

**MINUTES — OCTOBER 11, 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, OCTOBER 11, 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 and ten seconds of silence for the victims of Hurricane Ian.

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Denise Houseberg (via telephone), Commissioner Jude Bond, Commissioner Philip J. Hanna, Commissioner Joseph D. McCall, and City Manager Brently Gregg Mims.

**STAFF PRESENT:** City Attorney Randy Mora, City Clerk Deanne B. O'Reilly, MMC, Public Works Director Dean A. Scharmen, Finance Director Dan Carpenter, CGFO, and Planning Consultant Hetty C. Harmon, AICP.

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

**SHORT-TERM VACATION RENTALS**

City Manager Mims stated for the last few weeks, there has been a lot of behind-the-scenes work to look again at the short-term vacation rental (STR) issue. The City cannot outlaw STRs, but it can regulate them within limits. The staff has met with individual City Commission Members, looked at other cities' ordinances, and begun implementing additional administration code enforcement procedures.

For example, since October 1st, the City has verified the 24-hour contact name and telephone number for all STRs regulated by Ordinance No. 2018-01. In addition, the staff has assembled a master email list and has begun regular correspondence with all STRs. The enhanced communication will include regular correspondence from the City reminding operators of their responsibilities and areas of operation with which the City is having issues. Thanks to Vice Mayor-Commissioner Houseberg for suggestions in this process. In addition, out of the 250+ registered BTRs, nine appear to be repeat locations for alleged complaints. With an additional code enforcement officer, he has directed the Code Enforcement Division to schedule inspections of those properties to ensure compliance with Ordinance No. 2018-01 and FEMA requirements.

Finally, there has been communication with Fire Chief Davidson. The Chief and his team are looking into adopting an ordinance regulating vacation rentals from a fire code/prevention standpoint. If adopted, the City would include the Fire District in its annual renewal of BTRs for STRs and communication efforts to STRs operators and owners.

During the first week of November, a meeting will be held with representatives of the Holmes Beach Code Compliance Department, the City's Office Administrator, the two Code Enforcement Officers, and himself. The purpose of the meeting is to discuss all aspects of Holmes Beach VRBO ordinance compared to IRB's and to discuss in detail Holmes Beach's operational procedures and guidelines.

Based on the City's ongoing review of Holmes Beach's ordinance and the scheduled meeting, staff will be prepared to report to the City Commission with a specific list of recommendations for amendments to Ordinance No. 2018-01 that the City Commission may consider.

Based on a telephone poll with the City Commission, a November 15, 2022 Special City Commission Meeting at 6:00 p.m., has been scheduled to discuss possible amendments to Ordinance No. 2018-01 (short-term vacation rental) and for the City Commission to reach a consensus on a path forward.

The staff will invite the local legislative delegation and give notice to IRB residents and property owners. This timeline will allow team members and the City Attorney to complete their work and report back at that meeting.

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

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

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

Fire Chief Davidson reported on Hurricane Ian, stating the District responded to 69 incidents. The Fire District assisted the special needs residents and helped the City with sandbags.

Fire Chief Davidson presented the Fire District's report for September 2022.

Fire Chief Davidson stated the District is looking at enacting an ordinance that would regulate vacation rentals from a fire code and prevention standpoint — in terms of life safety inspections and that occupancies are where they need to be and are at a safe level.

## **2. PUBLIC COMMENTS.**

**John Pfanstiehl, 448 Harbor Drive South**, stated he tried to send an email outlining a list of things that could be done in helping to curb down the problems with short-term vacation rentals and limit STRs. There was another list on State Level that is not going to be easy but is a fight that should be won.

Mr. Pfanstiehl stated there is a growing grassroots movement to eliminate STRs in residential neighborhoods. Property owners feel that the fabric of the community is destroyed when there is a turn-style of strangers replacing neighbors.

Mr. Pfanstiehl stated there is one transient lodging advertised in IRB as sleeping 16. He explained that using an occupancy of 75% of 16 occupants for nine months would amount to 500 transients per year from that one STR. That STR is next to grandparents, seniors, widows, etc. There are 500 transients looking over fences of small children and teens. If there is another STR nearby, that is 1,000 transients in that area, and how many of them are alcoholics, drug users, sex offenders, and so forth?

Mr. Pfanstiehl stated there is a national grassroots effort to fight this cancer (STR) in the neighborhoods in the states of Texas, California, Arizona, New Jersey, Florida, and more.

**Jerry Newton, 438 Harbor Drive North**, stated he applauds the City Manager's and the Fire Chief's comments this evening. He said the public does not know what is going on behind the scenes, and the residents appreciate everything that could be considered progress on this issue. He knows that the residents are disappointed to see that there is no agenda item on STRs. The City Manager's comments were great, but the citizens believe it should be on the agenda. Yet, another month has passed. In the meantime, there are more hotel rooms and more unfamiliar faces every day next door to their homes. It is beginning to look like the City leaders are unwilling to do anything about this cancer. The answer that the City's hands are tied is not going to cut it. Yes, the City can do things, and he knows that the City Commission has been supplied with a starting list of achievable actions.

Mr. Newton stated the City does not have reasonable regulations in place here to make it possible to monitor and track these uncontrolled businesses. The City's fees do not cover the costs of copying the forms. These are things that the City can do now. They are mistaken if anyone believes this is just a temporary local issue. A quick internet search will reveal that many places in Florida and across the country are fighting the same battle. The residents of IRB live in paradise, and everybody wants to be here. IRB residents welcome those people but not as hotel rooms in the residential neighborhoods. The tourists can stay in a hotel room, rent a house for 28 days, and do it right. IRB residents do not welcome transient rentals.

Mr. Newton stated some of these places across the country had made headway, and the City could learn from them. There is no doubt as to the will of the residents. He cannot find

anyone who is not involved in the profit from this debacle that favors having an unregulated hotel business next door to their family home. He does not think any City Commission Member would want an STR next door to them.

Mr. Newton stated if anyone has any ambition of being elected or re-elected to represent the City of Indian Rock Beach in the future, they can be the people's hero and get serious about this short-term rental issue. He would suggest this be made a priority and a campaign promise to start doing something about STRs now.

**Linda Newton, 438 Harbor Drive North**, stated that she created an STR report in excel that can be searched and sorted by address. She said additional columns could be added to include information required by the STR ordinance.

Mrs. Newton stated she had sent Representative DiCeglie an email concerning STR and received a letter from him. She read excerpts from Representative DiCeglie's letter: *"Thank you for your email. I also live in Indian Rocks Beach, and our community has changed over the last few years. I am committed to working on the issue in the next legislative session, January 2023. I believe it is time for the legislators to act on this issue and consider how the 2011 preemption law has eroded these communities. I have spoken with several beach mayors in Pinellas County and the Pinellas County Property Appraiser. I believe we can develop a workable concept that can address the issue with a balanced approach. I hear you and the other residents' concerns loud and clear."*

Mrs. Newton thanked the City Commission for all that they are working on.

**Bill Snyder, 425-18th Avenue**, stated he is here this evening to ask for the City Commission's help to control STRs. It is nice to hear that something is going in a positive direction to curb STRs and control them. Most people who live here do not want STRs in residential neighborhoods. They want STRs to disappear because they do not know their neighbors anymore. IRB is losing its sense of community in residential neighborhoods.

