

TUESDAY, OCTOBER 11, 2022

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 PM

***THERE IS NO DISCUSSION ITEM
ON SHORT-TERM RENTALS ON
THIS AGENDA.***



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, OCTOBER 11, 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

THERE IS NO DISCUSSION ITEM
ON SHORT-TERM RENTALS ON THIS AGENDA.

- 1. PRESENTATIONS.**
 - A. REPORT OF Pinellas County Sheriff's Office.**
 - B. REPORT OF Pinellas Suncoast Fire & Rescue District.**

- 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 September 7, 2022 Special City Commission Meeting Minutes.
 - B. **APPROVAL** of the September 13, 2022 Regular City Commission Meeting Minutes.
 - C. **CONFIRMING** the action taken during the September 21, 2022 Special City Commission Meeting.
 6. **PUBLIC HEARINGS:**
 - A. **BOA CASE NO. 2022-12 — 526-20TH AVENUE**
Considering a variance request from Sec. 110-131(1)f.1. of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house, for the property located at 526-20th Avenue, Indian Rocks Beach, Florida, and legal described as Lot 29, Fifteenth Addition to Re- Revised Map of Indian Beach. Parcel #: 06-30-15-42300-000-0290.
 7. **OTHER LEGISLATIVE MATTERS:**
 - A. **ORDINANCE NO. 2022-03.** An ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 2, Administration; Article II, City Commission; Division 1, Generally; Section 2-31, Compensation of members; providing for an increase in the City Commission's monthly compensation; providing for severability; providing for repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date
 8. **WORK SESSION ITEMS [DISCUSSION ONLY]:**
 - A. **DISCUSSION OF IRB Curbside Recycling Program.**
 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: October 7, 2022

**NEXT REGULAR CITY COMMISSION MEETING
WEDNESDAY, NOVEMBER 9, 2022**

AGENDA ITEM NO. 1A

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



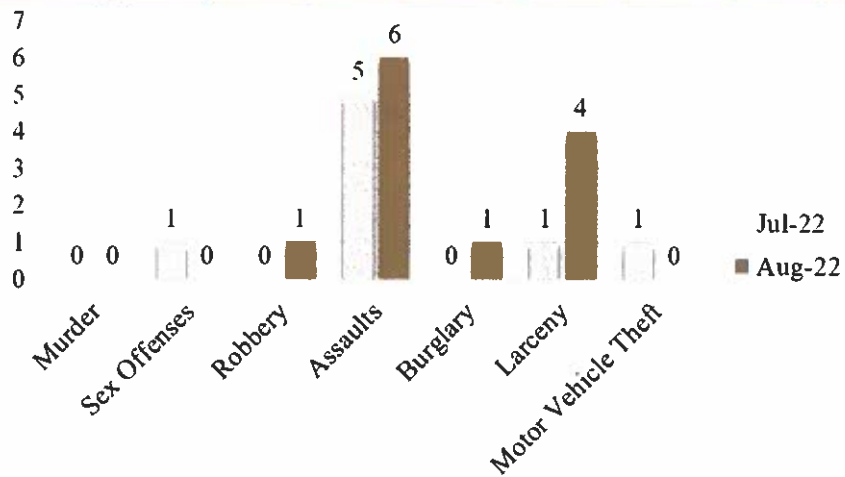
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

August 2022

Select UCR Property & Person Crimes	July 2022	August 2022	August 2021 YTD	August 2022 YTD
Murder	0	0	0	0
Sex Offenses	1	0	2	1
Robbery	0	1	0	3
Assaults	5	6	18	33
Burglary	0	1	6	12
Larceny	1	4	32	44
Motor Vehicle Theft	1	0	5	5
GRAND TOTAL	8	12	63	98



Arrests

August 2022

There were a total of 11 people arrested in the City of Indian Rocks Beach during the month of August resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Misdemeanor	5
Battery	2
Battery-Domestic Related	1
Disorderly Conduct/Breach Peace	1
Disorderly Intoxication	1
Traffic Misdemeanor	6
Driver's License Suspended/Revoked	3
Driving Under The Influence	1
No Valid Driver's License	2
Grand Total	11

*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 **1,123** events in the City of Indian Rocks Beach during the month of August resulting in **1,446** 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 August. *CAD data is filtered by problem type.

August 2022

DEPUTY ACTIVITY	TOTAL
Traffic Stop	293
Directed Patrol	189
House Check	153
Vehicle Abandoned/Illegally Parked	125
Suspicious Person	49
Assist Citizen	35
911 Hang-up Or Open Line	31
Ordinance Violation	25
Area Check	23
Noise	16
Transport Prisoner	14
Building Check Business	12
Contact	11
Community Contact	10
Lost/Found/Abandoned Property	9
Trespass	7
Traffic/DWLSR	6
Domestic-In Progress	6
Civil Matter	6
Suspicious Vehicle	6
Information/Other	6
Supplement	5
Person Down	4
Theft-Not In Progress	4
Open Door/Window	4

Crash & Citation Analysis

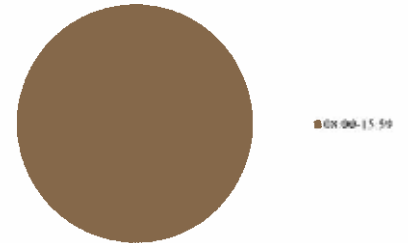
There was 1 crash in the City of Indian Rocks Beach during August 2022. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATION	TOTAL
3 rd Ave/Gulf Blvd	1

Crashes by Day of the Week



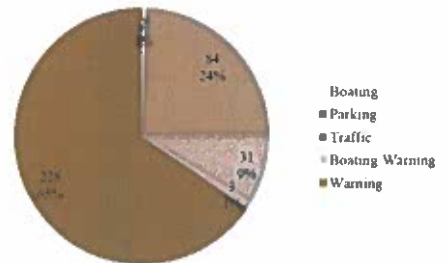
Crashes by Time of Day



There were a total of 348 citations and warnings issued in the City of Indian Rocks Beach during August 2022.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
5th Ave & 2nd St	4
9th Ave & Gulf Blvd	3
10th Ave & Bay Pine Blvd	2
5th Ave & 1st St	2
Gulf Blvd & 20th Ave	2
7th Ave & Gulf Blvd	2
Gulf Blvd & 8th Ave	1
1st St & 4th Ave	1
15th Ave & Gulf Blvd	1
Gulf Blvd & 26th Ave	1

Citations and Warnings



AGENDA ITEM NO. 1B

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

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
September 7, 2022 Special City
Commission Meeting Minutes**

**MINUTES — SEPTEMBER 7, 2022
CITY OF INDIAN ROCKS BEACH
SPECIAL CITY COMMISSION MEETING**

The City of Indian Rocks Beach Special City Commission Meeting was held on **WEDNESDAY, SEPTEMBER 7, 2022.**

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

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

OTHERS PRESENT: Assistant City Attorney Jeremy Simon, City Clerk Deanne B. O'Reilly, MMC, and Finance Director Daniel A. Carpenter, CGFO.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

THE FISCAL YEAR 2022-2023 BUDGET PUBLIC HEARINGS:

- 1A. ORDINANCE NO. 2022-04 — PUBLIC HEARING / FIRST READING.**
Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2022/2023; providing for notification of requisite government authorities; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

The City Commission previously established the proposed millage rate for the Fiscal Year 2022/23 at 1.8326 mills, with no change to the previous fiscal year's millage rate. The current mill rate has been in place since 2019. The mill rate was reduced at that time from 1.93 to 1.8326.

ANALYSIS:

With a millage rate of 1.8326, the total estimated tax collection is \$2,963,060 based on a 97% collection rate. For Fiscal Year 2022/23, a mill rate of 1.8326 is 14.27% higher than the roll back rate of 1.6038. The proposed mill rate of 1.8326 remains one of the lowest in Pinellas County. Currently, mill rates in Pinellas County range from 0.5450 to 6.7550.

[End of Staff Report]

Assistant City Attorney Simon read Ordinance No. 2022-04 in its entirety.

City Manager Mims presented the Agenda Item and stated this ordinance maintains the same mill rate that the City has had for a number of years.

Mayor-Commissioner Kennedy asked where the City was out of the 24 cities in the millage rate.

City Manager Mims stated that information is located on Page D-35, FY 21-22 Adopted City Millage Rates for Pinellas County. The City is fifth from the lowest.

Mayor-Commissioner Kennedy opened the public hearing.

Michelle French, 14693 Seminole Trail, Seminole, stated she is a student in the Public Policy Administration Bachelor Program with St. Petersburg College, bringing her here this evening. This semester, she was responsible for going beyond a textbook or computer screen and meeting with a city professional about the budget.

Ms. French stated she met with Finance Director Carpenter, who explained the budget and financial matters in a snapshot. He gave her a better understanding of her questions about different services offered through revenues and grants and gave her a better understanding of reserves.

Mayor-Commissioner Kennedy closed the public hearing.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER McCALL, TO APPROVE ORDINANCE NO. 2022-04, ON FIRST READING, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES AT 1.8326 FOR THE CITY OF INDIAN ROCKS BEACH, PINELLAS COUNTY, FLORIDA, FOR THE FISCAL YEAR 2022/2023.

ROLL CALL VOTE:

AYES: BOND, HOUSEBERG, McCALL, HANNA, KENNEDY

NAYS: NONE

MOTION TO APPROVE ORDINANCE NO. 2022-04, ON FIRST READING, CARRIED UNANIMOUSLY.

1B. ORDINANCE NO. 2022-05 — PUBLIC HEARING / FIRST READING.

Adopting a budget for the Fiscal Year 2022/2023; making appropriations and operating expenditures for the Fiscal Year 2022/2023; providing for notification of requisite government authorities; and providing an effective date.

[Beginning of Staff Report]

BACKGROUND:

The City Commission reviewed the City Manager's Fiscal Year 2022/23 Proposed Budget during the July 26, 2022 Budget Work Session. Prior to that Budget Work Session, the City Manager and Finance Director met with each member of the City Commission to brief them on the proposed budget. In addition, the City of Indian Rocks Beach Finance and Budget Review Committee met on July 13, 2022, and unanimously endorsed the proposed budget. The City Manager and Finance Director made presentations, which provided an overview of the Fiscal Year 2022/23 Program-Budget. The City Commission and staff reviewed the proposed budget in detail. The Final Budget for Fiscal Year 2022/23 results from a consensus by the City Commission from the July Budget Work Session.

ANALYSIS:

The final budget is balanced in all funds and presents a comprehensive plan for providing services during the coming fiscal year. With the approval of the Final Budget for Fiscal Year 2022/23, the City will establish a spending plan for the Fiscal Year 2022/23 and provide approval for the City Manager to implement the plan.

[End of Staff Report]

Assistant City Attorney Simon read Ordinance No. 2022-05 in its entirety.

City Manager Mims presented the Agenda Item.

City Manager Mims recapped the budget process thus far and announced the second and final public hearing is scheduled for Wednesday, September 21, 2022, at 6:00 p.m.

City Manager Mims stated that the Finance and Budget Review Committee reviewed the budget on July 13, 2022, and unanimously recommended approval to the City Commission.

City Manager Mims stated the City Commission held a Budget Work Session on July 26, 2022, and made the following amendments to the budget by consensus:

- \$100 per month salary increase for each City Commission Member. An ordinance must be adopted to implement the salary raise.
- 5% salary adjustment for the City Manager and the City Clerk.
- Allocation of \$29,000 to develop a new City website.
- Conversion of a part-time Code Enforcement position to full-time.

City Manager Mims stated the City's property tax assessed value increased by approximately 16.14%, or 8.73% higher than last year. Of the the16.14% increase in

taxable values, over 11.7% is attributed to new construction during the previous year. In total, the value of new construction exceeds \$26 million.

The adjusted budget maintains the mill levy at 1.8326, which ensures the City's ranking among the lowest mill rates in Pinellas County and one of the lowest in Florida.

The General Fund expenses total \$4,266,110. The adjusted budget provides for the transfer of \$154,190 from the General Fund to the Capital Improvement Fund for stormwater Improvements.

Highlights of the Adjusted General Fund Budget:

- Continued reduction of the cost allocation from the Solid Waste Budget to the General Fund Budget.
- \$100 per month raise for City Commissioners (effective after the March 2023 election).
- 5% cost of living adjustment for all employees, including the City Manager and City Clerk.
- 4.77% increase in the Pinellas County Sheriff's Law Enforcement Service Contract.
- Office Administrator's salary and benefits moved from Permitting & Inspections to the City Manager's Budget.
- Allocation of \$29,000 to develop a new City website.
- Conversion of a part-time Code Enforcement position to a full-time position.

Highlights of the Solid Waste Budget:

- 5% cost of living adjustment for all employees.
- 6% rate increase for both residential and commercial customers
- 6.8% increase in Pinellas County Tipping Fee.
- Replacement of and purchase of one packer truck.

Highlights of the FY2022-2026 Capital Improvement Plan:

- Annual funding for road milling, resurfacing, curbing, and drainage.
- Allocation of \$4,035,033 from Pinellas County Penny to Gulf Boulevard Underground Phase II.
- Allocation of the American Rescue Plan funds (\$2,019,688) to future drainage enhancement projects. The City Commission has designated Project Nos. 1, 2, and 3 after reviewing the updated City of Indian Rocks Beach Stormwater Master Plan during the July 12, 2022 City Commission Meeting. The projects are subject to the City obtaining the easements and quotes received through the bidding process.
- \$600,000 for stormwater reconstruction projects (half of the total is funded by SWFWMD Grants. Grant allocations and requests may be updated based on the City Commission's updated Stormwater Master Plan review.
- Annual funding for park maintenance upgrades.

City Park Updates:

- Rehab of the IRB Nature Park Boardwalk (a multi-year effort). The wood, decking, and railing will be replaced on the boardwalk with recycled composite material. In addition, support repair will be completed.
- Electrical improvements, including decorative lighting at Chic-A-Si Park and 12th Avenue Park, to accommodate gatherings and events.
- Fencing replacements.

