

**MINUTES — SEPTEMBER 13, 2022**  
**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, SEPTEMBER 13, 2022**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Denise Houseberg, Commissioner Jude Bond, Commissioner Philip J. Hanna, and City Manager Brently Gregg Mims.

**ABSENT:** Commissioner Joseph D. McCall.

**STAFF PRESENT:** Assistant City Attorney Nancy Meyer and City Clerk Deanne B. O'Reilly, MMC.

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

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

The Pinellas County Sheriff's Office presented the crime analysis report for July 2022.

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

Deputy Fire Chief Mortelite presented the Fire District's report for August 2022.

**1C. PRESENTATION to former City Commissioner Ed Hoofnagle.**

Mayor-Commissioner Kennedy presented a plaque to former Vice Mayor and City Commissioner Ed Hoofnagle for his years of service on the City Commission.

**2. PUBLIC COMMENTS.**

**Scotti Vaughan, 301 Harbor Drive**, read Jerry Newton, 438 Harbor Drive North, letter that he had submitted to the City Commission into the record.

*"To: Our Indian Rocks Beach City Leaders and Concerned Citizens.*

*I am unfortunately not able to attend the upcoming commission meeting on September 13th, but felt it important to share my serious concerns regarding short term rentals in our city. Please share this letter with all city representatives and interested parties and read it in public at the September Commission Meeting.*

*As I have stated before, I feel that this uncontrolled issue is poisoning our city and causing serious doubt whether Indian Rocks Beach is a good place to live and raise a family. I call it a malignant "cancer" that is eating up the character of our city from the inside!*

*We have all heard the sad story of how we got here and what could have or should have been done to avoid this disaster. But no matter how many times we hear that "there is nothing we can do", we do not believe it.*

*When I say "we", I truly believe I am speaking for the majority of Indian Rocks Beach residents. I have made a point to gain opinions on short term rentals in our city from neighbors close and far and I am yet to find a resident who is in favor of this rampant unregulated situation we are experiencing. I venture to say the ONLY citizens that are in favor might be those who have chosen profit over principal and have joined the problem by investing in their own short term rental real estate.*

*You will soon know that there is a grass roots effort in process that will explore every avenue in order to save our neighborhoods and our homes. Our city cannot be considered an "easy place to set up a short term rental business"! And that's exactly what it is today.*

*Does everyone realize that the fee to maintain a short term rental business permit in our city is \$10 a year and a one time five minute form to start? This fee doesn't even cover the copy machine! Let's set a licensing fee in the \$500+ range commensurate with the task of managing this issue.*

*Are all these businesses in possession of Florida Department of Revenue Certificates and properly paying their tourist development tax, sales tax and transient rental tax on every dollar of revenue? A quick Saturday morning walk proves that there are homes listed online that display no required exterior STR sign and are not even licensed with our city, not to mention with the state! How many of these businesses are claiming homestead exemptions? How can we monitor this?*

*Is our system of accountability such that we can see how many times this residence has been in violation of noise, garbage, occupancy, parking regulations? Are the fines for these infractions substantial enough for initial and repeat offenders to be taken seriously by the landlords?*

*Are we inspecting these businesses for code conformance, safety issues such as fire extinguishers, railings, fire exits, ADA compliance? Yes... This can be done. These regular*

*and required inspections should be funded by the property owner, collected and monitored by the city and fire department.*

*Why not? Every legitimate retailer, hotel and restaurant has to do all these things and so many more and then jump through hoops and meet monumental requirements in order to operate in our city!*

*Why are these businesses in our residential neighborhoods not required to operate under the same regulation and scrutiny as every other business in our city?*

*Do you know that there are homes right near you advertising for sixteen people, parking for 8 cars? Hundreds are listed for 10 guests or more! I believe the city can require copies of all lease contracts. Who is monitoring this?*

*A legal screw-up 10 years ago got us into this mess and I believe it can get us out. We need to stop making it "easy" to operate a hotel next to a family. My wife and I built our forever home on Indian Rocks Beach, but we didn't buy into this. Our son and his three children are interested in building a home on the water. We recently recommended to him to not build in Indian Rocks Beach.*

