

MINUTES

**CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, OCTOBER 10, 2023- 6:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785
(MEETING CAN BE VIEWED AT WWW.INDIAN-ROCKS-BEACH.COM)**

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 Commissioner Jude Bond, Commissioner Joe McCall, Commissioner Denise Houseberg, and Commissioner Lan Vaughan.

OTHERS PRESENT: City Attorney Randy Mora, City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen 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.

A PCSO representative reviewed the monthly report.

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

A Pinellas Suncoast Fire & Rescue District representative reviewed the fire district's monthly report.

2. PUBLIC COMMENTS.

Thomas Germond, 12900 Vonn Rd. Largo, encouraged the City to donate blood to One Blood.

Linda Newton, 438 Harbor Drive N., reviewed her own report on short-term rental vehicles that come in and out of Harbor Drive, North and South. She thanked the commission for their work on the short-term rental program.

Diane Daniels, 309 10th Avenue, spoke about her IRB nonprofit, Vacation Donations, and its mission to reduce waste in vacation rentals and increase donations, reuse, and recycling. She stated that Pinellas County has a goal of zero waste to landfill by 2050.

John Phanstiel, 448 Harbor Drive South, thanked the City for their work on short-term rentals that have been inspected.

Jerry Newton, 438 Harbor Drive North, thanked the City for the Newsletter. He requested the format of the short-term rental list provided on the City's website be changed.

Don House, 2104 Beach Trail, stated that beach access on 21st Avenue and 22nd Avenue are both shut down, requested the City open at least one of them soon.

3 A. REPORT OF the City Attorney.

City Attorney Mora reported the status on the ongoing 7 pending lawsuits.

City Attorney Mora stated the subject of short-term rentals is an ongoing discussion through the City and he reminded the council that more than a year ago he explained whether or not the City was going to be successful, it was critical on how the City defined success. If success was to be defined by banning or ending the existence of short-term rentals, the City would not succeed. Nothing that the City passed, adopted or delivered is designed to limit duration frequency or otherwise prohibit short-term rentals in this community.

3 B. REPORT OF the City Manager.

City Manager Mims reported that Pinellas County Emergency Dune Construction Project/ Temporary Erosion Control Project are in progress. He stated that this is not a renourishment project but protective measures to protect people's properties.

City Manager Mims provided an update to the Gulf Boulevard Phase II Undergrounding Project, the City's new Website Project and stated that purchase orders were being issued for Capital Projects and Equipment that was approved as part of the 2023/2204 budget.

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

City Manager Mims thanked Crabby Bills for their donation of \$10,000 to Halloweenfest.

3 C. REPORT OF the City Commission.

Vice-Mayor Commissioner Bond reported on the Beach Art Center Activities and Homeowners Association IRB Tour of Homes.

Commissioner Vaughan reported on Action 2000 activities.

Commissioner Houseberg had nothing to report.

Commissioner McCall announced his resignation as City Commissioner effective 10-31-2023.

4. ADDITIONS/DELETIONS. Discussion on the process of filing the vacant City Commissioner seat.

5. CONSENT AGENDA.

- A. APPROVAL of September 6, 2023, Special City Commission Meeting Minutes.**
- B. APPROVAL of September 12, 2023, Regular City Commission Meeting Minutes.**
- C. APPROVAL of September 20, 2023, Special City Commission Meeting Minutes.**
- D. AUTHORIZING** the City Manager to award Bid Number I.R.B.P.W.D.2023-01 and enter into a contract with Harbor Contracting, LLC. for the 2nd Street and 16th Avenue BMP's (Q341) in the amount of \$419,827.00.

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

MOTION was made by Commissioner Vaughan and seconded by Commissioner Houseberg to approve the Consent Agenda, consisting of Agenda item nos. 5 A through 5 D. **The Motion carried unanimously.**

6. **PUBLIC HEARING.** None.

7. **Ordinance No. 2023-06-Public Hearing /First Reading. An Ordinance of the City of Indian Rocks Beach, Florida, providing for an amendment to Section 74-63 of the Code of Ordinances pertaining to the operation of vessels within the City’s coastal waters in the Gulf of Mexico; providing for the incorporation of recitals; providing for approval of an amendment to the City’s Code to establish a public bathing beach area limited to manually propelled vessels only to conform to Florida’s Statutes and Administrative Code; providing for severability; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.**

Attorney Mora read the Ordinance by title only.

Public Works Director Dean Scharmen presented Ordinance No. 2023-06.