RECYCLING

City Manager Mims stated he requested an extension of the recycling contract with Waste Connections. Waste Connections advised the rate increase is capped at 3%, and due to the current market conditions that they are experiencing with increased fuel, labor, and capital costs, a rate adjustment of 3% would not suffice.

City Manager Mims stated the City would have to wait and see what Waste Connections comes back with.

Commissioner McCall stated from the updated Stormwater Master Plan that the City picked up the liability of around \$13 Million for all the drainage projects over the next 20 years. He asked how the City would deal with this kind of liability going forward — allocations, grants.

City Manager Mims stated this would be dealt with year-by-year based on what grants the City could receive. He said the proposed drainage projects would be determined by what available funding the City has.

City Manager Mims stated the engineers were not advising the City Commission that the City is mandated to do all those drainage projects. That was just the engineer's recommendations. The projects within the Stormwater Master Plan are not in any order.

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

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO APPROVE ORDINANCE NO. 2022-05, ON FIRST READING, ADOPTING A BUDGET FOR THE FISCAL YEAR 2022/2023; MAKING APPROPRIATIONS AND OPERATING EXPENDITURES FOR THE FISCAL YEAR 2022/2023.

ROLL CALL VOTE:

AYES: BOND, HANNA, McCALL, HOUSEBERG, KENNEDY

NAYS: NONE

MOTION TO APPROVE ORDINANCE NO. 2022-05, ON FIRST READING, CARRIED UNANIMOUSLY.

City Manager Mims thanked the City Commission and previous City Commissions for working with him to raise Solid Waste and Public Works Employees' salaries to \$17.00 per hour. As of this budget, the minimum pay rate for all City employees is \$17.00 plus benefits.

City Manager Mims stated the Solid Waste Team does an excellent job. They get the City clean and pick up more than they have to.

City Manager Mims wanted to acknowledge and thank the City Commission particularly for helping him move the minimum pay rate up to \$17.00.

2A. ORDINANCE NO. 2022-06 — FIRST READING.

An ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 50, "Solid Waste", Article II, "Collection and Disposal", Division 1, "Generally", Section 50-36, "Industrial waste; oil and grease; construction debris; bulky waste", to increase the minimum amount of corresponding fee; amending Section 50-37, "Garden trash", to increase the minimum charge of a special pickup; delineating the size of free garden trash; amending Division 3. "Fees and Charges", Section 50-91 "Fee schedule", to alter specified collection fees; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict, and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

The City continues to maintain a high service level residential and commercial solid waste program that benefits all citizens. Services include a recycling program, curbside pick up, and yard waste disposal. The fee schedule for the collection and disposal of the City's solid waste is addressed in the City Code, Section 50-91. The goal or emphasis of any solid waste rate increase is to adjust rates to allow for the solid waste fund to generate adequate income to satisfy annual cost requirements and provide for minimal operating reserves of 3 months within the fund.

ANALYSIS:

A solid waste fund revenue and expenditures were reviewed during the July 26, 2022 City Commission Budget Work Session. The most up-to-date data and economic factors available recommended adjustments to the current solid waste fees. Key areas include the generation of adequate annual operating income, significant increases in costs associated with curbside recycling, future capital equipment replacement costs, and the accumulation of operating reserves within the fund.

The Tentative Budget for FY 2023 reflects increases in monthly residential and commercial solid waste rates of 6.00%. The current \$29.48 per month charge for residential solid waste

is recommended to increase to \$31.25. For commercial solid waste customers, rates are recommended to increase by 6% in the tentative FY 2023 Budget.

[End of Staff Report]

Assistant City Attorney Simon read Ordinance No. 2022-06 by title only.

City Manager Mims presented Ordinance No. 2022-06 and reviewed the amendments to Chapter 50, Solid Waste.

- Reflects a 6% increase in monthly residential and commercial solid waste rates. 6.00%. [Sec.50-91]
- Normal yard waste and trimmings of shrubs or trees are picked up free, when cut in ~~four~~ three-foot lengths and when limbs are not more than four inches in diameter and when stacked neatly at the curb. [Sec. 50-37]
- ~~The stack shall not exceed four feet in height and the pile shall not be longer than eight feet. The stack shall not exceed a total size of 3 feet wide by 3 feet height by 3 feet long or 1 cubic yard.~~ [Sec. 50-37]
- Piles of yard waste and trimmings that are larger than this description, that are randomly piled or that contain remains of full tree removal (i.e., stumps or larger than four-inch-diameter limbs) shall require a call for a special pickup and shall require a charge based on the size of the pickup with a minimum charge of ~~\$25.00~~ 50.00. [Sec. 50-37]
- Fees will be based on rental charges, pull charges and dumping fees. In addition, there shall be an administrative charge of ~~\$244.08~~ 258.72 per month for each compactor dumpster in excess of ten cubic yards. For compactor dumpsters and front-end loader dumpsters less than ten cubic yards, the administrative fee shall be ~~\$122.05~~ 129.37 per month per dumpster. [Sec. 50-91) (f)]
- Additional per-unit fee. In addition to the fees set forth in subsection (a) of this section, the amount of ~~\$7.99~~ 8.47 per unit per month shall be added to each of the basic fees for subsections (1) and (2), and the amount of ~~\$9.07~~ 9.61 per unit per month shall be added to the basic fees for subsections (3), (4), (5), and (6). [Sec. 50-91)(b)]

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

MOTION MADE BY COMMISSIONER MCCALL, SECONDED BY VICE CHAIR-COMMISSIONER HOUSEBERG, TO APPROVE ORDINANCE NO. 2022-06, ON FIRST READING, AMENDING CHAPTER 50, "SOLID WASTE", ARTICLE II, "COLLECTION AND DISPOSAL", DIVISION 1, "GENERALLY", SECTION 50-36, "INDUSTRIAL WASTE; OIL AND GREASE; CONSTRUCTION DEBRIS; BULKY WASTE", TO INCREASE THE MINIMUM AMOUNT OF CORRESPONDING FEE; AMENDING SECTION 50-37, "GARDEN TRASH", TO INCREASE THE MINIMUM CHARGE OF A SPECIAL PICKUP; DELINEATING THE SIZE OF FREE GARDEN TRASH; AMENDING

DIVISION 3. "FEES AND CHARGES", SECTION 50-91 "FEE SCHEDULE", TO ALTER SPECIFIED COLLECTION FEES.

ROLL CALL VOTE:

AYES: BOND, HANNA, HOUSEBERG, McCALL, KENNEDY

NAYS: NONE

MOTION TO APPROVE ORDINANCE NO. 2022-06, ON FIRST READING, CARRIED UNANIMOUSLY.

3. ADJOURNMENT.

MOTION MADE BY VICE-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT 6:30 p.m. UNANIMOUS APPROVAL BY ACCLAMATION.

October 11, 2022

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: _____

Deanne B. O'Reilly, MMC, City Clerk

/DOR

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

**APPROVAL OF
September 13, 2022 Regular City
Commission Meeting Minutes**

**MINUTES — SEPTEMBER 13, 2022
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, SEPTEMBER 13, 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.

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

ABSENT: Commissioner Joseph D. McCall,.

STAFF PRESENT: Assistant City Attorney Nancy Meyer and City Clerk Deanne B. O'Reilly, MMC.

(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.

Deputy Fire Chief Mortelite presented the Fire District's report for August 2022.

1C. PRESENTATION to former City Commissioner Ed Hoofnagle.

Mayor-Commissioner Kennedy presented a plaque to former Vice Mayor and City Commissioner Ed Hoofnagle for his years of service on the City Commission.

2. PUBLIC COMMENTS.

Scotti Vaughan, 301 Harbor Drive, read Jerry Newton, 438 Harbor Drive North, letter that he had submitted to the City Commission into the record.

"To: Our Indian Rocks Beach City Leaders and Concerned Citizens.

I am unfortunately not able to attend the upcoming commission meeting on September 13th, but felt it important to share my serious concerns regarding short term rentals in our city. Please share this letter with all city representatives and interested parties and read it in public at the September Commission Meeting.

As I have stated before, I feel that this uncontrolled issue is poisoning our city and causing serious doubt whether Indian Rocks Beach is a good place to live and raise a family. I call it a malignant "cancer" that is eating up the character of our city from the inside!

We have all heard the sad story of how we got here and what could have or should have been done to avoid this disaster. But no matter how many times we hear that "there is nothing we can do", we do not believe it.

When I say "we", I truly believe I am speaking for the majority of Indian Rocks Beach residents. I have made a point to gain opinions on short term rentals in our city from neighbors close and far and I am yet to find a resident who is in favor of this rampant unregulated situation we are experiencing. I venture to say the ONLY citizens that are in favor might be those who have chosen profit over principal and have joined the problem by investing in their own short term rental real estate.

You will soon know that there is a grass roots effort in process that will explore every avenue in order to save our neighborhoods and our homes. Our city cannot be considered an "easy place to set up a short term rental business"! And that's exactly what it is today.

Does everyone realize that the fee to maintain a short term rental business permit in our city is \$10 a year and a one time five minute form to start? This fee doesn't even cover the copy machine! Let's set a licensing fee in the \$500+ range commensurate with the task of managing this issue.

Are all these businesses in possession of Florida Department of Revenue Certificates and properly paying their tourist development tax, sales tax and transient rental tax on every dollar of revenue? A quick Saturday morning walk proves that there are homes listed online that display no required exterior STR sign and are not even licensed with our city, not to mention with the state! How many of these businesses are claiming homestead exemptions? How can we monitor this?

Is our system of accountability such that we can see how many times this residence has been in violation of noise, garbage, occupancy, parking regulations? Are the fines for these infractions substantial enough for initial and repeat offenders to be taken seriously by the landlords?

Are we inspecting these businesses for code conformance, safety issues such as fire extinguishers, railings, fire exits, ADA compliance? Yes... This can be done. These regular and required inspections should be funded by the property owner, collected and monitored by the city and fire department.

Why not? Every legitimate retailer, hotel and restaurant has to do all these things and so many more and then jump through hoops and meet monumental requirements in order to operate in our city!

Why are these businesses in our residential neighborhoods not required to operate under the same regulation and scrutiny as every other business in our city?

Do you know that there are homes right near you advertising for sixteen people, parking for 8 cars? Hundreds are listed for 10 guests or more! I believe the city can require copies of all lease contracts. Who is monitoring this?

A legal screw-up 10 years ago got us into this mess and I believe it can get us out. We need to stop making it "easy" to operate a hotel next to a family. My wife and I built our forever home on Indian Rocks Beach, but we didn't buy into this. Our son and his three children are interested in building a home on the water. We recently recommended to him to not build in Indian Rocks Beach.

It's important to note that Indian Rocks Beach will be electing two commissioners in March of 2023. Let's be sure we chose people who understand the importance of this issue and who will work with the remaining commissioners to lead and support every cause that may result in a resolution.

We are intelligent people. We have a problem. We can figure this out if we brainstorm, unite, and take action. Legal? Technical? Procedural? Regulatory? Please... Please... Please, let's all vow to do whatever we need to do to recover from this cancerous situation!

Regards, Jerry Newton"

Kimberly Beer, 2003 Bayview Place, stated she has multiple short-term rentals near her residence. They are noisy. They park their cars blocking streets. They are rude to the neighbors when they ask them to turn down the music by replying with nasty comments. There had been multiple police calls to these rentals. These rentals have five bedrooms and advertise that the occupancy is 15 to 20 persons, and insufficient parking to accommodate that many people.

Ms. Beer suggested a 30-day minimum stay for rentals on the east side of Gulf Boulevard in the residential neighborhoods but no minimum stay for the commercial district. She does not know who controls the durations of visits for rentals.

Ms. Beer stated residential parking at night with City stickers on the vehicles in the neighborhoods was suggested previously.

Ms. Beer stated the rental with five bedrooms that advertises an occupancy of up to 20 people has only one trash can and one recycling can. Per the City Code, the rental should have enough trash cans and recycling bins for the number of people occupying the rental.

Ms. Beer stated that corporations are renting out residences, and she thought businesses could not be located in residential areas.

Ms. Beer asked if the City has done anything with the crosswalk at Gulf Boulevard and 4th Avenue. *(Limiting the time between the stopping of traffic.)*

Ms. Beer stated she sees a lot of underage teenagers and younger driving golf carts throughout the City.

Ms. Beer stated more attention needs to be given to some of the problems in this City.

Dan Doherty, 317 Harbor Drive, stated he finds it quite ironic that the City Commission sits under a sign that says the World's Safest Beach. He said the inaction in allowing these short-term rentals to take over the City's beautiful place is putting that statement at risk every day. He hopes the City Commission noted when they heard from the Fire District and Sheriff's Office that they were not hearing about violence and crimes committed by Indian Rocks Beach residents. But instead, they were hearing about visitors, transients, and short-term renters. He thinks from the other comments this evening that they ask that no stone be left unturned, whether through regulation, litigation, inspection, or commitment to policing this ever-growing problem. The City Commission does not want to be left as being the people that watched over the tipping point where good citizens and people committed to this community find there is no other choice but to leave. As he has already begun to see, neighbors do just that. It is easy to find excuses, reasons, difficulties, or challenges. But the City Commission needs the courage, conviction, and, most importantly, the integrity to take this issue on and fight. Yes, it is going to cost money. It will be contentious, and there will be litigation. But the City cannot be afraid to defend what is the City's. This is the City's community, and the City needs to fight for it and make sure it is the community that has people building, living, and growing families—making this a place where everyone can be proud of.

Matt Loder, 401 Gulf Boulevard, (Crabby Bill's), stated he lives in Seminole in a deeded community that is dealing with short-term rentals. As president of the Homeowners' Association, it is challenging because he has to manage the law and the residents who want short-term rentals and those who do not want short-term rentals.

Mr. Loder stated it might be in the community's best interest for a group of citizens to get together and try to come up with an alternative because there are certain things that the

City Commission can and cannot do because they have to follow the laws. As the Homeowners' Association President, he has to ensure that he represents the neighborhood with all the laws. If he does not do that, he can violate somebody's right, which is the same thing for the City Commission. He stated maybe it is in the community's best interest to go ahead and come up with a group that can pursue what their means are. He agrees that his neighborhood does not want short-term rentals, but it has to be done right, or there will be a legal challenge, and then it becomes a nightmare.

