

**TUESDAY,
SEPTEMBER 13, 2022**

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 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, SEPTEMBER 13, 2022 @ 7:00 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.
- C. **PRESENTATION** to former City Commissioner Ed Hoofnagle.

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. **APPROVAL OF** the August 9, 2022 Regular City Commission Meeting Minutes.
 - B. **RESCHEDULING** the November 8, 2022 Regular City Commission Meeting to Wednesday, November 9, 2022, due to a conflict with the Florida General Election.
 - C. **CONFIRMING ACTION** taken during the September 7, 2022 Special City Commission Meeting.
 - D. **RESOLUTION NO . 2022-06.** A resolution of the City Commission of the City of Indian Rocks Beach, Florida, calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of two City Commissioner Seats for two-year terms; establishing a candidate qualifying period; authorizing the City Manager to enter into a contract with the Pinellas County Supervisor of Elections; establishing a polling place for the March 14, 2023 Election; authorizing the Pinellas County Supervisor of Elections to verify candidate petition cards and facilitate the election process.
 - E. **APPROVAL OF** the FY2022-23 Law Enforcement Contract with the Pinellas County Sheriff's Office.
 - F. **AUTHORIZING** the City Manager to sign a one-year agreement to renew property/casualty/workers compensation & flood insurance with the Public Risk Management (PRM) Group Health Trust for FY 2022-23.
 - G. **AUTHORIZING** the City Manager to Award Bid Number P.W.D. – 2022-01 and enter a contract with Jan-Pro of Tampa Bay for the City of Indian Rocks Beach Janitorial Services.

 6. **PUBLIC HEARINGS:**
 - A. **CONSIDERING** a 4COP-SFS Alcoholic Beverage Use Designation request *[Beer; Wine; Liquor. By the drink for consumption on premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off premises]*, to Guilty Sea Indian Rocks LLC, d/b/a Guilty Sea Pub & Sports, located at 301 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach. Blcok 9, Lots 13 thru 16. [Parcel Number 12-30-14-42858-009-0130].

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

 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 FIVE (5) days before the proceeding for assistance.

POSTED: September 4, 2022

**NEXT REGULAR CITY COMMISSION MEETING
Tuesday, October 11, 2022 @ 7:00 PM**

**SPECIAL CITY COMMISSION MEETING — 2nd BUDGET HEARING
Wednesday, September 21, 2022 @ 6:00 PM**

AGENDA ITEM NO. 1A

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



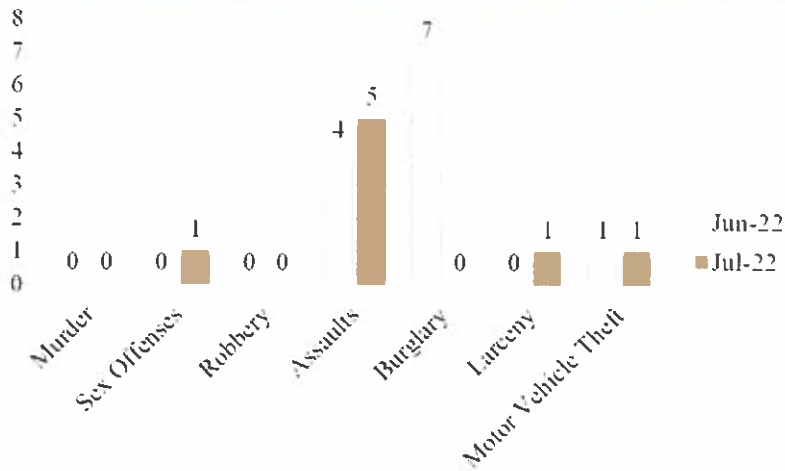
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

July 2022

Select UCR Property & Person Crimes	June 2022	July 2022	July 2021 YTD	July 2022 YTD
Murder	0	0	0	0
Sex Offenses	0	1	1	1
Robbery	0	0	0	2
Assaults	4	5	14	27
Burglary	7	0	6	11
Larceny	0	1	29	40
Motor Vehicle Theft	1	1	5	5
GRAND TOTAL	12	8	55	86



Arrests

July 2022

There were a total of 15 people arrested in the City of Indian Rocks Beach during the month of July resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	2
Aggravated Battery-Domestic Related	1
Tamper With Electronic Device	1
Misdemeanor	13
Battery-Domestic Related	2
Disorderly Intoxication	2
Resist/Obstruct LEO Without Violence	2
Threat To Law Enforcement Officer	1
Trespass After Warning	1
Trespass In Structure/Conveyance	2
Trespass-Other	1
Violation Of Domestic Pretrial Release	1
Violation Of Injunction Protect Domestic	1
Traffic Felony	1
Driver's License Suspended/Revoked	1
Traffic Misdemeanor	5
Driver's License Suspended/Revoked	1
Driving Under The Influence	3
No Valid Driver's License	1
Grand Total	21

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

Deputy Activity

There were a total of **1,279** events in the City of Indian Rocks Beach during the month of July resulting in **1,685** 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 July. *CAD data is filtered by problem type.

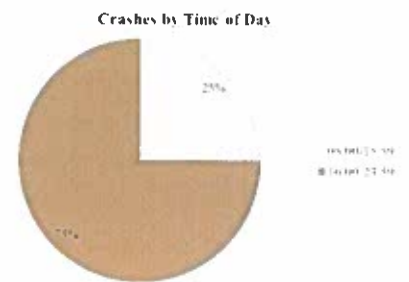
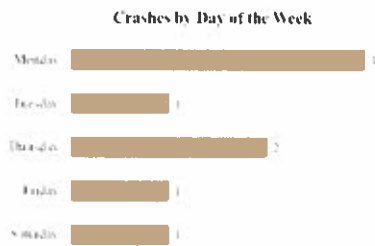
July 2022

DEPUTY ACTIVITY	TOTAL
Directed Patrol	227
Traffic Stop	196
Vehicle Abandoned/Illegally Parked	190
House Check	166
911 Hang-up Or Open Line	72
Assist Citizen	63
Suspicious Person	42
Ordinance Violation	36
Information/Other	25
Community Contact	21
Contact	21
Noise	19
Building Check Business	18
Trespass	18
Transport Prisoner	12
Suspicious Vehicle	11
Traffic Violation	10
Domestic-In Progress	10
Accident	9
Disorderly Conduct	9
Area Check	9
Reckless Driver/Boater	6
Transport Safe Harbor	5
Fraud/Forgery-Not In Progress	5
Supplement	5

Crash & Citation Analysis

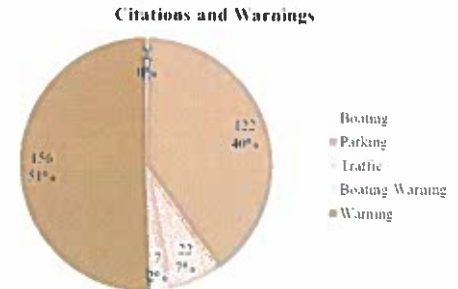
There were 8 crashes in the City of Indian Rocks Beach during July 2022. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
4th Ave/Gulf Blvd	3
Gulf Blvd/13th Ave	1
221 Gulf Blvd	1
Gulf Blvd/21st Ave	1
1805 Gulf Blvd	1
520 Gulf Blvd	1



There were a total of 308 citations and warnings issued in the City of Indian Rocks Beach during July 2022.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
4th Ave & Gulf Blvd	3
Gulf Blvd & Beach Trail	2
7th Ave & Gulf Blvd	2
2nd St & 5th Ave	2
26th Ave & Gulf Blvd	2
Gulf Blvd & 16th Ave	1
Gulf Blvd & 23rd Ave	1
2nd St & 4th Ave	1
19th Ave & Gulf Blvd	1
Gulf Blvd & 21st Ave	1



AGENDA ITEM NO. 1B

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

AGENDA ITEM NO. 1C.

