



CITY OF INDIAN ROCKS BEACH REGULAR CITY COMMISSION MEETING

TUESDAY, OCTOBER 8, 2024 @ 6:00 P.M.

ORDINARY LOCATION CHANGED DUE TO DAMAGE CAUSED BY HURRICANE HELENE

**MEETING TO BE HELD AT:
CITY OF BELLEAIR BEACH CITY HALL
444 Causeway Blvd, Belleair Beach, FL 33786**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. PRESENTATIONS.

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

2. PUBLIC COMMENTS. [3-minute time limit per speaker.]

(Any member of the audience may come forward, give their name and address, and state any comment or concern that they may have regarding any matter over which the City Commission has control, EXCLUDING AGENDA ITEMS. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent, or slanderous remarks shall be permitted. No speaker shall be interrupted, and no debate shall occur 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 10, 2024, Regular City Commission Meeting Minutes.
- B. APPROVAL OF** the September 4, 2024, Special City Commission Meeting Minutes,
- C. APPROVAL OF** the September 18, 2024, Special City Commission Meeting Minutes.
- D. PROCLAMATION:** Friends of Indian Rocks Beach Library 50th Anniversary.



6. PUBLIC HEARINGS:

- A. Resolution 2024-09** – A Resolution Confirming and Approving the City Commission Meeting Being Held in the City of Belleair Beach
- B. Resolution 2024-10** – A Resolution Regarding City Protocols Following Hurricane Helene, Including the Use of Temporary Shelters for Residential Purposes where Residential Structures Were Rendered Uninhabitable by Hurricane Helene

7. OTHER LEGISLATIVE MATTERS:

- C. Charter Review Committee** – Presentation of Report and Findings of CRC by City Attorney

8. WORK SESSION: None.

9. OTHER BUSINESS. : None.

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 lkornijtschuk@irbcity.com, no later than THREE (3) days before the proceeding for assistance.

POSTED: OCTOBER 4, 2024.

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, NOVEMBER 12, 2024 @ 6:00 P.M.**

MINUTES
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 10, 2024- 6:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785

Mayor-Commissioner Houseberg 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 Jude Bond, and Commissioner John Bigelow, and Commissioner Hope Wyant.

OTHERS PRESENT: City Manager Gregg Mims, and City Clerk Lorin Kornijtschuk.

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

The former Commissioner, member of the Finance Committee, and community volunteer was presented with a plaque by City Manager Gregg Mims and Mayor-Commissioner Houseberg in recognition of her dedication to the City of Indian Rocks Beach.

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

A PCSO representative stated the month's report was not ready due to the Labor Day Holiday. Commissioner Bond requested data for comparison of this year's activity with the previous years.

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

Pinellas Suncoast Fire & Rescue District Fire Chief Jeffrey Davidson reviewed the fire district's monthly report. He stated the third annual September 11 Memorial Walk would take place on September 11 at 8 a.m.

A request was made for a comparative report of emergency calls over the past four years.

2. PUBLIC COMMENTS. No public comments were made.

3 A. REPORT OF the City Attorney. No report.

3 B. REPORT OF the City Manager.

The City Manager provided his written report.

The City Manager stated that activities are increasing, particularly in the area of vacation rental compliance. Efforts to manage vacation rental registrations are progressing well. He stated that a shade meeting is requested by the City Attorney to discuss seven pending short-term rental lawsuits.

3 C. REPORT OF the City Commission.

Commissioner Bond had nothing to report.

Commissioner Wyant had nothing to report.

Vice-Mayor Commissioner Wilson stated that she attended the Florida League of Cities conference in August, which proved to be a valuable learning experience. As a result, she was accepted to one of the Florida legislative policy committees focused on development code compliance and redevelopment. She mentioned that she had previously worked on similar legislative issues in Ohio, so she feels comfortable in this area. Meetings are scheduled for October, November, and December, where discussions will focus on ways to enhance the home rule situation. She looks forward to reporting back each month on the progress of these committees.

Commissioner Bigelow stated that Action 2000 is looking for volunteers for this coming Oktoberfest,

Mayor-Commissioner Houseberg informed that the Women's Tea will be held on August 26th from 2:00 p.m. to 4:00 p.m. to benefit the Beach Art Center.

4. ADDITIONS/DELETIONS. None.

City Manager Mims read Consent Agenda 5 A through 5 F.

5. CONSENT AGENDA:

- A. APPROVAL OF** the August 13, 2024, Regular City Commission Meeting Minutes.
- B. CONFIRMING ACTION** taken during the September 4, 2024, Special City Commission Meeting.
- C. AUTHORIZE** the City Manager to sign a one-year renewal agreement with Public Risk Management (PRM) of Florida for property, casualty, and workers' compensation, and flood coverages for FY 2024-25.
- D. RESOLUTION NO. 2024-07.** Authorizing the Mayor-Commissioner to execute an Interlocal Agreement for the creation of the Metropolitan Planning Organization.
- E. RESOLUTION NO. 2024-08.** A resolution of the City Commission of the City of Indian Rocks Beach, Florida, calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of two City Commissioner Seats for two-year terms; establishing a candidate qualifying period; authorizing the City Manager to enter into a contract with the Pinellas County Supervisor of Elections; establishing a polling place for **the March 11, 2025 Election**; authorizing the Pinellas County Supervisor of Elections to verify candidate petition cards and facilitate the election process.
- F. APPROVAL OF** the August 27, 2024, City Commission Work Session Meeting Minutes

Motion by Vice-Mayor Commissioner Wilson, seconded by Commissioner Wyant to approve the consent agenda, consisting of agenda items 5 A through 5 F. Unanimous approval by acclamation.

