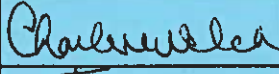



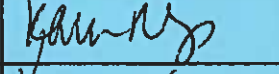
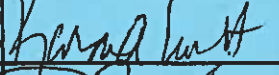

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Betty OB...	[Signature]	204 Haven Blvd		9/8/20
Victoria Wells	[Signature]	403 18th Ave		9/8/20
Tuh Cao	[Signature]	2300 Gulf Blvd	vote 1 side parking	9/11/20
Vanessa Brown	[Signature]	673 Gorked Circle	Vote 1 side parking	9/11/20
Danae Volley	[Signature]	1511 Gulf Blvd	one side parking	10-9-20
Stacy Stitt	[Signature]	201 Bates Ave	one side parking	10-9-20
CARSON STITT	[Signature]	201 BATES AVE	vote one side parking	10-9-20
Tammi Mcell	[Signature]	333 Bahia Vista Dr	no resident only parking	10/9/20
Daniel Esquivel	[Signature]	614 Gulf Blvd	vote 1 side parking	10/9/20

\*Please choose one preference and enter in the comment column\*

# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

(7)

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB <span style="background-color: black; color: black;">XX</span>

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
CHARLENE WEZCH		614 GOLF BLVD #5	1-side parking	9/4/20
Sue ThiBeault		614 GOLF BLVD #1 IRB	1 side parking	9-6-20
Marie Forney		614 GOLF BLVD #2	1 side parking	9-6-20
Roland Reyes		614 GOLF BLVD #9	1 side parking	9/6/20
Karin Reyes		614 Golf Blvd #9	side parking	9/6/20
Karen Curtis		616 2nd st	1 side parking	9/26/20
Dave Curtis		616 2nd st	1 Side Parking	9-26-20

\*Please choose one preference and enter in the comment column\*



# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

8

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB [REDACTED]

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Kathy Farrell Kathy Farrell	Kathy Farrell	457 20 <sup>th</sup> Ave		9/1/20
GARY FARRELL Gary Farrell	Gary Farrell	457 20TH AVE		9/1/20
Don Semenic Don Semenic	Don Semenic	1605 GULF BLVD		9/1/20
a. Katrh Andrews Kat Andrews	Kat Andrews	5 123 14 <sup>th</sup> Ave		9.12.20
Thomas Andrews Thomas Andrews	Thomas Andrews	123 14 <sup>th</sup> Ave		9.12.20
Janet Kennedy Janet Kennedy	Janet Kennedy	618 2 <sup>nd</sup> St		9-19-20
Aras Kennedy Aras Kennedy	Aras Kennedy	618 2 <sup>nd</sup> St		9-19-20

\*Please choose one preference and enter in the comment column\*

# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB [REDACTED].*

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Tanya Patterson	<i>Tanya Patterson</i>	110 11AVE	Tired of my House an mail Box Being Blocked	
Michele Mason	<i>M. Mason</i>	305 Harbor Dr.	Love this place	9/22/20
S. Innamorato	<i>S. Innamorato</i>	208 Backia Vista		9/23/20
J. Graham	<i>J. Graham</i>	1900 Bch Trak		
Audra Morales	<i>Audra Morales</i>	724 east gulf blvd	People have parked in my driveway with animals	9/28/20
Wendy L. Morales	<i>Wendy L. Morales</i>	724 E GULF BLVD APT C		9/28/20
Susan Thibault	<i>Susan Thibault</i>	614 GULF		9-28-20
Bryson Aspinwall	<i>Bryson Aspinwall</i>	2509 Bay Blvd. Unit A		9-30-20
Richard Miller	<i>Richard Miller</i>			
Will Marshall	<i>Will Marshall</i>	900 Gulf Blvd. 903	Living the dream	10-02-20
KB Auer	<i>KB Auer</i>	2600 BEACH TRAIL 120 33755		10/4/20
Karen Dwyer	<i>Karen Dwyer</i>	409 Harbor Dr W		10/4/20
Jackie Hernandez	<i>Jackie Hernandez</i>	714 E Gulf Blvd		10/6/20
Alan Stevens	<i>Alan Stevens</i>	601 Heritage Ln		10/7/20
Heidi Stevens	<i>Heidi Stevens</i>	601 Heritage Ln		10/7/20
Ed Zyl	<i>Ed Zyl</i>	112 15th Ave Unit A		10/7/20
Lester Jones	<i>Lester Jones</i>	112 15th Ave Unit A		10/7/20
Molly Bohmer	<i>Molly Bohmer</i>	820 GULF BLVD		10/7/2020



\*Please choose one preference and enter in the comment column\*





# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB [REDACTED].*

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Brad Case	[Signature]	2600 Bay Blvd	No parking unless sign	
Karen Poet	[Signature]	307 12 <sup>th</sup> Ave	no parking	10/31
Patricia Delina	[Signature]	663 Garland Cir	No parking limit	10/23
Erica Barnum	[Signature]	3335 Dwyer Ave	no parking limit	10/23
Anthony Petrillo	[Signature]	2511 Bay Blvd		10/29
<del>Erin Latta</del>				
D. JUANH	[Signature]	900 Gulf Blvd.	No parking limit	10/24
Lauren Pohl	[Signature]	10318 <sup>th</sup> Ave ST	No parking limit	10/24
Amber Rose	[Signature]	204 10 <sup>th</sup> AVE	" "	10/28
Lisa Couch	[Signature]	108 8 <sup>th</sup> Ave		10-29
Cassie Cornis	[Signature]	108 8 <sup>th</sup> Ave		10-29
Kathy Hand	[Signature]	210 16th St		10/30
Stewart	[Signature]	1721 Bay Pine Blvd		
John Swinarski	[Signature]	326 Windsor Blvd		10/30
Keith Brown	[Signature]	248 Lathrop Dr.		10/30
Jay Backlund	[Signature]	211 10 <sup>th</sup> Ave		10/30
Molly N	[Signature]	100 1000 bluff Blvd #305	No parking limit	10/30
TERESA BECKER	[Signature]	635 Garland Cir	No parking for family who come to visit	10/31
Bob Junion	[Signature]	509 Service Place		11-1
JOE CANTO	[Signature]	357 LATHROP DR		

\*Please choose one preference and enter in the comment column\*



# STREET PARKING PETITION FOR INDIAN ROCKS BEACH

u (10)

Petition summary and background	We are petitioning the city Mayor and Commissioners of Indian Rocks Beach to reconsider prohibiting parking from 8 am - 5 pm except to residence.
Action petition for	*We, the undersigned, vote to keep the streets open to only one side street parking from 1st Ave. to 28th Ave. throughout every road of IRB <del>_____</del> .*

NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Anthony Petrella		2511 Bay Blvd		10/11/20
B. Schwab's		10690 Frances Ln	Inconvenient to customer	10/14/20
Sarah Kelly		1 Windrush Blvd #99	100%	10/11/20
Bill Danks		12 Gulf Blvd		10/12/20
Celia Hingst		1 Windrush Blvd	please keep parking	10/12/20
<del>Patricia</del>				
Katrina Sessions		444 18th Ave		10/14/20
Eric Stuart		1000 Gulf Blvd #502	100% I	10/14/20
Warren Wood		800 Gulf Blvd #1	100%	10-14-20
Hannah		1511 gulf blvd A	Love Everything!	"
Michelle		1801 Bay Blvd #11	♡	10/15/20
R. Reyes		614 Gulf Blvd #5	100%	10/20/20
Marcus Black		2000 Gulf Blvd	100%	10/13/20
Chuck Pond		<del>204 Larchwood Dr</del> 2035 20th Ave PKY	100%	10/19/20
Peggy Pond		2035 20th Ave PKY	100%	10/19/20
Anita Powers		101 Hidden Harbor	100%	10/18/20
Peter Anli		603 Cambridge Cir	Absolutely	10/18/20
Andrew Colvin		112 15th Avenue	100%	10/19/2020
Brent Mill		1207 Bay Pine Blvd	100%	10/21/2020
Mona Conner				

