

MINUTES
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION MEETING
TUESDAY, APRIL 9, 2024- 6:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785

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

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

OTHERS PRESENT: City Attorney Randy Mora, Finance Director Dan Carpenter, Public Works Director Dean Scharmen and City Clerk Lorin Kornijtschuk.

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

SWEARING IN CEREMONY

1. **Mayor-Commissioner Denise Houseberg**
Sworn in by City Attorney Randy Mora
2. **Commissioner Janet Wilson**
Sworn in by City Attorney Randy Mora
3. **Commissioner Jude Bond**
Sworn in by City Attorney Randy Mora
4. **DISCUSSION/VOTE.** Commissioner Discussion and vote on appointment to the City Commission.

1st vote :

Mayor-Commissioner Houseberg: Elizabeth Flynn
Commissioner Wilson: Elizabeth Flynn,
Commissioner Bigelow: Timothy Dunfey
Commissioner Bond: Hope Wyant

2nd vote:

Mayor-Commissioner Houseberg: Elizabeth Flynn
Commissioner Wilson: Elizabeth Flynn
Commissioner Bigelow: Timothy Dunfey
Commissioner Bond: Hope Wyant

3rd vote:

Mayor-Commissioner Houseberg: Hope Wyant
Commissioner Wilson: Elizabeth Flynn
Commissioner Bigelow: Hope Wyant
Commissioner Bond: Hope Wyant

Hope Wyant won the majority vote and was sworn in by the City Attorney Randy Mora.

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

A PCSO representative provided an update on recent events.

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

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

5 C. PRESENTATION of the Annual Comprehensive Financial Report for Fiscal Year Ended September 30, 2023, by Jeff Wolf, CPA, with MSL.

6. PUBLIC COMMENTS.

Scott Shapiro, 2032 20th Avenue Parkway congratulated Commissioner Hope Wyant on her appointment and thanked the Commission for filing the position at this meeting. He asked what the status was of the New Years Day Christmas Tree Burning. Mr. Shapiro stated that 6 no parking signs appeared on his street, and he cannot park in front of his house.

John Pfanstiehl, 448 Harbor Drive South, congratulated the newly elected commission. He read a statement from resident Suzanne Gibson regarding the Library 50-year Celebration being held in the City Auditorium on Thursday, April 11 at 5:00 p.m.

Phil Wrobel, 112 13th Avenue congratulated Commissioner Hope Wyant on her appointment. He stated that he has witnessed on the beach at sunset dogs running loose and an electric motorcycle. He stated that kids are speeding in golf carts on the streets. He stated that he knows the sheriffs are busy, but an additional deputy could be added for extra enforcement.

Mayor-Commissioner Houseberg closed the Public Comment.

7 A. REPORT OF the City Attorney.

City Attorney Mora stated he sent a memo providing an update on the Legislative Session on items that the city has been tracking such as building permitting and ethics complaints. Senate Bill 280 has not yet been sent to the governor. He stated there are 8 litigations challenging the City's Short-term rental ordinance and they remain in abatement while the parties explore an amicable resolution.

City Attorney Mora requested to schedule a shade meeting with the commission to discuss the litigations.

7 B. REPORT OF the City Manager.

Finance Director Dan Carpenter stated the City Managers report was in the agenda packet.

7 C. REPORT OF the City Commission.

Commissioner Bond stated items that he would like to address over the year: Golf cart safety, cigarettes on the beach, e-bikes on the beach, pedestrian safety, water advisories, turtle lights and the issue of paid parking. He stated he would like to look into a volunteer group called the Dune Savers, their mission is about the safety of the dunes.

Commissioner Bigelow congratulated the newly elected commissioners and welcomed Commissioner Hope Wyant.

Vice-Mayor Commissioner Wilson would like to request to be the Florida League of Cities Conference representative at the August conference this year from our commission.

Commissioner Wyant thanked the commissioners for appointing her. She made a promise to do her best to represent everyone who lives in Indian Rocks Beach.

Mayor-Commissioner Houseberg stated this is her very first night as Mayor-Commissioner, and thanked everyone who came to see the swearing in.

8. **ADDITIONS/DELETIONS.** None.

9. **CONSENT AGENDA:**

- A. **APPROVAL OF RESOLUTION NO. 2024-02.** A Resolution of the City of Indian Rocks Beach, Florida, announcing the results of the March 19, 2024, General Municipal Election, for the Mayor-Commissioner seat and two City Commissioner seats, each to be seated for two-year terms, and providing for an effective date.
- B. **APPROVAL OF** the March 12, 2024, City Commission Meeting Minutes.
- C. **APPROVAL OF** rescheduling June 11, 2024, Regular City Commission Meeting to June 4, 2024, at 6:00 p.m.
- D. **PROCLAMATION:** Recognize April as Autism Awareness month.
- E. **ACCEPT/FILE** the Annual Comprehensive Financial Report for Fiscal Year Ended September 30, 2023.

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

MOTION BY COMMISSIONER BOND, SECONDED BY COMMISSIONER WILSON TO APPROVE THE AGENDA ITEM 5A THROUGH 5 E.