*It's important to note that Indian Rocks Beach will be electing two commissioners in March of 2023. Let's be sure we chose people who understand the importance of this issue and who will work with the remaining commissioners to lead and support every cause that may result in a resolution.*

*We are intelligent people. We have a problem. We can figure this out if we brainstorm, unite, and take action. Legal? Technical? Procedural? Regulatory? Please... Please... Please, let's all vow to do whatever we need to do to recover from this cancerous situation!*

*Regards, Jerry Newton"*

**Kimberly Beer, 2003 Bayview Place**, stated she has multiple short-term rentals near her residence. They are noisy. They park their cars blocking streets. They are rude to the neighbors when they ask them to turn down the music by replying with nasty comments. There had been multiple police calls to these rentals. These rentals have five bedrooms and advertise that the occupancy is 15 to 20 persons, and insufficient parking to accommodate that many people.

Ms. Beer suggested a 30-day minimum stay for rentals on the east side of Gulf Boulevard in the residential neighborhoods but no minimum stay for the commercial district. She does not know who controls the durations of visits for rentals.

Ms. Beer stated residential parking at night with City stickers on the vehicles in the neighborhoods was suggested previously.

Ms. Beer stated the rental with five bedrooms that advertises an occupancy of up to 20 people has only one trash can and one recycling can. Per the City Code, the rental should have enough trash cans and recycling bins for the number of people occupying the rental.

Ms. Beer stated that corporations are renting out residences, and she thought businesses could not be located in residential areas.

Ms. Beer asked if the City has done anything with the crosswalk at Gulf Boulevard and 4th Avenue. (*Limiting the time between the stopping of traffic.*)

Ms. Beer stated she sees a lot of underage teenagers and younger driving golf carts throughout the City.

Ms. Beer stated more attention needs to be given to some of the problems in this City.

**Dan Doherty, 317 Harbor Drive**, stated he finds it quite ironic that the City Commission sits under a sign that says the World's Safest Beach. He said the inaction in allowing these short-term rentals to take over the City's beautiful place is putting that statement at risk every day. He hopes the City Commission noted when they heard from the Fire District and Sheriff's Office that they were not hearing about violence and crimes committed by Indian Rocks Beach residents. But instead, they were hearing about visitors, transients, and short-term renters. He thinks from the other comments this evening that they ask that no stone be left unturned, whether through regulation, litigation, inspection, or commitment to policing this ever-growing problem. The City Commission does not want to be left as being the people that watched over the tipping point where good citizens and people committed to this community find there is no other choice but to leave. As he has already begun to see, neighbors do just that. It is easy to find excuses, reasons, difficulties, or challenges. But the City Commission needs the courage, conviction, and, most importantly, the integrity to take this issue on and fight. Yes, it is going to cost money. It will be contentious, and there will be litigation. But the City cannot be afraid to defend what is the City's. This is the City's community, and the City needs to fight for it and make sure it is the community that has people building, living, and growing families—making this a place where everyone can be proud of.

**Matt Loder, 401 Gulf Boulevard, (Crabby Bill's)**, stated he lives in Seminole in a deeded community that is dealing with short-term rentals. As president of the Homeowners' Association, it is challenging because he has to manage the law and the residents who want short-term rentals and those who do not want short-term rentals.

Mr. Loder stated it might be in the community's best interest for a group of citizens to get together and try to come up with an alternative because there are certain things that the City Commission can and cannot do because they have to follow the laws. As the Homeowners' Association President, he has to ensure that he represents the neighborhood with all the laws. If he does not do that, he can violate somebody's right, which is the same

thing for the City Commission. He stated maybe it is in the community's best interest to go ahead and come up with a group that can pursue what their means are. He agrees that his neighborhood does not want short-term rentals, but it has to be done right, or there will be a legal challenge, and then it becomes a nightmare.