**\*Please choose one preference and enter in the comment column\***

## O'Reilly, Deanne

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**From:** O'Reilly, Deanne  
**Sent:** Monday, November 09, 2020 12:58 PM  
**To:** \_Commission  
**Cc:** Mims, Gregg  
**Subject:** FW: Tuesday commission meeting

-----Original Message-----

**From:** [gt35065@aol.com](mailto:gt35065@aol.com)  
**To:** [cookieirb52@gmail.com](mailto:cookieirb52@gmail.com) <[cookieirb52@gmail.com](mailto:cookieirb52@gmail.com)>  
**Sent:** Mon, Nov 9, 2020 12:46 pm  
**Subject:** Tuesday commission meeting

Cookie,

Hope you are well! I have read the agenda for the Tuesday commissioners meeting. One of the topics is the permit parking proposal for most or all of the streets in Indian Rocks Beach. I have talked with over 20 neighbors, mostly on Harbor Drives North and South. Every person I spoke with thought this was completely unnecessary, and a serious breach of homeowner rights. Indian Rocks beach is a very social and enjoyable city, at least for those of us who have not had their neighborhood ruined with short term rentals.

Many of the neighbors we know have gatherings of friends and family for parties, boating and enjoying our wonderful outdoor climate. This proposal is taking away the rights of property owners to have people park on the streets when driveways are full. Many homes here do not have large driveways. I'm afraid also if the city were to pass this, people would end up using their front yards to park cars, taking out green space and landscaping to make room for guests, family or friends.

This looks like a serious over reach to cure what sounds like a problem for 10 percent of the residents who live a block or two east of Gulf Blvd. Why not come up with a plan to fix that problem instead of encroaching on the rights of 90 percent of the city? Or more enforcement of no parking zones we already have?

I think most folks moved to Indian Rocks Beach for the wonderful small town atmosphere and fairly laid back "beachy" feeling. We do not need to start moving in the direction of Belleair Beach with their stifling regulations. The real problem facing our community is the proliferation of short term rentals. I know of two families personally that have recently moved out of IRB because of this issue. I know you have been trying to come up with solutions to this problem.

Thanks for your considering my thoughts,

Rick Tousley  
440 Harbor Dr No  
Indian Rocks Beach

**O'Reilly, Deanne**

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**From:** Carol Sampey <carolsampey@gmail.com>  
**Sent:** Monday, November 09, 2020 9:49 AM  
**To:** O'Reilly, Deanne  
**Subject:** Support against Ordinance NO 2020-07 &08

Please send a copy to our mayor, each commissioner and city Manager.

CITY OF INDIAN ROCKS BEACH REGULAR CITY COMMISSION MEETING TUESDAY, NOVEMBER 10, 2020@7:00 P.M.

**ORDINANCE NO. 2020-07 Controlled Parking in Residential Areas,**

**ORDINANCE NO. 2020-08 FEE for Parking Violations**

Dear City Commission,

The Ordinance No 2020-07 was based on information provided to the city commission from a meeting in 2014. This information did not look at any data that was specific to our finger. It is being stated as a fact. "That the City has documented the negative impact that improperly and illegally parked vehicles has had on residential areas...." This is not a documented fact for our street! Although weekend beach overflow parking may be an issue on bay blvd and 1st and 2nd streets, it is not an issue on Harbor Drive N or Harbor Dr S.

Further, it would seem that if we are that interested in protecting pedestrians we would be considering sidewalks rather than eliminating parking from the streets.

I am strongly against the need for parking permits to be allowed to park on the street in front of our own house. We frequently have friends over and always encourage them to park in a nature that does not block driveways and that has them only park on one side of the street to allow access for emergency vehicles.

We are a community that has a reputation of being welcoming and friendly. We are not Belleair Beach and don't want to become Belleair Beach.

Please enforce the no parking signs that are already there and leave the parking on the fingers alone.

Sincerely,

Carol and Jim Sampey

434 Harbor Dr N.



## O'Reilly, Deanne

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**From:** Katherine Keeney <irbsparty@gmail.com>  
**Sent:** Monday, November 09, 2020 9:17 AM  
**To:** O'Reilly, Deanne; Kennedy, C  
**Subject:** Prohibiting Overnight Beach Access Parking--Our Concerns

Dear Mayor Kennedy and IRB Commissioners:

We are writing to you regarding Sections 62-35 (c) (2) and 62-35 (c) (3) found on Page 3 of 5 in the Proposed Ordinance No. 2020-08 ("Permit Parking on Beach Accesses").

As IRB residents and owners of condos overlooking the 23<sup>rd</sup> Avenue Beach Access, we find the proposed ordinance to disallow overnight parking on the beach access (hours of 11 pm-6 am) to be bewildering and concerning.

Overnight resident parking has never been a problem in the 17 and 20 years, respectively, that we have owned our condos. With our small business neighbors closed, the beach dark and empty, and resident-only overnight parking allowed, our access parking is mostly minimally used, quiet and crime-free. Why then is this overnight parking ban being proposed?

The ordinance indicates the reason for this overnight parking ban is due to a need to maintain the beach access but little overnight maintenance is actually performed in these areas at night. The rare car parked overnight on these access roads would certainly not prevent any proposed maintenance of these areas, if needed. A quick survey completed over the last 2 weekends in October counted just 3 resident-decaled cars parked after 11 pm within the northernmost 7 beach accesses. Were you told otherwise by city personnel or other residents? Have you investigated and viewed this overnight use yourself? We encourage you to do so. If there is such little use, then why would you consider forcing this area's few residents, who have no other available "street parking", to apply for a maximum 3-day temporary permit? Furthermore, why would you require these IRB residents to pay fees to do so, when they already pay to maintain these areas? This seems quite suspect, particularly as no special temporary overnight permits or corresponding fees are being proposed for residents wishing overnight parking on the city streets east of Gulf Blvd. Why is this?

One could surmise that this proposed ordinance disallowing overnight beach access parking is actually an attempt to limit the actual daytime parking use of the beach accesses by residents living in this area, particularly the parking spots reserved for ("implied" other) Indian Rocks Beach residents. The potential ordinance itself points to this theory by indicating that "temporary passes", if granted to this area's residents, were only to be used overnight "...only in beach access parking spots NOT reserved for Indian Rocks Beach residents". If so, please be advised that such action can be seen as discriminatory.

The beach accesses were created for use by ALL IRB residents and are "... dedicated to the residents of the subdivision in which the access is located" (per Section 62-35 (a) and (b)). These beach accesses belong to the residents of Indian Rocks and for use by the local residents of Indian Rocks. Limiting any resident's use as needed of these access roads is unacceptable, particularly as the costs of maintaining these beach accesses are "...bourne by the citizens of the city".

The residents who have homes and condos in this area bear a substantially large portion, perhaps majority of these costs. The properties located west of Gulf Boulevard north of 5<sup>th</sup> Ave to 28<sup>th</sup> are some of the most highly taxed properties in all of IRB. This densely populated area's property tax revenue funds a great deal of our city services—services that all residents should have equal access to use, including the use of the beach access parking.

As long-time IRB residents, we are well-aware that beach city parking east of Gulf Blvd. as well as the beach access parking—during the day—is often in high demand, both by residents as well as the general public. But the lack of beach

access parking during the day by IRB residents is simply no reason for the city to prohibit the limited use nighttime parking on the beach accesses-- only. If banning this overnight parking was to truly to maintain the beach access roads, the city street parking located on east side of Gulf Blvd--also maintained by the city--would also be proposed to be banned. And it is not.

