

**MINUTES — MAY 9, 2023**  
**CITY OF INDIAN ROCKS BEACH**  
**REGULAR CITY COMMISSION MEETING**

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The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, MAY 9, 2023**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Jude Bond, Commissioner Denise Houseberg, Commissioner Joseph D. McCall, Commissioner Lan Vaughan, and City Manager Gregg Mims.

**OTHERS PRESENT:** City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, PCSO Captain Michael Leiner, Fire Chief Jeffrey Davidson, and IT Consultant Brian McCarthy.

*(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 April 2023.

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

Fire Chief Davidson presented the fire district's report for April 2023.

**2. PUBLIC COMMENTS.**

**Nancy Obarski, 708 Beach Trail, Unit B,** spoke on the Army Corps of Engineers regarding beach renourishment and the lack of not budging on the beach easements.

**Diane Daniel, 309-10th Avenue,** stated she would like for the city to recognize Pride Month in June. She provided a brief history on pride.

**Jose Coppen, 4 Gulf Boulevard,** thanked the mayor for participating in a meeting with members of the White House Office over the future of the Sand Key Shore Protection

Project.

**Don House, 2104 Beach Trail**, questioned public comment 3-minute time limit per speaker, some speakers are allowed more time.

**3A. REPORT OF the City Attorney:**

City Attorney Mora provided an update of the following legislative bills:

Senate Bill 714, Vacation Rentals; Requiring advertising platforms to collect and remit specified taxes for certain vacation rental transactions; defining the term “advertising platform”; revising the regulated activities of public lodging establishments and public food service establishments preempted to the state to include licensing; requiring advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements and attest to certain information; authorizing the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances, etc. Failed.

Senate Bill 102- Housing; Citing this act as the "Live Local Act"; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; providing an exemption from ad valorem taxation for land that meets certain criteria; authorizing local governments to adopt ordinances to provide an ad valorem tax exemption for portions of property used to provide affordable housing meeting certain requirements; suspending, for a specified period, the General Revenue Fund service charge on documentary stamp tax collections; authorizing the Governor, under the Florida Job Growth Grant Fund, to approve state or local public infrastructure projects to facilitate the development or construction of affordable housing, etc. Passed.

Senate Bill 170, Local Ordinances; Authorizing courts to assess and award reasonable attorney fees and costs and damages in certain civil actions filed against local governments; providing certain procedures for continued meetings on proposed ordinances and resolutions for counties; requiring a county to suspend enforcement of an ordinance that is the subject of a certain legal action if certain conditions are met; providing certain procedures for continued meetings on proposed ordinances for municipalities, etc. Passed.

Senate Bill 250, Natural Emergencies; Prohibiting counties and municipalities, respectively, from prohibiting temporary shelters on residential property for a specified timeframe under certain circumstances; requiring the Division of Emergency Management to post a model contract for debris removal on its website by a specified date; requiring the model contract to be annually updated by a specified date; requiring the division to administer a revolving loan fund for certain local government projects;

increasing the timeframe to exercise rights under a permit or other authorization, etc. Passed.

**3B. REPORT OF the City Manager:**

Code Enforcement Report: 3 courtesy letters, 21 violation letters, 2 citations, 5 notices to appear, 6 short-term rental inspections and 106 parking violations not including the Pinellas County Sheriff's Office.

Capitol Project Report- Phase 1 of the Nature Preserve boardwalk project is complete. Kolb Park upgrades are complete.

City Manager stated that he and Mayor-Commissioner Kennedy went to Tallahassee to testify at two different House and Senate Hearing, the trip was informative. fight.

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

**COMMISSIONER McCALL:**

Stated that the IRB HOA Easter Egg Hunt sponsored by the City and Beggins Century 21 had over 200 children in attendance. IRB HOA approved various donations to several organizations.

**COMMISSIONER VAUGHAN:**

Stated that he met with Captain Leiner from the Pinellas County Sheriff's Office, and all officers will be trained on the sound meter to help us deal with the noise. Requesting that we revisit parking and speed limits.

