

**TUESDAY,
MARCH 28, 2023**

**REGULAR
CITY COMMISSION MEETING**

@ 6:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

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

Library
727/596-1822

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

AGENDA
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, MARCH 28, 2023 @ 6:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

1. PRESENTATIONS.

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

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

(Any member of the audience may come forward, give their name and address, and state any comment or concern that they 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. **RESOLUTION NO. 2023-02.** A Resolution of the City Commission of the City of Indian Rocks Beach, accepting the official results of the March 14, 2023 Indian Rocks Beach General Municipal Election, for two city commission seats; providing for an effective date.
- B. **APPROVAL OF** the February 14, 2023 Regular City Commission Meeting Minutes.
- C. **SETTING** the dates for the City Commission Budget Work Sessions and Public Hearings for Fiscal Year 2023/2024 Operating Budget and Capital Improvements Budget.
- D. **APPROVAL OF** the January 24, 2023 City Commission Work Session Meeting Minutes.
- E. **PROCLAMATION:** National Public Works Week — May 21-27, 2023.

6. **PUBLIC HEARINGS:**

- A. **BOA CASE NO. 2023-02 — 608 GULF BOULEVARD.**
CONSIDERING a variance request from Sec. 110-344(4) of the Code of Ordinance to allow for a pool to encroach 5 feet into the 10 feet rear yard setback for the property located at 608 Gulf Boulevard, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida. Parcel #12-30-14-37764-001-0160.

7. **OTHER LEGISLATIVE MATTERS:**

- A. **RESOLUTION NO. 2023-03.** A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a member of the City Commission to serve as Vice Mayor-Commissioner; and providing for an effective date.
- B. **RESOLUTION NO. 2023-04.** A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a voting delegate and first and second alternate voting delegates to represent the City of Indian Rocks Beach at the Barrier Islands Governmental Council (BIG-C) Meetings; and providing for an effective date.

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

9. **OTHER BUSINESS.**

10. **ADJOURNMENT.**

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 to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 doreilly@irbcity.com, no later than SEVEN (7) days before the proceeding for assistance.

POSTED: March 24, 2023

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, APRIL 11, 2023 @ 6:00 P.M.**

AGENDA ITEM NO. 1A

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



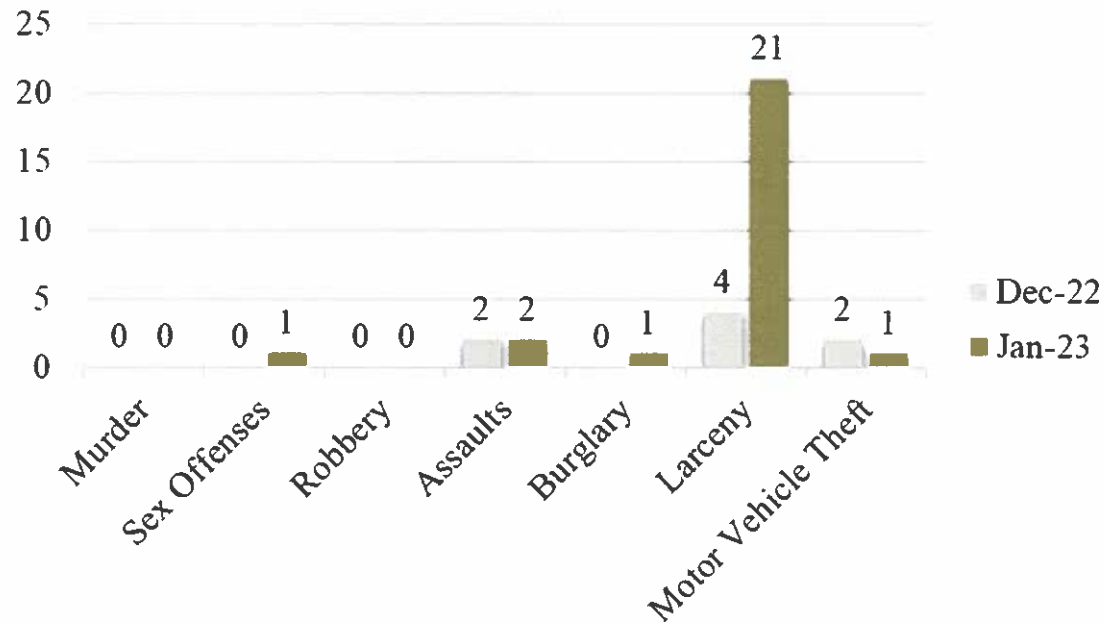
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

January 2023

Select UCR Property & Person Crimes	December 2022	January 2023	January 2022 YTD	January 2023 YTD
Murder	0	0	0	0
Sex Offenses	0	1	0	1
Robbery	0	0	0	0
Assaults	2	2	2	2
Burglary	0	1	0	1
Larceny	4	21	3	21
Motor Vehicle Theft	2	1	0	1
GRAND TOTAL	8	26	5	26



Arrests

January 2023

There was a total of 9 people arrested in the City of Indian Rocks Beach during the month of January resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	1
Burglary-Residential	1
Misdemeanor	4
Resist/Obstruct LEO Without Violence	1
Trespass After Warning	3
Traffic Misdemeanor	6
Driving Under The Influence	1
No Valid Driver's License	5
Grand Total	11

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

Deputy Activity

There was a total of **853** events in the City of Indian Rocks Beach during the month of January resulting in **1,147** units responding.

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

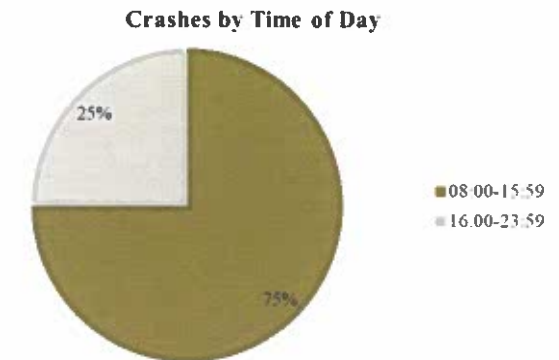
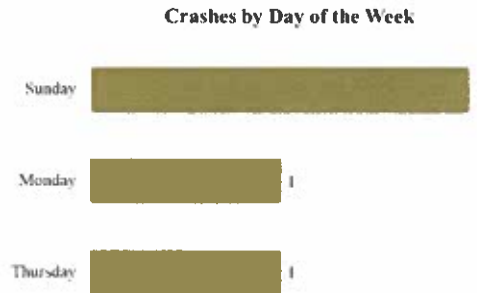
January 2023

DEPUTY ACTIVITY	TOTAL
Traffic Stop	293
Directed Patrol	125
Vehicle Abandoned/Illegally Parked	60
House Check	55
911 Hang-up Or Open Line	38
Suspicious Person	37
Assist Citizen	34
Theft-Not In Progress	25
Area Check	19
Building Check Business	12
Contact	12
Suspicious Vehicle	12
Noise	11
Transport Prisoner	10
Fraud/Forgery-Not In Progress	8
Supplement	6
Trespass	6
Assist Other Agency	6
Lost/Found/Abandoned Property	6
Ordinance Violation	5
Accident	5
Ambulance/Fire Department Call	4
Transport Safe Harbor	4
Community Contact	4
Domestic-In Progress	4

Crash & Citation Analysis

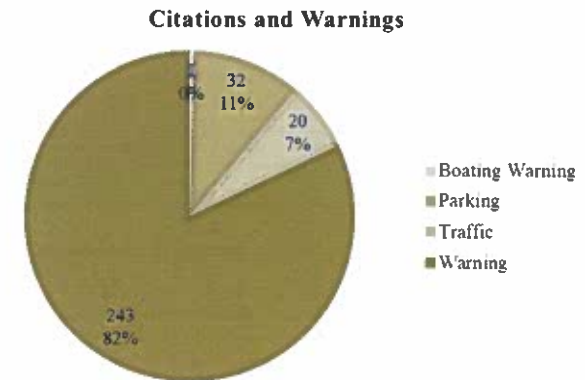
There were 4 crashes in the City of Indian Rocks Beach during January 2023. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
105 11th Ave	1
301 Gulf Blvd	1
4th Ave/2nd St	1
Gulf Blvd/5th Ave	1



There were a total of 296 citations and warnings issued in the City of Indian Rocks Beach during January 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
401 Gulf Blvd	2
E Gulf Blvd & 5th Ave	2
Gulf Blvd & 7th St	1
Gulf Blvd & 16th Ave	1
1st St & 22nd Ave	1
1st St & 17th Ave	1
24th Ave & 1st St	1
1515 Gulf Blvd	1
28th Ave & 2nd St	1
Gulf Blvd & 12th Ave	1



AGENDA ITEM NO. 1B

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

AGENDA ITEM NO. 2
PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B
REPORTS OF City Manager

AGENDA ITEM NO. 3C

REPORTS OF City Commission



AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

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

**RESOLUTION NO. 2023-02
March 14, 2023
Election Results**

**STAFF REPORT
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: March 28, 2023 **AGENDA ITEM:** 5A

ORIGINATED BY: Deanne B. O'Reilly, MMC, City Clerk 
AUTHORIZED BY: Brently Gregg Mims, City Manager 
SUBJECT: **RESOLUTION NO. 2023-02.** Declaring results of the March 14, 2023 Municipal General Election.

BACKGROUND:

An election was held on March 14, 2023. Many municipal codes require that election results be ratified or declared by the governing body via resolution once the election results are certified by the canvassing authority. Alternately, codes may provide that election results are self-executing upon certification by the canvassing authority without resolution by the governing body. The City's Code is silent on the matter.

ANALYSIS:

Although the City Attorney's Office is not aware of any statutory authority requiring ratification outside the context of a bond referendum, there is some old case law suggesting that it is necessary. Because the City's Code does not directly address the issue, the City Clerk has prepared this resolution in an abundance of caution.

The results of the Election are reported as follows:

FOR CITY COMMISSIONER SEATS (TWO OPEN SEATS)

✓Lan Vaughan	769	38.82%
✓Denise Houseberg	749	37.81%
Don House	254	12.82%
Preston Smith	209	10.55%

Total Registered Votes: 3,003

Mail Ballot	1,232
Election Day	749
Under Votes	239

Total Votes Cast:	<u>1,110</u>
Turnout:	36.96%

**CITY OF INDIAN ROCKS BEACH
RESOLUTION 2023-02**

A RESOLUTION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, ACCEPTING THE OFFICIAL RESULTS OF THE MARCH 14, 2023 INDIAN ROCKS BEACH GENERAL MUNICIPAL ELECTION, FOR TWO CITY COMMISSION SEATS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Indian Rocks Beach General Municipal Election was held on Tuesday, March 14, 2023, in the City of Indian Rocks Beach, Florida, to elect two persons to the City Commission; and

WHEREAS, the Pinellas County Canvassing Board served as the Canvassing Board for the City of Indian Rocks Beach for the purpose of declaring Election results as provided for in Section 3.1 of the City Charter and Article V, Section 22-131 of the Indian Rocks Beach Code of Ordinances, and

WHEREAS, the Pinellas County Canvassing Board did certify the election results on March 14, 2023, and has submitted the Certificate of the Pinellas County Canvassing Board with the Election results to the City, and

WHEREAS, the City of Indian Rocks Beach shall declare the results of this Election by means of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That a Municipal Election was held on the second Tuesday of March, [March 14, 2023], as prescribed by Article IV, Section 22-101 of the City of Indian Rocks Beach Code of Ordinances.

Section 2. That the Pinellas County Canvassing Board, serving as the City of Indian Rocks Beach Canvassing Board, has transmitted the results of the Election as required by law.

Section 3. That the election for City Commissioner at large shall be determined by the candidate receiving the highest number of votes for the vacant seats.

Section 4. That the results of the Election are reported as follows:

FOR CITY COMMISSIONER SEATS (TWO OPEN SEATS)		
✓Lan Vaughan	769	38.82%
✓Denise Houseberg	749	37.81%

Don House	254	12.82%
Preston Smith	209	10.55%

Total Registered Votes: 3,003

Mail Ballot	1,232
Election Day	749
Under Votes	239

Total Votes Cast:	<u>1,110</u>
Turnout:	36.96%

Section 5. That the City Commission of the City of Indian Rocks Beach, Florida, hereby directs the City Clerk to publish the results of this election, and Resolution No. 2023-02 shall be incorporated as part of the Public Records of the City of Indian Rocks Beach, Florida.

Section 6. That the official Certificate of the Pinellas County Canvassing Board is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 7. This Resolution shall become effective immediately upon its passage and adoption in the manner provided by law.

PASSED AND ADOPTED this 28th day of March 2023, 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

**** Official Results ****

**CERTIFICATE OF COUNTY CANVASSING BOARD
STATE OF FLORIDA**

Pinellas County

We, the undersigned, EDWIN JAGGER, County Judge; SUSAN BEDINGHAUS, County Judge; and JULIE MARCUS, Supervisor of Elections, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 17th of March, A.D., 2023, and proceeded publicly to canvass the votes given for the several offices, and persons, and amendments herein specified at the **Municipal Elections** held on the 14th day of March, A.D., 2023, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For City of Belleair Bluffs, Commissioner (Vote for Two), the whole number of votes cast was 677, of which number

Adele Hoffman received 180 votes

Karen Rafferty received 253 votes

Suzy Sofer received 244 votes

For City of Gulfport, Councilmember Ward 2, the whole number of votes cast was 2,333, of which number

Christine Anne Brown received 1,417 votes

Christopher Butler-Jones received 511 votes

Greg Simek received 405 votes

For City of Gulfport, Councilmember Ward 4, the whole number of votes cast was 2,342, of which number

Michael Fridovich received 1,049 votes

Ian O'Hara received 1,293 votes

For City of Indian Rocks Beach, Commissioner (Vote for Two), the whole number of votes cast was 1,981, of which number

Don House received 254 votes

Denise Houseberg received 749 votes

Preston Smith received 209 votes

Lan Vaughan received 769 votes

**** Official Results****

For Town of Indian Shores, Council Members (Vote for Two), the whole number of votes cast was 560, of which number

Ellen A. Bauer received 256 votes

Michael W. Hackerson received 121 votes

Michael A. "Mike" Petrucci received 183 votes

For Town of Kenneth City, Councilmember (Vote for Two), the whole number of votes cast was 806, of which number

Tony P. Chan received 230 votes

Kyle Cummings received 235 votes

Jeffrey L. Pfannes received 106 votes

Barbara Roberts received 235 votes

For City of Madeira Beach, Mayor, the whole number of votes cast was 996, of which number

Doug Andrews received 478 votes

Jim Rostek received 518 votes

For Town of Redington Shores, Commissioner District 3, the whole number of votes cast was 201, of which number

Lisa Hendrickson received 170 votes

Kenny Later received 31 votes

For City of South Pasadena, Commissioners (Vote for Two), the whole number of votes cast was 1,990, of which number

Michael James Burgmaier received 182 votes

Marj Lorand received 394 votes

Gail M. Neidinger received 637 votes

Felix Day Pretsch received 132 votes

Tom Reid received 645 votes

For City of St. Pete Beach, Mayor-Commissioner, the whole number of votes cast was 3,418, of which number

Alan P. Johnson received 1,537 votes

Adrian Petrilă received 1,881 votes

For City of Treasure Island, City Commissioner District 1, whole number of votes cast was 566, of which number

Deborah Lynn Toth received 368 votes

Ashley Wagner received 198 votes

**** Official Results****

For City of Madeira Beach, Proposed Charter Amendments
City of Madeira Beach No. 1 Charter Amendment

This Elector and Residence Requirement for Candidates Seeking the Office of Mayor or District Commissioner

This charter amendment would amend Section 2.2 B of the Charter to provide that candidates seeking the office of Mayor or District Commissioner be an elector and resident of the City of Madeira Beach, Florida, one year prior to the date of said application. This amendment would avoid a conflict with Section 3.3 A of the Charter. Should the Charter be amended?

YES 812 votes

NO 164 votes

City of Madeira Beach No. 2 Charter Amendment

Appointment of Director of Finance and City Treasurer and Delegation of Duties and Responsibilities

This charter amendment would amend Section 5.5 of the Charter to provide the Board of Commissioners with the option to delegate to a contractor or firm to perform the services of Director of Finance and City Treasurer. Should the Charter be amended?

YES 427 votes

NO 537 votes

For City of Tarpon Springs, Proposed Referendum Questions
City of Tarpon Springs No. 1 Referendum Question

Authorize the Purchase of the Henry Ross Property Near South Florida Avenue

The City proposes to purchase a vacant parcel that is 3.49 acres of property near South Florida Avenue from Henry Ross for \$728,000.00 for the purpose of stormwater management and land preservation. This purchase also includes a donation of an additional approximately 0.25 acre perpetual drainage easement to be used for stormwater management. Shall this purchase be approved?

YES 2,218 votes

NO 498 votes

City of Tarpon Springs No. 2 Referendum Question

Shall the City Conduct a Public Hearing Before June 30 of Each Budget Cycle

Currently, public hearings for the budget are conducted as prescribed by law after the Board of Commissioners have reviewed the budget. Shall the City's Charter be amended to provide for a public hearing no later than June 30 of each budget cycle for budget priorities?

YES 2,376 votes

NO 328 votes

City of Tarpon Springs No. 3 Referendum Question

Shall the City Implement Strategic Plan and Update Every Three Years

Shall the City's Charter be amended to provide for the implementation of a strategic plan to be updated every three fiscal years?

YES 2,388 votes

NO 321 votes

**** Official Results****

For City of Treasure Island, Proposed Charter Amendments
City of Treasure Island No. 1 Charter Amendment

Proposed Charter Amendment of Treasure Island, Florida, Allowing Municipal Borrowing Through Resolution Instead of Ordinance

Shall Sections 3.09 and 3.10 of the City of Treasure Island, Florida's Charter be amended to allow for municipal borrowing by the adoption of a resolution instead of requiring the adoption by ordinance, as set out and proposed by the City of Treasure Island in Ordinance No. 2022-20?

YES 629 votes

NO 964 votes

City of Treasure Island No. 2 Charter Amendment

Proposed Charter Amendment of Treasure Island, Florida, Revising Outdated Budget Language and Municipal Borrowing Restrictions

Shall Section 4.10 of the City of Treasure Island, Florida's Charter be amended to update requirements regarding the City's budget to reflect current accounting standards and revise the provisions regarding municipal borrowing (to delete restrictions on borrowing by the City while retaining those restrictions required by the Florida Constitution), as set out and proposed by the City of Treasure Island in Ordinance 2022-21?

YES 672 votes

NO 912 votes

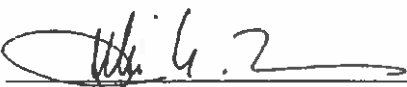
We certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



Edwin Jagger, County Judge



Susan Bedinghaus, County Judge



Julie Marcus, Supervisor of Elections

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

**APPROVAL of the
February 14, 2023 Regular City
Commission Meeting Minutes**

MINUTES — FEBRUARY 14, 2023
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, FEBRUARY 14, 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 Phillip J. Hanna, and Commissioner Joseph D. McCall.

OTHERS PRESENT: City Attorney Randy D. Mora and Planning Consultant Hetty Harmon, AICP.

ABSENT: City Manager Gregg Mims.

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

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

The Pinellas County Sheriff's Office presented a crime analysis report for the month of January 2023.

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

Fire Chief Jeffrey Davidson of the Pinellas Suncoast Fire & Rescue District presented the fire statistics for January 2023.

Fire Chief Davison stated that when he became fire chief, there were a lot of issues, but his most significant thing was ensuring the Fire District was here forever. His number one thing is life safety for all residents and visitors. He stated there are a lot of visitors that come to the Pinellas beaches. An analysis was done years ago, and it was suggested that the IRB Fire Station be moved north. A professional study concluded that the best service for IRB would not be to relocate the IRB station but to add a station at the northern end of Indian Rocks Beach. There is a piece of property that has the potential that would expand the entire safety of the beaches. For example, from St. Pete Beach to Sand Key Beach, the average distance between fire stations is 2.4 miles, and there are 5.9 miles between

Indian Rocks Beach and Sand Key, which is horrible. So moving that station would be significant; however, it would cause other issues. Most of the district's fire and EMS calls are closer to the Downtown Business District. There are approximately 5,000 calls on the beaches. Twenty percent of the time, two, three, four, or even five calls are going on simultaneously, so units come from across the bridge, meaning longer response times.

Chief Davidson stated the fire district covers Indian Rocks Beach, Indian Shores, Belleair Shore, Belleair Beach, and an incorporated area of Oakhurst. Last year, the district's citizens paid approximately \$4.2 million into the EMS, and the district received back \$1.7 million. The district has been the most underfunded district in the entire county since 2010. This year, the district will be receiving \$2 million. The county's EMS reserve fund balance is \$65 million, and they are on track to have \$73 million by 2028, as depicted in their budget.

Chief Davidson stated he would be holding a public meeting/presentation on Monday, February 27, 2023, at 6:00 p.m., in the Belleair Beach City Hall to discuss beach safety and beyond and improving emergency services for the beaches and surrounding areas.

2. PUBLIC COMMENTS.

Diane Daniel, 309-10th Avenue, stated she had launched a resource for Indian Rocks Beach vacation rentals. She encourages property owners, managers, vacationers, and anyone else to donate leftover items from their stay, such as non-perishable food, books, beach toys, clothing, towels, etc. Her website lists the resources to which a person can take the items. She is trying to be a one-stop resource for these items. She hopes the city considers her a friend and partner in encouraging donations and cutting down on waste.

Kelley Cisarik, 448 Harbor Drive South, stated the city has a problem that needs to be addressed at the following vacation rental work session. Some short-term rental properties have increased occupancy by adding extra living space on the lower levels. These properties are in the FEMA Flood Zone A, and she calls these properties the city's "problem children." She had residents telling her about this problem since November, but it was not until last month that she paid attention because several of these "problem children" have listed their homes for sale on MLS. She had sent the city commission links to photos that appear to show bedrooms, bathrooms, kitchenettes, and laundries on the lower levels, and that is a big no, no in elevated homes. She thinks the Realtors can spot illegal living spaces because they are used to selling flood zone property, but out-of-state buyers may not. The city needs to provide consumer protection before consumers buy a two or three-million-dollar big mistake. She also has a personal dog in this fight because she purchases FEMA flood insurance, and most IRB residents do. The city has to follow flood zone building codes to maintain the city's community rating to receive the city's discount of 20%. Her 20% discount saves her about \$500 per year. She does not want violations in the vacation rental sector to hit her pocketbook. She thinks the city staff is now dealing with some unpermitted work. But they are going to need some more extensive tools in their toolboxes. These violations are not in the same category as noise complaints or putting trash cans out too early. The residents will need the city commission to act at the

next work session to put more teeth into the vacation rental regulations. Hence, the staff has the tools to act quickly on serious building or safety code violations.

Ms. Cisarik stated that the public has heard from some responsible vacation rental owners who try to comply with state and local rules, and she applauds them.

Ms. Cisarik stated she hopes the city's enforcement efforts with the problem children will allow them to operate on a more level playing field.

Diane Davis, 107-13th Avenue, stated she owns a four-plex. When she purchased the property, it was 100% occupied by long-term rentals. She did her stint with short-term rentals and is now back to long-term rentals in three of the four units. One thing she wanted to bring up for everyone to consider as they make the rules going forward is medium-term rentals. She is unsure if the city commission is familiar with medium-term rentals or is considering the concept. The concept is such that it is a minimum rental of 30-day rentals and is for the market share for furnished finders. Furnished finders reach out to people typically in the nursing industry, law enforcement, federal government workers, and people working in the utility industry. Depending on their assignment, these people enter her units for 30 days to a year. Furnish finder nurses are typically assigned on a 13-week turnaround period. Her concern is that the city is careful in defining a short-term rental so that it may give someone like her the ability to write a lease, collect a security deposit, and house somebody coming not only to live but also to work here. These are not the typical partiers. They are not partiers at all. One of the nurses she rented to worked from 10 p.m. to 10:00 a.m. She worked the night shift.

