

MINUTES
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION MEETING
TUESDAY, DECEMBER 10, 2024- 6:00 PM
HOLIDAY INN HARBORSIDE- 401 2ND STREET-PELICAN SAND PIPER ROOM
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, Commissioner John Bigelow, and Commissioner Hope Wyant.

OTHERS PRESENT: City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen, City Clerk Lorin Kornijtschuk, Planning and Zoning Consultants Hetty Harmon and Craig Fuller.

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 November 2024 Crime Analysis report.

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

Nothing reported.

1 C. REPORT OF Recovery Efforts from Hurricane Helene and Hurricane Milton.

City Manager Gregg Mims reported:

- A mailer was sent out to property owners detailing available permit options, including pre-approvals. This information is also available on the city's website.

Public Works Director Dean Scharmen reported:

- Debris removal operations commenced on October 7, 2024, and concluded by November 15, 2024.
- Over 8,000 cubic yards of debris have been sent to the final grave site. Another 11,000 cubic yards remain to be processed.
- Beach Access: 23 of the city's beach accesses have been reopened; others are under repair.
- All city parks have reopened, except for Brown Park Tennis Courts and Nature Preserve Boardwalk.

- Recycling resumed on December 4, 2024. Residents are encouraged to use the proper recycling containers.

Finance Director Dan Carpenter reported:

- The city expects over \$3 million in debris removal costs and is working with FEMA for reimbursement.
- The city is working on insurance claims for city facilities, including the City Hall complex and parks. The total claims (FEMA and insurance) are estimated at \$6.2 million.

Civilsurv representative Craig Fuller reported:

- Pre-approval for 162 properties has been completed, and the team is actively working through the backlog of applications.
- Substantial Damage (SD) and Non-SD: 197 properties have been evaluated, with 63 deemed to have substantial damage.
- A FEMA mitigation program is available for property owners, regardless of damage status. Information on how to apply for this funding will be released soon.
- Some past applications were rejected due to missing or incorrect forms. A new process has been established to ensure compliance with county requirements.

Mayor-Commissioner Houseberg opened Public Comment.

2. PUBLIC COMMENTS.

Diane Daniel, 309 10th Avenue, thanked the city for sending the letter to all residents but suggested that emails should also be sent to short-term rental owners. She expressed concern over short-term rental properties that are not permitted.

Leonard Deprima 301 Hidden Harbour Drive, stated the letter that went out had a negative tone.

Bob Copeland 447 20th Avenue, suggested using a building cost estimator. He also proposed Pinellas County create a list of approved contractors to help homeowners document damage.

Scott Shapiro, 2032 20th Avenue Parkway, thanked several residents for volunteering to help during the hurricane recovery period. He stated that he paid privately for garbage collection and suggested residents be credited for these private efforts. He questioned the need for a drywall permit.

RB Johnson, 1206 Beach Trail, discussed recent changes to the beach following Hurricane Helene. He noted that the beach has widened significantly, except for the narrow northern end. Johnson provided a book titled *"Living on the Edge of the Gulf"* to the commissioners and city managers for further understanding of beach processes and the dangers of seawalls.

Bonnie Belinski, 2013 Bay View Place, requested clarification on FEMA regulations, particularly as they pertain to properties on Indian Rocks Beach. She mentioned challenges with getting contractors to provide estimates. She proposed a more straightforward approach where homeowners could get permits incrementally as they work on rebuilding, without needing full contractor documentation at the outset.

John Thayer, 1819 Bay Boulevard, expressed frustration with the slow progress of a process that is impacting his living situation.

Ms. Krieger 401 20th Avenue raised the issue of the requirement for pictures of the damage, particularly how this applies to ongoing applications. She questioned whether existing applications would need to be resubmitted with the additional picture requirement and how it might affect those who have already been approved.

Mayor-Commissioner Houseberg closed Public Comment.

City Manager Mims replied to some of the questions that were asked during the Public Comment.

- **Permit Violations:** The Pinellas County Building Department handles complaints about unpermitted work. If work is done without a permit, city code enforcement documents the violation and submits it to the county. However, city code officers cannot issue stop-work orders as they are not building officials.
- **Permit Education & Insurance Risks:** The letter explains the importance of obtaining permits. Without proper permits, insurance claims could be denied after a storm. The letter summarizes the main ways to obtain permits.
- **Vacation Rentals:** While not many vacation rentals are operating currently, there is an annual inspection process for those who are. Inspectors check for compliance, including flood-level regulations and potential unpermitted renovations, such as new kitchen cabinets.
- **Contractor Licensing:** The city suggests checking contractors' licensing status through the Pinellas County Construction Board website. Unauthorized contractors, not licensed in the county, are operating illegally, and there have been arrests for this issue.
- **Public Information & Assistance:** The city provides information through the website, including email contacts for permit pre-approvals and forms. Four city employees are stationed in a trailer to assist the public with questions and guide them through the permit process. The volume of inquiries has decreased, but staff continues to help.

