

**WEDNESDAY,
NOVEMBER 9, 2022**

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 PM



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
WEDNESDAY, NOVEMBER 9, 2022 @ 7:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

1. PRESENTATIONS.

- A. RECOGNITION OF IRB Veterans.**
- B. REPORT OF Pinellas County Sheriff's Office.**
- C. 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 21, 2022 Special City Commission Meeting Minutes.
 - B. **APPROVAL** of the October 11, 2022 Regular City Commission Meeting Minutes.

6. **PUBLIC HEARINGS:**
 - A. **ORDINANCE NO. 2022-03 — SECOND AND FINAL READING.** 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. *(Presented by City Clerk O'Reilly)*
 - B. **BOA CASE NO. 2022-13 — 525-20TH AVENUE**
Considering a variance request from Sec. 94-86(a)(1) of the Code of Ordinance to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet, along the northern property line, and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along, the southern property line, for a new dock, boat lift and personal watercraft lifts for the property located at 525-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 46 & Rip Rts, Fifteenth Addition to Re-Revised Map of Indian Beach. Parcel #: 06-30-15-42300-000-0460. *(Presented by Planning Consultant Harmon)*

7. **OTHER LEGISLATIVE MATTERS:**
 - A. **ORDINANCE NO. 2022-07 — FIRST READING.**
An Ordinance of the City of Indian Rocks Beach, Florida, providing for an amendment to Section 74-63 of the Code of Ordinances pertaining to the operation of vessels within the City's coastal waters in the Gulf of Mexico; providing for the incorporation of recitals; providing for approval of an amendment to the City's Code to establish a public bathing beach area limited to manually propelled vessels only to conform to Florida's Statutes and Administrative Code; providing for severability; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date. *(Presented by City Attorney Mora)*
 - B. **DISCUSS AND AUTHORIZE** the City Manager to execute a First Amendment Exclusive Residential Recycling Service Contract with Waste Connections of Florida, Inc. *(Presented by Finance Director Carpenter)*

8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None

9. OTHER BUSINESS.

10. ADJOURNMENT.

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 doreilly@irbcity.com, no later than FIVE (5) days before the proceeding for assistance.

POSTED: November 4, 2022

**SPECIAL CITY COMMISSION MEETING
TUESDAY, NOVEMBER 15, 2022 @ 6:00 P.M.
SHORT-TERM VACATION RENTALS**

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, DECEMBER 13, 2022 @ 6:00 P.M.**

AGENDA ITEM NO. 1A

**RECOGNITION OF
IRB VETERANS.**

AGENDA ITEM NO. 1B

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



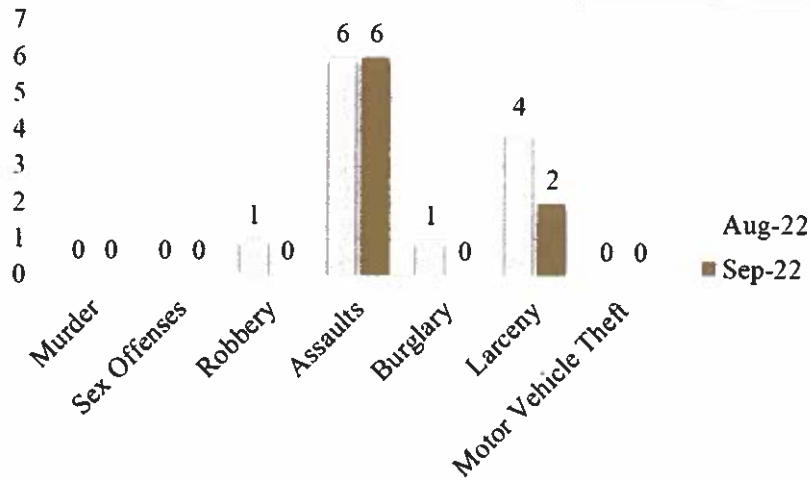
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

September 2022

Select UCR Property & Person Crimes	August 2022	September 2022	September 2021 YTD	September 2022 YTD
Murder	0	0	0	0
Sex Offenses	0	0	2	1
Robbery	1	0	0	3
Assaults	6	6	25	39
Burglary	1	0	7	12
Larceny	4	2	32	46
Motor Vehicle Theft	0	0	5	5
GRAND TOTAL	12	8	71	106



Arrests

September 2022

There were a total of 13 people arrested in the City of Indian Rocks Beach during the month of September resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	9
Aggravated Battery	1
Aggravated Battery-Domestic Related	1
Domestic Battery By Strangulation	1
Possession Of Controlled Substance	3
Possession Of Firearm By Minor Under 18-Prohibited	1
Resist LEO With Violence	1
Violation Of Probation/Community Control-Adult	1
Misdemeanor	7
Battery	1
Battery-Domestic Related	1
Disorderly Conduct/Breach Peace	1
Disorderly Intoxication	2
Resist/Obstruct LEO Without Violence	1
Trespass After Warning	1
Warrant	1
Warrant Arrest	1
Traffic Misdemeanor	4
Attach Tag Not Assigned	1
Driver's License Suspended/Revoked	2
Driving Under The Influence	1
Grand Total	21

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

Deputy Activity

There were a total of 935 events in the City of Indian Rocks Beach during the month of September resulting in 1,345 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 September. *CAD data is filtered by problem type.

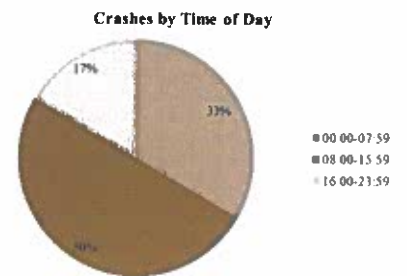
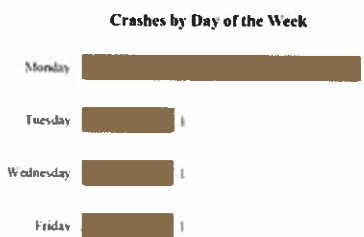
September 2022

DEPUTY ACTIVITY	TOTAL
Traffic Stop	234
House Check	120
Directed Patrol	119
Vehicle Abandoned/Illegally Parked	103
Suspicious Person	42
Assist Citizen	35
Ordinance Violation	27
911 Hang-up Or Open Line	25
Contact	16
Information/Other	15
Area Check	14
Trespass	13
Suspicious Vehicle	12
Community Contact	9
Transport Prisoner	9
Noise	8
Supplement	8
Animal Call	8
Building Check Business	8
Civil Matter	7
Traffic/DWLSR	7
Open Door/Window	6
Emotionally Disturbed Person/Baker Act	6
Domestic-In Progress	5
Alarm	5

Crash & Citation Analysis

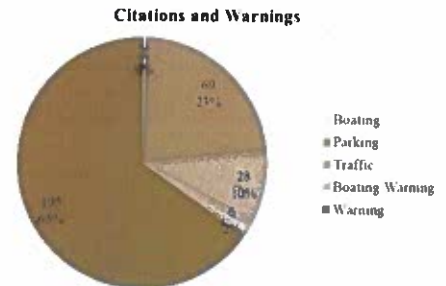
There were 6 crashes in the City of Indian Rocks Beach during September 2022. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
121 14th Ave	1
14th Ave/Bay Pine Blvd	1
2303 Bay Blvd	1
304 1st St	1
514 Harbor Drive N	1
Indian Rocks Causeway	1



There were a total of 299 citations and warnings issued in the City of Indian Rocks Beach during September 2022.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
15th Ave & Gulf Blvd	3
Gulf Blvd & 2nd Ave	2
Miami Ave & 1st St	2
14th Ave & Gulf Blvd	2
Gulf Blvd & 17th Ave	1
Gulf Blvd & 11th Ave	1
Gulf Blvd & 7th Ave	1
19th Ave & Gulf Blvd	1
2300 Gulf Blvd	1
2601 Gulf Blvd	1



AGENDA ITEM NO. 1C

**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 21, 2022 Special City
Commission Meeting Minutes**

**MINUTES — SEPTEMBER 21, 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 21, 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, and City Manager Brently Gregg Mims.

ABSENT: Commissioner Joseph D. McCall.

OTHERS PRESENT: Assistant City Attorney Nancy Meyer, 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 /SECOND AND FINAL 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 Meyer read Ordinance No. 2022-04 in its entirety.

City Manager Mims presented the Agenda Item.

City Manager Mims recapped the budget process thus far.

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's property tax assessed value increased by approximately 16.14%, or 8.73% higher than last year. Of the the 16.14% 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 City will replace the wood, decking, and railing 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.

Vice Mayor-Commissioner Houseberg asked if the website design project went over budget, could additional funds be added to that project.

City Manager Mims responded in the affirmative.

Mayor-Commissioner Kennedy asked the City Manager if he had heard any more about the funding from State as far as the undergrounding of utilities for Gulf Boulevard.

City Manager Mims stated the City has put in a request but has not received a response from the State.

Mayor-Commissioner Kennedy opened the public hearing.

John Pfanstiehl, 448 Harbor Drive South, stated when the City increases property taxes, is it not just honest to tell property owners how much taxes have increased? He said would it not be more honest if it stated on the City's website this fiscal year: IRB is increasing property taxes by 10% on non-homesteaded properties because property values have

increased. The millage rate was not rolled back. Property taxes on homesteaded properties have increased to the 3% limit mandated by State law.

Mr. Pfanstiehl stated this tells property owners what happens. Most property owners do not understand the millage rate.

Mr. Pfanstiehl stated that bragging about the City's millage rate as one of the lowest in Pinellas County is not a 100% accurate comparison. First, cities with higher property values, like IRB, should have lower millage rates. That is an apple-to-orange comparison. Secondly, some cities' millage rate pays for expensive services, like fire services. He thinks it would be good to avoid saying that the City has one of the lowest millage rates in Pinellas County. The City could say that IRB property taxes are a small part of the total property tax bill.

Mr. Pfanstiehl stated he would hope that a member of the City Commission would propose that in the future that the City tell property owners very clearly what percentage the City is increasing the taxes on non-homesteaded and homesteaded properties.

Mayor-Commissioner Kennedy closed the public hearing.

Finance Director Carpenter stated after the City's tentative millage rate is set, the City files paperwork with the Florida Department of Revenue. All concerns proposed by Mr. Pfanstiehl are addressed in the TRIM Notice that was mailed to each property owner before any public hearings. The TRIM Notice, by taxing agency, tells the property owner explicitly what percent and dollar amount their property has gone up.

Finance Director Carpenter stated it would be challenging to address the over 3,500 parcels individually in a public meeting. He further noted the City's name and address are at the bottom of the TRIM Notice for questions and concerns.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSION HANNA, TO APPROVE ORDINANCE NO. 2022-04, ON SECOND AND 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, HANNA, HOUSEBERG, KENNEDY

NAYS: NONE

ABSENT: McCALL

MOTION TO APPROVE ORDINANCE NO. 2022-04, ON SECOND AND FINAL READING, CARRIED UNANIMOUSLY.

1B. ORDINANCE NO. 2022-05 — PUBLIC HEARING / SECOND AND FINAL 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 Meyer read Ordinance No. 2022-05 in its entirety.

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

There were no staff, City Commission, or public comments.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO APPROVE ORDINANCE NO. 2022-05, ON SECOND AND FINAL 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, HOUSEBERG, HANNA, KENNEDY
NAYS: NONE
ABSENT: McCALL

MOTION TO APPROVE ORDINANCE NO. 2022-05, ON SECOND AND FINAL READING, CARRIED UNANIMOUSLY.

2A. ORDINANCE NO. 2022-06 — SECOND AND FINAL 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 Meyer 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.~~ 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~~ 8.47per 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 BOND, SECONDED BY VICE CHAIR-COMMISSIONER HOUSEBERG, TO APPROVE ORDINANCE NO. 2022-06, ON SECOND AND FINAL 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: HANNA, HOUSEBERG, BOND, KENNEDY
NAYS: NONE
ABSENT: BOND**

MOTION TO APPROVE ORDINANCE NO. 2022-06, ON SECOND AND FINAL READING, CARRIED UNANIMOUSLY.

3. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 6:22 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

November 9, 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
October 11, 2022 Regular City
Commission Meeting Minutes**

**MINUTES — OCTOBER 11, 2022
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, OCTOBER 11, 2022**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and ten seconds of silence for the victims of Hurricane Ian.

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

STAFF PRESENT: City Attorney Randy Mora, City Clerk Deanne B. O'Reilly, MMC, Public Works Director Dean A. Scharmen, Finance Director Dan Carpenter, CGFO, and Planning Consultant Hetty C. Harmon, AICP.

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

SHORT-TERM VACATION RENTALS

City Manager Mims stated for the last few weeks, there has been a lot of behind-the-scenes work to look again at the short-term vacation rental (STR) issue. The City cannot outlaw STRs, but it can regulate them within limits. The staff has met with individual City Commission Members, looked at other cities' ordinances, and begun implementing additional administration code enforcement procedures.

For example, since October 1st, the City has verified the 24-hour contact name and number for all STRs regulated by Ordinance No. 2018-01. In addition, the staff has assembled a master email list and has begun regular correspondence with all VRBOs. The enhanced communication will include regular correspondence from the City reminding operators of their responsibilities and areas of operation with which the City is having issues. Thanks to Vice Mayor-Commissioner Houseberg for suggestions in this process. In addition, out of the 250+ registered VRBOs, nine appear to be repeat locations for alleged complaints. With an additional code enforcement officer, he has directed the Code Enforcement Division to schedule inspections of those properties to ensure compliance with Ordinance No. 2018-01 and FEMA requirements.

Finally, there has been communication with Fire Chief Davidson. The Chief and his team are looking into adopting an ordinance regulating vacation rentals from a fire code/prevention standpoint. If adopted, the City would include the Fire District in its annual renewal of BTRs for STRs and communication efforts to VRBO operators and owners.

During the first week of November, a meeting will be held with representatives of the Holmes Beach Code Compliance Department, the City's Office Administrator, the two Code Enforcement Officers, and himself. The purpose of the meeting is to discuss all aspects of Holmes Beach VRBO ordinance compared to IRB's and to discuss in detail Holmes Beach's operational procedures and guidelines.

Based on the City's ongoing review of Holmes Beach's ordinance and the scheduled meeting, staff will be prepared to report to the City Commission with a specific list of recommendations for amendments to Ordinance No. 2018-01 that the City Commission may consider.

Based on a telephone poll with the City Commission, a November 15, 2022 Special City Commission Meeting at 6:00 p.m. has been scheduled to discuss possible amendments to Ordinance No. 2018-01 (short-term vacation rental) and for the City Commission to reach a consensus on a path forward.

Staff will invite the local legislative delegation and give notice to IRB residents and property owners. This timeline will allow team members and the City Attorney to complete their work and report back at that meeting.

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

The Pinellas County Sheriff's Office presented the crime analysis report for August 2022.

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

Fire Chief Davidson reported on Hurricane Ian, stating the District responded to 69 incidents. The Fire District assisted the special needs residents and helped the City with sandbags.

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

Fire Chief Davidson stated the District is looking at enacting an ordinance that would regulate vacation rentals from a fire code and prevention standpoint — in terms of life safety inspections and that occupancies are where they need to be and are at a safe level.

2. PUBLIC COMMENTS.

John Pfanstiehl, 448 Harbor Drive South, stated he tried to send an email outlining a list of things that could be done in helping to curb down the problems with short-term vacation rentals and limit STRs. There was another list on State Level that is not going to be easy but is a fight that should be won.

Mr. Pfanstiehl stated there is a growing grassroots movement to eliminate STRs in residential neighborhoods. Property owners feel that the fabric of the community is destroyed when there is a turn-style of strangers replacing neighbors.

Mr. Pfanstiehl stated there is one transient lodging advertised in IRB as sleeping 16. He explained that using an occupancy of 75% of 16 occupants for nine months would amount to 500 transients per year from that one STR. That STR is next to grandparents, seniors, widows, etc. There are 500 transients looking over fences of small children and teens. If there is another STR nearby, that is 1,000 transients in that area, and how many of them are alcoholics, drug users, sex offenders, and so forth?