ROLL CALL VOTE:

ALL AYES. MOTION CARRIED 5-0.

10. **PUBLIC HEARINGS:**

- A. **ABT CASE NO. 22-2024- 1309 Gulf Boulevard, Grove Surf and Cafe**
Considering a 2COP Alcoholic Beverage Use Designation (*Beer & wine. By the drink or in sealed containers for consumption on or off premises where sold*), for Grove Surf and Café located at 1309 Gulf Boulevard Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 30, Lots 23 and N ½ VAC ALLEY ADJ on S PER O.R. 1063/15791, 2, and 3.

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

City Attorney Mora read Agenda Item No. 10A, ABT Case No. 23-2024.

City Clerk Kornijtschuk presented ABT Case No. 23-2024, Grove Surf and Cafe, 2 COP Alcoholic Beverage Use Designation.

On March 8, 2024, Peter Gottschling submitted a 2COP Alcoholic Beverage Designation Application (*Beer and wine. By the drink or in sealed containers for consumption on or off premises where sold*) for the establishment Grove Surf and Cafe, located at 1309 Gulf Boulevard, Indian Rocks Beach, Florida, legally described as Indian Beach Re-Revised, Block 30, Lot 23 and N ½ VAC Alley ADJ on S per O.R. 10763/1579.

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

ANALYSIS:

Grove Surf and Cafe is located at 1309 Gulf Boulevard in the B-Business District. The surrounding zoning is B-Business to the north and south, R2-Medium density multifamily zoning district to the east and CT-Commercial Tourist on the west side of Gulf Boulevard.

After a review of the application by the Planning Consultant, it was determined that the Alcoholic Beverage Application is in compliance with Chapter 6, Alcoholic Beverages, Chapter 110, Zoning, and parking is shared with the other tenants in this commercial plaza.

The Pinellas County Sheriff's Office reviewed its files for Peter Gottschling, and determined there are no responsive public records.

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

PUBLIC NOTIFICATION: A public meeting notice was mailed by first-class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on March 25, 2024, per Code Section 2-149.

A legal notice was published in the March 27, 2024-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on April 9, 2024, for ABT Case No. 22-2024.

Mayor-Commissioner Houseberg opened the public hearing.

Applicants Peter and Lindsey Gottschling, 13936 106th Ave., Largo, FL. 33774 stated they were excited to be a part of the community. They will be serving breakfast, lunch, coffee, espresso, beer and wine. Ms. Gottschling stated this will be their second location, their other location is in St. Pete Beach.

Commissioner Bond asked if there was beer and wine in the other location. The applicant replied they do not. It is a slightly different concept with a full kitchen.

Scott Shapiro 2032 20th Avenue Parkway stated he was happy not to see another bar or pizza place.

Mayor-Commissioner Houseberg closed the public hearing.

MOTION MADE BY VICE-MAYOR COMMISSIONER WILSON AND SECONDED BY COMMISSIONER JOHN BIGELOW TO APPROVE a request for an Alcoholic Beverage Use Designation 2COP (*Beer and wine. By the drink or in sealed containers for consumption on or off premises where sold*), for Grove Surf and Cafe, located at 1309 Gulf Boulevard, Indian Rocks Beach, Florida, with the following stipulation: ***Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment, or the parking area may result in the revocation of the alcoholic beverage designation.***

Roll Call Vote:

AYES: Bigelow, Bond, Wyant, Wilson, Houseberg

NAYES: None

Vote 5-0

11. OTHER LEGISLATIVE MATTERS.

- A. RESOLUTION NO. 2024-03.** A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a member of the City Commission to serve as Vice-Mayor Commissioner; and providing for an effective date.

Charter Section 4.4 authorizes the City Commission to appoint a Vice Mayor-Commissioner from among the members of the City Commission at its first regular meeting following certification each year.

The duties of the Vice Mayor-Commissioner shall be to preside over the meetings of the City Commission during the absence of the Mayor-Commissioner, and in general, in the absence or the incapacity of the Mayor-Commissioner, he or she shall do and perform those acts and things provided in the City Charter to be done by the Mayor-Commissioner.

ANALYSIS:

The City Commission should appoint a member of the City Commission to serve as Vice Mayor-Commissioner, which term shall commence on April 9, 2024, and shall expire on the newly elected City Commission's first meeting following certification of the March 11, 2025, Municipal General Election results.

Mayor-Commissioner stated she would like to have Commissioner Wilson as Vice-Mayor Commissioner. City Attorney Mora stated that the Mayor-Commissioner cannot make the motion.

Commissioner Wyant stated she would like Commissioner Bond to stay on as Vice-Mayor as he has been in office the longest.

Commissioner Bigelow and Commissioner Bond stated they would vote for Commissioner Wilson.

MOTION MADE BY COMMISSIONER BIGELOW AND SECONDED BY COMMISSIONER WYANT TO APPROVE to appoint **Commissioner Wilson** to serve as Vice Mayor-Commissioner effective April 9, 2024, and until the first meeting of the newly elected City Commission following certification of the March 11, 2025, Municipal General Election results.