John Pfanstiehl, 448 Harbor Drive South, stated that former Indian Rocks Beach City Commissioner James Palamara passed away last month and succumbed to illnesses he had been fighting for years. He was, at times, gruff and spoke slowly. Jim was Italian with a New York accent but was a formidable force for Indian Rocks Beach. He was wise, street-smart, and fearless, and he will be missed.

Mr. Pfanstiehl stated he has spoken with everybody individually, and everybody seems committed to taking short-term rentals on. Suggested the following things: (1) Hire specialized counsel to look at the City's lost grandfather status. There is a 2019 AG Opinion that says that if cities only made minor changes and did not address or amend the duration or frequency of short-term rentals, cities could retain their grandfather status. Ascertain if there are loopholes or procedural errors. (2) Spearhead an effort to convince other cities to join and fund a lobbyist to fight for home rule. (3) Make Indian Rocks Beach less attractive for transient rentals. Require annual inspections and charge a few hundred dollars more for inspections, and do them annually. Will the City have to hire someone else, probably? But have the property owner pay for the inspections. Increase the annual business receipt tax from \$10 to \$100 or \$200.

Mr. Pfanstiehl stated the City needs bold action now, or Indian Rocks Beach will no longer be a place for residents. It will devolve into a tourist town.

Don House, 2104 Beach Trail, stated the City needs to deal with and address short-term rentals. He said there are many things that can be done with short-term rentals. He stated that short-term rentals are a problem.

Kelly Watt, 431 Harbor Drive South, stated a lot of her long-time neighbors have left because of the short-term rentals. The short-time rentals are losing the feel of having a neighborhood.

Ms. Watt stated the City Commission has fought so hard to keep Indian Rocks Beach as this beautiful old Florida town, and she does not want Indian Rocks Beach to become a tourist town.

Ms. Watt stated she feels the signs in front of short-term rentals are a means of advertising an ongoing business and should be reviewed. Short-term rentals are a business. She

asked if the City Commission has had any discussions on maximum occupancy or anything with the Fire District regarding short-term rentals.

Ms. Watt stated she agreed with increasing the fees and inspections and hiring a lobbyist, maybe with the help of BIG-C Members. The City needs help because the City cannot fix it by itself. The City needs to make Tallahassee hear them and cities back their rights.

Cindy Hummer, 459 Harbor Drive North, spoke about her experiences with short-term renters, i.e., someone walked into her unlocked home, Target grocery bags left on her front porch for someone else, cleaning up debris from trash cans across the street, and then take the trash cans in twice a week. She has lived at this address for 18 years, and it just started with short-term rentals. It is important. It needs to be changed.

3A. REPORT OF the City Attorney: No report

3B. REPORT OF the City Manager.

Code Enforcement Report

Violation Letters

- 1 Notice to remove in-ground tanks at 5th Avenue/Gulf Boulevard (Shell)
- 2 Overgrown lawns
- 1 Inoperable vehicle
- 9 Trash/recycle cart violations
- 1 VRBO sign violation

Notice to Appear

- 1 Non-compliant property
- 1 VRBO trash violation

Parking Citations

- 74 Parking citations issued (does not include the PCSO citations)

Garbage Collection on the Beach

The metal trash cans on the beach will be changed out to hard side plastic trash cans as part of the new budget. Cans will retain placed garbage in better fashion and will have the City's new litter campaign logo on them.

Budget Hearing

Wednesday, September 21, 2022, at 6:00 P.M., Final Budget Public Hearing.

American Rescue Plan Funds

The City received the second half and final payment of \$1,073,079.

Duke Energy Project

Duke Energy will install a new underground power line from unincorporated Largo under the intracoastal waterway to the Central Avenue Beach Access in the coming months. The goal is to provide improved power service via a loop system.

CivilSurv

CivilSurv is the City's designated engineer who prepared the City's updated Stormwater Master Plan. Staff plans to use CivilSurv to do the final engineering design for Drainage Project Nos. 1, 2, and 3, that are in the FY2023 Budget.

Recycling

On August 16, 2022, the City sent a letter to Waste Connections requesting a two-year extension on the original four-year contract. The City is still waiting on a response from Waste Connections.

The City of Madeira Beach went out for RFPs for recycling. Madeira Beach received a bid from Waste Connections for \$12.00 per household per month, and the lowest bid received was \$10.00.

Currently, the City pays \$6.00 per household per month.

City Manager Mims stated the City has requested an extension of the recycling contract with Waste Connections. Waste Connections advised the rate increase is capped at 3%, and due to the current market conditions that they are experiencing with increased fuel, labor, and capital costs, a rate adjustment of 3% would not suffice.

City Manager Mims requested that the City Commission discuss recycling during the City Commission October Meeting as a work session item.

CONSENSUS OF THE CITY COMMISSION TO DISCUSS RECYCLING, AS A WORK SESSION ITEM, DURING THE OCTOBER 11, 2022 CITY COMMISSION MEETING.

City Manager Mims stated the City would send out postcards to all property owner advising them of the October 11, 2022 City Commission Work Session on recycling.

Commissioner Bond asked when does the contract with Waste Connections expire, with City Manager Mims responding by the end of December.

Commissioner Bond clarified that a two-year extension was available, but Waste Connections may not agree with the 3% rate adjustment.

City Manager Mims stated that was correct. He stated that either party could have given notice to terminate the recycling agreement, and both parties must agree to the extension.

Commissioner Houseberg asked if recycling could be picked up biweekly.

City Manager Mims responded that Waste Connections is not interested in a biweekly pickup.

Commissioner Hanna asked if Waste Connections is dropping the recyclables on the concrete pad in St. Petersburg and then just hauling it to the Solid Waste Facility and not recycling the items.

City Manager Mims stated Waste Connections' recyclable numbers do not match Pinellas County's recycling numbers. Waste Connections claims a higher percentage of materials that are actually recycled.

Commissioner Hanna inquired if the City did the alternate week concept. Could the City do its own recycling?

City Manager Mims stated the City has nowhere to take the recycling.

Commissioner Hanna suggested the City do the curbside recycling in-house and drop off at the landfill instead of using a third party.

City Manager Mims stated if the City took the recycling straight to the landfill and dumped it, the recycled materials could be used to generate power. The City pays four times the price for recycling through Waste Connections.

City Manager Mims stated the City is looking at paying half a million dollars a year on recycling when it knows that at least half of it is not being recycled.

Commissioner Hanna asked how much would the City owe Waste Connections if the City terminated the contract.

City Manager Mims stated the City would let the contract run out, and the City would not owe Waste Connections anything, not even for the trash cans.

Commissioner Bond asked if staff could arrange for the City Commission to have a site tour of the recycling facility in October, with City Manager Mims responding in the affirmative.

Commissioner Bond stated it is worth exploring alternative solutions because there is no point in doing recycling just as a vanity project. He is one hundred percent committed to recycling, but it needs to be done where it works.

Short-Term Rentals

Commissioner Houseberg stated the Finance Director was tasked with researching all the non-registered short-term rentals or the new businesses coming into town and asked what did his research yield.

City Manager Mims stated the Finance Director is tasked with ensuring that the rentals (long and short-term) on the west side of Gulf Boulevard have a business tax receipt.

City Manager Mims stated other than one property brought to his attention, they are not aware of any short-term rentals on the east side of Gulf Boulevard that are not registered with the City.

City Manager Mims stated in the FY2023 Budget that the part-time Code Enforcement Officer position would be converted into a full-time position. That Code Enforcement Officer position would be the key liaison on short-term vacation rentals. There are about 250 vacation rentals on the east side of Gulf Boulevard. Staff is researching how many there are on the west side of Gulf Boulevard. The part-time Code Enforcement Officer has been confirming the 24/7 contact information on the sign listed on the application. Next, he will confirm whether or not the property is homesteaded.

City Manager Mims stated the Code Enforcement Division has been focusing on violations of short-term rentals based on the City's ordinance. However, there are limits to what a code enforcement officer can do. The sheriff's office handles noise complaints.

Commissioner Houseberg stated the short-term vacation rental application and renewal fees are willfully tiny. She stated when she spoke to the City Manager, he said if those fees are raised, then they will increase for all these other businesses. Is that correct?

City Manager Mims stated under the City Code, there is not a separate division or breakout for short-term vacation rentals. There is just a rental category. If someone came to City Hall and whether that person was renting a short-term or long-term rental, that person would pay a \$15 administrative fee and then an annual fee of \$10.

City Manager Mims stated that the Finance Department would be tasked with determining what other municipalities charge short-term vacation rentals and other businesses.

Commissioner Houseberg asked what the fine is for a short-term vacation rental that has been operating without a license.

City Manager Mims explained that fines are based on a tier level. The first violation is \$100, the second violation is \$300, and the third violation is \$500. The City currently has one property in the Harbor Drive area that it has been dealing with for several months. The Code Enforcement Division has been advised to fine the property \$500 fine every week until it is in compliance.

City Manager Mims stated Florida Statutes set monetary limits for code enforcement violation fees. However, the City could start its base fine higher than \$100.

City Manager Mims stated the City had sent request for proposals for a special magistrate on two different occasions, but the City did not receive any responses either time. The City Attorney is in the process of updating the request for proposals for a special magistrate, and after that, it will be advertised. Hopefully, the City will receive some responses.

City Manager Mims explained the duties and the process of a special magistrate. The City would not use a special magistrate for parking violations.

3C. REPORTS OF the City Commission.

COMMISSIONER HANNA:

- *Short-Term Vacation Rentals.* He would like to schedule a work session with the City Attorney and a local State Representative to see what the City can and cannot do to make the short-term vacation rental situation work for everybody. The public needs to know what has been done, what can be done, and where the State has tied the City's hands. He stated that the City Commission had written numerous letters to the Florida Legislature on short-term vacation rentals and home rule. The only way to keep short-term vacation rentals at the forefront of the Florida Legislature is for citizens to start writing to them about how short-term vacation rentals are disturbing their quality of life.

VICE MAYOR-COMMISSIONER HOUSEBERG:

- *Short-Term Vacation Rentals.* She will be reaching out to some of the local property management vacation rental companies managing Airbnbs because some have also voiced the same concerns that the residents have expressed. They do not want 30 people in their rentals or 15 cars when there are two parking spaces. She would like to put pressure on them to start thinking about how to manage the people they are putting in these rentals better.
She stated the City Manager has advised that there is "no putting the genie back into the bottle." There is no way to stop the rentals that are already here. But, the City can demand better behavior and performance from these property managers. The City can have a better community.

COMMISSIONER BOND:

- *Short-Term Vacation Rentals.* He feels that Commissioner Hanna's idea of having a State Representative present to explain the State's position on short-term vacation rentals would be fascinating to see what they have to say about it. Because obviously, there has been a lot of talk about home rule until the point when the Florida Legislature can take it away, and then they do.

MAYOR-COMMISSIONER KENNEDY:

- She announced that on Monday Nights from 5:00 to 6:30 p.m., she holds Mondays with the Mayor in the Auditorium.

- *Short-term Rentals.* She stated the letter that Jerry Newton sent to the City on short-term rentals was forwarded to Representative Nick DiCeglie and Representative Linda Chaney.
- *Short-term Rentals.* She stated that meeting between the beach mayors, Representative DiCeglie, and Representative Chaney on short-term rentals was frustrating. The State Representatives said that leadership believes that the rights of the property owners that live there and are not vacation rentals had not been addressed. She said she has been fighting this issue since the start.

4. ADDITIONS/DELETIONS. None.

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.**

Assistant City Attorney Meyer read the Consent Agenda, consisting of Agenda Item Nos. 5A through 5G, by title only.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5G. UNANIMOUS APPROVAL BY ACCLAMATION.

6A. PUBLIC HEARING — 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, Block 9, Lots 13 thru 16. [Parcel Number 12-30-14-42858-009-0130].

[Beginning of Staff Report]

**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.

[End of Staff Report]

Assistant City Attorney Meyer read Agenda Item No. 6A, ABT Case No. 18-2022, by title only.

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

Assistant City Attorney Meyer 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.

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

City Clerk O'Reilly presented ABT Case No. 18-2022, Guilty Sea Pub & Sports, 4COP-SFS Alcoholic Beverage Use Designation, and then reviewed the Staff Report.

Matt Loder, Sr., 401 Gulf Boulevard, applicant, stated this would be another Crabby Bill's Family venture. Guilty Sea would be a sports bar they currently do not have in Indian Rocks Beach. He thinks Crabby Bill's Seafood has more liquor and bar and restaurant licenses than anybody else in the City for a longer period than anybody else.

Mr. Loder stated that this addition would be a very nice asset to their business and the community since there are no real opportunities for people to enjoy indoor sports.

Mia Corrales, 401 Gulf Boulevard, stated she was supervising the construction of Guilty Sea and noted the building has been gutted down to the studs with all new mechanical, electrical, plumbing, and so forth.

Ms. Corrales stated there would be two pool tables, dart boards, ATM, touch tones, and 26 TVs.

Commissioner Bond asked about pinball, with Ms. Corrales responding possibly, stating pinball is making a comeback.

Mr. Loder stated he is very honored to be here. They love this community and could not imagine his mother and father picking a better place to have a long-term family business and relationship with a community.

Mayor-Commissioner Kennedy opened the public hearing.

John Pfanstiehl, 448 Harbor Drive South, stated the Loders have been such a tremendous asset to this community and appreciate everything the Loders have done for the community. He supports this alcoholic beverage application.

Mayor-Commissioner Kennedy closed the public hearing.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER BOND TO APPROVE 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.

ROLL CALL VOTE:

AYES: HANNA, BOND, HOUSEBERG, KENNEDY
NAY: NONE
ABSENT: McCALL

MOTION TO APPROVE CARRIED UNANIMOUSLY.

The City Commission and the City Manager expressed their appreciation for everything that the Loder's have done for the City.

- 7. **OTHER LEGISLATIVE MATTERS:** None.
- 8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None.
- 9. **OTHER BUSINESS.**

Vice Mayor-Commissioner Houseberg asked when the work session on short-term rentals would be scheduled.

