

MINUTES

**CITY OF INDIAN ROCKS BEACH- CITY COMMISSION MEETING
TUESDAY, FEBRUARY 11, 2025- 6:00 PM
HOLIDAY INN HARBORSIDE- 401 2ND STREET – PELICAN-SANDPIPER 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 John Bigelow, Commissioner Hope Wyant, and Commissioner Jude Bond attending telephonically.

OTHERS PRESENT: City Attorney Randy D. Mora, City Clerk Lorin Kornijtschuk, Planning and Zoning Consultant Hetty Harmon, and Attorney Carlos Kelly.

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

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

The Pinellas County Sheriff's Office submitted a written crime analysis report for January 2025.

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

Nothing reported.

2. PUBLIC COMMENTS.

Elizabeth Flynn, 914 Hidden Harbor Drive, emphasized the importance of enforcing existing regulations, to ensure the well-being of residents and visitors, despite the focus on hurricane response and short-term rental issues.

Carol Britz, 466 20th Avenue, reminded citizens about the upcoming general election on March 11th and stressed the importance of requesting mail-in ballots, which had been purged by the county. She also announced a candidate meeting on February 19th.

David Whiteside, 446 Harbor Drive South, expressed concern over the inconsistency of damage assessments post-hurricane, with significant discrepancies between properties.

John Pfanstiehl, 448 Harbor Drive South, expressed concerns about the rush to pass a complex ordinance without adequate time for residents to review it.

Kellee Watt, 431 Harbor Drive South thanked City Attorney Mora for responding to her email and shared her observations about short-term rental ordinances in Naples. She expressed confusion

about why the city's zoning restrictions no longer seem to apply, and she requested information or a document explaining the chronological changes that led to this shift.

Bob Copeland, 447 20th Avenue, expressed concern about the city's short-term rental issues. Copeland highlighted a lawsuit regarding 285 illegal short-term rentals in the city, pointing out discrepancies in fire safety inspections.

David Watt, 431 Harbor Drive South expressed his concerns about recent actions and comments by some City Commissioners, which he feels have eroded trust and confidence among residents. Watt was upset by the perceived actions of a commissioner who attended a lawsuit mediation alone, without clear explanation or transparency, and he questioned how this decision was made. Watt concluded by requesting that Commissioner Wyant recuse herself from any further votes related to the short-term rental issue.

Phil Wrobel, 112 13th Avenue informed the Commission that the upcoming "Meet the Candidate Forum" will be held on February 19, 2025, at the Church of the Isles located at 200 24th Avenue Indian Rocks Beach from 6:00 p.m. – 8:00 p.m.

Patti Katz, 124 13th Ave, Patti Katz expressed concern over a recent meeting where she noticed that only one short-term rental owner, who is suing Indian Rocks Beach, was praised by the commission.

Rob Hubbard, 406 12th Avenue, shared his perspective on the role of commissioners, stressing that they should represent the majority opinion of the residents rather than rely on their personal views.

Maureen Ballock, 436 Harbor Drive North, emphasized that commissioners are responsible for representing the citizens and listening to their concerns. Ballock urged commissioners to respect the voices of the citizens, particularly regarding the proposed changes to the short-term rental ordinance. She stated that many residents oppose these changes.

Lee Wilkerson, 490 Harbor Drive North stated the importance of considering the long-term impact of decisions, especially as the town undergoes significant changes over the next 10 to 15 years.

Beth McMullen, 481 Harbor Drive South, expressed concern with recent events, particularly regarding a lawsuit against the city and a specific vote.

Retired Major Susan Smith shared that she chose to retire in the area and believes that if the community wants improvements, they must actively fight for them.

Mayor-Commissioner Houseberg closed Public Comment.

3A. REPORT OF the City Attorney.

City Attorney Mora stated that the second week of February is approaching, and with it, the upcoming legislative session. He noted that a special session on immigration recently took place, during which the House and Senate reached an agreement, and the bill was sent to the governor for approval. Mora also mentions another special session, which appears to be tied to coordination between the executive and legislative branches. He assured the commission that they are closely monitoring this situation, particularly regarding potential obligations that the government may face. Mora confirmed that the city is expecting to receive additional lawsuits.

3 B. REPORT OF the City Manager.

City Attorney Mora read the City Manager's report.

- **City Hall Restoration**

The City Administration Team continues to work with our various insurance providers on insurance claims. The city received an initial payment of **\$1,056,684.12**. This payment does not include contents coverage or payment from our Flood Insurance Company. Our contractor, working with us, has submitted permitting documents to Pinellas County. We are waiting for the permit. Once received we expect the construction to take several months.