**John Pfanstiehl, 448 Harbor Drive South**, stated that former Indian Rocks Beach City Commissioner James Palamara passed away last month and succumbed to illnesses he had been fighting for years. He was, at times, gruff and spoke slowly. Jim was Italian with a New York accent but was a formidable force for Indian Rocks Beach. He was wise, street-smart, and fearless, and he will be missed.

Mr. Pfanstiehl stated he has spoken with everybody individually, and everybody seems committed to taking short-term rentals on. Suggested the following things: (1) Hire specialized counsel to look at the City's lost grandfather status. There is a 2019 AG Opinion that says that if cities only made minor changes and did not address or amend the duration or frequency of short-term rentals, cities could retain their grandfather status. Ascertain if there are loopholes or procedural errors. (2) Spearhead an effort to convince other cities to join and fund a lobbyist to fight for home rule. (3) Make Indian Rocks Beach less attractive for transient rentals. Require annual inspections and charge a few hundred dollars more for inspections, and do them annually. Will the City have to hire someone else, probably? But have the property owner pay for the inspections. Increase the annual business receipt tax from \$10 to \$100 or \$200.

Mr. Pfanstiehl stated the City needs bold action now, or Indian Rocks Beach will no longer be a place for residents. It will devolve into a tourist town.

**Don House, 2104 Beach Trail**, stated the City needs to deal with and address short-term rentals. He said there are many things that can be done with short-term rentals. He stated that short-term rentals are a problem.

**Kelly Watt, 431 Harbor Drive South**, stated a lot of her long-time neighbors have left because of the short-term rentals. The short-time rentals are losing the feel of having a neighborhood.

Ms. Watt stated the City Commission has fought so hard to keep Indian Rocks Beach as this beautiful old Florida town, and she does not want Indian Rocks Beach to become a tourist town.

Ms. Watt stated she feels the signs in front of short-term rentals are a means of advertising an ongoing business and should be reviewed. Short-term rentals are a business. She asked if the City Commission has had any discussions on maximum occupancy or anything with the Fire District regarding short-term rentals.

Ms. Watt stated she agreed with increasing the fees and inspections and hiring a lobbyist, maybe with the help of BIG-C Members. The City needs help because the City cannot fix it by itself. The City needs to make Tallahassee hear them and cities back their rights.

**Cindy Hummer, 459 Harbor Drive North**, spoke about her experiences with short-term renters, i.e., someone walked into her unlocked home, Target grocery bags left on her front porch for someone else, cleaning up debris from trash cans across the street, and then take the trash cans in twice a week. She has lived at this address for 18 years, and it just started with short-term rentals. It is important. It needs to be changed.

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

**3B. REPORT OF the City Manager.**

*Code Enforcement Report*

Violation Letters

- 1 Notice to remove in-ground tanks at 5<sup>th</sup> Avenue/Gulf Boulevard (Shell)
- 2 Overgrown lawns
- 1 Inoperable vehicle
- 9 Trash/recycle cart violations
- 1 VRBO sign violation

Notice to Appear

- 1 Non-compliant property
- 1 VRBO trash violation

Parking Citations

- 74 Parking citations issued (does not include the PCSO citations)

*Garbage Collection on the Beach*

The metal trash cans on the beach will be changed out to hard side plastic trash cans as part of the new budget. Cans will retain placed garbage in better fashion and will have the City's new litter campaign logo on them.

*Budget Hearing*

Wednesday, September 21, 2022, at 6:00 P.M., Final Budget Public Hearing.

*American Rescue Plan Funds*

The City received the second half and final payment of \$1,073,079.

*Duke Energy Project*

Duke Energy will install a new underground power line from unincorporated Largo under the intracoastal waterway to the Central Avenue Beach Access in the coming months. The goal is to provide improved power service via a loop system.

### *CivilSurv*

CivilSurv is the City's designated engineer who prepared the City's updated Stormwater Master Plan. Staff plans to use CivilSurv to do the final engineering design for Drainage Project Nos. 1, 2, and 3, that are in the FY2023 Budget.