6. PUBLIC HEARINGS: None.

7. **OTHER LEGISLATIVE MATTERS:** None.
8. **WORKSHOP:** None.
9. **OTHER BUSINESS:** None.
10. **ADJOURNMENT.**

Motion to adjourn was made by Vice-Mayor Commissioner Wilson and seconded by Commissioner Bigelow adjourn at 6:20 p.m. Unanimous approval by acclamation.

Date Approved

Denise Houseberg, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk, City Clerk

MINUTES
CITY OF INDIAN ROCKS BEACH SPECIAL
CITY COMMISSION MEETING
WEDNESDAY, SEPTEMBER 4, 2024 @ 6:00 P.M.
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL. 33785

The City of Indian Rocks Beach Special City Commission Meeting was held on Wednesday, September 4, 2024.

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

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

OTHERS PRESENT: City Manager Gregg Mims, Finance Director Dan Carpenter and City Clerk Lorin Kornijtschuk.

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

FISCAL YEAR 2024-2025 BUDGET PUBLIC HEARINGS:

1 A. ORDINANCE NO. 2024-01 — PUBLIC HEARING / FIRST READING.

Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2024/2025; 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 Fiscal Year 2024/25 at 1.7300 mills, with no change to the previous fiscal year millage rate.

ANALYSIS:

With a millage rate of 1.7300, the total estimated tax collection is \$3,549,380 based on a 97% collection rate. For Fiscal Year 2024/25, a mill rate of 1.7300 is 11.05% higher than the rollback rate of 1.5579. The proposed mill rate of 1.7300 remains one of the lowest in Pinellas County. Currently, mill rates in Pinellas County range from 0.5345 to 6.5000.

[End of Staff Report]

Finance Director Carpenter read Ordinance No. 2024-01 in its entirety.

Mayor-Commissioner Houseberg opened the public hearing, seeing and hearing no one wishing to speak, the public hearing was closed.

1 B. ORDINANCE NO. 2024-02 — PUBLIC HEARING/ FIRST READING.

Adopting a budget for Fiscal Year 2024/2025; making appropriations and operating expenditures for Fiscal Year 2024/2025; providing for notification of requisite government authorities; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

The City Commission reviewed the City Manager’s proposed budget for Fiscal Year 2024/25 at a Budget Workshop on July 16, 2024. Prior to the 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 Committee met on July 10, 2024, and unanimously endorsed the proposed budget.

The City Manager and Finance Director made presentations, which provided an overview of the Fiscal Year 2024/25 Program Budget, and together, the City Commission and staff reviewed all aspects of the proposed budget in detail. The budget includes a 5% pay raise for all team members. The Final Budget for Fiscal Year 2024/25 is the result of a consensus by the City Commission from the July Budget Workshop.

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 2024/25, the City will establish a spending plan for Fiscal Year 2024/25 and provide approval for the City Manager to implement the plan. Attached to this agenda memorandum is the City Manager’s July 1st, 2024, budget transmittal correspondence.

[End of Staff Report]

Finance Director Carpenter read Ordinance No. 2024-02 in its entirety.

City Manager Mims provided a brief overview of the process and highlights of the budget.

Mayor-Commissioner Houseberg asked for confirmation that the city did not need to allocate any additional funds for legal defense.

City Manager Mims replied in the affirmative.

Mayor-Commissioner Houseberg opened the public hearing.

Kelly Cisarik, 448 Harbor Drive South stated, she had sent an email to the commission, requesting the creation of a legal defense fund.

John Pfanstiehl 448 Harbor Drive South, commented on the need for a legal defense fund, suggesting that it would serve as a signal of the city's commitment to addressing legal challenges.

Mayor-Commissioner Houseberg closed the public hearing.

Motion made by Vice-Mayor Commissioner Wilson and seconded by Commissioner Wyant, to approve Ordinance No. 2024-01, on first reading, adopting the final levying of ad valorem taxes at 1.7300 for the City of Indian Rocks Beach, Pinellas County, Florida, for the Fiscal Year 2024/2025. And to approve Ordinance No. 2024-02, on first reading, adopting a budget for the Fiscal Year 2024/2025: making appropriations and operating expenditures for the Fiscal Year 2024/2025.

ROLL CALL VOTE:

AYES: WYANT, BIGELOW, BOND, WILSON, HOUSEBERG

NAYES: NONE

Motion to approve Ordinance No. 2024-01 and Ordinance No. 2024-02, on first reading, carried unanimously.