Limiting city services discriminately will not be met favorably by residents in this area. We would instead suggest that if locating available daytime resident beach access parking is truly the problem for city residents, the city commission instead consider the following ideas, rather than ban overnight parking on the beach accesses. These include:

- 1) Increase the number of resident-reserved parking spots on the beach accesses. These beach accesses were created FOR use by Indian Rocks Residents and paid to be maintained by these residents, therefore IRB residents should be given priority if needed. Currently, IRB residents pay 100% of the costs associated with maintaining these beach accesses yet only 22% of the parking spots available on the 23<sup>rd</sup> Beach Access are designated resident-only parking spots (4 of 17). Similar percentages are applied in other beach accesses. While we support the public use of our beach access parking (as they support our small business neighbors during the day), designating an additional resident-only spot or two for daytime beach parking for residents seems minimal--and warranted.
- 2) Investigating charging non-residents for parking on the beach accesses (payboxes) as well as limiting the number of hours parked per parking spot, on any given day. Surrounding communities require paid parking and limit parked hours in certain high-demand areas. This encourages parking turnover and more beach access for more residents as well as the public throughout each day.

Application of either or both of these suggestions above would open up additional daytime beach access parking for resident use without applying any discriminatory tactics to prohibit use by those who pay for those services. We encourage you to consider these suggestions instead and ask you to not support the section within the proposed parking ordinance prohibiting overnight parking on the beach access roads.

Katherine Keeney  
2206 Beach Trail #4  
Indian Rocks Beach, FL 33785

Douglas MacCaffrey  
1 23rd Ave #2  
Indian Rocks Beach, FL 33785

**O'Reilly, Deanne**

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**From:** Carol Meares <mearescarol@gmail.com>  
**Sent:** Sunday, November 08, 2020 2:18 PM  
**To:** Flagg, Diane  
**Subject:** Parking ordinance

Hello,

I fully support the on street parking ordinance that will be discussed at the next meeting. This is long overdue.

Carol Meares  
321 10th Ave

Sent from my iPad  
Carol Meares

727-415-0203



**O'Reilly, Deanne**

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**From:** Rebecca Sacra <rebeccasacra@yahoo.com>  
**Sent:** Sunday, November 08, 2020 2:07 PM  
**To:** Mims, Gregg; Flagg, Diane; Hoofnagle, Edward; Kennedy, C; Hanna, Phil; McCall, Joe  
**Subject:** Parking Ordinance

To: City Manager & City Commissioners

From: Ronald & Rebecca Sacra

Re: New Parking Ordinance

We have lived in Indian Rocks Beach for a mere 10 years, but in that time we have experienced the influx of visitors and the resulting parking problems. Visitors to our city, park everywhere and anywhere with little regard to the residences.

We are lucky to live towards the end of La Hacienda Drive but have experienced the congestion on East Gulf Blvd and at the beginning of La Hacienda Drive. Because people grab any space they can find, it is nearly impossible to get by with cars parked on both sides of the street... and that is in a passenger car! No way could a fire truck get down our street!

We believe that it is time to implement more parking restrictions and are in favor of the new parking ordinance whereby residents could still park anywhere in IRB if they have a parking sticker but others cannot do so. We know that this ordinance would result in a much better environment for all residents and contribute to everyone's wish to maintain our wonderful small town quality.

On a completely different subject, kudos to the person who came up with the idea of having a small fenced area at several beach accesses for spare beach toys that children can use. (That person deserves a bonus ☺). Great idea! Not only will it encourage the picking up of toys on the beach but also, save parents money and give children something fun to play with while on the beach.

With kind regards and appreciation for all do for the residents of Indian Rocks Beach,  
Ronald & Rebecca Sacra  
368 La Hacienda Drive



## O'Reilly, Deanne

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**From:** Diane Flagg <flaggmeyer@yahoo.com>  
**Sent:** Saturday, November 07, 2020 3:11 PM  
**To:** O'Reilly, Deanne  
**Subject:** Fwd: City Street Parking

Deanne  
Another correspondence

Sent from my iPhone

Begin forwarded message:

**From:** Elaine Breier <embreier@gmail.com>  
**Date:** November 6, 2020 at 7:07:03 PM EST  
**To:** Diane Flagg <flaggmeyer@yahoo.com>  
**Subject:** City Street Parking

Diane,

We wanted to let you know along with the rest of the commissioners that you have our support for improving the street parking in our city.

10th Avenue is one of the few beach accesses that does not have parking. Combine that with the increase in vacation rentals along 10th Avenue and you have a situation growing out of control especially in prime rental months and weekends.

There have been 2 occasions in the past that I could not get my car down our street due to the cars parked on the street. It also makes it difficult for pedestrians, bicyclists, not to mention emergency vehicles.

As the popularity of Indian Rocks Beach grows so does the parking problem.

Thank you for addressing this situation now.

Elaine and Gaarie Breier  
320 10th Avenue

## O'Reilly, Deanne

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**From:** Norb and Myra <norbt@tampabay.rr.com>  
**Sent:** Saturday, November 07, 2020 2:08 PM  
**To:** Kennedy, C  
**Subject:** VOTE NO on Ordinance #2020-08 Sec. 62-35

November 7, 2020

Mayor and Commissioners,

In regards to Ordinance #2020-08; Sec. 62-35 Parking on Beach Access C(2) Page 3.....

We live in a forty-unit condo that has one reserved parking spot per unit and nine visitor parking spots. There are some owners with two vehicles, so at times there are no parking spots available for these owners and/or visitors on condo property. Condo owners do not have driveways for their visitors to park in. The beach access parking is seldom ever fully occupied after sunset. Charging a fee to park on a public beach access road would create a major parking issue for condo owners and their visitors. We do not have enough property to create more visitor parking spots.

Requiring visitors of property owners to pay to park when visiting overnight is unacceptable. How would you feel if you were invited to visit a friend or relative and were told you had to pay to park? This would make visitors feel unwelcome. We, as owners and hosts, would be paying for them to park and we already pay enough taxes to live in IRB. You will be penalizing owners when we have visitors.

You are approving multi-family structures every year creating more owners and more visitors and now you want to charge them to have visitors.

We would appreciate a **NO** vote on charging a fee for overnight parking. Please do not delete Overnight Temporary Parking Passes.

Thank you,

Myra & Norbert Treutel  
Dolphin Reef Condo  
2504 Gulf Blvd #503  
Indian Rocks Beach  
727-517-4195

## O'Reilly, Deanne

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**From:** Lorna Lover <lorna.loverirb@gmail.com>  
**Sent:** Friday, November 06, 2020 2:28 PM  
**To:** O'Reilly, Deanne  
**Subject:** Hours for the Dog Park

I live directly next to our Nature Preserve and have the privilege ,as do all my neighbors ,of hearing soft melodious birds singing all day long ,all year from the Preserve . Unfortunately,at 7 A M I also hear the loud furious barking of dogs from our Dog Park each morning at 7 A M.This annoying cacophony of barking dogs continues all day long until the late evening ,when the Preserve closes .Myself and my neighbors have spoken to various dog owners ,several times ,at the park to please have some consideration for all the neighbors whose homes are near to the Preserve. But our pleas have not been heard . Since the City is discussing opening and closing hours for our parks , I would like to suggest that the Dog Park not be opened until 8 AM , on Saturday and Sunday mornings ,so that its direct neighbors can have perhaps 2 hours of additional sleep ,after a busy work week. Two hours out of one whole week does not seem to be too much of a sacrifice to me , to ask of our good neighbors and dog owners. I ask the City Commissioners to consider this request . Thank you for all you do for us in our lovely Indian Rocks Beach community .  
Lorna Lover

