

MINUTES

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 13, 2024- 6:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785**

Mayor-Commissioner Kennedy called the meeting to order at 6:01 p.m., followed by the Pledge of Allegiance and a moment of silence.

City Clerk, Lorin Kornijtschuk, swore in the newly appointed City Commissioner, John Bigelow.

MEMBERS PRESENT: Mayor-Commissioner Joanne Kennedy, Vice-Mayor Commissioner Jude Bond, Commissioner Denise Houseberg, Commissioner Janet Wilson and Commissioner John Bigelow.

OTHERS PRESENT: City Attorney Randy Mora, City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen, City Clerk Lorin Kornijtschuk and Finance/HR Specialist Elizabeth Atkinson.

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

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

A PCSO representative reviewed the monthly report.

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

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

1 C. RECOGNITION OF Father Robert "Bob" Wagenseil.

Mayor-Commissioner Kennedy presented Father Robert "Bob" Wagenseil with a recognition plaque.

PRESENTATION BY Women's Tea.

Cecily Benga, the host of the IRB Women's Tea presented a check to the following organizations: The Beach Community Food Pantry and Mental Health for Healers/ First Responders.

2. PUBLIC COMMENTS.

Oliver Kugler, 19111 Vista Bay Drive, Indian Shores, stated he is the new Community Relations Manager of Visit St. Pete – Clearwater. He thanked the Commission and staff for the IRB Boat Parade and the holiday lights on Gulf Boulevard.

Adrienne Dausen, 2008 Gulf Boulevard #3, stated her and other homes on the 20th Avenue block had no Duke or Spectrum service due to a line being spliced. She stated she has had to make calls to the City regarding squatters and vagrants at 2004 Gulf Boulevard and recently the roof has collapsed.

Don House, 2104 Beach Trail, stated he read Mayor-Commissioner Kennedys reason for recusing herself from a portion of the November 2023 City Commission Meeting. He stated he still had questions.

John Phanstiel, 448 Harbor Drive South, stated it is wonderful that the Police and Fire Departments give their monthly reports but more important is how many residents are we losing each month.

Mayor-Commissioner Kennedy closed the Public Comment.

3 A. REPORT OF the City Attorney.

City Attorney Mora stated the City short-term rental litigation has been administratively stayed while the parties explore alternative solutions outside of litigation. In addition to the short-term litigations the City has a couple of personal injury suits that are being handled by the City's insurance defense council.

City Attorney Mora provided an update to Senate Bills 280, 1537 and 609. He also stated that another bill was proposed to commission a study to see how local government could be funded if ad valorem taxes were eliminated.

Mayor-Commissioner Kennedy asked is there a bill dealing with local government and counties to do a streamline for 15 days on building departments.

City Attorney Mora replied there is proposed legislation attempting to streamline permitting process. However, some of those provisions become less relevant for communities that are in the floodplain.

3 B. REPORT OF the City Manager.

City Manager Mims recognized team member Elizabeth Atkinson, Finance/HR Specialist, and her 17 years of service with the City.

City Manager Mims stated the speed sign on Harbor Drive is in the process of being replaced and another piece of adaptive playground equipment has been installed in Kolb Park.

City Manager Mims stated the Special Magistrate program is working well. The City has achieved compliance with illegal conversion of ground floor areas in residential housing. Also, there is a judgement on a vacant commercial property that is still pending before the magistrate that has resulted in a 6-figure penalty. The property owner has taken steps to reopen the station. He stated the overwhelming majority of people that have code issues comply with the request from the city, it is a small percentage that do not, that is the benefit of the Special Magistrate Program.

3 C. REPORT OF the City Commission.

Commissioner Wilson thanked the Pinellas County Sheriffs Office for assisting her with an incident she recently had.

Commissioner Houseberg stated it was a wonderful farewell tea for Mayor-Commissioner Kennedy.

Commissioner Bigelow stated he made it through his second Commission Meeting and is looking forward to serving.

Mayor-Commissioner Kennedy stated Winterfest will be on Saturday, February 17, 2024.

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

5. **CONSENT AGENDA:**

- A. **APPROVAL OF** the Amended November 14, 2023 City Commission Meeting Minutes.
- B. **APPROVAL OF** the January 11, 2024 Special City Commission Meeting Minutes.
- C. **APPROVAL OF** the January 11, 2024 City Commission Meeting Minutes.
- D. **APPROVAL OF** the dates for the City Commission Budget Workshops and Public Hearings for the Fiscal 2024/2025 Operating Budget and Capital Improvements Budget.
- E. **RECEIVE/FILE** December 2023 Year-To-Date First Quarter Financials.
- F. **AUTHORIZING** the City Manager to dispose of surplus property/equipment which has become unnecessary or unfit for the City's use.