Mr. Pfanstiehl stated there is a national grassroots effort to fight this cancer (STR) in the neighborhoods in the states of Texas, California, Arizona, New Jersey, Florida, and more.

Jerry Newton, 438 Harbor Drive North, stated he applauds the City Manager's and the Fire Chief's comments this evening. He said the public does not know what is going on behind the scenes, and the residents appreciate everything that could be considered progress on this issue. He knows that the residents are disappointed to see that there is no agenda item on STRs. The City Manager's comments were great, but the citizens believe it should be on the agenda. Yet, another month has passed. In the meantime, there are more hotel rooms and more unfamiliar faces every day next door to their homes. It is beginning to look like the City leaders are unwilling to do anything about this cancer. The answer that the City's hands are tied is not going to cut it. Yes, the City can do things, and he knows that the City Commission has been supplied with a starting list of achievable actions.

Mr. Newton stated the City does not have reasonable regulations in place here to make it possible to monitor and track these uncontrolled businesses. The City's fees do not cover the costs of copying the forms. These are things that the City can do now. They are mistaken if anyone believes this is just a temporary local issue. A quick internet search will reveal that many places in Florida and across the country are fighting the same battle. The residents of IRB live in paradise, and everybody wants to be here. IRB residents welcome those people but not as hotel rooms in the residential neighborhoods. The tourist can stay in a hotel room, rent a house for 28 days, and do it right. IRB residents do not welcome transient rentals.

Mr. Newton stated some of these places across the country had made headway, and the City could learn from them. There is no doubt as to the will of the residents. He cannot find

anyone who is not involved in the profit from this debacle that favors having an unregulated hotel business next door to their family home. He does not think any City Commission Member would want an STR next door to them.

Mr. Newton stated if anyone has any ambition of being elected or re-elected to represent the City of Indian Rock Beach in the future, they can be the people's hero and get serious about this short-term rental issue. He would suggest this be made a priority and a campaign promise to start doing something about STRs now.

Linda Newton, 438 Harbor Drive North, stated that she created an STR report in excel that can be searched and sorted by address. She said additional columns could be added to include information required by the STR ordinance.

Mrs. Newton stated she had sent Representative DiCeglie an email concerning STR and received a letter from him. She read excerpts from Representative DiCeglie's letter: *"Thank you for your email. I also live in Indian Rocks Beach, and our community has changed over the last few years. I am committed to working on the issue in the next legislative session, January 2023. I believe it is time for the legislators to act on this issue and consider how the 2011 preemption law has eroded these communities. I have spoken with several beach mayors in Pinellas County and the Pinellas County Property Appraiser. I believe we can develop a workable concept that can address the issue with a balanced approach. I hear you and the other residents' concerns loud and clear."*

Mrs. Newton thanked the City Commission for all that they are working on.

Bill Snyder, 425-18th Avenue, stated he is here this evening to ask for the City Commission's help to control STRs. It is nice to hear that something is going in a positive direction to curb STRs and control them. Most people who live here do not want STRs in residential neighborhoods. They want STRs to disappear because they do not know their neighbors anymore. IRB is losing its sense of community in residential neighborhoods.

John Thayer, 1819 Bay Boulevard, stated he would like to thank the City, particularly the Solid Waste employees, for picking up debris on Friday and Saturday after Hurricane Ian. He appreciates all their efforts. They always do a great job!

Mr. Thayer stated he sits on the beach and watches the sunset with his wife and sees a lot of dogs on the beach, and they are not service animals. People know that dogs are not supposed to be on the beach because right after sundown, the dogs come out through the dunes. Many dogs are not leashed and are run free in the surf.

Mr. Thayer stated the City Commission should consider some regulations on motorized vehicles on the beach, i.e., electric bikes. He said right after sunset, there are several electric bikes on the beach weaving in and out of beach-goers going ten m.p.h. It is just an

accident waiting to happen. It is just not electric bikes; he saw a person setting up a powered paraglider on the beach.

Adrienne Dauses, 2008 Gulf Boulevard, Unit #3, stated she wanted to approach the subject of STRs and life safety and said that has to be the most important issue that is taking place. She has managed Gulf Breeze Inn, 2008 Gulf Boulevard, built in 1950. She stated Gulf Breeze Inn has to comply with the state of Florida, the Florida Department of Health, and the Pinellas Suncoast Fire and Rescue District (smoke detectors for the deaf and blind). She feels that they are cherry-picked compared to a quad-plex on the east side of Gulf Boulevard because they are not required to have a sprinkler system, no inspections are required, and so forth.

Ms. Dauses stated she knows who is coming in and out of Gulf Breeze Inn, and they have more control over who stays at the Inn.

Ms. Dauses stated she believes that the City can fight this issue and can have more control over STRs.

Ms. Dauses stated, for example, on the quad-plex each quad-plex has three bedrooms, and there have been up to 20 people in one unit.

Ms. Dauses stated there were some stragglers hanging around that did not know where to go when Hurricane Ian was approaching.

Ms. Dauses stated all of this has to do with life safety. STRs are out of control, and hotels/motels must follow different regulations.

Don House, 2104 Beach Trail, stated in lives in the Commercial Tourist (CT) zoning district where nightly rentals are allowed. It is nice that the City Commission is trying to address the STRs. If he remembers correctly, the City had an ordinance that would have helped with STRs, but it went away at the last minute. It went away because of the City Commission. The City Commission is looking to solve the problem that it helped to create. It is good that the City Commission is trying to solve this, but it should take responsibility for what happened in the past. The City did have an ordinance that would have helped with STRs.

Mr. House stated he would use some language here that he found offensive. He was called a "*selfish ----ing ---hole*" because he would not sign the beach easement for the Sand Key Renourishment Project by a past president of Action 2000, Inc. He was called this because he was looking out for his property. That also means that more than half of the beach property owners are that. He does not think the City has done anything except work happily together to address the fact that the City is fueling the property owners exercising their rights.

3A. REPORT OF the City Attorney:

City Attorney Mora stated he is working on the revisitation of the short-term vacation rental regulations and the analysis thereof in response community feedback, and the City's sign code.

3B. REPORT OF the City Manager:

Pinellas County Sheriff's Office

- Respects to PSCO Deputy Michael Hartwick who was killed in a hit and run event on September 22, 2022. He was a 19-year veteran of the PCSO, and a husband and father of two. Deputy Hartwick also was assigned to IRB.

Hurricane Ian

- Thanked the City Team for preparation before, during, and after the hurricane. It takes a major effort before and after an event like this one to deal with it. Fourteen thousand sandbags were provided to residents and property owners compared to 6,000 bags for Hurricane Irma. Hurricane Ian-related expense is approximately \$30,000. The City may or may not be reimbursed for this expense through FEMA.

Sandbags

- It is important to note that sandbags are only recommended for residents that may experience minor flooding from rainfall. Sandbags will not protect against storm surge from the bay or tidal waters. Residents should keep and store clean sandbags for the balance of the hurricane season that ends on November 30th. When residents are finished with the sandbags, the sand should be spread on lawns or in landscape beds. The empty bags can be placed in the garage cans or can be stored for future use. Residents should always take their own protective measures. Sand from the bags should not be dumped on the beach. Sand placed on the beach requires a permit from the State. It is against the law to dig and remove sand from the beach. Turtle season ends October 31st.

Code Enforcement Report

- 70 parking citations (does not include PCSO)
- 6 notices to appear
- 3 violation notices
- 2 courtesy letters

Local Businesses Encouraged to Join Public Art Experience

- On September 22, 2022, the City announced a new outreach to local business owners to encourage them to join with the City to install public art on their property. A copy of a press release was mailed to property owners along Gulf Boulevard with information about the City's public art efforts and a request that they join in. The City

looks forward to seeing and recognizing those businesses that participate in this program.

IRB HALLOWFEST

- IRB Halloween is Saturday, October 29, 2022, in Kolb Park, from 10:00 a.m. to 1:00 p.m..

IRB NEWSLETTER

- The 4th Quarter IRB Newsletter was delayed a week due to Hurricane Ian. All residents will receive it this week. One update to the newsletter is the hours of the November 5th Taste of IRB. The hour of the event is 3:00 p.m. to 9:00 p.m. Some of the information included in the newsletter includes a 2022-23 Budget recap, Code Enforcement contact information, NPDES information, and fall event calendar.

3C. REPORTS OF the City Commission.

COMMISSIONER McCALL:

- Stated the HOA Annual Taste of IRB will be on Saturday, November 5th from 3:00 p.m. to 9:00 p.m., in Chic-A-Si Park, and this will be year 15. Taste of IRB will be showcasing foods of IRB and there will be more crafts.
- Stated this was his first time since 1997 that he felt the need for sandbags. It was crowded at the sandbag area, but everybody got along. However, that is not the report from his friends from different cities where there were five hour wait lines. He would recommend that residents bring their own shovel.

COMMISSIONER HANNA:

- Thanked everyone for coming this evening. He thinks the City is on the right track to help solve or at least alleviate some of the issues that the residents are experiencing with short-term vacation rentals. It is pretty safe to say that no City Commission Member have too much of a different view than what the residents have. He has seven STRs in his neighborhood. Luckily, the STR renters have been fairly good. However, his outside camera did show six to eight young kids walking down street about 2:00 a.m. No problem. However, prior to STRs rarely did he see people walking or driving down the street early in the middle of the night. He stated STRs are not going to go away. They are here to stay. But, they can be more neighborly.
- Stated A2K's Oktoberfest was very successful. He thanked the City, the volunteers, the participants, and residents for making it a successful event. He stated profits go to help beautify the City and some money will probably go to help the cities to the south due to Hurricane Ian.

MAYOR-COMMISSIONER KENNEDY:

- *Hurricane Ian.* The City handed out 14,000 sandbags compared to the 6,000 handed out during Hurricane Irma. IRB was the only City that was opened out of 24 cities in Pinellas County on Tuesday, from 8:00 a.m. to 11:00 a.m., to make sure that anyone who needed an emergency beach access pass had one. She stated the staff was wonderful. She stated she assisted staff with this task and she talked to some of the citizens who were afraid and scared. It was a very stressful situation but the City is so well prepared for hurricanes. The City has a plan in place when there is a hurricane watch, warning. She wanted to give a shot-out to the City Manager for what a wonderful job that the City did.
- *Dogs on the Beach.* Stated she has someone on 12th who monitors the beach, and when they see a dog, they call the PCSO. If anyone sees a dog on the beach, they should call the PCSO.
- *Contact PCSO.* If residents see something, they should call the PCSO, especially if it is something that is illegal or looks dangerous. Anything dealing with STRs, like noise, disturbances, cars blocking the streets should be reported to the PCSO.
- *Short-Term Vacations Rentals.* She stated she gets the impression that residents think that the City is not doing anything regarding STRs and that could not be anything but the case. Residents have mentioned that there is nothing that the City can do. She personally has never said that. In the recent past, she has met with several residents concerning STRs. The Beach Mayors and herself had a meeting with Representative DiCeglie regarding short-term vacation rentals. She was pleasantly surprised to hear that the conversation that he had with Ms. Newton because that was not the conversation that the Beach Mayors had with Representative DiCeglie. Representative DiCeglie felt that the leadership in Tallahassee believes this a property rights issue, and she has mentioned that before on several occasions. She advises residents that they need to contact the City's representatives in the Florida Legislature.
The City has been working on the STRs' fees and the City now has two full-time Code Enforcement Officers instead of one part-time and one full-time. She stated one of the things that Representative DiCeglie said to her was that the Florida Legislature wanted to see proof that nuisance and illegal activity was occurring at STRs and that could be documented by calling the PCSO. She stated the Beach Mayors are concerned and stated one other beach community has lost their grandfathering clause. She stated about two years ago, there was a bill to eliminate the grandfathering clause and all cities would lose it.
She stated the City continues to work on STRs. The Pinellas Suncoast Fire and Rescue District will be discussing an ordinance that would regulate vacation rentals from a fire code and prevention standpoint — in terms of life safety inspections and that occupancies are where they need to be and are at a safe level.
- Reviewed the November Calendar of Events:
 - Saturday, November 5th - Taste of IRB
 - Tuesday, November 8th - General Election
 - Wednesday, November 9th - Regular City Commission Meeting

- Saturday, November 12th - Women's Tea
- Tuesday, November 15th - Special City Commission Meeting on short-term vacation rentals. Begins at 6:00 p.m.

4. **ADDITIONS/DELETIONS.** None.

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.**

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

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

6A. **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.

[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.

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 28, 2022, and placed on the State's Florida Press Association website. Affidavits will state "published on 09/28/2022".

[End of Staff Report.]

City Attorney Mora read BOA Case No. 2022-12 — 526-20th Avenue by title only.

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

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

City Attorney Mora stated, for the record, Commissioner Houseberg will not be voting on this matter because it is a quasi-judicial with visual evidence presented.

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

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2022-12, 526-20th Avenue Parkway.

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 Presentation 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 25-foot 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 current 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.

Planning Consultant Harmon stated the Board of Adjustments and Appeals recommended approval to the City Commission by a vote of 3 to 2.

The applicant, Edmon DiRuzza, 526-20th Avenue, stated that 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 through his neighbor's experience, that latter process could take up to three years.

Mr. DiRuzza stated the existing house is a 950-square-foot bungalow with two bedrooms, making it extremely difficult to work and enjoy simultaneously. As he mentioned, 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 changing his home comes with 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 sits so far back, the setbacks and tie-backs 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. According to FEMA, 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 to the front of the home and to add a courtyard and pool between the existing home and the new addition. The City Code does not allow a pool to be built in front of a house and limits the pool's setback from the home. A pool edge can only be within 5 feet of a structure or property setback.

Mr. DiRuzza stated the plan is to add a FEMA-compliant structure not attached to the original building that will provide additional space for bedrooms and offices and allow for a courtyard pool. In addition, the bottom level would act like a garage and storage and a lanai area. The non-attached structure would help them to avoid the 50% FEMA Rule restriction. Because of these large setbacks, they are looking for an additional 3 feet on the front setback to give them adequate space for the bedrooms, offices, and pool area. This would put the new addition approximately 35 feet from the edge of the street rather than 38 feet. Also, he and his neighbor have already discussed sharing the cost of putting all the utilities underground to enhance the area's look. Both of his adjacent neighbors have no issues extending the front of his residence and fully endorse the extension. The 35-foot setback would also not interfere with any neighborhood project that might impede on current resident lots. Gas, fiber, and other utilities would have room to work with.

Mr. DiRuzza stated some homes in IRB currently encroach in the front yard setback and, in some cases, are much closer to the street than he requested. Because this addition will

only be two-story, it would not look as ominous as a three-story structure, which would follow the appropriate setback requirements.

Mayor-Commissioner Kennedy asked Mr. DiRuzza what his hardship was.

Mr. DiRuzza stated the hardship is that there is no way to put any pool on the property. It is not a right nor a hardship, but it is something that he would like to enjoy. He stated there is no place to put the pool other than in front of his residence. According to the City Code, the pool must be blocked in if it is located in the front yard.

Mayor-Commissioner Kennedy stated instead of encroaching into the front setback by 3 feet, the applicant could meet the required front setback by reducing the size of the rooms or the pool.

Mr. DiRuzza stated the problem is the pool has to be 5 feet from every structure, or the pool would be tiny. He said to keep the pool far away from the buildings and have some garage space in front of the residence, the pool needs to encroach into the front yard setback by 3 feet.

Mayor-Commissioner Kennedy asked if they planned on living there year-round.

Mr. DiRuzza stated that this is his primary residence now. They sold their residence in Orlando, and he is now trying to sell his business.

Commissioner Bond stated the applicant's plan is to leave the existing home as is. Then everything else will be a two-story FEMA-compliant structure, with Mr. DiRuzza responding that is correct.

Commissioner Bond stated there would be four bedrooms in the new addition.

Mr. DiRuzza told the City Commission not to focus on the four bedrooms on the second story because that is just a plan that was thrown together. The second floor will be more just offices and a great room — something for his grandkids to enjoy. In the spirit of the last couple of meetings here, he did not want to give the public or the City Commission the idea that this would be a short-term vacation rental.