Ms. Davis stated she feels the city commission could consider this kind of concept, it could be a promising avenue for some people who want to transition off of short-term rentals, like her, in the event they are not able to get a long-term tenant to reach out through furnish finders, to find someone like that: under a lease, providing a security deposit, coming to live here and work.

John Pfanstiehl, 448 Harbor Drive South, stated the city commission should be aware of several citywide communications sent to him. He said the following text was sent to many residents: "The city's proposed ordinance will plunge home values and is wanted by anti-community extremists and tell IRB commission no." The phone number it was sent from was canceled immediately for legal reasons. This week, a fundraising letter was mailed presumably to all short-term rental owners, and it was packed full of scare tactics to generate a reason to send them money.

Mr. Pfanstiehl stated he considers himself a part of the homes, not hotels group, and their letter falsely attributes some very negative things to them. He would like to set the record straight. This letter says the homes, not hotels group, specifically targeted all properties within the business district west of Gulf Boulevard. That is a big fib. The group's core brief is that short-term rentals do not belong in residential neighborhoods. The group has only put signs in areas zoned residential, not in the business district, and not west of Gulf Boulevard. The letter says the group intends to do away with all short-term rentals—the

end goal is to shut them down. It is not letting them rent. The group wants to bleed them dry. Of course, that has never been said. The group has said the opposite. The group is okay with short-term rentals in areas not zoned residential. It also says without them, there would be no Crabby Bill's, Casa Italia, Café De Paris, and Sandy's. That is another big fib. Someone out of state might have written it because everyone knows these, and another 20 other restaurants have been here before short-term rentals came to Indian Rocks Beach. At the end of the letter, it says it is a fundraising effort; the group is trying to scare the majority of short-term rental owners. Those are the good people who live west of Gulf Boulevard to give them money. Reportedly, to stop the proposed legislation and possibly sue. He is guessing what regulations these unnamed people fear are onerous inspections to ensure the rentals are up to building codes. The proposed vacation rental regulations make sense. It has been a fair compromise that most good short-term rental owners would be able to live with. They live with similar regulations in other cities and counties. The proposed regulations should help level the playing field for compliant short-term rental owners and other small lodgings and, significantly, help make short-term rentals safer for the renters and vacationers.

Linda Newton, 438 Harbor Drive North, stated she reviewed the list of short-term rental BTR on the city's website. She noted that the following short-term rentals are not on the list: 417 Harbor Drive South and 430 Harbor Drive South.

Ms. Newton reiterated what she said previously, that it was a residential neighborhood when she purchased her home. There were zero short-term rentals. She said that she had friends, and groups of them got together and did things, and they all had a fabulous time. Now, she has trouble driving home.

Ms. Newton recommended limiting the number of short-term rentals in each single-family residential neighborhood. The city should issue just so many short-term rental licenses, just like the state does for grouper fishing, so that the residents of Indian Rocks Beach do not become extinct. It is very frustrating where the city has positioned the residents.

Ms. Newton stated that vacation rental violators need strict fines for not doing the right things in the neighborhoods.

Ms. Newton stated she lives in a residential zoning district, not a commercial one.

Teresa Pruchniewska, 316-6th Avenue, reiterated her comments from previous city commission meetings. She stated short-term rentals had invaded her neighborhood. Her rights and community have been taken away by vacation rentals. There are hotels, not rentals, on 6th Avenue, which puts the residents in danger. Everything is very unsafe. The homes that are for sale on her block have added unpermitted rooms. There were no inspections.

Ms. Pruchniewski stated the residents need the city's protection for these unpermitted additions and to protect their quality of life. She does not have the quality of life she once

had when she first moved to Indian Rocks Beach. She does not feel safe anymore in her home.

Ms. Pruchniewski stated she called city hall before Christmas to ask to schedule a meeting with the city manager and the mayor. She wanted a dialogue with people who represented the residents of Indian Rocks Beach. She did not want a monologue but a dialogue with people representing Indian Rocks Beach. She was denied that privilege. It hurts her, and it still hurts her today. She does not think it is proper of the mayor or the city manager to deny her of that conversation. She used to be a friend of the mayor, and they talked many times. She let the mayor put her campaign signs on her lawn.

Jerry Newton, 438 Harbor Drive North, stated there is a very useful and applicable state law designed to reduce objections and repercussions when an entity is developing upcoming regulations. It is called the zoning pending ordinance doctrine. The legislature set out this rule in Florida (circa 2010). The doctrine holds that a permit or development under application established on or after the date when a local government publicly declares its intent to change its zoning scheme may be denied or held until after the enactment of the new zoning ordinance. The law eliminates the eleventh-hour rush to obtain a permit for specific uses. At the same time, the applicant knows full well that the regulations for those uses are being modified. The city commission can imagine what is happening; only the city's officials would know. Still, he is confident there is an eleventh-hour rush to get these \$15 permits before the new regulations take effect. The purpose of the pending ordinance doctrine section is to provide an administrative and legislative procedure whereby the city can place a temporary hold on development permits and approvals if they are pending or there are active efforts underway to amend this code in a way that would preclude such licenses/permits and approvals should the pending amendment be adopted. This information was submitted to the city on January 26, 2023, just two days after the city commission work session. He stated there is no reason why it has not been explored if not adopted. This doctrine should be a simple and logical process. It has no downside for the city. The city needs to go through whatever steps are necessary as soon as possible to protect the city from any more damage. The city needs to pass the doctrine to put the doctrine in place to put all new STR applications on hold. The doctrine would eliminate investors rushing in at the last minute to eliminate the need to follow upcoming regulations. Delay will only further damage the city's residents and the city and result in more discourse later between the city and new STR investors.

Mr. Newton stated this issue had gotten out of hand. He does not think anyone intended the stiffer regulations to negatively affect legitimate businesses on the west side of Gulf Boulevard and some of the east side. There are a lot of legitimate commercial hotel businesses not in the single-family residential zoning that should not be adversely affected. They are not trying to hurt anyone's business. They are only fighting vacation rentals in the single-family zoning district.

Don House, 2104 Beach Trail, stated it had come to his attention last week that members of the city commission were commenting on his attempt to get elected to the city commission. He likes that. He would like to say as the city commission was talking about

his effort to get elected. The city commission can say some other things they were saying, which are all true. He does deal with lower-income people. He has financed cars for his tenants at no profit, which he has done about 25 to 30 times. He has lent them personal loans probably 50 to 100 times. They do not have \$500 in a savings account, unlike Indian Rocks Beach residents. He has appliances that he has given to his tenants. He has encouraged his tenants to attend First-Time Home Buyer Courses; some are succeeding. He has lent them money to get their first secure credit card. He does not think anyone in this room has ever had a secured credit card. He is working with his tenants to build and restore their credit. He goes to the food bank every Thursday and distributes that food to his tenants. Some people are just good people. Just keep that in mind when someone is talking about someone around town.

Alicia Harris, 205-10th Avenue, stated she never received the communications that Mr. Pfanstiehl referred to. She does spend a lot of time in Indian Rocks Beach. She has friends here that are residents. She loves Indian Rocks Beach just as much as anybody else, and she walks these streets as much as anybody else that lives here permanently. She sees the friendliest faces and has visited several resident homes. She stated Indian Rocks Beach is paradise. She cannot believe that it has become so negative.

Ms. Harris stated when she came here three years ago, Indian Rocks Beach was so happy, and people were talking to the dogs, and now it has just become hostile. It is scary because she wants to live on one of these roads.

Preston Smith, 2308-1st Street, #5, stated he wanted to clarify his position on restricting short-term rentals. In his opinion, the 20 pages of regulations are poorly worded. The work session disappointed him because he could not hear clearly what the city commission was deciding. The city commission sounded unsure of what they were saying and did not want to talk into the microphone when making these decisions. He walked around the city to ask people to vote for him. Vacation rental owners assured him they would sue if their property rights were violated. Then the long-term residents are so fed up with the partying, vacationers, and transients that they are ready to absorb a few lawsuits to shut all the vacation rentals down.

Mr. Smith stated the city could find that enforcement of the existing rules is the way to go, but that is for already established rentals that need to be inspected before they receive their BTR. He stated the city needs to monitor the noise, which is 50 decibels at night and 60 decibels during the day per the city code.

Mr. Smith stated it is unfortunate for the city's long-term residents to watch all the vacation rentals taking over. Most long-term residents want a cap on vacation rentals in their neighborhoods. They do not want any more vacation rentals approved.

Ms. Smith stated he also heard that Tallahassee wants to cancel the local government's right to inspect rentals, similar to how they canceled the local government's right to control the minimum rental time. He stated the city should be ready for that, and he was wondering if the city should try to go after these rights and tell Tallahassee to back off. Because he

does not think Tallahassee knows what is happening in Indian Rocks Beach because each municipality has a different situation.

Ms. Smith stated one resident thought that a property owner should have to live in residence for one or two years before making it a vacation rental.

Ms. Smith stated instead of legal battles among the residents and vacation rental owners. The city should spend its money on beach sand replenishment and burying the city's power lines.

Tony Tribuzio, 415 Harbor Drive South, asked when occupancy limits are established, how internet advertising will be enforced, and what the repercussions will be for the host if they do not comply with the eight or ten occupancy limit in the ordinance. Will they lose their license? How will this work?

Eddie Bie, 497-20th Avenue, stated that the zoning pending ordinance doctrine is used everywhere. He is a developer, and it has been used on him many times. The doctrine does not have to be done by ordinance. If it had been put into place months ago, the doctrine would have prevented a lot of this. He knows that one house on his street has become an Airbnb between last week and this week. This Airbnb would not have happened if the doctrine had been in place. He stated this doctrine is a very effective tool. And yes, the 2nd DCA, city of Clearwater vs. Smith, is the one that started all of this. It is effectuated by law, ordinance, or resolution, and it could be placed on the next city commission meeting as a resolution by a simple vote, and it is done. He urges the city commission to stop this. There are four or five houses right now that are for sale, and there are empty houses that have been bought that are planning to be Airbnbs and need to be under the new ordinance.

R.B. Johnson, 1206 Beach Trail, addressed some misconceptions about the CT zoning district west of Gulf Boulevard. He had received one of the flyers that Mr. Pfanstiehl was referring to having to do with folks who were upset about the possibility of new regulations for vacation rentals. He received it because he is a vacation rental owner on the west side of Gulf Boulevard. But, he favors stricter regulations because he has to deal with a nuisance vacation rental next door. One of the misconceptions in this letter is they refer to the west side of Gulf Boulevard as a business district. The west side of Gulf Boulevard is a commercial-tourist zoning district. But, it is not a traditional business district where it is allowed to have freestanding restaurants and businesses like shops and things of that nature. The businesses on the west side of Gulf Boulevard, like Kooky Coconuts and the 2300 Gulf Boulevard Plaza, have been grandfathered in. For decades, the city has not allowed new freestanding businesses on the west side of Gulf Boulevard. The west side of Gulf Boulevard is supposed to be for vacation/residential-type uses.

Mr. Johnson stated that during Meet the Candidates, it was said that the west side of Gulf Boulevard was all condominiums and maybe a few old hotels. That is not the case. Some blocks are almost all condos, but other blocks are all houses or cottages with just a

sprinkling of a few four-plexes or duplexes. He emphasized that there are various structures on the west side of Gulf Boulevard.

Mr. Johnson stated the problem on the west side of Gulf Boulevard is the large houses that have been converted or built for vacation rentals without rules, like motels and condos. He stated that is what the issue is now. Any houses on Gulf Boulevard's west side can be converted to vacation rentals. There are no rules for them. He stated the west side residents are looking for regulations for these establishments.

Scott Shapiro, 2032-20th Avenue Parkway, stated he can see 26 cables from his driveway crisscrossing everywhere, and that has been the most significant pain in his neck since he has lived here. He said he would like some accountability from the utility companies to clean up all overhead wires.

Mr. Shapiro asked why the city could not have write-in candidates for the city elections but could do so for Presidential Elections.

Mr. Shapiro stated his flood insurance was canceled. He paid for a year upfront and has had a policy for over seven years on his annual rental property. In addition to his property taxes, his wind, storm, and hazard insurance going up, and his flood insurance went up 154%, over \$3,000. The total cost of his annual rental property is going up 40% over last year. He stated every elected official has to take ownership of this. Where is the accountability?

Mr. Shapiro stated everyone is writing auto insurance because it is profitable. But, yet no one requires them to write other lines of insurance. Therefore, there is no competition. People like himself, people coming in that want to buy or who already own, are forced to sell to someone (a) who has deep pockets and is going to self-insure, (2) who may be an institutional owner, or (c) short-term vacation rental. That is the position that the government has put everyone in.

Mr. Shapiro stated the city should enforce its laws before creating new ones.

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

3B. REPORT OF the City Manager.

The City Manager's Written Report was part of the Agenda Packet.

3C. REPORTS OF City Commission.

COMMISSIONER McCALL:

- Stated the HOA Meet the Candidates was a great success with a large turnout.
- Announced that the next HOA Mix & Mingle will be February 16, 2023, at Chicago JAQX beginning at 6:00 p.m.
- Announced that April 1st is the HOA Easter Egg Hunt.

- Announced BeachFest is April 15th. He stated the HOA had been informed that this would probably be the last beach event due to the current conditions along the beach. That will be unfortunate and take a chunk out of the fundraising for the HOA.
- The HOA donated \$1,000 to the Beach Art Center for Boots and Brushes.
- The HOA donated \$1,500 to Bay Pines Wreath Across America (Bay Pines Veterans Hospital).
- The HOA donated \$1,000 to the Hurricane Ian Relief Fund.
- The HOA donated \$2,000 to Seminole Middle and High Schools to repair the band trailers and the color guard.
- At all the HOA events, donated money is donated back to the community in various ways, and as always, the HOA has been going since the 1970s. They are always looking for volunteers or leaders to put on these events.

MAYOR-COMMISSIONER KENNEDY:

- Announced Winterfest is Saturday, February 18th, at Calvary Episcopal Church, and there is a pet parade.
- Announced that she and the city manager will accompany the Clearwater Vice Mayor and the Treasurer Island Mayor to Sanibel on a fact-finding trip on what they have done since Hurricane Ian and what this city can do in the event it experiences something like that.
- Announced that she has Monday with the Mayor once a month from 4:00 to 6:00 p.m. and stated that she also meets with people for coffee.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. APPROVAL OF the January 10, 2023 Regular City Commission Meeting Minutes.**
- B. RESCHEDULING the March 14, 2023 Regular City Commission Meeting to Tuesday, March 28, 2023 due to the IRB General Election.**
- C. RECEIVE/FILE the Annual Updates to Pinellas County's Local Mitigation Strategy (LMS).**
- D. RECEIVE/FILE First Quarter Financials.**

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

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEMS 5A THROUGH 5D, AS WRITTEN. THE MOTION CARRIED UNANIMOUSLY.

The public hearing started at 7:11 p.m., as advertised.

6A. BOA CASE NO. 2023-01 — 2504 GULF BOULEVARD/DOLPHIN REEF

Considering a variance request from Sec. 110-314 of the Code of Ordinance to allow for an additional accessory structure with a building height of 9 feet 7-1/4 inches exceeding the height requirements by 1 foot 7-1/4 inches, for the property located at 2504 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Dolphin Reef, A Condominium Association, as recorded in Plat Book 50, Pages 74-80, of the Public Records of Pinellas County, Florida. Parcel #01-30-14-21814-000-0001.

[Beginning of Staff Report.]

SUBJECT: BOA CASE NO. 2023-01 – 2504 Gulf BOULEVARD

Variance request from Sec. 110-314 of the Code of Ordinance to allow for an additional accessory structure with a building height of 9 feet 7¼ inches exceeding the height requirements by 1 foot 7¼ inches for property located at 2504 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Dolphin Reef, A Condominium Association, as recorded in Plat Book 50, Pages 74-80, of the Public Records of Pinellas County, Florida. Parcel #01-30-14-21814-000-0001

OWNER: Dolphin Reef Condominium Assn Inc.
 PROPERTY LOCATION: 2504 Gulf Boulevard
 ZONING: CT- Commercial Tourist

DIRECTION	EXISTING USE	ZONING CATEGORY
North	Residential	CT
East	Residential	B
South	Residential	CT
West	Gulf of Mexico	N/A

BACKGROUND:

The applicant is requesting a variance for an additional accessory structure with a building height of 9 feet 7-1/4 inches exceeding the 8-foot interior wall height requirements by 1-foot 7¼ inches. The Dolphin Reef Condominium is located on 1.24 acres with 40 residential units. They presently have two gazebos and a bath building. The existing structures are in need of repair/replacement and the association has proposed to replace the structures.

The smaller gazebo is located very near the property line and the applicant is proposing to move it away from the property line, enlarge the structure to match the other gazebo, and relocate to the raised deck area. During the review stage of the project, the applicant proposed to cover the new grill area adjacent to the bathhouse and agreed that the grill area roof would replace the smaller gazebo. It was determined that if the applicant wanted to add the other gazebo the association would need to apply for a variance.

Sec. 2-152. Variances.

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The site consists of 1.24 acres with 40 residential units.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the gazebo as proposed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on January 30, 2023, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: Mary Kay and E. J. Foody, 2504 Gulf Boulevard, Unit #204, emailed in support of the variance.

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: The board of adjustments and appeals recommended approval to the city commission by a vote of 5-0

[End of Staff Report]

City Attorney Mora read Agenda Item No. 6A by title only.

City Attorney Mora stated this is a quasi-judicial hearing and briefly reviewed the quasi-judicial procedures.

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

City Attorney Mora asked if any city commission member had conducted any ex-parte communications with the applicant or their agent in advance of this evening. All members responded negatively.

City Attorney Mora asked if any city commission member had conducted any site visit to evaluate the application before them. All members responded negatively.

Planning Consultant Harmon stated the applicant is requesting a variance from Section 110-314 of the Code of Ordinances to allow for an additional accessory structure with a building height of 9 feet 7¼ inches exceeding the height requirement by 1-foot 7¼ inches for the property located at 2504 Gulf Boulevard, Dolphin Reef Condominiums.

Planning Consultant Harmon showed a PowerPoint Presentation depicting aerial views of the subject property, site photos, a survey of the proposed outdoor area, proposed site plans, the proposed gazebo, and the existing raised deck. As Planning Consultant Harmon went through the PowerPoint Presentation, she explained the variance request.

Planning Consultant Harmon stated the applicant would like to remove and enlarge the existing small gazebo, add a covered outdoor kitchen/BBQ area and a bathhouse to meet the setbacks, and keep the gazebo by the gulf. However, the city code does not permit three accessory structures on a multifamily structure. Therefore, staff and the applicant agreed a variance would be required to replace and enlarge the existing 8' X 8' gazebo that is in disrepair and currently encroaches into the side setback. The size of the proposed gazebo would be 10' X 10' and would exceed the height requirement by 1-foot 7¼ inches and would not encroach into the property line. She explained that the deck is raised and the height dimension was taken from grade, not from the existing raised deck. The height is measured from the inside interior wall. Both of the rooftops of the gazebos will be level with each other.

Planning Consultant Harmon stated that single-family structures could only have one accessory use. There may not be more than two accessory structures on-site for a total of 120 square feet for duplex and multifamily structures.

Planning Consultant Harmon stated the staff and the board of adjustments and appeals did recommend approval.

Planning Consultant Harmon stated the board of adjustments and appeals recommended the city commission review code section 110-314 — "In all zones for single-family structures, the maximum size for an accessory structure shall not exceed 120 square feet in floor area and eight feet in interior wall height excluding roof. For duplex and multifamily structures, there may not be more than two accessory structures of a maximum of sixty square feet in floor area and eight feet in interior wall height, excluding the roof, or one accessory structure of a maximum of 120 square feet in floor area and eight feet in interior wall height excluding roof." For example, this site has six lots and is only allowed two accessory structures, but if it was six single-family lots could have six accessory units at 120 120 square feet a piece.

CONSENSUS OF THE CITY COMMISSION TO FORWARD TO THE PLANNING AND ZONING CODE SECTION 110-314 FOR REVIEW AND RECOMMENDATION.

Peter Osborne, 2504 Gulf Boulevard, President of Dolphin Reef Condo Association, stated it is a 40-unit condo building. He said the condo was built in 1982. As such, they are repairing and renovating various assets that have worn out after 40 years.

Mr. Osborne stated they are replacing and repairing the common pool area, spa, and pool deck. As part of that effort, they have explored efforts to make the area more attractive for family gatherings and resident interactions and improve safety and security. As they navigated the process, they learned they could not enlarge their gazebo to accommodate a bigger family gathering, so they decided to add a second one. The new gazebo would meet the current setback requirements and code requirements. He stated the problem was with the number of accessory structures and the height of the new gazebo. He said the structure could not be seen by outsiders and did not impede the view of the beach.

Ms. Osborne stated the board of adjustments and appeals did feel that the city code was somewhat unclear and disadvantaged for condo buildings. He noted the board of adjustments and appeals unanimously recommended approval of their variance to the city commission.

MOTION MADE BY COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO APPROVE BOA CASE NO 2023-01 — 2504 GULF BOULEVARD. A VARIANCE REQUEST FROM SEC. 110-314 OF THE CODE OF ORDINANCE TO ALLOW FOR AN ADDITIONAL ACCESSORY STRUCTURE WITH A BUILDING HEIGHT OF 9 FEET 7-1/4 INCHES EXCEEDING THE HEIGHT REQUIREMENTS BY 1 FOOT 7-1/4 INCHES, FOR THE PROPERTY LOCATED AT 2504 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS DOLPHIN REEF, A CONDOMINIUM ASSOCIATION, AS RECORDED IN PLAT BOOK 50, PAGES 74-80, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. PARCEL #01-30-14-21814-000-0001.

There was no discussion by the City Commission.

ROLL CALL VOTE:

AYES: McCALL, HANNA, BOND, HOUSEBERG, KENNEDY
NAYS: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

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

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT 7:24. P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

March 28, 2023
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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


/DOR

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

**SETTING the dates for the City
Commission Budget Work
Sessions and Public Hearings for
Fiscal Year 2023/2024 Operating
Budget and Capital Improvements
Budget.**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: March 28, 2023 **AGENDA ITEM:** 5C

**SUBMITTED AND
RECOMMENDED BY:** Dan Carpenter, Finance Director 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: **Setting the dates for the City Commission Budget Workshops and Public Hearings for the Fiscal 2023/2024 Operating Budget and Capital Improvements Budget.**

BACKGROUND

In March the Property Appraiser provides the Finance Director a tentative calendar for the upcoming Budget and Millage process identifying any conflicting County meetings. Pursuant to Florida Statutes, staff has reviewed the required actions by the City and is proposing the attached 2023/2024 Budget Calendar.

Staff has reviewed the County Calendar and is recommending scheduling the workshops and public hearings to avoid any conflict with the County Commission Hearings and the School Board Hearings.

MOTION

Move to *approve/deny* setting the dates for the City Commission Budget Workshops and Public Hearings for the Fiscal 2023/2024 Operating Budget and Capital Improvement Plan.