PRESENTATION TO

**FORMER CITY COMMISSIONER
EDWARD G. HOOFNAGLE**

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**

**APPROVAL OF August 9, 2022
Regular City Commission Meeting
Minutes**

**MINUTES — AUGUST 9, 2022
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, AUGUST 9, 2022**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence in memory of Rick Walker, a former assistant chief of the Pinellas Suncoast Fire & Rescue District and current president of the IRB Rotary Club. Mr. Walker had been an integral part of the Fire District since the early 1980s. After Mr. Walker retired from the District, he served the citizens of Pinellas County as a hazardous material analyst with Emergency Management. He was a part of Indian Rocks Beach and loved Indian Rocks Beach.

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

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

(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 the crime analysis report for July 2022.

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

Fire Chief Davidson presented the Fire District's report for July 2022.

Fire Chief Davidson asked if the Fire District could make a presentation to educate the City Commission and the public on the Fire District's November Referendum Question concerning a new ad valorem tax.

City Manager Mims stated he would make arrangements with the Fire Chief.

2. PUBLIC COMMENTS. None

3A. REPORTS OF the City Attorney.

City Attorney Mora stated he is working on regulations concerning the City's buoys, swim areas, and vessel exclusion areas. He has been in touch with the Florida Fish and Wildlife Conservation Commission and its attorney to get a better sense of what they are looking for from the City.

3B. REPORTS OF the City Manager.

Code Enforcement July Report

- 97 Parking Citations
- 5 VRBO Trash Violations & Notices to Appear issued
- 6 VRBO Trash Violations noted
- 1 Resident Trash Violation noted
- 5 Overgrown Lot Notices
- 1 Unregistered Boat Violation

Website — Vacation Rental Tab

A vacation rental tab has been added to the City's website. Included under that tab is the short-term vacation rental ordinance (Ordinance No. 2018-01), a list of all the registered VRBOs in the residential areas, a map that illustrates the area that is regulated by Ordinance No. 2018-01, and a business tax receipt application for vacation rentals.

Public Art

The City continues to establish public art throughout the City regarding public sculptures.

- Two sculptures are in front of City Hall that the IRB Homeowners' Association donated.
- One sculpture is located at the 5th Avenue Pocket Park donated by Crabby Bill's.
- One sculpture is located at the Nature Preserve's Entrance, donated by Action 2000, Inc.
- One sculpture will be located at the County Beach Park.

City Manager Mims stated he anticipates two other sculptures on Gulf Boulevard.

City Manager Mims stated he would like to publicly thank Public Works Director Scharmen and Office Administrator Lorin Kornijtschuk for working with him to select, secure, and install the sculptures.

City Manager Mims stated he also would like to thank Action 2000, Inc., and the IRB Homeowners' Association for their donations.

City Manager Mims stated the City would be sending letters out to all of the City's commercial property owners, encouraging them to install artwork on their own property. He said there would be sculptures not only on public but on private properties, and when tourists visit IRB, that would be another unique thing about IRB. The City would have public sculptures and private sculptures/artwork throughout the City.

FY 2023 Budget

- The City Commission received the Adjusted FY2023 Budget on August 7, 2022.
- First reading of FY 2023 millage and budget is scheduled for Wednesday, September 7, 2022, at 6:00 p.m.
- Second and final reading of FY 2023 millage and budget is scheduled for Wednesday, September 21, 2022, at 6:00 p.m.

Employee Recognized

City Manager Mims recognized City Attorney Mora for his outstanding work. He provided a brief background on his education, his work history, his memberships, the committees he serves on, and his family.

City Manager Mims stated as his role as City Manager, he relies on the City Attorney. His operation in the City is critical. City Attorney Mora provides the City with guidance and access to a team of attorneys in his firm for additional consultation. He trusts his guidance because he is honest, responsive, and an expert in municipal law. It is important to have someone of his integrity to provide legal advice.

City Manager Mims thanked City Attorney Mora for what he does and the importance he plays on the City's team.

3C. REPORTS OF the City Commission.

COMMISSIONER HANNA:

- Oktoberfest: Action 2000, Inc., is looking for sponsors and volunteers for Oktoberfest.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. APPROVAL of the July 12, 2022 Regular City Commission Meeting Minutes.**
- B. APPROVAL of the July 26, 2022 Special City Commission Meeting Minutes.**
- C. CONFIRMING ACTION taken during the July 26, 2022 Special City Commission Meeting Minutes.**
- D. APPROVAL of the July 26, 2022 City Commission Budget Work Session Minutes.**

- E. **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 2022-23.**
- F. **RESOLUTION NO. 2022-05. A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, nominating St. Pete Beach Mayor Alan Johnson to the Forward Pinellas Board to represent the BIG-C municipalities (excluding the City of Clearwater); and providing an effective date.**

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

Mayor-Commissioner Kennedy stated she would like to correct the July 26, 2022 City Commission Budget Work Session Minutes on Page 14, under the City Clerk Budget. She said she was silent on a vote for the City Clerk's salary adjustment and wished to make her vote no, saying it was a no vote.

MOTION MADE BY COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5F. UNANIMOUS APPROVAL BY ACCLAMATION.

- 6A. **BOA CASE NO. 2022-11 — 2036- 20TH AVENUE PARKWAY**
Considering a variance request from Sec. 110-131(1)(f.)(2)(i) of the Code of Ordinance to encroach 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for an awning to be installed on the rear of the house for property located at 2036-20th Avenue Parkway, Indian Rocks Beach, Florida, and legally described as Lot 16, Ninth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 27, Page 56, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42192-000-0160.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2022-11 — 2036-20th Avenue Parkway

Variance request from Sec. 110-131(1)(f.)(2)(i) of the Code of Ordinance to encroach 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for the installation of an awning on the rear of the house, for property located at 2036-20th Avenue Parkway, Indian Rocks Beach, Florida, and legally described as Lot 16, Ninth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 27, Page 56, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42192-000-0160.

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

OWNER Timothy S Davis Trust
 PROPERTY LOCATION: 2036-20th Avenue Parkway
 ZONING: S- Single Family Residential

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

BACKGROUND:

The applicant is requesting a variance of 3 feet into the rear yard setback to install an attached awning to the east side of the house. The current rear setback of the west half of the house is 17.5 feet from the seawall and was constructed in 1956.

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 house was built in 1956 and was approved before the new land development code was adopted in 1981. In 2014, the rear enclosed area on the west side was reconstructed.*
- 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 awning 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 the subject property on July 25, 2022. (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED: Letters of no objection were received from Gordon Ross, 2038-20th Avenue Parkway (adjacent property owner), and Gail Lyders, 2034- 20th Avenue Parkway (adjacent property owner on the southwest side).

LEGAL NOTICE: A legal notice was published in the July 27, 2022-Edition, of the St. Pete Times Section of the Tampa Bay Times, for public hearing that has been scheduled for August 9, 2022, for BOA Case No. 2022-11.

[End of Staff Report]

City Attorney Mora read BOA Case No. 2022-11 — 2036- 20th Avenue Parkway 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. 2022-11, 2036-20th Avenue Parkway.

Planning Consultant Harmon stated the subject property is located at 2036-20th Avenue Parkway at the end of a cul de sac (on a curved lot). The applicant is requesting a variance from Section 110-131(1)(f).(2)(i) of the Code of Ordinances to encroach 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for the installation of an awning on the rear of the house.

Planning Consultant Harmon presented a PowerPoint Presentation on BOA Case No. 2022-11 for the property located at 2036-20th Avenue Parkway. The presentation consisted of aerials of the property, a survey of the property, a sketch of the proposed awning, a photo of the awning location, and an example of the awning (photo) with details. She explained the variance request as she went through the presentation. The applicant replaced the pool and seawall. In 2014, the applicant rebuilt the rear of the enclosed porch. The distance to the seawall is 17 feet from the existing building. The applicant would like to install an awning with support. The City measures from the support because the City Code allows for overhangs of 30 inches. She noted that the awning is hurricane-proofed, the vents turn, and it has a drain in it.

Planning Consultant Harmon stated staff recommended denial because the awning encroached into the rear yard setback, and the Board of Adjustments and Appeals recommended unanimous approval.

