

MINUTES — NOVEMBER 9, 2022
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **WEDNESDAY, NOVEMBER 9, 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.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Denise Houseberg, Commissioner Jude Bond (telephonically), Commissioner Philip J. Hanna, and Commissioner Joseph D. McCall.

STAFF PRESENT: City Attorney Randy Mora, City Clerk Deanne B. O'Reilly, MMC, Finance Director Dan Carpenter, CGFO, and Planning Consultant Hetty C. Harmon, AICP (telephonically).

ABSENT: City Manager Brently Gregg Mims.

1A. RECOGNITION OF IRB Veterans.

Mayor-Commissioner Kennedy honored the veterans in the community by presenting an American Flag to each of them that were in attendance for their service in the military.

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

The Pinellas County Sheriff's Office submitted a written crime analysis report for the month of September 2022.

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

Fire Chief Davidson, on behalf of the Pinellas Suncoast Fire and Rescue District, thanked the community and the elected officials for their support in helping to pass the ad valorem tax referendum vote. He said the Fire District has been serving IRB since 1951 and without the passage of the referendum, the Fire District would not have existed much longer.

Fire Chief Davidson presented the fire report for the month of October 2022.

2. PUBLIC COMMENTS.

Diane Daniel, 309-10th Avenue, stated she would be starting an initiative in January called Vacation Donations. She read the about page from her website, which is a good summary. *"Vacation Donations is a not-for-profit community resource in Indian Rocks Beach, Florida. We encourage vacationers and rental property managers to donate unused food, beach toys, books, and other items that travelers can't or don't take back with them. We also hope to inspire other communities to start similar projects. Indian Rocks Beach, or IRB as it is known to locals, covers 2.7 miles of shoreline on the Gulf Coast between Clearwater and St. Pete and has about 4,000 residents. Like many vacation communities around the country and beyond, it is filling up with short-term rentals, which have cooking facilities and encourages longer stays. Visitors who come from afar, especially by airplane, often buy food, beach supplies, books, and more while visiting and then must leave them behind. Too often, these items get thrown away or sit around unused. By providing a one-stop source of information, they are making it easier for travelers to give back before they go back."*

Ms. Daniel stated that is the crux of it. She is also trying to inspire other resort vacation communities to help them start similar programs if they are interested. What she is doing is having a clearinghouse of information. Everything on her website is things that already exist.

Ms. Daniel stated the items would be donated to IRB Pantry, thrift stores, veterinarian practices, etc.

Ms. Daniel is asking for the blessing of the City Commission because it will help when she launches the website in January. She would have like permission to use the City logo on her website and her banner of community friends.

John Pfanstiehl, 448 Harbor Drive South, thanked the City Commission for scheduling the November 15, 2022 City Commission Meeting about regulations on short-term vacation rentals. He asked how did the City ever get short-term rentals in residential areas in the first place. The definition of residential is to live in a place permanently for an extended period. Allowing transient lodgings in residential neighborhoods destroys the meaning of the word. It destroys the City's zoning. He cannot believe the citizenry has to explain why transients should not be lodging in residential areas. He bought his forever home in a neighborhood zoned single-family residential. Among the single-family residences are 200 unsupervised hotels with hundreds of transients each year. The size of IRB residents' outrage can be seen on the Harbor Drives, with signs stating they are against short-term rentals in residential areas.

Mr. Pfanstiehl stated the 2019 Florida AGO says that minor changes do not cause a city to lose its grandfather status. It is time to pay for a legal opinion as to whether the elimination of the City's grandfather status can be challenged and regained on any of several fronts. Should that fail, the City should go with the City Attorney's May 2016

memorandum, in which he stated the City's best legal remedy to this problem is in Tallahassee. So, these actions can be started by: (1) Paying for a legal opinion to determine if there is a way to claw back IRB's grandfather status of three months. (2) Hiring a staff member to coordinate forming an alliance with the Florida counties and cities that are most affected and existing groups, AIRBNB, Home Rule of Florida, BIG-C, Florida League of Cities, etc. (3) Then hire a lobbyist.

Mr. Pfanstiehl stated it might be a long, hard fight to correct the injustice of commercial businesses being allowed in residential neighborhoods. However, if the City does not fight for the peace, safety, and sanctity of the City's homes and neighborhoods, what will the City fight for?

Mr. Pfanstiehl stated that millions of people across Florida and the United States are fed up. The City Commission can be leaders and heroes to them by making strong, decisive actions to gather communities together to fight this issue.

Mr. Pfanstiehl stated in advance he thanked the City Commission for taking strong, timely actions to correct this problem, and he appreciated the City Commission's attention.

Darlene Rusinowski Cavanaugh, 450 Harbor Drive South, speaking on behalf of her family, stated her family has owned that residence since the 1980s. She said they are against short-term rentals in residential areas. When her parents purchased the home, it was all residential with no short-term rentals. Over the past five years, short-term rentals started popping up along the Harbor Drives, causing traffic and parking issues. Her parents had to install cameras outside the residence because their neighbors advised that people were parking in front of their lawn and driveway with out-of-state plates. Her family is concerned with emergency vehicles being able to get down the street because of all the cars parked on the side of the road. She stated that golf carts are speeding up and down the Harbor Drives all hours of the night — young drivers.

Mayor-Commissioner Kennedy advised the public that if they are experiencing problems with short-term vacation rentals, they need to call the sheriff's office so that the incident can be documented.

Phil Wrobel, 112-13th Avenue, thanked the City for co-sponsoring Taste of IRB and stated the event was very successful. He thanked the volunteers and the participants for making it a great event.

Mr. Wrobel thanked the City for putting up the avenue signs at the end of the beach walkovers.