Sent from my iPad

## O'Reilly, Deanne

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**From:** leann4osu@aol.com  
**Sent:** Friday, November 06, 2020 1:12 PM  
**To:** O'Reilly, Deanne; Flagg, Diane; McCall, Joe; Kennedy, C  
**Subject:** against proposed parking by permit ordinance

Thank you for all you do to make our city a great place to live. I am unable to attend the November 10th commission meeting and wanted to voice my opposition to the proposed parking ordinance. One of the primary reasons we chose IRB as home is IRB is a charming, key west-like beach community. Diverse, welcoming and accepting with easy beach access for all. Unlike nearby communities such as Belleair Beach. If I've correctly interpreted the proposed ordinance, most all of Indian Rocks will be subjected to parking restrictions while the concerns are primarily on a few streets near the beach. Why impose restrictions on an entire community to control an isolated occasional problem? Covid did create a temporary influx of beach-goers, creating parking issues that have proven to be short-lived. Our city's landscape is now littered with no parking signs up and down streets near the beach. If this ordinance were to pass, would those signs be removed, allowing parking by permit in those areas? Where are my guests expected to park when my driveway is occupied? Where would snowbirds park (renting less than annual) if they wanted to drive to the beach and all public parking was full? Would our city be further littered with parking by permit only signs on every street? What parking alternative for visitors, vacationers, nearby resident beach-goers (Largo, Seminole, etc)? What impact if any to the current resident beach parking spots and decal? Restricting parking and thereby reducing the number of visitors would have a negative impact to businesses as well.

Thank you for your time and consideration. Please let me know how I can further participate in the process. I can be reached at 614-329-8718.

Leann McKeon  
542 20th Ave  
Indian Rocks Beach, FL 33785



**O'Reilly, Deanne**

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**From:** jnewton006@gmail.com  
**Sent:** Friday, November 06, 2020 12:10 PM  
**To:** O'Reilly, Deanne  
**Subject:** IRB Street Parking - Commission Meeting

Please find letter below from Jerry Newton. Please send a copy to our mayor, each commissioner and city Manager.

I am out of town and will be monitoring online.

CITY OF INDIAN ROCKS BEACH REGULAR CITY COMMISSION MEETING TUESDAY, NOVEMBER 10, 2020@7:00 P.M.

**ORDINANCE NO. 2020-07 Controlled Parking in Residential Areas,**

**ORDINANCE NO. 2020-08 FEE for Parking Violations**

I would appreciate a quick reply to this email to acknowledge that you received it.

Thank you,

Jerry Newton

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November 6, 2020

**From:** Jerry Newton  
438 Harbor Drive North  
Indian Rocks Beach, Florida 33785

**To:** City of Indian Rocks Beach, Florida

**Topic:** Proposed Street Parking Ordinances

As a 17 year resident of Indian Rocks Beach, I would like to express my dis-satisfaction with the suggestion that each of my family and friends would have to obtain a \$5 a day permit ahead of time in order to visit my home. In effect, that is exactly what your proposed ordinance would do.

**Fact is, our city is trying to take away my ability to have friends and family visit my home without a fee and a “prior appointment”!**

(For many of us, this is why we live in IRB and not in Belleair!!!)

Having family visit for the holidays? School break?

Having friends over for dinner or a day on the boat?

Having friends over for a day at the beach?

Having people over for boat parade, holiday party, Thanksgiving, cookout, pool party?

**They will not be able to park in front of my home...  
REALLY?**

When we think about it, there are a multitude of reasons why it is convenient to have parking in front of our homes.

I understand that some folks that live near Gulf Blvd. have a parking issue with weekend beachgoers... but that is not the case for all of us!

**Clearly there are areas that have a parking problem and there are areas that do not!**

If people that live the first few blocks east of Gulf Boulevard have a serious problem with weekend street parking, they can choose to give up their rights. **NOT MINE!**

**That situation can be addressed locally without taking away the rights of all IRB citizens.**

**I will stay out of the way and let them find their own resolution so long as they agree not to impose their restrictions on me.**

If you care about keeping your property rights, please join in the battle to Keep IRB - IRB!



November 6, 2020

**Dear Cookie Kennedy, Mayor and Commissioners,**

Please Present at the CITY OF INDIAN ROCKS BEACH REGULAR CITY COMMISSION MEETING  
TUESDAY, NOVEMBER 10, 2020@7:00 P.M.

**ORDINANCE NO. 2020-07 Controlled Parking in Residential Areas,**

**ORDINANCE NO. 2020-08 FEE for Parking Violations**

**I am writing to express my concerns on the proposed Street Parking Ordinances.**

It is my understanding that our community needs more rules to keep our neighborhoods free of obstruction to the entrances of our streets. This would be for emergency vehicles to be able to navigate in the case of an emergency to our homes.

In doing so many home owners will be impacted by this rule change. Our beach community is one that has always been casual and lets our residents live their lives. My husband and I moved to Indian Rocks Beach just because we could enjoy the relaxed atmosphere. Now if we have an afternoon, evening or overnight event taking people out on our boat they can all park. We do not create a problem. We are always thoughtful to make sure cars do not block traffic.

**Our street, Harbor Drive North, does not have a problem.**

We can understand that the residents living closer to the beach do have a parking problem. When they purchased their home I am sure they could see that the love for our beach brought many people not living here to the Beach. Indian Rocks Beach is known as the **Free Beach**. *You can look up online and see the comments and it even encourages people to park on our neighborhood streets.*

My husband and I live on Harbor Drive North. We do not think our street should be impacted by the ordinance as we do not have the parking problem like the streets that are located closer to the beach. Why make rules for all when the problems do not exist on our street?

**Is this a fund raising event for the City of IRB?** Why should we have to pay and then everything is OK to park at our home? Why should the city restrict when and require a reservation for someone to visit you. We often have guests and people over spur of the moment. Jerry and I grew up in Pinellas County and all of our family and friends live here. How can the city restrict your ability to just live? Occasionally we have 25 friends and family go out on our boat fishing or to the Beach for the day. It is nice to have a universe of friends and family living so close. Now we will have to project and administer who will arrive by car so we can pay the City \$5.00 per car or be fined \$75.00 per car to just enjoy the day?

**These are not rules that are friendly to the community.**

It is impossible to plan and have parking sticker bought for your family and friends.

Jerry and I do not agree with imposing Permit Only parking to all in IRB.

**Wake up IRB – this is taking away our rights.**

**We invested in IRB not Belleair.**

Linda Newton

438 Harbor Drive North

Indian Rocks Beach, Florida 33785



**O'Reilly, Deanne**

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**From:** Lynn F. Rothman <lynn@therothmans.info>  
**Sent:** Thursday, November 05, 2020 9:04 AM  
**To:** O'Reilly, Deanne  
**Subject:** Proposed Ordinances 11/10 mtg.

Dear Ms. O'Reilly,

I strongly support the new ordinance pertaining to shortened hours for the Nature Preserve & dog park. As direct neighbors of the park, our sleep has been disturbed by the sound of dogs barking early in the morning. At night we've had to call the police on several occasions when visitors were loud or locked their vehicles in the Nature Preserve parking lot and on one occasion cut the lock to exit.

Thank you for all of your time and effort on behalf of our City.


Sincerely,

Lynn Rothman  
929 Harbour House Drive

**AGENDA ITEM NO. 7B  
FIRST READING**

**ORDINANCE NO. 2020-08  
Amending Chapter 62 by  
increasing the fee for parking  
violations; restricting the hours of  
parking on the City's beach  
accesses, amending the  
requirements for securing a  
resident parking decal; repealing  
the provision for temporary guest  
parking permits; amending the fee  
for replacing a city-issued parking  
permit.**

**CITY OF INDIAN ROCKS BEACH  
CITY COMMISSION AGENDA MEMORANDUM**

**FOR MEETING OF:** November 10, 2020 **Agenda Item: 7B**  
**SUBMITTED BY:** Randy D. Mora, City Attorney  
**APPROVED BY:** Brently Gregg Mims, City Manager   
**SUBJECT:** “Parking Fines and Beach Accesses” (Ordinance # 2020-08)

**Executive Summary**

Following the Commission’s previous work session on the matter, this Ordinance was drafted as a proposed means for addressing parking violations, with added restrictions relating to the beach accesses.