**VICE MAYOR COMMISSIONER BOND:**

Requested we look at what the city is doing regarding the condominiums lighting levels on the beach for the turtles.

**MAYOR COMMISSIONER KENNEDY:**

Stated that the visit to Tallahassee was very informative, and successful, but the subject of short-term rental preemptions will return next session.

**4. ADDITIONS/DELETIONS. None**

**5. CONSENT AGENDA:**

- A. APPROVAL OF** the March 1, 2023, City Commission Work Session Minutes.
- B. APPROVAL OF** the March 28, 2023, City Commission Meeting Minutes.
- C. ACCEPT/FILE** March 2023 Year-to-Date Financial Report.
- D. AUTHORIZING** the city manager to enter into a contract with Planeteria for the design and implementation of a new city website.

City Attorney Mora read the Consent Agenda, consisting of Agenda Items 5A through 5D, for approval.

**MOTION MADE BY COMMISSIONER VAUGHAN, SECONDED BY COMMISSIONER McCALL, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEMS 5A THORUGH 5D AS WRITTEN, UNANIMOUS APPROVAL BY ACCLAMATION.**

**6. PUBLIC HEARINGS:**

**A. ORDINANCE NO. 2023-02 – SECOND AND FINAL READING.**

An ordinance of the city of Indian Rocks Beach, Florida, establishing a comprehensive regulatory scheme regarding the marketing and operation of short-term rentals within the city; creating a new Article V, "Vacation Rental Regulations," within Chapter 18 – "Businesses"; establishing a comprehensive ordinance regulating the registration, inspection, safety, and operation of vacation rentals within specified zoning districts in the city of Indian Rocks Beach; creating related definitions; making related findings; providing for codification, severability, and for an effective date.

City Attorney Mora stated that the new version of Ordinance No. 2023-02 incorporates all revisions from 4/11/2023 City Commission Meeting.

Commissioner McCall asked where the city was with the host compliance company. City Manager Mims replied that it is on hold until the ordinance is adopted.

Commissioner Houseberg requested the word "overnight" be removed from page 16 of 25 under maximum occupancy based on site compacity. We want to stop as many party houses as possible.

City Attorney Mora explained occupancy violations in short-term rental ordinance are typically enforced on the advertising side more than the present occupancy in the moment.

Commissioner Vaughan recommended to remove the word "overnight" in section 18-214 (a), we need to make it very clear what the permissible occupancy is for a short-term rental. He asked that more clarity be added to section 18-214(a) regarding better permissible occupancy limits.

City Attorney Mora stated that he could add the language in 18-214 (a) as set forth in section 18-216 of this article.

**THE CONSENSUS OF THE CITY COMMISSION FOR THE CITY ATTORNEY TO ADD**

**LANGUAGE IN 18-214 (A) REFERENCING SECTION 18-216 OF THIS ARTICLE TO ORDINANCE NO. 2023-02.**

Commissioner Bond asked if there is a mechanism for relief for nonconforming properties in the CT zone. The cottages in the CT zone are nonconforming.

City Attorney Mora replied that Section 18-200 acknowledges non-conforming properties and has the language for bedrooms, signs and parking due to the unique features of that district.

Commissioner McCall recommends that we include bedrooms and parking requirements for the cottages.

City Attorney Mora stated that he could add the language “historically recognize as a cottage in the city where the condominium property or cottage contains units lawfully operating as short-term vacation rentals.” in 18-218.

**THE CONSENSUS OF THE CITY COMMISSION FOR THE CITY ATTORNEY TO ADD LANGUAGE “HISTORICALLY RECOGNIZE AS A COTTAGE IN THE CITY WHERE THE CONDOMINIUM PROPERTY OR COTTAGE CONTAINS UNITS LAWFULLY OPERATING AS A SHORT-TERM VACATION RENTALS” IN 18-218 TO ORDINANCE NO. 2023-02.**

Commissioner McCall recommended grandfathering houses that can be identified as a legal bedroom of 5 or above at the time of adoption. 5 and above bedrooms would have a maximum occupancy of 12 grandfathered instead of reverting back to the 10 occupancies within 2 years.

Commissioner Bond agreed that if a home was purchased with investment expectation for the future it might be something to look at.