Planning Consultant Harmon stated both adjacent property owners had submitted letters of no objections to the City.

Tim Davis, 2036-20th Avenue Parkway, stated he is trying to provide shade for his new pool area, which is his hardship. The awning compliments the house. It is hurricane safe. The awning does not protrude on any side. The awning would provide shade to allow them to enjoy the pool and to have a covered space next to the pool.

Susan Davis, 2036-20th Avenue Parkway, stated the awning has motorized louvers that can be adjusted according to the sun and rain. The awning would provide a tremendous amount of shade for them. It is a shame to have a backyard on the Intracoastal that no one can enjoy because there is no shade. They would like to use their backyard to the fullest.

Mayor-Commissioner Kennedy opened the public hearing.

Scott Shapiro, 2032-20th Avenue Parkway, stated the applicant lives one house away from him. He stated the City Commission would not believe the weather residents get whose homes face west across the bay direct unobstructed, whether it is wind or sun.

Mr. Shapiro stated the hardship is the shade, the weather. He noted the other hardship is the applicant's pie-shaped lot. He stated that they are permanent residents and are great neighbors.

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

MOTION MADE BY COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, APPROVE BOA CASE NO. 2022-11 – 2036-20TH AVENUE PARKWAY. A VARIANCE REQUEST FROM SEC. 110-131(1)(f.)(2)(i) OF THE CODE OF ORDINANCE TO ENCROACH 3 FEET INTO THE REQUIRED 25-FOOT REAR YARD SETBACK, RESULTING IN A TOTAL REAR YARD SETBACK OF 22 FEET, TO ALLOW FOR THE INSTALLATION OF AN AWNING ON THE REAR OF THE HOUSE, FOR THE PROPERTY LOCATED AT 2036-20TH AVENUE PARKWAY, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 16, NINTH ADDITION TO RE-REVISED MAP OF INDIAN BEACH AS RECORDED IN PLAT BOOK 27, PAGE 56, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

ROLL CALL VOTE:

AYES: HOUSEBERG, BOND, HANNA, McCALL, KENNEDY

NAYS: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

7. OTHER LEGISLATIVE MATTERS: None.

8A. DISCUSSION OF regulating the restriction of smoking on any public beach and public parks that the City owns, except for unfiltered cigars.

[Background]

HB 105 — REGULATION OF SMOKING BY COUNTIES AND MUNICIPALITIES

HB 105 passed the House on February 24, 2022, and subsequently passed the Senate on March 2, 2022.

The Florida Clean Indoor Air Act (FCIAA), implements Article X, Section 20 of the Florida Constitution. Article X, Section 20 of the Florida Constitution prohibits a person from smoking tobacco or using a vapor-generating electronic device in an enclosed indoor workplace, with certain exceptions. Current law preempts the regulation of smoking and does not allow counties or municipalities to regulate smoking.

HB 105 amends the FCIAA to allow counties and municipalities to restrict smoking within the boundaries of any public beach or park they own, except for unfiltered cigars.

The bill changes the title of the "Florida Clean Indoor Air Act" to the "Florida Clean Air Act" account for the broader application of the act proposed in the bill.

The bill has no fiscal impact on state government and an indeterminate, negative fiscal impact on local governments.

The bill was approved by the Governor on June 24, 2022, ch. 2022-213, L.O.F., and became effective on July 1, 2022.

[End of Background]

City Attorney Mora stated a legislative preemption within Florida Statute 386.209 that expressly preempted smoking regulations to the State and superseded any municipal or County ordinance. School districts do have the ability to restrict smoking by persons on school district property.

City Attorney Mora stated almost every year or every other year, there has been an attempt to remove that from the books. This year, was the first successful instance. While that preemption was in place, several court cases struck down municipal ordinances in Sarasota, Gulfport, St. Petersburg, and Key West. They were either stricken or had to amend their signs that prohibited smoking on their beaches or parks to go with a more passive "Thank You For Not Smoking" sign.

City Attorney Mora stated during this Legislative Session, the Legislature passed HB 105. The Governor approved the bill on June 24, 2022, and it took effect on July 1, 2022. The plain language of this bill generally allows the City to regulate smoking, except for unfiltered cigars. The statute reads as follows:

386.209. Regulation of smoking preempted to State. — This part expressly preempts regulation of smoking to the state and supersedes; any County or municipal ordinance on the subject; however, counties and municipalities may further restrict smoking within the boundaries of any public beaches and public parks that they own, except that they may not further restrict the smoking of unfiltered cigars. A municipality may further restrict smoking within the boundaries of public beaches and public parks that are within its jurisdiction but

are owned by the County, unless such restriction conflicts with a County ordinance, except that they may not further restrict the smoking of unfiltered cigars. School districts may further restrict smoking by persons on school district property. This section does not preclude the adoption of County or municipal ordinances that impose more restrictive regulation on the use of vapor-generating devices provided in this part.

City Attorney Mora stated the City Commission could prohibit smoking on the City's beaches, except for unfiltered cigars.

City Attorney Mora stated that while it may seem random, it was his understanding there were a few legislators, perhaps cigar aficionados, who pushed for this partly because cigars are rolled leaves that will decompose as opposed to the filters that are found on the beaches.

City Attorney Mora stated the City has ordinances prohibiting smoking in certain City parks that would have been previously subject to preemption. He is not aware of any enforcement measures or actions on that ordinance. These ordinances would need to be amended to be consistent with State Law and the City Code.

City Manager Mims stated if the City Commission adopts HS 105, the challenge would be with enforcement because of the exception of unfiltered cigars. It would have been a lot simpler if the Legislators wanted smoke-free beaches, then they should have passed a bill that prohibited all smoking on the beach without any exclusions.

PSCO Captain Leiner stated the sheriff's responsibility is to enforce all State, County, and City laws. He noted the enforcement of this ordinance would be challenging. There would need to be an educational period before any citations are issued.

PCSO Caption Leiner stated for a citation to be issued, the deputy would need to catch the individual smoking. The deputies would educate the smokers that smoking is prohibited on the beach and that placing cigarette butts on the beach is illegal. The deputies would advise them that both are misdemeanor crimes where a citation could be issued.

PCSO Captain Leiner stated he could understand the enforcement challenges, but the sheriff's office will enforce what the City Commission wants them to enforce because that is their job.

Mayor-Commissioner Kennedy asked PCSO Captain Leiner if other beach communities had decided on this issue.

PCSO Captain Leiner stated he has ten contract cities he deals with south of Gulf-to-Bay, and Indian Rocks Beach is the first to bring this issue up.

Commissioner Bond asked the difference between an unfiltered cigar and anything else that is unfiltered.

City Manager Mims stated that is an example of the statute being unclear and challenging to enforce.

Commissioner McCall asked what the definition of the beach is. Where does the beach begin and end? What is Pinellas County's position?

City Attorney Mora stated portions of the beach are not Pinellas County property. It is City property. He does not know if the City has portions of its beach that the County owns.

City Attorney Mora stated what and who owns the City's beach is a sensitive issue. The City has its sentiments as a municipal corporate entity on the customary use of the City's beaches, its public history, and its public uses. However, some property owners rightly or wrongly believe that they own this portion of the beach to the sunset because it is stated in their deed. The language in the statute only states within the boundaries of any public beaches.

City Attorney Mora stated if the City seeks to enforce in an area where somebody disputes that it is not the City's beach but their private property, then that may create an issue down the road.

City Attorney Mora stated if the City Commission desires to establish a policy like this, the staff will do its best. Still, he cannot tell the City Commission that the City will not see a different challenge or some controversy emerge based on that issue alone.

Commissioner McCall clarified that vaping devices are considered smoking devices.

City Attorney Mora stated that is correct and that the City could regulate vaping devices. The primary concern with vaping devices is the secondhand smoke, not the littering of cartridges.

Commissioner McCall stated how far a person could tell a person is smoking a cigarette, a cigar, or a vaping device. He noted that the statute is very ambiguous with the definition of beach, unfiltered cigars, etc.