FISCAL YEAR 2023/2024

BUDGET CALENDAR

May 2-5, 2023 Tuesday-Friday	City Commissioners provide initial 2024 Budget suggestions to the City manager and Finance Director
June 1, 2023 Thursday	Property Appraiser delivers certification of taxable value (DR-420) to City
June 19, 2023 Monday	Five-Year Capital Improvement Program (CIP) delivered to City Commission and Finance and Budget Committee
June 30, 2023 Friday	Property Appraiser delivers certification of taxable value (DR-420) to City
July 7, 2023 Friday	Preliminary budget delivered to City Commission and Finance and Budget Committee
July 12, 2023 Wednesday	Finance and Budget Committee Review CIP and Preliminary Budget
July 25, 2023 Tuesday	City Commission CIP and Preliminary Budget Work Session 4:00-6:00pm
July 25, 2023 Tuesday	City Commission Meeting- Commission sets tentative millage rate 6:00pm
August 1, 2023 Tuesday	City notifies Property Appraiser of tentative millage rate and date/time/place of first public hearing-completed DR420 returned
August 4, 2023 Friday	Tentative budget delivered to City Commission
September 6, 2023 Wednesday	City holds FIRST Public Hearing to adopt a tentative budget and millage rate 6:00pm
September 15-17, 2023 Friday/Sunday	City advertises intent to adopt final budget and millage rate and final public hearing within 15 days of adoption of tentative budget
September 20, 2023 Wednesday	City holds FINAL Public Hearing to adopt final budget and millage rate from 2-5 days after ad appears 6:00pm
September 22, 2023 Friday	City forwards to Property Appraiser the millage rate within 3 days of adopting the Ordinance

Legend

S = Set Date

Meetings with City Commission

Finance and Budget Review Committee

City Staff

2023 TAX ROLL / BUDGET / MILLAGE CALENDAR

<u>DATE</u>	<u>ACTIVITY</u>	<u>REFERENCE</u>
June 1 (Thurs)	<u>Property Appraiser</u> delivers <u>estimate of taxable value</u> to taxing authorities	200.065(8)
July 1 (Sat)	<u>Property Appraiser</u> delivers <u>certification of taxable value</u> (DR-420) to taxing authorities. (If roll cert date is earlier, <u>July 1</u> will be used to determine time periods and deadlines. Fla. Stat. s. 200.065(12); Fla. Admin. Code r. 12D-17.003(2) & 12D-17.008.)	193.023(1) 200.065(1)
Aug 2 (Wed)	<u>Taxing Authorities</u> notify Property Appraiser of proposed millage rate, date/time/place of 1st public budget hearing (<u>return completed DR-420</u>)	200.065(2)(b)
Aug 21 (Mon)	<u>Property Appraiser</u> mails TRIM Notices	200.065(2)(b)
Sept 3 – Sept 18	<u>Taxing Authorities</u> hold <u>1st public hearing</u> to adopt a tentative budget and millage rate (between 65 and 80 days after certification, at least 10 days after TRIM mailing)	200.065(2)(c)
_____	<u>Taxing Authorities</u> <u>advertise</u> intent to adopt a final budget and millage rate and final public hearing schedule (ad to appear within 15 days of adoption of tentative budget). <i>Check ad format/content carefully!</i>	200.065(2)(d) 200.065(3)
_____ – Sept 29 (Fri)	<u>Taxing Authorities</u> hold <u>final public hearing</u> to adopt final budget and millage rate (between 2 & 5 days after ad appears)	200.065(2)(d)
_____	<u>Taxing Authorities</u> <u>forward</u> millage rate to Property Appraiser, Tax Collector, & DOR (within 3 days after adoption of resolution or ordinance)	200.065(4)
Sept 12 (Tue)	School Board budget hearing	200.065(2)
Sept 7 (Thurs)	Pinellas County BCC budget hearing	200.065(2)
Sept 15 (Fri)	Deadline for <u>taxpayers</u> to file a petition with the Value Adjustment Board (within 25 days after TRIM mailing)	194.011(3)(d)
Sept 19 (Tue)	Pinellas County BCC budget hearing (final)	200.065(2)
Oct 2 (Mon)	<u>Property Appraiser</u> delivers <u>DR-422</u> to taxing authorities	200.065(6)
Oct 4 (Wed)	Value Adjustment Board meets for first certification of tax rolls	193.122(1)
Oct 5 (Thurs)	<u>Taxing Authorities</u> <u>return</u> completed <u>DR-422</u> , millage rate is adjusted if an option	200.065(6)
Oct 6 (Fri)	<u>Property Appraiser</u> extends roll to Tax Collector	
Mid Oct (TBD)	<u>Value Adjustment Board</u> hearings begin	194.032(1)(a),(c)
_____	<u>Taxing Authorities</u> certify <u>compliance to DOR</u> (not later than 30 days after adoption of ordinance or resolution establishing final budget and millage rate)	200.068
Oct 31 (Tue)	<u>Tax Collector</u> mails <u>tax bills</u>	197.322(3)
TBD	<u>Value Adjustment Board</u> meets for <u>second certification</u> of tax rolls	193.122(3)

Note on the calculation of time: Fla. Admin. Code r. 12D-17.008 instructs us to include July 1 (the certification date) when calculating dates on the tax roll calendar. The rule also states that the last day of the period shall be included even if it is a weekend day or holiday. If a statutory date lands on a weekend, the weekend date is listed on this calendar. Please keep this in mind as you coordinate your schedule for the budget year. If you have any questions or concerns, please contact the Property Appraiser's office.

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

**APPROVAL OF the
January 24, 2023 City Commission
Work Session Meeting Minutes**

**MINUTES — JANUARY 24, 2023
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION**

The Indian Rocks Beach Regular City Commission Work Session was held on **TUESDAY, JANUARY 24, 2023**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 5:00 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 Attorney Jay Daigneault, City Clerk Deanne B. O'Reilly, MMC, Captain Michael Leiner of the Pinellas County Sheriff's Office, Fire Chief Jeffrey Davidson of the Pinellas Suncoast Fire and Rescue District, Assistant Fire Chief Doug Higley of the Pinellas Suncoast Fire and Rescue District, and Brian McCarty, City's IT Consultant.

HANDOUTS: Ordinance 2018-01, map showing areas where short-term vacation rentals are permitted per Ordinance 2018-01, business tax receipt application for short-term vacation rentals, short-term rental fines, parking requirements, and an official zoning map.

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

1. STAFF INTRODUCTION OF SHORT-TERM RENTAL POLICY WORK SESSION AND TEMPLATE.

[Beginning of Staff Report]

In May 2016, the city attorney provided the city commission a memorandum analyzing the enforceability of the city's short-term rental restrictions in relationship to legislative preemptions set forth in Fla. Stat. § 509.032 (7). After holding a series of hearings between November 2017 and September 2018, the city adopted Ordinance 2018-01, establishing short-term rental regulations applicable in the single-family ("S"), medium-density ("RM-2, and medium-density duplex residential ("RM-1") districts. At the conclusion of a workshop on November 15, 2022, the city commission requested guidance on its current regulatory options relating to short-term rentals.

Since the May 2016 Memorandum and the city's subsequent September 2018 legislative enactment, the Legislature has not substantively amended Fla. Stat. § 509.032 (7)(b). In 2014, the Florida Legislature preempted the city's ability to adopt any law, ordinance, or regulation that: (i) prohibits vacation rentals; (ii) regulates the duration of vacation rentals; or (iii) regulates the frequency of short-term rentals. Otherwise, the city possesses the home rule power to regulate the operation of short-term rentals in its corporate boundaries, and attendant issues related to the short-term rental industry. Any regulations or ordinances the city commission adopts in this regard remain subject to applicable constitutional, statutory and administrative principles and provisions.

For purposes of the January 24, 2023 Commission Work Session, this memorandum is accompanied by an ordinance template designed to facilitate the city commission's dialogue and policy determinations (the "template"). The city commission, as the city's policymaking body, is free to accept, reject, add to, subtract from, or otherwise modify any of the individual elements of the template. The attached document does not bind the commission or its authority, but instead is designed to facilitate a substantive and efficient dialogue on this matter.

Owing to the restrictions of Florida Statute § 286.011, et seq. (Florida's Sunshine Law), the city's commissioners are only able to collectively discuss and develop policy in an open and noticed public meeting. The city commission has received significant public feedback over the course of at least the past five months, including a workshop, public comment at the city commission's regularly-scheduled meetings, and various e-mails or written submissions. City staff now seeks the city commission's input on what policy, if any, it wishes to adopt in response to the commissioners' research, receipt of public feedback, reflection, and consequent conclusions.

Against this backdrop, it is recommended that the work session substantively proceed as follows:

1. Call to order;
2. Staff introduction of work session and template;
3. City commission's complete chronological review of the template, providing consensus on individual policy elements and any acceptance, rejection, additions, deletions, or modifications thereto;
4. Public comment; and
5. Adjournment.

This procedure is proposed to ensure the work session concludes with the city commission's provision of clear policy direction so that staff may prepare a proposed ordinance for consideration, to be discussed, amended as appropriate, and eventually enacted during further public hearings.

[End of Staff Report]

Mayor-Commissioner Kennedy explained the process of the meeting.

City Attorney Mora stated this was in a public meeting. This is a work session for the city commission. No new ordinance will be adopted. The city commission will go through a template document and advise staff if they accept, reject, add, modify, amend, or delete any template part. Once the template is thoroughly reviewed, the meeting will be opened for public comments.

City Manager Mims stated as of today:

- Approximately 283 STRs are on the east side of Gulf Boulevard from 5th Avenue to 28th Avenue.
- Since the November meeting, all new requests for business tax receipts (BTR) for STRs are now being inspected before the BTR is issued to the applicant. This regulation is under Ordinance 2018-01.
- A monthly STR e-mail communication has been implemented focusing on areas of concern.
- Every STR has been contacted to ensure the city has the correct 24-hour responsible party information.
- Continued notices of violation in sight as needed for various violations of the city code.
- Additional solid waste fees are allocated where garbage exceeds average residential volumes.
- The city has had discussions with VRBOs, particularly with ones characterized as party houses. One location has voluntarily agreed to stop marketing and booking to larger groups.
- Decals have been ordered to be placed on all solid waste cans to remind everyone about the placement requirements.
- The fire district is in the process of adopting an STR ordinance. Once that ordinance is adopted, the city, the county, and fire district will coordinate the joint/annual inspection. These inspections will be done for all current STRs.
- The city is currently seeking proposals for a special magistrate.
- The city commission previously authorized him to negotiate with a host compliance company. Host compliance companies are in the business of searching the web for STR advertisements and providing backup information. They will help cities close the gap if any STRs operate without proper paperwork.
- The city will consider additional staffing based on the adopted ordinance during the budget review process. The city currently has adequate staff. Currently, the city has two full-time code enforcement officers, one financial department person, and one person up front on STRs.
- The city is also seeking proposals for a new website design.

2. **CITY COMMISSION'S COMPLETE CHRONOLOGICAL REVIEW OF TEMPLATE provides consensus on individual policy elements and any acceptance, rejection, additions, deletions, or modifications.**

The city commission began to review the template.

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CREATING A NEW ARTICLE [INSERT CHAPTER NUMBER] TO ESTABLISH A COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; CREATING CONDUCT AND REPORTING REQUIREMENTS FOR HOSTING PLATFORMS, OWNERS AND OWNER AGENTS, AND GUESTS; CREATING AN APPLICATION AND ENFORCEMENT PROCESS; PROVIDING FOR PENALTIES FOR VIOLATION; CREATING RELATED DEFINITIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

[INSERT WHEREAS CLAUSES]

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

Section 1. A new Article of the City of Indian Rocks Beach Code is hereby created as follows:

ARTICLE XXX. SHORT-TERM RENTAL REGULATIONS

DIVISION XXX. GENERAL PROVISIONS

Sec. XX-XXX. Definitions.

The following terms as used in this chapter are defined as set forth hereinafter:

Bedroom means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an ensuite bathroom, and which has been reflected as a bedroom on the construction plans approved by the city's building official, and which complies with the Florida Fire Code and Florida Life Safety Code as a bedroom, but shall not include a bathroom, a kitchen, a dining room, a family room, a sunroom, a closet, a utility room, a laundry room, or any main living area. If a room has been added, altered, or converted without any required building permit having been granted, such room shall not be deemed a bedroom.

City code shall mean the city's codified code of ordinances including the zoning code, all uncodified ordinances, the city's comprehensive plan, and the future land use map.

Living area. The area under roof designated primarily for habitation and specifically excluding garages. As used in this article, the total living area shall be computed as follows: The exterior dimensions of all enclosed spaces within the framework of the building unit (length and width), multiplied and totaled, as follows:

- (1) Any room or area accessible from any other room or area within the framework shall constitute living area.
- (2) A room or area must be totally enclosed by walls and covered by roofing.
- (3) A room or area must be protected from the elements.
- (4) A utility room within the framework of the main building and accessible within the main living area constitutes living area.

Occupant means any person who occupies a vacation rental. There is a rebuttal presumption that, when the dwelling unit occupied is not the primary residence of the guest, the occupancy is transient.

Overnight means being present in the vacation rental at any time between the hours of 10 p.m. and 7 a.m.

Owner occupied means the vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are members of the family of the vacation rental owner. Family member shall mean spouses, former spouses, non-cohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Peer-to-peer platform/entity shall mean any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.

Responsible person shall mean the owner, or the natural person designated by the owner of the vacation rental to be called upon to answer for the maintenance of the vacation rental and the conduct and acts of vacation occupants of residential properties. A corporation, partnership, or other legal entity cannot be a responsible person.

Transient public lodging establishments means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1)

calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Vacation rental shall mean a vacation rental as defined by Florida Statutes § 509.242(1)(c).

Vacation rental owner is the fee simple owner of the vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, the vacation rental owner shall designate a responsible natural person to perform the functions and duties of a vacation rental owner herein. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent of the vacation rental owner, so long as the vacation rental owner notifies the city in writing, on a form provided by the city, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the city commission.

The vacation rental owner shall be held responsible for all actions of such designated agent with respect to the applicable vacation renter.

Commissioner Hanna stated under the definition of a bedroom, the words “or Pinellas County” should be added after approved by the city’s building official because they perform the city’s inspections.

City Attorney Mora stated Pinellas County is acting as the city’s building official. Adding Pinellas County does not necessarily change that discourse, but if the city commission wishes to be explicit, that change can be made.

City Manager Mims stated under the contract with Pinellas County, the city uses Pinellas County as its building official.

City Attorney Mora stated his rationale for not putting that in is if, for some reason, that changes, and it is not Pinellas County serving as the building official, and the city decides to re-establish that, it should be just whoever is designated as the city’s building official.

Sec. XX-XXX. Scope.

(a) This article shall apply to vacation rentals within each of the city’s zoning districts. [Any districts to be excepted?]

City Attorney Mora stated this ordinance would apply within each of the city’s zoning districts. There are no exceptions. This ordinance would capture the Holiday Harbourside, the B-Business district, the CT district. All districts would be subject to these regulations.

City Manager Mims stated Ordinance 2018-01 applies to the east side of Gulf Boulevard from 5th Avenue to 28th Avenue. The city commission needs to decide if the new ordinance would apply citywide or just on the east side of Gulf Boulevard.

Commissioner McCall stated the east side of Gulf Boulevard should only be addressed in this template as in Ordinance 2018-01. He noted the building types and housing change in the CT zoning district are not comparable to those in the residential neighborhoods. There are condos, multifamily units, and housing units along the shoreline.

Vice Mayor-Commissioner Houseberg asked Commissioner McCall if there should be a separate ordinance to address the issue on the west side of Gulf Boulevard.

Commissioner McCall responded possibly. He said some businesses run the gambit around the shoreline. There are condos the city has no ruling over regarding how they run their operation. He acknowledged the spattering of houses on the west side of Gulf Boulevard.

Commissioner McCall stated 95% of what the city is dealing with is happening on the east side of Gulf Boulevard, and it is noise and so forth.

Commissioner McCall stated in the B-Business district, there are multiple structures and different sizes of houses on the shoreline that would, in his opinion, could take on a separate ordinance if that needs to be addressed.

Mayor-Commissioner Kennedy said there are issues on the west side of Gulf Boulevard and stated she feels the ordinance should be citywide.

Commissioner Bond stated that all the properties along the shoreline are designated to be used in a certain way (Commercial-Tourist district). He would be reluctant to place restrictions on them because of issues elsewhere.

City Attorney Mora stated there would not be a roll call vote for the city commission's benefit as they discussed each item. The staff is looking for a consensus.

Commissioner McCall stated this ordinance would address STRs citywide. He knows some issues on the west side of Gulf Boulevard along the shoreline are more about noise. He asked if the city's noise ordinance already covered the CT district, with City Manager Mims responding affirmatively.

Mayor-Commissioner Kennedy asked about occupancy.

Commissioner McCall stated the CT district is a commercial-style area of the city, and it does not react as the residential neighborhoods do. The CT district is more of a business community, and he has no problem with revisiting the CT district as a separate ordinance.

Commissioner Bond asked if there had been any significant complaints about behaviors on the west side of Gulf Boulevard. As a resident on the west side, it is what a person expects, so he wondered if there has been any community feedback regarding STR's behavior on the west side.

Mayor-Commissioner Kennedy stated she had received feedback from individuals on the west side.

City Manager Mims stated from a staff perspective that very few had been received compared to the complaints on the east side. The city occasionally received complaints that the city commission would expect from having a public beach with people drinking and doing other things on the beach. But regarding complaints directly related to STRs on condos, not much.

CONSENSUS OF THE CITY COMMISSION FOR THE ORDINANCE TO APPLY TO ALL VACATION RENTALS WITHIN EACH OF THE CITY'S ZONING DISTRICTS. COMMISSIONER McCALL VOICED HIS OBJECTION TO INCLUDE THE WEST SIDE OF GULF BOULEVARD.

Fire Chief Davidson stated the fire district is currently reviewing a life safety ordinance that will be applied to all STR citywide.

Sec. XX-XXX. Enforcement.

- (a) Unless specified otherwise in this article, violations of this article shall be enforced in the manner set forth in Chapter 1, Section 1-14 of the code, and shall include, in addition to the imposition of daily fines, the suspension of the vacation rental's ability to operate under the conditions set forth in this article.
- (b) Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive relief, liens and other civil and criminal penalties as provided by law as well as referral to other enforcing agencies.

[Commission input requested regarding specifics of rental suspension (triggering event/mechanism, suspension periods, appellate process (due process, reinstatement process)]

Ref: City of Marathon

A property with XXXX (X) violations of this article in any XXX (X) month period shall have its vacation rental property license suspended for a period of X months. An owner may petition the City Council for reinstatement. The City Council shall consider the violations leading to the suspension before reinstatement.

A property which has had its Vacation Rental Property License suspended in the previous XXXX (X) years and receives XXXX (X) violations in any XXXX (X) month period shall have its Vacation Rental Property License revoked.

Any Vacation Rental Agent who receives XXXX (X) violations within any XXXX (X) month period shall pay double the annual registration fee in the ensuing registration year. In the event of XXXX (X) violations under this article within any XXXX (X) month period, the vacation rental agent shall have their vacation rental agent license suspended for no less than XXXX (X) months.

Any rental activity or advertisement of a property with a suspended or revoked vacation rental property license by a vacation rental licensee or vacation rental agent shall result in the immediate revocation of the property's vacation rental property license and/or the vacation rental agent's license for a period of no less than XXXX (X) months.

Failure to pay any fine imposed on a vacation rental licensee or vacation rental agent as a result of a citation or determination of violation by the Code Compliance Board shall result in the suspension of the vacation rental property license or vacation rental agent license until such time as the fine is paid.

Any property owner of a property which has had its vacation rental property license revoked shall not be issued a vacation rental property license in the event that the property owner transfers or otherwise conveys his/her/its interest to another entity in which the property owner has any financial or ownership interest.

Commissioner McCall asked what violations would be considered for suspension of the STR license. For example, if the trash cans were left out thrice in one year, the property owner's STR license would be suspended.

City Attorney Mora explained the code enforcement process as a whole. Code enforcement has its boundaries set by Chapter 162 of Florida Statutes. Under Chapter 162, the city can send a code enforcement violator to the local ordinance violation court. Alternatively, the city can have a code compliance magistrate or code enforcement board. As stated by the city manager, there is a request for a proposal out for a special magistrate. The city's third option, in that regard, where necessary, is to file injunctive actions to seek some specific compliance—assuming that the special magistrate position is filled. The way it would work is someone would receive a notice of violation. The violator can pay it, not dispute it or dispute it. Suppose the violator disputes the notice of violation. In that case, the violator will have a hearing before the special magistrate, where the magistrate will determine whether or not there has been a violation in the first place when the magistrate decides, depending on the nature of that violation. If it is continuing, the violator may be given a timeline within which to comply. The violator must notify the city when they come into compliance. If the violator complies by that date, there is no fine. Suppose the violator comes into compliance some day after that. In that case, the city can request that the violator be fined for those

days, or if the violator still has not complied, the city can request that they be fined daily until they comply. If, for some reason, somebody disputes that process, the violator can appeal the magistrate's decision to a circuit court, and so on and so on.

City Attorney Mora stated Commissioner McCall was asking more particularly about the possibility of suspensions, which is offered as an option for the city commission. The city commission would decide the boundaries of that.

City Manager Mims stated what this means for clarity purposes: just because there is an assumed violation unless someone pays a ticket or is found guilty, they do not have a strike. For example, there is immediate compliance if a deputy goes to a house for an alleged noise problem. Most likely, those individuals will not be cited, so that would not account against the property. Suspension of a license is not based on complaints, it is based on whether the individual paid the ticket or is found guilty by the magistrate.

Commissioner McCall asked if the violation would stay with the property itself or the property owner.

City Attorney Mora stated his advice would make it property specific if multiple properties are held. It comports better with due process, making the city less likely to see issues. That is a decision of the city commission.

City Attorney Mora stated that one of the phrases thrown out throughout this process is, is that legal. Legal if it is defined as preemption, duration, frequency, and prohibition. Pretty much everything except three things is legal. Will somebody assert legal challenges to other elements of this? Potentially. Will they prevail? He does not know—the demands of what the city does, how it administers it, and how that affects that individual. The law is nothing if not fact specific.

City Attorney Mora stated he would not tell the city commission that if they do this, the city will be fine, and nothing will happen. But as the city attorney, he is supposed to give the city advice and information, and the city commission is to decide. This is an exercise in risk tolerance.

Commissioner McCall stated that the vacation rental agent does not appear anywhere else in the city code.

City Attorney Mora stated that if the city commission agrees to incorporate the city of Marathon's enforcement measures, he will harmonize the language.

Vice Mayor-Commissioner Houseberg clarified that the city attorney is asking the city commission to choose if a vacation rental has three violations in 12 months, then what should that suspension be?

City Attorney Mora stated his question starts before that. Does the city commission want suspension as an option? If the city commission does, what would be the general parameter?

Vice Mayor-Commissioner Houseberg said she would like 30, 60, and 90 days to have a progressive suspension system.

Commissioner Hanna agreed.

City Attorney Mora asked if the suspension would be after multiple violations.

Vice Mayor-Commissioner Houseberg stated after three violations, the STR license for that particular property would be suspended for 30 days.

Commissioner Bond asked if that was enforceable.

City Attorney Mora stated he was not sure. He understands the question. If it is within the city code, staff can administer it. Suppose a property has three adjudicated violations or three paid fines within an "X" period. In that case, staff could ask the special magistrate to consider suspending the STR license for 30 days according to code section XX.

Commissioner McCall stated he would agree with that. He noted that one glaring component missing from Ordinance 2018-01 allowed the city to act when there were multiple violations.

City Attorney Mora stated one of the distinctions here that are different from Ordinance 2018-01 is an entire certification process. With the BTR, the city cannot suspend. However, if the city is talking about a license to do business in a particular industry that the city regulates, that is a different analysis.

CONSENSUS OF THE CITY COMMISSION TO SUSPEND A STR LICENSE AFTER THREE ADJUDICATED OR PAID VIOLATIONS FOR 30, 60, OR 90 DAYS.

Sec. XX-XXX. Appeals.

Any decision of the special magistrate finding a violation of this article may be appealed as provided for in § 2-280 of the code.