- **Rebuilding City Hall:** The actions taken by the city are transparent and in compliance with regulations. The city is following the same process as private property owners, particularly regarding dealing with substantial damage assessments. They are gathering all necessary documentation, including insurance information, and will proceed with the same procedures as everyone else.

Planning and Zoning Consultant Craig Fuller responded to residents' concerns regarding the permitting process and flood recovery efforts.

- **Permit Forms:** It is important to submit all required forms, regardless of whether you have a substantial damage letter or not. It is crucial to have these forms prepared before proceeding.
- **Database Tracking:** The city has a tracking system for the 51 active permit applications, allowing them to monitor progress and status. The consultant encourages reporting unlicensed contractors, as the city will eventually be audited by FEMA, who will check whether permits were properly filed and whether the scope of work exceeded what was permitted.
- **FEMA Regulations & Permit Requirements:** All improvements in flood zones must be permitted, including minor tasks like hanging drywall. This is a requirement from FEMA, even if certain projects traditionally did not require permits. All improvements, including damage repair, must be evaluated at contractor rates, not personal estimates.
- **50% Damage Threshold:** The cost of repairs cannot exceed 50% of the property's value unless the proper permits and codes are followed.
- **Documentation for Insurance & Quality Control:** FEMA is asking for photos so they can verify that repairs restore the property to its pre-damaged condition using similar materials
- **Substantial damage evaluation** is based on the inundation level of water in a structure, which calculates the percentage of damage to each item. The tool takes into account the water levels both inside and outside the structure.

3 A. REPORT OF the City Attorney.

- **Fort Myers Beach Case:** The city attorney references the struggles of Fort Myers Beach in dealing with FEMA following Hurricane Ian. The town faced retrograding of its community rating system (CRS) due to missing permits and code enforcement documentation, which led to FEMA removing flood insurance discounts. The city attorney explains that this situation has influenced how Pinellas County is handling similar matters to avoid penalties.
- **Public Trust and Compliance:** The city attorney emphasizes the city's duty to uphold public trust, not just in terms of faith but also in ensuring that benefits, such as flood insurance, are secured for the community. The city is working to avoid the same issues that affected Fort Myers Beach, where unpermitted work and missing documentation created significant problems.

- **Code Enforcement Exposure:** There is a potential legal risk for residents who have done unpermitted work. The city attorney notes that letters sent to residents may seem firm or threatening but are meant to prevent future issues, such as those experienced by Fort Myers Beach, where failures to document and comply with regulations caused delays and complications.
- **Short-Term Rental Litigation:** The city attorney discusses ongoing litigation regarding short-term rentals and the city's plans to hold a closed-door meeting (shade meeting) to discuss litigation strategy, costs, and potential settlement options, in accordance with Florida law.
- **Acknowledgement of Public Involvement:** The city attorney concludes by thanking the public for their patience and involvement in the rebuilding process, acknowledging the frustration but affirming the importance of following the required steps to ensure the community's future success.

3 B. REPORT OF the City Manager.

- **Resident Parking Decals:** Starting January 6th, resident property owner parking decals will be issued at the City Hall trailer for the next two-year cycle.
- **New Garbage Truck:** A new solid waste packer truck, which was ordered in 2022, will be put into service next week.
- **Nature Preserve Boardwalk:** The boardwalk at the Nature Preserve, which was originally built in 2000, is being rebuilt with composite materials. It is expected to open in January with a ribbon-cutting event.
- **Christmas Tree Lighting:** The city successfully celebrated the holiday season with the lighting of a new Christmas tree. The City Manager thanked local partners and city team members for their contributions.
- **Retirement of Captain Mike Leiner:** Captain Mike Leiner of the Sheriff's Office, who has worked closely with the City Manager, is retiring in January after over a decade of service. The City Manager plans to invite him to a meeting for recognition.
- **Christmas Boat Parade:** This year's Christmas Boat Parade will have a slightly different format due to the city's ongoing recovery, with local residents leading the parade. The usual boat registration and judging categories will be resumed next year.
- **Public Art Installation:** The city will install a new public art piece in January, funded by IRB Home, near Gulf Boulevard and 26th Avenue.
- **City Hall Team's Recovery:** The City Manager emphasized that 25 people work for the city, including 11 at City Hall, five of whom lost everything in the storm. Despite this, the team is committed to rebuilding and recovery.
- **FEMA Challenges:** The City Manager expressed frustration with FEMA's constantly changing rules, which complicate recovery efforts. He advocated for a better-organized program to assist public works officials and local governments in the future.
- **Building Department:** The City Manager reflected on the decision to move the building department functions to Pinellas County several years ago, which has helped avoid further complications during the recovery. He stated that while he

does not regret the decision, future improvements could be made regarding how the building department operates.