2. OTHER LEGISLATIVE MATTERS: NONE

3. ADJOURNMENT.

Motion made by Vice-Mayor Commissioner Wilson and seconded by Commissioner Bond, to adjourn the meeting at 6:39 p.m. Unanimous Approval by Acclamation.

Date Approved

Denise Houseberg, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk- City Clerk

/lak

MINUTES
CITY OF INDIAN ROCKS BEACH SPECIAL
CITY COMMISSION MEETING
WEDNESDAY, SEPTEMBER 18, 2024 @ 6:00 P.M.
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL. 33785

The City of Indian Rocks Beach Special City Commission Meeting was held on Wednesday, September 18, 2024.

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

PRESENT: Mayor-Commissioner Denise Houseberg, Vice Mayor-Commissioner Janet Wilson, Commissioner Jude Bond, Commissioner John Bigelow. Commissioner Hope Wyant arrived at 6:03 p.m.

OTHERS PRESENT: City Manager Gregg Mims, Finance Director Dan Carpenter, and City Clerk Lorin Kornijtschuk.

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

FISCAL YEAR 2024-2025 BUDGET PUBLIC HEARINGS:

1 A. ORDINANCE NO. 2024-01 — 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 2024/2025; 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 Fiscal Year 2024/25 at 1.7300 mills, with no change to the previous fiscal year millage rate.

ANALYSIS:

With a millage rate of 1.7300, the total estimated tax collection is \$3,549,380 based on a 97% collection rate. For Fiscal Year 2024/25, a mill rate of 1.7300 is 11.05% higher than the rollback rate of 1.5579. The proposed mill rate of 1.7300 remains one of the lowest in Pinellas County. Currently, mill rates in Pinellas County range from 0.5345 to 6.5000.

[End of Staff Report]

Finance Director Carpenter read Ordinance No. 2024-01 in its entirety.

Mayor-Commissioner Houseberg opened the public hearing, seeing and hearing no one wishing to speak, the public hearing was closed.

Motion made by Commissioner Bond, seconded by Commissioner Wyant, to approve Ordinance No. 2024-01, on second reading, adopting the final levying of ad valorem taxes at 1.7300 for the City of Indian Rocks Beach, Pinellas County, Florida, for the Fiscal Year 2024/2025.

ROLL CALL VOTE:

AYES: WYANT, BIGELOW, BOND, WILSON, HOUSEBERG

NAYES: NONE

Motion to approve Ordinance No. 2024-01, on second and final reading, carried unanimously.

1 B. ORDINANCE NO. 2024-02 — PUBLIC HEARING / SECOND AND FINAL READING.

Adopting a budget for Fiscal Year 2024/2025; making appropriations and operating expenditures for Fiscal Year 2024/2025; providing for notification of requisite government authorities; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

The City Commission reviewed the City Manager's proposed budget for Fiscal Year 2024/25 at a Budget Workshop on July 16, 2024. Prior to the 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 Committee met on July 10, 2024, and unanimously endorsed the proposed budget.

The City Manager and Finance Director made presentations, which provided an overview of the Fiscal Year 2024/25 Program Budget, and together, the City Commission and staff reviewed all aspects of the proposed budget in detail. The budget includes a 5% pay raise for all team members. The Final Budget for Fiscal Year 2024/25 is the result of a consensus by the City Commission from the July Budget Workshop.

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 2024/25, the City will establish a spending plan for Fiscal Year 2024/25 and provide approval for the City Manager to implement the plan. Attached to this agenda memorandum is the City Manager's July 1st, 2024, budget transmittal correspondence.

[End of Staff Report]

Finance Director Carpenter read Ordinance No. 2024-02 in its entirety.

City Manager Mims provided a brief overview of the process and highlights of the budget.

Mayor-Commissioner Houseberg opened the public hearing.

Don House 2104 Beach Trail, stated the recent city commission vote regarding short-term rental lawsuits, could expose the city to significant financial liabilities. He stated he made a public records request but did not receive a response. He urged the commission to reconsider the budget approval without a clear understanding of the potential risks involved.

Mayor-Commissioner Houseberg closed the public hearing.

City Manager Mims stated that Mr. House's public records request was addressed and information on the budget was reviewed at the first public hearing meeting.

Motion made by Vice-Mayor Commissioner Wilson and seconded by Commissioner Wyant, to approve Ordinance No. 2024-02, on second and final reading, adopting a budget for the Fiscal Year 2024/2025: making appropriations and operating expenditures for the Fiscal Year 2024/2025.

ROLL CALL VOTE:

AYES: WYANT, BIGELOW, BOND, WILSON, HOUSEBERG

NAYES: NONE

Motion to approve Ordinance No. 2024-02, on second and final reading, carried unanimously.

