

MINUTES
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION
TUESDAY, AUGUST 27, 2024 @ 4:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785

Mayor-Commissioner Houseberg called the meeting to order at 4:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

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

OTHERS PRESENT: City Attorney Randy Mora, Attorney Carlos Kelly, City Clerk Lorin Kornijtschuk, and Pinellas County Sheriff Officer Captain Michael Leiner.

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

1. Introduction by City Attorney Mora of the proposed Ordinance No. 2023-02-Vacation Rental Regulations.

City Attorney Mora clarified what was to be expected at the meeting. He emphasized that no new ordinances or regulations would be adopted. The purpose was to determine whether the commission wanted to see the proposed ordinance presented for first reading at a future meeting. He explained the city is currently facing multiple lawsuits challenging the validity of our short-term rental ordinance, which was adopted last May. These lawsuits led to a court-ordered mediation. The mediation produced a proposed settlement in the form of a revised ordinance. He explained that the commissioners are the policymakers, and the ultimate decisions about this ordinance rest with them.

To recap the timeline:

- On April 11, 2023, the commission held the first reading of the ordinance.
- By August, lawsuits challenging the ordinance began to emerge.
- The court ordered mediation on October 19, 2023.
- Mediation discussions continued into January 2024, during which Senate Bill 280 was introduced but later vetoed.
- The current proposed ordinance is the result of ongoing discussions and aims to resolve these lawsuits.

City Attorney Mora further explained that currently there are seven active lawsuits, all in federal court. They involve a range of claims, including challenges based on takings, First Amendment rights, equal protection, and procedural due process, among others. The city's potential liability includes invalidation of parts or all of the ordinance and exposure to attorney's fees and litigation costs.

If the proposed ordinance is adopted, the lawsuits would be dismissed, with no monetary settlement involved. If the ordinance is rejected, litigation may resume, and new deadlines

would need to be set. The ordinance changes include revisions to definitions, registration requirements, inspection processes, and occupancy restrictions.

The changes are intended to address the concerns raised in the lawsuits and streamline enforcement. Notably, the proposed ordinance eliminates some previous requirements and clarifies others to better align with legal standards and practical enforcement.

2. PUBLIC COMMENT.

Linda Newton, 438 Harbor Drive North, stated that short-term rentals functioning as businesses in residential zones contribute to increased traffic, parking issues, and overall strain on infrastructure. She encouraged the commission to keep the ordinance.

Bill Snyder, 425 18th Ave, stated that he agrees with everything Linda Newton said, and would like to have all meetings at 6 p.m.

Patti Katz, 124 13th Ave stated excessive short-term rentals threaten the balance by disrupting the community's quality of life, safety, and stability. They contribute to the housing crisis, inflate property prices, and displace local workers, undermining the community's core values. She urged the commission to keep the ordinance in place.

Jerry Newton, 438 Harbor Drive North, stated he agreed with Ms. Newton's concerns about infrastructure. The cost of litigation is a concern, but defending residents' right to live safely should be a top priority. We should allocate funds to hire a strong attorney to protect our community.

Beth McMullen, 481 Harbor Drive South expressed disappointment with the scheduling of the workshop on the short-term rental ordinances, noting it was set at 4 p.m. on a holiday weekend, making it difficult for many residents to attend. She disagreed with the proposed increase in maximum occupancy limits from 10 to 14. She urged the commission to uphold the existing ordinance.

Don House, 2104 Beach Trail, questioned whether the proposed ordinance if adopted, would be defensible under current state law. If the ordinance is not legally sound, it could lead to further lawsuits and increase the city's exposure to liability.

Steve Van Leeuwen, 601 2nd Street stated that living by the beach naturally involves dealing with tourists, who contribute positively to the community. Some renters may negatively impact the community, many do a good job and should not be judged by a few bad examples. He stated he should be able to rent out his home if he wants to.

Kim Beer, 2003 Bayview Place suggested comparing crime rates between tourists and residents and proposed that residents should have the opportunity to vote on whether a related ordinance should be passed.

Bob Coplen, 447 20th Avenue, stated that the city faces risks related to fees and costs, but notes that such risks are not absolute. He highlighted a public safety concern related to inadequate infrastructure, noting that streets were not designed to handle current traffic and pedestrian volume. He suggested the city commission take action. He stated that it is unreasonable for public lodging hotels to be exempt from fines or license suspension for severe, repeated

violations, pointing out that professionals like cosmetologists, general contractors, accountants, doctors, and attorneys can face similar penalties for misconduct.