Specifically, this proposed ordinance increases the fine for parking violations from \$40 to \$75. The proposed ordinance eliminates the use of “temporary guest parking permits.” Also, while those with a valid resident parking permit may park in “resident-only” spots at the beach accesses, all persons are barred from parking on the beach accesses between 11 p.m. and 6 a.m. unless issued a temporary parking permit.

**Background Information**

In recent years, most especially in the early months of the global health pandemic and consequent quarantining restrictions, the City has observed intensified attendance to its parks and beaches. Paired with the City’s finite amount of public parking spaces at or near its beach accesses, this increase in vehicular traffic has led to increased parking violations. If adopted, this ordinance would codify a proposed increase to the fine for parking violations, would eliminate a category of temporary permits, and clarify the restrictions concerning the use of resident spots at beach accesses.

**ORDINANCE NO. 2020-08**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 62 – TRAFFIC AND VEHICLES, ARTICLE II – STOPPING, STANDING AND PARKING; INCREASING THE FEE FOR PARKING VIOLATIONS; RESTRICTING THE HOURS OF PARKING ON THE CITY’S BEACH ACCESSES, AMENDING THE REQUIREMENTS FOR SECURING A RESIDENT PARKING PERMIT DECAL; REPEALING THE PROVISION FOR TEMPORARY GUEST PARKING PERMITS; AMENDING THE FEE FOR REPLACING A CITY-ISSUED PARKING PERMIT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Indian Rocks Beach currently regulates parking and the issuance of permits to preserve the safety of the City of Indian Rocks Beach’s residents and visitors;

WHEREAS, the City Commission desires to amend its Ordinances to remedy the effects of unpermitted parking in its residential districts and unregulated congestion;

WHEREAS, the City Commission finds this Ordinance benefits public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

SECTION 1. Chapter 62, Article II – “Stopping, Standing and Parking,” of the City of Indian Rocks Beach’s Code of Ordinances is amended as follows:

Sec. 62-31. - Parking violation fines.

Any person who violates any parking laws, ordinances, or regulations within the city shall be subject to a fine for each such violation of not less than ~~\$40.00~~**\$75.00**. ~~If the fine is not paid within 15 days of the day of the violation, the fine shall be \$55.00.~~ Any unpaid parking fines shall be subject to any and all penalties, whether civil or criminal, provided for in Florida’s Statutes.

Sec. 62-32. - Obedience to signs.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a law enforcement agency official or traffic control device, no person shall stop, stand or park a motor vehicle, as defined under F.S. ch. 316, at any place where official signs prohibit stopping, standing or parking of motor vehicles.

Sec. 62-33. - Parking for certain purposes prohibited.

No person shall park a vehicle or boat upon any public street or public right-of-way or upon any area which is customarily used for the operation of a motor vehicle other than private property for the principal purpose of:

- (1) Displaying the vehicle or the boat for sale.
- (2) Washing, greasing or repairing the vehicle or boat, except repairs necessitated by an emergency.
- (3) Displaying advertising.
- (4) Selling merchandise from the vehicle or boat, except in a duly established marketplace or when so authorized or licensed under this Code or other city ordinances.
- (5) Storage or as junk or dead storage for more than 72 hours.

Sec. 62-34. - Stopping, standing or parking prohibited on Gulf Boulevard.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a representative of the designated law enforcement agency or official traffic control device, no person shall stop, stand or park a motor vehicle, as defined under F.S. ch. 316, along the entire length of Gulf Boulevard lying within the corporate boundaries of the city.

Sec. 62-35. - Parking on beach accesses and 15th Avenue boat ramp.

- (a) *Purpose and intent.* The purpose and intent of this section is to regulate public parking, not to regulate the use of the public beach facilities in the city.
- (b) *Findings of fact.* The city commission, based on studies and reports conducted and completed by the city administration and upon the general knowledge of the operating costs connected with the maintenance of beach accesses within the corporate limits of the city, makes the following findings of fact:
  - (1) The city is approximately 2½ miles long fronting on the west on the Gulf of Mexico with approximately 28 beach accesses which are in fact dedicated as accesses to the residents of the subdivision in which the access is located.
  - (2) Although the city commission recognizes that the beaches may be used by the general public subject to limitations of private property rights and restrictions of record contained in deeds and plats, all costs of maintenance and patrolling the beach accesses are borne by citizens of the city through the collection of taxes.
  - (3) Cost of maintaining the beach accesses is significant and includes road maintenance, law enforcement, garbage and trash collection, and general upkeep and beautification.

(c) *Permit parking on beach accesses.* Permits for parking on beach accesses in the city shall be as follows:

(1) ~~All residents of the city shall, upon~~ Upon application and proof of residency, as set forth in Section 62-39 of the city's code of ordinances, ~~be issued one resident permit per vehicle~~ any vehicle with a properly displayed parking decal may park in any space designated for parking on or near the city's beach accesses, and including those spaces reserved for resident parking-only, no fee shall be charged for such permit. Proof of residency within the corporate limits of the city shall be required for such permit. The city shall may provide parking places on accesses designated for residents only where deemed feasible by the city manager. The resident parking permit decal must be permanently attached affixed to the exterior rear of the vehicle in a visible location.

~~(2) The city manager may, upon request, issue temporary guest parking permits to motels/motor lodges, businesses or residences on the condition that business tax receipts, if applicable, are paid. No fee shall be charged for this permit. These temporary guest parking permits may not be used in the spaces designated for residents only. The parking permits used must be visible from the rear of the vehicle.~~

~~(3)~~(2) Temporary parking permits are available for all other situations, requiring parking between the hours of 11:00 p.m. and 6:00 a.m., at or near the City's beach accesses. A fee of \$5.00 per night for each parking permit will be required, ~~The fee shall be \$3.00 per night for each parking permit~~ and the permit shall not exceed a three-day maximum. Temporary parking permits may not be used in the spaces designated for residents only. All parking permits must be visible from the rear of the vehicle.

~~(4)~~(3) Parking on the beach accesses, including spaces reserved for residents, between the hours of 11:00 p.m. and 6:00 a.m. shall be limited to motor vehicles with temporary parking permits as set forth in (c) (2) of this subsection.

~~(5)~~(4) Replacement parking permits, ~~in all categories,~~ are \$10.00 each. A \$10.00 fee will be charged for the replacement of resident parking permits in cases where the permit was lost, stolen, damaged or a new permit is required as a result of the sale or transfer of a vehicle or real property interest.

(d) *General authority of city manager.* Nothing in this section shall prohibit the city manager from otherwise regulating parking on any public street, public right-of-way or public property in order to ensure public health, safety and welfare.

(e) *Parking at 15th Avenue boat ramp.* Parking and use of the boat ramp at 15th Avenue shall be limited to city residents or property owners. Any watercraft using the 15th Avenue boat ramp shall have an authorized city resident decal permit, as set forth in Section 62-39, affixed to the vehicle launching the watercraft. No resident shall be allowed to park or use the boat ramp for longer than 30 minutes at one time and parking shall be limited to the hours of 8:00 a.m. to 9:00 p.m. There shall be no parking on 15th Avenue or the surrounding streets of the 15th

Avenue boat ramp, including Bayshore Boulevard, for any trailers or vehicles with trailers. Any vehicle that violates the provisions of this subsection shall be subject to penalties as prescribed in this Code and Florida Statutes. Any vehicle, including trailers, that violates the provisions of this subsection shall be subject to a fine of ~~\$25.00~~ \$75.00, per axle. ~~If the fine is not paid within 30 days of the day of the violation, the fine shall be doubled.~~

Sec. 62-36. - Parking of house trailers.