Commissioner Bond stated it was not about the labeling, it was simply about the amount of space. He was wondering if it would be possible to pull it back 3 feet from the front without detracting too much from the square footage of the second floor.

Mr. DiRuzza said it would considerably shrink the garage space and make the pool extremely small. He was trying to satisfy two requirements: a bigger garage and a bigger pool.

Mayor-Commissioner Kennedy asked Planning Consultant Harmon to explain why the two Board of Adjustments and Appeals Members voted against the variance request because it was a very close call.

Planning Consultant Harmon stated the Board Members did not want the applicant to encroach into the front yard setback, and there could be some way to do it without encroaching into the front yard setback. She stated this is a non-conforming structure, to begin with, and then by approving the variance would make it more non-conforming.

Commissioner Hanna stated each variance request stands on its own merits.

Commissioner Hanna asked if the applicant might be able to borrow a little out of the garage and a little out of the pool to make his dream come true.

Mr. DiRuzza stated he is asking for a variance to not go down that road. He reiterated about the 5 feet requirement of the pool from buildings.

Commissioner Hanna asked what is the size of the pool.

Mr. DiRuzza stated not that big, maybe 10 by 13, an oversized spa.

Commissioner Hanna stated he does not see a hardship caused by the land. He said the applicant knew what he was purchasing when he purchased the property.

Mr. DiRuzza compared his house to the recently built Taj Mahal next to him, and all he is trying to do is build a garage and a couple of rooms. He does not want to build a monstrosity. It just takes away the quaintness of the neighborhood. It takes away a lot from the neighborhood. He understands that he bought before the recent ridiculousness and prices and people have to get money per square foot, and he gets on that nonsense that is happening in this day and age.

Mr. DiRuzza stated he is trying to create something quaint. Something good enough for his wife and him and something that his grandkids can enjoy. But not build another Taj Mahal with 5,000 square feet that lose the neighborhood's quaintness.

Commissioner McCall stated he did not have an issue.

Commissioner Bond asked what the additional square footage would be for the second floor, including the garage space.

Mr. DiRuzza stated the upstairs space would be 1,000 square feet roughly, and the garage and lanai would be approximately 1,000 square feet. The lanai is open and not air-conditioned. It is a first-floor FEMA-compliant building. The original residence has 950 square feet, and with the new addition. He did not want to tear down the original home.

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

Commissioner McCall stated it appears the applicant is trying to do everything he can between the City, FEMA, and everyone else to bring his property up to standard. Both adjacent property owners have submitted letters of support. Personally, he is not trying to fit anything overabundant on his property. He needs so many feet in the garage for cars, the stairwell, the pool, and so forth, and he is trying to build within FEMA's guidelines.

Commissioner Bond asked what are some of the City's objections.

City Manager Mims stated when a variance application is filed, it is the applicant's burden to show what the hardship is. Ninety-nine percent of the time, the City will recommend denial because most standard lots are buildable.

Commissioner Hanna asked if anything could be done with the pool and the side setbacks.

Planning Consultant Harmon asked if they could make the pool smaller.

Commissioner Hanna stated to go into the side setbacks by 5 feet.

Planning Consultant Harmon stated pool requirements are in the Building Code, which is reviewed and approved by Pinellas County.

Mayor-Commissioner Kennedy asked the planning consultant to explain that.

Planning Consultant Harmon stated it is a Building Code for the distance from the house to the pool. It is not a Land Development Code.

MOTION MADE BY COMMISSIONER MCCALL APPROVAL BOA CASE NO. 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.

CITY ATTORNEY MORA STATED ABSENCE A SECOND TO THE MOTION, THE CITY COMMISSION WOULD BE DEEMED TO HAVE FUNCTIONALLY VOTED TO DENY THE RELIEF AS THERE IS NOT MOTION TO APPROVE THAT HAS BEEN PUT ON THE

TABLE FOR THE CITY COMMISSION TO VOTE. ABSENT A SECOND, THE RELIEF REQUESTED WOULD BE DEEMED DENIED.

City Attorney Mora stated at this stage, unless there is a second, the matter is deemed resolved in the form of a denial by the City Commission for its lack of motion on the relief requested.

Mayor-Commissioner Kennedy stated hearing no second, this variance is denied.

- 7A. 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**

[Beginning of Staff Report.]

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.

[End of Staff Report]

City Attorney Mora read Ordinance No. 2022-03 by title only for first reading.

City Clerk O'Reilly presented Ordinance No. 2022-03 and briefly reviewed the Staff Memo. She stated Ordinance No. 2022-03 would amend Sec. 2-31, Compensation of members, of the Code of Ordinances, by providing an increase of \$100 in compensation per month for City Commission Members.

City Clerk O'Reilly noted that the increase in compensation will begin on April 1, 2023.

City Clerk O'Reilly said the last time that the City Commission received an increase in compensation was in 2015.

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

ROLL CALL VOTE:

AYES: HANNA, McCALL, BOND, HOUSEBERG, KENNEDY

NAYES: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

8A. DISCUSSION OF IRB Curbside Recycling Program.

[Beginning of Staff Report.]

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-year period.

Waste Connections has indicated in its letter to the City dated August 29, 2022, that they are unable to extend the current contract under the same terms due to the increased operating costs that they are experiencing, i.e., fuel, labor, capital costs and inflation.

Waste Connections has provided a revised contract cost estimate of \$12.30 per month for single family residences and \$28.63 for condominiums, which is an 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 a 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 would have a cost increase to the Solid Waste Recycling Budget of 88% as stated above, increasing 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 (RFP) for the IRB Curbside Recycling Program through a piggy-back contract process.

** This option would 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 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.

[End of Staff Report.]

City Manager Mims introduced the agenda item and stated the City has been in the recycling business for 12 years.

Public Works Director Scharmen reviewed the Staff Report in detail.

Public Works Director Scharmen stated the City operates a Solid Waste Collection Program on Monday, Tuesday, Thursday, Friday, and Saturday for the collection of household and commercial waste that is taken to the Pinellas County Waste Energy Plant.

Public Work Director Scharmen stated on Wednesdays, the City contracts with Waste Connections of Florida for the collection of the curbside single stream recycling.

Public Works Director Scharmen stated, as mentioned by the City Manager, the City has had a curbside recycling program for numerous years. The City's current contract with Waste Connections will expire on December 31, 2022. In August 2022, the City requested an extension for an additional two-year period, which the contract allows. Waste Connections indicated it would not extend the City's contract under the same terms due to the increase in operating costs that they are experiencing. Waste Connections provided a revised contract cost estimate of \$12.30 per month for single-family homes and \$28.63 for condominiums, which is an 88% increase.

Public Works Director Scharmen reviewed, in detail, the following options:

1. Discontinue the Curbside Recycling Program in its entirety. The City has the right to terminate/exit the contract with a 60-day written notice to the contractor.
2. Continue with the Curbside Recycling Program with Waste Connections, including/accepting the additional operating costs.
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.
4. Obtain a Request for Bid (RFP) for the IRB Curbside Recycling Program through a piggyback contract process.

Commissioner Bond stated he toured the Pinellas County Recycling Center (behind the scenes) with Public Works Director Scharmen. It was fantastic, and he would recommend it to anybody.

Commissioner Bond asked if staff has calculated the savings associated with Option #3, Implement a Hybrid Recycling Drop-Off Program.

Public Works Director Scharmen stated the City would need to renegotiate its current contract with the City of Largo for cardboard and purchase additional containers for the additional centers and for aluminum products. The City would be responsible for hauling the aluminum products to the recycling plant. An identified cost has not been determined at this time. However, staff believes it could be accommodated within the funding in the Solid Waste Recycling Budget.

Commissioner Bond asked if staff has tried renegotiating with Waste Connections to lower the curbside recycling rate.

Public Works Director Scharmen stated staff has not negotiated with anyone on any portion of the contract. The 88% increase would require a budget amendment, and staff would need direction from the City Commission. He has had other vendors approach him indicating the opportunity to talk to them and possibly negotiate a contract with them. However, without receiving direction from the City Commission and another vendor having a contract in place, the minimum amount is a 50% cost increase to the current rate based on Madeira Beach's bid tabulation.

City Manager Mims asked Public Works Director Scharmen to explain "piggybacking."

Public Works Director Scharmen stated the City of Indian Rocks Beach, through its purchasing ordinance, has the opportunity to utilize any existing contract through the State of Florida or any other municipality on a current bid that is on the street. For example, suppose Madeira Beach had a recycling contract and said their recycling contract is \$10 a month. In that case, the City of Indian Rocks Beach could contact the vendor they signed the contract with and ask them if the City could piggyback on Madeira Beach's contract, which would include all their terms, conditions, and rate structure.

Commissioner Bond clarified that the current rate is \$6.29 and would increase to \$12.30 for single-family homes monthly and that is factored into the utility bills, which is approximately a \$6.00 monthly increase for residents.

Public Works Director Scharmen stated that recycling is included within the monthly solid waste fee that residents pay at this time.

Public Works Director Scharmen stated that if the City Commission were to direct staff to extend the contract based on the proposal received from Waste Connections, it would be an increase to residential and commercial customers by \$6.30 per month.

City Manager Mims stated when the City Commission adopted the budget, an ordinance was adopted where residential and commercial recycling rates were increased by \$1.39. If the City Commission approves that contract at that rate, the City Commission would need to adopt another ordinance that would double the recycling rates.

Commissioner Bond asked what is the bi-monthly rate, per household, for the bundled utilities.

Finance Director Carpenter stated the bi-monthly rate for single-family households would be \$62.50 currently for solid waste and recycling, and if the City Commission approved the new contract, the bimonthly bill for solid waste and recycling would increase to \$67.80.

Commissioner McCall asked if staff could put those numbers into real dollars. He prefers dealing with dollars over percentages.

Finance Director Carpenter stated the City budgeted \$239,610 for curbside recycling, and with the new rate, it would be an additional \$210,000 +/- . He said residential and commercial customer solid waste rates increased by 6% on October 1st.

Commissioner McCall asked if it was just inflation or if the contractor was not making any more money.

City Manager Mims stated staff could not speak to that. Pinellas County is a large county. Realistically, if the City goes through the bid exercise, the same contractors would bid, and the numbers would be the same.

City Manager Mims stated the increase is probably more tied to the cost of doing business. He said there is no market for glass. When glass is taken down to St. Petersburg, it is separated, then hauled to a company in Sarasota, and Waste Connections has to pay to get rid of it. However, there is a market for cardboard and aluminum.

City Manager Mims stated the primary function of the Solid Waste Division is to pick up the garbage, and that garbage is taken to the landfill. That garbage generates power.

Vice Mayor-Commissioner Houseberg stated the City's current way of managing recycling, and the escalating cost no longer makes any sense for the City. She said using a Hybrid Recycling Drop-Off Program within the City (Option #3) makes much more sense for the amount of recycling that the City actually does.

Mayor-Commissioner Kennedy stated citizens have the best intentions. Everybody wants to recycle and think they are doing the right thing for the environment. Citizens are finding out that what they have been trying to do is not what is happening with the products being put into the recycling cans, and then there is the contamination issue. She stated plastic bottles are being taken to the incinerator and are being used to make electricity for homes. She stated some environmentalists do not think that is a good idea either.

Mayor-Commissioner Kennedy stated that when recycling came up four years ago, she talked to the contractor, and they told her that IRB had an increase in users. The contractor told her that in two to three years that this problem would take care of itself, but that is not what happened here. Now, the City is confronted with an 88% increase. Sadly, the City cannot find a way to do recycling that is not expensive. She feels that recycling should be part of the City's success in trying to help the environment and the community.

Mayor-Commissioner Kennedy stated she has no problem with Option #3, the Hybrid Recycling Drop-Off Program. However, she wished there was something that the City could do with the plastics.

City Manager Mims stated that in addition to the world market changing, China and Vietnam used to buy anything and everything that the United States would produce in terms of recycling. Everyone he has spoken to said that it is not coming back.

City Manager Mims stated one thing that has changed locally is the influx of the 250 STRs in the residential neighborhoods that do not participate in the Curbside Recycling Program. Several STRs have been cited for using recycling cans as trash cans. People on vacation usually do not recycle.

City Manager Mims asked the Public Works Director to review the percentages of the materials that residents, in general, throw in the recycling can that actually get recycled.

Public Works Director Scharmen stated if taken in totality, the contractor has estimated 20% is contaminated, which is taken to the Waste Energy Plant, 20% is glass, which has no value and the contractor pays to dispose of it. Out of the 750 tons that is actually recycled, 60% of that is probably recycled that is sent to a vendor for reuse.

City Manager Mims stated staff had provided four options to the City Commission. One benefit of Option #3, Implement a Hybrid Recycling Drop-Off Program, is that the City is staying in the recycling business. Secondly, staff would be able to advise the City Commission on where the cardboard and aluminum are being brought to for recycling.

City Manager Mims stated the Public Works Director would need to negotiate a new contract with the City of Largo for the cardboard pickup because currently they are only picking up at one drop-off center, and Option #3 has four drop-off centers.. The Public Works employees would take the aluminum products to a recycling plant in Largo.

Commissioner Bond spoke about his experience of his tour at the recycling center. He stated that 20% of recycling picked up cannot be recycled and is incinerated, and another 20% is glass and the caps on the plastic bottles, which are taken to Sarasota for recycling.

Commissioner Bond stated the operation of the recycling plant is solid, organized, and very clean. It is fine to put pizza boxes in the recycling bin. They are not that picky about the mess.

Commissioner Bond stated that cardboard and paper get turned into pulp. It all gets bleached and pressed. There is much more going on at that center than people casually pushing it into the dump and burning it.

Mayor-Commissioner Kennedy opened the public comment session.

Ed Farmer, Director of Government Relations, Waste Pro of Florida, 7921-15th Street East, Sarasota, Florida, stated Waste Pro has a material recovery facility in Sarasota. He said the recycling they pick up from the local communities is transported directly to their Sarasota facility. As stated by the City Manager, approximately 18% to 20% of the recycling does not go to the market. It does end up in the incinerator or landfill, but the other 80% or 82% does get processed and goes to market. He stated Waste Pro in Sarasota is next to Strategic Materials that processes glass. Glass is a wonderful recyclable because it can be done infinitely, just as aluminum and steel cans.

Mr. Farmer further spoke about the recycling business market and what has happened to the recycling market over the past decade.

Mr. Farmer stated it is hard to go back once a city has started a recycling program. The purpose of recycling is to save natural resources. The waste energy plant is a great last defense. But, the problem would be if every Pinellas County city started taking everything to the plant, Pinellas County Solid Waste would advise cities not to do that. Because they are running out of capacity at the waste energy plant. They cannot handle it without upgrading and building onto that facility.

Mr. Farmer stated the overarching issue is that everyone should be recycling for the right reasons. Not because it costs a little bit more money, and yes, that is quite a bit increase. But, the rates will be coming back down.

Kelly Watt, 431 Harbor Drive North, asked if there is anything different than what the City is currently taking and accepting, and maybe the City should adjust to what it accepts, like just cardboard and aluminum. She agrees that the STRs are not recycling and that it would make sense not to offer those recycling bins to those properties because she sees the cans full of trash instead of recyclables.

John Thayer, 1819 Bay Boulevard, stated it is everybody's duty to recycle. He stated he knows for a fact that recycled products are not going straight into the landfill because his cousin runs the incinerator. He further noted that the incinerator has a permit for so many BTUs, which is already at its max. The incinerator cannot take any more trash; when it reaches that level, it goes into the landfill. Pinellas County Solid Waste is urging all cities to recycle to reduce the intake into the landfill.

Daric Hunt, Waste Pro, Pinellas County Division Manager, stated they are the recycling hauler for Dunedin, and their recycling is not taken to the Pinellas County Solid Waste Center.

Mr. Hunt stated that Pinellas County has issued a notice that there would be a disposal fee increase of 6.8% over the next three years.

Mayor-Commissioner Kennedy closed the public comment session.

Mayor-Commissioner Kennedy stated the City is here to do what it can for the environment, and the bigger picture is to save natural resources. It comes down to a person's ideologies on how a person views where the City goes with this issue.

