

MINUTES — JANUARY 10, 2023
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, JANUARY 10, 2023**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:01 p.m., followed by the Pledge of Allegiance and a moment of silence.

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

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

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

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

The Pinellas County Sheriff's Office presented a crime analysis report for the month of November 2022.

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

The Pinellas Suncoast Fire & Rescue District presented the fire statistics for the month of December 2022, and there after summarized for the year.

2. PUBLIC COMMENTS.

Diane Daniel, 309-10th Avenue, stated she has owned property in Indian Rocks Beach for 15 years and has lived on and off in the area since the 1970s. She rents out her house when she is not here. She keeps a low occupancy, and she has a self-imposed one-week minimum stay. For 15 years, she owned three condos in a small five-unit building on 14th Avenue. She rented two of the units year-round, and the one she used, she rented as a short-term unit. The owners of the other two units were run as short-term rentals with up to four guests in a small one-bedroom. Her year-round guests had various issues with the short-term renters, including noise and unleashed dogs. These were not police-level problems — just annoying ones. The owner of those units seemed concerned about his Airbnb reviews and spoke about them often. If she said anything to his renters, the owner said she was jeopardizing his business. Finally, one of her year-rounders had enough. She

loved her apartment but hated the problems with short-term renters. Her business was being hurt, plus she felt personally awful about her. Also, how could she ethically bring in a new renter with these ongoing issues? Things became so hostile that she decided to sell her three units a year ago, which was not in her plans. The buyer, who paid cash, turned her year-round stock into short-term rentals. Although the units were immediately rented out, they were not compliant with the IRB ordinance until a few weeks ago. As for the other owner, he continues to rent his units without compliance, as he has done for several years. He owns another multi-unit building of short-term rentals that is not compliant, and the City has been aware of this.

Ms. Daniel summarized her experience with short-term renters and owners:

- Year-round rental residents are moving out.
- Some short-term rental owners focus more on their Airbnb reviews and their own business needs than the community's needs.
- Vacationers and residents inherently have different sets of priorities. It is a fragile mix.
- The 2018 ordinance is not being enforced. It has no teeth or both.

Ms. Daniel stated when new rules are added to the books, will they be enforced? She hopes the City Commissions' proposed solutions will soon address these concerns.

Sharon Streng, 441-20th Avenue, stated she would like to hear from the City Commission about what is being done concerning the issues with short-term vacation rentals. She asked if the Fire District has started inspecting short-term rentals to ensure they comply with the rules. Are there sprinklers? Exit Signs? Has the Pinellas County Building Department started doing building inspections because there are a lot of homes where the bottom floor is built-out with bedrooms? Can the City look into this? The residents would like to hear about these things that should be done. She stated she sent an email to the City Commission on these issues.

Tony Trubuzio, 415 Harbor Drive South, stated the property owner at 414 Harbor Drive South built the bottom floor without permits years ago. It is now a rental and is advertised as sleeping 16 with off-site parking for eight. Is this something that the City will be looking into and will the City ensure that the property complies with the City Code and that proper permits have been issued? He asked if the new ordinance would allow the City to start regulating what is happening in the neighborhood as far as building codes go.

Stacey Conte, 735-1st Street, and Betsy, business partner of Ms. Conte, stated they are both multi-family investors. Ms. Betsy thinks it is important to hear residents' concerns about people who comply and obey. They work with PERC (Prison Re-Entry Program), the homeless initiative, and are doing a tour in Tampa, Florida, where they will be giving back to the community. She thinks that the stigma that all Airbnb owners and investors are not following the rules is untrue. Because they follow the rules, they monitor their guests, and do not over-advertise. People need to hear that. She does not deny that on Airbnb or with

investors, they may be just worried about their reviews. However, there are people like them, and that is not their primary concern. Ms. Betsy provided a brief history of how they started up their business and where their company is today.

Ms. Betsy stated that the stigma on multi-family investors and Airbnb hosts/owners is being portrayed as a whole instead of viewed individually. They support rules being put into place and people being asked to comply, but it should not be a stigma to one type of investor.

Ms. Conte stated the current regulations that are in place she follows. She said if the City could work with the community and the short-term rental owners to have everyone follow the current regulations, that would solve the problems. She stated the concern she hears from the residents are primarily about noise and over-occupancy.

Linda Newton, 438 Harbor Drive North, stated she bought her IRB forever home in 2003. She has enjoyed meeting her neighborhoods, being part of events, volunteering, being on the Beach Art Center Board of Directors, and being part of the community.