Vice Mayor-Commissioner Houseberg stated this issue is not about smoking but rather about littering cigarette butts on the beach. She asked how the City could get rid of those nasty cigarette butts on the beach, and that is where the problem is.

City Attorney Mora stated that would violate the City's litter ordinance. However, as stated by PCSO Captain Leiner, law enforcement would have to catch the person in the act.

Commissioner Hanna asked what about smoking pipes.

City Attorney Mora stated that is not an exception within the statute. If the City Commission chooses to make it an exception, it can regulate smoking pipes. The City Commission can regulate everything about smoking, except one thing — unfiltered cigars.

Commissioner Hanna stated the statute is inefficient because it cannot be controlled or enforced. Law enforcement has better and more important things to do.

Mayor-Commissioner Kennedy opened the public comment session.

Kim Beer, 2003 Bayview Place, asked if someone could smoke pot or vape on the beach.

Mayor-Commissioner Kennedy stated a person could not smoke pot on the beach unless they have a medical marijuana card to the best of her knowledge.

Ms. Beer stated she does not smoke pot but can smell it up and down the beach. Marijuana cigarettes do not have filters, so can a person smoke marijuana on the beach? The City Commission is getting too picky.

City Attorney Mora stated smoking marijuana is against the law unless the person has a card. Unfiltered cigars have created challenges for law enforcement. Law enforcement is not going to respond based on smell alone because they may be employing resources to somebody who would show them that they have a medical marijuana card.

Scott Shapiro, 2032- 20th Avenue Parkway, stated law enforcement could not police the smell. The issue is cigarette butts in the sand. That is the issue. He suggested the City have a board to study this issue to find a way to reward smokers for bringing their butts off the beach. There must be a solution to reward smokers for doing the right thing. Like a small receptacle that gives money in return for cigarette butts.

Mayor-Commissioner Kennedy closed the public comment session.

Captain Leiner reiterated that the deputies would enforce whatever the City Commission decides. Some things are more challenging than others, but ultimately his only part in this is that he represents the enforcement of it.

Commissioner Houseberg asked what the fine would be.

City Attorney Mora stated the City Commission could establish that in the City Codes. Chapter 163 of Florida Statutes provides that the maximum fine for the first offense of any local ordinance violation is \$250. Most municipal ordinances fall between \$30 and \$115 on a first offense.

Commissioner McCall stated the issue concerns cigarette butts on the beach, not smoking. Cigarette butts have been a challenge on this beach for a long time. If there is a path down the litter side, he still has a positive look on humankind that sometimes if a person is asked to do something, they will do it. For example, a couple of years ago, volunteers handed out trash bags on the 4th of July, which changed the whole mindset. The City's July 5th cleanup was completely different. The volunteers did nothing but suggest that they do the right thing.

Commissioner McCall suggested placing a sign saying: "*Thank You For Not Smoking.*"

Commissioner McCall stated the Florida Statute looks pretty vague.

Commissioner Bond asked about the portable ashtrays the City used to give out.

City Manager Mims stated that the City still has them.

Commissioner Bond suggested putting the ashtrays on the beach side near the trash cans so the smokers could get them.

City Manager Mims stated anything is worth a try.

City Manager Mims stated cigarette butts are not only a problem on the beach but also at the traffic lights, especially at the intersection of 5th Avenue and Walsingham Road. Law enforcement can only write a citation for littering by observing the person throwing the cigarette butt on the ground.

Mayor-Commissioner Kennedy stated she was asked if the City could pass an ordinance prohibiting all smoking, including cigars. In other words, go against Florida Statutes. She knows why the City cannot adopt an ordinance like that because unfiltered cigars were explicitly put into the law that the Legislators passed. The City could be held liable if anyone was issued a citation for smoking an unfiltered cigar.

City Attorney Mora stated in the past two years, the Legislature further amended Florida Statutes. It used to be that cities had home rule powers, and the Legislature passed preemptions. Every now and again, some cities would test the limits of that preemption by either finding a creative legislative solution or doing it anyways and seeing what happens and waiting for a court to tell them that they cannot do it.

City Attorney Mora stated in the last few years, the Legislature amended the statute such that if a municipality passes an ordinance, that is challenged because a specific statute preempts the ordinance. That municipality has 30 days to respond to that person and 60 days to remove it from the City Code or begin the affirmative action toward removing the ordinance. If the municipality does not remove the ordinance, the municipality would be exposed to attorney's fees and potential other sanctions as a result.

City Manager Mims stated the beach used to be raked once a quarter. Now, the beach is being raked once a month.

City Manager Mims stated he could look at raking the beach more frequently than once a month. He said the beach rake would pick up cigarette butts, beer cans, concrete bricks, and plastic bottles.

Mayor-Commissioner Kennedy asked what the pleasure of the City Commission is.

Commissioner Hanna stated the problem with adopting a no-smoking ordinance would be the enforcement of it. Enforcement would be challenging. It is about littering cigarette butts and other items on the beach.

Commissioner Houseberg stated the problem is with litter on the beach, and it is just not on the beach. It is on the streets and in the parks.

Commissioner Bond asked to what extent is the litter ordinance enforced. He stated in reality, the only thing that the City can do is ask the tourist, residents, and the public not to litter because it is challenging to catch someone littering. He suggested raking the beach more than once a month.

Mayor-Commissioner Kennedy stated that raking the beach more frequently would help the situation with the cigarette butts on the beach.

Mayor-Commissioner Kennedy asked the City Manager if he had any other suggestions about the different areas and to put something on the City's Facebook page and website about littering.

City Manager Mims stated he is all for education. The beach is visited by people from all over the United States who are unaware of IRB rules. The garbage cans on the beach are picked up daily and on holidays twice a day.

City Manager Mims stated the City is very aggressive with litter enforcement throughout the neighborhoods. Garbage can-related litter or things people pile up and think the City will pick up that are not legal. Staff is very aggressively dealt with. The other category is things just tossed out car windows, like cigarette butts or things left on the beach. There is no way to enforce that unless they are seen doing it.

City Manager Mims stated staff currently does the following to clean the beach:

1. The City has more garbage and recycling cans than any other beach City.
2. Beach garbage/recycling cans are picked up daily and twice a day on holidays.
3. The beach is raked monthly. The beach rake picks up almost everything. The City is handicapped during turtle season because the City cannot rake the beach until the turtle patrol calls and gives the City permission, around 9:00 a.m.

City Attorney Mora stated since the City Commission talked about how this process works. The discussion that the City Commission is having is whether or not to adopt an ordinance on no smoking on the beach.

City Attorney Mora stated administrative decisions like when to rake the beach, how frequently to rake the beach, and what resources to allocate are management-level decisions that would happen independently of the City Commission's direction.

City Manager Mims stated staff wanted to bring forth the Florida Statute passed, discuss the statute and the City's ordinances pertaining to no smoking, and receive direction from the City Commission on the new Florida Statute.

City Manager Mims stated that just because the Legislature passed this new Florida Statute, the City is not obligated to do anything, or it can wait and do something later.

Commissioner Houseberg stated she does not have an opinion on this yet and would like to have some time to think about the issue. She said if the City cannot have some restrictions on smoking and littering with cigarette butts, she would like the City Commission to consider other marketing campaigns to educate people and make them responsible for their actions.

CONSENSUS OF THE CITY COMMISSION NOT TO PROCEED FORWARD WITH A NO SMOKING ON THE BEACH ORDINANCE AT THIS TIME.

9. **OTHER BUSINESS.** None.

10. **ADJOURNMENT.**

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:22 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

September 13, 2022

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

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

**RESCHEDULING THE
NOVEMBER 8, 2022 REGULAR
CITY COMMISSION MEETING TO
WEDNESDAY, NOVEMBER 8, 2022
DUE TO A CONFLICT WITH THE
FLORIDA GENERAL ELECTION.**

INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: September 13, 2022 **AGENDA ITEM:** 5B

SUBMITTED BY: Deanne Bulino O'Reilly, City Clerk, MMC *DOB*

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

SUBJECT: Rescheduling the November 8, 2022 Regular City Commission Meeting **TO WEDNESDAY, NOVEMBER 9, 2022**, due to the November 8, 2022 Florida General Election.