DIVISION X.
VACATION RENTAL REGISTRATION

Sec. XX-XXX. Registration required.

As of [April 1, 2023], a vacation rental registration shall be required to operate a vacation rental within the city, utilizing forms promulgated by the city. The city manager may extend the date that such registration is required by notice on the city's website should the city not publish forms and fees for registration by [March 15, 2023]. Prior to the issuance of a vacation rental registration, the responsible person has the affirmative duty to ensure that the dwelling unit and property in or on which the vacation rental is or will be located, is in full compliance with the city code, Florida Statutes Chapter 509, the Florida Building Code, the Florida Administrative Code, and the Florida Fire Prevention Code. A separate vacation rental registration shall be required for each vacation rental. The operation of a vacation rental without registration after the date registration is required shall be a violation of this article, except in the instance of providing accommodations to fulfill a rental contract existing as of the effective date of this ordinance.

CONSENSUS OF THE CITY COMMISSION TO IMPLEMENT A VACATION RENTAL REGISTRATION.

Sec. XX-XXX. Vacation rental registration fee. [In ordinance v. separate resolution]

City Attorney Mora explained the difference between an ordinance versus a resolution for the vacation rental registration fee. He stated more local governments are using resolutions to enact and amend fee schedules because they are easier to amend. A resolution requires only one reading.

(a) All fees to be charged under the provisions of this chapter shall be set out in this section. Such fees are as follows:

- (1) Application fee for an initial certificate of registration in accordance with section XX-XXX: [e.g. \$200 - \$500. - Commission input requested]

Commissioner Hanna asked if the staff has provided or thought about the actual cost to implement this program so that the city commission could arrive at a comfortable number.

City Manager Mims stated the short answer is no. The program's cost was not done because the city commission first had to determine whether or not the ordinance would apply citywide or just to the east side from 5th Avenue to 28th Avenue (Ordinance 2018-01).

City Manager Mims stated in discussions with the host compliance company, they estimated the city had in the neighborhood of 1,900 vacation rentals operating citywide. The city's code enforcement budget is approximately \$160,000, not including a special magistrate's cost. He stated that the city of Holmes Beach code enforcement budget is roughly \$150,000 yearly for a special magistrate. He said enforcing the STR city code takes a lot of money.

City Manager Mims stated for the next few months, the city will be okay staff-wise. The city has two full-time code enforcement officers, a finance person, and an administrative assistant up front. The city will have the help and assistance of the fire district and Pinellas County.

City Manager Mims stated by the time the city commission adopts an ordinance, it will be well into the later part of the year into the summer. The city will be getting everything set up and running with inspections and everything else, and that will be during the budget process, then he will be in a better position. He just wanted to give the city commission that information. Staff is looking at \$200 to \$500 for the initial application fee, which is backed up by a lot of the information that the city commission has looked at and information that has been sent to the city. That money range would cover the cost of the program.

Vice Mayor-Commissioner Houseberg asked about the software's cost for the host compliance company.

City Manager Mims stated he is now negotiating with a host compliance company, and the city is trying to piggyback on the city of Holmes Beach's contract. The Holmes Beach contract is approximately \$35,000 a year. If the city goes out for an RFP, it will be more than that.

Vice Mayor-Commissioner Houseberg stated she wanted to make sure that any money the city spends to manage STRs is self-funding and taxpayers' dollars are not used to manage them.

Commissioner Bond stated the city commission should not be grabbing numbers out of thin air.

Mayor-Commissioner Kennedy stated the city manager explained that the special magistrate would be approximately \$160,000 annually and the host compliance company would be \$35,000 annually.

City Manager Mims stated that Holmes Beach has five code enforcement employees that do more than vacation rentals. He is confident with the city's staff, the fire district's inspection work, and Pinellas County building staff. The city will need to look closely at the finance and technical end based on the volume and paperwork involved with STR.

City Manager Mims stated that Holmes Beach's registration fee is \$495, which is good for two years. He said that Holmes Beach is very comparable to IRB.

Commissioner Bond asked if the registration fee is for the property or per unit.

Mayor-Commissioner Kennedy stated per BTR or per unit not for the entire property.

City Manager Mims stated the city commission should make the registration fee high enough because he does not think it is cost-effective to have reinspection fees. He said there is paperwork involved in the reinspection process.

City Manager Mims stated that since he has been using Holmes Beach as a comparison, their code enforcement budget, with everything added together, is \$610,000. They do more than just vacation rentals.

The city commission discussed the vacation rental registration fee ranging from \$500 to \$400 for the initial registration fee.

Vice Mayor-Commissioner Houseberg stated that the city would need an entire short-term rental division because this issue is not getting smaller. It is getting bigger.

THE CONSENSUS OF THE CITY COMMISSION IS THAT THE COST OF THE APPLICATION FEE FOR AN INITIAL CERTIFICATE OF REGISTRATION SHOULD BE \$400.

- (2) Application fee for a renewed certificate of registration subsequent to the initial application: [Commission input requested]

THE CONSENSUS OF THE CITY COMMISSION IS THAT THE COST FOR THE APPLICATION FEE FOR A RENEWED CERTIFICATE OF REGISTRATION SUBSEQUENT TO THE INITIAL APPLICATION SHOULD BE \$400.

Vice Mayor-Commissioner Houseberg stated she would like the annual renewal date to be the date of the initial application registration.

- (3) Application fee for a an amended certificate of registration: [e.g. \$50 - \$75 – Commission input requested]

The city commission did not address this subsection.

- (4) Reinspection fees.
 - a. First reinspection - Commission input requested]
 - b. Second and third reinspection - Commission input requested]

CONSENSUS OF THE CITY COMMISSION THAT THERE WILL BE NO CHARGE FOR REINSPECTION BASED ON THE CITY MANAGER'S RECOMMENDATION.

- (5) Inspection fee upon change of ownership: Commission input requested]

The city commission did not address this subsection.

Sec. XX-XXX. Vacation rental registration.

(a) A vacation rental registration application must be filed and signed by the vacation rental owner. An owner may apply through an agent, but in such case, the owner must execute a separate affidavit attesting that the agent is authorized by the owner to complete and submit the application on the owner's behalf. Such affidavit must be submitted along with the application.

(b) A registration application must be submitted by using the forms promulgated by the city for such purpose. Application forms shall be submitted to the city employee or official designated by the city manager for processing. All applicable registration and inspection fees established by the city shall be submitted at the same time as the application form.

(c) A registration application shall, at a minimum, include the following:

- (1) Address of the vacation rental property being registered, along with proof of ownership, which may be in the form of a deed or copy of the property appraiser's website information on the property;
- (2) Name, address, phone number, and e-mail of the property owner and the date upon which the owner took title to the property;
- (3) Name, address, e-mail, and emergency contact phone number of responsible person for the vacation rental, which shall be a twenty-four (24) hour, seven (7) days a week contact number;

Mayor-Commissioner Kennedy clarified if the responsible person is out of the area and cannot be reached, the property owner can designate another responsible person in their absence. She stated she would like for there to be an alternate responsible person on the application.

City Attorney Mora stated the way this is written there is always a designated responsible party. There is only one responsible party at a time as written to avoid confusion with a phone tree.

- (4) The vacation rental's current and active license number as a transient public lodging establishment with the Florida Department of Business and Professional Regulation (DBPR);
- (5) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue and Pinellas County for sales and tourist development tax collection, respectively, if the registrant has such

certificates or accounts; unless a peer-to-peer platform entity through which the vacation rental is booked will be remitting all such taxes associated with the vacation rental on the responsible person's behalf;

- (6) Business tax receipt from the city, in accordance with article III of chapter 20 of the code;
- (7) Statement attesting to the number of bedrooms and paved off-street parking spaces available on the property with affirmation that the parking plan submitted by the owner will be followed by the owner's guests; [subject to any parking restrictions established by City Commission];
- (8) Exterior site plan. An exterior plan of the vacation rental property drawn to scale, identifying the structures and dimensions of those portions of the property outside of the primary residential structure. The plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, paved parking areas, pools, spas, hot tubs, and fencing. For purposes of the plan, off-street parking spaces allowed by the code to be used for parking shall be delineated so as to enable a fixed count of the number of spaces provided; [subject to any parking restrictions established by City Commission]
- (9) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, drawn to scale, shall be provided. The interior structural plan shall depict a floor layout identifying all spaces on each floor, and shall label each space as a bedroom (as defined by this article), bathroom, kitchen, office, den, dining room, family room, sunroom, closet, utility room, laundry room, hallway, stairway, or any other spatial element of the structure;
- (10) Acknowledgment signed by the owner, or owner's authorized agent, acknowledging and agreeing to initial and ongoing compliance with this article and all other city codes and federal, state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property;
- (11) An application must provide the phone number associated with the landline telephone required by § XX-XXX;

Mayor-Commissioner Kennedy asked Captain Leiner, as a first responder, whether having a landline telephone improved or impacted the PCSO's services.

Captain Leiner stated he spoke to the PCSO Communications personnel. He said landlines would take deputies or first responders directly to the house. He advised that the PCSO and 911 have software that triangulates where cell phone calls are coming from and will

also take them directly to the place. In speaking with the other captain, the software works well, so there is no difference in response time. He stated if someone called on a cell phone that was unfamiliar with the area and did not know where they were, PCSO could triangulate the signal and locate them.

THE CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (c)(11): AN APPLICATION MUST PROVIDE THE PHONE NUMBER ASSOCIATED WITH THE LANDLINE TELEPHONE REQUIRED BY § XX-XXX.

CONSENSUS OF THE CITY COMMISSION TO DELETE THE REQUIREMENT OF HAVING A "LANDLINE TELEPHONE" ON THE STR PROPERTY THROUGHOUT THE ORDINANCE.

- (12) A listing of the occupancy limit established by this article, calculated in the manner set forth in this article, and an acknowledgment that the owner will ensure compliance with the occupancy limit;
- (13) A narrative parking plan [subject to any parking restrictions established by City Commission], and outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking off-site;
- (14) A copy of the conduct rules adopted by the owner which will apply to the conduct of the owner's guests, and a narrative statement setting forth how the owner will ensure each guest are provided a copy of, and made to acknowledge, these rules;
- (15) A statement attesting that the owner has made all structural revisions to the vacation rental property, and all operational policies have been adopted to ensure compliance with the Americans with Disabilities Act's requirements for places of public accommodation; and

Commissioner McCall stated he does not understand subsection (c)(15) — a house is a house. So, how does ADA come into this component because he looked at DPBR as far as their regulations, and that was actually listed as something they do not control. He does not know what benefit having an owner attest that their house meets ADA requirements does besides possibly putting them into legal jeopardy down the road.

City Attorney Mora stated Commissioner McCall had expressed concern about the language in subsection (c)(15) requiring some attestation to ADA requirements. There is a correlating provision elsewhere of having ADA restrictions apply where applicable. Whether or not it is administered as part of this program is undoubtedly within the city commission's ability to address. He will not advise the city commission that it retroactively

applies to every property because that analysis has not been done. The question is whether the city commission wishes to inject this issue into the regulatory scheme.

Commissioner McCall stated his thought process is under this provision, saying the city commission does. Does that mean all STR with steps must put up a ramp? Will there be easement problems? Variances Problems?

Commissioner McCall stated it should be the STR owner's choice to offer ADA-compliant STRs for disabled people instead of making it a requirement for all STRs.

City Manager Mims stated that based on the preliminary information from Pinellas County, ADA requirements would be found on the occupancy limit that the city commission places on houses. There is no reason this evening to get in the weeds over ADA because whether ADA is going to be required will be based on an inspection in the field verifying the number of bedrooms and then tied back to the occupancy limit.

City Attorney Mora stated the city commission could decide whether or not to keep this language in.

CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (c)(15): A STATEMENT ATTESTING THAT THE OWNER HAS MADE ALL STRUCTURAL REVISIONS TO THE VACATION RENTAL PROPERTY, AND ALL OPERATIONAL POLICIES HAVE BEEN ADOPTED TO ENSURE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT'S REQUIREMENTS FOR PLACES OF PUBLIC ACCOMMODATION.

- (16) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and make to acknowledge, the city rules which must be disclosed to each guest, including the city's rules related to solid waste storage, setting out solid waste on correct collection days, the noise restrictions associated with the vacation rental's use, the parking restrictions, and the quiet hour rules, all as are set forth in this article and as otherwise set forth in the code.

Commissioner McCall asked that an addendum of the city rules and regulations be included to lease where the guest can sign. The addendum to be provided to the STR owners by the city and made part of their lease agreement.

CONSENSUS OF THE CITY COMMISSION FOR THE CITY TO PROVIDE AN ADDENDUM OF THE CITY'S RULES AND REGULATIONS TO STR OWNERS TO BE ATTACHED TO THE LEASE AGREEMENT AND TO BE SIGNED BY THE GUEST.

- (d) Forms must be fully completed, incomplete applications will not be processed. The city's administrative employees do not have the discretion to deny a registration application

which is found to be complete, and which is found to satisfy the requirements of this article. If a registration application is found by a city employee or official to be incomplete, or that the information submitted does not satisfy a requirement of this article, the city employee or official will notify the applicant in writing setting forth the deficiencies to be addressed. The applicant will then be allowed fifteen (15) days to provide any missing information or to otherwise revise the application to make it compliant with this article. If an applicant disagrees with a determination of the city employee or official as to the completeness of an application, or an application's compliance with this article, the applicant may, within fifteen (15) days of the date of the employee or official's determination, file a written appeal to the [special magistrate/city commission]. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal.

CONSENSUS OF THE CITY COMMISSION THAT ALL APPEALS WOULD GO TO THE SPECIAL MAGISTRATE.

Vice Mayor-Commissioner Houseberg suggested that the property owner provide their links on VRBO, Airbnb, and other advertising links and stated the city should if they do not.

Commissioner McCall stated that is what the host compliance company's software does.

City Attorney Mora stated the challenge with the links is to the extent that those are subject to change. Constantly making sure the city's records are consistent may be a challenge.

City Manager Mims stated if the STR owner is abiding by the ordinance, they should not have a link on the website. The host compliance company has access to approximately 80 platforms.

Commissioner Hanna stated the ordinance uses the word "residential," and these under ch. 509, F.S., are primarily commercial properties so should "residential" be changed.

City Attorney Mora responded negatively. He explained the construct of that it is a single-family home. The law treats those in the residential neighborhoods as single-family homes, residential properties, and are zoned as residential property, and its future land use designation is residential. The law treats it, whether fiction or not, that is a residential property.

Commissioner Hanna stated that usage has nothing to do with it. So, how the property is being used has nothing to do with it.

City Attorney Mora stated that a landlord owning and leasing property for a specified period is not a new legal construct and that it has not historically rendered every house a commercial property just because there is a tenant, whether for six months or six days. The property is still being used as a commercial property. The property owner is generating income from it; often above the leverage debts are on that property as an income-

producing property. So, this is still how the legal world looks at that. It is just for at a higher intensity and density. But, his advice is that the language there is deliberate as it is, and calling it differently will not change that construct.

Sec. XX-XXX. Modification/change of ownership of vacation rental registration.

(a) An amendment of a vacation rental registration application and affidavit of compliance shall be required, with payment of the appropriate fee, in the event that any of the following changes to the vacation rental are proposed:

- (1) An amendment to the owner's safety or parking plans. [if so required by City Commission]
- (2) An amendment to the owner's conduct rules to be followed by guests.
- (3) A change in the designated responsible person.

Such amendments will be approved by the city upon a finding by the city employee or official, as designated by the city manager, that the changed plans, rules or designation otherwise continue to comply with the requirements of this article.

(b) A change of ownership, including transfers between legal entities under common control, shall require a new application, and shall be accompanied by the applicable application fee.

Sec. XX-XXX. Duration of vacation rental registration.

A vacation rental registration shall be valid for one (1) year from the date the application is approved. An approved registration shall constitute permission to operate the vacation rental.

THE CONSENSUS OF THE CITY COMMISSION FOR VACATION RENTAL REGISTRATION TO BE VALID FOR ONE YEAR FROM THE DATE THE APPLICATION IS APPROVED.

City Manager Mims stated the BRT program is set up where the licenses are all due October 1st. He said he needs to speak to the finance director regarding how the vacation rental registration program will be set up. All are due on October 1st or from the date the application was approved.

Commissioner Houseberg stated it makes more sense to have the registration due on the date the application is approved than trying to bill them all on one day.

Sec. XX-XXX. Renewal of vacation rental registration.

A vacation rental owner must renew its registration annually prior to the expiration date of the previous vacation rental registration and is subject to an annual inspection and applicable fees.

Sec. XX-XXX. Inspection of vacation rentals.

(a) To verify compliance with the Florida Building, Fire, and Life Safety Codes applicable to the vacation rental property, and to verify the interior and exterior plans submitted with the application accurately depict the conditions on and in the property, and to ensure all required safety equipment such as phone line (maybe more specific "landline" and fire extinguishers are properly installed, and to verify the guest conduct information is properly displayed, each vacation rental shall, in conjunction with its initial or annual renewal application, be inspected by the city's code inspector, a representative of fire district servicing the city and, to the extent necessary, the city's building official or designated agent thereof. The city will endeavor to coordinate an inspection date with the owner and complete the inspection process prior to the expiration of an existing registration period. However, only as to renewing applicants, if the availability of a required inspecting official causes a delay in that process, the city manager is authorized to allow the vacation rental to continue operating on an interim basis for up to thirty (30) days. Newly-registering vacation rentals may not begin operating until the application process, including the associated inspection, is completed.

(b) If instances of noncompliance are found, all such instances of noncompliance shall be handled either as violations of the Florida Building, Fire, or Life Safety Codes are otherwise handled by the city and its officials under state law and city code or, if the violation is not related to a code under the jurisdiction of the building official, it shall be referred to code enforcement and handled as a code violation.

(c) Initial and annual inspections required under this section shall be made by the city's code inspectors and, a representative of fire district servicing the city through coordinating an appointment with the vacation rental owner or the owner's authorized agent or responsible person. If an inspection date is set but the required officials are, due to an action or inaction of the owner, the responsible person, or occupant, denied or otherwise unable to make entry onto the property to conduct the inspection on the date set, the owner must re-apply for an inspection and pay an additional inspection fee. The re-inspection fee shall be paid prior to scheduling the re-inspection. Failure of a vacation rental owner agent, or responsible person, as applicable, to make the vacation rental available for an inspection within twenty (20) days after notification by the city in writing that the city is ready to conduct the annual inspection shall constitute a violation of this article. Such violation shall continue until the inspection is accomplished.

Sec. XX-XXX. Sale of vacation rental property.

When title to a registered vacation rental is transferred due to sale or otherwise, the new owner shall file a new registration application within thirty (30) days from the date title changes to the new owner. A new owner may not continue to operate a currently-registered vacation rental if an application is not filed within the thirty-day period and any existing approved registration will expire on the thirty-first day from the date title changes.

Sec. XX-XXX. Vested rights; waiver; estoppel.

Approval of a vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel, nor shall it be construed as a waiver of any other requirements contained in the city code. It is not an approval of any other code requirement outside this article. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under state law or the Florida Building, Fire, or Life Safety Codes, or a violation of the code. In the event the city regains, either through judicial or legislative action, the authority to prohibit vacation rentals, or regulate their duration or frequency throughout the city or in specified zoning districts, the city reserves the right to terminate all vacation rental registrations. In that event, the city will coordinate with registered owners to develop an orderly cessation of operations.

Sec. XX-XXX. False information.

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by this article. Vacation rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the suspension or revocation of any license issued pursuant to such application, in addition to the prosecution of any related code enforcement violations.

Sec. XX-XXX. Advertising.

(a) No vacation rental may be advertised or used as an event venue for gatherings such as weddings [reconcile with city temporary use permit rules], corporate retreats, film productions.

Commissioner McCall stated he sees weddings on the list but does not see bachelor or bachelorette parties, which are a huge concern and problem.

City Attorney Mora stated that the list is non-exhaustive; however, bachelor and bachelorette parties can be added to the list as an example.

Commissioner McCall stated it was some of the feedback he received from the public and then during public comment. Those were two important things — bachelor and bachelorette parties. He asked if that language could be more general where things were not named.

City Manager Mims stated in the city code, there is a separate section entitled "Temporary Use Permit." A temporary use permit is required throughout the city, whether in a commercial district or residential district if there is a gathering of more than 50 people, which also addresses film productions. He stated he wanted to bring to the attention of the city commission the provision of the temporary use permit.

City Manager Mims stated the city commission could leave this language within the ordinance or amend the language where temporary use permits are not permitted for STRs.

City Manager Mims stated most temporary use permits processed and approved are weddings on the beach.

(b) Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the certificate of registration for the vacation rental, specifically including, but not limited to, maximum occupancy and display the city of Indian Rocks Beach Vacation Rental Certificate of Registration Number, and shall include the following statement:

"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."

(c) Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section and subject to the penalties contained in section XX-XX. The vacation rental certificate number shall be included on all advertising, including, but not limited to print and internet-based advertising. For advertisements published in newspapers, the owner or manager of the vacation rental unit may use an abbreviated version of the required advertising information provided that the newspaper ad refers readers to a website and posted notices in the vacation rental unit for a more detailed version of rules and regulations of booking a vacation rental unit.

Sec. XX-XXX. Duties of vacation rental owner and responsible person.

(a) Every vacation rental owner, or responsible person if one is designated, shall be available by phone at the listed phone number twenty-four (24) hours a day, seven (7) days a week, including holidays, to respond to contact by the sheriff's office, fire district, or other emergency personnel, or by any other regulatory personnel of the city. Failure of the vacation rental owner or responsible person to comply with this requirement shall be a violation of this article.

(b) Responsible person. If a vacation rental owner does not directly manage the registered vacation rental property owned by the owner, the owner shall designate a responsible person.

- (1) The responsible person shall be available twenty-four (24) hours per day, seven (7) days a week, for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. This person must have authority to immediately address and take affirmative action, within one (1) hour of notice from the city or other relevant governmental agency, on violations concerning life-safety, noise, violent confrontations, trespassing, capacity limit violations, and parking violations. A record shall be kept by the city of the complaint and the responsible person's response.
- (2) An owner may change his/her/its designation of a responsible person temporarily, up to thirty (30) cumulative days during any consecutive twelve (12) month period, or permanently; however, there shall only be one designated responsible person for each vacation rental property at any given time.
- (3) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the manager of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. Service of notice on the responsible person shall be deemed service of notice on the property owner, guest, occupant and violator.

(c) The vacation rental owner or responsible person shall obtain a copy of the photo identification of each vacation rental occupant who is 18 years of age or older prior to check-in, and shall maintain those records for a period of two years from the date of check-in and make such record available to the city upon request. [Commission input requested]

Commissioner McCall stated he would like the rest of the city commission's opinion on the copy of the photo identification for each vacation rental occupant.

Vice Mayor-Commissioner Houseberg stated it is intrusive.

Commissioner McCall stated he has rented across the country and has not run into this yet. He is not sure what the advantage of this would be. If there were an altercation or an issue, law enforcement would be called and they would check the ID.

Commissioner McCall stated he has a problem with someone holding onto someone's ID for two years in today's day and age.

THE CONSENSUS TO DELETE SUBSECTION (c): THE VACATION RENTAL OWNER OR RESPONSIBLE PERSON SHALL OBTAIN A COPY OF THE PHOTO IDENTIFICATION OF EACH VACATION RENTAL OCCUPANT WHO IS 18 YEARS OF AGE OR OLDER PRIOR TO CHECK-IN AND SHALL MAINTAIN THOSE RECORDS FOR A PERIOD OF TWO YEARS FROM THE DATE OF CHECK-IN AND MAKE SUCH RECORD AVAILABLE TO THE CITY UPON REQUEST.