**John Thayer, 1819 Bay Boulevard**, stated he would like to thank the City, particularly the Solid Waste employees, for picking up debris on Friday and Saturday after Hurricane Ian. He appreciates all their efforts. They always do a great job!

Mr. Thayer stated he sits on the beach and watches the sunset with his wife and sees a lot of dogs on the beach, and they are not service animals. People know that dogs are not supposed to be on the beach because right after sundown, the dogs come out through the dunes. Many dogs are not leashed and run free in the surf.

Mr. Thayer stated the City Commission should consider some regulations on motorized vehicles on the beach, i.e., electric bikes. He said right after sunset, there are several electric bikes on the beach weaving in and out of beach-goers going ten m.p.h. It is just an

accident waiting to happen. It is just not electric bikes; he saw a person setting up a powered paraglider on the beach.

**Adrienne Dauses, 2008 Gulf Boulevard, Unit #3**, stated she wanted to approach the subject of STRs and life safety and said that has to be the most important issue that is taking place. She manages the Gulf Breeze Inn, 2008 Gulf Boulevard, built in 1950. She stated Gulf Breeze Inn has to comply with the state of Florida, the Florida Department of Health, and the Pinellas Suncoast Fire and Rescue District (smoke detectors for the deaf and blind). She feels that they are cherry-picked compared to a quad-plex on the east side of Gulf Boulevard because they are not required to have a sprinkler system, no inspections are required, and so forth.

Ms. Dauses stated she knows who is coming in and out of Gulf Breeze Inn, and they have more control over who stays at the Inn.

Ms. Dauses stated she believes that the City can fight this issue and can have more control over STRs.

Ms. Dauses stated, for example, on the quad-plex each quad-plex has three bedrooms, and she has seen up to 20 people in one unit.

Ms. Dauses stated there were some stragglers hanging around that did not know where to go when Hurricane Ian was approaching.

Ms. Dauses stated all of this has to do with life safety. STRs are out of control, and hotels/motels must follow different regulations.

**Don House, 2104 Beach Trail**, stated in lives in the Commercial Tourist (CT) zoning district where nightly rentals are allowed. It is nice that the City Commission is trying to address the STRs. If he remembers correctly, the City had an ordinance that would have helped with STRs, but it went away at the last minute. It went away because of the City Commission. The City Commission is looking to solve the problem that it helped to create. It is good that the City Commission is trying to solve this, but it should take responsibility for what happened in the past. The City did have an ordinance that would have helped with STRs.

Mr. House stated he would use some language here that he found offensive. He was called a "*selfish ----ing —hole*" because he would not sign the beach easement for the Sand Key Renourishment Project by a past president of Action 2000, Inc. He was called this because he was looking out for his property. That also means that more than half of the beach property owners are that. He does not think the City has done anything except work happily together to address the fact that the City is fueling the property owners exercising their rights.

### **3A. REPORT OF the City Attorney:**

City Attorney Mora stated he is working on the revisitation of the short-term vacation rental regulations and the analysis thereof in response to community feedback, and the City's sign code.

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

#### *Pinellas County Sheriff's Office*

- Respects to PSCO Deputy Michael Hartwick who was killed in a hit and run event on September 22, 2022. He was a 19-year veteran of the PCSO, and a husband and father of two. Deputy Hartwick also was assigned to IRB.

#### *Hurricane Ian*

- Thanked the City Team for preparation before, during, and after the hurricane. It takes a major effort before and after an event like this one to deal with it. Fourteen thousand sandbags were provided to residents and property owners compared to 6,000 bags for Hurricane Irma. Hurricane Ian-related expense is approximately \$30,000. The City may or may not be reimbursed for this expense through FEMA.

#### *Sandbags*

- It is important to note that sandbags are only recommended for residents that may experience minor flooding from rainfall. Sandbags will not protect against storm surge from the bay or tidal waters. Residents should keep and store clean sandbags for the balance of the hurricane season that ends on November 30<sup>th</sup>. When residents are finished with the sandbags, the sand should be spread on lawns or in landscape beds. The empty bags can be placed in the garage cans or can be stored for future use. Residents should always take their own protective measures. Sand from the bags should not be dumped on the beach. Sand placed on the beach requires a permit from the State. It is against the law to dig and remove sand from the beach. Turtle season ends October 31<sup>st</sup>.

#### *Code Enforcement Report*

- 70 parking citations (does not include PCSO)
- 6 notices to appear
- 3 violation notices
- 2 courtesy letters

#### *Local Businesses Encouraged to Join Public Art Experience*

- On September 22, 2022, the City announced a new outreach to local business owners to encourage them to join with the City to install public art on their property. A copy of a press release was mailed to property owners along Gulf Boulevard with information about the City's public art efforts and a request that they join in. The City

looks forward to seeing and recognizing those businesses that participate in this program.

#### *IRB HALLOWFEST*

- IRB Halloweenfest is Saturday, October 29, 2022, in Kolb Park, from 10:00 a.m. to 1:00 p.m..

#### *IRB NEWSLETTER*

- The 4<sup>th</sup> Quarter IRB Newsletter was delayed a week due to Hurricane Ian. All residents will receive it this week. One update to the newsletter is the hours of the November 5<sup>th</sup> Taste of IRB. The hour of the event is 3:00 p.m. to 9:00 p.m. Some of the information included in the newsletter includes a 2022-23 Budget recap, Code Enforcement contact information, NPDES information, and fall event calendar.

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

#### **COMMISSIONER McCALL:**

- Stated the HOA Annual Taste of IRB will be on Saturday, November 5<sup>th</sup> from 3:00 p.m. to 9:00 p.m., in Chic-A-Si Park, and this will be year 15. Taste of IRB will be showcasing foods of IRB and there will be more crafts.
- Stated this was his first time since 1997 that he felt the need for sandbags. It was crowded at the sandbag area, but everybody got along. However, that is not the report from his friends from different cities where there were five hour wait lines. He would recommend that residents bring their own shovel.

#### **COMMISSIONER HANNA:**

- Thanked everyone for coming this evening. He thinks the City is on the right track to help solve or at least alleviate some of the issues that the residents are experiencing with short-term vacation rentals. It is pretty safe to say that no City Commission Member have too much of a different view than what the residents have. He has seven STRs in his neighborhood. Luckily, the STR renters have been fairly good. However, his outside camera did show six to eight young kids walking down street about 2:00 a.m. No problem. However, prior to STRs rarely did he see people walking or driving down the street early in the middle of the night. He stated STRs are not going to go away. They are here to stay. But, they can be more neighborly.
- Stated A2K's Oktoberfest was very successful. He thanked the City, the volunteers, the participants, and residents for making it a successful event. He stated profits go to help beautify the City and some money will probably go to help the cities to the south due to Hurricane Ian.