Ms. Newton stated in June 2011, the State of Florida took away the cities' home rule to regulate short-term vacation rentals. Florida is a home-rule State. That means cities can decide who could live in what zoning districts. Her home is zoned in a single-family residential area, and she thought she was going to live in a single-family neighborhood. Short-term vacation rentals are a business, and businesses have been outbidding anybody, like her, that can come to Indian Rocks Beach and buy a home. If she puts an offer on a house, a business group is going to outbid her and turn that house into a rental. She saw this fungus started to grow in 2021. It is unbelievable. She does not know how the State of Florida did that to the City of Indian Rocks Beach. She thinks the City was grandfathered in, where renters had to stay for three months in her neighborhood. She stated people from Detroit always came down for three months and would eventually buy a home and retire here. That has disappeared because they cannot afford the monthly rent anymore. She still wonders how the City lost its three-month minimum rental stay without any notification and how the State of Florida took that right away from the residents of Florida.

Kelly Cisarik, 448 Harbor Drive South, stated as the City Commission weighs the best ways to regulate transient rental properties or vacation rentals. She wanted to emphasize that these properties are commercial businesses. They have been granted a nonconforming legal use in residential neighborhoods due to State preemption. The City can treat them differently than residential properties. When the businesses began paying federal income tax, state sales tax, and county bed tax, they knew they were running a business. When these businesses apply for their Indian Rocks Beach business tax receipt, they agree to abide by the City's rules. The City has stated goals at the beginning of the City's Zoning Chapter. The stated goals are: to protect, promote, and improve the public health, safety, and general welfare of the people. That is the language used at the beginning of Chapter 110, Zoning, of the Code of Ordinances. There is nothing in the City Code about the ability to maximize profit.

Ms. Cisarik stated the City could and should treat vacation rentals differently. The City can have separate ordinances just for vacation rentals to control items such as amplified music and parking spaces allocated to the business. This is similar to how the City regulates bars, hotels, and restaurants.

Ms. Cisarik stated the City Commission should not be coerced into believing that vacation rentals are the same as residences or that vacation rentals can self-regulate and handle this themselves because they cannot.

Don House, 2104 Beach Trail, stated about six or seven electric bicycles were cruising down the beach. He asked if he took his ATV down the beach, then maybe the City Commission might consider adopting an ordinance to regulate electric bicycles, motorcycles, ATVs, and motorized vehicles on the beach because they are dangerous.

Mr. House stated at the last meeting, he felt that the riparian rights of the people that "live on" the beach was being taken away. He had three points that he wanted to bring up: (1) Did the City Commission even know what they were voting on? (2) Was anybody taking any money to influence their vote? and (3) Did the City Commission know that this was showing total disrespect for the people who "live on" the beach since no City Commissioner lives on the beach?

Mr. House stated making those points, there were a couple of things that happened. The City Manager said he was starting rumors that people were taking money. The most important thing was that a joke was made where City Commissioners were laughing about taking away his riparian rights, and that is an insult. He thinks he deserves an apology as a person who "lives on" the beach.

Dave Goodman, 1006-1st Street, stated he bought his home in 2008 as a retirement home. He said he loved the neighborhood because it was peaceful and quiet. Since 2008, short-term rentals have appeared across the street, next door, and behind him. His home is up on pilings, and he can see a lot of backyards behind his house, and they can see into their home. There is nothing to block the noise or the lights (party). There are all-day parties. He has seen as many as 20 people in one backyard. He has had cars parked in his front yard and a piece of fruit thrown at his house. The neighborhood is just not the same.

Mr. Goodman stated the only way to stop this is to go back to a more extended minimum stay requirement — one, two, or three-month stays.

Vicky Goonen, 207-15th Avenue, stated she is not an owner but has been an annual renter for 11 years. She has seen the beach changed. More bars have opened. With short-term rentals, people come in two or three times a week. She feels there needs to be a longer minimum stay requirement more than a week.

Ms. Goonen stated the short-term rental next door to her had a bonfire one evening. She saw the flames over her six-foot fence with drunks throwing more wood on the fire. She does not like the yard's short-term rental signs because they show those homes are not always occupied. She has seen ten people occupy a two-bedroom house.

Kellee Watt, 431 Harbor Drive South, asked what a resident does about issues after hours that do not rise to the level of calling the sheriff's office but do warrant some code enforcement.

