

**MINUTES**  
**CITY OF INDIAN ROCKS BEACH**  
**REGULAR CITY COMMISSION MEETING**

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The Indian Rocks Beach Regular City Commission Meeting was held on **Tuesday, June 8, 2010**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Johnson called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

**PRESENT:** Mayor-Commissioner R.B. Johnson  
Vice Mayor-Commissioner Daniel J. Torres  
Commissioner Joanne "Cookie" Kennedy  
Commissioner Terry Hamilton-Wollin  
Commissioner Phil J. Hanna  
City Manager Charles S. Coward  
City Attorney Maura J. Kiefer  
City Clerk Deanne Bulino O'Reilly  
Public Services Director Dean A. Scharmen  
Planning & Zoning Director Danny E. Taylor

**1A. PRESENTATION by Action 2000, Inc., on the Gulf Boulevard/6<sup>th</sup> Avenue Expanded View Project.**

**Jim Labadie, of Indian Rocks Beach Action 2000, Inc.**, provided details of the Gulf Boulevard/6th Avenue Expanded View Project. He stated that Pinellas County scaled the project down from a deck to an expanded view project. He advised that Pinellas County has approved a permit to enlarge to 50 feet wide from the original 25 feet wide, which is a nicer view and presentation.

City Manager Coward explained he wanted to include this item on the agenda to explain that the original, more elaborate project has been scaled back. He explained that the project will include the removal of the top rail and the cutting down of the mangroves, and he wanted the City Commission to be aware of the changes to the project.

## **2. PUBLIC COMMENTS.**

**Serg Rogers, 1213 Bay Palm Boulevard,** stated he has seen that the Pinellas County Fire and Rescue District (PSFRD) is seeking to increase their assessment fee to property owners within the PSFRD. He stated the proposal is for the increase to be based either on a five-year average increase in Florida personal income or the percentage increase in the previous year whichever is greater. He expressed concern for people who cannot afford these increases and the method of calculating the increase with the current economy and unemployment in the State. He expressed concern that the increase, last time, was passed with only one-third of the voting population in the City. He urged the City Commission to present the facts and encourage people to vote.

**Don House, 2104 Beach Trail,** expressed his concern regarding the commercialization of the west side of Gulf Boulevard. He suggested that Michael Crawford, of the Pinellas Planning Council (PPC), be invited to a City Commission Meeting to discuss the definition of the terms "primary" and "secondary" uses.

**Gordon Obarski, 708 Beach Trail, Unit #B,** expressed concern regarding problems with Bright House Networks and suggested consideration of another service provider that is up-to-date with in-home technology.

**Steve Strautmann, 347 Bahia Vista Drive,** asked what is being done about the condition of the property at 349 Bahia Vista Drive, and stated he made a complaint a couple of weeks ago regarding this property.

Mayor Johnson directed the City Manager to look into this matter and report back to the City Commission at the next meeting.

## **3. ORGANIZATIONAL REMARKS. None.**

### **4A. REPORTS OF THE CITY ATTORNEY:**

City Attorney Kiefer reported she has drafted the resolution and agreement for the donation of the JPEG File from the Plein Aire Cottage Artists, and is working on the amendments to the Noise Code, and will then be working on the criteria for alcoholic beverage license designations.

## **4B. REPORTS OF THE CITY MANAGER:**

### **4B. (1) Gulf Boulevard Crosswalk Options.**

**BACKGROUND:** During May 25, 2010 City Commission Meeting, there was discussion about Gulf Boulevard crosswalk signage in general and “yield to pedestrians” and “fine schedule” signs in particular. This discussion prompted the Public Services Director and the City Manager to do a bit of research regarding the various legal methods of signing crosswalks in the State of Florida, and staff took a quick survey of the various methods currently being used on Gulf Boulevard by the 11 Pinellas County cities (Clearwater, Belleair Beach, Belleair Shore, Indian Rocks Beach, Indian Shores, Redington Shores, North Redington Beach, Redington Beach, Madeira Beach, Treasure Island, and St. Pete Beach). The law for motorist obedience to crosswalks is contained in section 316.130(7)(b), Florida Statutes.

During May 26, 2010 Barrier Islands Governmental Council (BIG-C) Meeting, Commissioner Wollin and the City Manager heard a presentation from the Pinellas County Metropolitan Planning Organization, (MPO), that they, in partnership with the Florida Department of Transportation, (FDOT), were going to upgrade the State highway sections of Gulf Boulevard crosswalks by providing fluorescent green flags that pedestrians could use to cross the street (similar to the red flags used in Clearwater). None of the BIG-C members were aware of this new program and it is undefined at this point if any costs will be incurred by the cities. The reaction of the BIG-C to this new program was “reserved”, but it did spur some discussion about the benefits of having a single signage system agreed to by all 11 cities. It was felt that the uniformity would greatly benefit both the pedestrians and the motorists alike.

**ANALYSIS:** The results of staff’s quick survey were not surprising. First and foremost, it is safe to say that among the 11 Gulf Boulevard cities, there is a wide variety of crosswalk signage systems on display. Several are fairly close, but some even vary within their own community, probably because of the cost of the more elaborate installations.

A short outline of the various options is shown below. There are at least six different major elements to be considered and within each element, there are several options:

- A. Crosswalk marking itself:  
Paint or texture

- Color
- Design
- B. MUTCD black on yellow signage:
  - At crosswalk
  - Advanced warning
  - W/arrows and/or wording
- C. Lighting w/MUTCD signage:
  - Yellow flashers (1 or 2)
  - Strobe lighting (St. Pete)
  - Other
- D. Additional signage:
  - Yield to pedestrian black on white (several different signs & placements)
  - Fine schedule and FS reference
- E. Flags:
  - Red on top (Clearwater)
  - Green carry-across (MPO)
- F. Additional pavement marking:
  - PED Xing
  - Stop Bars

And as always, there are problems that must be considered when the City Commission makes their choices:

1. Sign placement can be very difficult in our overdeveloped urban streetscape:
  - a. All concrete locations.
  - b. Overhanging landscaping.
  - c. Available public ROW
2. Often "additional signage" blocks MUTCD signage from view:
3. Costs and maintenance are a factor.

City Manager Coward presented the Agenda Memorandum stating there is a cost factor and a concern with the sign pollution factor. He stated his opinion is that all beach communities should have a unified program on Gulf Boulevard. He stated the Barrier Islands Governmental Council (BIG-C) would be the venue to use to obtain a unified pedestrian crossing sign. He suggested that staff could present a sign program, at the direction of the City Commission, based on the information provided.

Commissioner Hanna agreed there needs to be a standardization of the signage, if possible.

Commissioner Wollin stated that BIG-C thought the flashers work the best and that flags were not good because they were difficult for the tourists to understand. She commented she is sure that BIG-C will continue working on this issue.