Mayor-Commissioner Kennedy suggested that each member of the City Commission schedule an appointment with the City Manager first.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:23 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

October 11, 2022
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

**AGENDA ITEM NO. 5C
CONSENT AGENDA**

**CONFIRMING the action
taken during the
September 21, 2022 Special City
Commission Meeting**

**AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: September 21, 2022 **AGENDA ITEM:** 5C

SUBMITTED AND

RECOMMENDED BY: Deanne Bulino O'Reilly, City Clerk, MMC 

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

Confirming action taken during the September 21, 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 21, 2022 Special City Commission Meeting:

- 1A. ORDINANCE NO. 2022-04 — *ADOPTED ON SECOND AND FINAL 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. 2022-05 — *ADOPTED ON SECOND AND FINAL READING.*** Adopting a budget for Fiscal Year 2023. ***UNANIMOUS APPROVAL.***

- 2A. ORDINANCE NO. 2022-06 — *ADOPTED ON SECOND AND FINAL READING.*** Increasing Solid Waste Fees. ***UNANIMOUS APPROVAL.***

MOTION:

I move to confirm the action taken during the September 21, 2022 Special City Commission Meeting.

/dor

**AGENDA ITEM NO. 6
PUBLIC HEARING**

**BOA CASE NO. 2022-12
526-20TH AVENUE**

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION STAFF REPORT**

MEETING OF: October 11, 2022

AGENDA ITEM: 6A

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, City Planner

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

BOA CASE NO. 2022-12 — 526-20TH AVENUE

Variance request from Sec. 110-131(1)(f.)(1) of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42300-000-0290.

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 3 to 2.

OWNER Edlin Management & Holdings LLC
PROPERTY LOCATION: 526-20th Avenue
ZONING: S - Single Family Residential

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

BACKGROUND:

The applicant is requesting a variance of 3 feet into the front yard setback for an addition with bedrooms, garage, and a pool. By adding onto the front of the house, the new addition will be FEMA compliant. The original house was constructed in 1960.

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 1960 and was approved before the new land development code was adopted in 1981. The existing front yard setback is 54.61 feet.*
- 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 additions 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.*

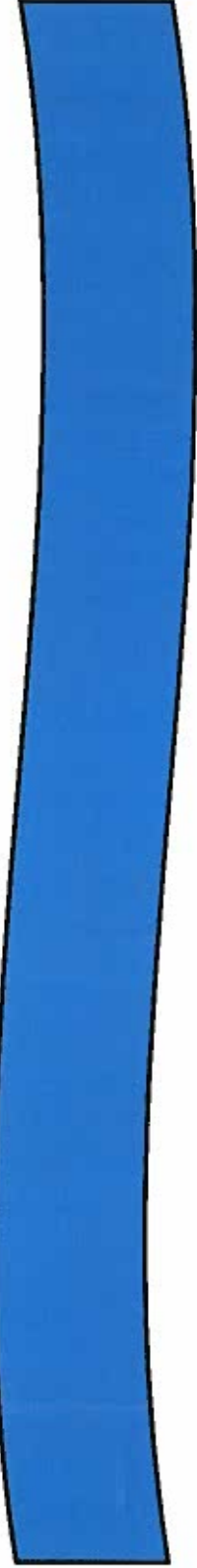
NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on September 26, 2022, (Sec. 2-149 of the Code of Ordinances)

CORRESPONDENCE: Letters of no objection were received from Deborah Levin, 524-20th Avenue and Andrew Wall, 528-20th Avenue.

LEGAL NOTICE: A legal notice was published in the Tampa Bay Times *E-edition newspaper* on Wednesday, September 28th, and placed on the State's Florida Press Association website. Affidavits will state "published on 09/28/2022".

MOTION:

I move to **APPROVAL/DENIAL** of 2022-12 – 526-20th Avenue. Variance request from Sec. 110-131(1)(f.)(1) of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County, Florida.



526 20th Avenue
BOA CASE NO. 2022-12



BOA CASE NO. 2022-12 – 526 20th Ave

Variance request from Sec. 110-131(1)(f.)(1), of the Code of Ordinance, to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526 20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County Florida.



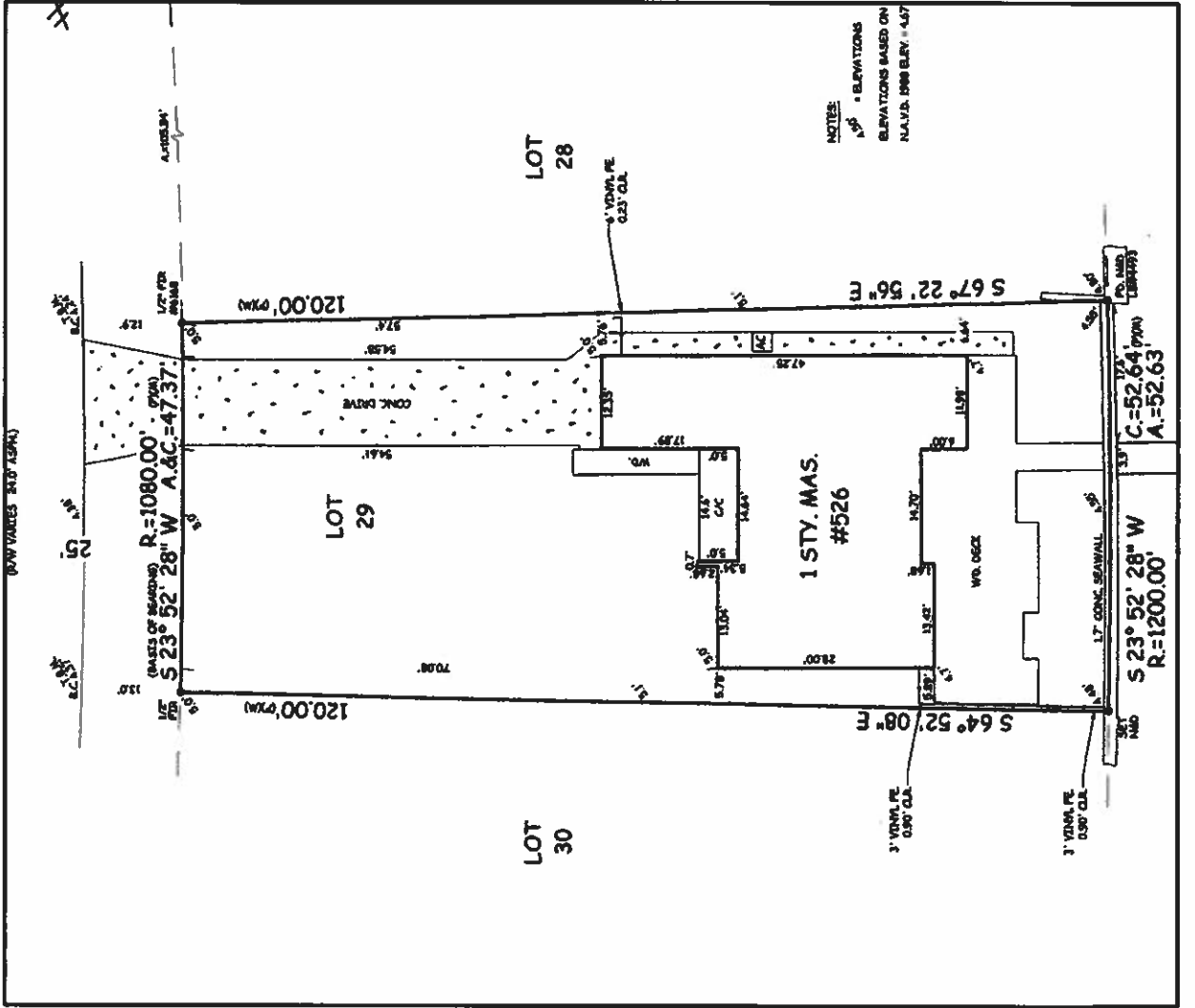
526 20th Avenue



526 20th Avenue



Survey



NOTES:
 1. ELEVATIONS BASED ON N.A.S.D. 1988 BLEV. + 4.07

$$C = 52.64 \text{ (AREA)}$$

$$A = 52.63$$

$$S 23^\circ 52' 28'' \text{ W}$$

$$R = 1200.00'$$

$$S 67^\circ 22' 56'' \text{ E}$$

$$S 64^\circ 52' 08'' \text{ E}$$

(BASES OF MARCH)

$$R = 1080.00'$$

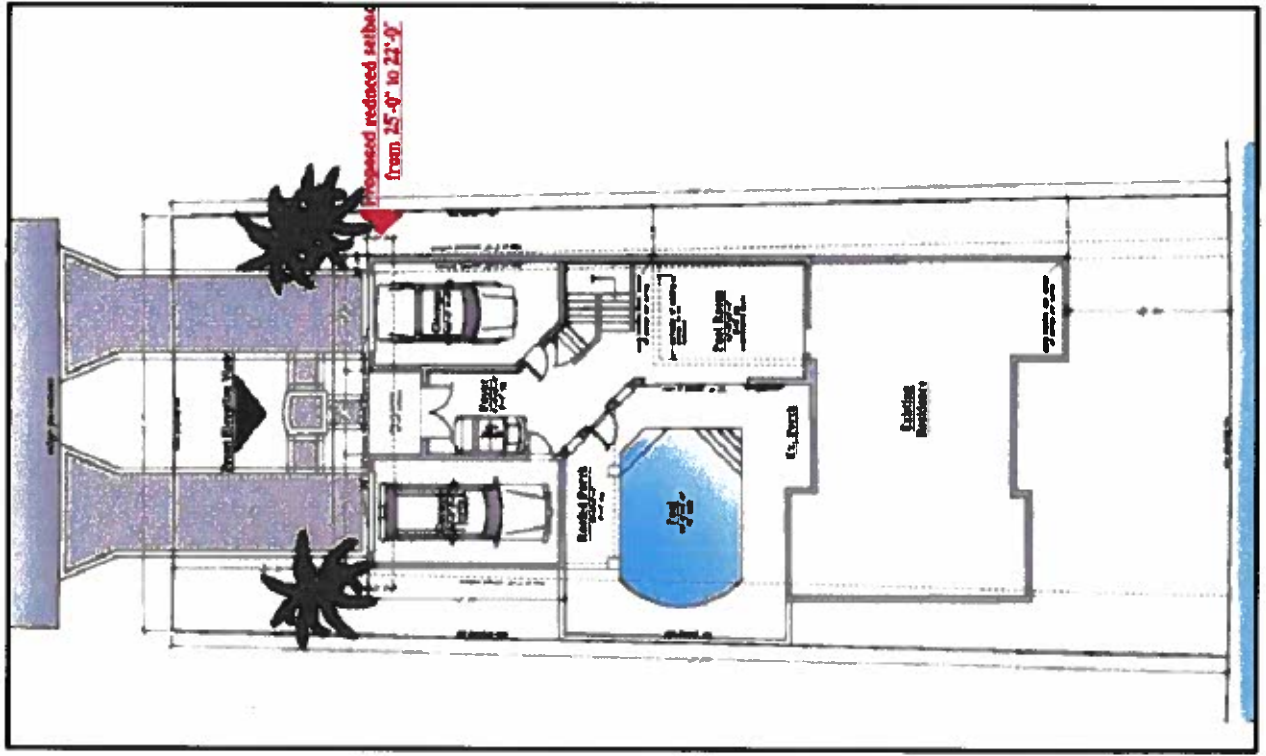
$$S 23^\circ 52' 28'' \text{ W}$$

$$A.C. = 47.37'$$

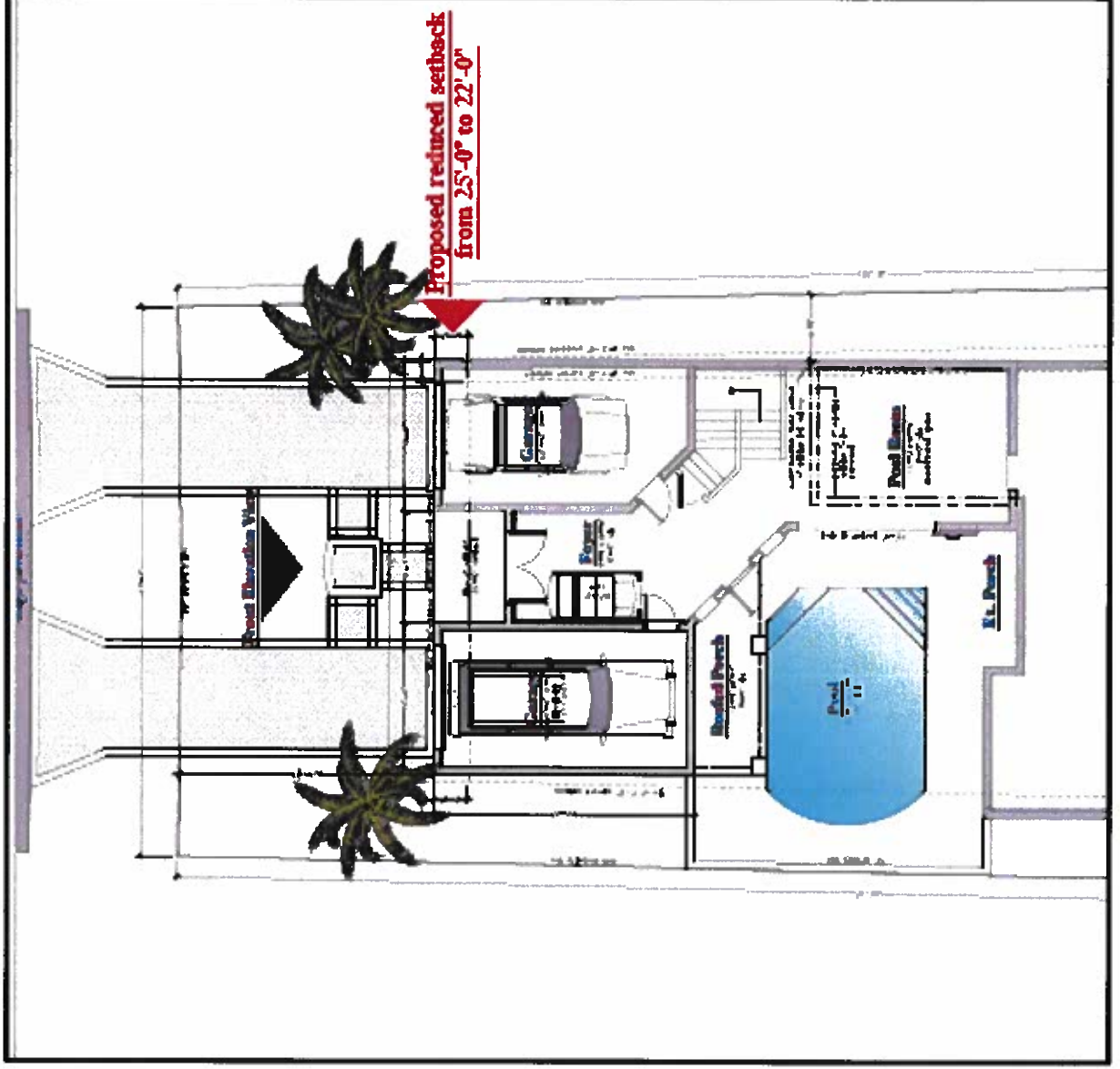
(DIMENSIONS IN FEET)