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

- *Hurricane Ian.* The City handed out 14,000 sandbags compared to the 6,000 handed out during Hurricane Irma. IRB was the only City that was opened out of 24 cities in Pinellas County on Tuesday, from 8:00 a.m. to 11:00 a.m., to make sure that anyone who needed an emergency beach access pass had one. She stated the staff was wonderful. She stated she assisted staff with this task and she talked to some of the citizens who were afraid and scared. It was a very stressful situation but the City is so well prepared for hurricanes. The City has a plan in place when there is a hurricane watch, warning. She wanted to give a shot-out to the City Manager for what a wonderful job that the City did.
- *Dogs on the Beach.* Stated she has someone on 12<sup>th</sup> who monitors the beach, and when they see a dog, they call the PCSO. If anyone sees a dog on the beach, they should call the PCSO.
- *Contact PCSO.* If residents see something, they should call the PCSO, especially if it is something that is illegal or looks dangerous. Anything dealing with STRs, like noise, disturbances, cars blocking the streets should be reported to the PCSO.
- *Short-Term Vacations Rentals.* She stated she gets the impression that residents think that the City is not doing anything regarding STRs and that could not be anything but the case. Residents have mentioned that there is nothing that the City can do. She personally has never said that. In the recent past, she has met with several residents concerning STRs. The Beach Mayors and herself had a meeting with Representative DiCeglie regarding short-term vacation rentals. She was pleasantly surprised to hear that the conversation that he had with Ms. Newton because that was not the conversation that the Beach Mayors had with Representative DiCeglie. Representative DiCeglie felt that the leadership in Tallahassee believes this a property rights issue, and she has mentioned that before on several occasions. She advises residents that they need to contact the City's representatives in the Florida Legislature.  
 The City has been working on the STRs' fees and the City now has two full-time Code Enforcement Officers instead of one part-time and one full-time. She stated one of the things that Representative DiCeglie said to her was that the Florida Legislature wanted to see proof that nuisance and illegal activity was occurring at STRs and that could be documented by calling the PCSO. She stated the Beach Mayors are concerned and stated one other beach community has lost their grandfathering clause. She stated about two years ago, there was a bill to eliminate the grandfathering clause and all cities would lose it.  
 She stated the City continues to work on STRs. The Pinellas Suncoast Fire and Rescue District will be discussing an ordinance that would regulate vacation rentals from a fire code and prevention standpoint — in terms of life safety inspections and that occupancies are where they need to be and are at a safe level.
- Reviewed the November Calendar of Events:
  - Saturday, November 5<sup>th</sup> - Taste of IRB
  - Tuesday, November 8<sup>th</sup> - General Election
  - Wednesday, November 9<sup>th</sup> - Regular City Commission Meeting

- Saturday, November 12<sup>th</sup> - Women's Tea
- Tuesday, November 15<sup>th</sup> - Special City Commission Meeting on short-term vacation rentals. Begins at 6:00 p.m.

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

5. **CONSENT AGENDA:**

- A. **APPROVAL of the September 7, 2022 Special City Commission Meeting Minutes.**
- B. **APPROVAL of the September 13, 2022 Regular City Commission Meeting Minutes.**
- C. **CONFIRMING the action taken during the September 21, 2022 Special City Commission Meeting.**

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

***MOTION MADE BY COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5C, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.***

6A. **BOA CASE NO. 2022-12 — 526-20<sup>TH</sup> AVENUE**

Considering a variance request from Sec. 110-131(1)f.1. of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house, for the property located at 526-20<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legal described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach. Parcel #: 06-30-15-42300-000-0290.

*[Beginning of Staff Report.]*

**SUBJECT: BOA CASE NO. 2022-12 — 526-20<sup>TH</sup> AVENUE**

Variance request from Sec. 110-131(1)(f.)(1) of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526-20<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42300-000-0290.

**STAFF RECOMMENDATION:** Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

**BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION:** The Board of Adjustments and Appeals recommended approval to the City Commission by a vote of 3 to 2.

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OWNER Edlin Management & Holdings LLC  
PROPERTY LOCATION: 526-20<sup>th</sup> Avenue  
ZONING: S - Single Family Residential

Direction	Existing Use	Zoning Category
North	Residential	S
East	Intracoastal	N/A
South	Residential	S
West	Residential	S

**BACKGROUND:**

The applicant is requesting a variance of 3 feet into the front yard setback for an addition with bedrooms, garage, and a pool. By adding onto the front of the house, the new addition will be FEMA compliant. The original house was constructed in 1960.

**Sec. 2-152. Variances.**

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The house was built in 1960 and was approved before the new land development code was adopted in 1981. The existing front yard setback is 54.61 feet.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*

- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the additions proposed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

**NOTICE:** A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on September 26, 2022, (Sec. 2-149 of the Code of Ordinances).

**CORRESPONDENCE:** Letters of no objection were received from Deborah Levin, 524-20<sup>th</sup> Avenue and Andrew Wall, 528-20<sup>th</sup> Avenue.

**LEGAL NOTICE:** A legal notice was published in the Tampa Bay Times *E-edition newspaper* on Wednesday, September 28, 2022, and placed on the State's Florida Press Association website. Affidavits will state "published on 09/28/2022".

*[End of Staff Report.]*

City Attorney Mora read BOA Case No. 2022-12 — 526-20th Avenue by title only.

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

City Attorney Mora inquired of the City Commission Members if any of them had conducted a site visit for the limited purpose of evaluating the application before them, with all members responding negatively.

City Attorney Mora stated, for the record, Commissioner Houseberg will not be voting on this matter because it is a quasi-judicial with visual evidence presented.

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

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2022-12, 526-20<sup>th</sup> Avenue.

Planning Consultant Harmon stated the applicant is requesting a variance from Sec. 110-131(1)f.1 of the Code of Ordinances to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house, for the property located at 526-20th Avenue.

Planning Consultant Harmon made a PowerPoint Presentation depicting aerial views of the property, a survey, a plan of the proposed first-floor addition, a plan of the proposed second-floor addition, a drawing of the proposed front view of the house, photos of the existing residence, and a photo of the neighboring house looking south on 20th Avenue.

As Planning Consultant Harmon made the PowerPoint Presentation, she explained the applicant requested a variance of 3 feet into the 25-foot front yard setback for an upstairs addition with bedrooms, bathrooms, and offices. The ground floor would include a new garage and a pool. She stated the house currently sits back 54.61 feet from the front of the garage to the front property line. The current house encroaches into the rear yard setback. She noted the adjacent houses are closer to the road. The applicant is proposing to add a new addition to the front of the house that would be FEMA-compliant. The original house was constructed in 1960.

Planning Consultant Harmon stated the City had received two letters of support from Deborah Levine, 524-20th Avenue, and Andrew Wall, 528-20th Avenue, who are adjacent property owners to the subject property.

Planning Consultant Harmon stated staff recommended denial of the variance because the addition encroaches into the required 25-foot front yard setback by 3 feet.

Planning Consultant Harmon stated the Board of Adjustments and Appeals recommended approval to the City Commission by a vote of 3 to 2.

The applicant, **Edmon DiRuzza, 526-20th Avenue**, stated that he and his wife live at 526-20th Avenue. They have recently sold their home in Orlando, Florida. They purchased the house on 20th Avenue in January 2018. Their initial thoughts were only to use the property as a weekend getaway. However, after selling their home in Orlando, they decided to move to Indian Rocks Beach for good. They both have jobs that allow them to work remotely due to the pandemic and the flexible working environment provided by their employers. When

they purchased their home, they concluded that if they were to add space, they would have to either add to the existing structure or build from scratch. Learning later and through his neighbor's experience that the latter process could take up to three years.