Mayor Johnson stated there have been past discussions about installing signs at the City entrances regarding the State law for pedestrian crossings versus numerous signs at each pedestrian crosswalk.

City Manager Coward commented staff will do what the City Commission directs, and they will review the issue in detail over the summer. He commented that having something at the City entrances is a good idea.

#### **4B. (2) Café Soleil, 1511 Gulf Boulevard, noise complaints.**

**BACKGROUND:** On April 14, 2009, the City Commission granted Stacy Merriam, owner of Café Soleil/Bar Luna, an Alcoholic Beverage Use Designation by passing Resolution No. 2009-33. This designation came with two conditions as indicated in Section 2 of the Resolution: (1) No outside amplified music at any time; and (2) Inside music is to be at a level not to be heard outside.

For a period of time in late 2009 and early 2010, the Pinellas County Sheriff's Office, (PCSO), received complaints that the inside music at Bar Luna could be heard outside. Upon response and a request to turn the music down, they did so, but the fact remains that the Bar Luna music was in violation of Resolution No. 2009-33.

More recently, the City received several complaints, one written from TJ's Italian Café, 1515 Gulf Boulevard, that Café Soleil/Bar Luna (kna Ale House) was playing outdoor amplified music on their front deck. The City's Code Enforcement Officer also observed this violation on Friday, May 21, 2010 and advised the manager, Mr. Dillion, that he was not authorized to play outdoor amplified music. Mr. Dillion ignored this advice and the music again played until 10:00 p.m. on Saturday, May 22, 2010.

City staff, being left with no other alternatives, issued a "Notice of Alcohol Beverage Use Designation Revocation Proceedings" and has scheduled these

noise violations to be discussed before the City Commission under the City Manager's reports.

**ANALYSIS:** Staff is inclined to view this situation in the spirit of the new noise regulations which the community has spent so much time developing. From this perspective, the indoor noise violations of this past winter would constitute a warning (1<sup>st</sup> violation) and the initial outside complaints from neighbors a second violation. The two incidents on May 21 and May 22, after specific directive from the Code Enforcement Officer that it was not acknowledged, are a third violation.

The City staff has no authority for a Resolution violation other than to ask the City Commission to schedule a public hearing. If, after hearing from all parties involved, the City Commission desires to schedule a formal public hearing concerning the possible revocation of the Café Soleil/Bar Luna liquor designation, staff will handle the proper legal notice and advertisement.

City Manager Coward reported that a Notice of Alcoholic Beverage License Designation Revocation Proceedings has been sent to the business. He clarified that this is not the meeting at which the City Commission has the authority to withdraw their Alcoholic Beverage License Designation. He explained to go to that level, the City Commission would have to schedule a public hearing to revoke their license designation. He stated he is not making the recommendation to revoke the designation. He stated he was aware, through the winter months, that Bar Luna had some noise issues and that the Pinellas County Sheriff's Office (PCSO) responded several times, and he thought it was being taken care of. However, then complaints came about amplified outside music on the deck, and Resolution No. 2009-33 specifically states no outdoor amplified music. He reviewed an incident which was addressed by the City's Code Enforcement Officer which happened again the following night; therefore, he felt there was no recourse, but to bring it to the attention of the City Commission. He suggested approaching this situation according to the new Noise Ordinance regulations first with a warning, and then proceeding with the subsequent steps.

**Stacy Merriam, owner of Bar Luna, 1511 Gulf Boulevard,** apologized and explained there was a change in management, and she forgot to explain that amplified outside music was prohibited per the Resolution. She stated they were not advised by the Code Enforcement Officer that it was not allowed, only to turn it down, which they did, and then they stopped altogether. She stated since she and her husband have taken over management, there have been no

complaints that she is aware of, and the PCSO has not been there since the one time. She stated it was a mistake on their part, and it will not happen again, and they will go through the proper permitting procedures for outside amplified music.

**Bill Dillion, owner of Bar Luna, 1511 Gulf Boulevard,** stated he was there when the complaint was made, and stated he was not aware that some businesses could play outside amplified music and others could not. He stated he has been used to the use of decibel levels in other places where he has worked.

Commissioner Kennedy suggested with this being new management and a lack of communication, that they just start over now that they understand the rules.

Commissioner Wollin stated she recalls it was clear, if the license designation was approved, there would be no outside amplified music whatsoever, and that Ms. Merriam's brother stated it was no problem because the only music would be soft jazz inside. She commented the establishment abuts a residential neighborhood; therefore, that was the reason for holding them to those standards. She does not know how that could have been overlooked. She stated those were conditions of the license designation, and she does not think that a permit can be obtained and change those conditions. She stated she wants them to stay in business, but when the new noise regulations are adopted, everyone is going to be held to a higher standard. She stated residents have the right to the peaceful enjoyment of their own homes. Commissioner Wollin expressed concern that the owner was not notified that there have been complaints.

Ms. Merriam reiterated that she had forgotten about the provision and now that it has been brought to her attention she does remember. She stated a warning would have been nice.

City Attorney Kiefer clarified that the business is allowed outdoor music, but not outside amplified music. She explained that if Ms. Merriam does not understand that, she may contact the City Manager or herself at any time and they will review it with her.

Vice Mayor Torres commented that this situation proves the complexity of the noise issue and hopefully it will be resolved when the new rules are implemented.

City Attorney Kiefer explained the new noise ordinance is not going to affect this business's current conditions for their Alcoholic Beverage Use Designation; however, she assumes they can appear before the City Commission to have the resolution modified, and she will be happy to talk with them about it. She pointed out the importance of a dialogue between the parties to make the issues clear.

Discussion ensued regarding the future Noise Ordinance regulations and permitting process and the differences between that and the conditions on the establishment according to Resolution No. 2009-33, which is a separate proceeding.

#### **4C. REPORTS OF THE CITY COMMISSION:**

##### **COMMISSIONER KENNEDY:**

- Advised that the Seabird Sanctuary in Indian Shores is accepting donations of Dawn dishwashing soap, towels, and so forth.
- Advised she has learned that BP has cancelled HAZMAT training, but before learning that, she spoke with PSFRD Chief Russ Livernois who advised he would put on the training for anyone eligible. She stated she is upset that Indian Rocks Beach cannot be more involved with the oil cleanup. She expressed concern that Floridians want to have the opportunity to help, and that BP is stopping that from happening. She advised she does have some phone numbers people can call about the situation. She stated right now citizens can become a part of a list of volunteers for the area through preregistering at [keepinellasbeautiful.org](http://keepinellasbeautiful.org).

City Manager Coward stated that websites and information is also referenced on the City's website.

##### **COMMISSIONER WOLLIN:**

- Announced "Hands Across the Sand" is Saturday, June 26, 2010, at noon, and everyone is to wear black. She explained "Hands Across the Sand" is a movement that is not about politics; it is about the protection of the coastal economies, oceans, marine wildlife, and fishing industry from the devastating effects of oil drilling.
- Announced that tickets are available at City Hall for the BIG-C Rays Days on Sunday, June 27, 2010.