2. RESOLUTION NO. 2024-09. A resolution of the City of Indian Rocks Beach, Florida, enumerating the different types of residential and commercial solid waste collection methods and amending the schedule of fees for the collection, and disposal of garbage, trash and solid waste in the City of Indian Rocks Beach, pursuant to Chapter 50- "Solid Waste", Article II- "Collection and Disposal", Division 3- "Fees and Charges", Section 50-91- "Fee Schedule", 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 its customers. Services include recycling, curbside pick-up, and yard waste disposal. The fee schedule for the collection and disposal of solid waste of the City is set forth 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 review of the solid waste fund revenue and expenditures was performed at the July 16th, 2024, City Commission budget workshop. Based upon the most up to date data and economic factors available adjustments were recommended 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 Proposed Budget for FY 2024 reflects increases in monthly residential and commercial solid waste rates of 5.00%. The current \$36.78 per month charge for residential solid waste is recommended to increase to \$38.62.

[End of Staff Report]

Finance Director Dan Carpenter read Resolution No. 2024- 09 by title only.

Mayor-Commissioner Houseberg opened the public hearing.

Don House, 2104 Beach Trail stated it would be more effective to have a pay-as-you-throw waste management system.

Mayor-Commissioner Houseberg closed the public hearing.

Motion made by Vice-Mayor Commissioner Wyant and seconded by Commissioner Wyant to approve Resolution No. 2024-09, enumerating the different types of residential and commercial solid waste collection methods and amending the schedule of fees for the collection, and disposal of garbage, trash and solid waste in the City of Indian Rocks Beach, pursuant to Chapter 50- "Solid Waste", Article II- "Collection and Disposal", Division 3- "Fees and Charges", Section 50-91- "Fee Schedule", and providing for an effective date.

ROLL CALL VOTE:

AYES: WYANT, BIGELOW, BOND, WILSON, HOUSEBERG

NAYES: NONE

Motion to approve carried unanimously.

3. ADJOURNMENT.

Motion made by Vice-Mayor Commissioner Wilson and seconded by Commissioner Wyant, to adjourn the meeting at 6:24 p.m. Unanimous Approval by Acclamation.

Date Approved

Denise Houseberg, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk- City Clerk

/lak

**CITY OF INDIAN ROCKS BEACH
PROCLAMATION**



**FRIENDS OF INDIAN ROCKS BEACH LIBRARY
50th ANNIVERSARY**

WHEREAS, the Friends of Indian Rocks Beach Library was founded in 1974 as a non-profit organization that was established to support the community library in the City of Indian Rocks Beach; and

WHEREAS, the purpose of the volunteers and Friends of Indian Rocks Beach Library is to focus public attention on the library, to stimulate the use of the library's resources and services, to receive and encourage gifts, to advocate for libraries, and to support the freedom to read as expressed in the American Library Association Library Bill of Rights; and

WHEREAS, 2024 marks the 50th anniversary of the establishment of the City of Indian Rocks Beach Library and the City of Indian Rocks Beach wishes to celebrate this milestone with a Proclamation; and

WHEREAS, the Indian Rocks Beach City Commission, the City of Indian Rocks Beach and the City of Indian Rocks Beach Library recognize and appreciate the 50 years of contributions and support to the library by the Friends of the Indian Rocks Beach Library; and

WHEREAS, this support and these contributions have enhanced and improved the services, ambiance, and functionality of the library;

Now, therefore, be it resolved that I, Denise Houseberg, **Mayor-Commissioner of the City of Indian Rocks Beach, Florida**, and on behalf of the City Commission, do hereby proclaim the month of November 2024 to be;

City of Indian Rocks Beach Library Month

IN WITNESS WHEREOF, I, Denise Houseberg, Mayor-Commissioner, have hereunto set my hand and caused the Seal of the City of Indian Rocks Beach, Florida, to be affixed this 8th day of October 2024.

Denise Houseberg, Mayor-Commissioner

**CITY OF INDIAN ROCKS BEACH
RESOLUTION NO. 2024-09**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CALLING FOR AND APPROVING FOR ITS PUBLIC MEETINGS TO BE HELD OUTSIDE THE CORPORATE LIMITS OF THE CITY OF INDIAN ROCKS BEACH IN RESPONSE TO THE STRUCTURAL DAMAGE CAUSED BY HURRICANE HELENE TO THE CITY COMMISSION'S REGULAR MEETING FACILITY, MAKING RELATED FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as of September 23, 2024, showers and thunderstorms located over the northwestern Caribbean Sea and portions of Central America were associated with a broad area of low pressure, then identified as Potential Tropical Cyclone Nine and eventually as Hurricane Helene (including all progressive designations of the storm system, the "Hurricane") was forecast to bring severe weather impacts to parts of Florida, including the City; and

WHEREAS, on September 23, 2024, the Governor of the State of Florida issued Executive Order 24-208 declaring a State of Emergency in multiple Florida counties, including Pinellas County, as a result of the Hurricane; and

WHEREAS, on September 24, 2024, the Governor of the State of Florida promulgated Executive Order 24-209, amending Executive Order 24-208; and

WHEREAS, the Governor's Emergency Declarations included all of Pinellas County, including the City; and