Mr. DiRuzza stated the existing house is a 950-square-foot bungalow with two bedrooms, making it extremely difficult to work and enjoy simultaneously. As he mentioned, they both work from home, and there is not enough area in which they can dedicate to working space. In addition, they have been lucky enough to be blessed with two grandchildren, and they currently have no way in which the grandchildren and their parents can stay with them for a short visit and enjoy all that IRB has to offer.

Mr. DiRuzza stated that changing his home comes with quite a few restrictions. He is dealing with one of the smaller lot sizes in IRB. Just under 6,000 square feet. The existing home does sit back on the lot and does give him some opportunity to add additional space to the front of the home. Unfortunately, because the house sits so far back, the setbacks and tie-backs interference from the seawall prohibit them from building a pool in the rear yard.

Mr. DiRuzza said adding to the existing house would also put him face-to-face with the 50% FEMA Rule. According to FEMA, the value of the existing structure is \$83,000, which means he cannot make any modifications to the existing structure above \$41,500.

Mr. DiRuzza stated he plans to build a FEMA-compliant two-story structure to the front of his home and to add a courtyard and pool between the existing home and the new addition. The City Code does not allow a pool to be built in front of a house and limits the pool's setback from the home. A pool edge can only be within 5 feet of a structure or property setback.

Mr. DiRuzza stated the plan is to add a FEMA-compliant structure not attached to the original building that would provide additional space for bedrooms and offices and allow for a courtyard pool. In addition, the bottom level would act like a garage and storage and a lanai area. The non-attached structure would help them to avoid the 50% FEMA Rule restriction. Because of these large setbacks, they are looking for an additional 3 feet on the front setback to give them adequate space for the bedrooms, offices, and pool area. This would put the new addition approximately 35 feet from the edge of the street rather than 38 feet. Also, he and his neighbor have already discussed sharing the cost of putting all the utilities underground to enhance the area's look. Both of his adjacent neighbors have no issues extending the front of his residence and fully endorse the addition. The 35-foot setback would also not interfere with any neighborhood project that might impede on current resident lots. Gas, fiber, and other utilities would have room to work with.

Mr. DiRuzza stated some homes in IRB currently encroach in the front yard setback and, in some cases, are much closer to the street than he requested. Because this addition will

only be two-story, it would not look as ominous as a three-story structure, which would follow the appropriate setback requirements.

Mayor-Commissioner Kennedy asked Mr. DiRuzza what was his hardship.

Mr. DiRuzza stated the hardship was that there is no way to put any pool on the property. It is not a right nor a hardship to have a pool, but it is something that he would like to enjoy. He stated there is no place to put the pool other than in front of his residence. According to the City Code, the pool must be blocked in if it is located in the front yard.

Mayor-Commissioner Kennedy stated instead of encroaching into the front setback by 3 feet, the applicant could meet the required front setback by reducing the size of the rooms or the pool.

Mr. DiRuzza stated the problem is the pool has to be 5 feet from every structure, or the pool would be tiny. He said to keep the pool far away from the buildings and have some garage space in front of the residence, the pool needs to encroach into the front yard setback by 3 feet.

Mayor-Commissioner Kennedy asked if they planned on living there year-round.

Mr. DiRuzza stated that this is his primary residence now. They sold their residence in Orlando, and he is now trying to sell his business.

Commissioner Bond stated the applicant's plan is to leave the existing home as is. Then everything else would be a two-story FEMA-compliant structure, with Mr. DiRuzza responding that is correct.

Commissioner Bond stated there would be four bedrooms in the new addition.

Mr. DiRuzza told the City Commission not to focus on the four bedrooms on the second story because that is just a plan that was thrown together. The second floor will be more than just offices and a great room — something for his grandkids to enjoy. In the spirit of the last couple of meetings here, he did not want to give the public or the City Commission the idea that this would be a short-term vacation rental.

Commissioner Bond stated it was not about the labeling, it was simply about the amount of space. He was wondering if it would be possible to pull it back 3 feet from the front without detracting too much from the square footage of the second floor.

Mr. DiRuzza said it would considerably shrink the garage space and make the pool extremely small. He was trying to satisfy two requirements: a bigger garage and a bigger pool.

Mayor-Commissioner Kennedy asked Planning Consultant Harmon to explain why the two Board of Adjustments and Appeals Members voted against the variance request.

Planning Consultant Harmon stated the Board Members did not want the applicant to encroach into the front yard setback, and there could be some way to do it without encroaching into the front yard setback. She stated this is a non-conforming structure, to begin with, and then by approving the variance would make it more non-conforming.

Commissioner Hanna stated each variance request stands on its own merits.

Commissioner Hanna asked if the applicant might be able to borrow a little out of the garage and a little out of the pool to make his dream come true.

Mr. DiRuzza stated he is asking for a variance to not go down that road. He reiterated about the 5 feet requirement of the pool from buildings.

Commissioner Hanna asked what is the size of the pool.

Mr. DiRuzza stated not that big, maybe 10 by 13, an oversized spa.

Commissioner Hanna stated he does not see a hardship caused by the land. He said the applicant knew what he was purchasing when he purchased the property.

Mr. DiRuzza compared his house to the recently built Taj Mahal next to him, and all he is trying to do is build a garage and a couple of rooms. He does not want to build a monstrosity. It just takes away the quaintness of the neighborhood. It takes away a lot from the neighborhood.

Mr. DiRuzza stated he is trying to create something quaint. Something good enough for his wife and him and something his grandkids can enjoy. But not build another Taj Mahal with 5,000 square feet that loses the neighborhood's quaintness.

Commissioner McCall stated he did not have an issue.

Commissioner Bond asked what the additional square footage would be for the second floor, including the garage space.

Mr. DiRuzza stated the upstairs space would be 1,000 square feet roughly, and the garage and lanai would be approximately 1,000 square feet. The lanai is open and not air-conditioned. It is a first-floor FEMA-compliant building. The original residence has 950 square feet and he does not want to tear down the original home.

Mayor-Commissioner Kennedy opened the public hearing. Seeing/hearing no one wishing to speak, the public hearing was closed.

Commissioner McCall stated it appears the applicant is trying to do everything he can between the City, FEMA, and everyone else to bring his property up to standard. Both adjacent property owners have submitted letters of support. Personally, he is not trying to fit anything overabundant on his property. He needs so many feet in the garage for cars, the stairwell, the pool, and so forth, and he is trying to build within FEMA's guidelines.

Commissioner Bond asked what are some of the City's objections.

City Manager Mims stated when a variance application is filed, it is the applicant's burden to show what the hardship is. Ninety-nine percent of the time, the City will recommend denial because most standard lots are buildable.

Commissioner Hanna asked if anything could be done with the pool and the side setbacks.

Planning Consultant Harmon asked if they could make the pool smaller.

Commissioner Hanna stated to go into the side setbacks by 5 feet.

Planning Consultant Harmon stated pool requirements are in the Building Code, which is reviewed and approved by Pinellas County.

Mayor-Commissioner Kennedy asked the planning consultant to explain that.

Planning Consultant Harmon stated it is a Building Code for the distance from the house to the pool. It is not a Land Development Code.