**COMMISSIONER TORRES:**

- Asked if it would be appropriate to rake the beach more than usual this month to clear the debris due to the oil spill. Public Services Director Scharmen commented that it would not be helpful at this point.

**MAYOR JOHNSON:**

- Announced the Pinellas County Board of County Commissioners will be holding a work session on Thursday, June 10, 2010, at 1:00 p.m. to discuss the undergrounding of utilities on Gulf Boulevard.
- Discussed the Pinellas Mobility Initiative (PMI) that is becoming a different entity in relation to the Alternative Analysis to investigate possible corridors for a rail system. He explained there is now a Project Advisory Committee with six representatives, and he is one of the representatives along with others from cities and Pinellas County. He explained that this is the first step in the process with the Federal Transit Administration for procurement and funding that will determine the exact route for a potential rail system which is a massive project beyond scale of the local transit agency.
- Advised he is also sitting on a Transportation Task Force related to a potential referendum in 2011 or 2012 regarding a new funding source for the Pinellas Suncoast Transit Authority (PSTA) other than the current reliance on the property tax, which is a declining revenue source.

**5. ADDITIONS/DELETIONS.** None.

**6. CONSENT AGENDA:**

**A. APPROVAL OF the May 11, 2010 Regular City Commission Meeting Minutes.**

City Attorney Kiefer read the Consent Agenda, consisting of Agenda Item No. 6A, by title only.

***MOTION MADE BY COMMISSIONER KENNEDY, SECONDED BY COMMISSIONER WOLLIN, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NO. 6A.***

***UNANIMOUS APPROVAL BY ACCLAMATION.***

**7. PUBLIC HEARINGS:** None.

**8A. RESOLUTION No. 2010-45. Authorizing the City Manager to purchase decking material (Composite Trex) from Bayshore Construction, Incorporated in the amount of \$20,000 through the Pinellas County 2008/2009 Annual Boardwalk, Fishing Pier, Observation Tower, and Timber Bridge Improvements Project Number 1744, Bid Number 0708-0178-C.**

**BACKGROUND:** The City currently has 18 dune walkovers, 4 docks, and 2,440 linear feet of boardwalk within the City.

Some of the infrastructure was constructed with pressure treated lumber that, in staff's opinion, has met its life expectancy and is in need of replacement.

For several years, staff has been addressing this issue on an annual basis and as the appropriated funding has allowed.

**ANALYSIS:** As part of the City's ongoing upgrade program for the dune walkovers, docks and boardwalks within the City, staff is seeking the City Commission's consideration in authorizing the City Manager to make this type of purchase.

The "Composite Trex" has a life expectancy of approximately 25/30 years and its installation should alleviate future maintenance costs in these areas.

**FISCAL IMPACT:** Within the FY 2009/2010 Budget, under the City of Indian Rocks Beach Capital Improvement Fund, Project Number C103-DW, Account Number 101-539-572-063-204 (Penney For Pinellas), the City has appropriated funds in the amount of \$80,000 for this type of activity/purchase.

Expenses to date include the following:

Dune Walkovers @ 1 <sup>st</sup> , 2 <sup>nd</sup> & 24 <sup>th</sup> Avenues	= \$56,858
Balance	= \$23,142
*** Proposed Decking Purchase	= \$20,000
Ending Balance	= \$ 3,142

City Attorney Kiefer read Resolution No. 2010-45 by title only.

City Manager Coward presented the Agenda Memorandum explaining this is a budgeted item to upgrade the deteriorating boardwalk at the Indian Rocks Beach Nature Preserve.

**Gordon Obarski, 708 Beach Trail, Unit #B,** commented that the material being proposed is not "green," and if the City is going to establish itself as a "Green City", that needs to be taken into consideration.

Public Services Director Scharmen explained that the composite material is not 100% recycled material; however, it is comprised of recyclable material with a life expectancy of 30 to 50 years.

**MOTION MADE BY COMMISSIONER KENNEDY, SECONDED BY COMMISSIONER WOLLIN, TO APPROVE RESOLUTION NO. 2010-45, AUTHORIZING THE CITY MANAGER TO PURCHASE DECKING MATERIAL (COMPOSITE TREX) FROM BAYSHORE CONSTRUCTION, INCORPORATED IN THE AMOUNT OF \$20,000 THROUGH THE PINELLAS COUNTY 2008/2009 ANNUAL BOARDWALK, FISHING PIER, OBSERVATION TOWER, AND TIMBER BRIDGE IMPROVEMENTS PROJECT NUMBER 1744, BID NUMBER 0708-0178-C.**

The City Commission discussed the fact that the problem with the boardwalk now is that the material is falling apart, and there are maintenance and safety issues, which is the point of a better material.

**UNANIMOUS APPROVAL BY ACCLAMATION.**

**9. ORDINANCES, first reading:** None.

**10A. DISCUSSION OF FUTURE LAND USE AND ZONING MAP AMENDMENTS:**

Planning and Zoning Director Taylor presented the Agenda Item. He explained that this item addresses three parcels of property; and on each property, consideration of two actions: the first action involves a change in the Future Land Use Map and the second action involves a change in zoning.

**10A(1)(a) 1200 GULF BOULEVARD — APPROXIMATELY 0.35 ACRES.**

**ORDINANCE NO. 2010-07. Small Scale Future Land Use Map Amendment. 1200 Gulf Boulevard; from Resort Facilities High to Recreation Open Space. This amendment reconciles the existing use, a park, to the correct Future Land Use Map Category. This property is owned by the City of Indian Rocks Beach.**

**BACKGROUND:** Over the years, this parcel has been developed by the City into a municipal park. The subject property, approximately 0.35 acres or 15,256 square feet, currently has a Future Land Use Map category of Resort Facilities High. The maximum density in Resort Facilities High is 30 units per acre with a maximum floor area ratio of 0.50 and a maximum impervious surface ratio of 0.70. This category is generally appropriate to locations where it would identify existing highly intensive mixed residential and hotel/motel use in the resort areas of the county; in locations where unique recreational assets warrant the combination of permanent and temporary accommodations in proximity to and served by the arterial and major thoroughfare network, as well as by mass transit. The standard for the purpose of calculating typical traffic impacts relative for this category shall be 331 trips per day per acre. \*Source: Pinellas County Countywide Plan Rules.

The Recreation/Open Space future land use category is proposed for this site. There is no density associated with Recreation/Open Space. The maximum floor area ratio is 0.25 and the maximum impervious surface ratio is 0.60. This category is generally appropriate to those public and private open spaces and recreational facilities dispersed throughout the county; and in recognition of the natural and man-made conditions which contribute to the active and passive open space character and recreation use of such locations. The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 3 trips per day per acre.\* Source: Pinellas County Countywide Plan Rules.