STAFF RECOMMENDATION: Staff recommends rescheduling the November 8, 2022 Regular City Commission to Wednesday, November 9, 2022, due to the Florida General Election.

BACKGROUND:

November 8, 2022 is the Florida General Election and the November Regular City Commission Meeting date.

The Civic Auditorium is used as the City's Voting Precinct and as the place where City Commission Meetings are held.

Florida Statutes is very strict in who may enter the poll place.

Section 102.031 of Florida Statutes state:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.—

- (1) Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.
- (2) The sheriff shall deputize a deputy sheriff for each polling place and each early voting site who shall be present during the time the polls or early voting sites are open and until the election is completed, who shall be subject to all lawful commands of the clerk or inspectors, and who shall maintain good order. The deputy may summon assistance from among bystanders to aid him or her when necessary to maintain peace and order at the polls or early voting sites.

(3)(a) No person may enter any polling room or polling place where the polling place is also a polling room, or any early voting area during voting hours except the following:

1. Official poll watchers;
2. Inspectors;
3. Election clerks;
4. The supervisor of elections or his or her deputy;
5. Persons there to vote, persons in the care of a voter, or persons caring for such voter;
6. Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors; or
7. A person, whether or not a registered voter, who is assisting with or participating in a simulated election for minors, as approved by the supervisor of elections.

ANALYSIS:

Staff recommends that the November 8, 2022 Regular City Commission Meeting be rescheduled to Wednesday, November 9, 2022, beginning at 7:00 p.m.

MOTION:

I move to approve/deny to reschedule the November 8, 2022 Regular City Commission Meeting to ***Wednesday, November 9, 2022, beginning at 7:00 p.m.***

/DOR

AGENDA ITEM NO. 5C

**CONFIRMATION ACTION taken
during the September 7, 2022
Special City Commission Meeting**

**AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: September 13, 2022 **AGENDA ITEM:** 5C

SUBMITTED AND RECOMMENDED BY: Deanne Bulino O'Reilly, City Clerk, MMC *dor*
APPROVED BY: Brently Gregg Mims, City Manager *Brently*
SUBJECT: Confirming action taken during the September 7, 2022 Special City Commission Meeting.

BACKGROUND:

Pursuant to Charter, Section 4.12, Special Meetings of the Commission, decisions taken at a special meeting shall be confirmed at the next regular meeting.

The City Commission took the following action during the September 7, 2022 Special City Commission Meeting:

- 1A. ORDINANCE NO. 2022-01 — *ADOPTED ON FIRST READING*.** Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2023 at 1.8326. *UNANIMOUS APPROVAL.*
- 1B. ORDINANCE NO. 2022-02 — *ADOPTED ON FIRST READING*.** Adopting a budget for Fiscal Year 2023. *UNANIMOUS APPROVAL.*
- 2A. ORDINANCE NO. 2022-04 — *ADOPTED ON FIRST READING*.** Increasing Solid Waste Fees. *UNANIMOUS APPROVAL.*

MOTION:

I move to confirm the action taken during the September 7, 2022 Special City Commission Meeting.

/dor

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

**CALLING FOR A MUNICIPAL
GENERAL ELECTION ON
TUESDAY, MARCH 14, 2023.**

**INDIAN ROCKS BEACH CITY COMMISSION
STAFF REPORT**

MEETING OF: September 13, 2022 **AGENDA ITEM:** 5D

SUBMITTED AND:

RECOMMENDED BY: Deanne B. O'Reilly, MMC, City Clerk 

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

RESOLUTION NO. 2022-06. Calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of two Commissioner Seats for two-year terms and entering into a contract with the Pinellas County Supervisor of Elections for the **MARCH 14, 2023 MUNICIPAL GENERAL ELECTION.**

BACKGROUND:

The City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106.

Pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections.

The City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their Municipal General Election to be held on March 14, 2023.

The Pinellas County Supervisor of Elections has agreed to provide such assistance to the City subject to conditions, considerations, and agreements.

The Pinellas County Supervisor of Elections advised that final ballot language for the March 14, 2023 Ballot is due on or before December 31, 2022.

Pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election [December 15, 2022], the City Clerk shall transmit to the Pinellas County

Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

CANDIDATE QUALIFYING WILL BEGIN MONDAY, DECEMBER 5, 2022 AT NOON, AND WILL END MONDAY, DECEMBER 12, 2022 AT NOON.

The outcome of the election for the two Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

The Pinellas County Canvassing Board, will conduct the Logic and Accuracy Tests, open and prepare absentee/mailed ballots for tabulation and tabulate all ballots for the March 14, 2023 General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

The City Manager is authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Elections Service Center.

The Pinellas County Supervisor of Elections shall be responsible for appointing all poll workers.

The Pinellas County Supervisor of Elections is hereby authorized to independently verify candidate petition cards and determine their compliance with the legal and administrative requirements of the City's and Florida's election laws.

Election tabulation will take place at the Elections Service Center. Election results will be released throughout the night and posted to the Pinellas County Supervisor of Elections' website, www.votepinellas.com. Only cumulative results will be released on election night. No results will be suppressed. The Elections Office will provide precinct results when the Pinellas County Canvassing Board certifies the official results.

MOTION:

I move to **APPROVE/DENY RESOLUTION NO. 2022-06**, calling for a general election on March 14, 2023, for the purpose of electing, at large, qualified candidates to fill the vacancies of two City Commissioner Seats for two-year terms; establishing a candidate

qualifying period; authorizing the City Manager to enter into a contract with the Pinellas County Supervisor of Elections; establishing a polling place; authorizing the Pinellas County Supervisor of Elections to verify candidate petition cards and facilitate the election process.

/DOR

**CITY OF INDIAN ROCKS BEACH
RESOLUTION NO. 2022-06**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CALLING FOR A GENERAL ELECTION FOR THE PURPOSE OF ELECTING, AT LARGE, QUALIFIED CANDIDATES TO FILL THE VACANCIES OF TWO CITY COMMISSIONER SEATS FOR TWO-YEAR TERMS; ESTABLISHING A CANDIDATE QUALIFYING PERIOD; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; ESTABLISHING A POLLING PLACE FOR THE MARCH 2023 ELECTION; AUTHORIZING THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS TO VERIFY CANDIDATE PETITION CARDS AND FACILITATE THE ELECTION PROCESS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106; and

WHEREAS, pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections; and

WHEREAS, the City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their municipal general election to be held on March 14, 2023; and

WHEREAS, the Pinellas County Supervisor of Elections has agreed to provide such assistance to the City subject to conditions, considerations, and agreements; and

WHEREAS, the Pinellas County Supervisor of Elections has advised that final ballot language for the March 14, 2023 Ballot is due on or before December 31, 2022; and

WHEREAS, pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election [*December 14, 2022*], the City Clerk shall transmit to the Pinellas County Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, that:

Section 1. The City of Indian Rocks Beach, Florida, Municipal General Election shall be conducted on March 14, 2023, for the purpose of electing, at large, qualified candidates to fill the vacancies of two City Commissioner Seats for two-year terms.

Section 2. The outcome of the election for the two City Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

Section 3. Except as otherwise provided by the City Charter and Code of Ordinances, the provisions of the election laws of the State of Florida shall apply to this election.

Section 4. The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 5. All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

Section 6. Candidate Qualifying Period will begin Monday, December 5, 2022 at noon, and will end Monday, December 10, 2022 at noon.

Section 7. The Pinellas County Canvassing Board shall conduct the Logic and Accuracy Tests, open and prepare absentee and mail ballots for tabulation, and tabulate all ballots for the March 14, 2023 General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

Section 8. The Pinellas County Supervisor of Elections is hereby authorized to appoint poll workers.

Section 9. The Pinellas County Supervisor of Elections is hereby authorized to independently verify candidate petition cards and determine their compliance with the legal and administrative requirements of the City's and Florida's election laws.