**MOTION MADE BY COMMISSIONER MCCALL APPROVAL BOA CASE NO. 2022-12 – 526-20TH AVENUE. A VARIANCE REQUEST FROM SEC. 110-131(1)(F.)(1) OF THE CODE OF ORDINANCE TO ENCROACH 3 FEET INTO THE REQUIRED 25-FOOT FRONT YARD SETBACK, RESULTING IN A TOTAL FRONT YARD SETBACK OF 22 FEET, TO ALLOW FOR AN ADDITION TO THE FRONT OF THE HOUSE FOR PROPERTY LOCATED AT 526-20<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 29, FIFTEENTH ADDITION TO RE-REVISED MAP OF INDIAN BEACH AS RECORDED IN PLAT BOOK 31, PAGES 57 AND 58, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.**

**CITY ATTORNEY MORA STATED ABSENCE A SECOND TO THE MOTION, THE CITY COMMISSION WOULD BE DEEMED TO HAVE FUNCTIONALLY VOTED TO DENY THE RELIEF AS THERE IS NOT MOTION TO APPROVE THAT HAS BEEN PUT ON THE TABLE FOR THE CITY COMMISSION TO VOTE. ABSENT A SECOND, THE RELIEF REQUESTED WOULD BE DEEMED DENIED.**

City Attorney Mora stated at this stage, unless there is a second, the matter is deemed resolved in the form of a denial by the City Commission for its lack of motion on the relief requested.

Mayor-Commissioner Kennedy stated hearing no second, this variance is denied.

**7A. ORDINANCE NO. 2022-03. An ordinance of the City of Indian Rocks Beach, Florida, amending Chapter 2, Administration; Article II, City Commission; Division 1, Generally; Section 2-31, Compensation of members; providing for an increase in the City Commission's monthly compensation; providing for severability; providing for repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date**

*[Beginning of Staff Report.]*

**BACKGROUND:**

During the July 26, 2022 City Commission Budget Work Session, there was a consensus to increase the City Commission's monthly compensation by \$100.00.

Charter Section 4.11, Compensation; expenses, states: The city commission may determine the annual compensation of the commissioners by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least three (3) months. Commissioners shall receive their annual compensation and necessary expenses incurred in the performance of their duties and shall account therefore in accordance with appropriate state and federal statutes.

**ANALYSIS:**

**Sec. 2-31. Compensation of members.**

(a) The mayor-commissioner shall be paid a per diem of ~~\$600.00~~ \$700.00 per month.

(b) The commissioners shall be paid a per diem of ~~\$500.00~~ \$600.00 per month.

The increase in compensation will begin on April 1, 2023.

*[End of Staff Report]*

City Attorney Mora read Ordinance No. 2022-03 by title only for first reading.

City Clerk O'Reilly presented Ordinance No. 2022-03 and briefly reviewed the Staff Memo. She stated Ordinance No. 2022-03 would amend Sec. 2-31, Compensation of members, of the Code of Ordinances, by providing an increase of \$100 in compensation per month for City Commission Members.

City Clerk O'Reilly noted that the increase in compensation will begin on April 1, 2023.

City Clerk O'Reilly said the last time that the City Commission received an increase in compensation was in 2015.

***MOTION MADE BY VICE MAYOR-COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER BOND, TO APPROVE ORDINANCE NO. 2022-03, ON FIRST READING, AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE II, CITY COMMISSION; DIVISION 1, GENERALLY; SECTION 2-31, COMPENSATION OF MEMBERS; PROVIDING FOR AN INCREASE IN THE CITY COMMISSION'S MONTHLY COMPENSATION.***

***ROLL CALL VOTE:***

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

***NAYES: NONE***

***MOTION TO APPROVE CARRIED UNANIMOUSLY.***

#### **8A. DISCUSSION OF IRB Curbside Recycling Program.**

*[Beginning of Staff Report.]*

#### **BACKGROUND:**

The City has conducted a Curbside Recycling Program for numerous years.

The current contract with Waste Connections of Florida, Incorporated will expire on December 31, 2022.

On August 16, 2022, the City Manager requested to extend the current contract for an additional two-year period.

Waste Connections has indicated in its letter to the City dated August 29, 2022, that they are unable to extend the current contract under the same terms due to the increased operating costs that they are experiencing, i.e., fuel, labor, capital costs and inflation.

Waste Connections has provided a revised contract cost estimate of \$12.30 per month for single family residences and \$28.63 for condominiums, which is an 88% increase to the current contract.

### **ANALYSIS:**

Based upon the aforementioned information, the City Commission may consider the following options:

1. Discontinue the Curbside Recycling Program in its entirety. The City has the right to terminate/exit the contract with a 60-days written notice to the contractor.  
  
\*\* This option has a potential future cost savings to the Solid Waste Recycling Budget and Rate Structure.
2. Continue with the Curbside Recycling Program with Waste Connections including/accepting the additional operating costs.  
  
\*\* This option would have a cost increase to the Solid Waste Recycling Budget of 88% as stated above, increasing rates for both residential and commercial customers.
3. Implement a Hybrid Recycling Drop Off Program within the City at specific locations: Brown Park, City Hall, Nature Preserve and Keegan Clair Park accepting aluminum and cardboard commodities only.  
  
\*\* This option has a potential future cost savings to the Solid Waste Recycling Budget and rate structure.
4. Obtain a Request for Bid (RFP) for the IRB Curbside Recycling Program through a piggy-back contract process.  
  
\*\* This option would have a cost increase to the Solid Waste Recycling Budget and rate structure based on the current recycling market and other bid information recently received from other municipalities.

Recent RFP efforts from neighboring municipality (Madeira Beach) reflect a minimum of 50% increase to existing costs.

### **FISCAL IMPACT:**

It should be noted that within the FY 2023 Budget, under the Solid Waste Department Budget, Account Number 402-534-000-034-600, the City has appropriated funds in the amount of \$239,610 to fund the City's Curbside Recycling Program.

*[End of Staff Report.]*

City Manager Mims introduced the agenda item and stated the City has been in the recycling business for 12 years.

Public Works Director Scharmen reviewed the Staff Report in detail.

Public Works Director Scharmen stated the City operates a Solid Waste Collection Program on Monday, Tuesday, Thursday, Friday, and Saturday for the collection of household and commercial waste that is taken to the Pinellas County Waste Energy Plant.

Public Work Director Scharmen stated on Wednesdays, the City contracts with Waste Connections of Florida for the collection of the curbside single stream recycling.

Public Works Director Scharmen stated, as mentioned by the City Manager, the City has had a curbside recycling program for numerous years. The City's current contract with Waste Connections will expire on December 31, 2022. In August 2022, the City requested an extension for an additional two-year period, which the contract allows. Waste Connections indicated it would not extend the City's contract under the same terms due to the increase in operating costs that they are experiencing. Waste Connections provided a revised contract cost estimate of \$12.30 per month for single-family homes and \$28.63 for condominiums, which is an 88% increase.

Public Works Director Scharmen reviewed, in detail, the following options:

1. Discontinue the Curbside Recycling Program in its entirety. The City has the right to terminate/exit the contract with a 60-day written notice to the contractor.
2. Continue with the Curbside Recycling Program with Waste Connections, including/accepting the additional operating costs.
3. Implement a Hybrid Recycling Drop-Off Program within the City at specific locations: Brown Park, City Hall, Nature Preserve, and Keegan Clair Park, accepting aluminum and cardboard commodities only.
4. Obtain a Request for Bid (RFP) for the IRB Curbside Recycling Program through a piggyback contract process.