X

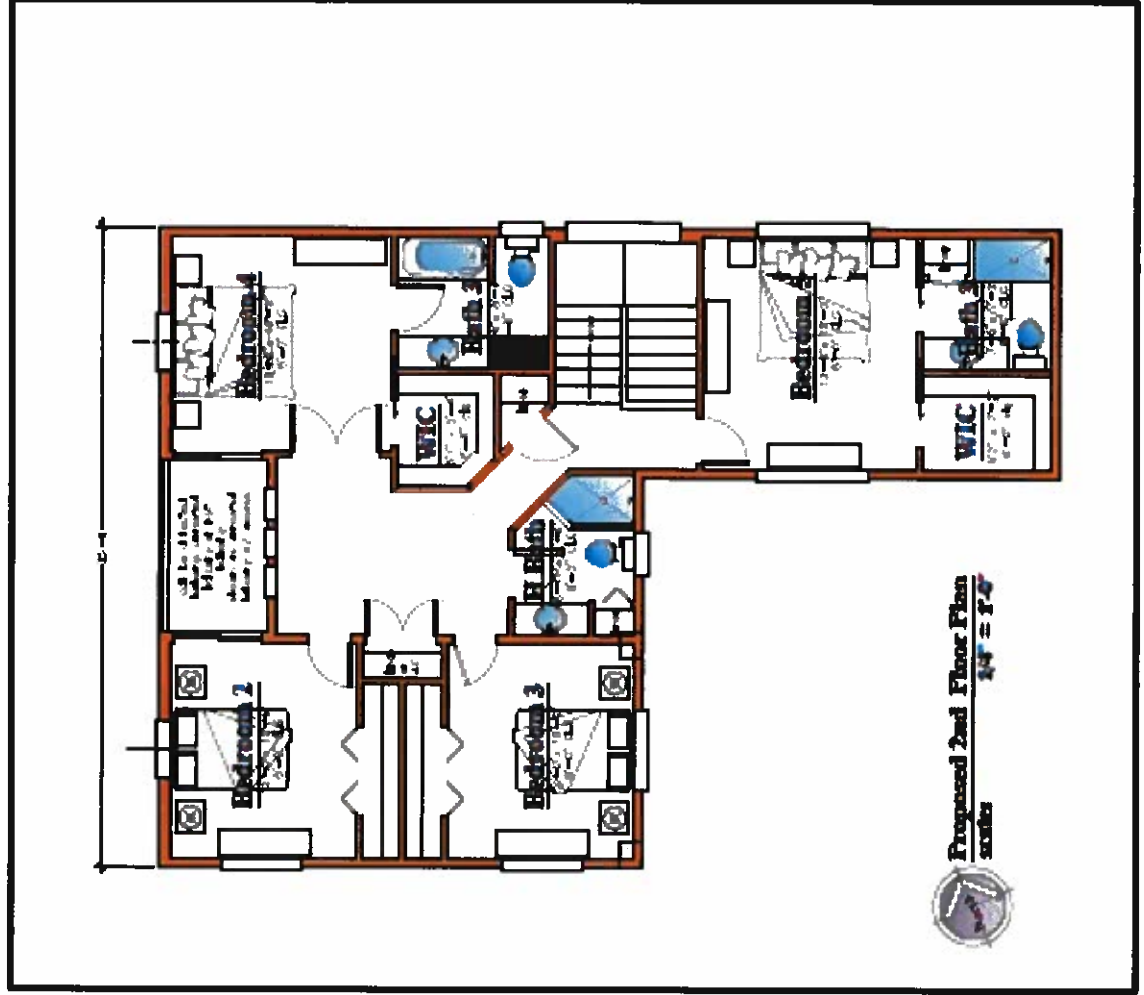
Proposed Addition



Proposed First Floor Addition



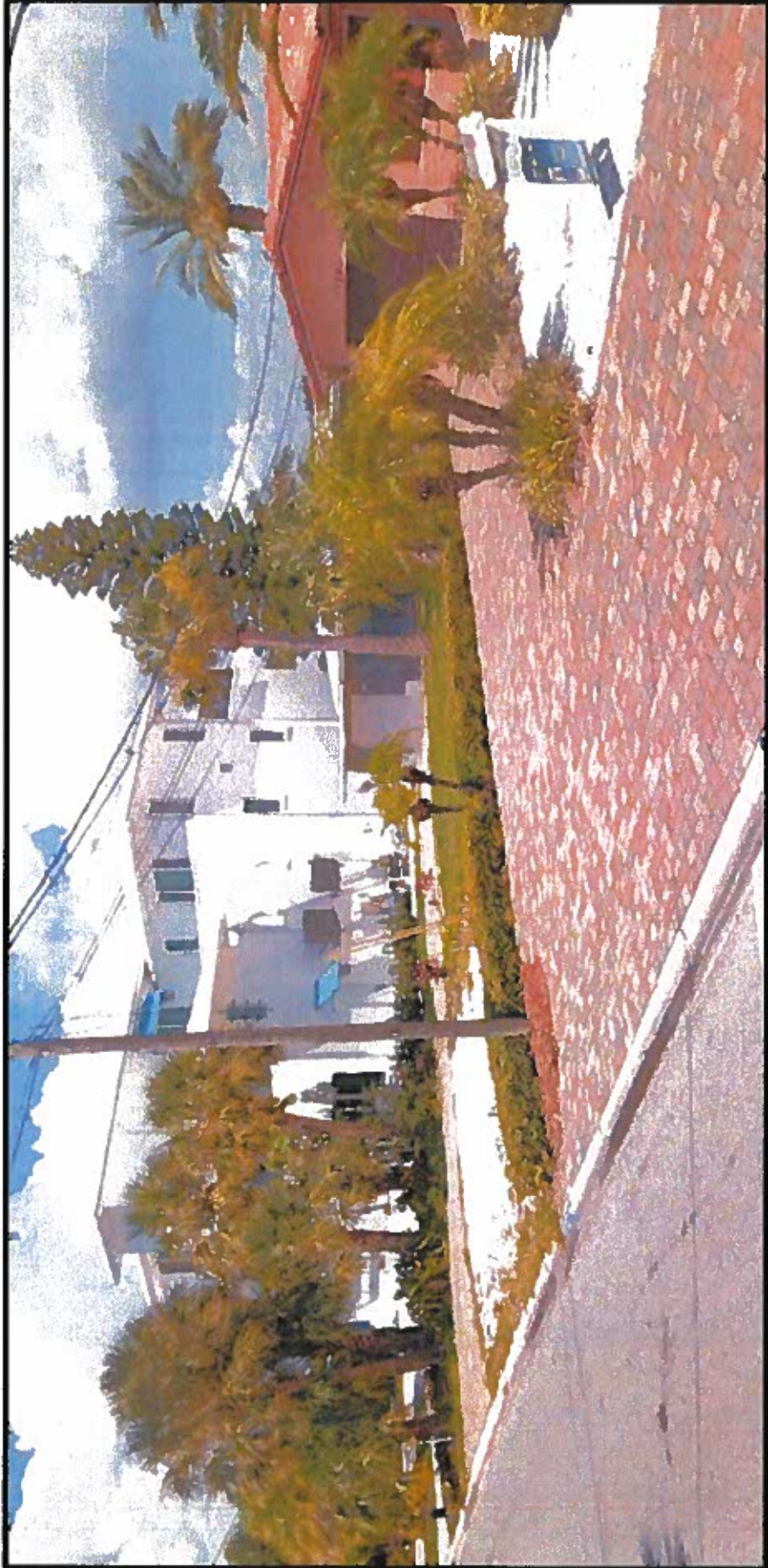
Proposed Second Floor Addition



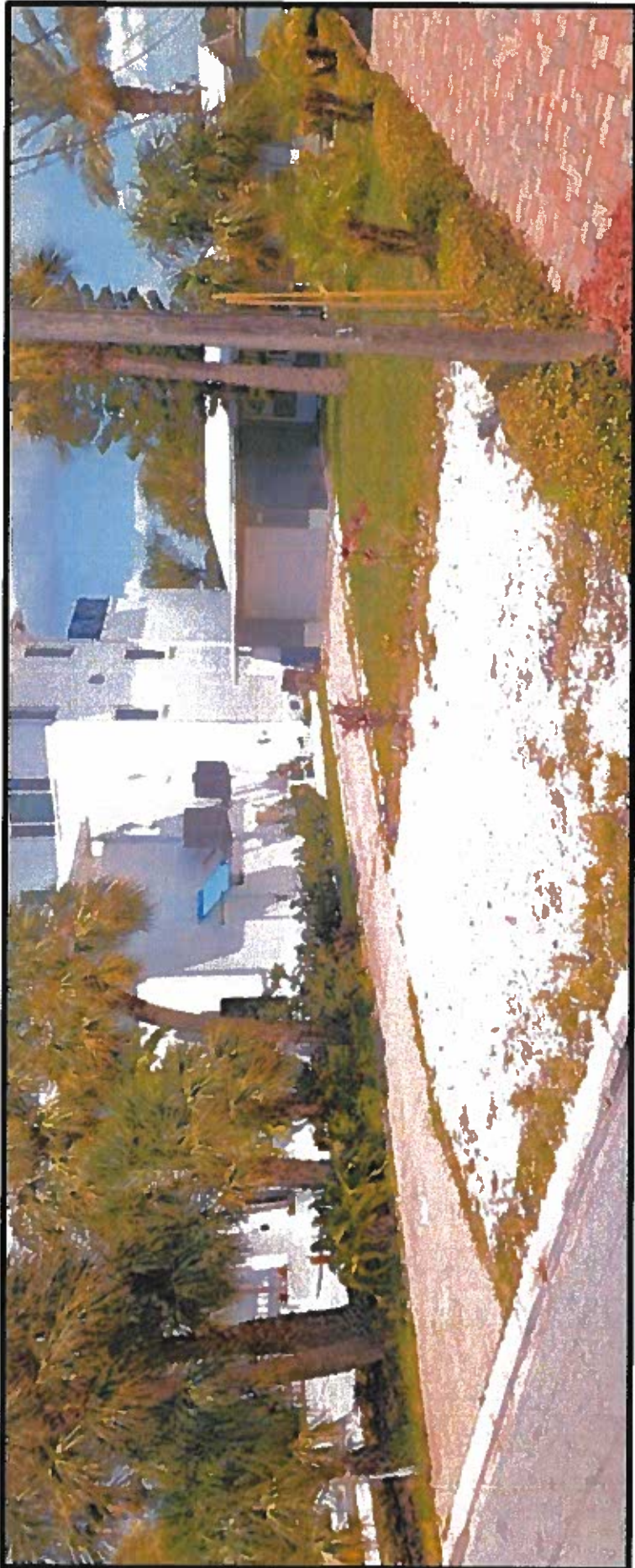
Proposed Awning



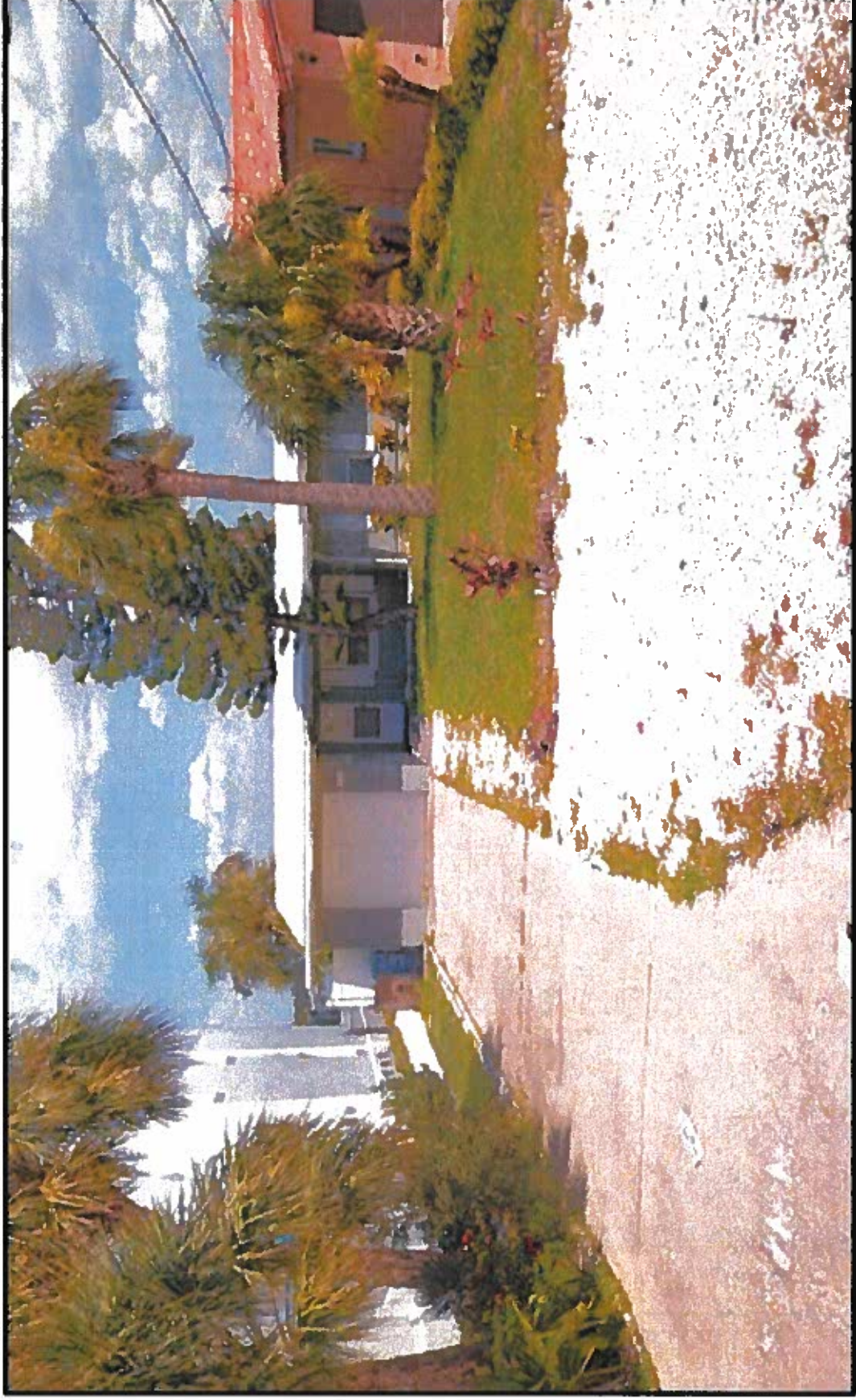
20th Avenue Looking South



526 20th Avenue



526 20th Avenue



MOTION MADE BY MEMBER LABADIE, SECONDED BY MEMBER O'DONNELL, TO APPROVE THE JULY 19, 2022 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