Commissioner Vaughan stated that it would be going backwards. It would open the door to homes being scraped and building more.

Commissioner Houseberg does not want to change anything.

**THERE WAS NO CONSENSUS BY THE CITY COMMISSION TO ADD A GRANDFATHER CLAUSE TO HOMES AT THE TIME OF ADOPTION WITH A LEGAL 5 OR ABOVE BEDROOMS TO A MAXIMUM OCCUPANCY OF 12, WITH COMMISSIONERS VAUGHAN, HOUSEBERG AND BOND OBJECTING.**

Mayor-Commissioner Kennedy opened the public comments.

**Nancy Obarski, 708 Beach Trail Unit B**, stated it would be tough to enforce occupancy limits.

**Marilyn Bush, 512 Harbor Drive N**, stated that short term rentals have affected her personally, it is the invasion of the house snatchers. She thanked the Commissioners for their hard work.

**Rick Welch, 405 12<sup>th</sup> Avenue**, stated he bought his house 9 years ago because of the nice neighborhood feel, but it has changed substantially.

**Kelly Cisarik, 448 Harbor Drive S.**, spoke about occupancy, in 2011 Florida amended Florida Statue 509 in which they recognized vacation rentals as a type of lodging business, they do not have to have the same rules as private houses, they are not residential in nature they are transient rental properties, and they can have different rules.

**John Pfansteihl, 448 Harbor Drive S.**, thanked the board for what they are doing and the city manager and mayor for going to Tallahassee. Thanked the residents who wrote to Florida legislatures.

**Diane Daniel, 309 12<sup>th</sup> Avenue**, thanked the commission for all their work. She hopes that the party houses change. Unless something happens at the state level, nothing is going to change.

**Darlene Cavaugh, 450 Harbor Drive S.**, stated that some of these short-term rental rules should pertain to the owner on site. She stated that boat and jet ski rentals from the short-term rentals have not been addressed. Residents should not have to police code violations. She would like to revisit the street parking issue. She recommended adding the wording “no criminal activity” in the short-term rental agreement.

**Randy Britz, 466 20<sup>th</sup> Avenue**, recommended that another look be taken regarding overnight occupancy, that the word overnight needs to be taken out.

**Kelley Watt, 431 Harbor Drive S.**, recommended that the word “overnight” be looked at again. Stated that a 2-year vesting period is too long, 1 year occupancy vesting period seems more appropriate.

Mayor-Commissioner Kennedy closed the public hearing.

#### **MOTION BY COMMISSIONER VAUGHAN TO APPROVE ORDINANCE NO. 2023-02 VACATION RENTAL REGULATIONS WITH THE TWO MODIFICATONS**

As modified section 18-214 restricting advertisements such that it would read “No Advertising Gatherings. No vacation rental may be advertised as an event venue for

gathers such as weddings, corporate retreats, or film productions, which are likely or intended to draw attendance in excess of the permissible occupancy as set forth in section 18-216, or parkin in excess of the restrictions set forth in section 18-218 of this Article.”

As modified section18-218 such that it would read “This provision shall not be construed to require the modification of any existing parking infrastructure of any condominium property in the city’s CT zoning district or properties historically recognized as a cottage in the city, where the condominium property or cottage contain units lawfully operating as short-term vacation rentals. In such instances, the unit owner shall ensure any designated parking spot or allocation made for the subject unit remains vacant and accessible for its guest. Such spot or allocation shall be described and identified in the parking plan submitted with the rental registration.”

**SECONDED BY COMMISSIONER VAUGHAN.**

Mayor- Commissioner Kennedy asked if there were any comments from the maker or the second or any other Commissioners.

**ROLL CALL VOTE:  
ALL AYES. MOTION CARRIED 5-0.**

- 7. **OTHER LEGISLATIVE MATTERS:** None
  - 8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None
  - 9. **OTHER BUSINESS.** None
  - 10. **ADJOURNMENT.**
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***MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER VAUGHAN, TO ADJOURN THE MEETING AT 9:00 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.***

July 11, 2023  
Date Approved  
/lak