Commissioner Bond stated he toured the Pinellas County Recycling Center (behind the scenes) with Public Works Director Scharmen. It was fantastic, and he would recommend it to anybody.

Commissioner Bond asked if staff has calculated the savings associated with Option #3, Implement a Hybrid Recycling Drop-Off Program.

Public Works Director Scharmen stated the City would need to renegotiate its current contract with the City of Largo for cardboard and purchase additional containers for the additional centers and for aluminum products. The City would be responsible for hauling the aluminum products to the recycling plant. An identified cost has not been determined at this time. However, staff believes it could be accommodated within the funding in the Solid Waste Recycling Budget.

Commissioner Bond asked if staff has tried renegotiating with Waste Connections to lower the curbside recycling rate.

Public Works Director Scharmen stated staff has not negotiated with anyone on any portion of the contract. The 88% increase would require a budget amendment, and staff would need direction from the City Commission. He has had other vendors approach him indicating the opportunity to talk to them and possibly negotiate a contract with them. However, without receiving direction from the City Commission and another vendor having a contract in place, the minimum amount is a 50% cost increase to the current rate based on Madeira Beach's bid tabulation.

City Manager Mims asked Public Works Director Scharmen to explain "piggybacking."

Public Works Director Scharmen stated the City of Indian Rocks Beach, through its purchasing ordinance, has the opportunity to utilize any existing contract through the State of Florida or any other municipality on a current bid that is on the street. For example, suppose Madeira Beach had a recycling contract and said their recycling contract is \$10 a month. In that case, the City of Indian Rocks Beach could contact the vendor they signed the contract with and ask them if the City could piggyback on Madeira Beach's contract, which would include all their terms, conditions, and rate structure.

Commissioner Bond clarified that the current rate is \$6.29 and would increase to \$12.30 for single-family homes monthly and that is factored into the utility bills, which is approximately a \$6.00 monthly increase for residents.

Public Works Director Scharmen stated that recycling is included within the monthly solid waste fee that residents pay at this time.

Public Works Director Scharmen stated that if the City Commission were to direct staff to extend the contract based on the proposal received from Waste Connections, it would be an increase to residential and commercial customers by \$6.30 per month.

City Manager Mims stated when the City Commission adopted the FY 2023 Budget, an ordinance was adopted where residential and commercial recycling rates were increased by \$1.39. If the City Commission approves that contract at that rate, the City Commission would need to adopt another ordinance that would double the recycling rates.

Commissioner Bond asked what is the bi-monthly rate, per household, for the bundled utilities.

Finance Director Carpenter stated the bi-monthly rate for single-family households would be \$62.50 currently for solid waste and recycling, and if the City Commission approved the new contract, the bi-monthly bill for solid waste and recycling would increase to \$67.80.

Commissioner McCall asked if staff could put those numbers into real dollars. He prefers dealing with dollars over percentages.

Finance Director Carpenter stated the City budgeted \$239,610 for curbside recycling, and with the new rate, it would be an additional \$210,000 +/- . He said residential and commercial customer solid waste rates increased by 6% on October 1st.

Commissioner McCall asked if it was just inflation or if the contractor was not making any more money.

City Manager Mims stated staff could not speak to that. Pinellas County is a large county. Realistically, if the City goes through the bid exercise, the same contractors would bid, and the numbers would be the same.

City Manager Mims stated the increase is probably more tied to the cost of doing business. He said there is no market for glass. When glass is taken down to St. Petersburg, it is separated, then hauled to a company in Sarasota, and Waste Connections has to pay to get rid of it. However, there is a market for cardboard and aluminum.

City Manager Mims stated the primary function of the Solid Waste Division is to pick up the garbage, and that garbage is taken to the landfill. That garbage generates power.

Vice Mayor-Commissioner Houseberg stated the City's current way of managing recycling, and the escalating cost no longer makes any sense for the City. She said using a Hybrid Recycling Drop-Off Program within the City (Option #3) makes much more sense for the amount of recycling that the City actually does.

Mayor-Commissioner Kennedy stated citizens have the best intentions. Everybody wants to recycle and think they are doing the right thing for the environment. Citizens are finding out that what they have been trying to do is not what is happening with the products being put into the recycling cans, and then there is the contamination issue. She stated plastic bottles are being taken to the incinerator and are being used to make electricity for homes. She stated some environmentalists do not think that is a good idea either.

Mayor-Commissioner Kennedy stated that when recycling came up four years ago, she talked to the contractor, and they told her that IRB had an increase in users. The contractor told her that in two to three years that this problem would take care of itself, but that is not what happened here. Now, the City is confronted with an 88% increase. Sadly, the City cannot find a way to do recycling that is not expensive. She feels that recycling should be part of the City's success in trying to help the environment and the community.

Mayor-Commissioner Kennedy stated she has no problem with Option #3, the Hybrid Recycling Drop-Off Program. However, she wished there was something that the City could do with the plastics.

City Manager Mims stated that in addition to the world market changing, China and Vietnam used to buy anything and everything that the United States would produce in terms of recycling. Everyone he has spoken to said that it is not coming back.

City Manager Mims stated one thing that has changed locally is the influx of the 250 STRs in the residential neighborhoods that do not participate in the Curbside Recycling Program. Several STRs have been cited for using recycling cans as trash cans. People on vacation usually do not recycle.

City Manager Mims asked the Public Works Director to review the percentages of the materials that residents, in general, throw in the recycling can that actually get recycled.

Public Works Director Scharmen stated if taken in totality, the contractor has estimated 20% is contaminated, which is taken to the Waste Energy Plant, 20% is glass, which has no value and the contractor pays to dispose of it. Out of the 750 tons that was actually recycled, 60% of that is probably recycled that is sent to a vendor for reuse.

City Manager Mims stated staff had provided four options to the City Commission. One benefit of Option #3, Implement a Hybrid Recycling Drop-Off Program, is that the City is staying in the recycling business. Secondly, staff would be able to advise the City Commission where the cardboard and aluminum commodities are being brought to for recycling.

City Manager Mims stated the Public Works Director would need to negotiate a new contract with the City of Largo for the cardboard pickup because currently they are only

picking up at one drop-off center, and Option #3 has four drop-off centers. The Public Works employees would take the aluminum products to a recycling plant in Largo.

Commissioner Bond spoke about his experience of his tour at the recycling center. He stated that 20% of recycling picked up cannot be recycled and is incinerated, and another 20% is glass and the caps on the plastic bottles that are taken to Sarasota for recycling.

Commissioner Bond stated the operation of the recycling plant is solid, organized, and very clean. It is fine to put pizza boxes in the recycling bin. They are not that picky about the mess.

Commissioner Bond stated that cardboard and paper get turned into pulp. It all gets bleached and pressed. There is much more going on at that center than people casually pushing it into the dump and burning it.

Mayor-Commissioner Kennedy opened the public comment session.