- 5. BOA CASE NO. 2022-12 — 526-20TH AVENUE**
Owner/Applicant: Edwin Management & Holdings
Agent/Representative: Edwin DiRuzza
Subject Location: 526-20th Avenue, Indian Rocks Beach
Legal Description: Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach.
Parcel #: 06-30-15-42300-000-0290
Variance Request: Variance request from Sec. 110-131(1)f.1. of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2022-12 – 526-20TH AVENUE
 Variance request from Sec. 110-131(1)f.1 of the Code of Ordinance, to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County Florida. Parcel #06-30-15-42300-000-0290.

OWNER: Edlin Management & Holdings LLC
PROPERTY LOCATION: 526-20th Avenue
ZONING: S - Single Family Residential

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

BACKGROUND:

The applicant is requesting a variance of 3 feet into the front yard setback for an addition with bedrooms, garage, and a pool. By adding onto the front of the house, the new addition will be FEMA compliant. The original house was constructed in 1960.

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 1960 and was approved before the new land development code was adopted in 1981. The existing front yard setback is 54.61 feet.*
- 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 additions 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 subject property on August 1, 2022, (Sec. 2-149 of the Code of Ordinances)

CORRESPONDENCE: Letters of no objection were received from Deborah Levin, 524-20th Avenue and Andrew Wall, 528-20th Avenue.

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

[End of Staff Report.]

City Attorney Mora read Agenda Item No. 5, BOA Case No. 2022-11, for 526-20th Avenue, by title only.

City Attorney Mora inquired of the members if they had any ex-parte communications with the applicant or their agent in advance of tonight's meeting concerning the application before them. All members have responded in the negative.

City Attorney Mora inquired of the members if they had conducted a site visit for the limited purpose of evaluating the application that they are considering this evening. All having members have responded in the negative.

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

Planning Consultant Harmon stated the applicant is requesting a variance from Sec. 110-131(1)f.1 of the Code of Ordinances to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house, for the property located at 526-20th Avenue.

Planning Consultant Harmon made a PowerPoint Presenting depicting aerial views of the property, a survey, a plan of the proposed first-floor addition, a plan of the proposed second-floor addition, a drawing of the proposed front view of the house, photos of the existing residence, and a photo of the neighboring house looking south on 20th Avenue.

As Planning Consultant Harmon made the PowerPoint Presentation, she explained the applicant requested a variance of 3 feet into the front yard setback for an upstairs addition with bedrooms, bathrooms, and offices. The ground floor would include a new garage and a pool. She stated the house currently sits back 54.61 feet from the front of the garage to the front property line. The house encroaches into the rear yard setback. She noted the adjacent houses are closer to the road. The applicant is proposing to add a new addition to the front of the house that would be FEMA compliant. The original house was constructed in 1960.

Planning Consultant Harmon stated the City received two letters of support from Deborah Levine, 524-20th Avenue, and Andrew Wall, 528-20th Avenue, who are adjacent property owners to the subject property.

Planning Consultant Harmon stated staff denied the variance because the addition encroaches into the required 25-foot front yard setback by 3 feet.

Member Campbell asked if this is a non-conforming use because the existing house encroaches into the rear yard setback requirement.

Planning Consultant Harmon responded in the affirmative because of the closeness to the backyard setback line. It would be non-conforming.

Member Campbell asked how far the house encroaches into the rear yard setback.

Planning Consultant Harmon stated the house encroaches between 15 to 17 feet into the required 25-foot rear yard setback.

Planning Consultant Harmon stated the new addition would be FEMA compliant.

Vice-Chair Watt asked if this is one single structure.

Planning Consultant Harmon responded in the affirmative.

Vice-Chair Watt stated the pool separates the existing house and the addition.

Planning Consultant Harmon explained the existing house has two bedrooms and one bath.

Vice-Chair Watt asked if the existing house and the new addition would be tied together on the ground level.

Planning Consultant Harmon responded in the affirmative. She explained that the two structures would be tied together through the pool room. The applicant would come in through the garage on the ground floor through the existing house, where the garage is presently to go upstairs to the bedrooms and offices.

Vice Chair Watt asked how wide will the pool be.

Planning Consultant Harmon responded the pool is approximately 12 by 20.

Member Campbell stated he would like more formal guidance from the City Attorney on granting a variance to this house that is non-compliant on the back-in. He asked if it would or would it not allow the property owner to rebuild on this footprint if a hurricane leveled the house. In other words, to encroach on the seawall by 15 to 17 feet after a hurricane.

City Attorney Mora stated this variance is for the front yard setback and not the rear yard setback. Therefore, a variance would not alter the applicant's rights to construct relative to any non-conformities in any other portions of the property.

City Attorney Mora stated Member Campbell's question is, does this variance grant the applicant the additional 3 feet in the front he seeks in the footprint? Yes, to the extent that the variance runs with the land.

City Attorney Mora stated that whether or not the Board grants this variance has no impact on what footprint the applicant can build on for purposes of the rear non-conformity and is not one of the criteria at issue before the Board on this application.

Edmond DiRuzza, 526-20th Avenue, applicant, stated he and his wife live at 526-20th Avenue. They have recently sold their home in Orlando, Florida. They purchased the house on 20th Avenue in January 2018. Their initial thoughts were only to use the property as a weekend getaway. However, after selling their home in Orlando, they decided to move to Indian Rocks Beach for good. They both have jobs that allow them to work remotely due to the pandemic and the flexible working environment provided by their employers. When they purchased their home, they concluded that if they were to add space, they would have to either add to the existing structure or build from scratch. Learning later and from his neighbor's experience, it takes up to three years to build a home from scratch.

Mr. DiRuzza stated the existing house is a 950-square foot bungalow with two bedrooms, and it is challenging to work from and enjoy simultaneously. As he said, they both work from home, and there is not enough area in which they can dedicate to working space. In addition, they have been lucky enough to be blessed with two grandchildren, and they currently have no way in which the grandchildren and their parents can stay with them for a short visit or enjoy all that IRB has to offer.

Mr. DiRuzza stated that making changes to his home has quite a few restrictions. He is dealing with one of the smaller lot sizes in IRB. Just under 6,000 square feet. The existing home does sit back on the lot and does give him some opportunity to add additional space to the front of the home. Unfortunately, because the house is so far back, the setbacks and the tie-back interference from the seawall prohibit them from building a pool in the rear yard.

Mr. DiRuzza said adding to the existing house would also put him face-to-face with the 50% FEMA Rule. The value of the existing structure is \$83,000, which means he cannot make any modifications to the existing structure above \$41,500.

Mr. DiRuzza stated he plans to build the FEMA-compliant two-story structure with a courtyard and pool between the existing structure and the new addition.

Mr. DiRuzza stated the City Code does not allow pools in front of a house and limits the setback of the pool from the house itself.

Mr. DiRuzza stated the plan is to add a FEMA-compliant structure not attached to the original building to provide additional office space and to allow for the courtyard and pool. In addition, the ground level would act as a garage, storage, and lanai area, and the non-attached structure would help him to avoid the 50% FEMA Rule altogether.

Mr. DiRuzza stated because of the significant setbacks, he is looking for this additional 3 feet on the front for adequate space for the bedrooms, offices, and pool area. The variance would put the new addition at 35 feet from the edge of the street rather than 38 feet. He is referring to the pavement not the property line.

Mr. DiRuzza stated his neighbor and he have discussed sharing the cost of putting all the utilities underground to enhance the area's look further. Both of his neighbors have submitted letters, have no issues extending the front of the building, and fully endorse the extension.

Mr. DiRuzza stated the 22-foot setback from the property line would not interfere with any neighborhood projects that might impede the current resident lots. The utility companies would have room in the easement to work with.

Mr. DiRuzza stated that some homes in IRB currently encroach into the front setback as outlined in the City Code. In some cases, the houses are much closer to the road. Again, those are older homes.

Member Campbell asked the applicant to go over the FEMA issue again.

Mr. DiRuzza stated that since the new addition would not be attached to the existing structure, it would be considered new construction and not an improvement to the existing structure. Therefore, the FEMA 50% Rule would not come into play. The new structure would meet all FEMA rules and regulations and all City Codes.

Mr. DiRuzza stated that he likes first-floor living, and the bedrooms and offices would be on the second floor of the new addition. The existing structure would be the living area and the kitchen area.

Vice-Chair Watt asked the applicant what he would lose from his design by not encroaching the 3 feet.

Mr. DiRuzza stated the garage and bedroom spaces start to get tiny, and the pool becomes tinier. The pool is not very wide, at 10 to 12 feet. It is very narrow. According to the City Code, the pool has to be 5 feet from each structure on all sides.

Chair DeVore asked what the dimensions of the existing garage are.

Mr. DiRuzza stated the existing garage is a small one built in the 1960s. The plan is to chop it off. The new structure would be in place of that current garage and built from there.

Vice-Chair Watt confirmed that there would be no kitchen in the new structure, with Mr. DiRuzza responding in the affirmative. He explained the new structure would consist of a new garage, courtyard area, pool on the ground floor, bedrooms, bathrooms, and offices on the second floor.

Vice Chair Watt stated this is interesting and asked if the applicant had tried to permit this project.

Planning Consultant Harmon stated she did review another similar plan that did meet all setback requirements, and the Pinellas County Building Department permitted it.

Member Campbell asked the applicant to address the issue of what particular hardship related to this lot the applicant relies on.

Mr. DiRuzza stated the hardship is that the existing structure was initially situated when it was first built, leaving him at a disadvantage to put anything behind the house. He cannot add anything behind the house because it encroaches into the rear setbacks. He stated his hardships are the lot size and the fact that the existing home sits so far back that it limits what can be done on the lot unless the existing house is torn down, which he does not want to do.

City Attorney Mora stated, for the record, that no public members were present for the meeting.

Member Campbell asked if it is true that new construction does not have to meet hurricane codes.

Planning Consultant Harmon stated that all-new addition must meet FEMA rules and regulations, City Codes, Building Codes, and hurricane codes.

Vice-Chair Watt stated it is interesting that this is not considered an improvement to the existing structure. That is what is confusing because it is regarded as one home. Therefore, it is an improvement, and he has never heard that a person does not apply to the FEMA 50% Rule because it is only a section.

Vice-Chair Watt stated it is an unusual and interesting proposal. It will be a house that is non-compliant on both ends (front and rear yard setbacks). Is there a hardship? Is having a pool a hardship?

Chair DeVore stated it is interesting how close the existing house is set back from the seawall. He said it would not necessarily interfere with the conformity of the front yard exposure of most of the homes on 20th Avenue. In that regard, it is not an unreasonable request to encroach 3 feet into the front yard setback.

MOTION MADE BY MEMBER LABADIE, SECONDED BY MEMBER O'DONNELL, TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF 2022-12—526-20TH AVENUE. A VARIANCE REQUEST FROM SEC. 110-131(1)f.1 OF THE CODE OF ORDINANCE TO ENCROACH 3 FEET INTO THE REQUIRED 25-FOOT FRONT YARD SETBACK, RESULTING IN A TOTAL FRONT YARD SETBACK OF 22 FEET, TO ALLOW FOR AN ADDITION TO THE FRONT OF THE HOUSE, FOR PROPERTY LOCATED AT 526-20TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 29, FIFTEENTH ADDITION TO RE-REVISED MAP OF INDIAN BEACH AS RECORDED IN PLAT BOOK 31, PAGES 57 AND 58, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

ROLL CALL VOTE:

AYES: DEVORE, O'DONNELL, LABADIE

NAYS: CAMPBELL, WATT

MOTION TO RECOMMEND APPROVAL TO THE CITY COMMISSION BY A VOTE OF 3 TO 2.

6. OTHER BUSINESS.

A. CITY COMMISSION ACTION:

- 1. BOA CASE NO. 2022-11 — 2036- 20th Avenue Parkway.**

City Clerk O'Reilly stated the City Commission approved BOA Case N. 2022-11, 2036- 20th Avenue Parkway, on August 9, 2022.

City Clerk O'Reilly stated there is no September Meeting scheduled.