3 C. REPORT OF the City Commission.

Commissioner Hope Wyant reported:

- A beach cleanup event is planned for Saturday at the Plaza at 14th Avenue, where Groovers and the Ice Creamery are located. The event will also feature small vendors who will be given free space to sell their goods, supporting local businesses that were impacted by the storm.
- She participated in her first official Jolly Trolley event.
- She formally announced that she is running for the upcoming March election for City Commissioner.

Commissioner Janet Wilson reported on her recent attendance at the Florida League of Cities legislative conference:

- She attended a session on how to survive a disaster, where she learned valuable ideas from other cities that have experienced disasters, which she plans to share with the city manager.
- The committee will focus on affordable housing this year, particularly for service industry workers in the area. She is eager to see progress and is preparing for the upcoming legislative session in Tallahassee to advocate for related issues.

Commissioner John Bigelow reported:

- His participation on the Christmas trolley for the first time.
- He confirmed that he has filled out the application to run for his seat again in the upcoming March election for City Commissioner.

Commissioner Mayor Houseberg reported:

- She is committed to being accessible and available to the community. She encouraged residents to reach out to her to help people access the information they need, acknowledging that while information is available, it can sometimes be hard to find.

4. ADDITIONS/DELETIONS. None.

The City Attorney read Consent Agenda 5 A through 5 D.

5. CONSENT AGENDA:

- A. APPROVAL OF** November 12, 2024, Regular City Commission Meeting Minutes.
- B. AUTHORIZING** the City Manager to enter into a contract for audit

services with Forvis Mazars, LLP, for fiscal years 2024-2027.

- C. **RESOLUTION 2024-13:** A Resolution City Commission of the City of Indian Rocks Beach, Florida, Adopting the National Institute of Standards and Technology Cybersecurity Framework; Authorizing the City Manager or Designee to Adopt Policies and Procedures as Necessary to Implement the Framework and Comply with Section 282.3185, Florida Statutes; Authorizing the City Manager or Designee to Affirm Compliance with Section 282.3185, Florida Statutes; and Providing an Effective Date.
- D. **RESOLUTION 2024-14:** A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, making findings; approving and ratifying all emergency declarations and extensions thereof; providing for severability, and providing for an effective date.

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

6. PUBLIC HEARINGS:

- A. **ABT 23-2024 -QUASI-JUDICIAL PROCEEDING 1401 Gulf Boulevard-Indian Rocks Café Deli and Market** – Considering a 2COP Alcoholic Beverage Use Designation (Beer; wine. By the drink or in sealed containers for consumption on or off premises where sold), Indian Rocks Café Deli & Market, located at 1401 Gulf Boulevard Suite 5,6 and 7, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 29, Lots 1, 2, and 3.

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

City Clerk Kornijtschuk presented ABT Case No. 23-2024,

Applicant Joanne Denman-Hanson stated her family has visited this area for the past 20 years. Despite the hurricane, they are committed to staying.

Mayor Commissioner Houseberg opened up Public Comment.

Scott Shapiro stated he supported Indian Rocks Café Deli & Market's request for a liquor license.

Mayor Commissioner Houseberg closed Public Comment.

Motion made by Vice-Mayor Commissioner Wilson, seconded by Commissioner Wyant to approve a request for an alcoholic beverage use designation of 2 COP Alcoholic Beverage Designation Application for the establishment Indian Rocks Café Deli & Market, located at 1401 Gulf Boulevard, Suite 5,6 and 7, Indian Rocks Beach, Florida and Legally described as Indian Beach RE-Revised, Block 29, Lots 1,2, and 3 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 the alcoholic beverage designation.

AYES: Bond, Bigelow, Wyant, Wilson and Houseberg

NAY: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

7. OTHER LEGISLATIVE MATTERS: None.

8. WORK SESSION: None.

9. OTHER BUSINESS: None.

10. ADJOURNMENT.

Motion to adjourn was made by Vice-Mayor Commissioner Wilson and seconded by Commissioner Wyant to adjourn at 7:35 p.m. Unanimous approval by acclamation.