Mayor-Commissioner Kennedy stated that she knew that over 65% of the people who live in Indian Rocks Beach wanted recycling when the City sent out a survey card many years ago. The contractor also told her that Indian Rocks Beach residents were one of the best at recycling and knew what they were supposed to recycle.

Mayor-Commissioner Kennedy stated she feels that the financial piece is ridiculous to do that to the City. However, she thinks there is a bigger umbrella that the City is here to save the environment and its natural resources.

Mayor-Commissioner Kennedy stated the City could start Option #3, and at the same time, go out and look for some other companies, with City Manager Mims responding in the negative.

Mayor-Commissioner Kennedy asked why not.

City Manager Mims stated there is too much involved in that. If the City starts Option #3, staff would have to renegotiate an agreement with the City of Largo to pick up cardboard at four drop-off centers versus one center, and the City Commission would have to approve that agreement. He stated the City is on such a time crunch.

City Manager Mims stated if the City goes the route of renegotiating with the current provider that would take some time to negotiate, and the final contract would need City Commission approval.

City Manager Mims stated staff cannot do dual options at the same time.

Mayor-Commissioner Kennedy asked about a different provider.

City Manager Mims stated that is laid out in the four options presented by staff. He thereafter reviewed the four options with the City Commission:

1. Discontinue the Curbside Recycling Program in its entirety. The City has the right to terminate/exit the contract with a 60-day written notice to the contractor.
2. Continue with the Curbside Recycling Program with Waste Connections, including/accepting the additional operating costs.
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.
4. Obtain a Request for Bid (RFP) for the IRB Curbside Recycling Program through a piggyback contract process.

City Manager Mims stated Option #4 is the least one that he would recommend because of the time frame.

City Manager Mims asked Waste Pro representatives when the negotiations with the City of Madeira Beach would be finalized, with a representative responding in November.

Public Works Director Scharmen stated once that contract is finalized with Madeira Beach, the City could piggyback onto Madeira Beach's contract, if the rates were lower.

City Manager Mims stated if the City piggybacks onto Madeira Beach's contract, the City agrees to all the terms and conditions of the original contract.

Commissioner Bond stated the amount of money that is being talked about seems huge, but it is only about a \$1.50 a week per household, per week — one candy bar a week. He feels that is an amount the City Commission can ask the residents to absorb. The City Commission can ask, not insist, but ask.

Commissioner Bond stated he feels Option #3 would be hard to put together quickly, with City Manager Mims responding negatively.

Commissioner McCall stated he looks at recycling as a business and he is a City steward. He is a conservationist, and he is on the water all the time. However, given the current state of the recycling market with an 88% increase when the City is paying four times as much for trash collection, the City cannot continue to spend money. It adds up. If they had

the ability not to charge the City this, they would, which means it is the state of the marketplace. Maybe if the market returns in one to three years, the City can reinstate recycling if the rates are at a decent price point to make it financially sensible. He would be one hundred percent on board. But, an 88% increase to the current budget when the City is already paying four times as much for recycling just fiscally does not make sense to him. Even though he would love to do the right thing, he understands where the rest of the City Commission and the public come from.

Commissioner Bond clarified that it costs four times as much to recycle as it does to pick up garbage is based on dumping fees.

Public Works Director Scharmen stated the City budgets approximately \$270,000 for household and commercial waste for two times a week pickup for tipping fees. The budget for the recycling program is \$239,000.

Commissioner Bond asked if that includes all City infrastructure for the Solid Waste Program or just the disposal fees.

Public Works Director Scharmen stated the tipping fees is part of the Solid Waste Operating Budget.

Commissioner Bond stated he wanted to know what is the entire budget for the Solid Waste Program. He wanted to make sure that they are comparing apples to apples.

Public Works Director Scharmen stated the City is disposing of solid waste, which is household and commercial trash, approximately 4,761 tons a year, and for recycling, it is 750 tons a year.

Commissioner Bond asked if the City has costs associated with the Solid Waste Program that do not get factored into that \$200,000 +/-.

Public Works Director Scharmen responded in the affirmative, stating there are salaries, capital, operational costs, fuel, gas, and so forth.

Commissioner Bond stated that operating the Solid Waste Program is significantly more expensive than the \$200,000+/-.

Public Works Director Scharmen stated he believes the question was what the City pays in disposal fees for solid waste versus what the City is paying for the Curbside Recycling Program. He noted the overall budget for the Solid Waste Department is \$1.4 Million, which includes the cost of the Curbside Recycling Program.

Commissioner Bond stated the City is paying more than the \$291,000 +/- for its Solid Waste Program. The City is paying that plus all the costs associated with making that happen. That is every truck, every dollar of gas, every salary, etc.

Public Works Director Scharmen stated that is correct. If the two tipping fees were removed from the Solid Waste Budget, it would be around a million dollars to operate the Solid Waste Department.

Commissioner Bond stated it is not four times as much.

Commissioner Bond stated he feels that the City should renegotiate with Waste Connections.

Commissioner Hanna stated he is all for saving Mother Earth. As a City Commissioner, he wears two hats, and one of his hats is to watch taxpayer dollars and to be sure that he gets a value for it. Everybody wants to do business. He does not see a problem with negotiating and finding a rate. He thinks the residents would like to continue to have the curbside recycling but is it practical, and does it save the City some money?

Commissioner Hanna feels if residents care about it and want to recycle, they would go to the drop-off centers.

Commissioner Hanna stated he agrees with Commissioner Bond that a couple of bucks more is not all that much more, but with everything else going up to the average person, it adds up. He does not feel that is a decision that the City Commission should make without talking to the public.

Commissioner Bond asked if the City's cost for solid waste disposal go up if the City picked up on Wednesday, and if so, what would the cost differential be.

Public Works Director Scharmen stated the City would incur additional tipping fees based on what the City is not collecting for recycling. There could be some offset. It is hypothetical because recycling is fluid, and not everyone recycles. The City would have additional costs of anywhere from \$30,000 to \$35,000 in tipping fees for the extra weight that is being picked up based on the 750 tons.

Commissioner Bond asked about the overhead cost for the extra 15% of the week to have that Wednesday work.

Public Works Director Scharmen stated the City would not specifically pick up household trash on the same day that recycling was picked up. Items that were not being recycled would be placed in the trash and picked up on its regular trash day, Monday, Tuesday, or Friday. On Wednesdays, the Solid Waste Division would pick up brush, and if the City

Commission chose Option #3, the Solid Waste Division would empty and take the aluminum products to the recycling plant in Largo.

City Manager Mims said the City runs garbage trucks 7-days a week. When they are not picking up garbage, they are picking up other things, such as the beach garbage. Staff has clearly laid out the options available to the City Commission.

City Manager Mims stated he is slightly uncomfortable with further dialogue with a potential vendor about this issue. The City Commission can do what it wants. However, there are no other companies present tonight. Suppose the City piggybacks onto the Madeira Beach contract. In that case, the City Commission will have continued dialogue with a contractor that the City may negotiate with, and he is uncomfortable with that.

Ed Farmer, Waste Pro, stated that part of Madeira Beach's bid documents has their current contract, which would be the basis for a new contract. It would not be verbatim, but it would give the City something to look at. The projected pickup day is Wednesday, so that would not change either.

Mayor-Commissioner Kennedy took a poll of the options available to the City Commission:

Option #1: None

Option #2: Bond

Option #3: McCall, Hanna, Houseberg

Option #4: None

Mayor-Commissioner Kennedy stated she would like to see what Waste Pro does with Madeira Beach and at least look at the contract to get an idea.

Mayor-Commissioner Kennedy stated she does not like any of the options available to the City Commission.

Commissioner Bond stated he would like to see a complete analysis associated with Option #3 because the City does not know what that option would cost or the savings.

City Manager Mims stated staff would not know that until it renegotiates a contract with the City of Largo for cardboard and look at the City's cost for dropping off aluminum material at the recycling plant.

Mayor-Commissioner Kennedy stated if the City went with Option #3 for two to three years, could the City revisit this issue when the market changes?

City Manager Mims stated the City Commission sets policy and gives him direction. The City Commission can change whatever it wants to change.

Mayor-Commissioner Kennedy stated it had been her experience that making those kinds of changes is challenging. This is a big step for the City to leave one program and go to the hybrid program (Option #3). Then in two to three years, the rates on down, and City re-establishes its curbside recycling.

City Manager Mims stated staff provided four options, which are the only options available to the City Commission, and staff is not recommending any of the four options.

Mayor-Commissioner Kennedy stated the vote was 3 to 2, and Option #3 was in the majority.

Commissioner Bond asked if the City Commission is going with Option #3 or is staff going to look at Option #3 more closely.

Mayor-Commissioner Kennedy said if the City Commission goes with Option #3, would the City know the associated costs in advance, or would it be determined over time?

City Manager Mims said yes because staff would have to renegotiate with the City of Largo to pick up cardboard at the additional three sites. Currently, Largo picks cardboard up at one location. The aluminum material would be easier as it is based on volume, and the City would take it directly to the recycling plant.

Mayor-Commissioner Kennedy stated this issue should be brought to the City Commission for a final decision.

City Manager Mims stated that staff could not go forward with any of these options unless the City Commission authorizes it because the City Commission approved a recycling program budget.

Commissioner Hanna stated he would recommend that the City Commission pick a first and second choice for staff to investigate, i.e., Option #3 being the priority with Option #2 being the fallback to begin negotiations with Waste Connections to try and lower the proposed rate increase.

City Clerk O'Reilly clarified that Mayor-Commissioner Kennedy is voting for Option #2.

Option #1: None

Option #2: Bond, Kennedy

Option #3: McCall, Hanna, Houseberg

Option #4: None

Commissioner Bond stated he wanted to ensure that Option #2 does not preclude the City from going out for an RFP for recycling.

City Attorney Mora stated the City is never precluded from going out for an RFP. The challenge that the Administration has articulated, as it relates to an RFP, especially a recycling RFP, is the timeline for doing that. The City is running up against a contract term that expires at the end of this year, and there is no ability to do that on that timeline, so staff is recommending four options to the City Commission.

Mayor-Commissioner Kennedy said in the event, there is a change in the recycling industry that, the City revisit curbside recycling.

Commissioner Bond stated the City has 60 days to terminate the contract at a disadvantage. The City can still get out of the contract with a 60-day notice.

City Manager Mims stated the contract would be for three years; however, there is a clause that the City may terminate the contract with a 60-day written notice without cause.

CONSENSUS OF THE CITY COMMISSION FOR STAFF TO DETERMINE IF OPTION #3, IMPLEMENT A HYBRID RECYCLING DROP-OFF PROGRAM WITHIN THE AT SPECIFIC LOCATIONS, IS FEASIBLE, AND IF NOT, STAFF WOULD PROCEED TO OPTION 2, RENEGOTIATE WITH WASTE CONNECTIONS FOR A LOWER RECYCLING RATE FOR RESIDENTIAL AND COMMERCIAL UNITS.

Erika Dietz, 534 Harbor Drive North, stated she is curious how the City got within two and half months of the expiration of its existing contract, and it is just coming up. The current provider obviously has the City over a barrel, which they may know, which may be part of the 88% increase regardless of inflation, fuel costs, etc. But, the competitive company gentleman said this seems to be an all-time peak because of the conflict of circumstances, China, etc., that everyone is aware of. He was reasonably sure that he considered the prices would come down over time. She asked if the City could consider negotiating a longer contract at some kind of scalable rate. Maybe the City agrees to a higher increase now to cover their costs with scaled-down overtime.

Ms. Dietz stated, as a resident, she would strongly encourage the City Commission to consider renegotiating with the current provider because she does believe there is more than money involved here, and that is doing the right thing.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 9:33 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

November 9, 2022
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

**AGENDA ITEM NO. 6A
PUBLIC HEARING**

**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: November 9, 2022

AGENDA ITEM: 6A

SUBMITTED AND

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



APPROVED BY:

Brently Gregg Mims, City Manager



SUBJECT:

ORDINANCE NO. 2022-03 - SECOND/FINAL 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.

On October 11, 2022, the City Commission approved Ordinance No. 2022-03 on first reading.

MOTION:

I move to **approve/deny** Ordinance No. 2022-03, on second and final 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.

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(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.

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. 6B
PUBLIC HEARING**

**BOA CASE NO. 2022-13
525-20TH AVENUE**

INDIAN ROCKS CITY COMMISSION STAFF REPORT

MEETING OF: November 9, 2022 **AGENDA Item:** 6B

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager



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

BOARD OF ADJUSTMENTS AND APPEALS: The board of Adjustments and Appeals recommended denial to the City Commission by a vote of 5-0.

SUBJECT: BOA CASE NO. 2022-13 – 525 20th Ave

Variance request from Sec. 94-86(a)(1), of the Code of Ordinance, to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft lifts for property located at 525 20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 46, 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 #06-30-15-42300-000-0460

OWNER Tanya Campbell and Courtney Campbell
LOCATION of PROPERTY: 525 20th Ave
ZONING: S- Single Family Residential

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

BACKGROUND:

The applicant is requesting a variance of to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft. The width of the lot is 45ft. The lot is an inverse curve lot and the property lines project into the water at an angle causing the

available side setback to be reduced as the lot lines are extended into the water. The owners to the north and south have agreed to the location of the dock, boat lift and personal water craft lifts.

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 narrower width and the angled property lines are not applicable to all lots in the same zoning district.

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the owner to construct the dock and lifts as proposed.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on October 25, 2022, (Sec. 2-149 of the Code of Ordinances.)

LEGAL NOTICE: A legal notice was published in the October 26, 2022-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for November 9, 2022, for BOA Case No. 2022-13.

CORRESPONDENCE: Nicholas Cerjanec 521 20th Ave and Louis Russo 529 20th Ave have signed off on the site plan in the Pinellas County Water and Navigation Permit Application stating no objection.

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL** of BOA CASE NO. 2022-13 – 525 20th Ave Variance request from Sec. 94-86(a)(1), of the Code of Ordinance, to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft lifts for property located at 525 20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 46, 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

**MINUTES — OCTOBER 18, 2022
CITY OF INDIAN ROCKS BEACH
BOARD OF ADJUSTMENTS AND APPEALS**

The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, OCTOBER 18, 2022**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

1. **CALL TO ORDER.** Chair DeVore called the meeting to order at 6:00 p.m.

2. **ROLL CALL:**

PRESENT: Chair Stewart DeVore, Vice-Chair David Watt, Board Member Michael A. Campbell, and 1st Alternate Board Member Karen O'Donnell.

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

ABSENT: Board Member Rick Alvarez

VACANT POSITION: 2nd Alternate Board Member.

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

3. **APPROVAL OF MINUTES: August 16, 2022.**

MOTION MADE BY VICE CHAIR WATT, SECONDED BY O'DONNELL, TO APPROVE THE AUGUST 16, 2022 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

4. **BOA CASE NO. 2022-13 — 525-20TH AVENUE**
Owner/Applicant: Courtney & Tanya Campbell
Agent/Representative: Priority Marine
Subject Location: 525-20th Avenue, Indian Rocks Beach
Legal Description: Lot 46 & Rip Rts, Fifteenth Addition to Re-Revised Map of Indian Beach.
Parcel #: 06-30-15-42300-000-0460
Variance Request: Variance request from Sec. 94-86(a)(1) of the Code of Ordinance to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet, along the northern property line, and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side

yard setback of 6 feet 2 inches along, the southern property line, for a new dock, boat lift and personal watercraft lifts.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2022-13 – 525 20th AVENUE: Variance request from Sec. 94-86(a)(1), of the Code of Ordinance, to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft lifts for property located at 525-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 46, 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 #06-30-15-42300-000-0460.

OWNER: Tanya Campbell
Courtney Campbell
PROPERTY LOCATION: 525-20th Avenue
ZONING: S- Single Family Residential

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

BACKGROUND:

The applicant is requesting a variance of 9 feet to encroach into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft. The width of the lot is 45ft. The lot is an inverse curve lot and the property lines project into the water at an angle causing the available side setback to be reduced as the lot lines are extended into the water. The owners to the north and south have agreed to the location of the dock, boat lift and personal water craft lifts.

