

**CITY OF INDIAN ROCKS BEACH  
REGULAR CITY COMMISSION MEETING  
TUESDAY, JULY 11, 2023- 6:00 PM  
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785  
(MEETING CAN BE VIEWED AT WWW.INDIAN-ROCKS-BEACH.COM)  
MINUTES**

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

**MEMBERS PRESENT:** Mayor-Commissioner Joanne Kennedy, Commissioner Denise Houseberg, and Commissioner Lan Vaughan.

**OTHERS PRESENT:** Attorney Thomas Trask sitting in for City Attorney Randy Mora.

**MEMBERS ABSENT:** Vice-Mayor Jude Bond and Joe McCall.

For continuity, items are listed in agenda order, although not necessarily discussed in that order.

**1 A. REPORT OF Pinellas County Sheriff's Office.**  
A PCSO representative reviewed the monthly report.

**1 B. REPORT OF Pinellas Suncoast Fire & District.**  
Fire Chief Jeffrey Davidson reviewed the fire district's monthly report.  
Fire Chief Davidson stated the department will be performing short-term vacation rental live saving inspections and in August the department will be adding a lifesaving marine unit.  
Commissioner Houseberg asked if the check list for fire safety inspections was completed. Chief Davidson replied yes.

**2. PUBLIC COMMENTS.**

John Phanstiel, 448 Harbor Drive S, stated many residents appreciate all the work the commission did on the new short-term rental regulations. The city should hire a lobbyist this summer and put a referendum on the ballot.  
Tom Wilson, 444 Harbor Drive S. thanked Commissioner Denise Houseberg for her presentation to the realtors explaining what is going on with short-term rentals. Thanked the sanitation department.

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

Attorney Thomas Trask stated that he was filling in for City Attorney Randy Mora.

Commissioner Vaughan asked to defer City Attorney Mora's report that was requested at the last meeting to the next meeting to discuss short-term rentals and hiring someone to talk to the legislators.

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

City Manager Mims read the Code Enforcement Report for June 2023.

(93) parking citations, does not include Pinellas County's Sherriff's Office.

(2) courtesy letters sent

(21) violation letters.

(4) notices to appear.

(12) short-term renal inspections.

The City Manager stated the Proposed Budget was released, and he and Finance Director Dan Carpenter will be meeting with individual commissioners to discuss the proposed budget.

The City Manager announced the following dates to finalize the budget process:

July 25, 2023, at 4:00 pm City Commission Budget Work Session.

July 25, 2023, at 6:00 p.m. Special City Commission Meeting for the Tentative Millage Rate.

September 6, 2023, at 6:00 p.m. first public hearing to adopt a Tentative Budget and Millage Rate.

September 20, 2023, at 6:00 p.m. final public hearing to adopt a Final Budget and Millage Rate.

The City Manager presented the June 2023 Indian Rocks Beach Library stats.

The Manager reported that the city received a new garbage truck and a new bucket truck after waiting for two years. The Vacation Rental Ordinance Application and updated map have been uploaded on the website. In this year's budget the city allocated money for adaptive playground equipment for children with disabilities and will be installed by the end of this month. In the proposed budget there is more equipment that the city would like to add.

The City Manager stated that later this month he will have been with the city for 10 years, he thanked the Commission for the privilege to serve in his position, and looks forward to working with this Commission, Planning and Zoning Board, Board of Adjustment, and a great staff.

Commissioner Vaughan, and Commissioner Houseberg, thanked the City Manager.

Mayor- Commissioner Kennedy stated she was in the group that hired City Manager Mims, he is a multi-tasker, great with the commission, and always levelheaded. The city has benefited from his 40 plus years in government.

**3 C. REPORT OF the City Commission.**

Mayor-Commissioner Kennedy stated she spoke with a resident who said this was the least number of fireworks on 4<sup>th</sup> of July and spoke with another on the same street that said the ordinance should be thrown out because it is not being enforced. She said it is how you perceive things. She was told the beach was clean and she thought that enforcement went well.

**4. ADDITIONS/DELETIONS.**

Agenda Item 6D. BOA Case NO. 2023-03-2011 1<sup>st</sup> Street, was withdrawn by the applicant.