Jessica (LNU), 2300-1st Street, stated she is reading this for Stacey Conte, owner of 735-1st Street. She lived on Fort Myers Beach when Hurricane Ian hit and destroyed the island and most of the surrounding area. She is a single mother with a 15-year-old son and was devastated. They had nothing left. Not only did they lose their home, they had nowhere to stay. All the hotels were full, and the left apartments doubled or tripled their rentals. All the big businesses were taking advantage of people who had lost everything. They had no hearts, only wallets. Ms. Conte called to check on her knowing that she lived on the island. She told her everything that was happening. Ms. Conte offered her and anyone else that needed a place since she ran a small short-term vacation rental business. She cannot continue to begin to express what a blessing it was to have a roof over their heads while she tried to figure out how to put their lives back together. So many of them were left homeless after Hurricane Ian. If it was not for amazing people like Ms. Conte, who has a heart and a small vacation rental business, she is sure many more would still be homeless. Sincerely, Jackie L.

Scott Shapiro, 2032-20th Avenue Parkway, stated almost 23 years ago, he bought his first house in Indian Rocks Beach, and four years later, he purchased the house he currently lives in. The first house has been a long-term rental for 18 years. The first year he rented the house, it was \$1,200 a month, and he made money, and then the taxes and insurance went up. He lost money almost every year after that, except for the last four or five years. In the last few years, his taxes and insurance on that property had gone up \$4,000. What is he supposed to do to pass that onto his tenant? He could make this property a short-term rental and make money. He has that right under the law. It is a right that exists. He does not want his rights taken away.

Mr. Shapiro stated 23 years ago, there were a lot of small mom-and-pop motels on the beach. There were some down at the end of 20th Avenue. The owners sold because of the highest and best use tax fiasco. They were forced to sell. Now, the City has big box condos there. So, where are these people supposed to go on vacation? There is a vacuum — where do they go? Airbnb is no different than Uber. It is just the function of the free markets it was created.

Mr. Shapiro stated the City cannot go back in history. The genie is out of the bottle. The City has to live with what it has. He said he speaks to tourists who tell him they stay in Airbnbs and have been coming to Indian Rocks Beach for years.

Mr. Shapiro stated in the last six months, he has been asking different questions and getting different responses. The tourists do not feel welcome; they see the signs and might vacation elsewhere.

Mr. Shapiro stated that tourists put money into the local economy. He challenged every City Commissioner to talk to the City's businesses because they were afraid to speak. They do not want to come out and talk because they do not want to be taken as they are pro or con. The truth is 30 to 70% of their money comes from tourists.

John Pfanstiehl, 448 Harbor Drive South, stated he was at a New Year's Day party, and he was talking to a homeowner on Harbor Drive, and she said something that startled him. She was so outraged about the incredible traffic increase, the cars, the trucks, the golf carts, the bicycles, and the hoards of people. He stated there are at least 37 lodging for transients in the Harbor Drive neighborhood. One advertises sleeps 10, and most of them are more than that — 16, 18, and up. He said at a 50% occupancy rate, over 20,000 transients will come into the Harbor Drive neighborhood each year.

Mr. Pfanstiehl stated parking and noise are important, but there is much more than that to short-term rentals. Any kind of business does not belong in residentially zoned areas. If there were only a few bad people, then why do 100+ people have signs in their yards, and why are so many residents coming to the City Commission Meetings to express their concerns with short-term vacation rentals?

Mr. Pfanstiehl thanked the City Commission for taking steps to protect residents' actual homes and restoring tranquility to IRB neighborhoods, and this genie can be put back into the bottle. He said this was done by bad legislation.

R.B. Johnson, 1206 Beach Trail, stated his family has been renting cottages to vacationers for over 80 years in Indian Rocks Beach, all on the west side of Gulf Boulevard. Until recently, this fit into a business model where small groups of vacationers rented relatively small units, whether cottages, motel rooms, or condo units. Any disturbing behavior was clamped down by motel or condo rules or was practically nonexistent at cottages due to their small size. But now that the City has entire houses, some quite large, being rented to vacationers on both sides of Gulf Boulevard. This new business model has brought with it unregulated behavior that has disturbed the peace of the City's neighborhoods. Because of this behavior, it behooves the City to act more proactively toward vacation rentals than it has in the past. Vacation renters are the City's guests and should, therefore, adhere to what he calls with apologies to a Mongol Kant. The categorical imperative for visitors: "Don't act in such a way that you will bother your neighbors." It is a matter of simple civility, which must be enforceable by law. The Indian Rocks Beach residents look forward to new rules protecting their peace deep into the future. Thank you for your work on this pressing issue.

