

**CITY OF INDIAN ROCKS BEACH  
REGULAR CITY COMMISSION MEETING  
TUESDAY, AUGUST 8, 2023- 6:00 PM  
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785  
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, Vice-Mayor Jude Bond, Commissioner Denise Houseberg, Commissioner Joe McCall, and Commissioner Lan Vaughan.

**OTHERS PRESENT:** City Manager Gregg Mims, City Attorney Randy Mora and City Clerk Lorin A. Kornijtschuk.

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

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

The Pinellas County Sheriff's Office presented a crime analysis report for June 2023.

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

Fire Chief Davidson presented the fire district's report for July 2023. He stated that the Life Safety Inspection Program for Short Term Rentals is available on the Fire Departments Website.

**2. PUBLIC COMMENTS.**

Don House, 2104 Beach Trail, commented on his attendance at the July Big C Meeting regarding Beach Renourishment.

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

City Attorney Mora stated the City received a litigation demand letter from one law firm allegedly representing 300 properties owners who may interpose legal challenges to the city's Short-term Rental Ordinance. He is coordinating with the city's insurance defense council to defend the city's position on the Short-term Rental Ordinance.

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

The new law created by SB 250 is set forth in section 553.80 of Florida Statutes and says: "A county or municipality located entirely or partially within 100 miles of where either Hurricane Ian or Hurricane Nicole made landfall shall not propose or adopt any moratorium on construction, reconstruction or redevelopment of any property damaged by Hurricane Ian or Hurricane Nicole; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval or issuance of a site plan, development permit or development order before October 1, 2024. Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation or procedure shall be null and void ab initio. This applies retroactively to September 28, 2022." City Attorney Mora stated this will limit the amount of business that comes before the Planning and Zoning Board and City Commission.

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. City Attorney Mora stated this bill would require the city to produce a business impact statement during the drafting phase of an ordinance.

Senate Bill 774 makes the following changes to ethics requirements for public officials: Requires specified local officers to file a Form 6 financial disclosure, beginning January 1, 2024, instead of Form 1.

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

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

City Manager Mims gave an update on the implementation of the new vacation rental ordinance that went in effect on August 1, 2023.

City Manager Mims stated Ordinance 2023-02- Short-term Vacation Rentals, adopted by the Commission, does not require a vacation rental property to comply with current electrical or plumbing building codes. However, the city would get involved if during the short-term vacation property inspection there was a FEMA violation on the property such as illegally converted renovations that make a ground floor area into a living space.

City Manager Mims stated at the next Regular City Commission Meeting on September 12, 2023, Scott Dudley from Florida League of Cities will give a presentation on Local Voices United.

City Manager Mims stated at the conclusion of the July 25, 2023, City Commission Budget Work Session, the Commission made no changes to the proposed budget. One of the highlights of the budget is the tenant mill rate was set at 1.73 down from 1.83, that is the third mill rate reduction since 2017.

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

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

Commissioner Houseberg stated that she read in the Tampa Bay Times regarding the Beach Renourishment Project, "Army Corp of Engineers Jacksonville office is working with Pinellas County Officials for mutually acceptable resolution that will clear the way for renourishment projects."

Mayor-Commissioner Kennedy provided a recap on the July Big C meeting regarding Beach Renourishment.

**4. ADDITIONS/DELETIONS.**

**ADD TO THE CONSENT AGENDA:**

- **APPROVAL** of July 25, 2023, Special City Commission Meeting Minutes.
- **CONFIRMING ACTION** taken during July 25, 2023, Special City Commission Meeting.
- **APPROVAL** of the July 25, 2023, City Commission Budget Work Session Minutes.

**DELETION TO PUBLIC HEARINGS:**

- **BOA CASE NO. 2023-05-461 Harbor Dr S.**- to be rescheduled to a later date.

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

**5. CONSENT AGENDA.**

- A. APPROVAL OF** the June 13, 2023, Regular City Commission Meeting Minutes.
- B. APPROVAL OF** July 11, 2023, Regular City Commission Meeting Minutes.
- C. AUTHORIZING** the Mayor- Commissioner to sign employment agreement with the City Clerk, Lorin A. Kornijtschuk.
- D. REAPPOINTMENT** to the Board of Adjustments and Appeals, Stewart DeVore as a regular board member for a three-year term expiring June 30, 2026.
- E. REAPPOINTMENT** to the Planning and Zoning Board, Dave Mott from 1<sup>st</sup> Alternate to regular member for a two-year term expiring June 30, 2025.
- F. ACCEPT/FILE** the June 2023 Year-to-Date Financial Report.
- G. APPROVAL** of July 25, 2023, Special City Commission Meeting Minutes.
- H. CONFIRMING ACTION** taken during July 25, 2023, Special City Commission Meeting.
- I. APPROVAL** of the July 25, 2023, City Commission Budget Work Session Minutes.