7. ADJOURNMENT.

MOTION MADE BY MEMBER LABADIE, SECONDED BY VICE CHAIR WATT, TO ADJOURN THE MEETING AT 6:33 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

October 18, 2022

Date Approved

Stewart DeVore, Chair

/DOR

June 6, 2022

**City of Indian Rocks Beach
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785**

**RE: Support letter for Edlin Management & Holdings, LLC request application
for front setback variance request located at 526 20th Ave, Indian Rocks Beach,
FL 33785**

To whom it may concern:

**We support our neighbor's variance request to construct an addition in front of
his existing home which will be further than the established setback requirements. We
understand that the setback requirement is 25' but the 22' setback will provide a much
better utilization of his property, and it will not encumber our property in any way.**

**Please let me know if you need anything further from me in the support of the
setback variance request.**

Sincerely,

Andrew Wall

**Andrew Wall
528 20th Ave.
Indian Rocks Beach, FL 33785**

June 6, 2022

City of Indian Rocks Beach
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785

RE: Support letter for Edlin Management & Holdings, LLC request application
for front setback variance request located at 526 20th Ave, Indian Rocks Beach,
FL 33785

To whom it may concern:

I support my neighbor's variance request to construct an addition in front of their existing home which will be further than the established setback requirements. I understand that the setback requirement is 25' but the 22' setback will provide a much better utilization of the property, and it will not encumber my property in any way.

Please let me know if you need anything further from me in the support of the setback variance request.

Sincerely,

A handwritten signature in black ink that reads "Deborah Levine". The signature is written in a cursive style with a large, looped initial "D".

Deborah Levine
524 20th Ave.
Indian Rocks Beach, FL 33785

-----Original Message-----

From: Harry Levine <levined3@icloud.com>

Sent: Monday, August 08, 2022 7:59 AM

To: O'Reilly, Deanne <doreilly@irbcity.com>

Subject: Variance request 526 20th ave Indian rocks beach

To whom it may concern:

I have no objection to the variance request for 526 20th avenue Indian rocks beach. (The setback of 22 feet to allow an addition to the front of their house is fine with me). Consider this my support and approval.

Deborah Levine
524 20th avenue
Indian Rocks Beach, Fl 33785
407-493-1271

Sent from my iPhone

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

Enquiries City Hall: 727.595.2517 or Hetty Harmon: 863.646.4771 x211 Email: hharmon@irbcity.com
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

APPLICANT

Name:
Address:
City:
Zip Code:
Tel:
Fax:
Mobile:
Email:

AGENT/REPRESENTATIVE

Name:
Company:
Address:
City:
Zip Code:
Tel:
Fax:
Mobile:
Email:

SITE DETAILS

Address: Parcel ID:
City: Zip Code:
Legal Description:
Zoning: Future Land Use:
Size:

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? Yes No

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

Has a certificate of occupancy or completion been refused? Yes No

If yes, describe:

Does any other person have ownership or interest in the property? Yes No

If yes, is ownership or interest contingent or absolute:

Is there an existing contract for sale on the property? Yes No

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	25ft	22ft	3ft
Side-one/both setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock width (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Signage (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other:

What is the proposed use of the property?

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

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:

We are using this property as our primary residence and need the additional space now that we work from home. require space for our automobiles and to accommodate visits from our grand-children. Adding to the front of the existing structure is the only way to add additional space and still be FEMA compliant and conforming. The current building is only 986sf. In order to accommodate sufficient garage space and upstairs living space we are requesting the additional 3' front setback. The front setback would still put the structure approximately 35ft from the street - ample space for any community projects should the need arise. Also there appears to be other homes that encroach on the front setback restrictions in the neighborhood so the structure would not be too far out of the ordinary. The back of the building is only 15ft from the seawall which is not enough space to do any kind of pool or structure.

Special conditions and circumstances do not result from the actions of the applicant:

The applicant did not create any special conditions or circumstances.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

Granting the variance would not confer special privileges to the applicant, it would allow a building of slightly larger size to be built based on the eased front setback restriction.

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, 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.

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

This is the minimum variance to allow the owner to construct a reasonably larger structure to accommodate garage space for two vehicles and extra living space.

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 be in harmony with the general intent and purpose of subpart B.

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

Encroaching on the front setback of only 3ft will not affect any right-of-way projects should they be deemed necessary in the future. The neighbor to my left facing the house has no objection to the new building being slightly larger. My neighbor to the right does not object to the extra 3ft front setback infringement either.

CERTIFICATION

Date: 6/3/2022

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared:

Name: Edmond DiRuzza

Signature: [Handwritten Signature]

Personally known/Form of Identification D.L

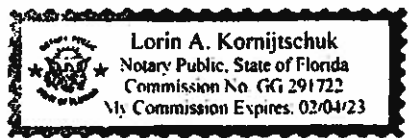
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 29 Month: June .2022

Notary Public State of Florida at Large: Lorin A. Kornijtschuk

Notary Public Commission Expiration: 2/04/2023

State of Florida
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

Date: _____

I, _____ do hereby designate and appoint

_____ as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

Personally known/Form of Identification _____

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

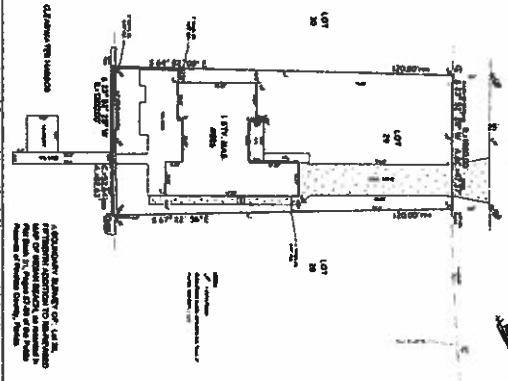
Sworn to and subscribed before me this: Day: _____ Month: _____, 20_____

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

PROJECT NAME	RESIDENTIAL LAND SUBDIVISION, 526th	LA 2000
OWNER	ED DIRAZZA	LA 1203 (1st FLOOR)
DESIGNER	ADJECT DESIGN	LA 1203 (1st FLOOR)
DATE	04/27/2014	LA 1203 (1st FLOOR)
SCALE	AS SHOWN	LA 1203 (1st FLOOR)



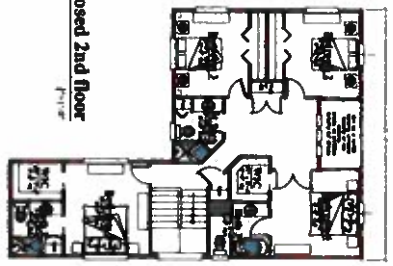
ADJECT DESIGN
 1875 W. 10th Ave., Suite 100
 Ft. Lauderdale, FL 33304
 Phone: (954) 561-1111
 Fax: (954) 561-1112
 Website: www.adject.com

Proposed Variance Request

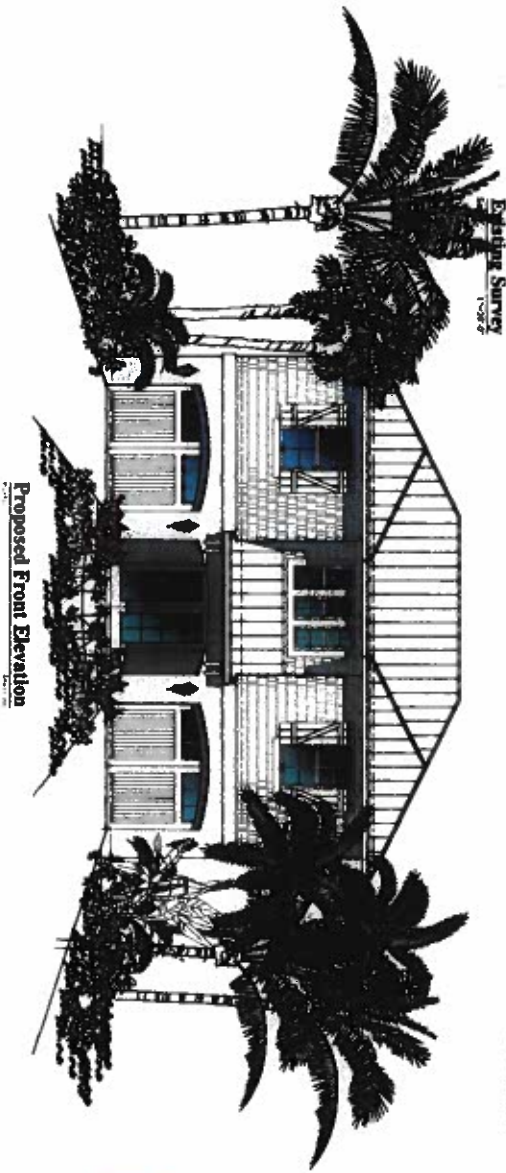
To change floor setbacks from 25'-0" to 22'-0"



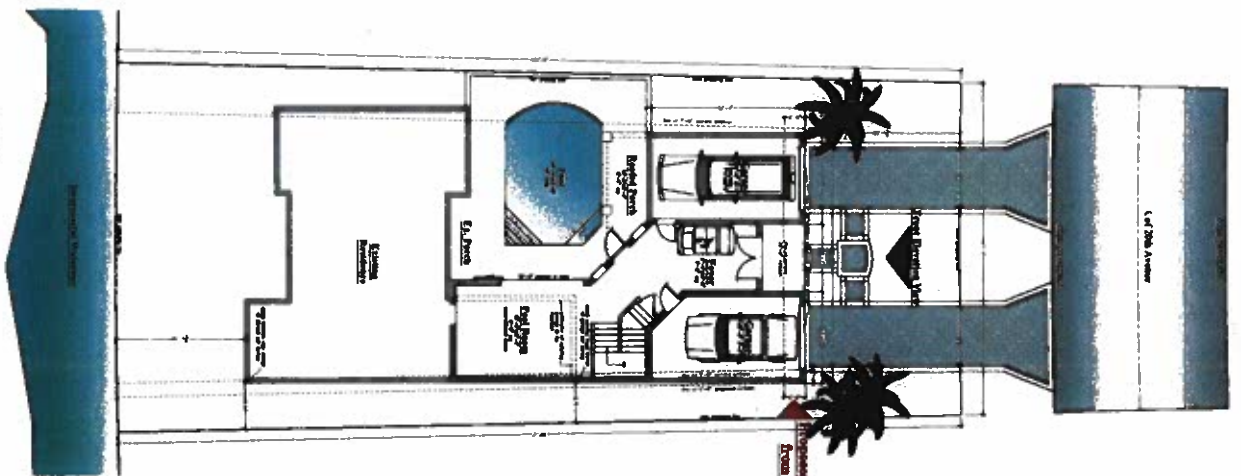
Location Map of Proposed 2nd Floor
 Scale: 1/4" = 1'-0"



Proposed 2nd Floor
 Scale: 1/4" = 1'-0"



Proposed Front Elevation
 Scale: 1/4" = 1'-0"



Proposed Site Plan
 Scale: 1/4" = 1'-0"

NO. 1	DATE	DESCRIPTION
1	04/27/2014	ISSUED FOR PERMIT



An room addition for:
 Ed Dirazza
 526 20th Ave
 Indian Rocks Beach, FL

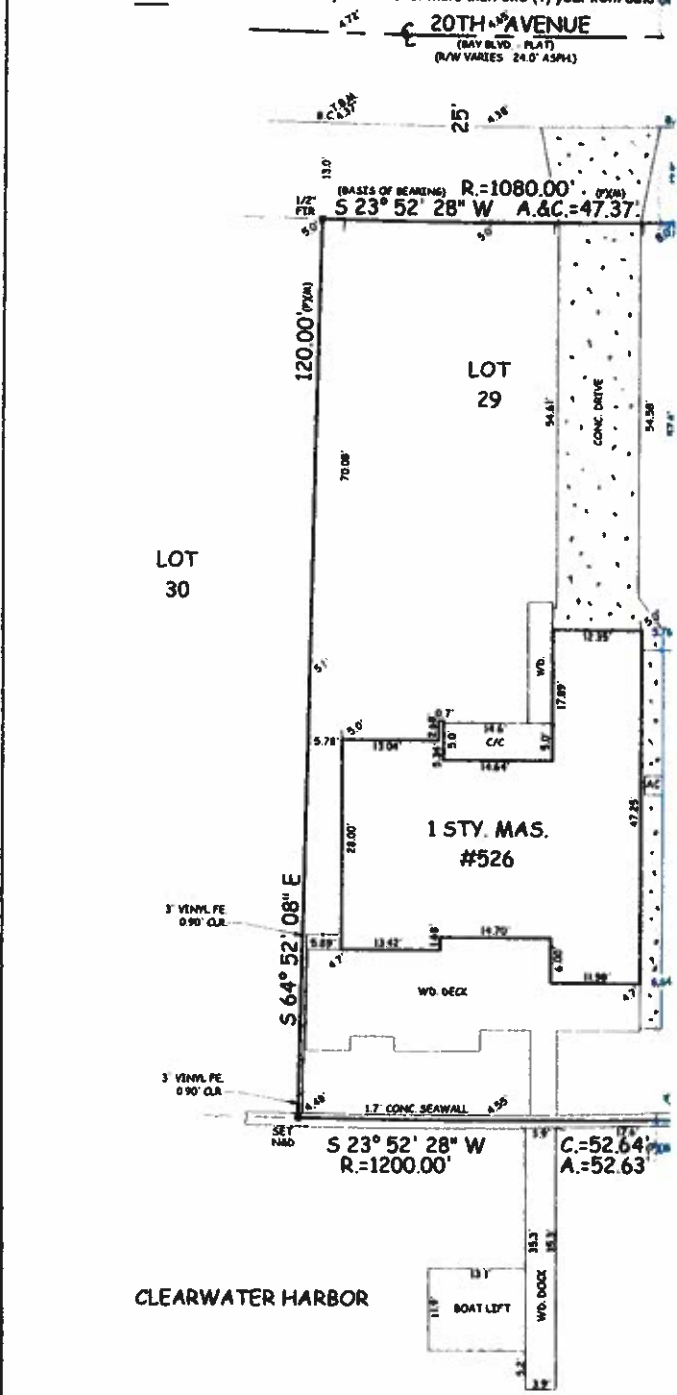
NO. 2	DATE	DESCRIPTION

JOB NO.: 180493		MURPHY'S LAND SURV PROFESSIONAL LAND SU 5760 11TH AVENUE NO ST. PETERSBURG, FLORID WWW.MURPHYSLANDSURVEYIN
DRAWN BY: MRB	CHECKED BY: EDM	
DATE OF FIELD WORK: 3/16/18		