Section 10. The City Manager shall be authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Pinellas County Supervisor of Elections' Service Center.

Section 11. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 13th day of September 2022, 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. 5E

**FY 2023 PINELLAS COUNTY
SHERIFF'S OFFICE LAW
ENFORCEMENT CONTRACT**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: September 13, 2022 **AGENDA ITEM:** 5E

**SUBMITTED AND
APPROVED BY:**

Brently Gregg Mims
City Manager



SUBJECT: Pinellas County Sheriff's Office FY 2022-23 Law
Enforcement Contract for Services

BACKGROUND

During the FY 2020-21 Proposed Budget review process, the City Commission noted a 4.77% increase in PCSO law enforcement services. The total cost of law enforcement services for FY 2022-23 is \$1,189,100.

Attached to this memorandum is the proposed contract.

MOTION

That the City Commission approve a contract for law enforcement services with the Pinellas County Sheriff's Office at a total cost of \$1,189,100 and authorize the Mayor-Commissioner and the City Manager to sign all necessary documents and agreements.

CONTRACT FOR LAW ENFORCEMENT SERVICES

THIS AGREEMENT is made and entered into by and between the CITY OF INDIAN ROCKS BEACH, FLORIDA (hereinafter "CITY"), and BOB GUALTIERI, Sheriff, Pinellas County, Florida (hereinafter "SHERIFF").

WITNESSETH:

WHEREAS, the CITY is a municipality within the boundaries of Pinellas County, Florida; and

WHEREAS, the CITY has requested that the SHERIFF furnish law enforcement protection to its inhabitants and citizens; and

WHEREAS, the CITY desires that the SHERIFF furnish law enforcement protection on a full-time basis and do and perform any and all necessary and appropriate functions, actions, and responsibilities of a law enforcement force for the CITY; and

WHEREAS, it is further the desire of the CITY that the full, complete and entire responsibility for law enforcement within the CITY be performed by the SHERIFF for the period beginning October 1, 2022, and ending September 30, 2023; and

WHEREAS, the SHERIFF has indicated his desire and willingness to accept and fulfill the responsibilities hereinbefore mentioned;

NOW, THEREFORE, in consideration of the mutual promises contained herein and given by each party to the other, the parties hereto do covenant and agree as follows:

1. By appropriate Resolution, the City Commission of the CITY shall declare that the SHERIFF shall perform the duties and functions and shall have the power and authority of a Police Department of the CITY during the contract period.

2. The SHERIFF hereby agrees to provide all necessary and appropriate law enforcement services in and for the CITY by providing two (2) patrol deputies with patrol automobiles for twenty-four consecutive hours per day, seven days per week, which will provide coverage "around the clock".

3. The SHERIFF shall discharge his responsibility under this Agreement by the enforcement of all state laws, county ordinances applicable within the CITY and ordinances of the CITY. The SHERIFF shall bring appropriate charges for violations for all laws and ordinances. The SHERIFF or his designee shall consult with the City Commission twice annually and the City Manager monthly to ascertain the "points of emphasis" for law enforcement services deemed necessary by the City Commission or City Manager and include reports on the results of said "points of emphasis" as part of the regular monthly report.

4. All fines and forfeitures rendered in any court as a result of charges made by the SHERIFF shall be distributed as provided by general law and the rules of the court. It will be noted on all citations and notices to appear for said violations that the violations occurred within the CITY.

5. The SHERIFF shall maintain Uniform Crime Reporting records regarding crimes committed within the CITY. These records shall include the number and type of crimes committed, the number of arrests made for each type of crime, and any other information required by law. The SHERIFF will provide a monthly crime analysis report to the CITY.

6. The SHERIFF shall provide each deputy who provides services under this Agreement with a patrol automobile and all other necessary or appropriate equipment as determined by the SHERIFF, with training provided by the SHERIFF on said equipment.

Other discretionary equipment and training on said equipment may be provided at the option of the SHERIFF. The CITY may also provide additional equipment for use by deputies in the CITY. The SHERIFF may provide training on the CITY-provided equipment when determined by the SHERIFF to be feasible; otherwise, the cost and provision of said training shall be borne by the CITY.

Deputies providing services under this Agreement shall operate out of the Sheriffs Administration Building or North District Station. The cost of operating and maintaining these facilities and the cost of purchasing, maintaining, and repairing equipment issued by the SHERIFF under this Agreement shall be borne by the SHERIFF.

7. The SHERIFF shall be responsible for the appointment, training, assignment, discipline and dismissal of all his law enforcement personnel performing services under this Agreement. The SHERIFF is in compliance with Florida Statute §448.095 which references the use of E-Verify.

8. The parties to this Agreement are represented by the following attorneys:

- A. SHERIFF OF PINELLAS COUNTY
Office of General Counsel
P.O. Drawer 2500
Largo, FL 33779-2500

- B. CITY OF INDIAN ROCKS BEACH
City Attorney
1507 Bay Palm Boulevard
Indian Rocks Beach, FL 33785

9. To the extent permitted by law and as provided by Section 768.28, Florida Statutes, the SHERIFF agrees to indemnify and hold harmless the CITY from and against all loss or expense including costs and attorney's fees by reason of liability imposed by law upon the SHERIFF for damages including any strict or statutory liability under Workers' Compensation Laws because of bodily injury, including death, sustained by any person or persons, or damage to property, including loss of use thereof, arising out of or in consequence of the actions of the SHERIFF'S law enforcement personnel performing services under this Agreement in accordance with, and subject to the limitation of Section 111.07 Florida Statutes. Lawsuits and claims that may be filed from time to time hereunder shall be handled by the SHERIFF in accordance with normal procedures.

10. This Agreement shall take effect on October 1, 2022, and continue in effect thereafter through September 30, 2023, unless hereafter extended upon such terms and conditions as the parties hereto may later agree. Should either party intend to modify the terms and conditions of this Agreement, written notice must be given to the other party ninety (90) days prior to the expiration of the Agreement.

The parties agree that where the Agreement is not terminated, the terms of this Agreement shall automatically continue for 120 days beyond September 30, 2023, in the event a replacement contract has not yet been completely executed. The CITY shall continue to pay to the SHERIFF on a monthly basis the amount due per this Agreement, until such time as a replacement contract has been approved. The parties further agree that an increase, if any, in the cost of service, shall be retroactively applied for services

rendered from October 1, 2023, to the approval and execution of the replacement contract, and shall be paid by the CITY to the SHERIFF immediately for the services already provided.

11. The CITY shall pay to the SHERIFF, as payment in full for all of the services herein agreed to be performed by the SHERIFF, the sum of ONE MILLION ONE HUNDRED EIGHTY-ONE THOUSAND FIVE HUNDRED THIRTY-TWO DOLLARS AND NO CENTS (\$1,181,532.00). Payment shall be made in monthly installments of NINETY-EIGHT THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS AND NO CENTS (\$98,461.00). Payment shall be made on the first day of each month beginning on the 1st day of October, 2022. (See Attachment 1.)

12. In no event shall this Agreement confer upon any third person, corporation or entity other than the parties hereto any right or cause of action or damages claimed against either of the parties to this Agreement arising from the performance of the obligation and responsibilities of the parties herein or for any other reason.

13. This Agreement reflects the full and complete understanding of the parties to it and may be modified or amended only by a document in writing signed by the parties hereto and executed with the same formality of this Agreement.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF the parties to this Agreement have caused the same to be signed by their duly authorized representative this _____ day of _____ 2022.

ATTEST:

CITY OF INDIAN ROCKS BEACH

CITY CLERK

MAYOR-COMMISSIONER

APPROVED AS TO FORM:

CITY MANAGER

CITY ATTORNEY

(CITY SEAL)

SHERIFF, PINELLAS COUNTY, FLORIDA


BOB GUALTIERI, Sheriff


**AGENDA ITEM NO. 5F
CONSENT AGENDA**

**PUBLIC RISK MANAGEMENT
PROPERTY AND CASUALTY
INSURANCE**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: September 13, 2022 **AGENDA ITEM:** 5 F

SUBMITTED AND RECOMMENDED BY: Dan Carpenter, Finance Director 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: PRM Property/Casualty/Workers Compensation & Flood Insurance Renewal Fiscal Year 2022/23 – Authorize City Manager to sign one year agreement.