**FINDINGS:**

- The proposed amendment would decrease density in the Coastal High Hazard Area. FAR and ISR would be further restricted in the Recreation/Open Space as compared to the Resort Facilities High land use category.
- The proposed amendment to the Future Land Use Map would decrease the amount of traffic that could be generated by this site.
- Currently, the site is adequately served with water and sewer. The proposed amendment would decrease the demand for water and sewer at this site.

**SURROUNDING USES, LAND USE, AND ZONING:**

<b>Direction</b>	<b>Existing Use</b>	<b>Zon ing Category</b>	<b>Future Land Use Category</b>
North	Condominium	CT – Commercial Tourist	Resort Facilities High
East	Office	NMU – Neighborhood Mixed-Use	Residential/Office/Retail
South	Condominium	CT – Commercial Tourist	Resort Facilities High
West	Condominium	CT – Commercial Tourist	Resort Facilities High

**CONSISTENCY WITH THE COMPREHENSIVE PLAN - RELEVANT GOALS, OBJECTIVES AND POLICIES:**

**FUTURE LAND USE: - GOAL 1:**

The residential/family character of the City of Indian Rocks Beach shall be maintained and protected while:

- Ensuring that development takes place according to the natural resources available and the ability to provide services to all residents;
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;
- Maximizing the potential for enjoyment of natural and man-made resources by citizens and visitors alike.

**INDIAN ROCKS BEACH STANDARDS FOR REVIEW**

**Sec. 110-802. Standards for Review.**

- (a) No amendment shall be recommended for approval by the Local Planning Agency without an affirmative vote from the majority of the full membership of the Board or approved by the City Commission without an affirmative vote from the majority of the full membership of the City Commission, in accordance with the requirements of Section 110-8, based upon evidence presented at public hearing and the following standards:
- (1) Conformance with the requirements of this Code.
    - *The proposed amendment is in conformance with this Code.*
  - (2) The available uses to which the property may be put are appropriate to the property in question and are compatible with the

existing and planned uses in the area. Determination of appropriateness shall include consideration of, but not be limited to, soil conditions, vegetative classifications, drainage, topography, and potential flooding.

- *The existing and planned use of the site is a municipal park. The proposed amendment represents a decrease in density and intensity. A park is appropriate to this location and to the City as a whole.*

- (3) The amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.
  - *As noted above, the proposed change in land use category is consistent with the Comprehensive Plan.*
- (4) The amendment will not result in significant adverse impacts to the environment or historical resources.
  - *The change in the land use category from Resort Facilities High to Recreation/Open Space will have no significant adverse impacts to the environment or historical resources.*
- (5) The amendment will not create an isolated district unrelated to the scale and character of adjoining Future Land Use Plan Map designations.
  - *The proposed land use amendment will create a Recreation/Open Space land use category which will augment and enhance the surrounding Resort/Facilities High land use category.*
- (6) The amendment will not adversely affect adjoining property values.
  - *Location relative to a City park may enhance surrounding property values by providing desirable open space.*
- (7) The amendment will neither adversely impact nor exceed the capacity or the fiscal ability of the City to provide available public facilities, including transportation, water, sanitary sewer, stormwater drainage, recreation, solid waste disposal, and other similar public facilities. Compliance with the adopted level of service standards can be demonstrated if necessary.
  - *This amendment will have no fiscal impact or increased demand on public facilities.*
- (8) The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.
  - *The proposed amendment is consistent with Item #8.*

Planning and Zoning Director Taylor explained that this proposed action is considered a Small Scale Future Land Use Amendment. He reviewed the proposal to change from Resort Facilities High to Recreation/Open/Space. He reviewed an aerial view of the area.

**CONSENSUS TO PROCEED WITH ORDINANCE NO. 2010-07.**

**10A(1)(b) 1200 Gulf Boulevard – Approximately 0.35 acres. ORDINANCE NO. 2010-08. Rezoning of 1200 Gulf Boulevard; from Commercial Tourist to Recreation Open Space. This rezoning reconciles the existing use, a park, to the correct zoning district. This property is owned by the City of Indian Rocks Beach.**

**BACKGROUND:** Over the years, this parcel has been developed by the City into a municipal park. The subject property, approximately 0.35 acres or 15,256 square feet, is currently zoned Commercial Tourist (CT). The maximum density in CT is 30 units per acre with a maximum floor area ratio of 0.50 and a maximum impervious surface ratio of 0.70.

Recreation/Open Space (R/OS) zoning is proposed for this site. The maximum floor area ratio is 0.25, and the maximum impervious surface ratio is 0.60. This zoning district is for areas of recreational uses where the predominant activities involve developed public physical facilities. Applicable permitted uses include parks and recreation areas.

**SURROUNDING USES, LAND USE, AND ZONING:**

<b>Direction</b>	<b>Existing Use</b>	<b>Zon ing Category</b>	<b>Future Land Use Category</b>
North	Condominium	CT – Commercial Tourist	Resort Facilities High
East	Office	NMU – Neighborhood Mixed-Use	Residential/Office/Retail
South	Condominium	CT – Commercial Tourist	Resort Facilities High
West	Condominium	CT – Commercial Tourist	Resort Facilities High

Planning and Zoning Director Taylor stated the proposed zoning is from Commercial Tourist (CT) to Recreation/Open/Space (R/O/S), and he explained

that the result of this action would be to reconcile the existing use, which is a park, to the correct zoning district.

**Gordon Obarski, 708 Beach Trail, Unit #B**, stated his concern if the west side of Gulf Boulevard is being commercialized, then the property will be worth less if zoned from CT to R/O/S. He explained that if, for any reason, the City wished to sell the property, it would be worth more zoned CT.

***CONSENSUS TO PROCEED WITH ORDINANCE NO. 2010-08.***

**10A(2)(a) PROPERTY LOCATED NORTH OF SR688 AND SOUTH OF AND BETWEEN 6<sup>TH</sup> AVENUE — 2.06 ACRES. ORDINANCE NO. 2010-09. Small Scale Future Land Use Map Amendment. Property located north of SR688 and south of and between 6<sup>th</sup> Avenue, consisting of 2.06 acres; from Residential Urban to Preservation. This amendment reconciles the existing use, an undeveloped area adjacent to a bridge, to the correct Future Land Use Map Category. This property is owned by the Florida Department of Transportation.**

**BACKGROUND:** This 2.06 acre parcel is shown on the Comprehensive Plan Future Land Use Map as Residential Urban. The parcel is vacant. The maximum density in Resort Urban is 7.5 dwelling units per acre with a maximum floor area ratio of 0.40 and a maximum impervious surface ratio of 0.65. This category is generally appropriate to locations removed from, but in proximity to urban activity centers; in areas where use and development characteristics are urban residential in nature; and in areas serving as a transition between more suburban and more urban residential areas. These areas are generally served by and accessed from minor and collector roadways which connect to the arterial and thoroughfare highway network. The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 68 trips per day per acre. \*Source: Pinellas County Countywide Plan Rules.