(d) The owner or responsible person shall provide the city and post in a conspicuous place in the premises, the name, address and day/evening telephone numbers of the responsible person and be available twenty-four (24) hours per day, seven (7) days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. Any change in the responsible person shall require written notification to the city on forms provided by the city and in a manner promulgated by the city upon payment of the applicable fees.

(e) Complaints to the responsible person concerning violations by occupants of vacation rental units to this section shall be responded to within a reasonable time but in no instance greater than one (1) hour. A record shall be kept of the complaint and the manager's response, by the manager, for a period of at least two (2) years after the incident, a copy of which shall be made available to the city upon request. [Commission input requested]

(f) An owner may change his or her designation of a responsible person; however, there shall only be one (1) responsible person for each vacation rental property at any given time. To change the designated agent or responsible person, the owner shall notify the city in writing of the name, contact information and other information required in this subsection for the new responsible person, along with a signed affidavit from the new responsible person acknowledging receipt of a copy of this article and agreeing to serve in this capacity and perform the duties set forth in this article. Any notice of violation or legal process which has been delivered or served upon the previous responsible person, prior to the city's receipt of notice of change of the responsible person, shall be deemed effective service.

(g) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the responsible person of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a responsible person any person who does not expressly comply with the provisions of this section. The property owner and the responsible person shall jointly and severally be deemed to be the "violation" of this article as the term is used in Florida Statutes § 162.06. By designating a responsible person, a vacation rental owner is deemed to agree that service of notice on the responsible person at the address listed by the owner shall be deemed service of notice on the owner, responsible person, and violating guest. Copies of all code violation notices shall also be provided to the property owner in the manner set forth in Florida Statutes § 162.12. If, alternatively, a citation is

issued by the code enforcement officer or deputy, the citation process set forth in Florida Statutes § 162.21. [Commission input requested on any other requirements]

DIVISION X.
STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

Sec. XX-XXX. Generally.

The standards and requirements set forth in this article shall apply to the rental, use, and occupancy of vacation rentals in the city.

Sec. XX-XXX. Maximum occupancy based on site capacity/limitations.

[Commission input requested]

(a) Occupancy Restriction. The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to:

- Reference: Anna Maria: A total of eight occupants per vacation rental. In the event there is more than one building or dwelling on one platted lot, the maximum occupancy shall be capped at eight occupants per lot or structure, whichever is less.*
- Reference: Flagler County: Two (2) persons per sleeping room, meeting the requirements for a sleeping room, plus two (2) additional persons that may sleep in a common area. ******(in certain districts, occupancy is capped at 10 persons, and in others it is capped at 16)*******
- Reference: Holmes Beach: The maximum overnight occupancy of a vacation rental unit shall not exceed six (6) persons or two persons per bedroom, whichever is greater.*
- Reference: Indian Harbour Beach: The maximum occupancy of a vacation rental shall be limited to two (2) occupants (as defined herein) per bedroom (as defined herein) plus two (2) occupants with a maximum capacity of twelve (12) persons.*
- Reference: Marathon County: The occupancy of an individual dwelling shall conform to the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code. Notwithstanding the foregoing, total occupancy in all cases shall be subject to the following:*
 - a. *The maximum overnight tenant occupancy load of any vacation rental unit shall not exceed two (2) persons for each bedroom in the vacation rental unit, plus two (2) persons.*

- b. *Before the hours of 7:00 a.m. or dawn, whichever is earlier, and after 10:00 p.m., the occupancy load of the vacation rental may not exceed the maximum allowed number of overnight tenants.*
- c. *The city may grant additional occupancy limits, upon the application by the property owner, if the city determines that the vacation rental unit is on a lot greater than one-half (½) acre in area, has sufficient parking to accommodate a greater number of tenants than prescribed by this article, greater occupancy limits will not have an adverse impact on traffic, and that the additional occupancy would not cause a threat to fire safety. In no event shall the occupancy limit exceed the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code.*

- Reference: Redington Beach: Two (2) occupants (as defined herein) per bedroom (as defined in this article), but with a maximum capacity of eight (8) persons.*
- Reference: Sarasota: Maximum occupancy for vacation rentals in residential single-family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or ten (10) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy. Maximum occupancy for vacation rentals in residential multiple-family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or twelve (12) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy.*

City Attorney Mora stated staff had provided the city commission with a sampling of occupancy limits based on cities raised at previous meetings.

The city commission discussed at length occupancy limits and whether or not there should be different occupancy limits for STRs on the east side of Gulf Boulevard and on the west side of Gulf Boulevard.

Vice Mayor-Commissioner Houseberg suggested 2 per bedroom, with a maximum capacity of 10.

Commissioner McCall suggested 2 per bedroom, plus 2. He stated this is a beach community that likes children. If they have illegal, unpermitted bedrooms those will be rectified with inspections by the city, fire district, and county.

Commissioner McCall stated that since the ordinance includes the CT zoning district, his conflict comes in.

City Attorney Mora stated that in some of the examples that were provided, some of the communities broke down the occupancy limits into zoning districts. The city commission can make that delineation.

Commissioner Hanna stated 2 per bedroom, plus 2 with a maximum capacity of 8.

Mayor-Commissioner Kennedy stated one of the questions raised was about children under 6 and how that worked. She was looking at Sarasota because they have specific guidelines concerning children.

Commissioner McCall stated he agrees with that but, he is concerned with enforcement and management of that. How is that determined, and how do they advertise that?

Mayor-Commissioner Kennedy stated Indian Harbour Beach and Sarasota do not include children under 6 in the calculation of maximum occupancy. She would like the city commission to consider including language to that effect.

City Attorney Mora stated whether or not to have a children's restriction is a policy decision for the city commission.

City Attorney Mora stated there are at least three city commission members who agreed to 2 per bedroom, and two city commissioners have decided to 2 per bedroom, plus 2.

City Attorney Mora stated Mayor-Commissioner Kennedy and Commissioner Bond had not given their input.

Commissioner Bond stated he has done a lot of traveling with children in a scenario like this. The city commission can look at the bachelor party thing and all of that. But, most people are not traveling that way, and he wanted to ensure the city was not penalizing people for being a family.

Vice Mayor-Commissioner Houseberg stated the city commission is trying to decide the maximum occupancy for a house because a person can still put four adults and six children in place.

Commissioner Bond stated that is what the city comes up against — it is the intention versus the reality.

Vice Mayor-Commissioner Houseberg stated the city commission is not here to regulate little children having fun here.

Commissioner Bond stated the city commission likes 2 per bedroom, plus 2. What about the game room?

City Attorney Mora stated the way it is written it will not be by room. The way the regulation is written is 2 per bedroom, plus 2. Where they sleep is beside the point.

Commissioner McCall stated he does not understand how the city would administer children under 6 because the software that the city will be using would surf the internet for STRs with a maximum occupancy of over 12.

City Manager Mims stated from an administrative standpoint, it is easier to have a maximum occupancy total.

Commissioner McCall stated his other concern is maximum occupancy limits in the CT zoning district. He asked what happens if there is a beach house with six bedrooms. The city says six couples cannot come down and rent a six-bedroom beach room if the maximum occupancy is ten.

City Attorney Mora stated there necessarily does not need to be a maximum occupancy limit. The max can flow just from the number of bedrooms. All those options exist.

Commissioner McCall stated there needs to be a maximum occupancy cap because if there is not one, someone will come in and build a ten-bedroom house.

Commissioner McCall stated he is at 2 per bedroom, plus 2 with a maximum capacity of 10.

Vice Mayor-Commissioner Houseberg stated she is at 2 per bedroom, plus 2, with a maximum capacity of 10.

Commissioner Bond stated he would like to see the maximum capacity a little higher than that.

Commissioner McCall stated he would like to see the CT zoning district's occupancy maximum capacity separate, with Commissioner Bond agreeing.

Mayor-Commissioner Kennedy stated she is also fine with 2 per bedroom, plus 2 with a maximum capacity of 10. She agrees with a higher maximum. If the city commission is talking about bedrooms and there are very few, she believes there has to be a maximum capacity limit.

Commissioner Bond stated he lives in what was a vacation rental home and has a ridiculous number of bedrooms and bathrooms, which are very small. But, the fact is this ordinance would not conform to his property if it were an STR. He does not want to deny anybody else the right to do what they need with their property and the amount of space they have.

Vice Mayor-Commissioner Houseberg suggested 2 per bedroom, plus 2 with a maximum capacity of 10, not including children under 12.

Commissioner Bond stated he does not see the value of putting a cap that constricts someone beyond the number of bedrooms they have. It does not make sense to him.

Commissioner McCall stated he does agree with his general principle on property rights. He said there needs to be a maximum capacity limit because the city will start seeing mc-mansions, which is his concern.

Commissioner McCall stated 2 per bedroom, plus 2 with a maximum capacity of 10, is acceptable and would reduce the issues the city has been having with a 2-bedroom, 2-bath being advertised as sleeping 16.

Mayor-Commissioner Kennedy stated she agrees — 2 per bedroom, plus 2 with a maximum capacity of 10.

City Attorney Mora stated he is not clear with Commissioner McCall's recommendations. He said in the zoning districts on the east side of Gulf Boulevard, from 5th Avenue to 28th Avenue, Commissioner McCall suggested 2 per bedroom, with a maximum capacity of 10. In the CT zoning district, 2 per bedroom, with a maximum capacity of 16.

Mayor-Commissioner Kennedy responded negatively.

Commissioner Bond asked historically how the city has dealt with STRs on the west side of Gulf Boulevard. Have there been any occupancy restrictions on the west side?

Mayor-Commissioner Kennedy responded negatively.

Commissioner Bond stated what the city commission is proposing is putting occupancy restrictions on both the east and west sides of Gulf Boulevard. So while the issue is happening on the east side of Gulf Boulevard, why should the city put occupancy limits on the STRs on the west side?

Commissioner Bond stated he does not know if the city wants to put a damper on development on the west side of Gulf Boulevard. The usage on the west side does not seem problematic. He does not see the value of laying on another level of stuff for them to worry about on the west side.

Mayor-Commissioner Kennedy stated that property owners are having some issues and problems with STRs on the west side of Gulf Boulevard.

Commissioner Bond stated just because the city commission is addressing the east side of Gulf Boulevard problems, does the city commission want to wrap the west side into this just because it is there?

Mayor-Commissioner Kennedy asked if each zoning district could have different occupancy maximum capacities.

City Attorney Mora responded affirmatively.

Commissioner McCall asked whether the maximum capacity would apply to each unit or the entire property, such as a duplex.

City Attorney Mora stated he had seen maximum capacity treated in other communities based upon dwelling unit. A single-family home is a single-dwelling unit. If it is a duplex, there is Unit A and Unit B, those are distinct dwelling units, and each unit would be limited to the bedrooms within that unit. The city commission can decide that.

THE CONSENSUS OF THE CITY COMMISSION FOR OCCUPANCY MAXIMUM CAPACITY FOR VACATION RENTALS ON THE EAST SIDE OF GULF BOULEVARD (RESIDENTIAL NEIGHBORHOODS) IS 2 PER BEDROOM, PLUS 2 WITH A MAXIMUM OCCUPANCY CAPACITY OF 10.

Commissioner Bond stated he would not have a maximum capacity in the CT zoning district but would have 2 per bedroom, plus 2.

Commissioner McCall stated his concern with not having a maximum capacity would be the possibility of losing the cottages and properties to redevelopment.

THE CONSENSUS OF THE CITY COMMISSION FOR OCCUPANCY MAXIMUM CAPACITY FOR VACATION RENTALS ON THE WEST SIDE OF GULF BOULEVARD (CT ZONING DISTRICT) IS 2 PER BEDROOM, PLUS 2 WITH A MAXIMUM OCCUPANCY OF 12.

THE CONSENSUS OF THE CITY COMMISSION IS TO HAVE NO MINIMUM CAPACITY REQUIREMENT.

(b) *Phased in Occupancy Uses.* (Reference: Anna Maria & Sarasota). Notwithstanding the above, a vacation rental that was lawfully used as a vacation rental [prior to the effective date], may have a higher maximum occupancy limitation in accordance with this subsection (b). As to the application of the maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of [prior to the effective date], it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing in of maximum occupancy in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the certificate of registration process.

THE CONSENSUS OF THE CITY COMMISSION TO HAVE A PHASE IN OCCUPANCY USES SECTION.

- (1) The maximum occupancy for vacation rentals lawfully in existence on [prior to the effective date] shall temporarily be capped at no more than number (##) provided that all the requirements to obtain a certificate of registration in accordance with this code are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect from effective date through March 1, 2025.

CONSENSUS OF THE CITY COMMISSION FOR THE MAXIMUM OCCUPANCY FOR VACATION RENTALS LAWFULLY IN EXISTENCE ON [PRIOR TO THE EFFECTIVE DATE] SHALL TEMPORARILY BE CAPPED AT NO MORE THAN TWO (2) . . .

- (2) The maximum occupancy for vacation rentals lawfully in existence on [prior to effective date] shall be reduced from number (##) to established restricted number) for the one-year period commencing date through date provided that all requirements to obtain a certificate of registration in accordance with this code are satisfied and a certificate of registration is issued.

THE CONSENSUS OF THE CITY COMMISSION FOR THE MAXIMUM OCCUPANCY FOR VACATION RENTALS LAWFULLY IN EXISTENCE ON [PRIOR TO EFFECTIVE DATE] SHALL BE REDUCED FROM TWO (2) TO ESTABLISHED RESTRICTED NUMBER) FOR THE ONE-YEAR PERIOD COMMENCING. . .

- (3) After [set period], the maximum occupancy for all vacation rentals shall be as provided in [established restriction].
 - (4) The maximum occupancy limitations set forth above shall not apply in the event two (2) or more adjudicated violations of this chapter, another provision of the City Code or the city zoning code occur at the vacation rental and shall terminate in the event the vacation rental is sold or title to the vacation rental is otherwise transferred.
- (c) Owner-Occupied Exception. The maximum occupancy restriction as set forth above shall not apply when the property is owner-occupied by the vacation rental owner, if the owner is a natural person.

Commissioner McCall stated that this subsection should not be deleted as this is a person's primary home and that may have a rental component with them. The house would be opened up to inspections, etc.

CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (c). OWNER-OCCUPIED EXCEPTION. THE MAXIMUM OCCUPANCY RESTRICTION AS SET FORTH

ABOVE SHALL NOT APPLY WHEN THE PROPERTY IS OWNER- OCCUPIED BY THE VACATION RENTAL OWNER, IF THE OWNER IS A NATURAL PERSON.

Sec. XX-XXX. Minimum safety and operational requirements and limitations.

(a) Each vacation rental shall comply with all requirements and standards under state law, including the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Code and Life Safety Code.

(b) Each vacation rental shall install, maintain and have ready for guest use at least one working landline telephone with the ability to call 911. [Commission input requested] This telephone shall be located in the common area on the first occupied floor of the vacation rental. The landline telephone number shall be registered at all times with Pinellas County Emergency Management for the purpose of receiving emergency alerts for items including, but not limited to, mandatory evacuations for hurricanes and requests to limit utility usage. Additionally, the landline telephone number shall be registered at all times with the Pinellas County Utilities Department for the purposes of receiving boil water alerts.

~~**THE CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (b): EACH VACATION RENTAL SHALL INSTALL, MAINTAIN AND HAVE READY FOR GUEST USE AT LEAST ONE WORKING LANDLINE TELEPHONE WITH THE ABILITY TO CALL 911. THIS TELEPHONE SHALL BE LOCATED IN THE COMMON AREA ON THE FIRST OCCUPIED FLOOR OF THE VACATION RENTAL. THE LANDLINE TELEPHONE NUMBER SHALL BE REGISTERED AT ALL TIMES WITH PINELLAS COUNTY EMERGENCY MANAGEMENT FOR THE PURPOSE OF RECEIVING EMERGENCY ALERTS FOR ITEMS INCLUDING, BUT NOT LIMITED TO, MANDATORY EVACUATIONS FOR HURRICANES AND REQUESTS TO LIMIT UTILITY USAGE. ADDITIONALLY, THE LANDLINE TELEPHONE NUMBER SHALL BE REGISTERED AT ALL TIMES WITH THE PINELLAS COUNTY UTILITIES DEPARTMENT FOR THE PURPOSES OF RECEIVING BOIL WATER ALERTS.**~~

(c) Each vacation rental shall post a copy of the city's rules required by § XX-XXX either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point. If the city publishes rules applicable to vacation rentals on the city's website, the posted rules must, at a minimum, contain those rules.

(d) Since vacation rentals are places of public accommodation, all vacation rentals shall be structurally modified in such a manner as to be compliant with the applicable provisions of the Americans with Disabilities Act and the Florida Accessibility Code. Owners shall ensure their operational policies and hosting platforms comply with the requirements of the Americans with Disabilities Act.

~~CONSENSUS OF THE CITY COMMISSION TO DELETE SUBSECTION (d): SINCE VACATION RENTALS ARE PLACES OF PUBLIC ACCOMMODATION, ALL VACATION RENTALS SHALL BE STRUCTURALLY MODIFIED IN SUCH A MANNER AS TO BE COMPLIANT WITH THE APPLICABLE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT AND THE FLORIDA ACCESSIBILITY CODE. OWNERS SHALL ENSURE THEIR OPERATIONAL POLICIES AND HOSTING PLATFORMS COMPLY WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT.~~

(e) Each vacation rental shall post a copy of the owner's conduct rules required by § XX-XXX either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point.

(f) Each vacation rental shall post the occupancy capacity limit for the vacation rental. The occupancy capacity limit for the vacation rental shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The occupancy capacity limit shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 20-point.

(g) Each vacation rental shall post the name, email and phone number of the owner or designated responsible person. This information shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door, shall be rendered in English using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point.

(h) No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m. [Commission input requested – ref § 26-37]

(i) No pool, spa, Jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any person between the quiet time hours of 10 p.m. and 7 a.m. [Commission input requested]

Commissioner Bond stated he would not want to restrict pool use between the hours of 10 p.m. and 7:00 a.m.

Mayor-Commissioner Kennedy stated that is part of the problem with vacation rentals.

Commissioner Hanna stated that language needs to stay in because a lot of noise and other issues have come from the pool areas.

Vice Mayor-Commissioner Houseberg stated that pools always generate music and noise after 10:00 p.m.

Commissioner McCall stated it is a noise issue, unfortunately.

THE CONSENSUS OF THE CITY COMMISSION TO PRESERVE SUBSECTION (i): NO POOL, SPA, JACUZZI, OR OUTDOOR SPORT COURTS ON THE PROPERTY OF A VACATION RENTAL MAY BE USED BY ANY PERSON BETWEEN THE QUIET TIME HOURS OF 10:00 P.M. AND 7:00 A.M.

(j) Amplified music or other sound, including amplified spoken voices, is strictly prohibited from being played at any time on the property of a vacation rental, except where such amplified music or sound is played within the residential structure, over speakers located only within and not on the exterior of the residential structure, and where the windows and doors of the vacation rental are closed.

Commissioner McCall clarified that subsection (j) means that someone could not have a speaker by the pool at any time because he does not see any time frames in this subsection for amplified music.

City Attorney Mora responded as written. That is what it says—no outside speakers.

Commissioner McCall stated that deputies would be called for a floatable speaker during regular hours — not after 10:00 p.m. He said the city's noise ordinance falls in if it gets out of hand.

City Attorney Mora stated that, as written, it is a per se prohibition. The city commission can amend that language because its noise ordinance regulates it. As noted, as Commissioner McCall described, a person could not have a blue tooth speaker by the pool, such as a cell phone, at a vacation rental.

Commissioner Bond suggested that amplified music be allowed at vacation rentals between 10:00 p.m. and 7:00 a.m., the same time frame as for pools, spas, and jacuzzis.

CONSENSUS OF THE CITY COMMISSION NO AMPLIFIED MUSIC ON THE PROPERTY OF VACATION RENTALS MAY BE USED BY ANY PERSON BETWEEN THE QUIET TIME HOURS OF 10:00 P.M. AND 7:00 A.M.

Sec. XX-XXX. Parking, solid waste disposal, legal compliance, evacuations, miscellaneous provisions.

(a) [subject to any parking restrictions to be established by City Commission].

Reference: Anna Maria: The maximum number of vehicles that will be allowed to park at the vacation rental. Such number of vehicles shall not exceed the number of parking spaces located at the vacation rental as shown in the sketch submitted

with the vacation rental registration, plus any other legal parking spaces that the vacation rental owner can show are available to the vacation rental.

- ❑ *Reference: Flagler County: Parking standard. Based on the maximum short-term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) transient occupants. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street parking shall not be permitted.*
- ❑ *Reference: Holmes Beach: All vacation rental units within the city are required to provide one on-site parking space per bedroom.*
- ❑ *Reference: Indian Harbour Beach: All vehicles associated with the vacation rental, including visitors not residing at the vacation rental, must be parked in compliance with the City of Indian Harbour Beach Code of Ordinances. All vehicles associated with the vacation rental must be parked within a driveway located on the subject property. There shall be no sidewalk, on street, right-of-way, or grass parking. Parking shall be paved and shall not be located off the vacation rental property, including common areas.*
- ❑ *Reference: Marathon: The owner shall provide off-street parking on property owned or lawfully leased by the owner of the property or the occupants for all vehicles, watercraft and trailers to be used by the tenants during any occupancy. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space. Vehicles, watercraft, and trailers may be parked on the right-of-way within the limits of the vacation rental unit property lines if it is the common practice of those on the street where the vacation rental is located, and the placement of the vehicle, watercraft, or trailers would not impede the normal and safe flow of traffic on the street.*
- ❑ *Reference Redington Beach: All vehicles associated with the vacation rental, including the vehicles of temporary visitors present between the hours of 7 a.m. and 9 p.m., must be parked in compliance with the town's parking regulations and must be parked within the legal boundaries of the property and on a paved or bricked parking surface depicted in the registration application's parking diagram. Vehicles associated with the vacation rental are strictly prohibited from parking in any other manner or location within the town, including on any town sidewalk, street, right-of-way, swale, or grass parking. Recreational vehicles (RVs), boats, jet skis and similar watercraft, campers, and trailers may not be parked at vacation rentals. Commercial motor vehicles, as defined in § 21-1 may not be parked at vacation rentals.*
- ❑ *Reference: Sarasota: All vehicles associated with the vacation rental shall be parked within a driveway or parking area located on the premises and in compliance with all applicable city ordinances.*

City Attorney Mora stated the city code provides that any property owner can park on the street and the grass. The city does not have any restrictions specific to that, which the city commission has discussed.

City Manager Mims stated the city commission had been provided with section 110-372, Required number of parking spaces, of the Code of Ordinances that defines the required parking for each of the different uses. For example, single-family and two-family dwellings are required two parking spaces per dwelling unit. He would recommend that multi-family and the business district be left as they are because their requirements are already more restrictive. If the city commission is going to discuss amending parking requirements, he would recommend discussing the single-family and two-family dwelling districts, as that is where the parking issues have been.

Mayor-Commissioner Kennedy stated she discussed the city of Holmes Beach parking requirement for vacation rentals with the city manager, which is one on-site parking space per bedroom.

Vice Mayor-Commissioner Houseberg stated she prefers the city of Anna Maria Island's regulations, which says "such number of vehicles shall not exceed the number of parking spaces located at the vacation rental," and on-street parking shall be prohibited.

City Attorney Mora stated that is a good starting point, but the challenge is that it does not establish a number. It says the "maximum number of vehicles that will be allowed to park at the vacation rental. Such vehicles shall not exceed the number of parking spaces on the vacation rental." The property owner would be required to provide a parking plan to the city, and on-street parking shall not be permitted.

City Manager Mims stated if the city commission enacted an ordinance that said all parking had to be located on the vacation rental, which the PCSO receives a call about on-street parking in the surrounding area, how would the deputy determine whose car belongs to what property?