WHEREAS, on September 24, 2024, the Pinellas County Board of County Commissioners declared a State of Local Emergency for the Hurricane; and

WHEREAS, on September 26, 2024, at 11:10 p.m. EDT, Hurricane Helene made landfall at an estimated 10 miles west-southwest of Perry, Florida, as a Category 4 storm, with winds reaching 140 mph; and

WHEREAS, coastal portions of Pinellas County, including the City of Indian Rocks Beach, saw record storm surge with extensive flooding, loss of infrastructure, structural destruction, debris accumulation, and loss of life; and

WHEREAS, the Hurricane's storm surge caused substantial damage to the City's central administrative building and City Hall with interior flooding exceeding three feet, effluent back-up, and electrical damage; and

WHEREAS, many of the City's residents and property owners suffered damage to their residential structures or have otherwise been displaced as a result of the storm; and

WHEREAS, the damage to City Hall makes it impossible to safely use City Hall for the purpose of the City's public meetings; and

WHEREAS, the damage to City Hall has impacted virtually all of the structures in the City, and there is no other publicly-owned facility within the City's boundaries appropriate for use as a public meeting space; and

WHEREAS, Florida Statutes Chapter 252 provides authority for a political sub-division such as the City of Indian Rocks Beach to declare a State of Emergency allowing the City to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to, among other things, the "performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community"; and

WHEREAS, § 286.011 (1), Fla. Stat., sets forth the broad requirements of the Sunshine Law, providing the public a broad right of access to government; and

WHEREAS, § 286.011 (6) provides that all persons subject to the Sunshine Law are "prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility"; and

WHEREAS, there is only one appellate court decision addressing meetings of governing boards held outside geographic boundaries: Rhea v. School Bd. of Alachua Cnty, 636 So.2d 1383 (Fla. 1st DCA 1994); and

WHEREAS, in Rhea, the appellate court articulated a balancing test, considering the interests of the public in having a reasonable opportunity to attend a public meeting against the governmental entity's interest need to conduct a meeting beyond its corporate boundaries; and

WHEREAS, in Rhea, the court explained that a "significant and obvious factor" is the extent of the distance from the usual meeting place to the out of jurisdiction meeting, and noted that the greater the distance, the heavier the burden is upon the governing body to demonstrate a need for the alternate site; and

WHEREAS, the court added that another factor to be considered is any good faith action by the governmental entity to minimize the expense and inconvenience of the public in attending an out of jurisdiction meeting; and

WHEREAS, while reaching this conclusion, the Rhea court reasoned it could "envision circumstances which would warrant the conduct of a [meeting] beyond [local] boundaries and even more than 100 miles from the usual meeting place"; and

WHEREAS, the Rhea court concluded its analysis by emphasizing any factor or circumstance which impacts the factors in the balancing test must be considered on a case-by-case basis; and

WHEREAS, though not directly governing the conduct of public meetings, on October 3, 2024, the Governor of the State of Florida issued Executive Order 2024-212 governing emergency management with respect to the November 2024 election, and waived statutory limitations on the relocation of polling locations because “a significant number of early voting sites and polling locations have been damaged or otherwise rendered unusable,” and allowed for the relocation of polling sites to another accessible site within the same precinct or, if such site is not available, to another site in a contiguous precinct; and

WHEREAS, the adjacent City of Belleair Beach’s public meeting facilities sustained limited damage from the Hurricane;

WHEREAS, in response to the devastating effects of the Hurricane, the City of Indian Rocks Beach desires to hold its meetings at the public meeting facilities in the adjacent City of Belleair Beach, at 444 Causeway Boulevard, Belleair Beach, Florida 33786, which is approximately 1.7 miles from the City’s ordinary meeting space in Indian Rocks Beach; and

WHEREAS, the City of Indian Rocks Beach administration is evaluating and endeavors to record and subsequently post the meetings of its City Commission via internet platforms; and

WHEREAS, in advance of the October 8 meeting, the City of Indian Rocks Beach publicly noticed the intention to change the City Commission’s meeting location with a posting on the City’s website, where it is regularly publishing hurricane recovery information and by postings on its City Hall property; and

WHEREAS, members of the public are capable of submitting public comment in advance of a public meeting via e-mail or other written submission that will be provided to the City Commission; and

WHEREAS, the City Commission and its individual members have sought the advice of legal counsel in proposing to and meeting outside the City’s boundaries, and the City Attorney has analyzed the relevant law and rendered advice on the City’s ability to meet outside of its corporate boundaries under these circumstances, with specific considerations to the balancing test articulated in Rhea, and the City Commission and its individual members are following the City Attorney’s advice as articulated herein; and

WHEREAS, the City Commission finds that it is in the interest of the City and its residents to hold its public meetings in the municipal facilities of the City of Belleair Beach at this time and until the City can reestablish its operations in a manner that adequately protects the public health, safety, and welfare.

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

Section 1. Findings Adopted. The City Commission hereby adopts the findings of fact set forth above in the preceding clauses.