BACKGROUND:

Each year, staff works with PRM to obtain renewal quotes for both property/casualty/workers compensation and flood insurance. Public Risk Management of Florida (PRM) is a public entity risk-sharing pool dedicated to making insurance both available and affordable for its members. Currently, it provides property/casualty/workers compensation coverage. The City of Indian Rocks Beach has been a member of PRM since 2000 and has benefitted significantly from its loss prevention support programs.

ANALYSIS:

The property/casualty/workers compensation renewal quote for FY 2021/22 provides the same level of insurance coverage and deductibles as in previous years. In total, premiums have increased 14.34% to \$196,981 for FY 2022/23. Continued rising risk in the property market led to a renewal increase for the over \$11.7 million of insured property values covered within the city. Total property losses reached the fourth highest level ever worldwide last year at over \$112 billion in losses. High payroll, inflation, and recent claims history were the main contributors to the increase in workers compensation insurance premiums.

Preferred pool membership and full participation in loss prevention programs helped to mitigate the premium renewal amount for FY 2022/23. IRB receives a 5% discount for being a drug-free workplace and a 3% discount from our workers' compensation premium for having an active safety program.

FY 2022/23 flood insurance renewals have been received for both City Hall and the Historic Museum. The market for flood insurance has experienced continued increases on properties located within high-risk flood areas. Renewal rates for FY 2022/23 flood premiums increased \$2,184 or 9.7% for City insured properties.

MOTION:


Authorize the City Manager to sign a one year agreement to bind property and casualty insurance coverage, effective 10/1/2022, expiration 10/1/2023.

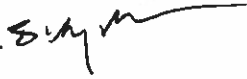
AGENDA ITEM NO. 5G

**CONTRACT WITH JAN-PRO OF
TAMPA BAY FOR JANITORIAL
SERVICES.**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: September 13, 2022 **AGENDA ITEM:** 5G

SUBMITTED AND RECOMMENDED BY: Dean A. Scharmen, Public Works Director 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Authorizing the City Manager to award Bid Number P.W.D. – 2022-01 and enter into a contract with JAN-PRO of Tampa Bay for the City of Indian Rocks Beach Janitorial Services.

BACKGROUND:

On August 3, 2022, the Public Works Department issued a Request For Bid for the City of Indian Rocks Beach Janitorial Services. The Request For Bid was publicly advertised in the Tampa Bay Times on August 3, 2022 and August 10, 2022, pursuant to Florida Statutes and the Code of Ordinances.

ANALYSIS:

On August 29, 2022 at 2:00 P.M. in the City Hall Conference Room, Bids were opened with the following tabulations:

<u>BIDDER NAME</u>	<u>ADDRESS</u>	<u>PRICE</u>
Stratus Building Solutions of Tampa		No Bid
Jan-Pro of Tampa Bay	6908 W Linebaugh Avenue Tampa, FL 33625	\$4,184 (mo.)
Super Bright Tampa	1971 McKinley Street Clearwater, FL 33765	\$36,200 (mo.)
Man vs Dirt Cleaning	2481 NE Coachman Road #602 Clearwater, FL 33765	\$42,146.50 (mo.)
Jani King Of Tampa Bay	2469 Sunset Point Road, Clearwater, Florida 33765	\$9,781 (mo.)

FISCAL IMPACT:

Based upon the Bid submission and the specific sites selected, the cost for this type of service would be \$3007.50 monthly/\$36,090.00 annually.

Areas to be serviced include the following:

City Hall Complex and the Public Works Garage - 5 days per week

Public Restrooms at the Pinellas County/IRB Beach Access Park – 7 days per week (2 times per day on the weekends)

Within the proposed FY 2023 Budget, under the Public Works Department, Building Maintenance, staff has requested funding to complete this type of service.

It should be noted that this is a Three (3) year contract with the bid price fixed for the entire Three (3) years.

MOTION:

I move to authorize the City Manager to award Bid Number P.W.D. – 2022-01 and enter into a contract with JAN-PRO of Tampa Bay for the City of Indian Rocks Beach Janitorial Services as presented.



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

Library
727/596-1822

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

MONDAY, AUGUST 29, 2022
2:00 P.M.

PUBLIC WORKS DEPARTMENT
1507 BAY PALM BOULEVARD

MINUTES

REQUEST FOR BIDS:

**CITY OF INDIAN ROCKS BEACH
JANITORIAL SERVICES
BID # P.W.D. – 2022-1**

Sealed bids for the *City of Indian Rocks Beach – Janitorial Services — Bid # P.W.D. – 2022-1* were opened at 2:00 P.M., on Monday, August 29, 2022.

PRESENT: Dean A. Scharmen, Public Works Director
Colleen Olson, Administrative Assistant, Public Works Department

Sealed bids were opened, read aloud and tabulated by Dean A. Scharmen, Public Works Director.

A copy of that tabulation is attached hereto and made a part of this report.

The bid opening concluded at 2:10 P.M.

A handwritten signature in black ink, appearing to be 'Dean A. Scharmen', written over a horizontal line.

Dean A. Scharmen
Public Works Director

Attachment (1)

cc: File

**CITY OF INDIAN ROCKS BEACH
 BID TABULATION SHEET
 BID # P.W.D. - 2022-01**

PROJECT: City of Indian Rocks Beach - Janitorial Services

DATE: August 29, 2022

TIME: 2:00 PM **DATE(S) ADVERTISED:** August 3, 2022 & August 10, 2022

DEPARTMENT: Public Works

PLACE: IRB Auditorium Conference Room

PUBLICATION: Tampa Bay Times

EXP A/C #: 001-539-200-034-300

BIDDER'S NAME & ADDRESS	TOTAL BID	5% of TOTAL BID	
		Bid Bond	Certified Check
Stratus Building Solutions of Tampa	No Bid (see attached)	N/A	
Jan-Pro Tampa Bay, 6908 W Linebaugh Avenue, Tampa, FL 33625	\$4,184 - Per Month	N/A	
Super Bright Tampa, 1971 McKinley Street, Clearwater, FL 33765	\$36,200 - Per Month	N/A	
Man vs Dirt Cleaning, 2481 NE Coachman Rd #602, Clearwater, FL 33765	\$42,146 - Per Month	N/A	
Jani-King of Tampa Bay, 2469 Sunset Point Road, Clearwater, FL 33765	\$9,781 - Per Month	N/A	

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time.
 All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

**CITY OF INDIAN ROCKS BEACH, FLORIDA
BID FORM A
FOR
JANITORIAL SERVICES
BID # P.W.D. 2022-01**

The undersigned bidder does hereby agree to furnish the City of Indian Rocks Beach, Florida, the items listed in accordance with the Specifications shown by the Invitation to Bid to be delivered to the specified site for the price indicated. Undersigned has inspected the premises of all buildings and satisfied him/herself as to the scope and level of services to be provided.

- * MONTHLY PRICE - CITY HALL COMPLEX AND PWD GARAGE \$2,095.00
- * MONTHLY PRICE - PC/IRB PUBLIC RESTROOMS ON WEEKDAY'S \$392.50
- * MONTHLY PRICE - PC/IRB PUBLIC RESTROOMS ON WEEKEND'S (2X PER DAY) \$520.00
- MONTHLY PRICE - KOLB PARK PUBLIC RESTROOMS 7 DAYS PER WEEK \$392.50
- MONTHLY PRICE - NATURE PRESERVE PUBLIC RESTROOMS 7 DAYS PER WEEK \$392.50
- MONTHLY PRICE - MUSEUM PUBLIC RESTROOMS 7 DAYS PER WEEK \$392.50

- TOTAL MONTHLY PRICE \$4,184.00

THIS BID MUST BE SIGNED BY A PERSON AUTHORIZED TO ACT FOR THE COMPANY IN HIS/HER OWN NAME.