Agenda Item 8A. has been rescheduled for September 12, 2023, Regular City Commission Meeting.

**5. CONSENT AGENDA.**

**5 A. Approve May 9, 2023, Regular City Commission Meeting Minutes.**

**5 B. Authorizing the City manager to sign a one-year agreement to renew group health coverage with the Public Risk Management (PRM) Group Health Trust for FY 2023-2024.**

**MOTION** was made by Commissioner Vaughan and seconded by Commissioner Houseberg to approve the Consent Agenda.

**AYES: Houseberg, Vaughan, and Kennedy**

**NAY: None**

**ABSENT: McCall and Bond**

**Motion to approve carried unanimously.**

**6. PUBLIC HEARING.**

**6 A. ABT 19-2023- 1401 GULF BOULEVARD-INDIAN ROCKS CAFÉ DELI & MARKET.**

Considering a 2 COP Alcoholic Beverage Use Designation (Beer, wine, liquor. By the drink or in sealed containers for consumption on or off premises where sold), for Indian Rocks Café Inc., d/b/a Indian Rocks Café Deli & Market, located at 1401 Gulf Boulevard Suite 5,6 and 7, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 29, Lots 1, 2, and 3.

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City Attorney Trask read Agenda Item No. 6A, ABT Case No. 19-2023.

City Attorney Trask inquired of the City Commission members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

City Attorney Trask inquired of the City Commission Member if any of them had conducted a site visit for the limited purpose of evaluating the application before them, with all members responding negatively.

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

Interim City Clerk Kornijtschuk presented ABT Case No. 19-2023, Indian Rocks Café Deli & Market, 2 COP Alcoholic Beverage Use Designation.

Mr. Jeff Tacy requested a 2COP Alcoholic Beverage Designation Application (Beer, wine, liquor. By the drink or in sealed containers for consumption on or off premises where sold) for the establishment Indian Rocks Café Deli & Market, located at 1401 Gulf Boulevard.

Indian Rocks Café is in the Sunrise Gallery Shopping Center located in the B-Business District. The surrounding zoning is B-Business to the north and south, R2-Medium density multifamily zoning district to the east and CT-Commercial Tourist on the west side of Gulf Boulevard at 1401.

The Planning Consultant & Pinellas County Sheriff's Office has signed off on the application.

A public notice was mailed, and legal notice published.

The City has updated the motion on this application to read:

The City Staff recommends approval with the stipulation that repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment or parking area may result in the revocation of the alcoholic beverage designation.

Jeff Tacy, 716 Gulf Boulevard, applicant stated they had expanded the Café into Boars Head Deli and Market. The closest retail to the Deli is USA Grocery. The Café is open until 2:00 p.m. and the market stays open to 6:00 p.m., the sale of alcohol will be retail, but the COP gives the customer the opportunity to drink it on the premises.

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

Mayor -Commissioner Kennedy asked if there would be alcohol sold. Mr. Tracy replied nothing more than 13%.

Commissioner Houseberg asked if the store hours would remain the same. Mr. Tracy replied yes. Commissioner Houseberg asked will your sales be carted away. Mr. Tracy replied he would bag it, but they could have a drink in the Café.

Mayor-Commissioner Kennedy reported that a letter not in favor was received from Groupers Restaurant.

City Manager Mims stated the letter from Groupers was regarding the distance requirement limitation, the city does not have one.

Commissioner Vaughan stated that he saw Groupers as a restaurant serving alcoholic beverages and the Café as a retail environment, so it could be taken home for consumption, but it also could be consumed on the premises.

**Motion** was made by Commissioner Houseberg and seconded by Commissioner Vaughan for ABT Case No. 19-2023 to include the stipulation that repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment or parking area may result in the revocation of the alcoholic beverage designation.

**AYES:** Houseberg, Vaughan, and Kennedy

**NAY:** None

**ABSENT:** McCall and Bond

**Motion to approve carried unanimously.**

**6 B. ABT 20-2023- 409 GULF BOULEVARD-SAVOR THE MOMENT CATERING**

Considering a 13 CT Alcoholic Beverage Use Designation (By the drink for consumption on the premises only of any catered event at which the licensee is providing prepared food) for Big Claw Catering, LLC., d/b/a Savor the Moment Catering, located at 409 Gulf Boulevard Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 8, Lots 5 & 6 Less RD R/W on W & Lots 7 thru 10 & Lot 11 & 12 Less RD R/W on S & Lots 13 thru 20.