The Preservation future land use category is proposed for this site. The maximum floor area ratio is 0.10 and the maximum impervious surface ratio is 0.20. This category is generally appropriate to those natural resource features it is designed to recognize wherever they may appear and at a size significant to the feature being depicted in relationship to its surroundings. In recognition of the natural conditions which they are intended to preserve, these features

will frequently occur in a random and irregular pattern interposed among the other categories. The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 3 trips per day per acre. \*Source: Pinellas County Countywide Plan Rules.

**FINDINGS:**

- The proposed amendment would decrease density in the Coastal High Hazard Area. FAR and ISR would be further restricted in the Preservation category as compared to the Residential Urban land use category.
- The proposed amendment to the Future Land Use Map would decrease the amount of traffic that could be generated by this site.
- The site is not served with water and sewer.

**SURROUNDING USES, LAND USE, AND ZONING:**

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning Category</b>	<b>Future Land Use Category</b>
North	Single-family	S	Residential Urban
East	ICCW		
South	Holiday Inn	PUD	Residential/Office/Retail
West	Vacant Building	Neighborhood Mixed Use	Residential/Office/Retail

**CONSISTENCY WITH THE COMPREHENSIVE PLAN - RELEVANT GOALS, OBJECTIVES AND POLICIES:**

**FUTURE LAND USE – GOAL 1:**

The residential/family character of the City of Indian Rocks Beach shall be maintained and protected while:

- Ensuring that development takes place according to the natural resources available and the ability to provide services to all residents;
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;
- Maximizing the potential for enjoyment of natural and manmade resources by citizens and visitors alike.

**INDIAN ROCKS BEACH STANDARDS FOR REVIEW**

**Sec. 110-802. Standards for Review.**

(a) No amendment shall be recommended for approval by the Local Planning Agency without an affirmative vote from the majority of the full membership of the Board or approved by the City Commission without an affirmative vote from the majority of the full membership of the City Commission, in accordance with the requirements of Section 110-8, based upon evidence presented at public hearing and the following standards:

- (1) Conformance with the requirements of this Code.
  - *The proposed amendment is in conformance with this Code.*
- (2) The available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area. Determination of appropriateness shall include consideration of, but not be limited to, soil conditions, vegetative classifications, drainage, topography, and potential flooding.
  - *There are no plans for the development of this site. The proposed amendment represents a decrease in density and intensity. It is appropriate to this location to remain undeveloped.*
- (3) The amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.
  - *As noted above, the proposed change in land use category is consistent with the Comprehensive Plan.*
- (4) The amendment will not result in significant adverse impacts to the environment or historical resources.
  - *The change in the land use category from Residential Urban to Preservation will have no significant adverse impacts to the environment or historical resources.*
- (5) The amendment will not create an isolated district unrelated to the scale and character of adjoining Future Land Use Plan Map designations.
  - *The proposed land use amendment will create a Preservation land use category consistent with the scale and character of the surrounding.*
- (6) The amendment will not adversely affect adjoining property values.
  - *The amendment should have not affect on surrounding property values by providing desirable open space.*
- (7) The amendment will neither adversely impact nor exceed the capacity or the fiscal ability of the city to provide available public facilities, including transportation, water, sanitary sewer, stormwater drainage, recreation, solid waste disposal, and other

similar public facilities. Compliance with the adopted level of service standards can be demonstrated if necessary.

- *This amendment will have no fiscal impact or increased demand on public facilities.*
- (8) The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.

Planning and Zoning Director Taylor explained that this proposed action is considered a Small Scale Future Land Use Amendment. He reviewed the proposal to change from Residential Urban to Preservation. He reviewed an aerial view of the area.

**CONSENSUS TO PROCEED WITH ORDINANCE NO. 2010-09.**

**10A(2)(b) Property located north of SR688 and south of and between 6<sup>th</sup> Avenue — 2.06 acres.**  
**ORDINANCE NO. 2010-10. Rezoning of property located north of SR688 and south of and between 6<sup>th</sup> Avenue, consisting of 2.06 acres; from Single-Family to Preservation. This rezoning reconciles the existing use, an undeveloped area adjacent to a bridge, to a more appropriate zoning district. This property is owned by the Florida Department of Transportation.**

**BACKGROUND:** This 2.06 acre parcel is shown on the Official Zoning Map as S (single-family-residential). The parcel is vacant. The maximum density in S is 7.5 dwelling units per acre with a maximum floor area ratio of 0.40 and a maximum impervious surface ratio of 0.65.

Preservation zoning is proposed for this site. The maximum floor area ratio is 0.10 and the maximum impervious surface ratio is 0.20. The purpose of this district is for preservation of water recharge areas and areas of significant environmental or ecological importance, and low intensive preservation including conservation and recreation uses which require the retention of an essentially natural landscape with the predominating surface cover being vegetated and permeable. Permitted uses include wildlife preserves, freshwater and saltwater wetlands, coastal dunes, conservation and recreation uses.

**SURROUNDING USES, LAND USE AND ZONING:**

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning Category</b>	<b>Future Land Use Category</b>
North	Condominium	CT – Commercial Tourist	Resort Facilities High
East	Office	NMU – Neighborhood Mixed-Use	Residential/Office/Retail
South	Condominium	CT – Commercial Tourist	Resort Facilities High
West	Condominium	CT – Commercial Tourist	Resort Facilities High

Planning and Zoning Director Taylor stated the proposed zoning is from Single-Family to Preservation.

Mayor Johnson clarified with Planning and Zoning Director Taylor that the property that is zoned Single-Family and was acquired by the Florida Department of Transportation (FDOT) for the bridge project as a mitigation area and will remain so in perpetuity.

***CONSENSUS TO PROCEED WITH PROPOSED ORDINANCE NO. 2010-10.***

**10A(3)(a) STATE OF FLORIDA – INDIAN ROCKS BEACH – 63 ACRES. ORDINANCE NO. 2010-11. Future Land Use Map Amendment for property described as: Beginning at the intersection of the Coastal Construction Line and the southernmost municipal boundary, the south line of Whitehurst Street, and running in a northerly direction parallel to the Coastal Construction Line and projecting west towards the Gulf of Mexico a distance of 200 feet and ending at the intersection of the Coastal Construction Control Line and the northernmost municipal boundary per the City of Indian Rocks Beach City charter Section 1.2, Territorial Boundaries, and according to the Map of Indian Rocks recorded in Plat Book 2, Page 97, Public Records of Hillsborough County and consisting of about 63 acres.**

**BACKGROUND:** This 63 acre area does not have a future land use category. The area lies entirely west of the Coastal Construction Control Line. It is usually referred to as the beach.