### *Recycling*

On August 16, 2022, the City sent a letter to Waste Connections requesting a two-year extension on the original four-year contract. The City is still waiting on a response from Waste Connections.

The City of Madeira Beach went out for RFPs for recycling. Madeira Beach received a bid from Waste Connections for \$12.00 per household per month, and the lowest bid received was \$10.00.

Currently, the City pays \$6.00 per household per month.

City Manager Mims stated the City has requested an extension of the recycling contract with Waste Connections. Waste Connections advised the rate increase is capped at 3%, and due to the current market conditions that they are experiencing with increased fuel, labor, and capital costs, a rate adjustment of 3% would not suffice.

City Manager Mims requested that the City Commission discuss recycling during the City Commission October Meeting as a work session item.

### ***CONSENSUS OF THE CITY COMMISSION TO DISCUSS RECYCLING, AS A WORK SESSION ITEM, DURING THE OCTOBER 11, 2022 CITY COMMISSION MEETING.***

City Manager Mims stated the City would send out postcards to all property owner advising them of the October 11, 2022 City Commission Work Session on recycling.

Commissioner Bond asked when does the contract with Waste Connections expire, with City Manager Mims responding by the end of December.

Commissioner Bond clarified that a two-year extension was available, but Waste Connections may not agree with the 3% rate adjustment.

City Manager Mims stated that was correct. He stated that either party could have given notice to terminate the recycling agreement, and both parties must agree to the extension.

Commissioner Houseberg asked if recycling could be picked up biweekly.

City Manager Mims responded that Waste Connections is not interested in a biweekly pickup.

Commissioner Hanna asked if Waste Connections is dropping the recyclables on the concrete pad in St. Petersburg and then just hauling it to the Solid Waste Facility and not recycling the items.

City Manager Mims stated Waste Connections' recyclable numbers do not match Pinellas County's recycling numbers. Waste Connections claims a higher percentage of materials that are actually recycled.

Commissioner Hanna inquired if the City did the alternate week concept. Could the City do its own recycling?

City Manager Mims stated the City has nowhere to take the recycling.

Commissioner Hanna suggested the City do the curbside recycling in-house and drop off at the landfill instead of using a third party.

City Manager Mims stated if the City took the recycling straight to the landfill and dumped it, the recycled materials could be used to generate power. The City pays four times the price for recycling through Waste Connections.

City Manager Mims stated the City is looking at paying half a million dollars a year on recycling when it knows that at least half of it is not being recycled.

Commissioner Hanna asked how much would the City owe Waste Connections if the City terminated the contract.

City Manager Mims stated the City would let the contract run out, and the City would not owe Waste Connections anything, not even for the trash cans.

Commissioner Bond asked if staff could arrange for the City Commission to have a site tour of the recycling facility in October, with City Manager Mims responding in the affirmative.

Commissioner Bond stated it is worth exploring alternative solutions because there is no point in doing recycling just as a vanity project. He is one hundred percent committed to recycling, but it needs to be done where it works.

### *Short-Term Rentals*

Commissioner Houseberg stated the Finance Director was tasked with researching all the non-registered short-term rentals or the new businesses coming into town and asked what did his research yield.

City Manager Mims stated the Finance Director is tasked with ensuring that the rentals (long and short-term) on the west side of Gulf Boulevard have a business tax receipt.

City Manager Mims stated other than one property brought to his attention, they are not aware of any short-term rentals on the east side of Gulf Boulevard that are not registered with the City.

City Manager Mims stated in the FY2023 Budget that the part-time Code Enforcement Officer position would be converted into a full-time position. That Code Enforcement Officer position would be the key liaison on short-term vacation rentals. There are about 250 vacation rentals on the east side of Gulf Boulevard. Staff is researching how many there are on the west side of Gulf Boulevard. The part-time Code Enforcement Officer has been confirming the 24/7 contact information on the sign listed on the application. Next, he will confirm whether or not the property is homesteaded.

City Manager Mims stated the Code Enforcement Division has been focusing on violations of short-term rentals based on the City's ordinance. However, there are limits to what a code enforcement officer can do. The sheriff's office handles noise complaints.