City Attorney Trask read Agenda Item No. 6B, ABT Case No. 20-2023.

City Attorney Trask inquired of the City Commission members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

City Attorney Trask inquired of the City Commission Member if any of them had conducted a site visit for the limited purpose of evaluating the application before them, with all members responding negatively.

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

Interim City Clerk Kornijtschuk presented ABT Case No. 20-2023, Big Claw Catering LLC., d/b/a Savor the Moment Catering, 13 CT Alcoholic Beverage Use Designation. Matthew Loder Sr. has requested a 13 CT Alcoholic Beverage Use Designation (By the drink for consumption on the premises only of any catered event at which the licensee is providing prepared food) for Big Claw Catering, LLC., d/b/a Savor the Moment Catering, located at 409 Gulf Boulevard.

The surrounding zoning is B-Business to the north, south and east with CT-Commercial Tourist on the west side of Gulf Boulevard.

The Planning Consultant & Pinellas County Sheriff's Office has signed off on the application.

A public notice was mailed, and legal notice published.

The City has updated the motion on this application to read:

The City Staff recommends approval with the stipulation that repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment or parking area may result in the revocation of the alcoholic beverage designation.

Mayor-Commissioner Kennedy opened the public hearing.

Matt Loder, 401 Gulf Boulevard, stated this is a liquor license for catering to have alcohol off site.

John Pfanstiehl, 448 Harbor Drive South, stated Matt and his family have done so much for this community, and is completely for this.

Mayor-Commissioner Kennedy closed the public hearing.

**Motion** was made by Commissioner Vaughan and seconded by Commissioner Houseberg for ABT Case No. 20-2023 to include the stipulation that repeated or

intermittent nuisance activity and/or unlawful noise levels originating from the establishment or parking area may result in the revocation of the alcoholic beverage designation.

**AYES:** Houseberg, Vaughan, and Kennedy

**NAY:** None

**ABSENT:** McCall and Bond

**Motion to approve carried unanimously.**

**6 C. ABT 21-2023- 409 GULF BOULEVARD-SAVOR THE MOMENT CATERING**

Considering a 4 COP SFS Alcoholic Beverage Use Designation (Beer, wine, liquor. By the drink or in sealed containers for consumption on or off premises where sold) for Big Claw Catering, LLC., d/b/a Savor the Moment Catering, located at 409 Gulf Boulevard Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 8, Lots 5 & 6 Less RD R/W on W & Lots 7 thru 10 & Lot 11 & 12 Less RD R/W on S & Lots 13 thru 20.

City Attorney Trask read Agenda Item No. 6C, ABT Case No. 21-2023, by title only.

City Attorney Trask inquired of the City Commission members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

City Attorney Trask inquired of the City Commission Member if any of them had conducted a site visit for the limited purpose of evaluating the application before them, with all members responding negatively.

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

Interim City Clerk Kornijtschuk presented ABT Case No. 21-2023, Big Claw Catering LLC.,d/b/a Savor the Moment Catering, 4 COP Alcoholic Beverage Use Designation. Matthew Loder Sr. has requested a 4 COP SFS Alcoholic Beverage Use Designation (Beer, wine, liquor. By the drink or in sealed containers for consumption on or off premises where sold) for Big Claw Catering, LLC., d/b/a Savor the Moment Catering, located at 409 Gulf Boulevard.

The surrounding zoning is B-Business to the north, south and east with CT-Commercial Tourist on the west side of Gulf Boulevard.

The Planning Consultant & Pinellas County Sheriff's Office has signed off on the application.

A public notice was mailed, and legal notice published.

The City has update the motion on this application to read:

The City Staff recommends approval with the stipulation that repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment or parking area may result in the revocation of the alcoholic beverage designation.

Matthew Loder, 401 Gulf Boulevard, stated it is a necessity to have a 4 COP license to obtain a 13 CT license.