The Preservation future land use category is proposed for this site. The maximum floor area ratio is 0.10 and the maximum impervious surface ratio is 0.20. This category is generally appropriate to natural resource features. Preservation is designed to recognize ecologically natural areas at a size significant to the feature being depicted in relationship to its surroundings. These features will frequently occur in a random and irregular pattern interposed among the other categories. The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 3 trips per day per acre. \*Source: Pinellas County Countywide Plan Rules.

**FINDINGS:**

- The proposed amendment would establish a Preservation future land use category of 62.86 acres where no land use category previously existed.
- Properties adjacent to the area are served with water and sewer.

**SURROUNDING USES, LAND USE, AND ZONING:**

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning Category</b>	<b>Future Land Use Category</b>
North	Single-family	S	Residential Urban
East	ICCW		
South	Holiday Inn	PUD	Residential/Office/Retail
West	Vacant Building	Neighborhood Mixed Use	Residential/Office/Retail

**LAND USE ACREAGES:**

<b>Land Use</b>	<b>Acres</b>
Single-Family	194.69
Duplex-Triplex/Multifamily	107.67
Commercial-Office	36.31
Public/Semi-Public	17.64
Vacant	21.04
Recreation/Open Space	18.26
Conservation/Preservation	71.24
<b>Total Acreage</b>	<b>466.85</b>

Source: Pinellas Planning Council and Pinellas County Property Appraiser, 2007

NOTE: 3.55 acres located within the 62.86 acres Conservation/Preservation area seaward of the Coastal Construction Line are platted lots.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN - RELEVANT GOALS, OBJECTIVES AND POLICIES:**

**FUTURE LAND USE — GOAL 1:**

The residential/family character of the City of Indian Rocks Beach shall be maintained and protected while:

- Ensuring that development takes place according to the natural resources available and the ability to provide services to all residents;
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;
- Maximizing the potential for enjoyment of natural and man-made resources by citizens and visitors alike.

**INDIAN ROCKS BEACH STANDARDS FOR REVIEW**

**Sec. 110-802. Standards for Review.**

(a) No amendment shall be recommended for approval by the Local Planning Agency without an affirmative vote from the majority of the full membership of the Board or approved by the City Commission without an affirmative vote from the majority of the full membership of the City Commission, in accordance with the requirements of Section 110-8, based upon evidence presented at public hearing and the following standards:

- (1) Conformance with the requirements of this Code.
  - *The proposed amendment is in conformance with this Code.*
- (2) The available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area. Determination of appropriateness shall include consideration of, but not be limited to, soil conditions, vegetative classifications, drainage, topography, and potential flooding.
  - *There are no plans for the development of this site. The proposed amendment represents a decrease in density and intensity. It is appropriate to this location to remain undeveloped.*

- (3) The amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.
  - *As noted above, the proposed change in land use category is consistent with the Comprehensive Plan.*
- (4) The amendment will not result in significant adverse impacts to the environment or historical resources.
  - *The change in the land use category from Residential Urban to Preservation will have no significant adverse impacts to the environment or historical resources.*
- (5) The amendment will not create an isolated district unrelated to the scale and character of adjoining Future Land Use Plan Map designations.
  - *The proposed land use amendment will create a Preservation land use category consistent with the scale and character of the surrounding.*
- (6) The amendment will not adversely affect adjoining property values.
  - *The amendment should have not affect on surrounding property values by providing desirable open space.*
- (7) The amendment will neither adversely impact nor exceed the capacity or the fiscal ability of the City to provide available public facilities, including transportation, water, sanitary sewer, stormwater drainage, recreation, solid waste disposal, and other similar public facilities. Compliance with the adopted level of service standards can be demonstrated if necessary.
  - *This amendment will have no fiscal impact or increased demand on public facilities.*
- (8) The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.
  - *The proposed amendment is consistent with Item #8.*

Planning and Zoning Director Taylor explained that this proposed action is considered a Future Land Use Amendment. He reviewed the proposal to change from an undesignated land use category to a Preservation future land use category. He reviewed an aerial view of the area and the proposed revised Future Land Use Map.

**10A(3)(b) STATE OF FLORIDA – INDIAN ROCKS BEACH – 63 ACRES. ORDINANCE NO. 2010-12. Zoning for property described as: Beginning at the intersection of the Coastal**

**Construction Line and the southernmost municipal boundary, the south line of Whitehurst Street, and running in a northerly direction parallel to the Coastal Construction Line and projecting west towards the Gulf of Mexico a distance of 200 feet and ending at the intersection of the Coastal Construction Control Line and the northernmost municipal boundary per the City of Indian Rocks Beach City charter Section 1.2, Territorial Boundaries, and according to the Map of Indian Rocks recorded in Plat Book 2, Page 97, Public Records of Hillsborough County and consisting of about 63 acres.**

**BACKGROUND:** This 63 acre area is not zoned. The area lies entirely west of the Coastal Construction Control Line. It is usually referred to as the beach.

The Preservation zoning district is proposed for this area. The maximum floor area ratio is 0.10 and the maximum impervious surface ratio is 0.20. The purpose of this district is for preservation of water recharge areas and areas of significant environmental or ecological importance, and low intensive preservation including conservation and recreation uses which require the retention of an essentially natural landscape with the predominating surface cover being vegetated and permeable. Principal uses include wildlife preserves, freshwater and saltwater wetlands, coastal dunes and conservation and recreation uses

**SURROUNDING USES, LAND USE AND ZONING:**

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning Category</b>	<b>Future Land Use Category</b>
North	Single-family	S	Residential Urban
East	ICCW		
South	Holiday Inn	PUD	Residential/Office/Retail
West	Vacant Building	Neighborhood Mixed Use	Residential/Office/Retail

**CONSISTENCY WITH THE COMPREHENSIVE PLAN - RELEVANT GOALS, OBJECTIVES AND POLICIES:**

**FUTURE LAND USE – GOAL 1:**

The residential/family character of the City of Indian Rocks Beach shall be maintained and protected while:

- Ensuring that development takes place according to the natural resources available and the ability to provide services to all residents;
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation;
- Maximizing the potential for enjoyment of natural and man-made resources by citizens and visitors alike.

Planning and Zoning Director Taylor stated Ordinance No. 2010-12 zones the area from undesignated to Preservation.

Vice Mayor Torres asked about the effect on the property owners and what they can do on the property now.

City Manager Coward stated there would be no change; noting that the property is under State regulations, this just makes it a local regulation as well.

Planning and Zoning Director Taylor explained that the action will put the uses in the City's Zoning Code, and the uses in the Preservation zoning district are spelled out and are as follows: The purpose of this district is for preservation of water recharge areas, and areas of significant environmental or ecological importance, and low intensive preservation, including conservation and recreation uses which require the retention of an essentially natural landscape with the predominating surface cover being vegetated and permeable. Principal uses include wildlife preserves, freshwater and saltwater wetlands, coastal dunes, and conservation and recreation uses.