- **Beach Accesses/Pinellas County Beach Access Park**

All IRB Beach Accesses are open. The total cost to clear and open our accesses was approximately **\$987,200**. The cost associated with this effort was clearing debris, sand, and, in some cases, building step-downs. In a combined effort by Pinellas County and IRB, the IRB Pinellas County Beach Access Park is now open. The beach chair vendor will reopen soon.

- **City of IRB Nature Preserve**

The City of IRB Nature Preserve is closed until February 18, 2025, to complete restoration and maintenance activities. Per the adopted Capital Improvement Plan the Nature Preserve Boardwalk has been reconstructed. The total cost for the Boardwalk portion is **\$1,112,162**. A Nature Preserve reopening event has been set for Tuesday, February 18, 2025, at 9:00 AM. The public are invited to attend.

- **Hurricane Related Permits**

The City Team, along with our engineering firm CivilSurv, continues to work with property owners to secure renovation or demolition permits. The permitting portal is available on our website, and IRB City Hall Team Members continue to work with the public daily to complete the required documents. Mike Kelly and Frank Pecoraro are available daily to assist property owners in completing them. They may be reached at 727-595-2517 or are available on a first come first served basis at City Hall.

- **Kolb Park Tennis Lighting**
A purchase order has been issued to Musco Sports Lighting to install new lighting at the Kolb Park Tennis Courts, replacing the lighting that was damaged by the hurricanes. We expect this work to be completed within 90 days.
- **Vacation Rental Licensing**
Vacation rental operators continue to voluntarily submit the required documents to start the vacation rental licensing process. Based on the pending actions of the IRB City Commission concerning vacation rental ordinance #2025-01 the Administrative Team will adjust the registration documents if needed. Three vacation rental operators who have failed to register with the city are tentatively scheduled to appear before the City's Magistrate in April. Administrative activities associated with vacation rental compliance will greatly increase with a policy decision by the IRB City Commission concerning the pending IRB Vacation Rental Ordinance and Team Members' availability as we transition from public assistance from hurricane recovery to "normal" duties.

3 C. REPORT OF the City Commission.

Commissioner Bigelow made a motion to table Agenda Item 6 B.

City Attorney Mora clarified that the motion to table this item can only be considered when the meeting reaches that specific Agenda Item (Agenda Item 6 B).

Vice-Mayor Commissioner Wilson addressed some misconceptions during the City Commission Meeting, starting by clarifying her appointment and subsequent election. She was appointed in November 2023 to fill the seat left vacant by Joe McCall's resignation and was later elected to the seat in March 2024. Wilson stated that her appointment was encouraged due to her experience in Ohio working on legislative issues and citizen-led campaigns.

She acknowledged that before her appointment, she was not widely known in the community, except by those involved in local activities like the dog park, IRB Fitness, and Yoga Zen. Wilson emphasized that she does not act to please others and is independent in her decision-making. She values data and avoids drama when forming opinions.

She also urged attendees to pay attention to important legislative issues, specifically House Bill 401 regarding residential land use development regulations and Governor DeSantis' proposed overhaul of ballot initiatives. Wilson expressed concern that this bill could make it harder to gather enough signatures for ballot initiatives, despite it being previously unsuccessful. She believes it will continue to be a threat.

Mayor-Commissioner Houseberg reported key points discussed at the Big C meeting in January, particularly about the beach renourishment project. Currently, 93 easements have been signed (about 52% of residents), but the deadline for completing the necessary easements is approaching, and it is unlikely the remaining ones will be obtained in time. To address concerns, a Zoom session will be held on February 13 from 6 to 7:30 p.m. to explain the beach sand replacement project. The session link is available on the city's website, under the hurricane resources section.

Additionally, the Mayors from the Big C agreed to send a joint letter to President Trump and the administration, requesting help with obtaining permits and removing the perpetual easement clause from contracts.

Mayor-Commissioner Houseberg asked the Commission for approval to sign the letter on behalf of the city commission.

Roll Call Vote:

AYES: Bigelow, Bond, Wyant, Houseberg.

NAY: Wilson

APPROVED 4-1

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

A. APPROVAL OF December 10, 2024, Regular City Commission.

B. RECEIVE & FILE December 2024 Year-To-Date First Quarter Financials.

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

Motion made by Vice-Mayor Commissioner Wilson, seconded by Commissioner Wyant to approve the consent agenda, consisting of agenda item 5 A through 5 B.
Unanimous approval.