Typed Name and Title Fred Byrd – Sales Manager

Signature James Fred Byrd, Jr.

Firm JAN-PRO of Tampa Bay

Address 6908 Linebaugh Ave., Tampa, FL 33625

Telephone Number 813-864-1940

After-hours Telephone Number 813-860-8185

AGENDA ITEM NO. 6A

GUILTY SEA PUB & SPORTS

4COP-SFS

301 GULF BOULEVARD

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION AGENDA MEMORANDUM**

FOR MEETING OF: September 13, 2022

AGENDA ITEM: 6A

SUBMITTED BY: Deanne B. O'Reilly, City Clerk, MMC 

APPROVED BY: Brently Gregg Mims, City Manager 

**SUBJECT: ABT CASE NO. 18-2022 — 301 GULF BOULEVARD
GUILTY SEA INDIAN ROCKS LLC
D/B/A GUILTY SEA PUB & SPORTS**

Guilty Sea Indian Rocks, LLC, d/b/a Guilty Sea Pub & Sports, has requested a 4COP-SFS (*Beer; Wine; Liquor. By the drink for consumption on premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off premises*) for the establishment Guilty Sea Pub & Sports, located at 301 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 9, Lots 13 thru 16.

BACKGROUND:

Alcoholic Beverage Use Designations are governed by Chapter 6, Alcoholic Beverages.

All alcoholic beverage licenses are under the control of the State of Florida, Division of Alcohol Beverages and Tobacco. However, municipalities have the right to enact ordinances regulating the hours of business and location of place of business and prescribing sanitary regulations thereof, of any license under the State Beverage Law within the county or corporate limits of such municipality. [F.S. 562.45(2)(a)]

On August 16, 2022, Matt Loder, Sr. submitted a 4COP-SFS Alcoholic Beverage Designation Application (*Beer; Wine; Liquor. By the drink for consumption on-premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off-premises*) for the establishment Guilty Sea Pub & Sports, located at 301 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 9, Lots 13 thru 16 pursuant to Code Section 6-32(e).

Code Section 6-32 Alcoholic Beverage Use Designations are approved for a specific property location and a specific application. Any change in ownership of the establishment will require filing a new application and approval by the City Commission.

ANALYSIS:

Guilty Sea Pub & Sports is located at 301 Gulf Boulevard in the B-Business District. The surrounding zoning on the north, south, and east sides are zoned B-Business, and the property on the west side of Gulf Boulevard is zoned CT-Commercial Tourist. The site meets all land code requirements.

On August 30, 2022, the Pinellas County Sheriff's Office reviewed its files for Matt Loder, Sr., and determined there are no responsive public records. No criminal record checks were conducted for the Florida Department of Law Enforcement, other states, or the FBI.

Section 6-33, Authority of City Commission to designate locations, empowers the City Commission to designate the location and classification and to place reasonable restrictions which are deemed appropriate such as repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.

PUBLIC NOTIFICATION: A public meeting notice was mailed by first-class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on August 29, 2022, per Code Section 2-149.

A legal notice was published in the August 31, 2022-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 13, 2022, for ABT Case No. 18-2022.

MOTION:

I move to **APPROVE/DENY** a request for an Alcoholic Beverage Use Designation of 4COP-SFS, *(Beer; Wine; Liquor. By the drink for consumption on-premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off-premises)* to Guilty Sea Indian Rocks LLC, d/b/a Guilty Sea Pub & Sports, located at 301 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 9, Lots 13 thru 16 with the following stipulation: ***Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.***

/DOR



CITY OF INDIAN ROCKS BEACH
ALCOHOLIC BEVERAGE DESIGNATION APPLICATION



DATE: Aug 16, 2022

APPLICANT'S NAME: Matthew Loder Sr

ADDRESS: 7755 133rd St N. Seminole FL 33776

PHONE NO.: 727 580 4449

CELL PHONE: _____

E-MAIL: Matt@cabbybills.com

DATE OF BIRTH: 07/07/1964

DRIVER'S LICENSE NO.: _____

ESTABLISHMENT NAME: Guilty Sea Indian Rocks, LLC.

ADDRESS: 301 Golf Blvd. Indian Rocks Beach, FL 33785

PHONE NO.: 727 580 4449

WEBSITE: _____

LEGAL DESCRIPTION: Restaurant with bar with a focus on sports

PARCEL ID#: 12-30-14-42858-009-0130

BEVERAGE DESIGNATION REQUESTED: 4COP SFS

AFFIDAVIT

I, Joyce Ostrander, hereby swear and affirm that the above information is true and correct.

[Signature]
Affiant

State of Florida
County of Pinellas

SWORN TO AND SUBSCRIBED before me on this 16 day of Aug 2022, by Matthew Loder Sr (applicant), who is personally known to me or who produced _____ as identification that he/she did execute the foregoing Affidavit.

My Commission Expires:

[Signature]
Signature of Notary Public

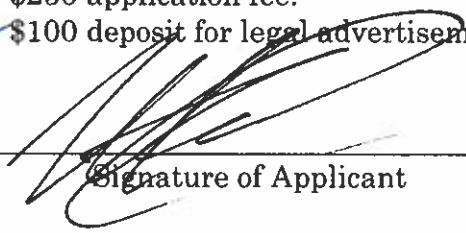
ABT # 18-2022
BDMS # _____



ALCOHOLIC BEVERAGE APPLICATION CHECKLIST

ESTABLISHMENT NAME Guilty Sea Pub + Sports
ADDRESS 301 Gulf Blvd
DESIGNATION 4 COP-SFS

- City Application.
 - Name and address, telephone number, date of birth, and Florida Driver's License Number of applicant.
 - The physical street address of the property.
 - The alcoholic beverage classification requested.
 - Notarized statement by the owner consenting to the application, if applicant is the lessee or tenant.
 - Legal description of property where the business is located, including a survey which clearly sets out the location of the building(s).
 - Parcel ID#
 - State of Florida DBPR ABT Completed Application.
- Signed, dated and completed Checklist.
- \$250 application fee.
- \$100 deposit for legal advertisement and public notices.



Signature of Applicant

08/16/2022

Date

#####

CITY USE

- Pinellas County Sheriff's Office background check. Names of applicants on State of Florida DBPR ABT Application.
- Code Enforcement: 500 feet from elementary, secondary & high schools.
- Planning Consultant compliance with R2002-95, Restaurant Seating & Parking Chart, Chapter 110, Zoning, Chapter 6, Alcoholic Beverages, and general parking.
- Check Florida DBPR for Alcoholic Beverage License.
- Check Sunbiz for LLC or Corporation.
- Approval/denial letter to applicant.

To the city clerk of the City Of Indian Rocks Beach,

As the property owner of 301 Gulf Blvd, Indian Rocks Beach FL. 33785 having entered into a lease with Guilty Sea Indian Rocks LLC., provide permission per our lease agreement for the application and licensing of alcoholic beverage service at the premises.

Thank you,

2348 Sunset Inc. Tre
Mr. Gary Holcomb
Parcel number 12-30-14-42858-009-0130

Gary Holcomb

Aug 16, 2022

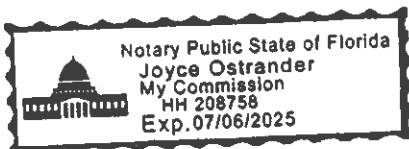
Signature: Gary Holcomb

Email: my@beachpl.com

I, Joyce Ostrander
hereby swear & affirm that the
above information is true & correct.

Sworn & Subscribed before me this
16th day of August 16th 2022

by Gary Holcomb who is personally
known to me. & produced this
affidavit.



Signature of Notary
Public

Joyce Ostrander

AGENDA ITEM NO. 7

**OTHER LEGISLATIVE MATTERS:
None**

AGENDA ITEM NO. 8

**WORKS SESSION ITEMS:
None**

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10
ADJOURNMENT.