**MOTION** was made by Commissioner McCall and seconded by Commissioner Houseberg to approve the Consent Agenda. **Motion to approve carried unanimously.**

**6. PUBLIC HEARING.**

**A. BOA CASE NO. 2023-04 –449 Harbor Drive S.**

Considering a variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 9 feet into the required 12 foot side setback, resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift for property located at 449 Harbor Dr. S. Indian Rocks Beach, Florida, and legally described as Lot 17 Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County, Florida. Parcel # 06-30-15-42372-000-0170.

{Beginning of Staff Report}

**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.

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**OWNER** Brenda & Barry Lanier  
**LOCATION of PROPERTY:** 449 Harbor Dr S  
**ZONING:** S- Single- Family Residential

Direction	Existing Use	Zoning Category
North	Residential	S
East	Residential	S
South	Residential	S
West	Intracoastal	N/A

**BACKGROUND:**

The applicant is requesting a variance for a boat lift to encroach 9 ft into the 12 ft side yard setback for to install a boat lift. They want to remove an existing lift and install a new lift on the side of the dock. The abutting property to the north who is impacted by the reduced setback has no objections and signed off on the location of the new boatlift.

**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 property is located in an area where the water is deep allowing the use of the existing dock.*

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 boat lift 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 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 July 3, 2023, (Sec. 2-149 of the Code of Ordinances.)

**LEGAL NOTICE:** A legal notice was published in the July 26, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for August 8, 2023, for BOA Case No. 2023-04.

**CORRESPONDENCE:** Adjacent neighbors at 447 and 451 Harbor Dr S have signed off on the setbacks.

**MOTION:**

I move to recommend to the City Commission **APPROVAL/DENIAL** of BOA CASE NO. 2023-04—449 Harbor Dr S -Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 9 feet into the required 12 foot side setback, resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift for property located at 449 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 17 Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County, Florida.

{End of Staff Report}

City Attorney Mora read BOA Case No. 2023-04 — 449 Harbor Dr. S. by title only.

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

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2023-04.

Planning Consultant Harmon stated the applicants are requesting a variance for a boat lift to encroach 9 ft into the 12 ft side yard setback resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift. They want to remove an existing lift and install a new lift on the side of the dock. The abutting properties have no objection. BOA recommended denial of the request by 5-0 and staff recommended denial on the project.

Planning Consultant Harmon made a PowerPoint Presentation depicting an aerial view of the property, the dock plan, and the dock cross-section.

Applicant Barry Lanier, 449 Harbor Drive S, stated he would like to have his fishing boat along with his wife's boat on the dock so he would not have to trailer the fishing boat from his workshop.

Mayor- Vice Mayor Bond asked would a simple re- design of the dock solve this problem.

The applicant replied probably would, but he could not afford it.

Mayor-Commissioner Kennedy asked the applicant what the hardship was.

The applicant stated he did not know how to answer.

Mayor-Commissioner Kennedy opened the Public Hearing.

Daniel Muccio, 447 Habor Drive S. stated he is the neighbor, and his dock is the closest to be impacted by this request and does not object. Currently the jet ski dock sticks out and the addition of the boat lift would be a safer situation.

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

Commissioner Houseberg stated she does not have a problem with it.

City Attorney Mora explained what a hardship is.

Commissioner Vaughan stated he agreed with Vice Mayor- Commissioner Bonds view that the dock could be modified, and a variance would not be needed.

Commissioner Vaughan is concerned that seeing a wall of boats would look more like a marina versus a neighborhood.

Commissioner McCall stated this request does not meet the definition of hardship.

Commissioner McCall stated he understood it is a financial situation but there is enough room to put two docks in and still be compliant. He appreciates the neighbor not objecting but stated it will not always be that neighbor.

City Attorney Mora read Sec. 110-101. – of the City of Indian Rocks Beach city code.

**MOTION** was made by Commissioner McCall and seconded by Commissioner Vaughan to **deny** BOA CASE NO. 2023-04 –449 Harbor Dr S. -Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 9 feet into the required 12-foot side setback, resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift for property located at 449 Harbor Dr S. Indian Rocks Beach, Florida, and legally described as Lot 17 Nineteenth Addition to Re-

Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County, Florida.