- (a) *Definitions.* For the purposes of this section, the words "house trailer" and "house car" shall mean any structure intended for usable human habitation, mounted on or susceptible of being mounted on wheels and which can be moved from place to place, either by its own power or power supplied by some vehicle attached thereto.
- (b) *Prohibited and permitted parking.* No house trailer, house car or similar structure shall be used for living, sleeping or business purposes anywhere within the city, except in a duly licensed and regulated trailer park or trailer camp or where it shall be used for tools, equipment or materials actually being used in connection with construction of a permanent building. In such case, permission shall be included in the building permit for the project, and the trailer shall not be kept on the project site for more than six months, with the requirement that it shall be immediately removed from the premises on substantial completion of the permanent structure.

Sec. 62-37. - Public and private parking spaces for disabled persons.

- (a) Parking spaces for the exclusive use of those severely physically disabled individuals who have permanent mobility problems that substantially impair their ability to ambulate shall be specially designed and marked in accordance with the provisions of F.S. § 316.1955.
- (b) It is a violation of this section to stop, stand, or park a vehicle within any such specially designated and marked parking space pursuant to subsection (a) of this section unless such vehicle displays a parking permit issued pursuant to F.S. § 320.0848 (exemption entitlement parking permit issued to handicapped persons by the state department of highway safety and motor vehicles) or F.S. § 316.1958 (special license plate or parking permit issued to a handicapped person by any other state, provided such state grants reciprocal recognition for handicapped residents of Florida), and such vehicle is transporting a person eligible for the parking permit, except that momentary parking in such a space for the purpose of unloading a disabled person is permitted.
- (c) The civil penalty for a noncriminal traffic infraction pursuant to a violation of F.S. § 316.1955 or for parking in violation of subsection (b) of this section shall be \$250.00.
- (d) All territory within the corporate limits of the city shall be embraced by the provisions of this section.

Sec. 62-38. - Enforcement.

Citations in a form approved by the designated law enforcement agency for violations of this article may be issued by both law enforcement officers and properly qualified parking enforcement officers designated by the city manager.

Sec. 62-39. - Reserved.

**SECTION 2.** For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**SECTION 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**SECTION 4.** The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**SECTION 5.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**ADOPTED ON FIRST READING** on the \_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

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

**Approved as to form:**

**Attest:**

\_\_\_\_\_  
Randy Mora, City Attorney


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



**AGENDA ITEM NO. 7C  
FIRST READING**

**ORDINANCE NO. 2020-09  
Amending Chapter 74, by creating  
Article IV, to be entitled "Leave  
No Trace".**

**CITY OF INDIAN ROCKS BEACH  
CITY COMMISSION AGENDA MEMORANDUM**

**FOR MEETING OF:** November 10, 2020 **Agenda Item: 7C**  
**SUBMITTED BY:** Randy D. Mora, City Attorney  
**APPROVED BY:** Brently Gregg Mims, City Manager   
**SUBJECT:** "Leave No Trace" (Ordinance # 2020-09)

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**Executive Summary**

Following the Commission's previous work session on the matter, this Ordinance was drafted to prevent the City's residents and visitors from leaving their tangible personal property on the beach overnight.

**Background Information**

The City's ordinances currently prevent individuals from leaving items such as tents, canopies and volleyball nets on the beach overnight. With limited exceptions, this ordinance expands the scope to all tangible personal property left on the beach for any amount of time between 10:00 p.m. and 6:00 a.m., daily. This proposed amendment also enhances a handful of other safety measures, such as explicitly prohibiting fires and requiring people to fill any unattended holes that they dig on the beach.

**ORDINANCE NO. 2020-09**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 74 – WATERWAYS, CREATING ARTICLE IV, TO BE ENTITLED ‘LEAVE NO TRACE’, CREATING SECTION 74-100 – PURPOSE AND TITLE; CREATING SECTION 74-101 – DEFINITIONS; CREATING SECTION 74-102 – DIGGING HOLES ON BEACH; CREATING SECTION 74-103 – OBSTRUCTIONS ON THE BEACH AND BEACH ACCESS AREAS PROHIBITED; CREATING SECTION 74-104 - EXCEPTIONS; CREATING SECTION 74-105 – PERMITS; CREATING SECTION 74-106 – FIRES PROHIBITED; REPEALING CHAPTER 26 – ENVIROMENT, ARTICLE V - JUNKED, WRECKED OR ABANDONED PROPERTY, DIVISION 1 – GENERALLY, SECTION 26-131 – CONFISCATION OF ABANDONED PROPERTY; REPEALING CHAPTER 74 – WATERWAYS, ARTICLE III – BEACHES, DIVISION 1 – GENERALLY, SECTION 74-65 TENTS, CANOPIES, AND VOLLEYBALL NETS; CREATING A LEAVE NO TRACE ORDINANCE PROHIBITING THE LEAVING OR ABANDONMENT OF PERSONAL PROPERTY ON THE CITY’S BEACHES; PROHIBITING UNFILLED HOLES ON THE CITY’S BEACHES; PROHIBITING THE OBSTRUCTION OF THE BEACH AND BEACH ACCESS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PERMITTING PROCESS; PROHIBITING FIRES ON THE BEACH; PROVIDING FOR LEGISLATIVE FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, the City Commission of the City of Indian Rocks Beach desires to ensure the public beach and beach access areas of the City are free from any obstruction by any item of personal property in order to protect public ingress, egress, use of the public beach, the natural environment, the beauty and aesthetics of the City, and promote the public safety; and

**WHEREAS**, the City Commission of the City of Indian Rocks Beach desires to protect endangered sea turtles which nest on public beaches where abandoned property and unfilled holes can pose a serious hazard and risk of endangerment to wildlife; and

**WHEREAS**, prohibiting persons from leaving or abandoning personal property on the City’s beaches and beach access areas, and prohibiting unfilled holes, effectuates that desire; and

**WHEREAS**, Section 705.103, Florida Statutes, contemplates the procedures to be used when dealing with lost or abandoned property on public property; and

**WHEREAS**, the City currently regulates certain abandoned property left on the beach in Sections 74-65 and 26-131 of the Code of Ordinances of the City, which the Leave No Trace ordinance makes moot; and

**WHEREAS**, repealing Sections 74-65 and 26-131 of the City Code and replacing it with the Leave No Trace ordinance better effectuates the City's ability to regulate abandoned property left on the beach; and

**WHEREAS**, the City Commission finds this Ordinance benefits public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**SECTION 1.** Chapter 74 (Waterways) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**ARTICLE IV. – LEAVE NO TRACE**

**Sec. 74-100. – Purpose, title, and enforcement.**

The purpose of this article is to ensure the public beach and beach access areas are free from any obstruction by any item of personal property in order to protect public ingress, egress and use of the public beach, promote public safety, and to protect wildlife, including endangered sea turtles. This article may be referred to as the "Leave No Trace Ordinance." A violation of any of the sections of this Article may result in the imposition of a fine consistent with Section 1-14 of the City's Code of Ordinances.

**Sec. 74-101. - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Beach* means the zone of unconsolidated material that extends landward from the mean low water line to either the place where there is a marked change in material or physiographic form; the line of permanent vegetation, which is usually the effective limit of storm waves; or constructed bulkheads or other coastal protection structures.

*Beach access areas* means those public beach access points in the City, identified by appropriate signage, including associated boardwalks, walkways, and dedicated parking areas, and the area on the public beach beginning at the entrance of the beach access point perpendicular with the applicable road right-of-way to the water's edge.