CERTIFIED TO: Ed DiRuzza

SCALE 1" = 20'

Survey not valid for more than one (1) year from date of



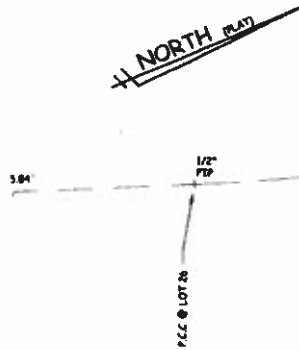
According to the maps prepared by the U.S. Department of Homeland Security
Flood zone: AE Comm. Panel No.: 125117 0114 G

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, ETC.)
THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF THE
BELIEF, UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS APPLIC
HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SURVEY NOT VALID FOR MORE THAN
BEAL BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED

LEGEND:			
F.I.P. - FOUND IRON PIPE	FD. - FOUND	R. - RADIUS	MS - METAL SHED
F.C.M. - FOUND CONCRETE MONUMENT	N.A.D. - NAIL AND DISK	A. - ARC	ALUM. - ALUMINUM
F.I.R. - FOUND IRON ROD	P.O.L. - POINT ON LINE	C. - CHORD	W.H. - WATER HEATER
S.I.R. - SET IRON ROD 1/2" LB #7418	P.C. - POINT OF CURVATURE	Δ - DELTA	P.S. - PAVED DRIVE
P.R.C. - POINT OF REVERSE CURVATURE	P.T. - POINT OF TANGENCY	R.W. - RIGHT OF WAY	C.P. - GARPORT
P.C.C. - POINT OF COMPOUND CURVATURE	P.I. - POINT OF INTERSECTION	P. - NUMBER	PL. - PLANTER
F.M. - FINISHED FLOOR ELEVATION	-X-X- - FENCE	MAS - MASONRY	B.C. - BACK OF CURB
P.R.M. - PERMANENT REFERENCE MONUMENT	FE - FENCE	FRM. - FRAME	E.P. - EDGE OF PAVEMENT
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	C.L.F. - CHAIN LINK FENCE	G.I. - GRATE INLET	E.O.W. - EDGE OF ROAD
	-A-F- - ADJACENT FENCE	C.B. - CATCH BASIN	T.O.B. - TOP OF BANK
	ADJ. - ADJACENT	F.H. - FIRE HYDRANT	

L.B. #7410
PH. (727) 347-8740
FAX (727) 344-4640

SEC. 06 TWP. 30 S. RGE 15 E.



SITES:
ELEVATIONS
ELEVATIONS BASED ON P.C.E.D. B.M. "MALL #"
A.V.D. 1988 ELEV. + 4.67'

SURVEY OF: Lot 29,
ADDITION TO RE-REVISED
N BEACH, as recorded in
pages 57-58 of the Public
Atlas County, Florida.

ars to be located in
Base Flood Elev : 10.0'

THE SURFACE OF THE LANDS, OR ON THE SURFACE OF
RE CODE TO THE BEST OF MY KNOWLEDGE AND
THE PUBLIC RECORDS OF THIS COUNTY. (THIS SURVEY
AND NOT VALID) UNLESS EXCEPTED WITH EVIDENT
EDWARD D. MURPHY REG. P.L.S. #6334

M.T. - EASEMENT	O.H. - OVERHANG
H. - MANHOLE	GAR. - GARAGE
CONC. - CONCRETE	C.I.W. - COVERED WOOD
R. - CLEAR	C.P.S. - COVERED PATIO STONE
X. - COLUMN	C.C. - COVERED CONCRETE
W. - WOOD	AC. - AIR CONDITIONER
K. - BLOCK	S.P. - SCREENED PORCH
N. - BRICK	P.P. - OVERHEAD POWER LINES
PH. - ASPHALT	-T-T- - OVERHEAD TELEPHONE LINES
U. - UTILITY	P.P. - POWER POLE
D. - DRAINAGE	L.P. - LIGHT POLE

June 6, 2022

City of Indian Rocks Beach
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785

RE: Support letter for Edlin Management & Holdings, LLC request application
for front setback variance request located at 526 20th Ave, Indian Rocks Beach,
FL 33785

To whom it may concern:

I support my neighbor's variance request to construct an addition in front of their existing home which will be further than the established setback requirements. I understand that the setback requirement is 25' but the 22' setback will provide a much better utilization of the property, and it will not encumber my property in any way.

Please let me know if you need anything further from me in the support of the setback variance request.

Sincerely,

A handwritten signature in black ink that reads "Deborah Levine". The signature is written in a cursive style with a large, looped initial "D".

Deborah Levine
524 20th Ave.
Indian Rocks Beach, FL 33785

June 6, 2022

City of Indian Rocks Beach
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785

RE: Support letter for Edlin Management & Holdings, LLC request application
for front setback variance request located at 526 20th Ave, Indian Rocks Beach,
FL 33785

To whom it may concern:

We support our neighbor's variance request to construct an addition in front of his existing home which will be further than the established setback requirements. We understand that the setback requirement is 25' but the 22' setback will provide a much better utilization of his property, and it will not encumber our property in any way.

Please let me know if you need anything further from me in the support of the setback variance request.

Sincerely,

Andrew Wall

Andrew Wall
528 20th Ave.
Indian Rocks Beach, FL 33785



AGENDA ITEM NO. 7

**ORDINANCE NO. 2022-03
FIRST READING**

**AMENDING Section 2-31,
Compensation of City Commission
Members; providing for an
increase in the City Commission's
monthly compensation.**

**AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: October 11, 2022 **AGENDA ITEM:** 7A

SUBMITTED AND RECOMMENDED BY: Deanne Bulino O'Reilly, City Clerk, MMC 
APPROVED BY: Brently Gregg Mims, City Manager 
SUBJECT: **ORDINANCE NO. 2022-03 - FIRST READING**
Increase in City Commission Monthly Compensation

BACKGROUND:

During the July 26, 2022 City Commission Budget Work Session, there was a consensus to increase the City Commission's monthly compensation by \$100.00.

Charter Section 4.11, Compensation; expenses, states: The city commission may determine the annual compensation of the commissioners by ordinance, ***but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least three (3) months.*** Commissioners shall receive their annual compensation and necessary expenses incurred in the performance of their duties and shall account therefore in accordance with appropriate state and federal statutes.

ANALYSIS:

Sec. 2-31. Compensation of members.

- (a) The mayor-commissioner shall be paid a per diem of ~~\$600.00~~ \$700.00 per month.
- (b) The commissioners shall be paid a per diem of ~~\$500.00~~ \$600.00 per month.

The increase in compensation will begin on April 1, 2023.

MOTION:

I move to **approve/deny** Ordinance No. 2022-03, on first reading, amending Chapter 2, Administration; Article II, City Commission; Division 1, Generally; Section 2-31, Compensation of members; providing for an increase in the City Commission's monthly compensation.

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**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2022-03**

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AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE II, CITY COMMISSION; DIVISION 1, GENERALLY; SECTION 2-31, COMPENSATION OF MEMBERS; PROVIDING FOR AN INCREASE IN THE CITY COMMISSION'S MONTHLY COMPENSATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, pursuant to Charter Section 4.11, Compensation, expenses, the city commission may determine the annual compensation of the commissioners by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least three months. Commissioners shall receive their annual compensation and necessary expenses incurred in the performance of their duties and shall account therefore in accordance with appropriate state and federal statutes.

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

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Section 1. Chapter 2, Administration, Article II, City Commission, Section 2-31, Compensation of members, of the Code of Ordinances of the City of Indian Rocks Beach, Florida, is hereby amended to read as follows:

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Sec. 2-31. Compensation of members.

(a) The mayor-commissioner shall be paid a per diem of ~~\$600.00~~ \$700.00 per month.

(b) The commissioners shall be paid a per diem of ~~\$500.00~~ \$600.00 per month.

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Section 2. If any portion, part or section of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflicts.

Section 4. This ordinance shall become effective April 1, 2023.

ADOPTED ON FIRST READING by the City Commission of the City of Indian Rocks Beach, Florida, held on the 11th day of October 2022.

35 **PUBLISHED THE 26th day of October 2022.**

36 **ADOPTED ON SECOND READING AND FINAL READING** this 9th day of
37 November 2022.

38 _____
39 Joanne Moston Kennedy, Mayor-Commissioner

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

42 Approved as to form and legal sufficiency:

43 _____
44 Randy D. Mora, City Attorney

45 /DOR

AGENDA ITEM NO. 8A

**DISCUSSION OF
IRB Curbside Recycling Program**

INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: October 11, 2022 **AGENDA ITEM:** 8A

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: Discussion of the IRB Curbside Recycling Program

BACKGROUND:

The City has conducted a Curbside Recycling Program for numerous years.

The current contract with Waste Connections of Florida, Incorporated will expire on December 31, 2022.

On August 16, 2022, the City Manager requested to extend the current contract for an additional Two (2) Year Period.

Waste Connections has indicated that the current contract could not be extended under the same terms due to the increased operating costs that they are experiencing (i.e. – fuel, labor, capital costs and inflation – see Waste Connections letter dated August 29, 2022).

Waste Connections has provided a revised contract cost estimate of \$12.30 per month (SF) and \$28.63/p-u (Condominiums), which is an Eighty-Eight (88) % increase to the current contract.

ANALYSIS:

Based upon the aforementioned information, the City Commission may consider the following options:

- 1. Discontinue the Curbside Recycling Program in its entirety – the City has the right to terminate/exit the contract with 60 days written notice to the contractor.**

* This option has a potential future cost savings to the Solid Waste Recycling Budget and Rate Structure.

2. Continue with the Curbside Recycling Program with Waste Connections including/accepting the additional operating costs.

** This option will have a cost increase to the Solid Waste Recycling Budget of Eighty (88) % as per above and increased rates for both residential and commercial customers.

3. Implement a Hybrid Recycling Drop Off Program within the City at specific locations – Brown Park, City Hall, Nature Preserve and Keegan Clair Park accepting Aluminum and Cardboard commodities only.

** This option has a potential future cost savings to the Solid Waste Recycling Budget and Rate Structure.

4. Obtain a Request For Bid for the IRB Curbside Recycling Program – through a piggy-back contract process.

* This option will have a cost increase to the Solid Waste Recycling Budget and Rate Structure based on the current Recycling market and other Bid information recently received from other municipalities.

Recent RFP efforts from neighboring municipality (Madeira Beach) reflect a minimum of Fifty (50) % increase to existing costs.

FISCAL IMPACT:

It should be noted that within the FY 2023 Budget, under the Solid Waste Department Budget, Account Number 402-534-000-034-600, the City has appropriated funds in the amount of \$239,610 to fund the City's Curbside Recycling Program.



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

Library
727/596-1822

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

August 16, 2022

William Krimmel, District Manager
Waste Connections of Florida, Inc.
11500 43rd Street North
Clearwater, FL 33762

RE: Recycling Contract Extension

Dear Mr. Krimmel:

Please accept this correspondence as the official request from the City of Indian Rocks Beach to extend the current Recycling Contract with Waste Connections of Florida, Inc. as outlined within Section XI, TERM, paragraph 11.2 for an additional Two (2) Year period.

Specifically, the extension would be from January 1, 2023 through December 31, 2024.

All other provisions of the contract would remain the same.

If you should have any questions or concerns with this matter, please feel free to contact Dean A. Scharmen, Public Works Director at (727) 595-6889 from 7:00 A.M. – 3:30 P.M., Monday through Friday.

Sincerely,

CITY OF INDIAN ROCKS BEACH

A handwritten signature in black ink, appearing to read 'B. Mims', written over a horizontal line.

Brently Gregg Mims
City Manager

cc: Randy D. Mora, Esq., B.C.S., City Attorney
Dan Carpenter, Finance Director
Dean A. Scharmen, Public Works Director



August 29, 2022

Brently Gregg Mims
City Manager
City of Indian Rocks Beach
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785

RE: Recycling Contract Extension

Dear Mr. Mims:

Thank you for your recent letter dated August 16, 2022 requesting an extension to our contract titled ***"EXCLUSIVE RESIDENTIAL RECYCLING SERVICE CONTRACT"***. Unfortunately, at this time, Waste Connections of Florida, Inc. cannot extend under the current contract terms.

Per our contract under ***"RATE ADJUSTMENT CLAUSE"***, the rate increase is capped at 3%. Due to the current market conditions that we are experiencing with increased fuel, labor and capital costs, a rate adjustment of 3% would not suffice.

Please know, at this time, I am working with our District and Regional Controllers on a rate adjustment percentage that we can work with, which will allow us to extend our contract.

Thank you again for your partnership. If you have any questions, please do not hesitate to call or email at (727)639-3144 or at William.krimmel@wasteconnections.com. You can also contact Ian Boyle, Government Affairs Manager at (813) 352-9156.

Respectfully Submitted,

Bill Krimmel
District Manager
Waste Connections of Florida, Inc

Scharmen, Dean

From: Ian Boyle <ian.boyle@wasteconnections.com>
Sent: Tuesday, September 20, 2022 10:31 AM
To: Scharmen, Dean
Cc: William Kimmel
Subject: Waste Connections Extension Information

Importance: High

Dean,

I talked to Bill and our Controller this morning. The following is what we would like to propose to the City of Indian Rocks Beach:

- ***\$12.30/home – Single Family service***
- ***\$28.63/pick-up for the Condos***
- ***3-year extension***
- ***Remove the 3% cap on annual CPI rate adjustments***

We talked to our MRF District Manager and he can schedule a tour the 2nd week of October. I know you have a 10/11 meeting. I am trying to see if 10/10 will work for him.

Please call or email if you have any questions.

Ian Boyle
Government Affairs Manager

Waste Connections of Florida, Inc

(813) 352-9156
5135 Madison Ave
Tampa FL 33619

ian.boyle@wasteconnections.com

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10
ADJOURNMENT.