Mayor Johnson clarified that this action does not change the current use of the land; it is just placing the parcels of land in the proper zoning district and land use category on the City's Future Land Use Map.

Vice Mayor Torres clarified with Planning and Zoning Director Taylor that paths through the dunes will still be permitted.

Mayor Johnson stated there is a Coastal Construction Control Line (CCCL), which is a State jurisdictional line, that runs mostly along the seawall for the entire length the beach, and everything seaward of that is controlled by the State in many ways. He stated even though the CCCL is east of the Erosion Control Line, which is a different demarcation line, the State actually has much more jurisdictional control right up to the CCCL. He stated the CCCL acts as a setback line, because the setback for construction of properties along there is from the CCCL or the seawall, whichever is most easterly. He stated there is at

least one property where the CCCL is east of the seawall and that is at 7<sup>th</sup> Avenue.

**Gordon Obarski, 708 Beach Trail, #Unit B,** stated his opposition to the proposed amendment. He explained his reasoning is that it will prevent people from going through their backyards and getting to the beach. He stated the beachfront property owners do not know what is going on, and suggested it is imperative that the City inform all the property owners west of Gulf Boulevard via mail. He stated once it is zoned Preservation, then property owners will not be able to cut paths through the vegetation, rake the beach, and so forth, because it will be for vegetation and so forth.

**Don House, 2104 Beach Trail,** pointed out that this is referring to hundreds of parcels along the beach. He stated his deed states that he owns to the high watermark. He stated he understands the necessity of putting some designation on the area; however, he questions what problem is being solved in taking this action. He suggested that the City Commission make it clear that the City is zoning the area as Preservation because there needs to be some label; however, the ordinance needs to state that nothing will or is meant to limit the riparian rights of the property owners and nothing will take away the property owners' ability to use their paths or to park their sailboats and so forth and that it will not be a solid wall of dunes.

Mayor Johnson explained this began with the discussions and recommendations when there was a Beach Management Ad Hoc Committee, and there was discussion about a separate zone up and down the length of the beach, and the City Commission decided against that. However, former Mayor Ockunzzi suggested zoning the beach instead of having a separate dune zone. Former Mayor Ockunzzi suggested the beach should be zoned what it is supposed to be zoned, which is Preservation. Mayor Johnson stated the use of the beach is not going to be changed as Mr. House is pointing out.

City Attorney Kiefer agreed with Mayor Johnson; however, she sees nothing wrong with stating the obvious in the actual ordinance: that the ordinance does not change the current laws and so forth; it is not going to give a right to take away rights, it is just providing a comfort factor.

Vice Mayor Torres commented that it is important for the property owners to get the information that these actions are being taken; however, they maintain what they have now and make use as they always have of the property.

**Gordon Obarski, 708 Beach Trail, Unit #B**, stated that he is not comfortable with the way the ordinance is written, and he would like to see it in writing exactly what the property can be used for once it is zoned Preservation.

City Attorney Kiefer clarified that her opinion is that there will not be any changes as to the use by the property owners.

**Don House, 2104 Beach Trail**, suggested getting a definition of terms and what happens to the property in zoning it Preservation from the Pinellas Planning Council (PPC).

Mayor Johnson stated he has no problem with asking PPC for clarification on zoning the undesignated beach area to Preservation to ensure that property owners will be able to continue to use that portion of the beach as they do now. He reiterated that the ordinance only changes the map and not the uses that are currently permitted in that area.

City Manager Coward stated he will ask PPC for their opinions on this issue, and staff will modify the ordinance to further define recreation — restating the obvious.

City Attorney Kiefer advised, regarding notification, that the requirements in this case is a newspaper of general circulation and two public hearings, but what should be done might be another matter.

City Manager Coward advised that the City does intend to notify property owners which is over and above the requirements.

***CONSENSUS TO PROCEED WITH ORDINANCE NO. 2010-12, AS DISCUSSED.***

**10B. DISCUSSION of letter from the Environmental Stewardship Board regarding the Gulf of Mexico Oil Spill.**

**BACKGROUND:** The Environmental Stewardship Board was created by the City Commission in 2008 as an Advisory Board to the Commission. Specifically, they were charged with reviewing the efforts of other local government agencies, evaluating and making recommendations on a variety of “green” initiatives and other topics as they see fit.

**ANALYSIS:** The undated and unsigned letter was received by City staff on May 26, 2010, and the minutes of the May 5, 2010 Environmental Stewardship Board supporting this letter (6. Other Business) have been provided to the City Commission for their review and comment. The focus of this letter and its request of the City Commission are self-explanatory.

From the staff's perspective, the City is not in an autonomous position or in a position to act on its own in terms of the Deepwater Horizon oil spill situation unless the City is willing to assume all financial and liability responsibility for its actions. This is a National Contingency Plan (NCP) event and has also been designated as a Spill of National Significance.

For this event, there is no Presidential Disaster Declaration and FEMA is not involved. The USCG has been designated as the Federal coordinating agency with one of their primary command centers here in St. Petersburg. The staff of the City has been working within this framework and is participating in, and taking direction from, the Pinellas County Emergency Operations Center in conjunction with the USCG.

At this point, the Environmental Stewardship Board seems to be suggesting alternate courses of action. Staff is seeking direction on this subject from the City Commission, and the Environmental Stewardship Board is also seeking a response from the City Commission.

City Manager Coward presented the Agenda Memorandum noting the letter received from the Environmental Stewardship Board. He explained that from a staff perspective, they are working through the County program; however, the Board is asking for something different.

**Scott Holmes, Chair of the Environmental Stewardship Board,** explained they sent the letter to find out what the City is doing in response to the oil spill. He explained their concern is that everyone is waiting for the oil to arrive and then clean it up; however, the Board was of the mind set that there is something that can be done to prevent the oil from getting here. He stated from what has been seen, the Board is wondering what jurisdiction the City can have to provide prevention.

**Rod Baker, Environmental Stewardship Board Member,** stated there is not much the City can do because it is being controlled by BP. He explained that, according to the Florida Department of Protection (FDEP), counties have the ability to issue a supplemental plan in the interest of that county. He suggested

that the City Commission be proactive by contacting Pinellas County to submit a supplemental plan to protect the interest of Pinellas County to the FDEP. He explained that another thing the Board suggests is that if there is anything to be done in terms of litigation that it be done by the City as a whole in case of any damages suffered, which will include photographing the beaches now.

Mayor Johnson advised the beaches have been photographed, and asked if the photographs need to be updated.

City Manager Coward stated photographs were taken a month ago, and Pinellas County has also taken a series of photographs.