Motion passed 5-0

6. PUBLIC HEARINGS:

A. BOA-2025-01 -QUASI-JUDICIAL PROCEEDING 2117 GULF BOULEVARD, INDIAN ROCKS BEACH FLORIDA: Variance Request: from Sec.110-372(5) of the Code of Ordinances, requesting a reduction of one parking space, resulting in a total of (11) parking spaces and from Sec 110-375 requesting a reduction in the aisle width of 2 ft resulting in an aisle width of 22 ft. for property located at 2117 Gulf Blvd. Indian Rocks Beach, Florida, and legally described as Lot 1, Block 49 Re-revised Map of Indian Rocks Beach, according to the plat thereof, recorded in Plat Book 5, Page 6, of the Public Records of Pinellas County, Florida. Parcel # 01-30-14-42030-049-0010.

Staff Report

SUBJECT: BOA CASE NO. 2025-01 – 2117 Gulf Blvd.

Variance request from Sec.110-372(5) of the Code of Ordinances, requesting a reduction of one parking space, resulting in a total of 11 parking spaces and from Sec 110-375 requesting a reduction in the aisle width of 2 ft resulting in an aisle width of 22 ft. for property located at 2117 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 1, Block 49 Re-revised Map of Indian Rocks Beach , according to the plat thereof, recorded in Plat Book 5, Page 6, of the Public Records of Pinellas County, Florida. Parcel # 01-30-14-42030-049-0010

OWNER ESMARK, INC
LOCATION of PROPERTY: 2117 Gulf Blvd
ZONING: P1- Professional Office

Direction	Existing Use	Zoning Category
North	Vacant	P1
East	Residential	RM-2
South	Office	P1
West	Residential	CT

BACKGROUND: The applicant is proposing a two-story office building at this location and proposes access from the alley and exits onto 22nd Avenue instead of Gulf Blvd as it exists today. In order to provide parking within the rear of the building as well as underneath the building they are proposing to reduce the drive aisle width from 24 ft to 22 ft. They are proposing no parking in the front yard setback, and they are requesting to reduce the required parking spaces from 12 to 11.

Sec. 2-152. - Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The County requires a permit to access the property from Gulf Blvd and if there are other options the permit will most likely be denied.

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the development of the office building as proposed.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on January 6, 2025 (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED: No objections were received.

{End of Staff Report}

City Attorney Mora read by title only Agenda Item No. 6 A, BOA Case No. 2025-01, 2117 Gulf Boulevard.

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, with all members responding negatively.

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

Planning Consultant Harmon provided her report and stated that the Board of Adjustments and Appeals recommended approval by a vote of 3 to 0.

Daniel Epperly, the applicant's representative, offered plans to each commissioner and explained the development. He stated it follows the allowable pervious surface ratios and the allowable FAR.

Mayor-Commissioner Houseberg opened the public hearing.

Bob Copeland, 447 20th Avenue, stated that no hardship was provided.

Planning Consultant Harmon stated the County requires a permit to access the property from Gulf Blvd and if there are other options the permit will most likely be denied. The applicant did not create any special conditions or circumstances.

Motion made by Vice-Mayor Commissioner Wilson to approve BOA Case 2025-01, 2117 Gulf Boulevard and seconded by Commissioner Wyant.

Roll Call Vote:

AYES: Wyant, Wilson, Houseberg, Bigelow

NAY: None

MOTION TO APPROVE CARRIED 4-0

[Planning Consultant Harmon left the meeting at 6:58 P.M.]

B. ORDINANCE NO. 2025-01- SECOND/FINAL READING/PUBLIC READING-
AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING THE COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; AMENDING ARTICLE V, “VACATION RENTAL REGULATIONS,” WITHIN CHAPTER 18 – “BUSINESSES”; AMENDING THE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN SPECIFIED ZONING DISTRICTS IN THE CITY OF INDIAN ROCKS BEACH; AMENDING RELATED DEFINITIONS CONCERNING PERMISSIBLE OCCUPANCY; ALTERING REGISTRATION REQUIREMENTS; MODIFYING ENFORCEMENT PROVISIONS; AMENDING INSPECTION REQUIREMENTS; AMENDING THE DUTIES OF DESIGNATED RESPONSIBLE PARTIES; CLARIFYING LIFE SAFETY REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SUPREMACY, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

City Attorney Mora read Agenda Item 6 B, Ordinance No. 2025-01 by title only.

City Attorney Mora presented the agenda item and stated this item had been discussed extensively on the first reading in January, and nothing has changed since then.

Motion made by Commissioner Bigelow to table Ordinance No. 2025-01, seconded by Vice-Mayor Commissioner Wilson.

Roll Call Vote:

AYES: Bigelow, Bond, Wilson, Wyant, Houseberg.

NAY: None

MOTION TO APPROVE CARRIED 5-0

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 7:10 p.m. Unanimous approval by acclamation.