**City Attorney Mora clarified that the motion on the floor is in the negative, that is a motion to deny the variance.**

**ROLL CALL VOTE:**

**AYES: McCALL, VAUGHAN, BOND, KENNEDY**

**NAYS: HOUSEBERG**

**MOTION TO DENY 4-1**

**B. BOA CASE NO. 2023-05 –461 Harbor Dr S.-- to be rescheduled to a later date.**

**C. BOA CASE NO. 2023-06 – 2209 Gulf Boulevard.**

Considering a variance request from Sec.110-131(4)(f)(1) of the Code of Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2 pools/swim spas for property located at 2209 Gulf Blvd. Indian Rocks Beach, Florida, and legally described as Lot 3, Block 45, RE-Revised Map of Indian Beach Subdivision recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida. Parcel#:01-30-14-42030-046-0030.

**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.

**BOA CASE NO. 2023-06 –2209 Gulf Blvd**

Variance request from Sec.110-131(4)(f)(1) of the Code of Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2 pools/swim spas for property located at 2209 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 3, Block 45, RE-Revised Map of Indian Beach Subdivision recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida. Parcel#:01-30-14-42030-046-0030.

**OWNER**

**Aleksandr & Tatiyana Drigailo**

**LOCATION of PROPERTY:**

2209 Gulf Blvd

**ZONING:**

P-1- Professional Office

Direction	Existing Use	Zoning Category
North	Residential	P-1
East	Residential	RM-2

South	Vacant	P-1
West	Residential	CT

**BACKGROUND:** The applicant is requesting to install two swim/spas for each side of the duplex in the front yard setback. The proposed swim/spas are reviewed as a “pool” since they are larger than the allowed 500 gallons for a spa. The swim/spas are 1200 gallons. Pools or spas are not permitted in the front yard setback.

**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.

*Pinellas County required access to the property from the alley and not from Gulf Blvd.*

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 install the swim/spas.*

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 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 June 30, 2023, (Sec. 2-149 of the Code of Ordinances.)

**LEGAL NOTICE:** A legal notice was published in the July 26, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for August 8, 2023, for BOA Case No. 2023-06.

**CORRESPONDENCE: Four letters of objection were received.**

**MOTION:**

I move to recommend to the City Commission **APPROVAL/DENIAL** of BOA CASE NO. 2023-06 –2209 Gulf Blvd Variance request from Sec.110-131(4)(f)(1) of the Code of Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2 pools/ swim spas for property located at 2209 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 3, Block 45, RE-Revised Map of Indian Beach Subdivision recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida.

{End of Staff Report}

City Attorney Mora read BOA Case No. 2023-6 — 2209 Gulf Blvd. by title only.

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

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2023-06.

Planning Consultant Harmon stated the applicant is requesting to install two swim/spas for each side of the duplex in the front yard setback. The proposed swim/spas are reviewed as a “pool” since they are larger than the allowed 500 gallons for a spa. The swim/spas are 1200 gallons. Pools. Pools or spas are not permitted in the front yard setback. The BOA recommended denial and four letters of objection were received. The original plans have pool spas on top of the building as outdoor living with a pergola.

Planning Consultant Harmon made a PowerPoint Presentation depicting an aerial view of the property.

Tatiana Drigailo, 2209 Gulf Boulevard, applicant stated her parents would be moving into one side of the duplex and her family would be on the other side to use as a vacation home. The property was bought with the plans and engineering done by others. She was not aware that she needed a permit for the spas.

The applicant stated they bought the 2 spas to be installed in the backyard but discovered that they would have to make the backyard into a driveway because there was no access to the property off Gulf Boulevard. She stated she spent \$17,000 on landscaping in the front yard to install the spas in the front.

Commissioner Houseberg asked if the only way to the roof is the spiral staircase.

The applicant replied yes, if there was a fire, this was another way out of the home.

The applicant stated that there were a couple of properties that did have a pool in the front yard on Gulf Boulevard. Harmon clarified that the pool located at 719 Beach Trail is in the 25-foot set back and the pool located at 2500 Gulf Boulevard also known as The Walk is a Planned Unit Development.

Mayor-Commissioner Kennedy asked what the hardship was.

The applicant replied that she does not have a backyard because she was required to have that turned into a driveway so technically her backyard is her front yard.

Mayor-Commissioner Kenndey asked if that was considered a hardship.

City Attorney Mora stated that ultimately whether it is a hardship or not is a determination of the fact finders, you have heard staff opinion and testimony and ultimately the commission is deciding if the criteria have been satisfied.

Vice- Mayor Bond stated this would not be compliant even if the problem was not where to place the spas.