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 narrower width and the angled property lines are not applicable to all lots in the same zoning district.*
- 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 dock and lifts as proposed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on November 3, 2022, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: Nicholas Cerjanec, 521-20th Avenue, and Louis Russo, 529-20th Avenue, have signed off on the site plan in the Pinellas County Water and Navigation Permit Application stating no objection.

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

[End of Staff Report]

City Attorney Mora read Agenda Item No. 4, BOA Case No. 2022-13, for 525-20th 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 a variance to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line, and encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft. The width of the lot is 45 feet. The lot is an inverse curve lot, and the property lines project into the water at an angle, causing the available side setback to be reduced as the lot lines are extended into the water. The owners to the north and south have agreed to the location of the dock, boat lift, and personal watercraft lifts.

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

Planning Consultant Harmon stated both adjacent property owners had signed off on the site plan in the Pinellas County Water and Navigation Permit Application, not objecting.

Planning Consultant Harmon stated staff approved this variance request because of the inverse curve lot shape and that both adjacent neighbors signed off, stating no objections.

Vice-Chair Watt asked what was the presented hardship.

Planning Consultant Harmon stated that just trying to get the docks in there. Usually, people are allowed two lifts and a boat lift. With a 45-foot lot, getting two lifts 12 feet and a dock was hard.

Vice-Chair Watt stated that when the Planning Consultant says people can get to have two lifts, would not that be substantiated based on what they can fit on their property?

Planning Consultant Harmon stated that this is true. But the applicant would like to have a full boat lift and a watercraft lift.

Member O'Donnell stated in the application, the applicants said their dock needs to go out further to get to deeper water.

Planning Consultant Harmon stated that was correct, and they originally applied for a dock length variance. She advised them that they needed a variance for the width, and the length could be done administratively. However, the further the dock goes out, reduces the side yard setbacks.

According to the City Code, Chair DeVore clarified that the applicants could extend the dock out to 50 feet without a variance.

Planning Consultant Harmon said if the applicants can prove the water depth is 3 feet or less, the extension is granted administratively.

Vice-Chair Watt stated for clarity, this variance request has nothing to do with the 50-foot dock length. This variance is about the width of the dock and side setbacks.

Planning Consultant Harmon stated that is correct. She is saying that because the further the dock goes out, the side yards reduce because of the angle of the lot.

Jason Rogers, Priority Marine Construction, 200 Midway Island, Clearwater, explained the variance request. He stated the applicants have a pie-shaped lot and would like to install a boat dock with jet ski lifts. He noted both adjoining neighbors have no objections to the boat dock with the jet ski lifts.

Vice-Mayor Watt stated the idea is to ask for the minimum to try and meet the City Code for the variance. This seems to be an entire wish list. There is a 12-foot dock in the middle, which is a substantial size dock from what he sees, on top of a 12-foot lift, which is probably average spacing for a run-of-a-mill 16 or 18-foot boat, and then the jet ski lifts. He advised if the lifts stay hanging out or do they swing over the dock.

Mr. Rogers stated the jet ski lifts swing back over the dock.

Vice-Mayor Watt stated, in that case, is a variance required for a jet ski lift that swings back over to the dock.

Planning Consultant Harmon stated she thought the lifts were permanent structures, and she had not dealt much with swings back jet ski lifts.

Planning Consultant Harmon asked Mr. Rogers that once the jet ski lifts are lifted up, would the 12-foot setback be reduced to 6-feet

Mr. Rogers stated the lifts would sit on the docks, which is why the dock is wider.

Planning Consultant Harmon stated a property could have one watercraft, which does not count as a boat lift. A property is allowed one watercraft and two boat lifts on a dock, one of the watercraft lifts would count toward the second boat lift.

Vice-Chair Watt said, in general, this is correct as long as it meets City Code, with Planning Consultant Harmon responding in the affirmative.

Member Campbell questioned the arrows on the dock plan showing the watercraft lifts that would swing around onto the docks.

City Attorney Mora stated that there was nobody present from the public for the record.

Vice-Chair Watt stated this is a nice setup, but it is a huge ask. It is well beyond the minimum need for a variance. It is just too much.

Member Labadie stated this is packing a lot into a small space. His adjacent neighbors are nice and good neighbors, allowing them to do that. If those neighbors sell, the new neighbors might have an issue because there is not much space between the properties.

Member O'Donnell stated it would limit the other neighbors' abilities to install jet ski lifts.

Chair DeVore suggested an alternative plan to the applicants for review.

Member Campbell stated in reviewing the aerial view of the property, the property to the left is in the setback and is half in the applicants' yards, which seems to be an extra hardship for the applicant.

MOTION MADE BY VICE-CHAIR WATT, SECONDED BY MEMBER LABADIE, TO RECOMMEND DENIAL TO THE CITY COMMISSION OF BOA CASE NO. 2022-13, 525-20TH AVENUE. VARIANCE REQUEST FROM SEC. 94-86(A)(1) OF THE CODE OF ORDINANCE TO ENCROACH 9 FEET INTO THE REQUIRED 12-FOOT SIDE YARD SETBACK, RESULTING IN A TOTAL SIDE YARD SETBACK OF 3 FEET, ALONG THE NORTHERN PROPERTY LINE, AND TO ENCROACH 5 FEET 10 INCHES INTO THE REQUIRED 12-FOOT SIDE YARD SETBACK, RESULTING IN A TOTAL SIDE YARD SETBACK OF 6 FEET 2 INCHES ALONG, THE SOUTHERN PROPERTY LINE, FOR A NEW DOCK, BOAT LIFT AND PERSONAL WATERCRAFT LIFTS.

ROLL CALL VOTE:

AYES: CAMPBELL, O'DONNELL, LABADIE, WATT, DEVORE

NAYS:

MOTION TO RECOMMEND DENIAL TO THE CITY COMMISSION CARRIED UNANIMOUSLY.

City Attorney Mora stated the final decision on this matter will be heard by the City Commission on Wednesday, November 9, 2022, at 7:00 p.m.

5. OTHER BUSINESS.

A. CITY COMMISSION ACTION:

- 1. BOA CASE NO. 2022-12 — 526- 20th Avenue. DENIED BY CITY COMMISSION.**

6. ADJOURNMENT.

MOTION MADE BY MEMBER CAMPBELL, SECONDED BY COMMISSIONER LABADIE, TO ADJOURN THE MEETING AT 6:20 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved

Stewart DeVore, Chair

/DOR

DRAFT MINUTES



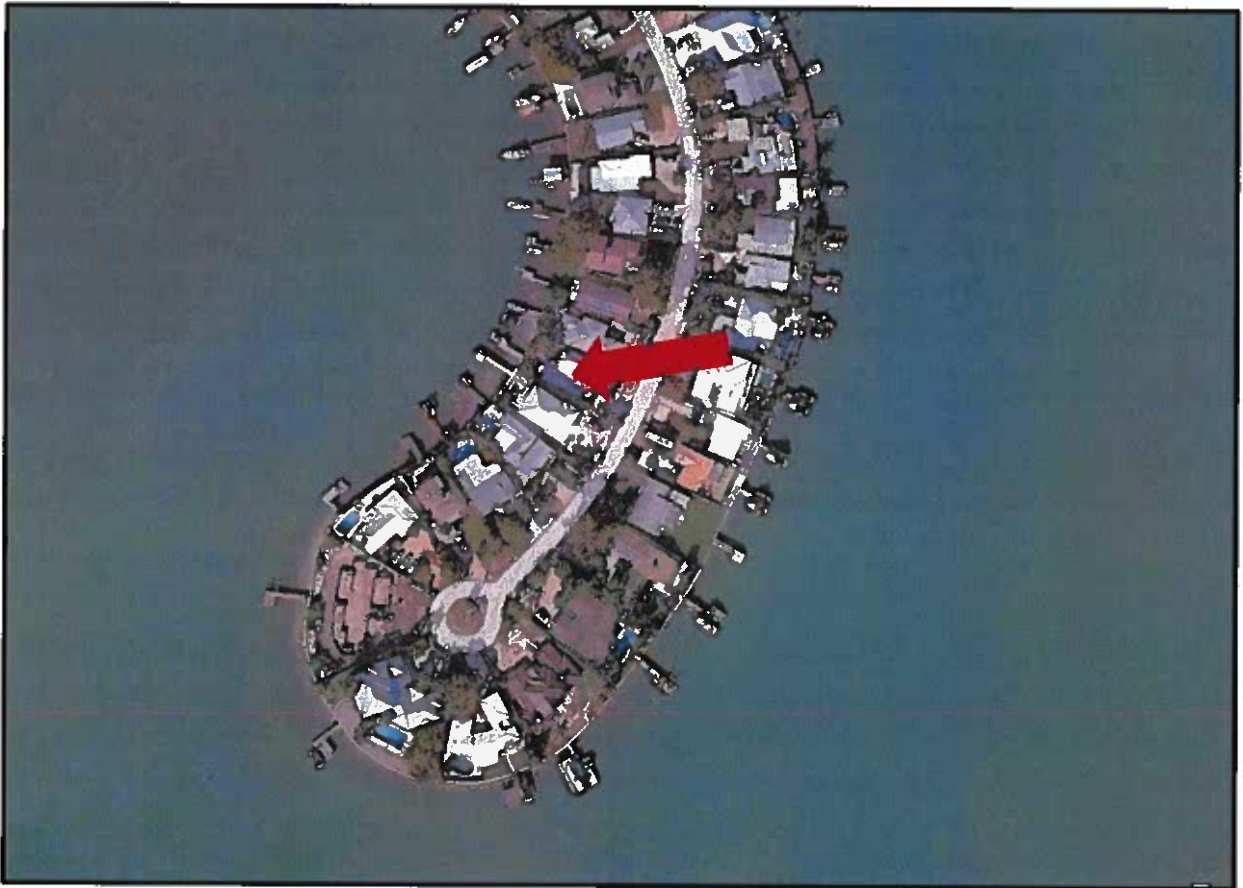
525 20th Avenue
BOA CASE NO. 2022-13



BOA CASE NO. 2022-13 – 525 20th Ave
Variance request from Sec. 94-86(a)(1), of the Code of Ordinance, to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft lifts for property located at 525 20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 46, 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



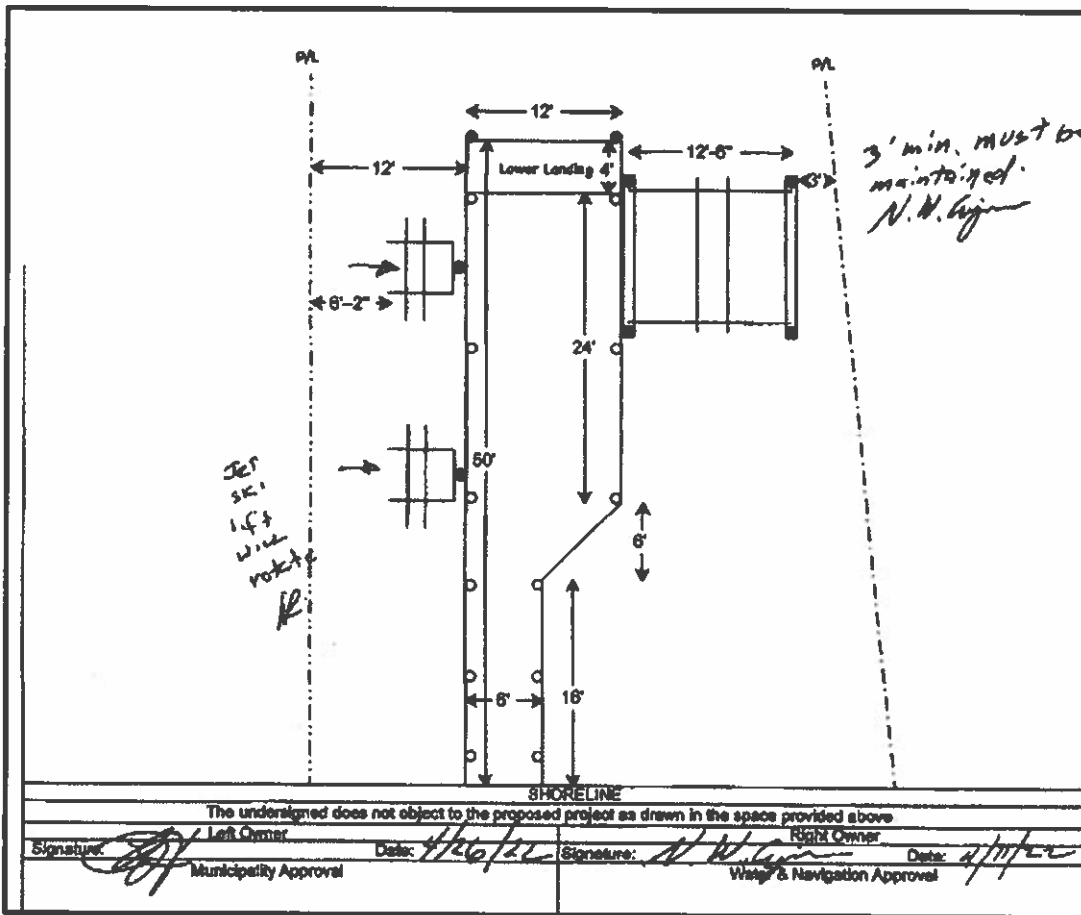
526 20th Avenue



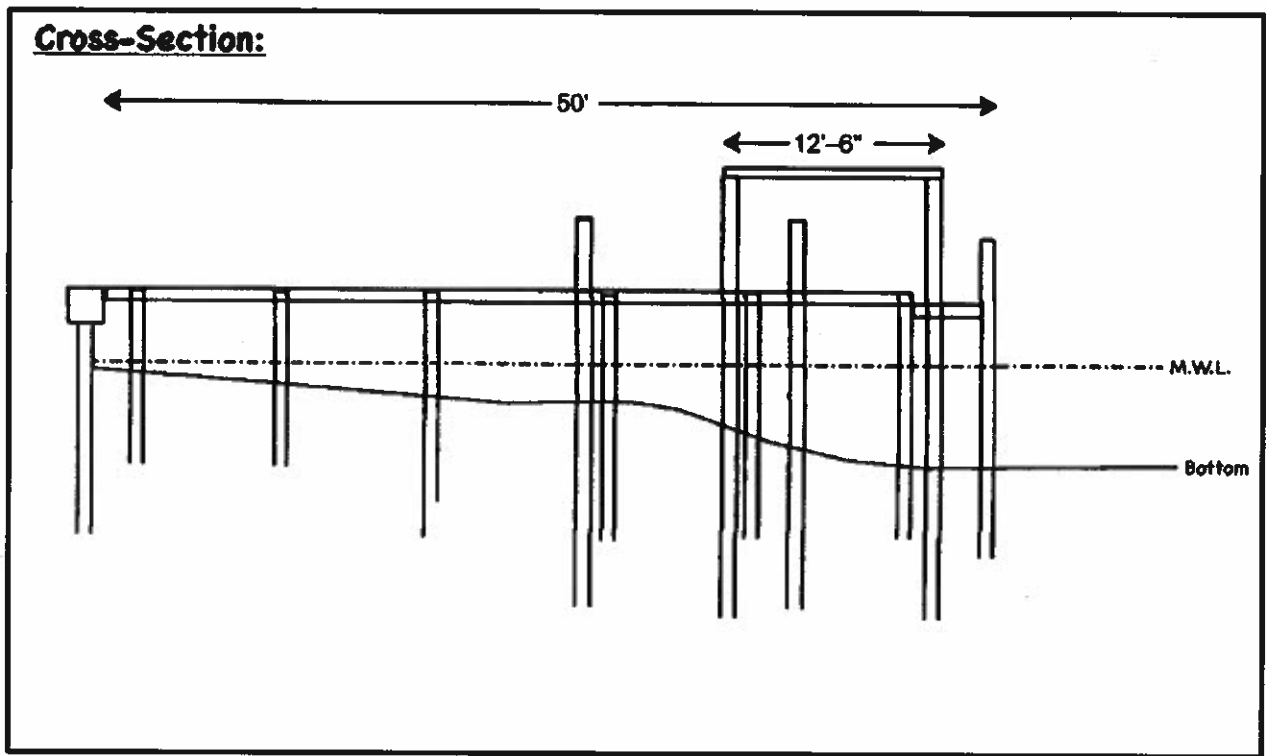
526 20th Avenue



Dock Plan



Dock Cross Section



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:

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
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):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	12ft/12ft	3ft/6ft 2"	9ft/ 5ft 10"
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):	50'	50'	50'
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?