Commissioner Houseberg stated the short-term vacation rental application and renewal fees are willfully tiny. She stated when she spoke to the City Manager, he said if those fees are raised, then they will increase for all these other businesses. Is that correct?

City Manager Mims stated under the City Code, there is not a separate division or breakout for short-term vacation rentals. There is just a rental category. If someone came to City Hall and whether that person was renting a short-term or long-term rental, that person would pay a \$15 administrative fee and then an annual fee of \$10.

City Manager Mims stated that the Finance Department would be tasked with determining what other municipalities charge short-term vacation rentals and other businesses.

Commissioner Houseberg asked what the fine is for a short-term vacation rental that has been operating without a license.

City Manager Mims explained that fines are based on a tier level. The first violation is \$100, the second violation is \$300, and the third violation is \$500. The City currently has one property in the Harbor Drive area that it has been dealing with for several months. The Code Enforcement Division has been advised to fine the property \$500 fine every week until it is in compliance.

City Manager Mims stated Florida Statutes set monetary limits for code enforcement violation fees. However, the City could start its base fine higher than \$100.

City Manager Mims stated the City had sent request for proposals for a special magistrate on two different occasions, but the City did not receive any responses either time. The City Attorney is in the process of updating the request for proposals for a special magistrate, and after that, it will be advertised. Hopefully, the City will receive some responses.

City Manager Mims explained the duties and the process of a special magistrate. The City would not use a special magistrate for parking violations.

### **3C. REPORTS OF the City Commission.**

#### **COMMISSIONER HANNA:**

- *Short-Term Vacation Rentals.* He would like to schedule a work session with the City Attorney and a local State Representative to see what the City can and cannot do to make the short-term vacation rental situation work for everybody. The public needs to know what has been done, what can be done, and where the State has tied the City's hands. He stated that the City Commission had written numerous letters to the Florida Legislature on short-term vacation rentals and home rule. The only way to keep short-term vacation rentals at the forefront of the Florida Legislature is for citizens to start writing to them about how short-term vacation rentals are disturbing their quality of life.

#### **VICE MAYOR-COMMISSIONER HOUSEBERG:**

- *Short-Term Vacation Rentals.* She will be reaching out to some of the local property management vacation rental companies managing Airbnbs because some have also voiced the same concerns that the residents have expressed. They do not want 30 people in their rentals or 15 cars when there are two parking spaces. She would like to put pressure on them to start thinking about how to manage the people they are putting in these rentals better. She stated the City Manager has advised that there is "no putting the genie back into the bottle." There is no way to stop the rentals that are already here. But, the City can demand better behavior and performance from these property managers. The City can have a better community.

#### **COMMISSIONER BOND:**

- *Short-Term Vacation Rentals.* He feels that Commissioner Hanna's idea of having a State Representative present to explain the State's position on short-term vacation rentals would be fascinating to see what they have to say about it. Because obviously, there has been a lot of talk about home rule until the point when the Florida Legislature can take it away, and then they do.

#### **MAYOR-COMMISSIONER KENNEDY:**

- She announced that on Monday Nights from 5:00 to 6:30 p.m., she holds Mondays with the Mayor in the Auditorium.
- *Short-term Rentals.* She stated the letter that Jerry Newton sent to the City on short-term rentals was forwarded to Representative Nick DiCeglie and Representative Linda Chaney.
- *Short-term Rentals.* She stated that meeting between the beach mayors, Representative DiCeglie, and Representative Chaney on short-term rentals was frustrating. The State Representatives said that leadership believes that the rights

of the property owners that live there and are not vacation rentals had not been addressed. She said she has been fighting this issue since the start.