Kelly Cisarik, 448 Harbor Drive S. stated the importance of maintaining strong enforcement in the short-term rental ordinance, specifically the ability to suspend or revoke registrations for repeat offenders through a special magistrate. She requested that legal expenses be included in the next budget meeting to ensure the ordinance can be defended if insurance funds are exhausted. She urged that the ordinance retain the term "bedroom" to ensure proper safety standards are met.

Jennifer Riley, 10 Janice Place stated the importance of maintaining and enforcing ordinances to ensure safety and order, and that weakening these rules would harm the community. She suggested educating the renters.

John Pfanstiehl, 448 Harbor Drive S. stated there are several critical issues with proposed changes to the short-term rental regulations. He suggested that funds should be allocated to defend the regulations and hire a lobbyist for a stronger effort in Tallahassee.

Marty Krajnik, 402 Harbor Drive North, stated she is all for hiring some lobbyists.

Dave Watt, 431 Harbor Drive South stated that the root of the problem is occupancy, and the city needs to fight that problem.

Thea Wilson, 444 Harbor Drive South made a distinction between good and bad actors, suggesting that the burden should not fall solely on the residents.

Susan Bell, 717 1st Street, is worried about the enforcement of occupancy rules and feels threatened about calling the police on a rental home. She is concerned that reporting issues might lead to negative repercussions for herself.

Lan Vaughan, 301 Harbor Drive, stated to reject the mediation and stay on course.

RB Johnson, 1206 Beach Trail, acknowledges the risks of challenging the litigation but does not believe the existing ordinance is too burdensome for vacation rental owners. He feels the ordinance already addresses all the concerns of the citizens.

Laura West, 486 Harbor Drive South, stated to keep the ordinance as is, the stricter the better.

Carol Sampey, 434 Harbor Drive North, stated everyone agrees that we need to stick with the ordinance we have.

Sean Rowland, 1206 Gulf Boulevard, stated that the city needs to address the problems in a manner that is going to solve the problems. He stated that some owners and investors live in the neighborhood and are trying to do their best.

Tom Marinelli, 430 Harbor Drive North, stated the State Legislator passed the law that allowed this to happen, and his fellow citizens need to think about that the next time they go to vote.

Nancy Obarski, 708 Beach Trail, stated the commission needs to look at the risks versus the rewards.

Peter Kapralos, 114 14th Avenue, stated he was a short-term rental owner. He thanked the police for their hard work.

Richard Bower, 324 La Hacienda Drive, stated the commission should reject the revised ordinance.

Mayor-Commissioner Houseberg closed the Public Comment.

1. Discussion by the City Commission of the proposed Ordinance No. 2023-02-Vacation Rental Regulations.

Commissioner Bond stated that the city needs to carefully consider the risks before making any decisions. Stopping the discussion now would be unwise, as the city has not fully explored the topic. It is important that everyone, especially those who were not involved in creating the ordinance, understands its risks, implications, and strengths before we move forward.

Commissioner Bigelow questioned when the matter would go to court if mediation discussions ended.

Attorney Carlos Kelly responded that he did not have the answer. The case has been administratively closed. He speculated that the other side would seek to reopen the case, and the judge would provide a schedule

Commissioner Bigelow stated he rejects the new ordinance and wants to keep the original one. It is important to maintain control and prevent excessive demands. The City of Indian Rocks Beach is doing well, and the new parking charges will support various improvements.

Vice-Mayor Commissioner Wilson stated that it is not the time to abandon the ordinance, and we should go forth to see what happens. The legal ramifications were explained at the private individual meeting with the City Attorney and City Manager.

Commissioner Wyant stated he agreed with Vice-Mayor Commissioner Wilson that the legal implications were addressed during the individual meeting with the City Attorney and City Manager. She acknowledged that it was a difficult decision and recognized the efforts from both sides. She stated she has spoken with residents who are in favor of maintaining the current ordinance.

Mayor-Commissioner Houseberg stated she agreed with Commissioner Bond to further discuss the proposed amended ordinance, and that she is concerned that no amount of regulation is enough.

City Attorney Mora clarified that the majority of the commission, Bigelow, Wilson, and Wyant, has directed staff to reject the amended ordinance and resume litigation. The membership confirmed the Attorney's impression of the Commission's consensus direction.

3. ADJOURNMENT.

Motion was made by Vice-Mayor Commissioner Wilson to Adjourn and seconded by Commissioner Wyant to adjourn at 6:35 p.m. unanimous approval by acclamation.