**Ed Farmer, Director of Government Relations, Waste Pro of Florida, 7921-15th Street East, Sarasota, Florida**, stated Waste Pro has a material recovery facility in Sarasota. He said the recycling they pick up from the local communities is transported directly to their Sarasota facility. As stated by the City Manager, approximately 18% to 20% of the recycling does not go to the market. It does end up in the incinerator or landfill, but the other 80% or 82% does get processed and goes to market. He stated Waste Pro in Sarasota is next to Strategic Materials that processes glass. Glass is a wonderful recyclable because it can be done infinitely, just as aluminum and steel cans.

Mr. Farmer further spoke about the recycling business market and what has happened to the recycling market over the past decade.

Mr. Farmer stated it is hard to go back once a city has started a recycling program. The purpose of recycling is to save natural resources. The waste energy plant is a great last defense. But, the problem would be if every Pinellas County city started taking everything to the plant, Pinellas County Solid Waste would advise cities not to do that. Because they are running out of capacity at the waste energy plant. They cannot handle it without upgrading and building onto that facility.

Mr. Farmer stated the overarching issue is that everyone should be recycling for the right reasons. Not because it costs a little bit more money, and yes, that is quite a bit increase. But, the rates will be coming back down.

**Kelly Watt, 431 Harbor Drive North**, asked if there is anything different than what the City is currently taking and accepting. She suggested maybe the City should adjust to what it accepts, like just cardboard and aluminum. She agrees that the STRs are not recycling and

that it would make sense not to offer those recycling bins to those properties because she sees the cans full of trash instead of recyclables.

**John Thayer, 1819 Bay Boulevard**, stated it is everybody's duty to recycle. He knows for a fact that recycled products are not going straight into the landfill because his cousin runs the incinerator. He further noted that the incinerator has a permit for so many BTUs, which is already at its max. The incinerator cannot take any more trash; when it reaches that level, it goes into the landfill. Pinellas County Solid Waste is urging all cities to recycle to reduce the intake into the landfill.

**Daric Hunt, Waste Pro, Pinellas County Division Manager**, stated they are the recycling hauler for Dunedin, and their recycling is not taken to the Pinellas County Solid Waste Center.

Mr. Hunt stated that Pinellas County has issued a notice that there would be a disposal fee increase of 6.8% over the next three years.

Mayor-Commissioner Kennedy closed the public comment session.

Mayor-Commissioner Kennedy stated the City is here to do what it can for the environment, and the bigger picture is to save natural resources. It comes down to a person's ideologies on how a person views where the City goes with this issue.

Mayor-Commissioner Kennedy stated that she knew that over 65% of the people who live in Indian Rocks Beach wanted recycling when the City sent out a survey card many years ago. The contractor also told her that Indian Rocks Beach residents were one of the best at recycling and knew what they were supposed to recycle.

Mayor-Commissioner Kennedy stated she feels that the financial piece is ridiculous to do that to the City. However, she thinks there is a bigger umbrella that the City is here to save the environment and its natural resources.

Mayor-Commissioner Kennedy stated the City could start Option #3, and at the same time, go out and look for some other companies, with City Manager Mims responding in the negative.

Mayor-Commissioner Kennedy asked why not.

City Manager Mims stated there is too much involved in that. If the City starts Option #3, staff would have to renegotiate an agreement with the City of Largo to pick up cardboard at four drop-off centers versus one center, and the City Commission would have to approve that agreement. He stated the City is on such a time crunch.

City Manager Mims stated that if the City renegotiates with the current provider, that will take some time to negotiate, and the final contract would need City Commission approval.

City Manager Mims stated staff cannot do dual options at the same time.

Mayor-Commissioner Kennedy asked about a different provider.

City Manager Mims stated that is laid out in the four options presented by staff. He thereafter reviewed the four options with the City Commission:

1. Discontinue the Curbside Recycling Program in its entirety. The City has the right to terminate/exit the contract with a 60-day written notice to the contractor.
2. Continue with the Curbside Recycling Program with Waste Connections, including/accepting the additional operating costs.
3. Implement a Hybrid Recycling Drop-Off Program within the City at specific locations: Brown Park, City Hall, Nature Preserve, and Keegan Clair Park, accepting aluminum and cardboard commodities only.
4. Obtain a Request for Bid (RFP) for the IRB Curbside Recycling Program through a piggyback contract process.

City Manager Mims stated Option #4 is the least one that he would recommend because of the time frame.

City Manager Mims asked Waste Pro representatives when the negotiations with the City of Madeira Beach would be finalized, with a representative responding in November.

Public Works Director Scharmen stated once that contract is finalized with Madeira Beach, the City could piggyback onto Madeira Beach's contract, if the rates were lower.

City Manager Mims stated if the City piggybacks onto Madeira Beach's contract, the City agrees to all the terms and conditions of the original contract.

Commissioner Bond stated the amount of money that is being talked about seems huge, but it is only about a \$1.50 a week per household — one candy bar a week. He feels that is an amount the City Commission can ask the residents to absorb. The City Commission can ask, not insist, but ask.

Commissioner Bond stated he feels Option #3 would be hard to put together quickly, with City Manager Mims responding negatively.

Commissioner McCall stated he looks at recycling as a business and he is a City steward. He is a conservationist, and he is on the water all the time. However, given the current state of the recycling market with an 88% increase when the City is paying four times as much for trash collection, the City cannot continue to spend money. It adds up. If they had the ability not to charge the City this, they would, which means it is the state of the marketplace. Maybe if the market returns in one to three years, the City can reinstate recycling if the rates are at a decent price point to make it financially sensible, and he would be one hundred percent on board. But, an 88% increase to the current budget when the City is already paying four times as much for recycling just fiscally does not make sense to him. Even though he would love to do the right thing, he understands where the rest of the City Commission and the public come from.

Commissioner Bond clarified that it costs four times as much to recycle as it does to pick up garbage is based on dumping fees.

Public Works Director Scharmen stated the City budgets approximately \$270,000 for household and commercial waste for two times a week pickup for tipping fees. The budget for the recycling program is \$239,000.

Commissioner Bond asked if that includes all City infrastructure for the Solid Waste Program or just tipping fees.

Public Works Director Scharmen stated the tipping fees are part of the Solid Waste Operating Budget.

Commissioner Bond stated he wanted to know what is the entire budget for the Solid Waste Program. He wanted to make sure that they are comparing apples to apples.

Public Works Director Scharmen stated the City is disposing of solid waste, which is household and commercial trash, approximately 4,761 tons a year, and for recycling, it is 750 tons a year.

Commissioner Bond asked if the City has costs associated with the Solid Waste Program that do not get factored into that \$200,000 +/-.

Public Works Director Scharmen responded in the affirmative, stating salaries, capital, operational costs, fuel, gas, and so forth.

Commissioner Bond stated that operating the Solid Waste Program is significantly more expensive than the \$200,000+/-.

Public Works Director Scharmen stated he believes the question was what the City pays in tipping fees for solid waste versus what the City is paying for the Curbside Recycling

Program. He noted the overall budget for the Solid Waste Department is \$1.4 Million, which includes the cost of the Curbside Recycling Program.

Commissioner Bond stated the City is paying more than the \$291,000 +/- for its Solid Waste Program. The City is paying that plus all the costs associated with making that happen. That is every truck, every dollar of gas, every salary, etc.