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

**Motion** was made by Commissioner Houseberg and seconded by Commissioner Vaughan for ABT Case No. 21-2023 to include the stipulation that repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment or parking area may result in the revocation of the alcoholic beverage designation.

**AYES:** Houseberg, Vaughan, and Kennedy

**NAY:** None

**ABSENT:** McCall and Bond

**Motion to approve carried unanimously.**

**6 D. BOA CASE NO. 2023-03-2011 1<sup>ST</sup> Street (Withdrawn by the applicant.)**

**7. OTHER LEGISLATIVE MATTERS. None.**

**8. WORK SESSION ITEMS.**

**8 A. DISCUSSION OF ~~paid parking program for Indian Rocks Beach.~~ (Rescheduled for September 12, 2023, Regular City Commission Meeting.)**

**9. OTHER BUSINESS.**

**9 A. City Clerk Vacancy**

City Manager Mims stated that on June 7, 2023, the City Commission unanimously appointed Lorin as the Interim City Clerk, they also authorized the City Manager, Mayor-Commissioner Kennedy and City Attorney to update the City Clerk Description. The position was posted on June 9, 2023, and closed on June 30, 2023. Four applications were received including Lorins.



City Manager read the email letter he sent to all the Commissioners. *Good morning. As you know a discussion of the City Clerk Position is on tomorrow night's City Commission Agenda (Agenda Item # 9). Detailed information concerning the applicants, Code and Charter provisions were included in the agenda packet. After a detailed review of the applicants and their qualifications the following is offered. As your City Manager I recommend that the Commission offer the position of City Clerk to Lorin Kornijtschuck and authorize the City Attorney and City Manager to negotiate an employment agreement. Further I would recommend that the starting salary be set at \$75,000. If this course of action is approved by the Commission the negotiated employment agreement will be placed on the August 8, 2023, IRB CC Meeting Agenda, for consideration and approval.*

City Manager Mims stated Lorin will have been with the city for 10 years this September. She has worked with every department including the City Clerk. She is well respected by all the employees of the city. The only other applicant that was remotely qualified was an individual from out of state, but she does not have the decade of knowledge that Lorin has on Florida rules, regulations, and restrictions.

City Manager Mims stated he had a conversation with Commissioner McCall on an unrelated matter, but briefly spoke about the City Clerk position. Commissioner McCall wanted it to be recorded that he supports the appointment of Lorin Kornijtschuk with conditions that have been laid out.

Commissioner Houseberg asked if there would be any interviews. City Manager Mims replied you are not obligated to and the only one other applicant was remotely qualified is out of state and does not have knowledge of Florida rules and regulations. Commissioner Kennedy stated she has worked with Lorin in her other positions and in time of need when the former City Clerk needed help Lorin was always there. Her experience working in the city and taking over this position while working on things that are needed, is stellar. I am pleased with her.

Interim City Clerk Lorin Kornijtschuk stated that she applied for her International Institute of Municipal Clerks certificate in 2018 and is an associate member. She pays the yearly dues, and takes classes, however, the only way to obtain a certificate is to be acting as a City Clerk.

Mayor-Commissioner Kennedy opened the public hearing.

John Pfanstiehl, 448 Harbor Drive S., stated he had worked on a few things with Lorin and she is qualified and if she gets chosen by the Commission the city would be very lucky. The City Manager and the City Clerk are chosen by the Commission.

City Manager Mims stated the City Commission appoints the clerk, duties are in the city code and the city manager supervises the day-to-day actions, this is not anything new. Mayor-Commissioner Kennedy closed the public hearing.

**MOTION** was made by Commissioner Houseberg and seconded by Commissioner Vaughan to approve Lorin Kornijtschuk as the City Clerk and to authorize the City Manager and City Attorney to negotiate an employment agreement with a starting salary of \$75,000.

**AYES:** Houseberg, Vaughan, and Kennedy

**NAY:** None

**ABSENT:** McCall and Bond

**Motion to approve carried unanimously.**

#### **10. ADJOURNMENT.**

**Motion** was made by Commissioner Houseberg and seconded by Commissioner Vaughan to adjourn at 7:05 p.m. Unanimous approval by acclamation.

/LAK