Single family home w/ boat dock & lifts

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? *n/a* 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):

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:

Shallow water exist at this property & to get into deeper water, the dock needs to be extended.

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

Other docks in the area are extended to same distance to get the water depth.

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:

Adjacent neighbors have docks that extend similar distance.

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:

No

HARDSHIP CONTINUED...

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

Yes, this will allow the 3' water depth.

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:

Yes

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

I believe they should grant this request, because both neighbors have signed the variance drawing & form with no objection, it gets lift into 3' of water & matches other docks in this area.

CERTIFICATION

Date: 06-29-22

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: Courtney & Tanya Campbell

Signature: 
DocuSigned by:
DF33FB4A888444F

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: 29th Month: June, 2022

Notary Public State of Florida at Large: 

Notary Public Commission Expiration: 02-04-23

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: 06-29-22

I, Courtney & Tanya Campbell do hereby designate and appoint

Priority Marine 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: Courtney & Tanya Campbell Signature: 
 DF33F84A888444F

My agent of record may be contacted at:

Company: Priority Marine

Address: 200 Midway Is

City/State: Clearwater Zip Code: 33767

Telephone: 727.447.1373 Fax: _____

Before me this date personally appeared:

Name: Courtney & Tanya Campbell

Signature: 
 DF33F84A888444F...

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: 29th Month: June, 20 22

Notary Public State of Florida at Large: 

Notary Public Commission Expiration: 02-04-23

State of Florida
County: Pinellas



If applying in person, direct all correspondence to:

Clerk, Water and Navigation, 5th Floor
315 Court Street
Clearwater, FL 33756



PRIVATE DOCK PERMIT APPLICATION
PINELLAS COUNTY WATER AND NAVIGATION

I. PROPERTY OWNER INFORMATION:

A. Applicant's Name: Courtney & Tanya Campbell
B. Mailing Address: 400 W. Peachtree St NW Unit 816
City: Atlanta State: GA Zip: 30308-3545
C. Telephone No.: 404.433.5420 E-mail Address: Crbcampbell@gmail.com

II. CONTRACTOR INFORMATION (Pro):

A. Name: Priority Marine Construction LLC
B. Address: 200 Midway Is
City: Clearwater State: FL Zip: 33767
C. Telephone No.: 727.447.1373 E-mail Address: Jason@prioritymarine.com

III. AGENT INFORMATION (if different from Contractor):

A. Name: Same
B. Address: _____
City: _____ State: _____ Zip: _____
C. Telephone No.: _____ E-mail Address: _____

IV. SITE INFORMATION:

A. Construction Site Address: 525 20th Ave
City: Indian Rocks Beach Zip Code: 33785-2931
B. Site Parcel ID Number: 06 / 30 / 15 / 42300 / 000 / 0460
C. Incorporated: Unincorporated:
D. Affected Water Body: Clearwater Harbor
E. Previous Permits: WND-H-26371-98 & WND-H36963-06

F. Date applicant assumed property ownership: Nov / 2021
month/year

G. Obstructions: (Dogs, Fences, etc.) none

H. All other information pursuant to Chapter 58, Article XV (Water and Navigation Regulations).

V. PROJECT DEVIATION INFORMATION (FOR UNINCORPORATED ONLY):

A. Signature from Adjacent Owner Required under Code Section 58-555(b): Yes No

Amount of deviation: Length: _____

Width: _____

Setbacks: Left: _____ Right: _____

Other: _____

❖ Please note that all information requested in this application must be filled out in its entirety prior to submittal to Pinellas County. An application missing information will not be considered complete, and therefore ready for possible approval, until all required information is provided.

VI. CONTRACTOR INFORMATION:

I, Alex Templeman, a General contractor,

whose contractor license # CGC1528111 expires on Aug. 31, 2022,

swear that the above described project (the "Project") has not been constructed as of the date affixed by my signature below. If a permit for this Project (the "Permit") is granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the drawings or plans attached hereto. I swear that the information provided in this application represents the full scope of the Project and that no material information regarding the Project has been omitted. In the event that either the Project is not constructed in full accordance with the Permit or the information provided in this application is not correct, I agree to either remove the Project or correct the deficiency.

Signed:  Date: 04-05-22

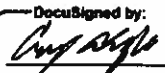
- You must have USL&H insurance in order to construct a dock in Pinellas County; as well as be licensed with the PCCLB.

VII. PROPERTY OWNER'S SIGNATURE:

I hereby apply for a permit to perform the above described project (the "Project"). Should a permit for the Project be granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the plans or drawings attached hereto; I likewise agree to maintain the Project in a safe condition throughout the Project's existence.

I hereby authorize the above stated contractor – and agent if listed – to act as my representative in all matters pertaining to the application. I understand that I, not the County am responsible for the accuracy of the information provided as part of this application. I further understand that it is my responsibility to obtain any necessary permits and approvals required for the Project at the Federal, State, and local levels; should the Project lie within a municipality, I recognize that approval from that municipality – in addition to the County – is required.

I swear that I own the upland property described in this application (the "Property"). While this application is pending, I expressly authorize the County and its agents to access the Property at any time as may be necessary to review and act on this application. Should a permit for the Project be granted by the County, I expressly authorize the County and its agents to access the Property at any time as may be necessary to monitor the Project and ensure compliance with the terms of the permit; this permission is valid until the Project has passed final inspection.

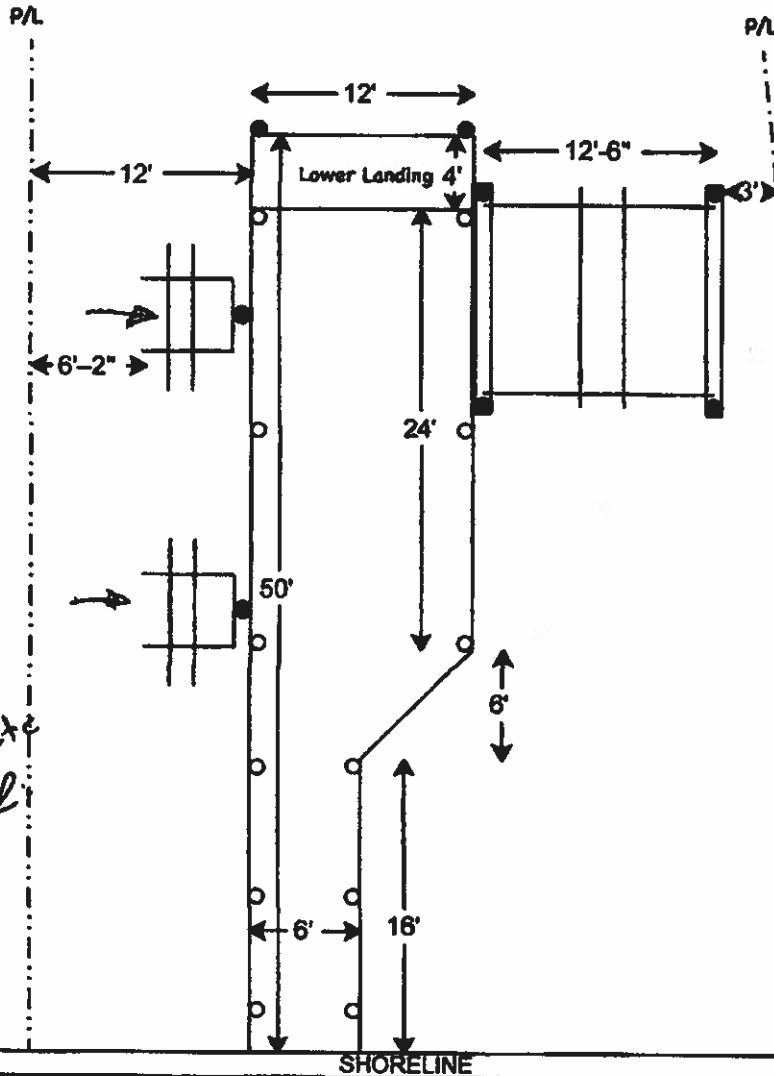
Signed:  Date: 5/2/2022
DF33F84A888444F

CGC1528111
 O: 727.447.1373 C: 813.318.2811
 Jason@PriorityMarine.com
 www.prioritymarine.com

404.433.5420
 Crbcampbell@gmail.com
 Customer Approval Signature:

Nature & Size of Project: Tearout existing dock, build new 6'x16' walkout w/ flare to 12'x24' dock w/ 4' Lower Landing. Install one HI-Tide Boat Lift & two HI-Tide Spinner Jet Ski Lifts

Total Project Sq. Ft.: 486 New Sq. Ft.:
 Total Number of Pilings: 20 Diameter of Pilings: 8"
 Waterway Width: 400'+ Waterfront Width: 45'



Jet
 ski
 lift
 will
 rotate
 R

3' min. must be
 maintained.
 N.W. Lynn

The undersigned does not object to the proposed project as drawn in the space provided above

Signature: *[Signature]* Left Owner
 Date: 4/26/22
 Municipality Approval

Signature: *[Signature]* Right Owner
 Date: 4/11/22
 Water & Navigation Approval

Priority Marine Construction

200 Midway Is
Clearwater, FL 33767
CGC1528111
O: 727.447.1373 C: 813.318.2811
Jason@PriorityMarine.com
www.prioritymarine.com

Job: Courtney & Tanya Campbell
525 20th Ave
Indian Rocks Beach, FL 33785-2931
404.433.5420
Crbcampbell@gmail.com
Customer Approval Signature:

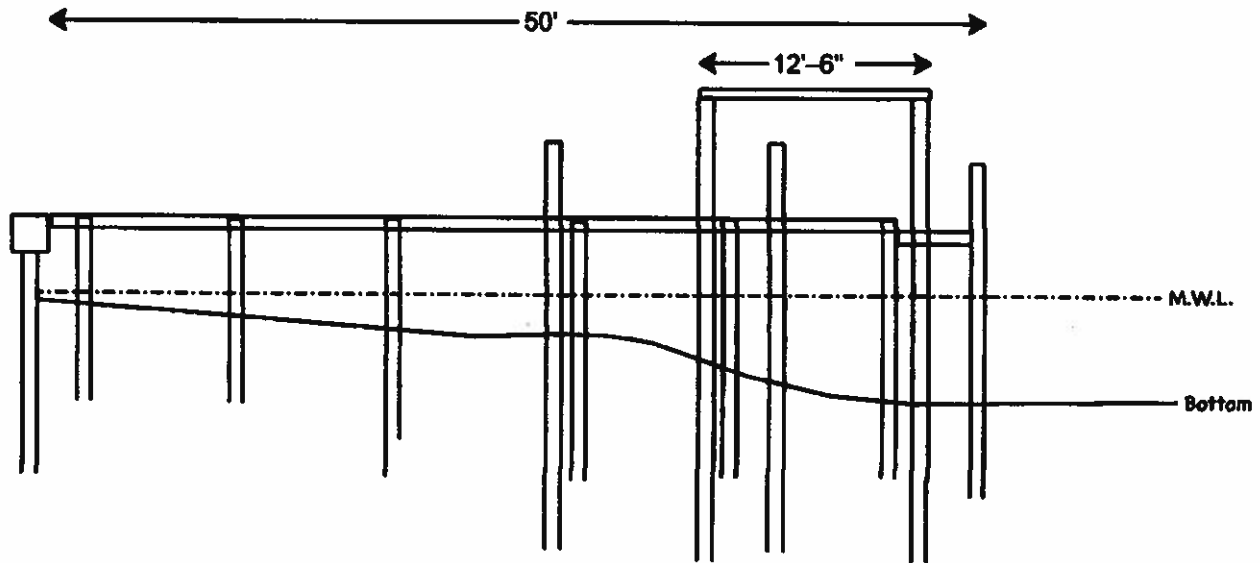
Date: April 5, 2022

Scale: 1" = 10'

Nature & Size of Project: Tearout existing dock, build new 6'x16' walkout w/ flare to 12'x24' dock w/ 4' Lower Landing. Install one Hi-Tide Boat Lift & two Hi-Tide Spinner Jet Ski Lifts

Total Project Sq. Ft.: 486 New Sq. Ft.:
Total Number of Pilings: 20 Diameter of Pilings: 8"
Waterway Width: 400'+ Waterfront Width: 45'

Cross-Section:



SHORELINE

The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner	
Signature:	Date:
Municipality Approval	

Right Owner	
Signature:	Date:
Water & Navigation Approval	

LETTER OF NO OBJECTION

Left Lot Owner's Name Jacqueline & Louis Russo

Mailing Address 529 20th Ave., Indian Rocks Beach, FL Zip 33785-2931

I certify that I am the owner of 529 20th Ave. which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

525 20th Ave. Indian Rocks Beach, FL

I have seen the County permit application - including plans or drawings - for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE: [Signature] Date 4/26/22

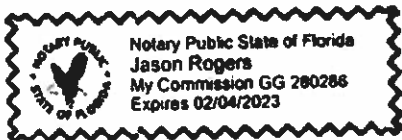
NOTARY:

STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

physical presence or online notarization this 26 day of April, 2022 by personally known OR produced identification

Type of Identification Produced _____

Witness my hand and official seal this 26th day of April, 2022



[Signature]
Notary Public
My commission expires: 02-04-23

Right Lot Owner's Name Nicholas & Sheila Cerianec

Mailing Address 521 20th Ave., Indian Rocks Beach, FL Zip 33785-2931

I certify that I am the owner of 521 20th Ave which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

525 20th Ave. Indian Rocks Beach, FL

I have seen the application - including plans or drawings - for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE: [Signature] Date 4/11/22

NOTARY:

STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

physical presence or online notarization this 11th day of April, 2022 by Personally Known OR Produced Identification

Type of Identification Produced _____

Witness my hand and official seal this 26th day of April, 2022



[Signature]
Notary Public
My commission expires: 02-04-23

DOCK WATER DEPTH AFFIDAVIT


I, the undersigned contractor, who is duly licensed to construct and repair docks in Pinellas County, Florida, do hereby attest to the following:

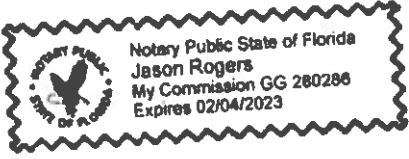
1. On behalf of my client, I do hereby propose to construct a dock in the City of Indian Rocks Beach that has a length of thirty five (35) feet, or longer if necessary to reach thirty six (36") inches of water depth at a mean low water mark. In no case shall the length exceed fifty (50) feet beyond the property line, seawall of mean high water mark, whichever is applicable pursuant to Section 94-87 of the City Code; and
2. I, or personnel under my supervision, have inspected the proposed construction site for the subject dock and have taken measurements at the proposed construction site in accordance with generally accepted standards and have determined that the depth of the water at the subject location at mean low tide of thirty six (36") inches at a distance of 50' from the seawall as measured perpendicular to the seawall.


Signature of Contractor/Authorized Agent

The above instrument was acknowledged before me this 12th day of Oct 2022 by Alex Teaplanon, who is personally known to be or who produced _____ as identification.

280286
Notary Stamp & Number


Notary Signature:
Name (print):
Title/Rank:



Consent to Use State-Owned Submerged Lands

DO YOU LIVE OR DO BUSINESS ON THE WATER?

If so, you may need authorization to use the lands under the water from the owners of those lands. This authorization is in addition to any city, county, Florida Department of Environmental Protection, U.S. Army Corps of Engineers, or Water Management District permit.

WHAT LANDS ARE WE TALKING ABOUT AND WHO OWNS THEM?