**4. ADDITIONS/DELETIONS.** None.

**5. CONSENT AGENDA:**

- A. APPROVAL OF the August 9, 2022 Regular City Commission Meeting Minutes.**
- B. RESCHEDULING the November 8, 2022 Regular City Commission Meeting to Wednesday, November 9, 2022, due to a conflict with the Florida General Election.**
- C. CONFIRMING ACTION taken during the September 7, 2022 Special City Commission Meeting.**
- D. RESOLUTION NO . 2022-06. A resolution of the City Commission of the City of Indian Rocks Beach, Florida, calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of two City Commissioner Seats for two-year terms; establishing a candidate qualifying period; authorizing the City Manager to enter into a contract with the Pinellas County Supervisor of Elections; establishing a polling place for the March 14, 2023 Election; authorizing the Pinellas County Supervisor of Elections to verify candidate petition cards and facilitate the election process.**
- E. APPROVAL OF the FY2022-23 Law Enforcement Contract with the Pinellas County Sheriff's Office.**
- F. AUTHORIZING the City Manager to sign a one-year agreement to renew property/casualty/workers compensation & flood insurance with the Public Risk Management (PRM) Group Health Trust for FY 2022-23.**
- G. AUTHORIZING the City Manager to Award Bid Number P.W.D. – 2022-01 and enter a contract with Jan-Pro of Tampa Bay for the City of Indian Rocks Beach Janitorial Services.**

Assistant City Attorney Meyer read the Consent Agenda, consisting of Agenda Item Nos. 5A through 5G, by title only.

***MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5G. UNANIMOUS APPROVAL BY ACCLAMATION.***

- 6A. PUBLIC HEARING — CONSIDERING a 4COP-SFS Alcoholic Beverage Use Designation request *[Beer; Wine; Liquor. By the drink for consumption on premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off premises]*, to Guilty Sea Indian Rocks LLC, d/b/a Guilty Sea Pub & Sports, located at 301 Gulf Boulevard, Indian Rocks Beach,**

**Florida, and legally described as Indian Rocks Beach. Block 9, Lots 13 thru 16.  
[Parcel Number 12-30-14-42858-009-0130].**

*[Beginning of Staff Report]*

**SUBJECT: ABT CASE NO. 18-2022 — 301 GULF BOULEVARD  
GUILTY SEA INDIAN ROCKS LLC  
D/B/A GUILTY SEA PUB & SPORTS**

Guilty Sea Indian Rocks, LLC, d/b/a Guilty Sea Pub & Sports, has requested a 4COP-SFS (*Beer; Wine; Liquor. By the drink for consumption on premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off premises*) for the establishment Guilty Sea Pub & Sports, located at 301 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 9, Lots 13 thru 16.

**BACKGROUND:**

Alcoholic Beverage Use Designations are governed by Chapter 6, Alcoholic Beverages.

All alcoholic beverage licenses are under the control of the State of Florida, Division of Alcohol Beverages and Tobacco. However, municipalities have the right to enact ordinances regulating the hours of business and location of place of business and prescribing sanitary regulations thereof, of any license under the State Beverage Law within the county or corporate limits of such municipality. [F.S. 562.45(2)(a)]

On August 16, 2022, Matt Loder, Sr. submitted a 4COP-SFS Alcoholic Beverage Designation Application (*Beer; Wine; Liquor. By the drink for consumption on-premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off-premises*) for the establishment Guilty Sea Pub & Sports, located at 301 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 9, Lots 13 thru 16 pursuant to Code Section 6-32(e).

Code Section 6-32 Alcoholic Beverage Use Designations are approved for a specific property location and a specific application. Any change in ownership of the establishment will require filing a new application and approval by the City Commission.

**ANALYSIS:**

Guilty Sea Pub & Sports is located at 301 Gulf Boulevard in the B-Business District. The surrounding zoning on the north, south, and east sides are zoned B-Business, and the property on the west side of Gulf Boulevard is zoned CT-Commercial Tourist. The site meets all land code requirements.

On August 30, 2022, the Pinellas County Sheriff's Office reviewed its files for Matt Loder, Sr., and determined there are no responsive public records. No criminal record checks were conducted for the Florida Department of Law Enforcement, other states, or the FBI.