Section 2. Alternative Meeting Location. Unless noticed otherwise, for the remainder of 2024, the City Commission of the City of Indian Rocks Beach, and each of its subordinate or appointed boards shall meet at 444 Causeway Boulevard, Belleair Beach, Florida 33786, which is approximately 1.7 miles from the City's ordinary meeting space in Indian Rocks Beach.

Section 3. Renewal. The City Commission will reevaluate and determine whether it has a continuing need to extend the need to meet outside the City of Indian Rocks Beach no later than December 31, 2024.

Section 4. Effective Date. This Resolution shall be effective immediately upon its adoption by the City Commission.

ADOPTED this ____ day of October, 2024, at a public meeting of the City Commission of the City of Indian Rocks Beach, Florida.

Denise Houseberg, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk, City Clerk

Approved as to Form:

Randy Mora, City Attorney

**CITY OF INDIAN ROCKS BEACH
RESOLUTION NO. 2024-10**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, SETTING FORTH CERTAIN EMERGENCY RESPONSE POLICIES RELATED TO HURRICANE HELENE; MAKING RELATED FINDINGS; ESTABLISHING CONDITIONS PERMITTING TEMPORARY RESIDENTIAL HOUSING; PROVIDING FOR PUBLICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, as of September 23, 2024, showers and thunderstorms located over the northwestern Caribbean Sea and portions of Central America were associated with a broad area of low pressure, then identified as Potential Tropical Cyclone Nine and eventually as Hurricane Helene (including all progressive designations of the storm system, the “Hurricane”) was forecast to bring severe weather impacts to parts of Florida, including the City; and

WHEREAS, on September 23, 2024, the Governor of the State of Florida issued Executive Order 24-208 declaring a State of Emergency in multiple Florida counties, including all of Pinellas County, as a result of the Hurricane; and

WHEREAS, on September 24, 2024, the Governor of the State of Florida promulgated Executive Order 24-209, amending Executive Order 24-208; and

WHEREAS, the Governor’s Emergency Declarations included all of Pinellas County, including the City; and

WHEREAS, on September 24, 2024, the Pinellas County Board of County Commissioners declared a State of Local Emergency for the Hurricane; and

WHEREAS, on September 26, 2024, at 11:10 p.m. EDT, Hurricane Helene made landfall at an estimated 10 miles west-southwest of Perry, Florida, as a Category 4 storm, with winds reaching 140 mph; and

WHEREAS, coastal portions of Pinellas County, including the City of Indian Rocks Beach, saw record storm surge with extensive flooding; and

WHEREAS, several residential structures in the City have been damaged or destroyed, and rendered temporarily or permanently uninhabitable; and

WHEREAS, Florida Statutes Chapter 252 provides authority for a political sub-division such as the City of Indian Rocks Beach to declare a State of Emergency allowing the City to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety and welfare of the community.
2. Entering into contracts;
3. Incurring obligations;
4. Employment of permanent and temporary workers;
5. Utilization of volunteer workers;
6. Rental of equipment;
7. Acquisition and distribution, with or without compensation of supplies, materials and facilities;
8. Appropriation and expenditures of public funds.

WHEREAS, in the aftermath of Hurricane Helene and the resulting displacement of residents from their homes, the City has received requests for the placement of temporary living quarters on the properties of homeowners until homeowners are able to repair or rebuild their homes; and

WHEREAS, Section 62-36 of the City's Code of Ordinances prohibits any house trailer, house car, or similar structure from being used for living, sleeping, or business purposes anywhere within the City, unless in a duly licensed and regulated trailer park or trailer camp, or where, subject to additional limitations, it is used for tools, equipment, or materials being used in connection with the construction of a permanent building; and

WHEREAS, Section 90-80 of the City's Code of Ordinances prohibits the permanent placement of recreational vehicles and park trailers in flood hazard areas; and

WHEREAS, despite the foregoing provisions, Florida Statutes § 166.0335 provides that, notwithstanding any other law, ordinance, or regulation to the contrary, following the declaration of a state of emergency issued by the Governor for a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable, a municipality may not prohibit the placement of one temporary shelter on the residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, if all of the following circumstances apply:

- (a) The resident makes a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan.
- (b) The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.
- (c) The resident lives in the temporary structure; and

WHEREAS, it has been necessary for the City of Indian Rocks Beach to take protective and responsive measures to ensure the health, safety, and welfare of its residents and property; and

WHEREAS, Section 2-332 of the City's Code of Ordinances provides that the City is not required to seek bids or multiple quotes for contracts during the first 30 days of an emergency,

which is defined to include “a weather event such as flood, hurricane, or tornado,” and a “disruption in the city’s utility system”; and

WHEREAS, Section 2-332 of the City Code of Ordinances provides that the City is not required to seek bids or multiple quotes for purchases regarding the emergency repair of the city’s facilities or equipment; and

WHEREAS, the City Commission finds that, as of the dates of the Governor’s Executive Orders and that of the Pinellas County Board of Commissioners, there has been and presently remains a state of emergency within the City.