Captain Leiner responded that it would be difficult from an enforcement standpoint. The PCSO cannot share information with the city that it receives from running vehicle tags.

Commissioner McCall stated he likes one parking space per bedroom. He also liked Flagler County because it was based on the maximum short-term transient occupancy permitted — one parking space per three transient occupants. He stated the occupancy capacity helps the city's parking situation with vacation rentals.

Commissioner Hanna stated his concern is about people parking on the grass — it looks terrible and could cause drainage. The biggest complaints that he has heard are noise and traffic.

THE CONSENSUS OF THE CITY COMMISSION FOR ALL VACATION RENTAL UNITS WITHIN THE CITY IS REQUIRED TO PROVIDE ONE ON-SITE PARKING SPACE PER BEDROOM AND ALL PARKING SPACES TO BE ON A PERMITTED PAVED SURFACE.

(b) Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance § [insert cross reference] of the code, and on the day(s) of the week set out in the city's solid waste franchise agreement.

(c) All persons renting and occupying a vacation rental shall comply with all local, state and federal laws applicable to their conduct at all times, including those related to illegal activities, the creation of nuisances, disturbances of the peace, and responses to emergency declarations.

(d) Vacation rental occupants must participate in all mandatory evacuations due to hurricanes, tropical storms or other threats to resident safety, as required by state and local laws.

(e) [Reconcile with City temporary use permit rules] Neither a vacation rental property, nor a person renting or occupying a vacation rental, shall be eligible for a special event permit to be conducted on the vacation rental property.

(f) No temporary storage containers may be stored on the vacation rental premises. The term "temporary storage container" shall mean any container, structure, box, cylinder, or crate made of any material not permanently affixed to real property, that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the city for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Provided, however, with prior authorization from the building department a temporary storage container may be authorized during valid construction permit activity for this location. For purposes of this section, a garbage can or a recycling container, as those terms are defined in §XX-X of the code, are not temporary storage containers.

(g) No accessory structure, vehicle, recreational vehicle, trailer, camper, or similar apparatus shall be utilized or rented as a vacation rental.

Sec. XX-XXX. Residential amenities rentals prohibited.

(a) The owner or the tenant or authorized agent of an owner of a single-family dwelling, duplex, duplex townhouse, or townhouse (as those terms are defined in § XX-X of this code) is prohibited from listing on any online marketplace for rent or lease, any amenity, feature, or accessory building or structure, appurtenant to or associated with such single-family dwelling, regardless of the purpose or length of time of said rental or lease, or

otherwise renting or leasing individual amenities, features, or accessory buildings or structures on the property separate or apart from the primary structure.

(b) For purposes of this section, the words "amenity, feature, or accessory building or structure" includes, but is not limited to, sheds, garages, docks, boat slips and lifts, driveways, rooftops, attics, pools, spas, saunas, putting greens, sports courts, gardens, gazebos, or front, rear or side yards.

(c) This section does not apply to the renting or leasing of clubhouse rooms or spaces, storage closets, parking spaces or garages of condominiums, as that term is defined in § XX-X of this code, when the rental or lease is between the condominium association and its residents or between a condominium resident and another condominium resident.

(d) Notwithstanding the prohibition in subsection (a), an owner may rent or lease the owner's boat slip or boat lift where such rental is for a minimum of thirty consecutive days.

Sec. XX-XXX. Additional required local information provided in a vacation rental.

(a) In addition to the information required to be posted in each vacation rental pursuant to § XX-XXX, there shall also be provided, in a prominent location on the inside of the vacation rental, the following written information:

- (1) The official street address and landline telephone phone number of the vacation rental.
- (2) A copy of a document to be supplied by the city which includes excerpts from city code provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, noise regulations, and regulations related to sea turtles and sea turtle lighting.
- (3) The maximum number of vehicles that will be allowed to park at the vacation rental, along with a sketch of the location of the paved off-street parking. [Commission input requested]
- (4) The days and times of trash and recycling pickup.
- (5) Phone number and address of HCA Florida Largo Hospital, HCA Florida St. Petersburg Hospital and Morton Plant Hospital, and directions from the vacation rental to each hospital.
- (6) Emergency and nonemergency phone numbers for the Pinellas County Sheriff's Office and Pinellas Suncoast Fire and Rescue District.

- (7) Emergency evacuation instructions and routes.
- (8) Rip currents are prevalent in the Gulf of Mexico, information from the National Weather Service, available via from <http://weather.gov> shall be provided to occupants on the dangers of rip currents that occur in the Gulf of Mexico.
- (9) Notice of the need for respect for the peace and quiet of neighborhood residents, especially between the quiet hours of 10 p.m. and 7 a.m. [Commission input requested] established in this article, and a statement that all occupants are prohibited from playing amplified music or sound outside of the vacation rental structure, and from making excessive or boisterous noise in or on the vacation rental property, at all times.
- (10) There shall be posted, next to the interior door of each bedroom, and the exterior doors exiting the vacation rental a legible copy of a building evacuation map—Minimum eight and one-half inches (8-1/2") by eleven inches (11").

Sec. XX-XXX. Minimum life/safety requirements. [to check against PSFRD Requirements]

(a) Swimming pool, spa, and hot tub safety. A swimming pool, spa, or hot tub shall comply with the current standards of Florida Statutes Chapter 515 Residential Swimming Pool Safety Act.

(b) Smoke and carbon monoxide (CO) detection and notification system. There shall be a smoke and carbon monoxide detection system installed and maintained in compliance with the requirements of Florida Building Code Residential, Sections R314 Smoke Alarms R315 Carbon Monoxide Alarms.

(c) Fire extinguisher. Each vacation rental shall install and maintain a working AFFF (aqueous film-forming foam) or FFFP (film-forming fluoroprotein) fire extinguisher rated for use on both Class A and Class B fires on each floor. The fire extinguishers shall not be installed inside of a closet or cabinet, but rather must be installed on a wall in an area clearly visible to guests. Each fire extinguisher shall be installed and maintained in compliance with NFPA 10.

(d) Battery powered emergency lighting. Battery powered emergency lighting, which illuminates automatically for at least one (1) hour when electricity is interrupted, is required at each building exit.

**DIVISION X.
EXEMPTIONS**

Sec. XX-XXX. Exemption for pre-existing rental agreements.

Notwithstanding any other provision of this article, a rental agreement with prospective occupants for vacations rentals that were entered as of [effective date of ordinance] (hereinafter "pre-existing agreement") is exempt from the provisions of this article to the extent any term of this article conflicts with a term of the pre-existing agreement.

If a vacation rental is cited for a violation of this article, (that would not be a violation if it were not for this article), when the vacation rental is occupied under the terms of a pre-existing agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from this article due to it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the vacation rental owner or otherwise determined by the fact finder:

- (1) Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement;
- (2) Copy of e-mail or other communication evidencing a binding pre-existing agreement;
- (3) Information from the occupant confirming that there was a binding agreement in a time-frame to make the agreement a pre-existing agreement under this chapter; or
- (4) Written vacation rental agreement dated prior to [effective date of ordinance].

If it is reasonably determined by the code enforcement officer or deputy, and confirmed by the city's special magistrate, that any information supplied to the city in support of an application for exemption or in support of a defense based upon pre-existing agreement was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a code enforcement proceeding and prosecution under Florida Statutes § 837.06.

Sec. XX-XXX. Exemption for owner occupied vacation rentals. [Commission input requested]

The provisions of this article shall not apply to owner occupied vacation rentals or property which is homestead under the Florida Constitution and Florida law from forced sale under any process of law. Any person desiring to qualify for the exemption herein shall file an affidavit in substantially the following form:

"Affidavit of Exemption"

State of _____
County _____

Before me the undersigned authority personally appeared _____ (hereinafter the "Owner") who upon oath deposes and states:

1. I am over the age of 18 and competent to make this Affidavit.
2. I own the following real property in the City of Indian Rocks Beach, Pinellas County, State of Florida:
(Legal description and Street Address)
3. Check one or both as applicable:
() I currently occupy the property described in paragraph 2 above and have resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.
or
() I have applied for and received the homestead tax exemption as to the above-described property, that _____ is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.
4. The purpose of this Affidavit is to qualify for exemption from the City of Indian Rocks Beach Vacation Rental Ordinance.

Sworn and subscribed before me by _____ this _____ day of _____ 20____

Notary"

Commissioner McCall stated that owner-occupied vacation rentals should be exempt because it is their home. It is their primary residence.

THE CONSENSUS FOR THE CITY COMMISSION TO KEEP THIS SECTION IN ABOUT EXEMPTION FOR OWNER-OCCUPIED VACATION RENTALS REGARDING HOMESTEAD UNDER THE FLORIDA CONSTITUTION AND FLORIDA LAW FROM FORCED SALE UNDER ANY PROCESS OF LAW.

3. PUBLIC COMMENT.

Don House, 2104 Beach Trail, stated he lives in the CT zoning district. He noted the CT zoning district needs to be carved out. When he first moved here, four motels and 30 other units were within 100 steps from his house. There were only two permanent residences. He stated his family lived with a lot of short-term rentals. There was never a problem with the short-term rentals because they were rented to older northern tourists, and the motels had on-site management.

Mr. House stated that about 100 feet from his front door (north and south) are two public beach access parking lots with no restrictions, and behind him is the public beach where beach-goers can do anything. He would be happy if the city enforced half the rules adopted for short-term rentals on the east side of Gulf Boulevard to the beach accesses and the beach.

Mary Kay Carodine, 612 Barry Place, stated that communication is the key between the STR owner and the renter and between the STR owner and the city. She said developing relationships with neighbors, the code enforcement officers, and other STRs is another essential key to helping resolve the problems.

Rod Baker, 364 Bahia Vista Drive, stated square footage of a residence is a better metric for limiting occupancy of STRs. If the city does not know the number of bedrooms, the city will not catch the garage conversions, but with square footage, garage conversions will be caught. He asked if both sides could declare victory. He stated the proposed regulations address the locals or homeowners' issues. They are commonsense regulations that do not burden the STRs and are not overreaching.

Jason Arnold, 108-11th Avenue, stated the city needs to bring back that energy and that positivity. If someone lives on the beach, everyone should enjoy it, support each other, and do things the right way together. Enforcement is a big issue for him, which is missing and lacking with the STRs. He stated the regulations are in place but are the procedures, the processes, and the people in the area to enforce those to make an impact. He thinks that is a better solution than adding regulation after regulation.

Mr. Arnold stated he is an owner of his property, does short-term rentals as well, and is there as often as he can be — several months throughout the year. For 14 years, he and his family have spent Thanksgiving at his IRB house. With these new regulations, he cannot host his entire family at his house. They will not be able to park at his property any longer. These regulations are not fair. He is sure that these regulations will not only impact him.

Mr. Arnold stated in addition, his renters will not be able to park in front of his residence. However, anyone from Largo or elsewhere can park in front of his place. These are some of the things that the city commission needs to think about — how will those regulations impact the property owners? He stated permanent residents cause just as much noise as other vacation rentals. Some of these regulations should be considered across the board, not just for vacation rentals.

Patti Katz, 124-13th Avenue, stated vacation rentals are businesses and should be considered different from homeowners. She lives in a residential neighborhood where she should be able to enjoy certain things. Businesses should have restrictions as all businesses do. She disagrees with children not counting as part of the occupancy. For example, if six children and four adults are in a two-bedroom STR, the amount of noise

generated from that house would be outrageous. She reiterated that she lives in a residential neighborhood, and people parade up and down her streets that she does not know, and she does not feel safe anymore.

Darrell (LNU) stated this whole process should focus on the real noise issue. These monumental regulations that the city commission tries to put on rental owners will cause bureaucratic nightmares. The real problem is the noise and the disturbance to the friendly people who live in the residential neighborhoods.

Joyce Swankie, 323 La Hacienda Drive, stated the city should not waste taxpayers' money on lawsuits. She would like for the city to use its tax dollars productively. Do what is right for the entire town and select unbiased, reasonable, feasible ordinances that someone can economically enforce. Do not open this town to lawsuits.

Tracy Kapres, 1204 Bayshore Boulevard, asked about the 24-hour responsible party person, which she completely understood. However, the one-hour response time will probably be tough sometimes. She suggested that the city accept an alternate person as a responsible party on the application because she was unsure if that was agreed upon.

Mayor-Commissioner Kennedy stated the city would accept an alternate person on the application.

Eddie Bie, 497-20th Avenue, stated a lot of effort has gone into this to try and make it a balanced ordinance where people can still have vacation rentals. Still, there also have to be some provisions in there that prevent the kind of problems that the city has been having. There is one thing that the city commission may have overlooked, and that is the cottages. Some old cottages and motels do not have bedrooms — they are efficiencies.

George (LNU), 42 Gulf Boulevard, stated he owns seven vacation rentals and spoke on the economic impacts and property and tourist taxes. He noted the big northern government philosophy is to punish the 95% that obey rather than dealing with the 5% that do not. A small number of out-of-town residents/owners use pretty unscrupulous vacation property management companies that are just chasing the dollars, and they do not do anything about the nuisances. He would say to act on them with excessive punishment.

Rajesh Mittal, 717 East Gulf Boulevard, (unintelligible — on Zoom). He stated the city should apply the pool, spa, and Jacuzzi restrictions to residents and vacation rentals because both can be equally obnoxious.

Michael Loverde, 407 Maxwell Place, stated that they can spend every day with his daughters, teach them lessons, and home-school them because he owns vacation rentals. If the city took those rights away from him, it would completely change the dynamics of his family and prevent his children from seeing their family as his parents, grandparents, cousins, aunts, and uncles have stayed at vacation rentals in the last couple of months.

Ninety-five complaints are from the big party houses, and with the occupancy limits, it will take care of that issue.

Mr. Loverde stated maybe the city commission could consider exempting the one and two-bedroom vacation rentals from some of the regulations and make the regulations more geared to the more significant rentals.

Alicia Harris, 1211-20th Avenue, stated she has eight children and rents a vacation rental in Indian Rocks Beach. She said she loves her vacation rental and would like to enjoy the pool as a resident does. She stated that with all the regulations, not every family, child, parent, adult, or square peg fit in a round hole. Some families come down here with special needs that someone might hear as screaming. She is just worried that with too many regulations, the city will get neighbors starting to police neighbors. She has a special needs child who cannot go to a hotel room; they have to go to an Airbnb. She had to call the police at 10:00 p.m. when they were in the pool. Her son loves the pool. She stated with more regulations, the city commission is trying to fit everybody into this one hole, and not all families are the same.

Todd Gehrke, 323 Harbor Drive, asked if a gravel side parking space would meet the required parking space regulation and, after that, asked about boat parking. He wondered if all the parking on grass regulations pertain to residents. He asked if all violations were equal. For example, if someone throws a frat party or leaves their trash cans out for an extra day, is that the same, or will there be a different classification?

Adrienne Dauses, 2008 Gulf Boulevard, Gulf Breeze Inn, stated the CT zoning district should not be grouped with the residential properties on the east side of Gulf Boulevard. The CT zoning district should be separate. The Gulf Breeze Inn has been a vacation rental for 73 years, like many cottages in Indian Rocks Beach. Gulf Breeze Inn just received the preservation award two years ago from the city. The inn has been following these life safety rules since its operation. The health department, the fire district, and the fire marshal inspect them. The inn must follow a whole set of rules that the east side vacation rentals are not required to follow.

Chad Miller, 1809 Gulf Boulevard, asked that the city commission reconsider the \$400 application fee and make it a more reasonable fee, like \$150. Instead of a single responsible person, he referred to a "call tree."

Laura Rowland, 1206 Gulf Boulevard, stated she is a full-time resident of IRB and owns a vacation rental. Her family believes in sharing the community with others, which is what IRB has always been built on. Her family never wanted to negatively affect other residents or vacationers, so they are responsible vacation rental owners and feel that is important. She would like the city commission to reconsider including the CT zoning district in this legislation. She lives in the CT zoning district and is surrounded by vacation rentals. She is rarely bothered by it. This city section should be handled separately as there are a few

issues with noise complaints, parking, etc. She comes from a financial background and does not understand how the numbers add up for the \$400 vacation rental application registration fee. Based on 1,900 vacation rentals, the city would collect \$360,000 annually and asked where that money would go.

Matt Knez, 621-2nd Street, stated he owns a duplex in IRB but decided to live in Palm Harbor due to the school system. His family does stay at the property from time to time. He clarified that the document says if he comes and stays at his house, he cannot use his pool or hot tub after 10:00 p.m. The city has a noise ordinance that addresses loud and excessive noise and loud amplified music, and a deputy should be called to shut it down. Much of what is being put into place is great for the community. However, the city should address more widespread issues throughout the community. One issue is parking. Parking is a huge issue everywhere. People from everywhere park on the side streets in front of houses, and it is not vacation renters; it is the beach-goers. He does not know why the city does not have paid parking on the side streets, but he thinks that should be widely considered. Paid parking would curb the parking issue citywide and curb outsiders from coming into the community utilizing free beach parking and clogging the streets.

Mr. Knez stated the city commission should consider prohibiting boat or boat trailer parking in the front yard for longer than 48 hours to help clean up the parking in front yards.

Ernie Bach, Largo, stated this is not just an Indian Rocks Beach issue but a nationwide one. He has seen whole towns ruin by short-term rentals.

Annie Lopez, 337-12th Avenue, stated she owns a smaller motel on 2nd Street, one of the older motels, that was grandfathered in to be a hotel/motel. She said it was one of the first ones in Indian Rocks Beach. As a business owner, it is important to her to have a level playing field. Two years, she received a notice from Pinellas County that the motel's pool was unsafe for the 14 occupants. She had two choices: (1) remove the pool, or (2) remove two units and go down ten occupants. She chose to keep 14 occupants and six units and closed her motels down for six months. She had to install a new pool for \$125,000 with a lift and a new pool service.

Ms. Lopez stated she gets to witness a lot of vacation rentals renting to 14, 16, and 18 occupants and everyone swimming in a small pool. She feels that some of the legislation needs to level the playing field. She had to remove a perfect pool when other vacation rental owners did not because of a safety issue. She has a question about that.

Ms. Lopez stated she had addressed this with Pinellas County pool people, and she has Pinellas County pool people that will be addressing it at a State level as well per a safety issue.

Wanda Rusinowki, 450 Harbor Drive South, stated she has lived in IRB for many years. For her, the issue of noise is very important. She lives on a finger, and noise carries from

one finger to another finger easily. She reiterated that emergency vehicles have difficulty getting to her residence because of the cars parked on the sides of the streets. She stated the roads are very narrow in Indian Rocks Beach, especially on the fingers.

Jerry Newton, 438 Harbor Drive North, asked why someone would make any attempt to meet the inspection needs if there is not any reinspection fee. If someone does not get penalized for making the inspectors come back for a second or third reinspection, he does not understand the motivation to get it right the first time.

Mr. Newton asked if the inspection fees are included in the registration fees. If so, he hopes that all the math was done on that.

Mr. Newton stated he did not hear much discussion on fines for violation. He said unless the violations of the regulations have some bite to them and some penalties involved, there is no reason to follow the regulations.

Mr. Newton asked if eliminating the ADA requirements for vacation rentals is a call for the city. He stated the federal government is involved with ADA requirements across the board, and he is pretty sure that the city cannot exempt itself from ADA requirements for commercial properties.

Mr. Newton stated that when the city identifies a violation, it must be corrected before the property can be rented.

Mr. Newton stated people should be prohibited from sleeping in RVs.

Laura Lindsey, 115-12th Avenue, and 432-18th Avenue, stated pool hours should be deferred to the noise ordinance and asked how that would be enforced absent the noise. The only way to enforce the 10:00 p.m., rule would be the intrusion of people's privacy. She thinks that is excessive. There was an exemption for owner-occupy, but she would also propose an exemption for owner-occupy when the owner is on vacation. She stated that noise and on-street parking are a nuisance and are a nuisance to everyone and can be applied universally. She said a car is parked in front of her properties every day, and it is not related to anyone she rents to.

R.B. Johnson, 1206 Beach Trail, stated he lives on the west side of Gulf Boulevard and has already expressed the difficulties he has been experiencing with the vacation rental next to his home. He stated that the city commission is coming perilously close to rendering toothless provisions in this proposed ordinance for corralling excessive and unreasonable noise. If the city always defers back to the noise ordinance in the city code, that is something invisible to renters and vacationers. When arriving here, the renters need to know the city's rules and regulations. It must be put in front of them that they cannot disturb the neighbors, whether on the door or attached to the lease agreement they sign. He

should not have to hear his vacation rentals' music inside his house when his windows are closed. It should not go beyond their property and impose on the neighbors.

Ashley Russell, 511 and 513-1st Street, stated vacation rentals have a stigma. She said many vacation rentals are invested in and active in the community. Her family has stayed at their vacation rentals at least once a month for many years. She recommended the city commission focus on the regulations that are in place and enforce those first before continuing to put more in place. She stated she is concerned with the new parking requirement because she and her husband drive separate cars to their rental, which is a two-bedroom unit, and now her friend from Tampa cannot join them.

Erika Dietz, 534 Harbor Drive North, stated a slight gap in the owner/occupied definition because it only refers to family members, blood relatives, and other married people. It does not address other friends or guests not paying rent.

Ms. Dietz stated in terms of the enforcement section, there has to be some delineation between someone using an illegal garage as a bedroom and someone who accidentally put their trash at five in the afternoon instead of seven because of the licensure issue. According to the new regulations, if she receives three violations for trash and she pays the ticket, the paid ticket constitutes a strike. After three strikes of a trash violation, the license is suspended.

Ms. Dietz stated under enforcement it also said that any rental activity or advertisement of a property with a suspended or revoked license by the licensee or agent shall result in the immediate revocation of the property's license if a license is suspended. She stated that means the property owner could not rent it even as a long-term rental, which the city would want. As written, the owner would be unable to rent to any one, and not allowing them to rent them as long-term rentals would cause mortgage foreclosures.

Ms. Dietz stated she is not sure that the mayor-commissioner's question was addressed when she asked about a second person as a responsible period on the registration paperwork because the staff did not want that secondary person or phone tree. The way it is written, the city is not allowing for a second person to be designated.

Dave Huff, 2718 Gulf Boulevard, spoke about occupancy and the fair housing act and stated the state and federal governments administer it.

Mr. Huff stated the city should have resident and nonresident parking to improve the parking situation. If the city enforced parking, the streets would be free from nonresident parking.

Al Paz, 2014-20th Avenue Parkway, stated he has lived here since 1994. He noted the city could not regulate the sense of loss that the residents have had that they no longer have a neighborhood. Children do not come to his house to trick and treat like they used

to. He cannot say hello to grandma, who is 97 years old that walks to the beach every day. But that is the reality! The law is the law. Unfortunately, many people who come to IRB do not treat them the way they would want to be treated in their neighborhood. They speed, park their cars in inappropriate places when they very well do not have to and create a lot of noise by shooting fireworks off and having loud parties. It is 24 hours, seven days a week. The city needs to hone in on the troublemakers.

Mr. Paz stated as the city commission thinks about all the policies, perhaps the city commission might want to consider globally raising the policies, restrictions, and regulations of Airbnb as close as the city can to what the hotel industry does.

Mr. Paz expressed his concern with cars being parked on the side of the streets and stated some times he is unable to get out of his car.

Marco Cunha, 1st Street, stated he felt the \$400 registration was relatively high. He asked the city commission to consider shells as an alternative to a paved additional parking space. He stated the occupancy count of 2 per bedroom, plus 2 with a maximum capacity of 8, is fair. However, the city commission should consider children under 4 years old. (Parts of Mr. Cunha's statements were unintelligible - Zoom)

Darlene Rusinowki-Cavanaugh, 450 Harbor Drive North, reiterated her statements from the previous city commission meetings concerning vacation rentals. She stated vacation rentals have increased traffic on Gulf Boulevard and throughout the neighborhoods. They park their cars wherever they want, i.e., in front of other people's houses, on lawns, etc. She asked how the city would regulate the parking for vacation rentals and stop them from parking on the Street all over the neighborhoods. She stated there are times when emergency vehicles have trouble getting down the Harbor Drives because of the on-street parking of cars.