[Beginning of Staff Report]

During the December 13, 2022, Commission Meeting, the City Commission passed Ordinance 2022-07 designating a section of the coastal beach frontage as a Swim Zone and a Boating Restricted area to bring its local regulations into alignment with State Statutes and regulations while continuing to balance the interests of vessel operators and the beach going public. Subsequent to the adoption of Ordinance 2022-07, the Florida Fish and Wildlife Conservation Commission reviewed and provided additional legal insights concerning The Ordinance’s consistency with its administrative and legal guidelines relation to Anchoring within a Public Bathing Beach.

FISCAL IMPACT:

Within the FY 23/24 Operation Budget, funding has been requested to accomplish the tasks of removing and re-installing the Buoy System.

“Estimate” costs are as follows:

Permitting/Engineering	\$	3,500
Equipment/Hardware	\$	26,500
Boating Services	\$	8,500
<u>Contingency</u>	<u>\$</u>	<u>1,500</u>
Total	\$	40,000

[End of Staff Report]

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

MOTION was made by Commissioner McCall and seconded by Commissioner Vaughan to approve Ordinance No 2023-06-Public Hearing /First Reading. An Ordinance of the City of Indian

Rocks Beach, Florida, providing for an amendment to Section 74-63 of the Code of Ordinances pertaining to the operation of vessels within the City's coastal waters in the Gulf of Mexico; providing for the incorporation of recitals; providing for approval of an amendment to the City's Code to establish a public bathing beach area limited to manually propelled vessels only to conform to Florida's Statutes and Administrative Code; providing for severability; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.

Roll Call Vote:

Ayes: McCall, Houseberg, Vaughan, Bond, Kennedy

Nays: None

The Motion carried unanimously.

8. WORK SESSION ITEMS. Motorized Bikes

City Attorney Mora provided his presentation to the City Commission.

City Attorney Mora stated the City has the ability to regulate the presence of electric bikes by adopting an ordinance governing the operation of electric bikes on streets, sidewalks, highways bike paths, multi-use paths, trail networks or a beach or dune.

Vice-Mayor Bond stated electric bikes should be prohibited on the beach, maybe structure the ordinance in such a way that the bike could be operated by peddling but not motorized.

Commissioner Vaughn stated he agreed with Commissioner Bond because of the speed they are capable of. He stated that he would not want them on the sidewalks either and should possibly be restricted to the bike lane.

Commissioner Houseberg asked if there are any records of any accidents on the beach.

Commissioner McCall stated why are we looking for a problem, we hear about car crashes happening we cannot regulate everything. Bikes and golf carts alleviate some of the parking issues. This is over regulation of something that is not really an issue.

Mayor-Commissioner Kennedy asked Vice-Mayor Commissioner Bond if he saw any incidents. Vice-Mayor Bond replied that electric bikes are the fastest things on the beach, and no one is looking out for them, he would like to prevent an accident before it happens.

Commissioner Vaughan stated he does not see an initial problem right now.

Mayor-Commissioner Kennedy stated the City prohibits dogs on the beach, but we see dogs on the beach, because it is difficult to regulate. Enforcement of electric bikes on the beach will be just as difficult.

City Manager Mims stated the Commission could adopt an ordinance to prohibit electric bikes on the beach, but it would be difficult to enforce.

Mayor-Commissioner Kennedy opened for public comment.

Gary Young 1207 Bay Shore Blvd. stated he rides his electric bike on the beach so he can stay off the road. He disagrees with all the incumbered ordinances.

Jan Wilson, 711 Hidden Harbor Dr., stated she is a cyclist and the one thing you need to look at on electric bikes is throttle versus non- throttle. She stated she agreed with Vice-Mayor Commissioner Bonds opinion.

John Thayer, 1819 Bay Boulevard, stated that the city should define what is allowed on the beach and what is not and the City should eliminate anything motorized on the beach.

Mayor-Commissioner Kennedy asked if there was a consensus to further this discussion or table it.

Commissioner Houseberg, Commissioner Vaughan and Commissioner McCall stated that they did not wish to further discuss the subject. Vice-Mayor Bond stated he would like to revisit the subject.

9. OTHER BUSINESS. Vacancy of the City Commission Seat.

City Manager Mims offered to the Commission a guideline to put a notice out to the public and receive applications to fill the vacancy of the City Commissioner seat for the remainder of the unexpired term.

City Attorney Mora reviewed what is expected on Full Financial Disclosure Form 6.

It was the consensus of the Commission for the City Manager and City Clerk to post the notice.

10. ADJOURNMENT.

Motion was made by Commissioner Houseberg and seconded by Commissioner McCall to adjourn at 7:36 p.m. Unanimous approval by acclamation.