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

SECTION 1. Recitals. Each of the above recitals are incorporated herein as the findings of the City Commission.

SECTION 2. Emergency Protocols.

1. The City Commission hereby acknowledges, confirms, endorses, and ratifies the Governor and County Commission’s declaration of a state of emergency within an area fully encompassing the corporate boundaries of the City of Indian Rocks Beach as a direct result of the anticipated and realized impacts of Hurricane Helene, and formally finds that the City presently remains in a state of local emergency.
2. The City Commission hereby ratifies the waiver of any procedures and formalities as provided in Florida Statutes Chapter 252, including any measure taken by the City Manager or other City officials to respond to the emergency prior to the adoption of this Resolution, including, but not limited to the acquisition of emergency debris removal services and the emergency repair of the City’s facilities and equipment.

SECTION 3. Procurement. As a result of the declared state of emergency, the City Manager shall continue to have the authority to waive competitive procurement requirements, as set forth in Section 2-332 of the City’s Code of Ordinances (unless otherwise prohibited by state law or federal grant requirements) when acquiring any services or commodities related to the City’s response to the emergency conditions, including but not limited to any and all cleanup, repair and re-construction efforts related to City property, rights-of-way, or infrastructure.

SECTION 4. Temporary Housing Following Declared Emergency. Notwithstanding the provisions of Section 62-36 and 90-80 of the City's Code of Ordinances, the City's code enforcement officers and inspectors shall not enforce those provisions to the extent those provisions conflict with Florida Statutes § 166.0335. Therefore, all residents are permitted to place a recreational vehicle or trailer on their residential property in the following circumstances:

1. The resident's permanent residential structure was damaged and rendered uninhabitable by the Hurricane Helene flooding; and
2. The resident is making a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan; and
3. The recreational vehicle or trailer is properly connected to water, sewer, and electric utilities and does not present a threat to health and human safety (as determined by the Pinellas County Health Department, Fire Marshal, a Sheriff's Deputy, the City's Building Official, or a City code enforcement officer or inspector), and
4. The resident lives in the temporary structure, and
5. The recreational vehicle or trailer is placed on the property no longer than 36 months after September 23, 2024, or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first.

SECTION 5. Publication. The City Manager, or any person he so designates, shall ensure a copy of this Resolution is provided to the City's Building Official and the City's code enforcement personnel.

SECTION 6. Severability. If any section, subsection, sentence, clause, provision, or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the City Commission would have adopted the Resolution even absent the invalid part

SECTION 7. Conflict. Any prior motion or Resolution adopted by the City Commission which conflicts with this Resolution is hereby repealed.

SECTION 8. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED this ___ day of October, 2024, at a public meeting of the City Commission of the City of Indian Rocks Beach, Florida.

Denise Houseberg, Mayor-Commissioner

Attest: _____

Approved as to Form:

Randy Mora, City Attorney



T R A S K
D A I G N E A U L T
— LLP —
A T T O R N E Y S

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** Board Certified by the Florida Bar in
City, County and Local Government Law*

MEMORANDUM

DATE: October 1, 2024

TO: City Commission, City of Indian Rocks

FROM: Randy Mora, Esq., City Attorney

CC: City Manager, City of Indian Rocks Beach
City Clerk, City of Indian Rocks Beach

RE: IRB Charter Review Committee – Findings & Recommendations

Article XV of the City of Indian Rocks Beach’s (the “City”) Charter provides that the City Commission, by resolution, shall establish membership, appointment, and procedures for the City’s Charter Review Committee (the “Committee”). On April 9, 2024, the City Commission adopted Resolution No. 2024-05, establishing and appointing officials to the Committee.

Between June and September 2024, the Committee has met to review the City’s Charter and determine what changes, if any, the Committee deems appropriate and necessary. Based on the diligent review of the individual members, administrative input, legal advice, and the Committee’s deliberation, the Committee recommends the following revisions.

I. COMMISSIONER TERMS OF OFFICE: INCREASED TO THREE (3) YEARS

A. GENERALLY

The Committee recommends the City Commission consider advancing a proposed charter amendment for the City’s electors’ consideration, increasing the term of office for individual commissioners from two (2) years to three (3) years. The Committee’s position was that two years did not provide sufficient time for the City’s elected officials to learn and effectively serve in their positions. Additionally, the two-year term limits the elected officials’ ability to be involved in intergovernmental and community organizations in tandem with their elected service.

B. CHARTER § 2.2 (C) – CITY COMMISSION CREATED; QUALIFICATIONS; TERMS OF OFFICE; AND VACANCIES.

(c) *Term of office.* Term of office of a commissioner shall be for a period of ~~two (2)~~ three (3) years from the first meeting following certification of election to such office, beginning in the year ~~1992~~ 2026. Challenge and recount will be conducted in accordance with provisions of Florida Statutes.

C. CHARTER § 3.1 (B) – MANNER OF HOLDING ELECTIONS.

(b) Elections for the mayor-commissioner shall be held every other year in March; elections for two (2) commissioners shall be held each year in March. All terms of office shall be for ~~two (2)~~ three (3) years.