Public Works Director Scharmen stated that is correct. If the two tipping fees were removed from the Solid Waste Budget, it would be around a million dollars to operate the Solid Waste Department.

Commissioner Bond stated it is not four times as much.

Commissioner Bond stated he feels that the City should renegotiate with Waste Connections.

Commissioner Hanna stated he is all for saving Mother Earth. As a City Commissioner, he wears two hats. One of his hats is to watch taxpayer dollars and to be sure that he gets a value for it. Everybody wants to do business. He does not see a problem with negotiating and finding a rate. He thinks the residents would like to continue to have the curbside recycling but is it practical, and does it save the City some money?

Commissioner Hanna feels if residents care about it and want to recycle, they would go to the drop-off centers.

Commissioner Hanna stated he agrees with Commissioner Bond that a couple of bucks more is not all that much more, but with everything else going up to the average person, it adds up. He does not feel that is a decision that the City Commission should make without talking to the public.

Commissioner Bond asked if the City's cost for solid waste disposal would go up if the City picked up on Wednesday, and if so, what would the cost differential be.

Public Works Director Scharmen stated the City would incur additional tipping fees based on what the City is not collecting for recycling. There could be some offset. It is hypothetical because recycling is fluid, and not everyone recycles. The City would have additional costs of anywhere from \$30,000 to \$35,000 in tipping fees for the extra weight that is being picked up based on the 750 tons.

Commissioner Bond asked about the overhead cost for the extra 15% of the week to have that Wednesday work.

Public Works Director Scharmen stated the City would not specifically pick up household trash on the same day that recycling was picked up. Items that were not being recycled

would be placed in the trash and picked up on its regular trash day, Monday, Tuesday, or Friday. On Wednesdays, the Solid Waste Division would pick up brush, and if the City Commission chose Option #3, the Solid Waste Division would empty and take the aluminum products to the recycling plant in Largo.

City Manager Mims said the City runs garbage trucks 7-days a week. When they are not picking up garbage, they are picking up other things, such as the beach garbage. Staff has clearly laid out the options available to the City Commission.

City Manager Mims stated he is slightly uncomfortable with further dialogue with a potential vendor about this issue. The City Commission can do what it wants. However, there are no other companies present tonight. Suppose the City piggybacks onto the Madeira Beach contract. In that case, the City Commission will have continued dialogue with a contractor that the City may negotiate with, and he is uncomfortable with that.

**Ed Farmer, Waste Pro**, stated that part of Madeira Beach's bid documents has their current contract, which would be the basis for a new contract. It would not be verbatim, but it would give the City something to look at. The projected pickup day is Wednesday, so that would not change either.

Mayor-Commissioner Kennedy took a poll of the options available to the City Commission:

Option #1: None

Option #2: Bond

Option #3: McCall, Hanna, Houseberg

Option #4: None

Mayor-Commissioner Kennedy stated she would like to see what Waste Pro does with Madeira Beach and at least look at the contract to get an idea.

Mayor-Commissioner Kennedy stated she does not like any of the options available to the City Commission.

Commissioner Bond stated he would like to see a complete analysis associated with Option #3 because the City does not know what that option would cost or the savings.

City Manager Mims stated staff would not know that until the City renegotiates a contract with the City of Largo for cardboard and look at the City's cost for dropping off aluminum material at the recycling plant.

Mayor-Commissioner Kennedy stated if the City went with Option #3 for two to three years, could the City revisit this issue when the market changes?

City Manager Mims stated the City Commission sets policy and gives him direction. The City Commission can change whatever it wants to change.

Mayor-Commissioner Kennedy stated it had been her experience that making those kinds of changes is challenging. This is a big step for the City to leave one program and go to the hybrid program (Option #3). Then in two to three years, the rates on down, and City re-establishes its curbside recycling.

City Manager Mims stated staff provided four options, which are the only options available to the City Commission, and staff is not recommending any of the four options.

Mayor-Commissioner Kennedy stated the vote was 3 to 2, and Option #3 was in the majority.

Commissioner Bond asked if the City Commission is going with Option #3 or is staff going to look at Option #3 more closely.

Mayor-Commissioner Kennedy said if the City Commission goes with Option #3, would the City know the associated costs in advance, or would it be determined over time?

City Manager Mims said yes because staff would have to renegotiate with the City of Largo to pick up cardboard at the additional three sites. Currently, Largo picks cardboard up at one location. The aluminum material would be easier as it is based on volume, and the City would take it directly to the recycling plant.

Mayor-Commissioner Kennedy stated this issue should be brought to the City Commission for a final decision.

City Manager Mims stated that staff could not go forward with any of these options unless the City Commission authorizes it because the City Commission approved a recycling program budget.

Commissioner Hanna stated he would recommend that the City Commission pick a first and second choice for staff to investigate, i.e., Option #3 being the priority with Option #2 being the fallback to begin negotiations with Waste Connections to try and lower the proposed rate increase.

City Clerk O'Reilly clarified that Mayor-Commissioner Kennedy is voting for Option #2.

Option #1: None

Option #2: Bond, Kennedy

Option #3: McCall, Hanna, Houseberg

Option #4: None

Commissioner Bond stated he wanted to ensure that Option #2 does not preclude the City from going out for an RFP for recycling.

City Attorney Mora stated the City is never precluded from going out for an RFP. The challenge that the Administration has articulated, as it relates to an RFP, especially a recycling RFP, is the timeline for doing that. The City is running up against a contract term that expires at the end of this year, and there is no ability to do that on that timeline, so staff is recommending four options to the City Commission.

Mayor-Commissioner Kennedy said in the event, there is a change in the recycling industry that, the City revisit curbside recycling.

Commissioner Bond stated the City has 60 days to terminate the contract at a disadvantage. The City can still get out of the contract with a 60-day notice.

City Manager Mims stated the contract would be for three years; however, there is a clause that the City may terminate the contract with a 60-day written notice without cause.

***CONSENSUS OF THE CITY COMMISSION FOR STAFF TO DETERMINE IF OPTION #3, IMPLEMENT A HYBRID RECYCLING DROP-OFF PROGRAM WITHIN THE AT SPECIFIC LOCATIONS, IS FEASIBLE, AND IF NOT, STAFF WOULD PROCEED TO OPTION 2, RENEGOTIATE WITH WASTE CONNECTIONS FOR A LOWER RECYCLING RATE FOR RESIDENTIAL AND COMMERCIAL UNITS.***

**Erika Dietz, 534 Harbor Drive North**, stated she is curious how the City got within two and half months of the expiration of its existing contract, and it is just coming up. The current provider obviously has the City over a barrel, which they may know and may be part of the 88% increase regardless of inflation, fuel costs, etc. But, the competitive company gentleman said this seems to be an all-time peak because of the conflict of circumstances, China, etc., that everyone is aware of. He was reasonably sure that he considered the prices would come down over time. She asked if the City could consider negotiating a longer contract at some kind of scalable rate. Maybe the City agrees to a higher increase now to cover their costs with scaled-down overtime.

Ms. Dietz stated, as a resident, she would strongly encourage the City Commission to consider renegotiating with the current provider because she does believe there is more than money involved here, and that is doing the right thing.

**9. OTHER BUSINESS.** None.

**10. ADJOURNMENT.**

**MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 9:33 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

November 9, 2022  
Date Approved

/DOR