*Dune* means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying landward of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location. In the

absence of a discernible dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

Person includes a natural person and all artificial entities, such as, but not limited to, corporations, limited liability companies, partnerships, limited partnerships, associations, trustees, receivers, legal representatives, and organizations.

Personal property means all types of personal property, including by way of example and not limitation, tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, picnic tables, tiki huts, volleyball nets, tents, hammocks, beach chairs and other furniture, kayaks, canoes, catamarans, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles and other watercraft.

Public beach means any beach area, whether publicly or privately owned, extending inland from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico to which the public has acquired the right of use or easement to or over the area by prescription, dedication, presumption, or has retained a right by virtue of continuous right in the public since time immemorial, as recognized in law and custom.

**Sec. 74-102. - Digging holes on beach.**

Holes dug on the beach are required to be attended and shall be filled prior to leaving the public beach.

**Sec. 74-103. - Obstructions on the beach and beach access areas prohibited.**

- (a) It shall be unlawful for any person to leave an item of personal property unattended on any portion of the public beach located in the City for any amount of time from 10:00 p.m. until 6:00 a.m. daily, except as otherwise permitted in this article.
- (b) It shall be unlawful for any person to leave an item of personal property unattended at any time within any public beach access area located in the City.
- (c) Any items of personal property that remain on the beach in violation of this article shall be deemed a nuisance and abandoned by the owner and shall be removed by a deputy of the Pinellas County Sheriff's Office, public service staff, code enforcement officer, or other authorized designee of the City Manager. Any personal property so removed shall be stored in an area designated by the City. After 90 days of impoundment, as required by F.S. § 705.103, the City may dispose of any item(s) removed pursuant to this section. The City may, by resolution, enact an impoundment fee to be collected at the time any item(s) are retrieved from impoundment by the party claiming the item(s).
- (d) From 10:00 p.m. until 6:00 a.m. daily on the beach, items of personal property that are relocated as close to, but not on, the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or a violation of this article, provided:

- (1) Such items shall not be placed on the dune or on native vegetation.
  - (2) Such items shall be stored in a neat and orderly manner.
  - (3) Such items shall not inhibit access to the public beach from the nearest public access areas, nor obstruct access on the public beach, nor impact native vegetation, nor significantly affect sea turtles.
  - (4) Items shall not be placed on any public beach access point or within 20 feet of any public trash receptacle.
- (e) Unattended items of personal property in violation of this article shall be removed from the public beach by any deputy of the Pinellas County Sheriff's Office, code enforcement officer, or City public service staff.
- (f) Unattended or abandoned items of personal property, and unattended, unfilled holes on the beach, are in violation of this article and are a public nuisance.

**Sec. 74-104. - Exceptions.**

The prohibitions contained herein do not apply to:

- (a) Trash containers;
- (b) Signs placed by the City or a governmental agency;
- (c) Items placed by persons acting under authority of city manager or other governmental agency;
- (d) Structures, including without limitation boardwalks, decks, and dune walkovers constructed and permitted by the City, county or the State;
- (e) Items placed on the beach by persons who have authorization or a permit to engage in marine turtle nesting research issued by the United States Fish and Wildlife Service or the State.

**Sec. 74-105. - Permits.**

- (a) Permits may be issued by the city manager, or his or her authorized designee for activities otherwise prohibited by this article for such periods of time and under such conditions as the city manager deems reasonably appropriate under the circumstances that are found to be necessary for:
- (1) Reasonable accommodation of persons with disabilities;
  - (2) Adjunct to a lawfully existing activity;
  - (3) For the conduct of a governmental, civic or educational activity;
  - (4) For the conduct of scientific research; or
  - (5) For special events approved by the City Commission or City Manager, as otherwise required by the City's Code of Ordinances.

(b) There shall be no fee for obtaining this permit. Such permit shall include the following:

- (1) Name and contact information of the owner or person in possession and control of the item;
- (2) Description of the item;
- (3) Location of the item;
- (4) Duration of time the item will remain in such location; and
- (5) Acknowledgement that the owner or person in possession and control of the item will be liable for any impacts to federally protected species.

(c) This article is not intended to authorize any violation of F.S. § 379.2431, or any of the provisions of the Endangered Species Act. The City will not be liable for any impacts to federally protected species resulting from persons leaving items of personal property on the beach and such liability will rest with the owner of such item.

**Sec. 74-106. - Fires prohibited.**

It shall be unlawful to start, maintain, or otherwise ignite an open fire on the beach or sand within the City.

**SECTION 2.** Chapter 26 (Environment), Article V (Junked, Wrecked or Abandoned Property), Division 1 (Generally) Section 26-131 (Confiscation of abandoned property) of the City of Indian Rocks Beach Code of Ordinances is hereby amended and repealed as follows:

**Sec. 26-131. — Confiscation of abandoned property.**

~~The designated law enforcement agency is hereby authorized and directed to confiscate any and all abandoned personal property within the city, subject to the following terms and conditions:~~

~~(1) Such abandoned personal property, unless perishable, shall remain in the possession and custody of the designated law enforcement agency for a period of two weeks before being thus confiscated, and during such period of time a representative of the designated law enforcement agency shall use reasonable diligence in an effort to locate the owner of the property. If the owner is located he shall be given five days' notice requesting that he pay all charges, fees, fines, damages and expenses due to the city, and stating that, upon his failure to pay such amounts, such personal property shall be forthwith confiscated.~~

~~(2) In the confiscation of any personal property a representative of the designated law enforcement agency is hereby authorized and directed to forthwith dispose of the property in accordance with directions of the city manager.~~

**SECTION 3.** Chapter 74 (Waterways), Article III (Beaches), Division 1 (Generally) Section 74-65 (Tents, canopies, and volleyball nets) of the City of Indian Rocks Beach Code of Ordinances is hereby amended and repealed as follows:

**~~Sec. 74-65. Tents, canopies, and volleyball nets.~~**

~~*Intent.* It is the intent of the city commission to preserve and protect the beauty of the city's beaches, parks, and other public property for use by residents and tourists. In furtherance of such purpose, the city commission makes the following findings of fact:~~

~~(1) The city has a significant tourist and county resident day use visitor population that utilizes its beaches, parks, and other public property.~~

~~(2) Being a largely recreational and tourist community, the city's beaches, parks, and other public property are a very valuable asset.~~

~~(3) The city has a significant occurrence of structures left on the beaches, parks, and other public property and the city has incurred significant cost in removing the structures.~~

~~(4) Permitting the structures to remain on the beaches, parks and other public property overnight has a negative effect on the appearance of the beach areas and upon the city's tourism industry.~~

~~(5) Leaving unattended tents, canopies, or volleyball nets on the beach, exposes a risk of harm to others and the natural beauty of the beach.~~

~~(6) Prohibiting tents, canopies, or volleyball nets to remain on the beaches, parks, and other public property overnight will promote the public health, safety, and welfare.~~

~~a. *Prohibition.* It shall be unlawful for any person to place upon the public beach any tent, canopy, or volleyball net between the seawall and the west edge of the dune area, and west of the dune area between 10:00 p.m. and 6:00 a.m.~~

~~b. It shall be unlawful for any person placing or causing to be placed any tent, canopy, or volleyball net or equipment upon the public beach to allow such to remain upon such public beaches, parks, and other public property between 10:00 p.m. and 6:00 a.m.~~

~~c. *Penalty.* Any tent, canopy, or volleyball net left on the beaches, parks, and other public property overnight will be considered abandoned property and will be subject the provisions under section 26-131.~~

~~d. This section shall not effect or in any way restrict the riparian rights of property owners.~~



**SECTION 4.** For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**SECTION 5.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**SECTION 6.** The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**SECTION 5.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**ADOPTED ON FIRST READING** on the \_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

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

**Approved as to form:**

**Attest:**

\_\_\_\_\_  
Randy Mora, City Attorney

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

**MINUTES FROM THE**

**JULY 23, 2020**

**CITY COMMISSION WORK SESSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor-Commissioner Kennedy opened the public comment session.