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

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

6. **PUBLIC HEARINGS:**

- A. **RESOLUTION NO. 2024-01-** A resolution of the City of Indian Rocks Beach, Florida, relating to lot mowing or clearing, providing for approval and endorsement of all assessments as finally fixed and adjusted. 2004 Gulf Boulevard, Indian Rocks Beach, FL. 33785.

[Beginning of Staff Report]

The City's Code requires property owners to trim vegetation on their property and otherwise keep the premises clean and free of debris, trash, and other noxious matter.¹ If a property owner fails to maintain the property in such a fashion, the City may take steps to abate the property and charge the owner an assessment commensurate with the cost to the City to do so.²

Once the City completes the work in connection with the abatement of the property and upon proper notice to the necessary parties, "the city commission will meet to hear and determine any

objections or defenses that may be filed in writing to the assessment of the amount thereof.”³ After the hearing is held, “the city commission shall by resolution approve and endorse all assessments as finally fixed and adjusted at [a public hearing]. Such assessment shall, from the date of such confirmation, constitute a lien on the respective lot or parcels of land or other real property upon which they are levied... All persons who fail to object in writing to the proposed assessment in the matter provided in this article shall be deemed to have consented to and approved the assessment.”⁴

Attached to this Memorandum is Resolution 2024-01 and corresponding Exhibit A, 2004 Gulf Boulevard, Indian Rocks Beach, Fl. 33785 – the Assessment List for Lot Mowing. The property owner or agent listed on the Assessment for Lot Mowing has failed to maintain the property per the City’s Code and has caused the City to abate the property and assess the listed costs for doing so. The City has been in contact with Thelma Smith, regarding the status of the property. Ms. Smith has failed to maintain the property as required, and the City now seeks to recover its costs.

Staff recommends the Commission approve Resolution 2024-01.

[End of Staff Report]

City Attorney Mora read Resolution No. 2024-01 by title only. City Manager Mims stated the property is not occupied and has been an issue for a long time. The Commission previously approved a lien when the City demolished the free-standing dilapidated garage. Ongoing efforts by the City and private companies were used to maintain the property. The property was noticed in accordance with the City Code. The property owner received notice by registered mail and regular mail, no responses were received. Exhibit A shows an accrued passed due fees for cleanup and maintenance totaling \$4,266.02.

Vice-Mayor Commissioner Bond asked what the end goal is. City Manager Mims responded to have the property owner maintain their property.

Mayor-Commissioner Kennedy opened the public hearing.

Adrienne Dauses, 2008 Gulf Boulevard #3, stated 2004 Gulf Boulevard is uninhabitable, the roof has collapsed and there have been squatters’ multiple times. Someone tried to splice the lines to the electrical grid on 20th Avenue to attempt to get power to this abandoned house.

Mayor-Commissioner Kennedy closed the public hearing.

MOTION was made by Commissioner Wilson and seconded by Commissioner Houseberg to approve Resolution No. 2024-01, A Resolution of the City of Indian Rocks Beach, Florida, relating to lot mowing or clearing, providing for approval and endorsement of all assessments as finally fixed and adjusted. The Motion carried unanimously.

Commissioner Wilson stated the City needs to place pressure so there is something done about this property.

Commissioner Houseberg stated it is terrible when you have squatters in the house.

Vice-Mayor Commissioner Bond asked if these costs were retroactive or if these costs were moving forward.

City Manager Mims responded these are expenses that we have already incurred. We would have to come back to the commission with any other costs.

Commissioner Bigelow stated he would not want something like that next to his house.

City Manager Mims stated on behalf of the people that work for the City if we were not taking care of the situation this would not be an agenda item.

Mayor-Commissioner Kennedy stated as long as she has been elected, she knows of only one other property that was such a mess.

Roll Call Vote:

AYES: Bigelow, Bond, Houseberg, Kenney, Wilson

NAYS: None

7. OTHER LEGISLATIVE MATTERS. None.

Mayor-Commissioner Kennedy stated she has been named the Chair of the Barrier Islands Governmental Council, due to a resignation. The next meeting will be held at Madeira Beach City Hall on Wednesday, February 28, 2024 at 9:00 AM.

8. WORK SESSION ITEMS. None.

9. OTHER BUSINESS. None.

10. ADJOURNMENT. None

Motion was made by Commissioner Houseberg and seconded by Commissioner Wilson to adjourn at 6:56 p.m. Unanimous approval by acclamation.

Lorin A. Kornijtschuk, City Clerk