Don Doherty, 317 Harbor Drive, stated that the City Commission's hands are not tied. He hopes in two weeks that, the residents will find out just how much the City can do, and

given the time of the year and the football season, the City is in the red zone. All the work, speeches, and everything else up to this point come down to the decisions and actions that the City Commission takes in the next two weeks. Short-term rentals are not homeowners and residents. They are businesses and should be treated like businesses and held to business standards with the strictest regulations that the City can put in place.

Mr. Doherty thanked the City Commission for their attention to this issue, for acknowledging that their hands were not tied, and for taking responsible action. Still, it is go time right now, and it is critically important that the City Commission find the courage to implement the most strict regulations possible.

Jerry Newton, 438 Harbor Drive North, asked if the City knew how many garages have been converted into living spaces. He wants to know what it takes to get Pinellas County Building Inspectors involved since the City contracts building inspections with Pinellas County. Has the Pinellas County Building Department been put on notice and petitioned to enforce these building codes? He sees where garage doors are now windows and living quarters. The City should check the building codes, permits, and tax rolls, and property owners should adhere to all building codes.

3A. REPORTS OF the City Attorney: No report.

3B. REPORTS OF the City Manager: Report submitted.

3C. REPORTS OF the City Commission:

COMMISSIONER McCALL:

- Announced the January 19, 2023 HOA Mix & Mingle will be at Guilty Seas.

VICE MAYOR-COMMISSIONER HOUSEBERG:

- Stated Coco's Crush, 2405 Gulf Boulevard, will be opening in six weeks.

MAYOR-COMMISSIONER KENNEDY:

- Stated she will be holding a Monday with the Mayor on Monday, January 16, 2023, from 4:00 to 6:00 p.m., in the Civic Auditorium.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

A. APPROVAL OF the December 13, 2022 Regular City Commission Meeting Minutes.

City Attorney Mora read the Consent Agenda.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO APPROVE THE DECEMBER 13, 2022 REGULAR

CITY COMMISSION MEETING MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

6A. ORDINANCE NO. 2023-01 — PUBLIC HEARING/SECOND AND FINAL READING. An ordinance amending Chapter 50, “Solid Waste”, Article II “Collection and Disposal”, Division 3. “Fees and Charges”, Section 50-91 “Fee schedule”, to remove the fee schedule from the codified portion of the city’s ordinances; providing for the subsequent adoption of a resolution setting forth the applicable fee schedule; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict, and providing for an effective date.

[Beginning of Staff Report.]

BACKGROUND:

The City's current contract for Curbside Recycling expired on December 31, 2022. During the October 11, 2022, City Commission Meeting, the City Commission discussed several aspects of the recycling environment that have contributed to increased costs, including the market for recyclables, fuel costs, labor shortages, and inflation. Based on a high participation percentage from IRB residents and the desire to continue to recycle wherever possible for positive environmental impact, it was determined by the City Commission that regardless of the increase in cost, recycling was too important of an effort to consider elimination at this time.

During the November 9, 2022, City Commission Meeting, the Commission agreed to continue the IRB Recycling Program by unanimous consensus. The Commission unanimously provided authority to the City Manager to negotiate a new agreement with Waste Connections to continue recycling.

ANALYSIS:

The approved negotiation between the City Manager and Waste Connections led to an agreement for continued curbside residential and commercial recycling. The rates mirror those approved under a request for proposal recently completed by the City of Madeira Beach and match the discussion of rates at the November 8, 2022, City Commission Meeting. The successfully negotiated Agreement provides as follows:

- 2-Year Contract Extension
- \$11.53 per month for S/F Home. (Same as Madeira Beach's bid provided by Waste Pro)
- \$28.63 per pick up for Condominiums
- The current CPI language remains the same
- \$389,015.40 annually

A 10% increase in solid waste rates will be necessary to generate the additional \$150,000 annually to cover the increases to curbside recycling costs. Current residential rates of \$62.50 bi-monthly will be increased to \$68.75, and commercial rates will be increased by 10% for all commercial containers.

[End of Staff Report.]

City Attorney Mora read Ordinance No. 2023-01 by title only on second and final reading.