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

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

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

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

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

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

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

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

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

Mayor-Commissioner Kennedy stated she agrees with Commissioner Hoofnagle.

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

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

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

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

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

**4. DISCUSSION OF park hours.**

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

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

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

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


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

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

**AGENDA ITEM NO. 7D  
FIRST READING**

**ORDINANCE NO. 2020-10  
Amending Parking Hours.**

**CITY OF INDIAN ROCKS BEACH  
CITY COMMISSION AGENDA MEMORANDUM**

**FOR MEETING OF:** November 10, 2020 **Agenda Item: 7d**  
**SUBMITTED BY:** Randy D. Mora, City Attorney  
**APPROVED BY:** Brently Gregg Mims, City Manager   
**SUBJECT:** Park Hours Amendment (Ordinance # 2020-10)

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**Executive Summary**

This ordinance amendment is advanced in order to streamline and clarify the operative park hours, and limit park access to protect the City's residents, visitors, and infrastructure within the City.

**Background Information**

This ordinance consolidates the specified park hours to a single section. Going forward the parks shall be open as follows:

- Brown Park & Nature Preserve: 7:00 a.m. to dusk
- Boardwalk: 7:00 a.m. to dusk
- Keegan Clair Park: 7:00 a.m. to 9:00 p.m.
- Keegan Clair Boat Docks: 7:00 a.m. to 11:00 p.m.
- Kolb Park: 7:00 a.m. to 9:00 p.m.
- Skate Facility: 10:00 a.m. to 9:00 p.m.



**ORDINANCE NO. 2020-10**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 38 – PARKS AND RECREATION, ARTICLE II – PARKS, SECTION 38-31 – PARK HOURS; SPECIAL EVENTS; AMENDING ARTICLE III – SKATE FACILITY, SECTION 38-51 – HOURS OF OPERATION; AMENDING ARTICLE IV – NATURE PRESERVE, DIVISION 1 – GENERALLY, SECTION 38-100 – GENERAL; AMENDING DIVISION 2 – BOARDWALK, SECTION 38-116 – USAGE REGULATIONS; AMENDING ARTICLE V – KEEGAN CLAIR BOAT DOCKS, SECTION 38-140 – HOURS OF OPEARATION; AMENDING THE HOURS OF OPERATION OF PARKS THROUGHOUT THE CITY; RESERVING REPEALED SECTIONS; PROVIDING FOR LEGISLATIVE FINDINGS; CORRECTING SCRIVENER’S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, the hours of operation for the City of Indian Rocks Beach’s parks are found in Chapter 38 of the Code of Ordinances of the City of Indian Rocks Beach; and

**WHEREAS**, the City Commission desires to amend the park hours to be more consistent throughout the City; and

**WHEREAS**, amending certain the park hours to close earlier and open later will have positive impacts for the safety of citizens, patrons, and visitors to the City’s parks; and

**WHEREAS**, the City Commission finds this Ordinance benefits public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**SECTION 1.** Section 38-31 of Article II (Parks) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**Sec. 38-31. - Park hours, special events, and signage.**

- (a) *Parks Hours Generally.* All parks in the City, with the exception of the Indian Rocks Beach Nature Preserve, ~~and the Indian Rocks Beach Skate Facility, and Brown Park,~~ but including Kolb Park; and Keegan Clair Park ~~and Brown Park,~~ shall be closed from the hours ~~11:00~~9:00 p.m. to ~~6:00~~7:00 a.m. daily. ~~The C~~eity will erect appropriate signs that will provide the hours of park usage. For the purpose of this subsection, "park" shall mean all parks and athletic fields, and all grounds used by the City for park or playground purposes. ~~The operating hours for special uses facilities~~

~~may vary, as further described in this chapter.~~

- (b) Brown Park & Nature Preserve. Brown Park and the Indian Rocks Beach Nature Preserve shall be closed from dusk until 7:00 a.m.
- (c) Boardwalk. The boardwalk shall be closed from dusk to 7:00 a.m.
- (d) Keegan Clair Boat Docks. The Keegan Clair Boat Docks shall be open for use by authorized vehicles Sunday through Saturday 7:00 a.m. through 11:00 p.m.
- (e) Skate Facility. The skate facility at Kolb Park shall be open Sunday through Saturday from 10:00 a.m. to 9:00 p.m.
- (f) The City will erect appropriate signs that will provide the applicable hours of park usage. For the purpose of this subsection, "park" shall mean all parks and athletic fields, and all grounds used by the City for park or playground purposes. The operating hours for special uses facilities may vary.
- (g) The City may authorize an extension of park hours in any of the City's parks or portions thereof for special events for which a permit has been issued and approved by the city manager, or his or her authorized designee.

Secs. 38-32-38-5051. - Reserved

**SECTION 2.** Section 38-51 of Article II (Parks) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**~~Sec. 38-51. - Hours of operation:~~**

~~The skate facility at Kolb Park shall be open in accordance with the following schedule:~~

<del>Monday through Saturday</del>	<del>10:00 a.m. to 9:00 p.m.</del>
<del>Sunday</del>	<del>1:00 p.m. to 9:00 p.m.</del>

~~The city may authorize an extension of hours for special events for which a permit has been issued and approved by the city manager.~~

**SECTION 3.** Section 38-100 of Article IV (Nature Preserve) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**Sec. 38-100. - General.**

~~(a) The Indian Rocks Beach Nature Preserve shall be closed from the hours of 10:00 p.m. dusk to 7:00 a.m. daily.~~

~~(b) The city may authorize an extension of the nature preserve hours for special events for which a permit has been issued and approved by the city manager.~~

~~(c) (a) Fires and fireworks are prohibited. Grills for cooking may be used in designated areas.~~

**SECTION 4.** Section 38-116 of Article IV (Nature Preserve) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**Sec. 38-116. - Usage regulations.**

~~(a) The boardwalk shall be open during all park operating hours. The following are prohibited on the boardwalk:~~

- ~~(1) Bicycles.~~
- ~~(2) Skateboards, roller blades, skates or scooters.~~
- ~~(3) Pets.~~
- ~~(4) Leaving the boardwalk to enter the wetlands or Intracoastal Waterway.~~
- ~~(5) Tying up, entering, or leaving watercraft.~~
- ~~(6) Littering.~~

**SECTION 5.** Section 38-140 of Article V (Keegan Clair Boat Docks) of Chapter 38 (Parks and Recreation) of the City of Indian Rocks Beach Code of Ordinances is hereby amended as follows:

**Sec. 38-140. - Hours of operation:**

~~The Keegan Clair Boat Docks shall be open for use Sunday through Saturday 7:00 a.m. through 9:00 11:00 p.m.~~

**Sec. 38-140. - Reserved.**

**SECTION 6.** For purposes of codification of any existing section of the Indian Rocks Beach Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**SECTION 7.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the

remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the City Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**SECTION 8.** The Codifier shall codify the substantive amendments to the Indian Rocks Beach City Code contained in Sections 1 through 5 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**SECTION 9.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

**ADOPTED ON FIRST READING** on the \_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

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

**Approved as to form:**

**Attest:**

\_\_\_\_\_  
Randy Mora, City Attorney

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

**MINUTES FROM THE**

**JULY 23, 2020**

**CITY COMMISSION WORK SESSION**

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

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

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

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

**4. DISCUSSION OF park hours.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**5. DISCUSSION OF residential construction review fee.**

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

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

City Manager Mims is recommending the following:

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

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

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

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



**AGENDA ITEM NO. 8**

**WORK SESSION ITEMS**

**NONE**

**AGENDA ITEM NO. 9**

**OTHER BUSINESS:**

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