Mayor-Commissioner Houseberg opened public comment. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

Roll Call Vote:

AYES: Bigelow, Bond, Wyant, Wilson, Houseberg

NAYES: None

Vote 5-0

- B. RESOLUTION NO. 2024-04.** A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a voting delegate and first and second alternate voting delegates to represent the City of Indian Rocks Beach at the Barrier Islands Governmental Council (BIG-C) Meetings; and providing for an effective date.

BACKGROUND: The BIG-C By-Laws, Article III, Section 2, Representation, states that all elected officials of each municipality shall be members of the council, one of whom shall be appointed by the municipality as the voting delegate. Each municipality may appoint other elected officials as alternate voting delegates. Each municipality shall designate their delegates in writing.

Delegate #1 - Name - Voting Delegate.

Delegate #2 - Name - Alternate to Delegate #1.

Delegate #3 - Name - Alternate to Delegate #2.

An alternate voting delegate may vote when the voting delegate is absent. Each city is entitled to one vote.

The object of the BIG-C is to stimulate communications between the barrier island cities to focus on problems common to all, including but not limited to: tourism, recycling, public transportation, beach preservation, renourishment and access, marine environment, air and water quality, public safety, density management, waterway regulation, taxation based on permanent residents and average transient population, to unite and be able to have one voice addressing the county, state, and federal governments while respecting the individuality of each.

ANALYSIS: The City Commission needs to appoint a voting delegate and two alternate voting delegates to the BIG-C. The BIG-C meetings are held the last Wednesday of each month at 9:00 a.m., with the location rotating between the membership cities.

MOTION MADE BY COMMISSIONER WYANT AND SECONDED BY COMMISSIONER WILSON TO APPROVE Resolution No. 2024-04, appointing **Mayor Denise Houseberg** as the City's voting delegate, at the BIG-C meetings, with **Commissioner Wilson** as the first alternate voting delegate, and **Commissioner Jude Bond** as the second alternate voting delegate.

Mayor-Commissioner Houseberg opened public comment. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

Roll Call Vote:

AYES: Bigelow, Bond, Wyant, Wilson, Houseberg

NAYES: None

Vote 5-0

12. WORK SESSION ITEMS.

A. DISCUSSION on establishing the appointments of electors to serve on the Charter Review Committee.

City Attorney Mora presented the Work Session and will email the presentation after the meeting.

BACKGROUND:

Section 15.4. - Charter review committee.

- (a) The city commission shall appoint a charter review committee no sooner than five (5) years and no greater than ten (10) years beginning in January 2014. The city commission, by resolution, shall establish membership, appointment and procedures of the Charter review committee.
- (b) The charter review committee will meet no later than thirty (30) days after appointment for the purpose of organization and shall elect a chair and vice chair from among its members. Further meetings of the charter review committee shall be held at the call of the chair. All meetings shall be open to the public. A majority of members shall constitute a quorum.
- (c) The charter review committee shall review the charter of the city and applicable county, state and federal statutes and laws in order to recommend amendments to the city Charter, if any. The charter review committee shall complete its review and submit its report to the city commission no later than six (6) months after the original appointment of the committee. Included in the report shall be any proposed amendments to the Charter. After review of the report by the city commission, the city commission may call for a referendum election on the proposed amendments, if any, in accordance with the general election laws of the State of Florida. Passage of amendments shall require approval of a majority of electors voting in said election on such amendment.

(Ord. No. 2003-33, § 2, 11-2-2004; Ord. No. 2014-43, § 2, 3-10-2015; Ord. No. 2014-44, § 2, 3-10-2015)

ANALYSIS:

As set forth in the City Charter, the City Commission must appoint a Charter Review Committee by January 2024.

Staff recommends that the City Commission discuss the establishment of the Charter Review Committee, and establish criteria for membership, appointment process and procedures or review process for inclusion in the development of a proposed ordinance for City Commission consideration.

Staff recommends that the City Commission take legislative action to establish the Charter Review Committee. Within this action, the City Commission must establish criteria for membership, set forth the process for the appointment of members and provide procedural or process for the Committee's utilization.

City Attorney Mora stated what was done in 2014 was that every member of the commission appointed an elector to be a member of the Charter Review Committee. The Charter Review Committee would have to have their first meeting within 30 days of when they were appointed. They will appoint their own chair, they will establish how often they should meet, 3 out of the 5 members constitute a quorum, they were not compensated, and meetings were held in the public hall. This is an advisory committee. City Attorney Mora asked the commission what the consensus would be on how many committee members and how they would want the committee members selected.

Per City Commission direction, staff will draft a resolution for City Commission consideration incorporating the required criteria.

13. OTHER BUSINESS. None.

14. ADJOURNMENT.

Motion was made by Vice-Mayor Commissioner Wilson and seconded by Commissioner Bigelow to adjourn at 7:55 p.m. Unanimous approval by acclamation.

5/14/2024

Date Approved