Section 6-33, Authority of City Commission to designate locations, empowers the City Commission to designate the location and classification and to place reasonable restrictions which are deemed appropriate such as repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.

**PUBLIC NOTIFICATION:** A public meeting notice was mailed by first-class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on August 29, 2022, per Code Section 2-149.

A legal notice was published in the August 31, 2022-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 13, 2022, for ABT Case No. 18-2022.

*[End of Staff Report]*

Assistant City Attorney Meyer read Agenda Item No. 6A, ABT Case No. 18-2022, by title only.

Assistant City Attorney Meyer inquired of the City Commission Members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

Assistant City Attorney Meyer 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.

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

City Clerk O'Reilly presented ABT Case No. 18-2022, Guilty Sea Pub & Sports, 4COP-SFS Alcoholic Beverage Use Designation, and then reviewed the Staff Report.

**Matt Loder, Sr., 401 Gulf Boulevard**, applicant, stated this would be another Crabby Bill's Family venture. Guilty Sea would be a sports bar they currently do not have in Indian Rocks Beach. He thinks Crabby Bill's Seafood has more liquor and bar and restaurant licenses than anybody else in the City for a longer period than anybody else.

Mr. Loder stated that this addition would be a very nice asset to their business and the community since there are no real opportunities for people to enjoy indoor sports.

**Mia Corrales, 401 Gulf Boulevard**, stated she was supervising the construction of Guilty Sea and noted the building has been gutted down to the studs with all new mechanical, electrical, plumbing, and so forth.

Ms. Corrales stated there would be two pool tables, dart boards, ATM, touch tones, and 26 TVs.

Commissioner Bond asked about pinball, with Ms. Corrales responding possibly, stating pinball is making a comeback.

Mr. Loder stated he is very honored to be here. They love this community and could not imagine his mother and father picking a better place to have a long-term family business and relationship with a community.

Mayor-Commissioner Kennedy opened the public hearing.

**John Pfanstiehl, 448 Harbor Drive South**, stated the Loders have been such a tremendous asset to this community and appreciate everything the Loders have done for the community. He supports this alcoholic beverage application.

Mayor-Commissioner Kennedy closed the public hearing.

***MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER BOND TO APPROVE A REQUEST FOR AN ALCOHOLIC BEVERAGE USE DESIGNATION OF 4COP-SFS,(BEER; WINE; LIQUOR. BY THE DRINK FOR CONSUMPTION ON-PREMISES OR IN A SEALED CONTAINER MEETING THE REQUIREMENTS OF S. 561.20(2)(A)4, F.S., FOR CONSUMPTION OFF-PREMISES) TO GUILTY SEA INDIAN ROCKS LLC, D/B/A GUILTY SEA PUB & SPORTS, LOCATED AT 301 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN ROCKS BEACH, BLOCK 9, LOTS 13 THRU 16 WITH THE FOLLOWING STIPULATION: REPEATED OR INTERMITTENT NUISANCE ACTIVITY AND/OR UNLAWFUL NOISE LEVELS ORIGINATING FROM THE ESTABLISHMENT OF THE PARKING AREA MAY RESULT IN THE REVOCATION OF THE ALCOHOLIC BEVERAGE DESIGNATION.***

**ROLL CALL VOTE:**

**AYES: HANNA, BOND, HOUSEBERG, KENNEDY**

**NAY: NONE**

**ABSENT: McCALL**

**MOTION TO APPROVE CARRIED UNANIMOUSLY.**

The City Commission and the City Manager expressed their appreciation for everything that the Loder's have done for the City.

7. **OTHER LEGISLATIVE MATTERS:** None.

8. **WORK SESSION ITEMS [DISCUSSION ONLY]:** None.

9. **OTHER BUSINESS.**

Vice Mayor-Commissioner Houseberg asked when the work session on short-term rentals would be scheduled.

Mayor-Commissioner Kennedy suggested that each member of the City Commission schedule an appointment with the City Manager first.

10. **ADJOURNMENT.**

***MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:23 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.***

October 11, 2022

Date Approved

/DOR