Tony Ruth, no address given, stated there are many people out in the community who care deeply about this issue in terms of proper regulation and maintaining the health and welfare of the community as a whole. The real problem that everyone would probably agree on is noise if the city tries to over-regulate with these backdoor approaches, where the town starts to skirt the property rights issue. It is opening the city up to the potential massive litigation. He stated the city commission is probably aware of that. He does not know the city's tolerance for spending other people's money. Mr. Ruth said he does not claim to understand that, but this could turn ugly fast. The town could mitigate 99% of this problem, but the city wants to start giving in to figuring out whether or not someone has permitted or unpermitted bedrooms. The city wants to know how many people are sleeping in there or how many people are there today and wants to know who the cars belong to. It will become a logistical nightmare for the city instead of taking the simple approach, which would be enforcing the noise ordinance and putting real teeth to it.

Cindy Haydon, Realtor, 116-131st Avenue, Madeira Beach, stated she currently has four homes under contract in Indian Rocks Beach and closed on one last month. She wanted to share something that had happened to her recently. She has been a realtor for 18 years and was named Realtor of the year by the Florida Realtors this year, and CRS of the year, so she does a good job. She was holding an open house in Indian Rocks Beach, and local neighbors came in and demonstrated and screamed at the other people at the open house: "We hope you're not buying this for a short-term rental. We're taking care of that. We're going to bleed them dry." They voiced this and were aggressive. She has never experienced this behavior in 18 years. She loves Indian Rocks Beach. She does know who the people are. In Davis Island, neighbors interfered with people selling properties, and the courts did not look at it favorably. She stated Realtors hold fair housing very high. She treats all people equally, and she invites all people into any home. She does not discriminate. She now has to sit there and manage who is coming through the front door and their intent. In the future, she will be videotaping anyone who comes through the door to her open houses. She had other local neighbors coming to the open house videotaping, and it is such a shame the vectorial (3:55:57) that has occurred.

Beth McMullin, 481 Harbor Drive South, reiterated her comments from the previous city commission concerning the increase of boat traffic in the Intracoastal Waterways caused by vacation rentals and the lack of knowledge that this area is a manatee zone. The vacationers do not know the Florida rules, and the city, county, and state need to develop a way to educate these vacationers. She stated it was not a noise but an occupancy issue for her. She just found out that the house across the Street was supposed to have only 14 occupants and is now increasing the occupancy to 20. The house two doors down have an occupancy of 14 or 16, which means there could be over 30 people in just those two houses at any given time at full occupancy.

Dana McArthur, 414-12th Avenue, asked if breaking the city into three different residential zones is possible. She suggested providing a maximum number of vacation rentals in each residential zone.

City Attorney Mora stated the city could not legally do that.

Ms. McArthur stated new homes are being built to code and have five or six bedrooms. The bedrooms are more oversized and fit two queen-size beds instead one king-size bed to occupy more people. She recommended the city commission look at the square footage for occupancy versus the number of bedrooms.

Ms. McArthur stated the violations need to be designated as minor and major, and maybe the renter should be fined when the code enforcement officer has to show up the second time to get the point across.

Ms. McArthur stated they purchased in IRB because there is no HOA. They had property rights. She wants to make sure everybody has an equal balance.

Kelley Cisarik, 448 Harbor Drive South, stated she is a 30-year resident of IRB. She noted the state and county receive the revenue, and the city gets the bills. The city commission has to do this job of regulation because the state will not, and the online platforms cannot. In 2018, the city's ordinance allowed vacation rental owners to self-certify that they were in compliance. The city did not do any inspections after 2018, which has not worked. There are 300 homes with homes, not hotels signs because hundreds of frustrated residents used to have neighbors next doors and now have unattended hotels. There is no desk clerk to monitor who is coming and going. The residents have already seen drug crimes and shooting on Florida's east coast that happened in vacation rentals, and the residents want to keep that out of IRB neighborhoods. She commends the city commission for putting sensible occupancy maximums in place and starting the inspection process to ensure that these properties will become as safe as hotels.

Kevin Hayslet, 501 Janice Place, stated he looks at this with a different lens because he anticipates whatever the city commission does, the city's ordinance will end up in litigation. One of the things that he looks at from being a practicing lawyer in Pinellas County for 34 years is that it is done the right way. His concern is that in 2018, the city passed several ordinances. The data will show that the number of complaints and the number of citations that were issued expeditiously increased. The city availed itself of all other remedies before passing this ordinance, including going to the local ordinance court. He assumed the town tried to hire a magistrate to cover the plethora of violations that the city had. These are questions that a circuit court will ask the city. What steps did the city take, why did they fail, and why did the city pass this ordinance?

Paul (LNU), 726-1st Street, stated his block is filled with short-term rentals, and he owns a duplex, which they rent out to short-term renters. He thinks what he hears from his friends and neighbors in the area is not such much of a problem with short-term rentals but with investors from out of the area. They are not talking about families that come here so many times a year and then rent their homes out the rest of the time. It is the institutional investors and the property investors who have no idea about the community's culture or values.

John Pfanstiehl, 448 Harbor Drive South, stated, as the city manager said, Holmes Beach used to have a population of around 5,000 residents, but because of the evasion of short-term rentals, it is down to 900 residents. He stated the city had lost approximately 600 residents on the east side of Gulf Boulevard. He said all the items presented have been reasonable and deemed necessary by other cities. If people want to sue the city, they should do it. He assumes they will lose their money. These lawsuits have been held up in court.

Mr. Pfanstiehl stated he agrees with R.B. Johnson that there should not be amplified speakers outside because that is cut and dry.

Mr. Pfanstiehl stated that most cities have a maximum occupancy capacity and that the city should have a maximum occupancy capacity and a set cap for the number of guests for vacation rentals.

Luke Lirot, Attorney, 2240 Belleair Road, Suite 190, Clearwater, stated he reviewed all the ordinances from the municipalities that City Attorney Mora has reviewed and the paperwork provided to him by the city attorney. He noted that the IRB Ordinance 2018-01 has many of the same definitions, minimum requirements, life safety requirements, etc. The people he represents are responsible corporate citizens, and just from looking at everything that has happened here, he thinks the answer to what the city needs to do to solve this problem is to go through Ordinance 2018-01 and make the appropriate amendments. He further stated the city has a noise ordinance to address the loud and nuisance noise issues.

Attorney Lirot suggested rather than getting involved in adopting a new ordinance, which remains untested, just amended Ordinance 2018-01. He stated that when the courts look at the restrictions adopted by various communities, they look to see how much they deviate from the community's regulations on single-family homes. That is the theme. No case has been decided anywhere in Florida that has upheld the level or intensity of the restrictions the city is considering.

Attorney Lirot stated that if the city gives Ordinance 2018-01 a chance with a new special magistrate, the town does not have to endure all this agony. It is not so much a question of occupancy as it is a question of conduct.

Jessica Foderingham, 2300-1st Street, stated she owns a short-term rental. She does not feel welcome. Her neighbors do not want her around, and it is very apparent. They call the police constantly, and in the reports, it is noted by the police that they did not like them as vacation renters, and the police have never violated the property. There are a lot of complaints, and it is unnecessary. She fears that the violation policy (3 strikes) will be an issue for STRs with neighbors such as hers, which is unfortunate. She does not want that to be an issue. She asked the city commission to reconsider the 10:00 p.m. pool hour closing because she is a responsible adult who should be able to talk quietly with someone in her pool after 10:00 p.m. She asked that the city commission give some allowance for children with the maximum occupancy capacity, specifically babies or very young children.

Ms. Foderingham stated she and her husband drive separate cars to their vacation rental in IRB because they both work and said there should be exceptions to the rules.

Scott Shapiro, 2032-20th Avenue Parkway, commended the city commission on a job well done this evening. He stated this was the best resolution and the best job the city commission has ever done that City Attorney Mora led.

Mr. Shapiro stated there are ordinances in place but not enforced, such as the boat ramp.

Mr. Shapiro recommended the city purchase a speaker's clock.

4. ADJOURNMENT.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 9:30 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

March 28, 2023

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

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

PROCLAMATION:

**National Public Works Week
May 21-27, 2023**

In the Name and by the Authority of

Proclamation

the City of Indian Rocks Beach

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Indian Rocks Beach; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Indian Rocks Beach to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, Joanne Moston Kennedy, Mayor, do hereby designate the week of:

May 21–27, 2023 as National Public Works Week

and urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals; engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.



IN WITNESS WHEREOF, I, Joanne Moston Kennedy, Mayor-Commissioner, have hereunto set my hand and caused the Seal of the City of Indian Rocks Beach, Florida, to be affixed this 28th day of March, 2023.

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST:

Deanne Bulino O'Reilly, MMC, City Clerk

AGENDA ITEM NO. 6

QUASI-JUDICIAL PROCEEDING

**BOA CASE NO. 2023-02
608 GULF BOULEVARD**

INDIAN ROCKS CITY COMMISSION STAFF REPORT

MEETING OF: March 28, 2023 **AGENDA Item:** 6A

ORIGINATED BY: Hetty C. Harmon, AICP, City Planner

AUTHORIZED BY: Brently Gregg Mims, City Manager

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

BOARD OF ADJUSTMENTS AND APPEALS: The board of Adjustments and Appeals recommended denial to the City Commission by a vote of 5-0.

SUBJECT: BOA CASE NO. 2023-02 –608 Gulf Blvd

Variance request from Sec. 110-344 (4), of the Code of Ordinance, to allow for a pool to encroach 5 feet in the 10 feet rear yard setback for property located at 608 Gulf Blvd, Indian Rocks Beach, Florida, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida.

Parcel #12-30-14-37764-001-0160

OWNER **WESTSIDE INVESTMENTS LLC**
LOCATION of PROPERTY: 608 Gulf Blvd
ZONING: CT- Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Residential	RM-2
South	Residential	CT
West	Gulf of Mexico	N/A

BACKGROUND:

The applicant is requesting a variance for pool to be encroach 5 ft into the 10 ft rear yard setback for single family residence.

Sec. 2-152. - Variances.

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

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

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

There are no Special conditions and circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the owner to construct the pool as proposed.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on February 6, 2023, (Sec. 2-149 of the Code of Ordinances.)

LEGAL NOTICE: A legal notice was published in the March 13, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for March 28, 2023, for BOA Case No. 2023-02.

CORRESPONDENCE: There was no correspondence.

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

MOTION:

I move to **APPROVAL/DENIAL** of BOA CASE NO. 2023-02 Variance request from Sec. 110-344 (4), of the Code of Ordinance, to allow for a pool to encroach 5 feet in the 10 feet rear yard setback for property located at 608 Gulf Blvd, Indian Rocks Beach, Florida, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida.

**MINUTES — FEBRUARY 21, 2023
CITY OF INDIAN ROCKS BEACH
BOARD OF ADJUSTMENTS AND APPEALS**

The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, FEBRUARY 21, 2023**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

1. **CALL TO ORDER.** Chair DeVore called the meeting to order at 6:00 p.m.
2. **ROLL CALL:**

PRESENT: Chair Stewart DeVore, Vice-Chair David Watt, Board Member Michael A. Campbell, Board Member Jim Labadie, and 1st Alternate Board Member Karen O'Donnell.

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

VACANT POSITION: Board Member Rick Alvarez and 2nd Alternate Board Member.

3. **APPROVAL OF MINUTES: January 17, 2023**

MOTION MADE BY VICE CHAIR WATT, SECONDED BY MEMBER LABADIE, TO APPROVE THE JANUARY 17, 2023 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

4. **BOA CASE NO. 2023-02 — 608 GULF BOULEVARD**
Owner/Applicant: Westside Investments LLC
Agent/Representative: Classic Florida Dream Homes, LLC
Subject Location: 608 Gulf Boulevard
Legal Description: Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida.

Parcel #: Parcel #12-30-14-37764-001-0160
Variance Request: Variance request from Sec. 110-344 (4), of the Code of Ordinance to allow for a pool to encroach 5 feet into the 10-foot rear yard setback.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2023-02 — 608 GULF BOULEVARD
Variance request from Sec. 110-344 (4) of the Code of Ordinance to allow for a pool to encroach 5 feet in the 10 feet rear yard setback for property located at 608 Gulf Blvd, Indian Rocks Beach, Florida, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the

OWNER Westside Investments LLC
PROPERTY LOCATION: 608 Gulf Boulevard
ZONING: CT- Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Residential	RM-2
South	Residential	CT
West	Gulf of Mexico	N/A

BACKGROUND:

The applicant is requesting a variance for a pool to encroach 5 feet into the 10-foot rear yard setback for a single-family residence.

Sec. 2-152. Variances.

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *There are no Special conditions and circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of*

this variance request would not deprive other owners of use and enjoyment of their properties.

- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the pool as proposed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on February 6, 2023, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: There was no correspondence.

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

[End of Staff Report]

City Attorney Mora read BOA Case No. 2023-02, 608 Gulf Boulevard, by title only.

City Attorney Mora stated the variance application before the board is a quasi-judicial matter.

City Attorney Mora asked if any member had conducted any ex-parte communications with the applicant or their agent in advance of this evening. All members responded negatively.

City Attorney Mora asked if any member had conducted any site visit for the purpose of evaluating the application before them. All members responded negatively.

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

Planning Consultant Harmon stated the applicant is requesting a variance for a pool to encroach 5 feet into the 10-foot rear yard setback for a single-family residence for the property located at 608 Gulf Boulevard.

Planning Consultant Harmon presented a PowerPoint Presentation depicting aerial views of the property, a survey, a site plan, the proposed pool plan, and site photos.

Planning Consultant Harmon explained the variance while presenting the PowerPoint Presentation. She stated there are two lots involved, Lots 7 and 16. Previously, it was two

platted lots with one parcel number, and the developer had subdivided the two platted lots into two parcels. There is a single-family building on each lot with an access easement on Lot 16 Lot 7 on the Gulf. The variance deals with Lot 16, which fronts Gulf Boulevard.

Planning Consultant Harmon stated there is approximately a 20-foot setback in the rear on 608 Gulf Boulevard. The applicant requests a 5-foot variance into the 10-foot required setback to accommodate a 10 by 24-foot pool in the area shown on the site plan. The pool would be 5 feet off the building and 5-foot off the rear property line. The required rear setback is 10 feet for a pool in the CT zoning district.

Planning Consultant Harmon stated staff recommends denial because the variance request goes against the setback requirement for pools in the CT zoning district.

Vice Chair Watt clarified that Lots 7 and 16 had one parcel number before any construction, and the two lots were subdivided into two separate parcels of land for two houses.

Planning Consultant Harmon stated the lots were not required to have separate parcel numbers to construct the two single-family homes. She noted that one owner could have built two houses on those two platted lots with one parcel number. Now, each lot has a separate parcel number.

Vice Chair Watt stated that the setback would have the same requirement regardless of whether the lots had one or two parcel numbers.

Planning Consultant Harmon stated if the lots remained as one parcel, there would not have been an issue.

Member Campbell stated the package's last page(drawing) was confusing and asked the Planning Consultant to explain it.

Planning Consultant Harmon stated she requested that the applicant submit a proposed pool plan as the page Member Campbell is referring to is a preliminary plan. She noted that the drawing relates to Lot 7.

Thomas Smith, of Classic Florida Dream Homes, LLC, 424 Harbor Drive North, representative for the applicant, stated the property (both lots) is owned by Westside Investments, LLC, Donny and Debbie Gonterman. Two houses are under construction on the property. One of the houses (Lot 7 - facing the Gulf of Mexico) would be the Gonterman's homesteaded property, and Lot 16, facing Gulf Boulevard, would be used as a rental. He stated that no variance would be required if the property still had one parcel number.

Mr. Smith stated they spoke to the planning consultant before they applied for the variance, and she advised them if the property were un-subdivided, there would be no need for a variance to construct the pool. However, requesting a variance is easier, and it makes it better. The hardship is that the Gontermans want to homestead Lot 7, and then use Lot 16 as their rental property.

Mr. Smith stated it is a very modest pool, and Westside Investments LLC owns both lots.

Member Campbell stated that moving the lot lines would probably be the simplest since the same person owns both parcels.

Mr. Smith stated that they would do that.

Planning Consultant Harmon stated they would have to keep the minimum lot size.

Member Campbell asked Mr. Smith if he had examined whether or not it was possible to move the lot lines.

Mr. Smith stated it would be yes, because Lot 7 goes past the seawall, so that lot totals 130 feet. If Lot 7's lot line was moved back 5 feet, which the surveyor can do, that might solve the problem. Lot 7 would be 125' X 50', and Lot 16 would be 105' X 50'.

Chair DeVore opened the public comment session. Seeing/hearing no one wishing to speak, the public comment session was closed.

Vice Chair Watt stated the hardship was a self-inflicted wound and that there were other alternatives. From a variance standpoint, it is cutting the setback in half. This variance request is not just 10 inches or a foot. He stated that by allowing variances of this size would not be prudent.

Chair DeVore stated he agreed with Vice Chair Watt. He stated this was a vacant piece of land and by making the property into two separate parcels, it created one lot non-compliant immediately. It is a self-inflicted wound, and there is a remedy for it. In his mind, a variance would not be appropriate in this instance.

Member Labadie stated the buildings are up. This construction was not thought out before the buildings went up.

Chair DeVore stated there is a reasonable remedy to return the lots to one.

Planning Consultant Harmon stated the owner would have to vacate property lines and make it one lot. Before, the property was two platted lots with one parcel number.

Chair DeVore asked if this could be done.

Planning Consultant Harmon responded affirmatively.

Member Campbell stated a person can transfer a sliver of property by simple deed and then it would be counted in that lot from then on, correct?

Planning Consultant Harmon responded affirmatively. She stated as long as the other lot meets the rear yard setback requirement, which she thinks it does.

Member Campbell stated he does not think they will meet the rear yard setback.

MOTION MADE BY VICE CHAIR WATT, SECONDED BY MEMBER CAMPBELL, TO RECOMMEND DENIAL TO THE CITY COMMISSION ON BOA CASE NO. 2023-02, A VARIANCE REQUEST FROM SEC. 110-344 (4), OF THE CODE OF ORDINANCE TO ALLOW FOR A POOL TO ENCROACH 5 FEET INTO THE 10-FOOT REAR YARD SETBACK, FOR THE PROPERTY LOCATED AT 608 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 16, BLOCK 1, HAVEN BEACH, AS RECORDED IN PLAT BOOK 5, PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. PARCEL #: 12-30-14-37764-001-0160

Planning Consultant Harmon stated the City Commission will hear BOA Case No. 2023-02, 608 Gulf Boulevard, on Tuesday, March 28, 2023. The meeting begins at 6:00 p.m., with the public hearing convening as soon as thereafter.

5. OTHER BUSINESS.

A. CITY COMMISSION ACTION:

- 1. BOA CASE NO. 2023-01 — 2504 GULF BOULEVARD. APPROVED BY CITY COMMISSION.**

City Clerk O'Reilly advised that there will be BOA Meeting on Tuesday, March 21, 2023, at 6:00 p.m.

6. ADJOURNMENT.

MOTION MADE BY VICE CHAIR WATT, SECONDED BY COMMISSIONER CAMPBELL, TO ADJOURN THE MEETING AT 6:20 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

March 21, 2023
Date Approved

Stewart DeVore, Chair

/DOR



**608 GULF BLVD
BOA CASE NO. 2023-02**



BOA CASE NO. 2023-02 –608 Gulf Blvd

Variance request from Sec. 110-344 (4), of the Code of Ordinance, to allow for a pool to encroach 5 feet in the 10 feet rear yard setback for property located at 608 Gulf Blvd, Indian Rocks Beach, Florida, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida.