Sovereign submerged lands are all those submerged lands waterward of the ordinary or mean high water line under navigable fresh and salt water bodies. The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, hold title to all of those lands below navigable waters which have not been previously conveyed into private ownership. Portions of these submerged lands have been designated as "aquatic preserves" and because of their unique biological, aesthetic or scientific value, they are held and managed to a higher degree of care. Since the State owns these lands, both public and private entities must obtain consent to use them.

WHY IS CONSENT NECESSARY AND BY WHAT AUTHORITY IS IT REQUIRED?

These lands are held in trust for the use and benefit of the people of the State, as set forth in the State Constitution; therefore, the private use of these lands must be balanced with the need to conserve and protect the scientific value and beauty of those lands. The intent of the regulations is to ensure that all sovereign submerged lands are managed primarily for the propagation of fish and wildlife, and public recreation. The legislative origins of the procedures employed in the review of applications to use sovereignty submerged lands are contained within Chapters 253 and 258 of the Florida Statutes. These statutes are implemented through rules which are contained within Chapters 18-14, 18-18, 18-20 and 18-21 of the Florida Administrative Code. It is important to contact the Department of Environmental Protection before you use these lands.

WHAT TYPE OF ACTIVITIES REQUIRE AUTHORIZATION?

Uses that require authorization must be approved before they are conducted. The most commonly requested uses are the construction of docks, the placement of riprap, dredging for access or channels, mangrove trimming, bridge and utility crossings, and beach renourishment projects.

WHAT DO YOU HAVE TO DO AND IS THERE A FEE?

The form of consent that is required depends upon the type of activity that is proposed. Forms of consent include letters, easements, use agreements, management agreements, and leases. The type of activity proposed also determines the amount of fees; however, commercial uses will always require payment of fees.

WHAT HAPPENS IF YOU DO NOT RECEIVE AUTHORIZATION TO USE THESE LANDS?

Alterations to, or structures discovered on, sovereignty submerged lands without authorization are subject to lease fees in arrears, with interest, and fines. In some cases, removal of structures may also be required.

WHO DO YOU CONTACT TO INQUIRE ABOUT THE USE OF THESE LANDS?

The Department of Environmental Protection Division of State Lands field office listed below.

Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637
Phone: (813) 632-7600
Fax: (813) 632-7665

PINELLAS COUNTY WATER & NAVIGATION CONTROL AUTHORITY
315 COURT STREET, CLEARWATER, FLORIDA 33756

ISSUED TO: SHERA HAIGHT BIE
525 20TH AVE
INDIAN ROCKS BEACH, FL 33785

DESCRIPTION: 06-30-15-42300-000-0460
TO REPORT START DATE AND COMPLETION: (727) 464-3770

PERMIT NO. P36963-06

CLERK:

1. PERMITS MAY ALSO BE REQUIRED BY THE FOLLOWING AGENCIES: FL D.E.P. & U.S. ARMY C.O.E.
2. THE WATERS OF PINELLAS COUNTY ARE LOCATED WITHIN THE PINELLAS COUNTY & BOCA CIEGA BAY AQUATIC PRESERVE. SPECIAL REGULATIONS EXIST THAT GOVERN THE CONSTRUCTION WITHIN AN AQUATIC PRESERVE. PLEASE CONTACT THE FL D.E.P.
3. *THIS PERMIT IS VALID FOR A DOCK STRUCTURE ONLY.* ELECTRICAL & WATER/SEWER INSTALLATIONS WILL REQUIRE SEPARATE PERMITS FROM THE APPROPRIATE (Municipal or County) BUILDING DEPARTMENT.
4. THIS PERMIT IS SUBJECT TO A 30 DAY APPEAL PERIOD FROM DATE OF ISSUE- CHAPTER 31182, SPECIAL ACTS OF FLORIDA, 1955 AS REVISED.

KEN BURKE

By: 
Deputy Clerk

DATE OF ISSUANCE:

03 / 21 / 2006

FINAL INSPECTION:

/ /

**THIS PERMIT IS REQUIRED TO BE
POSTED IN A CONSPICUOUS LOCATION
AT THE CONSTRUCTION SITE.**

ca
Direct all correspondence to:
Clerk, Water and Navigation
Control Authority
315 Court Street
Clearwater, FL 34616

Pinellas County
RECEIVED
FEB 27 2006
ENVIRONMENTAL MANAGEMENT

Application # PS6983-04
(OFFICIAL USE ONLY)

PRIVATE DOCK PERMIT APPLICATION

PINELLAS COUNTY WATER AND NAVIGATION CONTROL AUTHORITY

Please type, or hand print in BLACK ink

RECEIVED
FEB 27 2006
by the Clerk of
Pinellas County Water and
Navigation Control Authority

I. PROPERTY OWNER INFORMATION:

- A. Applicant's Name: SHERA HAIGHT BIE
- B. Mailing Address: 486 HARBOR DRNE SOUTH
City: INDIAN ROCKS BEACH State: FL Zip: 33785
- C. Telephone No.(s): 727-593-7999 727-593-2201 Cell.

II. AGENT INFORMATION:

- A. Name: _____
- B. Address: _____
City: _____ State: _____
- C. Telephone No.(s): _____

REVISED

III. SITE INFORMATION:

- A. Construction Site Address: 525 20th AVE
City: INDIAN ROCKS BEACH, FL
- B. Parcel ID Number: 0613015142300 100010460
- C. Incorporated: Unincorporated:
- D. Affected waterbody: INTERCOASTAL WATERWAY
- E. Previous Permits: 1999 NEW (NONE FOUND)
- F. Date applicant assumed property ownership: DEC 1999
month/year
- G. Obstructions: (dogs, fences, etc.) NONE
- H. Attach 8-1/2" X 11" vicinity map showing specific project location.
- I. All other information pursuant to P.C.O. 90-19 (amended), Section 10.8, as needed.
- J. For projects requiring a public hearing, attach a copy of the complete legal description.

RECEIVED
MAR 21 2006
by the Clerk of
Pinellas County Water and
Navigation Control Authority

RECEIVED
BOARD OF
COUNTY ENGINEERS
PINELLAS COUNTY FL
FEB 27 10 40 AM '06

This project may also require
approvals from the Florida Dept of
Environmental Protection (813-744-8100)
and the U.S. Army Corps of Engineers
(813-768-7080).

641
722

Rev.
Application # P36963-06
(OFFICIAL USE ONLY)

IV. PROJECT DESCRIPTION:

A. Nature and Size of Project: EXTEND EXISTING DOCK 12 FEET. ADD BOAT LIFT ON NORTH SIDE OF REQUESTED EXTENSION. TOTAL DOCK LENGTH WILL EQUAL 50 FEET. Square feet: 8 x 12 = 96 SQ FT

B. Variance: Yes No
Amount in variance: Length: _____ Width: _____
Setbacks: L _____; R _____
Other: _____

NOTE: It is the applicant's responsibility to clearly demonstrate that any requested variances are consistent with the variance criteria of the Pinellas County Water and Navigation Control Authority Regulations. The applicant must submit a written variance request outlining the nature of and need for any variances. The applicant must demonstrate that a literal enforcement of the regulations would result in an extreme hardship due to the unique nature of the project and the applicant's property. The hardship must not be created by action(s) of the property owner(s). The granting of the variance must be in harmony with the general intent of the regulations and not infringe upon the property rights of others. The variance requested must be the minimum possible to allow for the reasonable use of the applicant's property. Should the applicant fail to demonstrate that any variance request is consistent with the criteria outlined in the regulations, staff cannot recommend approval of the application.

V. CONTRACTOR INFORMATION:

I, TO BE DETERMINED, a certified contractor, state that the dock has not been constructed and that it will be built in compliance with all requirements and standards set forth in the "Rules and Regulations" of the Pinellas County Water and Navigation Control Authority, and in accordance with the attached drawings which accurately represent all the information required to be furnished. In the event that this dock is not built in accordance with the permit or the information furnished is not correct, I agree to either remove the dock or correct the deficiency.

Signed: _____ Cert. No.: _____
Company Name: _____ Telephone No.: _____
Address: _____

VI. OWNER'S SIGNATURE:

I hereby apply for a permit to do the above work and state that the same will be done according to the map or plan attached hereto and made a part hereof, and agree to abide by the "Rules and Regulations" of the Pinellas County Water and Navigation Control Authority for such construction and, if said construction is within the corporate limits of a municipality, to first secure approval from said municipality. I further state that said construction will be maintained in a safe condition at all times, should this application be approved, that I am the legal owner of the upland from which I herein propose to construct the improvements, and that the above stated agent/contractor may act as my representative. I understand that I, not Pinellas County, am responsible for the accuracy of the information provided as part of this application and that it is my responsibility to obtain any necessary permits and approvals applicable for the proposed activities on either private or sovereign owned submerged land.

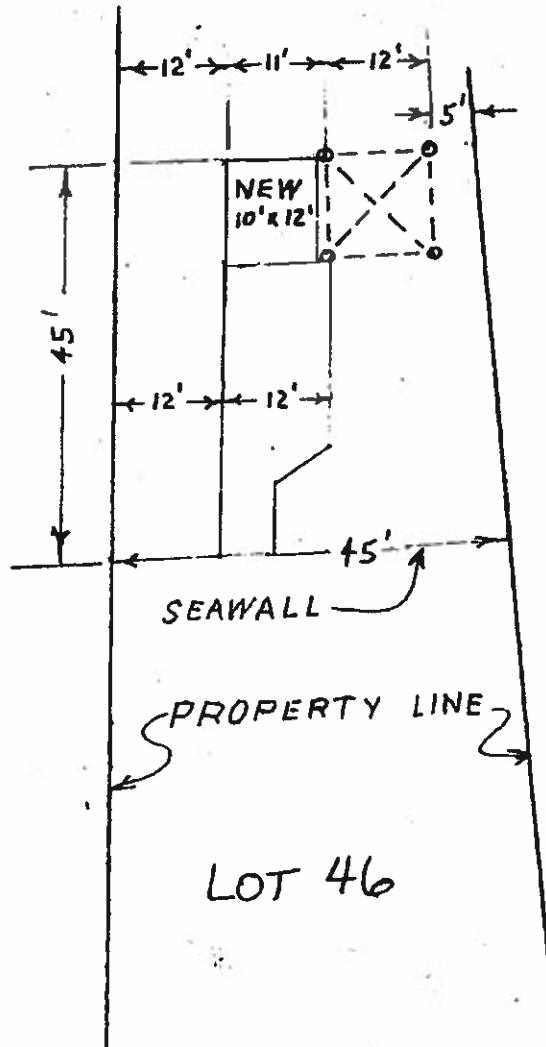
Dec 2, 2005 Date Shera Haigh Bie Legal Owner's Signature

Rev.
P36963-06

Private Dock Permit Application

Shera H. Bie, owner
525 20th Avenue
Indian Rocks Beach, FL 33785

March 13, 2006



Revisions

Date Received 3/14/06
Date Reviewed 3/14/06
Reviewed/Approved by: RB
Permit # 06-086

APPROVED
PINELLAS COUNTY
ENVIRONMENTAL MANAGEMENT
J. Hagan 3-21-06
FOR WILLIAM M. DAVIS, DIRECTOR

PRIVATE DOCK 525 20th Ave
 I.R.B., FL 33785

Rev.

Application # P36963-06
 (OFFICIAL USE ONLY)

MHW
 MLW
 BOTTOM

Profile View

ENG. SCALE: 1" =



TOTAL SQUARE FEET _____
 NEW SQUARE FEET _____
 WATERWAY WIDTH _____
 WATERFRONT WIDTH _____

Plan View
 (applicant and adjacent docks)

SEE ATTACHED FIGURE I.

SEE ATTACHED PHOTOGRAPHS.

SHORELINE

The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner		Right Owner	
Signature	Date	Signature	Date
CITY OF INDIAN ROCKS BEACH		<i>GW. Pic</i>	2 Dec 05
COMMUNITY DEVELOPMENT DEPARTMENT		Water and Navigation Approval	
SITE DEVELOPMENT APPROVED			
DATE <u>2/1/06</u> BY <u>[Signature]</u>			

Rev.

Application # P36963-06
(OFFICIAL USE ONLY)

DISCLOSURE FORM

In order to alleviate any potential conflict of interest with Pinellas County staff, it is required that the Authority be provided with a listing of PERSONS being party to a trust, corporation, or partnership, as well as anyone who may have beneficial interest in the application which would be affected by any decision rendered by the Authority. (Attach additional sheets if necessary.)

A. PROPERTY OWNERS:

SHERA H. BIE LYG TST UTD 12/1/97
Name: SHERA H. BIE TEE Name: _____
Address: 486 HARBOR DR. SOUTH Address: _____
INDIAN ROCKS BEACH, FL
Name: _____ Name: _____
Address: _____ Address: _____

B. REPRESENTATIVES:

Name: _____ Name: _____
Address: _____ Address: _____
Name: _____ Name: _____
Address: _____ Address: _____

C. OTHER PERSONS HAVING OWNERSHIP INTEREST IN THE SUBJECT PROPERTY:

Interest is: contingent absolute
Name: _____ specific interest held _____

D. DOES A CONTRACT FOR SALE EXIST FOR THE SUBJECT PROPERTY? YES NO

If so, the contract is: contingent absolute
Name of parties to the contract: _____

E. DOES AN OPTION TO PURCHASE EXIST FOR THE SUBJECT PROPERTY? YES NO

Name of parties to the option: _____

F. OWNER'S SIGNAL JRE:

I hereby certify that the information stated above is complete, accurate, and true to the best of my knowledge.

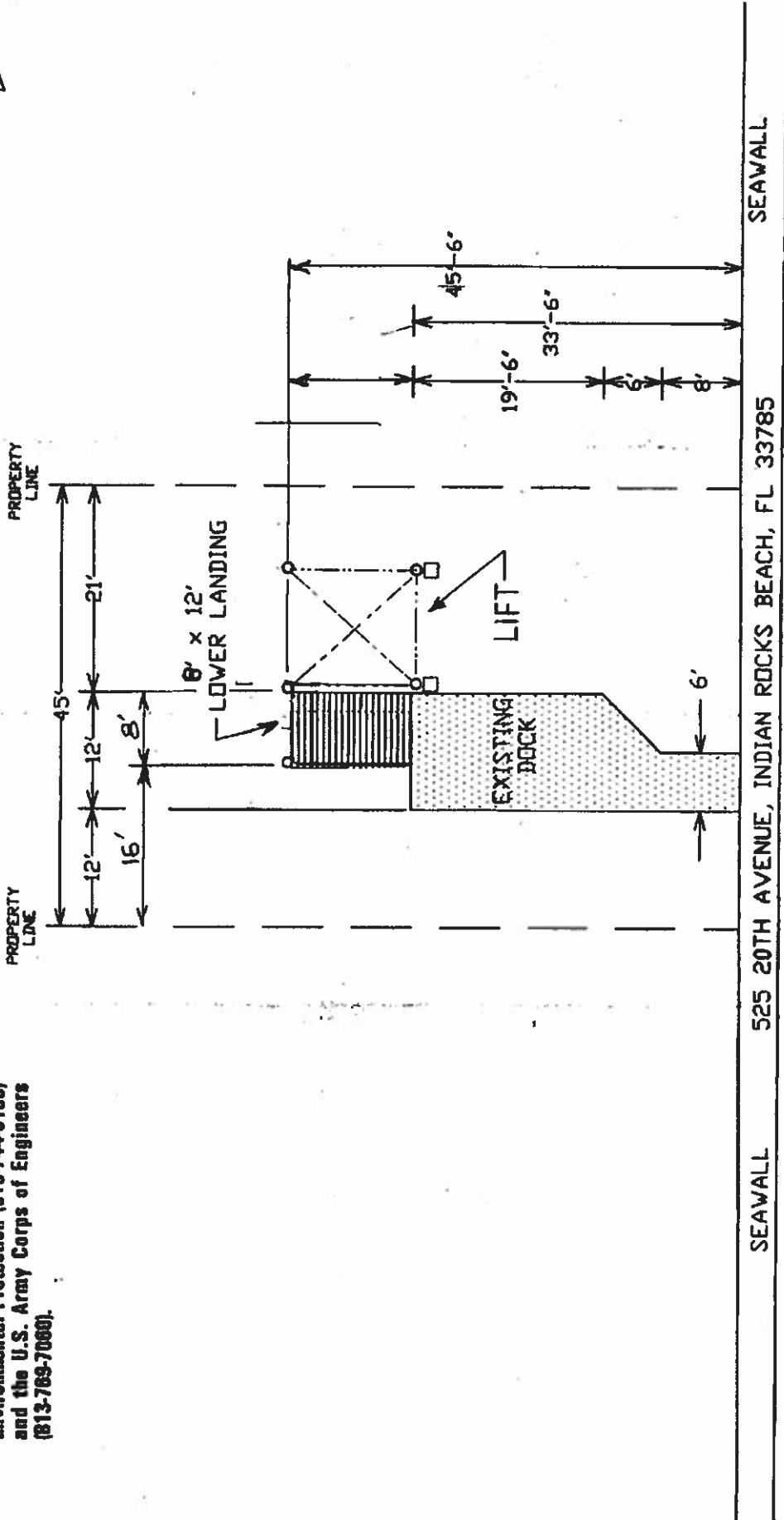
X Shera Haigh Bie Date Dec 2, 2005

P 36963-06 FIGURE I



P 36963-06
Rev.