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

MOTION MADE BY COMMISSIONER McCALL, SECONDED BY COMMISSIONER BOND, TO APPROVE ORDINANCE NO. 2023-01, ON SECOND AND FINAL READING, AN ORDINANCE AMENDING CHAPTER 50, "SOLID WASTE", ARTICLE II "COLLECTION AND DISPOSAL", DIVISION 3. "FEES AND CHARGES", SECTION 50-91 "FEE SCHEDULE", TO REMOVE THE FEE SCHEDULE FROM THE CODIFIED PORTION OF THE CITY'S ORDINANCES; PROVIDING FOR THE SUBSEQUENT ADOPTION OF A RESOLUTION SETTING FORTH THE APPLICABLE FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

ROLL CALL VOTE:

AYES: HANNA, HOUSEBERG, BOND, McCALL, KENNEDY

NAYS: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

7A. RESOLUTION NO. 2023-01 — A resolution of the City of Indian Rocks Beach, Florida, enumerating the different types of residential and commercial solid waste collection methods and setting the schedule of fees for the collection, and disposal of garbage, trash and solid waste in the City of Indian Rocks Beach, pursuant to chapter 50 – "Solid Waste", Article II – "Collection and Disposal", Division 3 – "Fees and Charges", Section 50-91 – "Fee schedule", and providing for an effective date.

[Beginning of Staff Report]

In 2022, the City Commission provided direction to City staff to renegotiate the terms of the Agreement for the provision of recycling service, notwithstanding the increased cost of services. Based on that action, City staff has determined that the fees it collects for such services need to be increased as well.

Ordinance No. 2022-23 strips the fee schedule out of the City Code, and explicitly contemplates the subsequent adoption of a resolution establishing the applicable fees. Resolution No. 2023-01 documents the amended fee schedule.

Once the resolution is adopted, the fees would increase as follows:

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

(1) Single unit rate, two times per week, per month	\$22.78	<u>\$25.06</u>
(2) Multi-unit rate, two times per week, per month	\$21.65	<u>\$23.82</u>
(3) Commercial business establishment, five cans, two times per week, per month	\$28.44	<u>\$31.28</u>
(4) Dumpster rates:		
a. Two yards, two times per week, per month	\$219.92	<u>\$241.91</u>
b. Four yards, two times per week, per month	\$401.05	<u>\$441.16</u>
c. Six yards, two times per week, per month	\$569.19	<u>\$626.11</u>
(5) Each additional pickup:		
a. Two-yard dumpster, one time per week, per month	\$110.01	<u>\$121.01</u>
b. Four-yard dumpster, one time per week, per month	\$200.56	<u>\$220.62</u>
c. Six-yard dumpster, one time per week, per month	\$284.39	<u>\$312.83</u>
d. Commercial can pickup, one time per week, per month	\$14.23	<u>\$15.65</u>
(6) Single one-time pickup:		
a. Two-yard dumpster	\$110.01	<u>\$121.01</u>
b. Four-yard dumpster	\$200.56	<u>\$220.62</u>
c. Six-yard dumpster	\$284.39	<u>\$312.83</u>

Miscellaneous:

- (b) (additional units) ~~\$8.47~~ 9.32 per unit per month for (1) and (2) & ~~\$9.61~~ \$10.57 per unit per month for (3)-(6)
- (f) (Compactor & front end dumpsters) ~~\$258.72~~ to \$284.59 & ~~\$129.37~~ to \$142.31

[End of Staff Report.]

City Attorney Mora read Resolution No. 2023-01 by title only.

Mayor-Commissioner Kennedy opened the public comment section.

Kelly Cisarik, 448 Harbor Drive South, stated she has always been concerned that when a recycling load is picked up, it is recycled and does not go directly to the landfill. She would like to see some controls put in place and a report from the contractor to inform the City when a load is contaminated and not eligible to be recycled. She stated other alternatives, like just doing cardboard and aluminum, are always economically viable.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER BOND, TO APPROVE RESOLUTION NO. 2023-01, A RESOLUTION

ENUMERATING THE DIFFERENT TYPES OF RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION METHODS AND SETTING THE SCHEDULE OF FEES FOR THE COLLECTION, AND DISPOSAL OF GARBAGE, TRASH AND SOLID WASTE IN THE CITY OF INDIAN ROCKS BEACH, PURSUANT TO CHAPTER 50 – “SOLID WASTE”, ARTICLE II – “COLLECTION AND DISPOSAL”, DIVISION 3 – “FEES AND CHARGES”, SECTION 50-91 – “FEE SCHEDULE”.

Commissioner Bond stated he had personally toured the recycling facility when this first came up and would be happy to tour the facility with Ms. Cisarik. He can assure Ms. Cisarik that it is being handled properly, appropriately, and with great intent.

ROLL CALL VOTE:

AYES: HANNA, McCALL, BOND, HOUSEBERG, KENNEDY

NAYS: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

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

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER BOND, TO ADJOURN THE MEETING AT 7:52 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

February 14, 2023

Date Approved

/DOR