II. ELECTIONS: MOVE FROM MARCH TO NOVEMBER

A. GENERALLY

The Committee recommends the City Commission consider advancing a proposed charter amendment for the City's electors' consideration, changing the City's election cycles from March of each year to November. The Committee believes that moving the election to November has the potential to save the City money by aligning the election with the ordinary cycle for other statewide and national elections. Moving the election to the November election cycle may also increase voter turnout in local elections.

Notably, if this provision were to be adopted the City would have to adopt an ordinance amending Section 22-34 of the City's Code of Ordinances governing the qualifying period, as the present language establishes a qualifying period in December, for a March election.

B. RELEVANT CHARTER PROVISIONS

1. Charter § 3.1 (a) – (b)

(a) Municipal elections in the City of Indian Rocks Beach shall be held ~~on the second Tuesday in March~~ in November of each year, in alignment with any corresponding county, state, or national elections beginning in ~~1984~~ 2026 for the purpose of electing successors to each elective office.

(b) Elections for the mayor-commissioner shall be held every other year in ~~March~~ November; elections for two (2) commissioners shall be held each year in ~~March~~ November. All terms of office shall be for two (2) years.

C. RELEVANT CODE PROVISIONS

1. Code of Ordinances § 22-34 – Time for Qualifying

For a regular election, no person may qualify as a candidate prior to noon of the first Monday in **December**, but no later than noon of the second Monday in **December**, preceding the next regular city election.

III. APPEALS: CONSISTENCY

A. GENERALLY

The Committee recommends the City Commission consider advancing a proposed charter amendment for the City's electors' consideration concerning the consistency of references to appellate proceedings. Rather than propose specific language, the Committee recommended that the Commission consider whether to direct the City Attorney to propose language that is legally sufficient with consideration to due process and other similar procedural considerations.

Upon review, the City Attorney recommends removing both referenced appeal provisions in the City Charter as they are inconsistent with state law and other applicable legal principles. Notably, there are numerous provisions within the City's Code of Ordinances alternatively providing for appeals in a manner more consistent with the applicable law.

B. RELEVANT CHARTER PROVISIONS

1. Charter § 13.3 (c) – Comprehensive Plan *Appeals to the city commission.*

An appeal to the city commission may be taken by any person aggrieved by the decision of any administrative officer designated or appointed to carry out the rules and regulations prescribed by the city commission. However, such appeals shall be taken within thirty (30) days from the date of the decision of filing with the commission a notice of appeals specifying the grounds thereof. The officers from whose decision the appeal is taken shall forthwith transmit to the city commission copies of all papers constituting the record upon which the action of appeal was taken. The city commission shall fix a time and place for the hearing of appeal giving public notice thereof as well as due notice to the party of interest and decide the same within ninety (90) days. At the time of hearing, any party may appear in person or by attorney.

2. Charter § 13.4 (d) - Any person or persons, jointly or severally aggrieved by any act of the city commission under the powers herein granted to said city commission, may present to the appropriate court of law a petition duly verified, setting forth that such act is illegal in full or in part, particularly specifying the grounds of illegality. Such petition shall be presented to said court within thirty (30) days after the act or acts of the city commission upon which the petition is based; or no action, suit or other proceeding in any manner questioning the legality of said act or acts shall lie for any cause whatsoever. Appeal to the city commission is a precondition to suit and a mandatory administrative remedy.

C. RELEVANT CODE PROVISIONS

1. CODE § 2-149: PROCEDURES FOR ADMINISTRATIVE APPEALS, SPECIAL EXCEPTIONS, AND VARIANCES
2. CODE § 2-150: ADMINISTRATIVE APPEALS (BOA BLDG/ZONING APPEALS)
3. CODE § 2-280: APPEALS (CODE ENFORCEMENT)
4. CODE § 2-295: APPEAL (FORECLOSURE/MAINTENANCE PROCEDURES)
5. CODE § 14-183: WAIVERS & REFUNDS (REFUND UPON SUCCESSFUL ADMIN APPEAL)
6. CODE § 14-308: APPEALS (UNSAFE BUILDINGS/CONDEMNATION)
7. CODE § 14-359: APPEAL (MOVING OF BUILDING)
8. CODE § 18-203: APPEALS (VACATION RENTAL REGULATIONS – ENFORCEMENT)
9. CODE § 26-74: APPEALS (FELONY NUISANCE ABATEMENT BOARD)
10. CODE § 38-142: PENALTIES FOR VIOLATION OF ARTICLE (BOAT DOCK APPEAL)
11. CODE § 58-39: DETERMINATION OF CLASSIFICATIONS (LOCAL BUSINESS TAX)
12. CODE § 58-45(C)-(D): APPEAL (LOCAL BUSINESS TAX)
13. CODE § 54-148(D): APPEALS PROCESS (DENIAL OF RIGHT OF WAY PERMIT)

Respectfully submitted,



Randy D. Mora, Esq.
City Attorney, Indian Rocks Beach