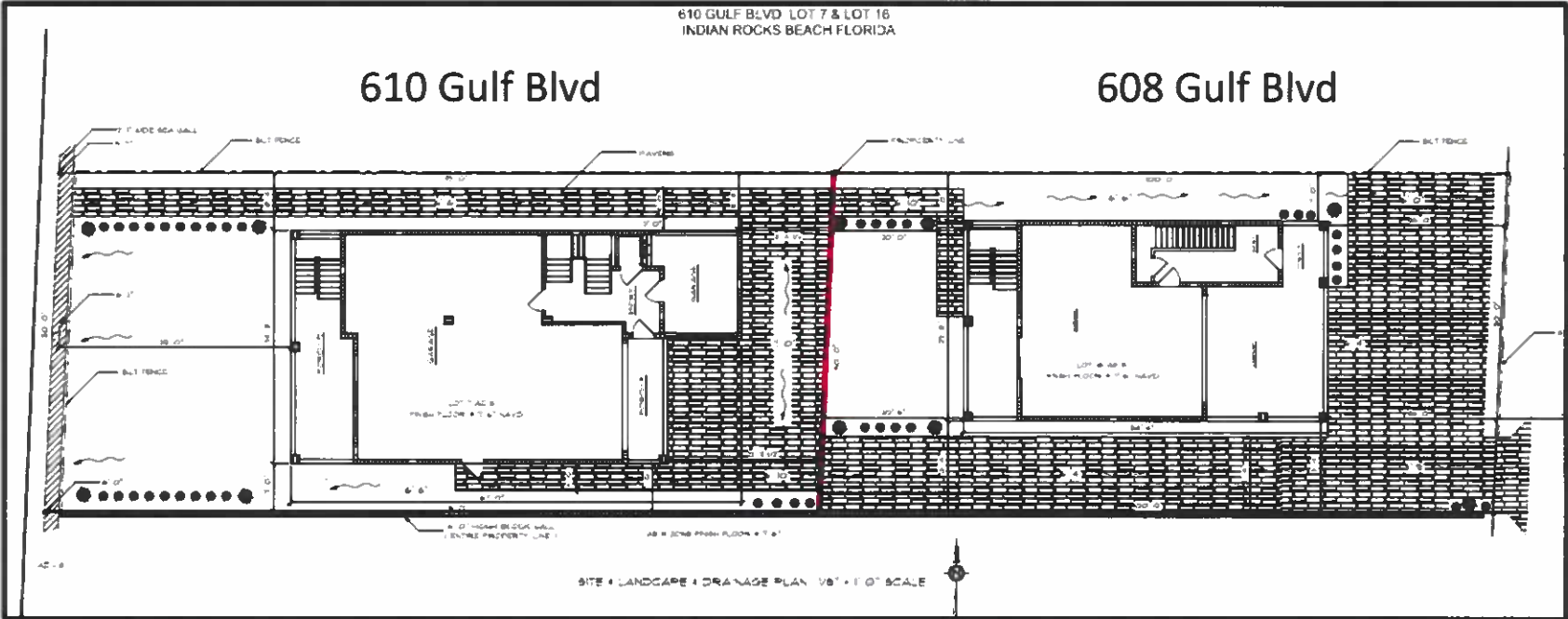
608 Gulf Blvd



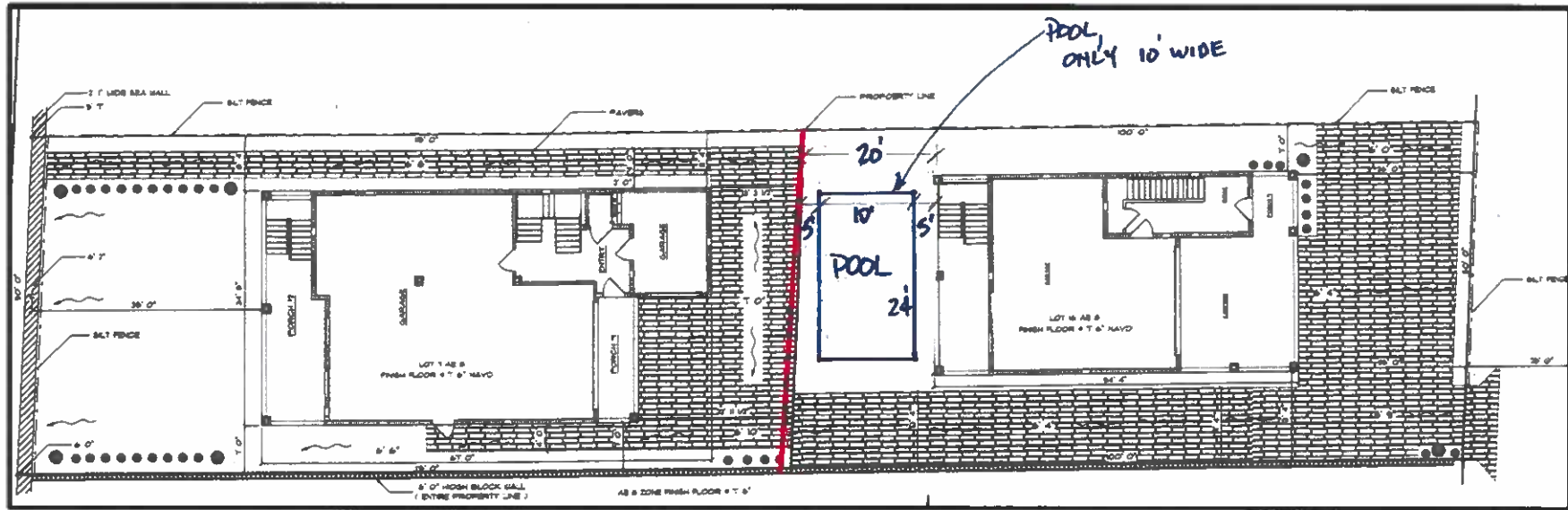
608 Gulf Blvd



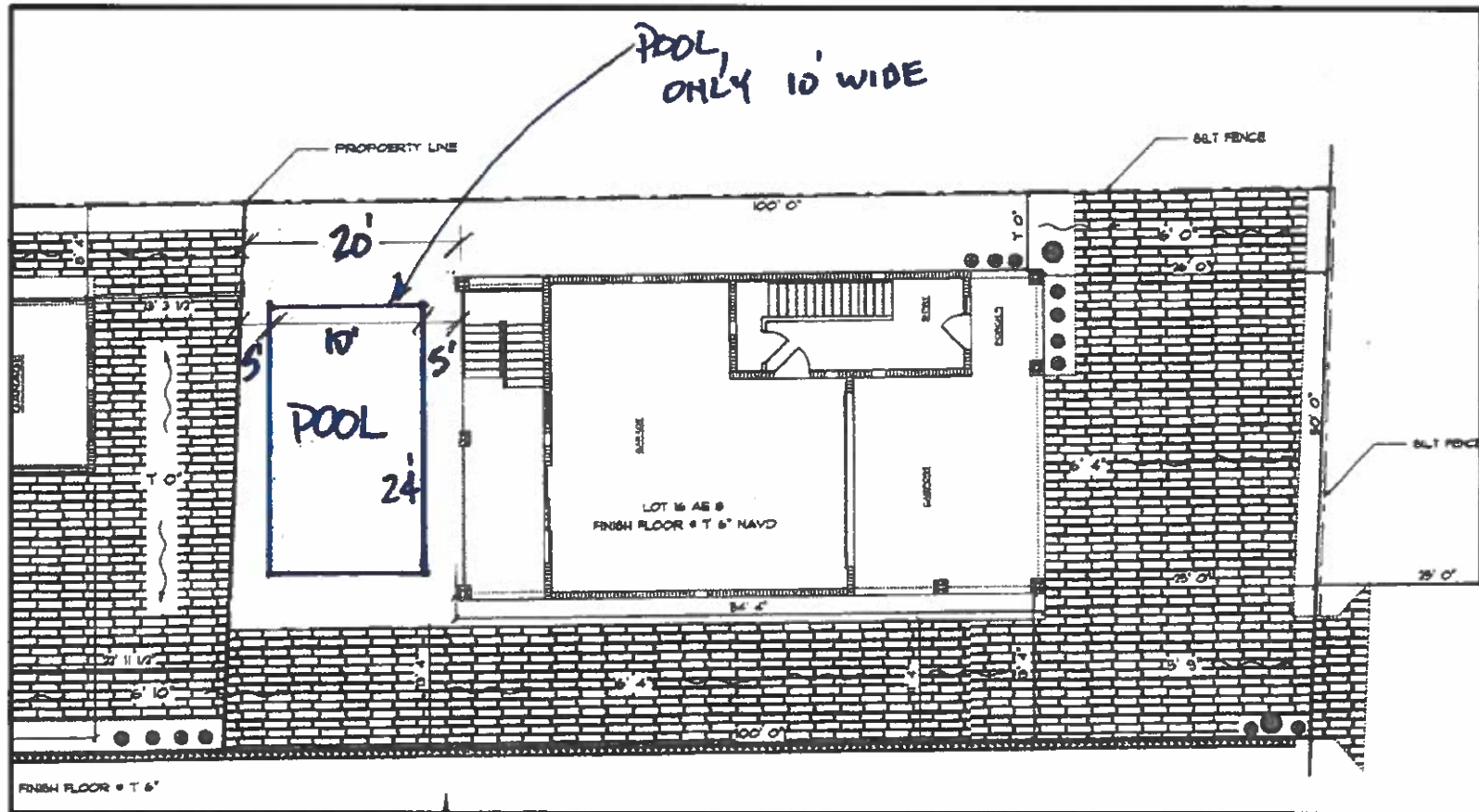
Site Plan



Proposed Pool Plan



Proposed Pool Plan



Site Photos



APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759
Web: http://www.indian-rocks-beach.com/
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

[Empty box for Application No.]

Date Received

1/17/2023

APPLICANT

Name: WESTSIDE INVESTMENTS, LLC
Address: 19915 GULF BLVD #101
City: INDIAN SHORES
Zip Code: 33785
Tel: (812) 455-2448
Fax: N/A
Mobile: SAME
Email: DONNIE.GONTERMAN@GMAIL.COM

AGENT/REPRESENTATIVE

Name: THOMAS SMITH
Company: CLASSIC FLORIDA DREAM HOMES, LLC
Address: 424 HARBOR DR N.
City: INDIAN ROCKS BEACH
Zip Code: 33785
Tel: (352) 424-0124
Fax: N/A
Mobile: SAME
Email: TSMITHCFD@OUTLOOK.COM

SITE DETAILS

Address: 608 GULF BLVD Parcel ID: 12-30-1A-3774-001-0160
City: INDIAN ROCKS BCH Zip Code: 33785
Legal Description: LOT 16, BLK 1, HAVEN BEACH, RECORDED IN PLAT BOOKS, PAGE 27, PUBLIC RECORDS PINELAS COUNTY, FL.
Zoning: CT Future Land Use:
Size: 50' x 100'

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? Yes No

If yes, provide address and legal description:

610 GULF BLVD, IRB.
12-30-14-37764-001-0070

Have previous applications been filed for this property? Yes No

If yes, describe:

Has a certificate of occupancy or completion been refused? Yes No

If yes, describe:

Does any other person have ownership or interest in the property? Yes No

If yes, Is ownership or interest contingent or absolute:

Is there an existing contract for sale on the property? Yes No

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	10'	5'	5'
Rear-north/south street (feet):			
Street-front setback (feet):			
Side-one/both setback (feet):			
Minimum green space (%):			
Habitable stories (#):			
Minimum lot size (sq. ft.):			
Building height (feet):			
Off-street parking (spaces):			
ISR (%):			
FAR (%):			
Dock length (feet):			
Dock width (feet):			
Signage (#):			
Accessory structure (sq. ft.):			
Accessory structure height (feet):			
Lot size (sq. ft.):			

Other:

What is the proposed use of the property? **As exactly similar with all of the adjoining properties in the CT Zoning district on the beach side of Gulf Blvd, this property will be a residential rental home.**

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

This Variance Request relates to a joint ownership parcel with the adjoining property. The ownership for this parcel and adjoining parcel are the same. This minor setback adjustment request is beneficial for both properties, and does not in any way conflict with any other property.

Special conditions and circumstances do not result from the actions of the applicant:

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

This variance does not in any way confer a special privilege to this applicant. It simply is a reduction of one setback for a very modest pool, yet allowing better ingress/egress for the second adjoining home as well.

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

This request does not render undue hardship upon any other applicant. A same minor setback adjustment between 2 common ownership properties would be the same.

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

Yes, this is the minimum needed for a modest pool for the front rental structure, and provides for a reasonable use of the owners other adjoining property for ingress & egress.

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

This variance will not at all be injurious to any other adjoining properties or detrimental in any way to the public welfare. The setback adjustment is BETWEEN the 2 residential buildings owned by the same applicant.

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

This variance does not in any way affect any adjoining property, simply a minor movement of the rear lot line from one of the applicant's properties for the pool, which in turn helps the second property for ingress & egress.

AGENT OF RECORD

Date: JANUARY 17, 2023

I, Donald C Gouterman Jr do hereby designate and appoint

THOMAS E. SMITH as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: THOMAS SMITH Signature: [Signature]

My agent of record may be contacted at:

Company: CLASSIC FLORIDA DREAM HOMES, LLC

Address: 424 HARBOR DR H.

City/State: INDIAN ROCKS BEACH, FL Zip Code: 33785

Telephone: (352) 424-0424 Fax: N/A

Before me this date personally appeared:

Name: THOMAS SMITH

Signature: [Signature]

Personally known/Form of Identification FL Driver License

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 17th Month: January, 20 23

Notary Public State of Florida at Large: [Signature]

Notary Public Commission Expiration: July 14, 2024
State of Florida
County: Pinellas



CERTIFICATION

Date: JANUARY 17, 2023

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared:

Name: Donald C Goufman Jr

Signature: [Handwritten Signature]

Personally known/Form of Identification FL Driver License


Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 17th Month: January, 20 23

Notary Public State of Florida at Large: [Handwritten Signature]

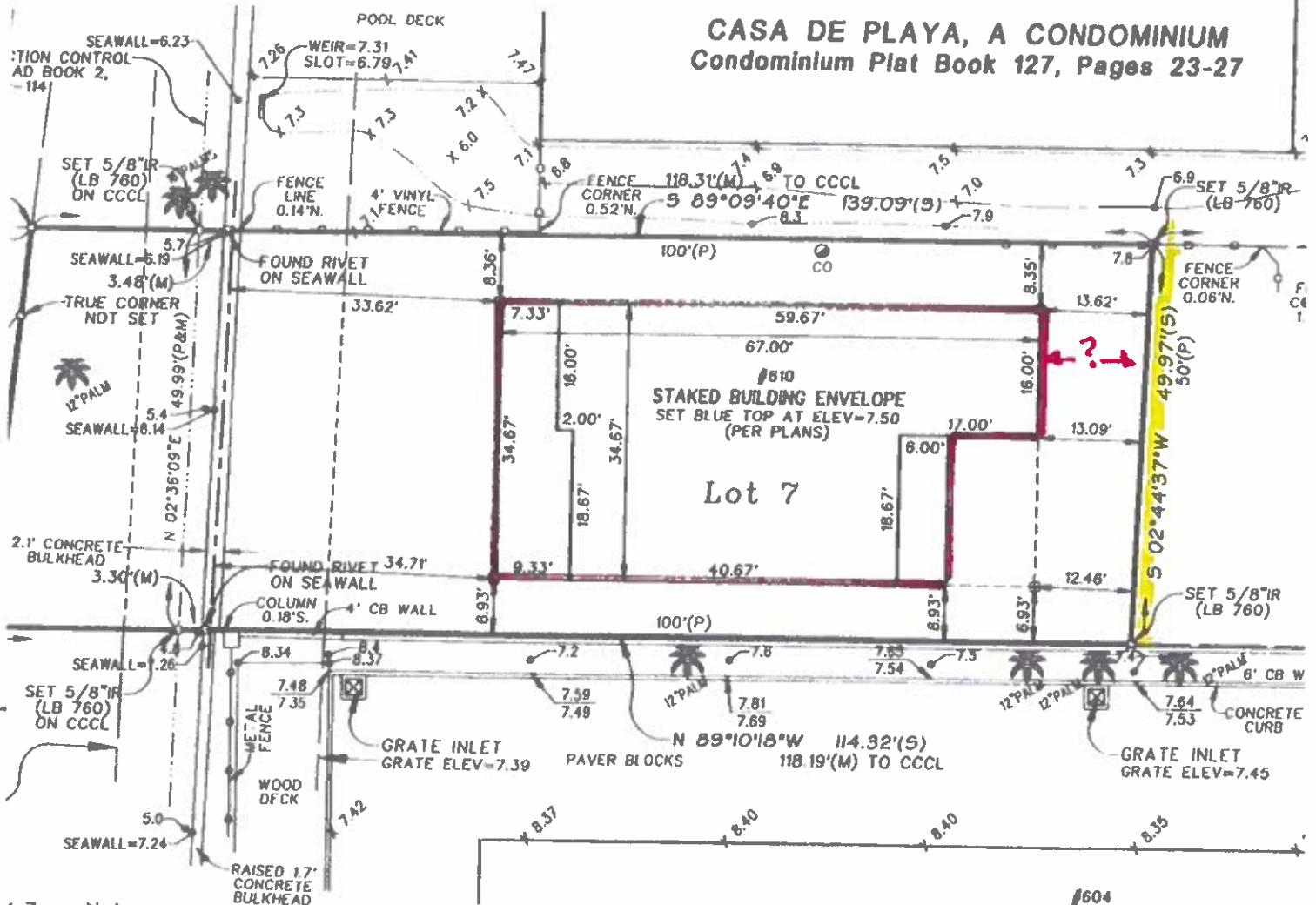
Notary Public Commission Expiration: July 14, 2024

State of Florida
County: Pinellas

 Scott Suprenant
Notary Public
State of Florida
Comm# HH011800
Expires 7/14/2024

APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

CASA DE PLAYA, A CONDOMINIUM
Condominium Plat Book 127, Pages 23-27



1 Zone Note:
D ZONE LINE(S)
LED PER FEMA
LOOD MAP

BELLA CAPRI, A CONDOMINIUM
Condominium Plat Book 156, Pages 1-

This map was prepared without the benefit of a title search and is subject to all rights-of-way, and other matters of record.
This map is valid without the signature and the original raised seal of a Florida Licensed Land Surveyor and Mapper.
This map is made for the exclusive use of the current owners of the property and also purchase, mortgage or guarantee the title thereto within one (1) year from the date shown hereon.

NDLA AND ASSOCIATES, INC.
Land Surveyors and Mappers

3 4015 82nd Avenue North
Pinellas Park, Florida 33781
Telephone (727) 576-7546
Facsimile (727) 577-0032

**BOUNDARY SURVEY WITH
TREES AND ELEVATIONS**

AGENDA ITEM NO. 7A

RESOLUTION NO. 2023-03

**APPOINTMENT OF
VICE MAYOR**

**STAFF REPORT
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: March 28, 2023 **AGENDA ITEM:** 7A

ORIGINATED FROM: Deanne B. O'Reilly, MMC, City Clerk *DO*

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

SUBJECT: **RESOLUTION NO. 2023-03.**
Appointment of Vice Mayor-Commissioner

BACKGROUND:

Charter Section 4.4 authorizes the City Commission to appoint a Vice Mayor-Commissioner from among the members of the City Commission at its first regular meeting following certification each year.

The duties of the Vice Mayor-Commissioner shall be to preside over the meetings of the City Commission during the absence of the Mayor-Commissioner, and in general, in the absence or the incapacity of the Mayor-Commissioner, he or she shall do and perform those acts and things provided in the City Charter to be done by the Mayor-Commissioner.

ANALYSIS:

The City Commission should appoint a member of the City Commission to serve as Vice Mayor-Commissioner, which term shall commence on March 28, 2023, and shall expire on the newly elected City Commission's first meeting following certification of the March 19, 2024, Municipal General Election results.

MOTION:

I move to **APPROVE/DENY** to appoint _____ to serve as Vice Mayor-Commissioner effective March 23, 2023, and until the first meeting of the newly elected City Commission following certification of the March 19, 2024 Municipal General Election results.

/dor

**CITY OF INDIAN ROCKS BEACH
RESOLUTION NO. 2023-03**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, APPOINTING A MEMBER OF THE CITY COMMISSION TO SERVE AS VICE MAYOR-COMMISSIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Charter Section 4.4 authorizes the City Commission to appoint a Vice Mayor-Commissioner from among the members of the Commission at its first regular meeting following certification each year; and

WHEREAS, the duties of the Vice Mayor-Commissioner shall be to preside over the meetings of the City Commission during the absence of the Mayor-Commissioner, and in general, in the absence or the incapacity of the Mayor-Commissioner, he or she shall do and perform those acts and things provided in the City Charter to be done by the Mayor-Commissioner; and

WHEREAS, the Indian Rocks Beach City Commission desires to appoint a Vice Mayor-Commissioner.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, DOES HEREBY RESOLVE, that:

Section 1. _____ is hereby appointed to serve as Vice Mayor-Commissioner.

Section 2. Said term shall commence on March 28, 2023, and shall expire on the City Commission's first regular meeting following certification of the March 19, 2024 Municipal Election results.

Section 3. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 28th day of March 2023, 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

CITY COMMISSION OF INDIAN ROCKS BEACH, FLORIDA

CITY COMMISSION	MAYOR	COMMISSIONER	COMMISSIONER	COMMISSIONER	COMMISSIONER
03/2023 - 03/2024	Joanne Moston Kennedy	Carl Lan Vaughan	Denise Houseberg	Joseph D. McCall	Jude Bond
03/2022 - 03/2023	Joanne Moston Kennedy	Phillip J. Hanna	Denise Houseberg*	Joseph D. McCall	Jude Bond
03/2021 - 03/2022	Joanne Moston Kennedy	Phillip J. Hanna	Denise Houseberg	Joe McCall*	Edward G. Hoofnagle
03/2020 - 03/2021	Joanne Moston Kennedy	Phillip J. Hanna*	Diane Flagg	Joe McCall	Edward G. Hoofnagle
03/2019 - 03/2020	Joanne Moston Kennedy	Phillip J. Hanna	Diane Flagg	Nick Palomba*	Edward G. Hoofnagle
03/2018-03/2019	Joanne Moston Kennedy	Phillip J. Hanna	Philip M. Wrobel	Nick Palomba	Edward G. Hoofnagle*
03/17-03/18	R.B. Johnson	Phillip J. Hanna	Philip M. Wrobel	Joanne Moston Kennedy*	Edward G. Hoofnagle
03/16-03/17	R.B. Johnson	Phillip J. Hanna	Terry Hamilton-Wollin*	Joanne Moston Kennedy	Edward G. Hoofnagle
03/15-03/16	R.B. Johnson	Phillip J. Hanna*	Terry Hamilton-Wollin	Joanne Moston Kennedy	James A. Labadie
03/14-03/15	R.B. Johnson	Phillip J. Hanna	Terry Hamilton-Wollin	Joanne Moston Kennedy	James A. Labadie*
03/13-03/14	R.B. Johnson	Phillip J. Hanna	Terry Hamilton-Wollin	Joanne Moston Kennedy*	James A. Labadie
03/12-03/13	R.B. Johnson	Phillip J. Hanna	Terry Hamilton-Wollin*	Joanne Moston Kennedy <i>Appointed to City Commission after her failed attempt to secure House Seat 66.</i>	James A. Labadie
03/12 - 03/13	R.B. Johnson	Phillip J. Hanna	Terry Hamilton-Wollin*	Joanne Moston Kennedy <i>Resigned on 11/06/12 to run for House Seat 66.</i>	James A. Labadie
03/11 - 03/12	R.B. Johnson	Phillip J. Hanna*	Terry Hamilton-Wollin	Joanne Moston Kennedy	Daniel J. Torres

*Denotes Vice Mayor

AGENDA ITEM NO. 7B

RESOLUTION NO. 2023-04

**APPOINTMENT OF BIG-C VOTING
DELEGATES**

STAFF REPORT

INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: March 28, 2023 AGENDA ITEM: 7B

ORIGINATED FROM: Deanne B. O'Reilly, MMC, City Clerk *DBR*

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

SUBJECT: **RESOLUTION NO. 2023-04.**
Appointing voting delegates to represent the City of Indian Rocks Beach at the Barrier Islands Governmental Council (BIG-C) Meetings.

BACKGROUND: The BIG-C By-Laws, Article III, Section 2, Representation, states that all elected officials of each municipality shall be members of the council, one of whom shall be appointed by the municipality as the voting delegate. Each municipality may appoint other elected officials as alternate voting delegates. Each municipality shall designate their delegates in writing.

Delegate #1 - Name - Voting Delegate.
Delegate #2 - Name - Alternate to Delegate #1.
Delegate #3 - Name - Alternate to Delegate #2.

An alternate voting delegate may vote when the voting delegate is absent. Each city is entitled to one vote.

The object of the BIG-C is to stimulate communications between the barrier island cities to focus on problems common to all, including but not limited to: tourism, recycling, public transportation, beach preservation, renourishment and access, marine environment, air and water quality, public safety, density management, waterway regulation, taxation based on permanent residents and average transient population, to unite and be able to have one voice addressing the county, state, and federal governments while respecting the individuality of each.

April, 2022 - March, 2023 - Voting Delegates
Mayor-Commissioner Joanne Moston Kennedy - Voting Delegate
Commissioner Joe McCall - 1st Alternate
Commissioner Jude Bond - 2nd Alternate

ANALYSIS: The City Commission needs to appoint a voting delegate and two alternate voting delegates to the BIG-C.

The BIG-C meetings are held the last Wednesday of each month at 9:00 a.m., with the location rotating between the membership cities.

MOTION: I move to **APPROVE/DENY** Resolution No. 2023-04, appointing **Mayor-Commissioner Kennedy** as the City's voting delegate, at the BIG-C meetings, with _____ as the first alternate voting delegate, and _____ as the second alternate voting delegate.

/dor

**CITY OF INDIAN ROCKS BEACH
RESOLUTION NO. 2023-04**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, APPOINTING A VOTING DELEGATE AND FIRST AND SECOND ALTERNATE VOTING DELEGATES TO REPRESENT THE CITY OF INDIAN ROCKS BEACH AT THE BARRIER ISLANDS GOVERNMENTAL COUNCIL (BIG-C) MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the object of the Barrier Islands Governmental Council (BIG-C) is to stimulate communications between the barrier island cities to focus on problems common to all, including but not limited to: tourism, recycling, public transportation, beach preservation, renourishment and access, marine environment, air and water quality, public safety, density management, waterway regulation, taxation based on permanent residents and average transient population, to unite and be able to have one voice addressing the county, state, and federal governments while respecting the individuality of each; and

WHEREAS, the BIG-C By-Laws, Article III, Section 2. Representation, states that all elected officials of each municipality shall be members of the council, one of whom shall be appointed by the municipality as the voting delegate. Each municipality may appoint any other elected official as alternate voting delegates. Each municipality shall designate their delegates in writing; and

WHEREAS, the City Commission desires to appoint members of the City Commission to represent the City at the BIG-C Meetings.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, DOES RESOLVE, that

Section 1. The City Commission hereby appoints **MAYOR JOANNE MOSTON KENNEDY** as the City's voting delegate at the BIG-C Meetings, and appoints _____ as the 1st alternate voting delegate and _____ the 2nd alternate voting delegate.

Section 2. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 28th day of March 2023, 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. 8

WORK SESSION ITEMS:

NONE

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10

ADJOURNMENT.