This project may also require approvals from the Florida Dept of Environmental Protection (813-744-6100) and the U.S. Army Corps of Engineers (813-789-7060).



SEAWALL

525 20TH AVENUE, INDIAN ROCKS BEACH, FL 33785

SEAWALL


AGENDA ITEM NO. 7A


**ORDINANCE NO. 2022-07
FIRST READING**

An amendment to Section 74-63 of the Code of Ordinances pertaining to the operation of vessels within the City's coastal waters in the Gulf of Mexico; providing for the incorporation of recitals; providing for approval of an amendment to the City's Code to establish a public bathing beach area limited to manually propelled vessels only to conform to Florida's Statutes and Administrative Code.

INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: November 9, 2022 **Agenda Item:** 7A

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

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Ordinance No. 2022-07
IRB Buoy System / Waterway Markers Ordinance

BACKGROUND:

During the June 14, 2022 City Commission Meeting, the City Commission held discussions about the IRB Buoy System / Waterway Markers.

As the City Commission is aware, the City has had a permitted Buoy System / Waterway Markers in the Gulf of Mexico, within Pinellas County since 1996 and in April 2022, the City was contacted Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways who indicated that they had received a report from a neighboring jurisdiction that the IRB Buoy System may not comply with the current standards for a boating restricted area as outlined in Florida Statute 327.46.

Based upon the conversations with FFWC, it appears that in 2009 the Florida Statutes changed which limits what types of boating restricted areas that municipalities have the authority to establish.

In the case of IRB, the City had two-options:

1. Rescind Ordinance 591, which established the No Anchoring Zone and remove all the current Buoys in place.
2. Adopt a new Ordinance, which would designate the area as a swim zone and a boating-restricted area.

It was the consensus of the City Commission at the June 14, 2022 Meeting, to have staff prepare a revised Ordinance which would designate the area as a swim zone and a boating-restricted area.

The attached Ordinance on this matter is being presented for 1st Reading.

FISCAL IMPACT:

Within the FY 22/23 Operational Budget, funding has been appropriated to accomplish the tasks of removing and re-installing the Buoy System.

“Estimated” costs are as follows:

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

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AN AMENDMENT TO SECTION 74-63 OF THE CITY'S CODE OF ORDINANCES PERTAINING TO THE OPERATION OF VESSELS WITHIN THE CITY'S COASTAL WATERS IN THE GULF OF MEXICO; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL OF AN AMENDMENT TO THE CITY'S CODE TO ESTABLISH A PUBLIC BATHING BEACH AREA LIMITED TO MANUALLY PROPELLED VESSELS ONLY TO CONFORM TO FLORIDA'S STATUTES AND ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 74-63 of the City's Code of Ordinances presently regulates the operation of vessels in the City's coastal waters; and

WHEREAS, Section 327.46 (1) (b) 3. a., Florida Statutes, provides municipalities and counties with authority to regulate the permitted uses in the coastal waters of the Gulf of Mexico by adopting an ordinance establishing a "vessel-exclusion zone," if the area is designated as a "public bathing beach" or "swim area"; and

WHEREAS, through the Florida Administrative Code ("FAC") the Fish and Wildlife Conservation Commission articulates rules, pursuant to its rulemaking authority in Fla. Stat. § 327.41, to establish the permissible parameters for uniform waterway regulatory markers; and

WHEREAS, F.A.C. 68D-23.103 (3) (f) defines a "vessel-exclusion zone" as "an area from which all vessels or certain classes of vessels are excluded"; and

WHEREAS, though a "public bathing beach" is a cognizable category of a "vessel - exclusion zone," neither Florida Statutes nor the FAC define a "public bathing beach"; and

WHEREAS, Section 166.021, Florida Statutes acknowledges the City's governmental, corporate, and proprietary powers enabling it to conduct municipal government, perform municipal functions, and render municipal services, and that the City may exercise those powers for municipal purposes except when expressly prohibited by law; and

WHEREAS, the City's presently established "No-anchoring zone," does not conform to a permitted category within the State of Florida's existing legal framework; and

WHEREAS, the City's "No-anchoring zone" has historically been designated by a series of permitted regulatory markers and buoys visibly establishing its perimeter to advise mariners and the beachgoing public alike of its dimensions and the permissible activity therein; and

WHEREAS, in order to bring its local regulations into alignment with state statutes and

regulations, while continuing to balance the interests of vessel operators and the beachgoing public the City must amend its code; and

WHEREAS, the City Commission finds that this Ordinance is in the best interests of the City's residents and property owners and furthers the public interest in protecting life, safety and property values.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Indian Rocks Beach, Florida, that:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That Section 74-63 ("No-anchoring zone") of the Indian Rocks Beach City Code, is hereby amended to read as follows:

Section 74-63 No-Anchoring Zones

~~(a) Established; buoys; speed; transit. There is hereby established a no-anchoring zone, which is defined as that portion of the Gulf of Mexico lying between the northerly and southerly city limits of the city and easterly from the buoy line. The line shall be marked by regulatory buoys placed in accordance with permits and spaced, nominally, at 300-foot intervals along its length. As the buoys will move about their anchor location with the tides or currents, enforcement of this section shall extend to the area defined by the buoys at the water's surface at the time of infraction. Any boat or watercraft operating within the no-anchoring zone shall proceed cautiously at a speed not in excess of idle speed. The boat or watercraft shall transit the no-anchoring zone in the shortest and most direct route possible taking into consideration safe navigation and the safety and enjoyment of other users of the area.~~

~~(b) Anchoring vehicles prohibited. It is unlawful for any person to anchor a watercraft within the restricted water area described in subsection (a) of this section and which is clearly marked by buoys.~~

Section 74-63. Public Bathing Beach Area.

(a) Purpose. This section is enacted for the purpose of protecting public bathers from dangers caused by increased and accelerated vessel operations along the beaches and shorelines of the City of Indian Rocks Beach. The purpose of this Section is to protect public bathers that bathe, wade, lounge, congregate, and engage in recreational activities in and on the shallow waters of the city. The city desires to ensure that such activities are conducted in a manner that is safe for any residents and visitors that engage in such activities, with protection from potential boating accidents, vessel congestion, and other navigational hazards. The city intends to designate the entire area extending three hundred feet (300') from the city's shoreline and into the Gulf of Mexico as a public bathing beach.

(b) Definitions. For purposes of this Section, the following terms, phrases, words, and derivations shall have the meaning given herein.

- 1) Boating restricted area. An area of the city's waters within which the operation of vessels is subject to specified restrictions or from which vessels, or certain classes of vessels, are excluded.
- 2) Buoy. Any device designed to float which is anchored in the water and used to convey a message, carry a sign, or support a mooring pennant.
- 3) Manually Propelled Vessels Only. All vessels other than those propelled by oars, paddles, or poles are prohibited from entering the marked area. Vessels equipped with sails, or a mechanical means of propulsion may enter the marked area only if the sails or mechanical means of propulsion is not in use and, if possible to do so, the mechanical means of propulsion is tilted or raised out of the water.
- 4) Regulatory Marker. A device used to alert mariners to various regulatory matters such as permissible horsepower, speed, wake, or entry restrictions.
- 5) Vessel-Exclusion Zone. An area from which all vessels or certain classes of vessels are excluded.

(c) Public Bathing Beach Permitting Manually Propelled Vessel Only.

- 1) Public Bathing Beach Established. There is created a boating restricted area designated as a public bathing beach, wherein only manually propelled vessels are permitted. This area shall extend three hundred feet (300') from the city's shoreline into the Gulf of Mexico and run parallel along the entirety of the city's shoreline abutting the Gulf of Mexico.
- 2) Public Bathing Beach Markers. This boating restricted area shall be designated by regulatory markers affixed to buoys, which shall be designed, installed, replaced, and maintained in conformity with any applicable state and federal regulatory requirements. The City may install, replace, and maintain the requisite regulatory markers and buoys, or cause such activity to occur.

(d) Violations.

- 1) Any operator or person in command of any motorized, wind-powered, or other artificially propelled vessel who intentionally or negligently navigates into the designated public bathing beach shall be deemed to have violated the restrictions set forth in this Section, which shall constitute a noncriminal infraction as set forth in F.S. § 327.73. Such restriction shall not apply to any watercraft entering the vessel-exclusion zone as a result of an emergency or to any official emergency vessels.

- 2) The mooring of any vessel, watercraft, or other foreign object to markers or buoys placed by the city or other authorized governmental body shall be prohibited and punishable by a fine pursuant to Section 1-15 of the city's code of ordinances.
 - 3) It shall be unlawful for any person to anchor a watercraft within the public bathing beach, which area shall be marked by buoys and permitted regulatory markers.
- (e) Enforcement. Enforcement of the restrictions relating to the operation of any motorized, wind-powered, or other artificially propelled vessel shall be by law enforcement officers from the Florida Fish and Wildlife Conservation Commission or County Sheriff Department, using the Uniform Boating Citation as provided for by applicable Florida law. Any other violations of this Section may be enforced by a city code enforcement inspector.

SECTION 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

SECTION 4. All other ordinances of the City of Indian Rocks Beach, Florida, or portions thereof, which conflict, with this or any part of this Ordinance are hereby repealed.

SECTION 5. This Ordinance shall become effective upon adoption by the City Commission of the City of Indian Rocks Beach, Florida.

ADOPTED ON FIRST READING on the ___ day of _____, 2022, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED the ___ day of _____ 2022 in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the ___ day of _____, 2022, by the City Commission of the City of Indian Rocks Beach, Florida.

ATTEST:

Deanne B. O'Reilly, City Clerk

Joanne Moston Kennedy
Mayor-Commissioner

APPROVED AS TO FORM:

Randy D. Mora, City Attorney

AGENDA ITEM NO. 7B

**DISCUSS AND AUTHORIZE the City
Manager to execute a First
Amendment Exclusive Residential
Recycling Service Contract with
Waste Connections of Florida, Inc.**

INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: November 9, 2022 **AGENDA ITEM:** 7B

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: Discuss and Authorize the City Manager to execute a First Amendment Exclusive Residential Recycling Service Contract with Waste Connections of Floridan Inc.

BACKGROUND:

As the City Commission is aware, the City's current contract for Curbside Recycling will expire on December 31, 2022.

During the October 11, 2022 City Commission Meeting, staff provided several options regarding the Recycling Program and per the City Commission consensus, the following information is provided on the IRB Recycling Program.

*** 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.**

Upon a further review, this option has been declared as not viable due to logistical reasons and service level requirements of IRB and the capabilities of the City of Largo.

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

This option has been further discussed by staff with the current contractor and a "Revised Proposal" to the City has been offered as follows:

2 Year Contract Extension

\$11.53 per month for S/F Home – (same as the current Bid that was provided from Waste Pro to Madeira Beach)

\$28.63 per pick up for Condominiums

Current CPI language in contract remains the same

\$389,015.40 annually

ANALYSIS:

It should be noted that this option is a 62.3% increase to the current Recycling Budget Expenditures and will require a Rate Increase for the Solid Waste Customers.

FISCAL IMPACT:

The newly negotiated contract with Waste Connections has a financial impact on the current adopted FY 2023 Solid Waste rates.

The new Recycling Contract is \$389k per year or \$150K more annually than the previous Recycling Contract.

A 10% increase in Solid Waste rates will be necessary to generate the additional \$150k annually to cover the increases to Recycling costs.

Current residential rates of \$62.50 bi-monthly will be increased to \$68.75, and commercial rates will be increased 10% for all commercial containers.

If approved, a FY23 Budget Amendment and Solid Waste Rate Change Ordinance will be brought to the City Commission at a later date.

If the City Commission approves this option, it should also authorize the City Manager to sign all Contract extension documents.

Scharmen, Dean

From: Ian Boyle <ian.boyle@wasteconnections.com>
Sent: Wednesday, October 12, 2022 1:58 PM
To: Scharmen, Dean
Cc: William Krimmel
Subject: Waste Connections Revised Extension Proposal

Importance: High

Dean,

Per our conversation today, Waste Connections can offer the following revised proposal:

- ***\$11.53/home – Single Family service***
- ***\$28.63/pick-up for the Condos***
- ***2-year extension***
- ***Keep the current CPI language with the understanding that if the cost to provide service drastically increases due to factors out of our control then both parties will discuss an equitable adjustment for 2024.***

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

FIRST AMENDMENT TO EXCLUSIVE RESIDENTIAL RECYCLING SERVICE CONTRACT

This First Amendment to that certain Exclusive Residential Recycling Service Contract (the "First Amendment") is entered into and made effective as of _____, 2022 (the "First Amendment Effective Date"), by and between **THE CITY OF INDIAN ROCKS BEACH, FLORIDA**, ("City") and **WASTE CONNECTIONS OF FLORIDA, INC.** ("Contractor"). City and Contractor shall be sometimes referred to collectively as the "Parties."

RECITALS:

WHEREAS, the City and Contractor entered into that certain Residential and Commercial Refuse and Recycle Service Contract commencing on January 1, 2019 (the "Agreement"); and

WHEREAS, the Parties desire to amend, clarify or restate portions the Agreement as further described herein.

AGREEMENT:

NOW, THEREFORE, and in consideration of these premises and such other lawful consideration, the receipt and sufficiency of which each of the parties hereto acknowledge, the parties agree as follows:

1. **Extension of Term**. This First Amendment shall memorialize and acknowledge the Parties extending the Agreement for an additional two (2) year period per Section 11.2 of the Agreement.
2. **Rates**. Effective as of January 1, 2023, Exhibit A of the Agreement shall be deleted and replaced with Exhibit "A" attached hereto and incorporated herein this First Amendment.
3. **Reaffirmation**. The Parties hereby reaffirm their agreement with all the terms and provisions of the Agreement as amended by this First Amendment.
4. **Entire Agreement**. The Agreement and this First Amendment represents the entire agreement among the Parties with respect to the matters that are the subject hereof
5. **Counterparts; Facsimile Signatures**. This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall collectively constitute one and the same instrument representing this First Amendment between the parties hereto, and it shall not be necessary for the proof of this First Amendment that any party produce or account for more than one such counterpart. Facsimile signatures shall be given the same force and effect as original signatures and shall be treated for all purposes and intents as original signatures.

[Signature Page to Follow]

IN WITNESS WHEREOF, the undersigned have executed this First Amendment as of the First Amendment Effective Date.

WASTE CONNECTIONS OF FLORIDA, INC.

By: _____
Name: _____
Title: _____
Date: _____

WITNESS:

By: _____
Name: _____

CITY OF INDIAN ROCKS BEACH, FLORIDA

By: _____
Name: _____
Title: _____
Date: _____

WITNESS:

By: _____
Name: _____

EXHIBIT "A"

RATES

Residential Unit Rates (Per Unit)

\$11.53 per home/per month

Condominium

\$28.63 per pickup

Additional Carts

AGENDA ITEM NO. 8A

WORK SESSION ITEMS: NONE

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10

ADJOURNMENT.