**MOTION** was made by Commissioner Vaughan and seconded by Commissioner Houseberg to **deny** BOA CASE NO. 2023-06 –2209 Gulf Blvd Variance request from Sec.110-131(4)(f)(1) of the Code of Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2 pools/ swim spas for property located at 2209 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 3, Block 45, RE-Revised Map of Indian Beach Subdivision recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida.

***City Attorney Mora clarified that the motion on the floor is in the negative, that is a motion to deny the variance.***

**ROLL CALL VOTE:**

**AYES: McCALL, HOUSEBERG, VAUGHAN, BOND, KENNEDY**

**NAYS: NONE**

**MOTION TO APPROVE 5-0**

City Attorney Mora stated there was a question from the floor whether the city had any recommendations of what she could do. He responded, the board is not in a position to give planning or legal advice. The hearing is concluded at this time. The stated rational the criteria has not been satisfied. The placement of the spas is allowed somewhere, it may not be the most desirable location given your concerns, not that your concerns are not valid, but that is one of the criteria that the commission looked at.

7. **OTHER LEGISLATIVE MATTERS. None.**
8. **WORK SESSION ITEMS. DISCUSSION OF golf carts.**  
**City Attorney Mora presented information on golf carts.**

{Beginning of Staff Report}

In March 2020, I provided the City Commission with a memorandum analyzing state law relating to low-speed vehicles and golf carts (the “Memo”). The Memo detailed the substantive legal differences between golf carts, low speed vehicles, and other mobility devices. The Memo observed that pursuant to the then-operative version of § 316.212 (7), Fla. Stat., a golf cart could lawfully be operated on public roads and streets by any person over the age of 14. (the “Statute”)

In November 2020, the City enacted Ordinance No. 2020-06 (the “Ordinance”), amending Section 62-40 of the City’s Code of Ordinances to regulate golf carts and low speed vehicles. The Ordinance, mirroring the restrictions in the Statute, provided that “[a]ny person operating a golf cart within the jurisdictional boundaries of the City must be at least 14 years old.

On May 12, 2023, the Governor signed HB 949, amending the statute governing the requirements to lawfully operate a golf cart. For the City’s purposes the most important changes concern amendments to § 316.212 (7), Fla. Stat., governing who may lawfully operate a golf cart. Pursuant to this amendment a golf cart **cannot** be operated on public roads or streets by a person who:

- (a) is under **18** years of age, *unless* he or she possesses a valid learner’s driver license or valid driver license; or
- (b) is over **18** years of age, *unless* he or she possesses a valid form of government-issued photographic identification.

Said differently, anyone under 18 **can** lawfully operate a golf cart if they have their driver license or learner’s license. Similarly, anyone over 18 **can** lawfully operate a golf cart if they have valid government-issued photo-ID. Though this amendment does not take effect until October 1, 2023, it was most likely intended to resolve the administrative challenges for law enforcement trying to determine and objectively establish the age of golf cart operators.

Considering this statutory amendment, I recommend the City amend its code to align it with state law.

[End of report]

City Attorney Mora stated the law on golf carts has changed since the City enacted their own golf cart Ordinance No. 2020-06 in November of 2020. At that time the law provided a person of the age of 14 or older to lawfully operate a golf cart. On May 12, 2023, the Governor signed HB 949, amending the statute governing the requirements to lawfully operate a golf cart to; 18 years or younger with a driver's license or learner permit, and over 18 years of age with some form of government issued identification. Currently the City’s code reads that a golf cart could be operated by any person over the age of 14.

Mayor-Commissioner Kennedy asked if anyone had any questions and if everyone agreed with staff preparing an ordinance on golf carts. **Unanimous approval by acclamation.**

Commissioner Bond asked what the status on the subject of motorized vehicles on the beach such as electric bicycles. City Attorney Mora replied that there is a legal distinction between golf carts, low speed vehicles and electric bicycles and that would be another subject.

**Motion** was made by Commissioner Houseberg and seconded by Vice-Mayor Commissioner Bond to adjourn at 7:43 p.m. Unanimous approval by acclamation.

***ROLL CALL VOTE:***

***AYES: McCALL, HOUSEBERG, VAUGHAN, BOND, KENNEDY***

***NAYS: NONE***

***MOTION TO APPROVE 5-0***

**9. OTHER BUSINESS. None.**

**10. ADJOURNMENT.**

**Motion** was made by Commissioner Houseberg and seconded by Vice-Mayor Commissioner Bond to adjourn at 7:43 p.m. Unanimous approval by acclamation.

September 12, 2023

Date Approved

/lak