Commissioner Wollin stated she attended a meeting yesterday hosted by the U.S. Coast Guard and the Florida Department of Fish and Wildlife where Governor Crist was in attendance. She explained they are beginning to stockpile booms and starting to gather a plan for booming off estuaries and so forth. She explained her concern for the fact that no one knows what to do; however, the Governor does seem to realize the magnitude of the situation, and he is trying to figure out what to do for the State. She commented there is now a more proactive response than there was at the beginning.

Environmental Stewardship Board Chair Holmes commented that the Board talked about having some community workshops and outreach on the issue.

Vice Mayor Torres asked what authority can the Environmental Stewardship Board be given by the City Commission to be able to be more proactive on a serious level in getting volunteers and so forth to prepare for this type of emergency.

Commissioner Kennedy stated she does not know of any other environmental committee or board in Pinellas County that have come to their City Commissions to express concern about the oil spill. She stated the best thing that the City can do is to request the County to prepare a supplemental plan. She suggested having a press conference to get the word out and explained the frustration in attempting to get something done.

Commissioner Hanna agreed that there needs to be some education. He discussed the actions of the Louisiana Governor who had to go to the Federal Government, and had to go through the Environmental Protection Agency first and they only authorized a portion of what he felt was needed. He stated he is in favor of the City having a plan in place to protect the City on its own.

Commissioner Wollin commented that other cities are beginning to realize there is a catastrophe and cities are beginning to stockpile booms and mapping out estuaries to protect. She stated she would like to have a community meeting; however, only if the City has information and is knowledgeable about giving answers.

Mayor Johnson commented that Madeira Beach has a pass, which Indian Rocks Beach does not have; however, the City can try to influence the County to prepare a supplemental plan to concentrate on the passes in Pinellas. He stated the most difficult situation will be how to keep the oil off the beaches with all the considerations including tides and wave action for which no one has come up with a solution.

Mayor Johnson expressed concern for just doing busy work; and if there is going to be some action, he would like for the Environmental Stewardship Board to be the concentrating agent and find the best possible avenues. He noted at the beginning of this situation, weeks ago, he was being inundated with suggestions about blocking off the beach immediately. He commented that in the long run, the number one problem in the City might be the decline of tourism even if the oil never affects the City other than because of the perceptions out there. He commented there has to be a balance between being prepared and scaring everyone from coming to the beaches.

Mayor Johnson asked what is the best way to keep in activation the Environmental Stewardship Board in helping to keep the City Administration abreast of other things that the City might not be aware of that can be done or make it more useful than it is already.

City Manager Coward commented there are two different situations noting that in some communities they are already in the cleanup mode, which the City is not in that situation as yet. He explained that Community Services Supervisor Warren is the Environmental Stewardship Board's staff liaison; however, he is not sure that he has expertise in this type of disaster. He stated if the Board wants to have extra meetings that does involve staff support time for agenda packet preparation and minutes as they are subject to Sunshine Law, and if the City Commission wants to authorize those expenditures, then he thinks that the Board should report directly back to the City Commission since staff does not have any direct expertise in this situation to offer to the Board; however, the County does have more expertise.

City Attorney Kiefer explained, regarding the Sunshine Law, that if the Environmental Stewardship Board is engaged in just fact-finding and/or information gathering to bring back and present to the City Commission, then they are not subject to the Sunshine Law as long as they stop short of making recommendations. She explained that once that information is brought to the City Commission and the Board wants to go back and make recommendations, then they become subject to the Sunshine Law again. She noted that for the information gathering portion, minutes would not be required and so forth.

Mayor Johnson explained that the City Commission needs specific information about what they will be asking the County Commission to do as opposed to just the general request to prepare a supplemental plan. He suggested that staff prepare a draft letter to the County Commission addressing the City Commission's concern for the next City Commission Agenda. He also noted individual City Commission Members can make calls to the County Commissioners.

Mayor Johnson inquired if the Environmental Stewardship Board wants to have extra meetings before their next scheduled meeting.

Environmental Stewardship Board Member Baker stated he believes that the facts have been compiled and are available to the City Commission.

**Jill Ginter, Environmental Stewardship Board**, questioned that even if the Board did find an alternative means of cleanup, are there funds to support that. She noted that the information in the packet indicates that BP has to consider every means of cleanup, and if they do not approve it, then they will not approve reimbursement.

City Manager Coward stated the City has no extra money, unless the City Commission wants to cancel other items, as it would be a General Fund expense.

Environmental Stewardship Board Member Ginter commented on being more proactive in focusing on a letter geared toward a plan of action and cleanup before the oil reaches the City.

Vice Mayor Torres commented that the Homeowner's Association of Indian Rocks Beach does have some money. He would like for the City to be as prepared as possible and it has a group to help that happen.

Environmental Stewardship Board Chair Holmes stated that a town hall meeting or City Commission Work Session would be more productive than an extra Environmental Stewardship Board Meeting.

Mayor Johnson commented on the effective use of funds versus not just asking for funds without an effective use. He stated he is in favor of a community meeting as long as it is productive as far as strategy. He stated anyone who has been listening to the media is hearing what has been discussed at this meeting.

Vice Mayor Torres stated he feels it is a matter of coming together as a City with one voice for momentum that would be a call to action, for the County without going overboard.

Commissioner Kennedy suggested first to take the course of action recommended by the Board for the City Commission to approach the County Commission for their reaction and also for individual City Commission Members to write a letter to the County Commission and have that and the responses in the public record as required. She noted that to put a town hall meeting together will take some preparation and time. She suggested putting the Environmental Stewardship Board on call in case the City Commission needs to advise the City Manager that they want to hear from the Board again.

Mayor Johnson stated that he would prefer to have a letter from the City Commission as a whole as opposed to different letters from individual City Commission Members. However, each individual City Commission Member may contact the County Commissioners they know.

City Manager Coward explained that a letter would stem from the information from Environmental Stewardship Board Member Baker, and staff can work up a draft letter for Mayor Johnson to review and present at the next City Commission Meeting.

Mayor Johnson agreed with keeping the Environmental Stewardship Board on standby during the interim. He expressed appreciation to the Board for their work and keeping the City informed.

***CONSENSUS FOR THE CITY MANAGER TO DRAFT A LETTER TO THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS URGING THEM TO SUBMIT A SUPPLEMENTAL PLAN TO DEEPWATER HORIZON.***

**11. CITIZEN PARTICIPATION.** None.

**12. OTHER BUSINESS.** None.

**13. ADJOURNMENT.**

***MOTION MADE BY VICE MAYOR TORRES, SECONDED BY COMMISSIONER KENNEDY TO ADJOURN THE MEETING AT 9:30 P.M.***

July 13, 2010  
Date Approved

\_\_\_\_\_  
R.B. Johnson, Mayor-Commissioner

ATTEST: \_\_\_\_\_  
Deanne Bulino O'Reilly, MMC, City Clerk