Mr. Wrobel stated the City Commission should consider charging non-residents for using the pickleball courts because all other communities are charging.

Mr. Wrobel stated Jim Palamara served as a City Commissioner for over 12 years and was President of the IRB HOA. He was involved in everything in the City in the 1990s and early 2000s. Mr. Palamara was one of the first City Commissioners he met because he turned something down that he asked for. After that, he got to know who he was, and he was a great guy, a fantastic person for the City. He thinks it was disrespectful that he was not mentioned under the ten minutes of silence at a City Commission Meeting like people have been since he has been coming to meeting for over 20 years ago. He feels that just showed total disrespect and special privileges for special people that passed away.

Rod Baker, 365 Bahia Vista Drive, stated he sent an email with recommendations on short-term vacation rentals to the City Commission, such as occupancy limitations and mandatory off-street parking spaces per occupant. There are also five ideas in his email on short-term vacation rentals.

Mr. Baker thanked the City for supporting their annual effort to clean the Intracoastal Waterway islands by placing the dumpster at the boat ramp. This year, they collected 200 pounds of plastic and bottles from the Intracoastal Waterway.

Judy Sexton, 405 Harbor Drive South, stated the entire strip of the Harbor Drive neighborhood, except for a few, had no short-term rental signs removed or stolen from their lawns. She stated that something should be done.

Mayor-Commissioner Kennedy reiterated that someone should report the crime to the sheriff's office if the signs are being stolen.

Teresa Pruchniewska, 316-6th Avenue, stated she does not like what is happening in her residential neighborhood. It used to be a private residential area. Now it is being overcome by businesses — short-term vacation rentals. She is being inconvenienced by the noise, traffic, parties, speeding golf carts, parking everywhere, the amount of garbage being produced, and everything else that is coming from the short-term vacation rentals. She does not feel safe anymore in her neighborhood. She stated she is being denied her living standards because of the short-term vacation rentals, and the property owners of these rentals do not live in the City. The residents of 6th Avenue want the short-term vacation rentals to go away. Residents are moving out of the City because they do not want to live near short-term vacation rentals and cannot enjoy their residential homes.

3A. REPORTS OF the City Attorney:

City Attorney Mora announced that there will be a City Commission Work Session on Tuesday, November 15, 2022, at 6:00 p.m., to discuss short-term vacation rentals.

3B. REPORTS OF the City Manager: No report.

3C. REPORTS OF the City Commission:

COMMISSIONER McCALL:

- *Taste of IRB:* He reported that Taste of IRB was a great success and the HOA received great feedback from the participants, sponsors, and vendors. He stated the HOA, along with A2K, put on these events for the City as fundraisers, and donate those funds back to the City for various projects. He stated it took over 100 volunteers to put the Taste of IRB on. The HOA wanted to make a special shout-out to the main sponsors: Crabby Bill's Seafood, Century 21 Beggins, and Plumlee Realty. He thanked the City for their partnership, especially Public Works Employee Bob Ashley, who was there from start to finish.
- *Holiday Joy Drive:* He stated the kick-off of the HOA Joy Drive would be November 14, 2022, at Anecdote Brewery, at 6:00 p.m., where toys, non-perishable foods, toiletries, or cash donations are being accepted for the IRB Food Pantry, Shepard's Village, Miracle on the Bay, and Silver Santas. There will be bins throughout the City where items can be dropped off for the drive. Donations can also be dropped off through December 16th at Century 21 Beggins.
- *HOA Donations:* The HOA donated \$1,500 to the Hurricane Ian Relief Fund and purchased a new banner for the West Pinellas Little League baseball field.

VICE MAYOR-COMMISSIONER HOUSEBERG:

- She stated IRB Fitness would be having a 5th Anniversary Party on November 19, 2022, where they are taking on the Pinellas Suncoast Fire and Rescue District in a boot camp-style workout to include tug-a-war and encouraged everyone to come and join in on the fun.

MAYOR-COMMISSIONER KENNEDY:

- She reviewed the City calendars for November and December.
- She stated she has discussed with former Mayor R.B. Johnson Code Section 110-131(5)(f)(4)(ii) side setbacks in the commercial tourist district. He thinks there is a discrepancy in the staff's interpretation of that Code Section. She recommended that this be forwarded to the Planning and Zoning Board for review.
- Commissioner Hanna stated that it is a clarification rather than an interpretation issue.

CONSENSUS OF THE CITY COMMISSION TO FORWARD THE PLANNING AND ZONING BOARD CODE SECTION 110-131(5)(f)(4)(ii) FOR REVIEW TO DETERMINE IF THAT SECTION SHOULD BE AMENDED OR CLARIFIED.

- She apologized for not dedicating moments of silence to former City Commissioner Jim Palamara. It was not meant intentionally. It was on her notes, and she forgot to say something. She stated she served with former City Commissioner Jim Palamara on the City Commission and has known him for many years. She stated John

Pfanstiehl, under Public Comments, did beautiful attribute on former City Commissioner Palamara.

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

5. **CONSENT AGENDA:**

- A. **APPROVAL of the September 21, 2022 Special City Commission Meeting Minutes.**
- B. **APPROVAL of the October 11, 2022 Regular City Commission Meeting Minutes.**

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

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

6A. **ORDINANCE NO. 2022-03 — SECOND AND FINAL READING.** 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.

On October 11, 2022, the City Commission approved Ordinance No. 2022-03 on first reading.

LEGAL NOTICE: A legal notice was published in the Tampa Bay Times on Wednesday, October 26, 2022, in the matter RE: Notice of Public Hearing for Ordinance No. 2022-03.

(End of Staff Report)

City Attorney Mora read Ordinance No. 2022-03 by title only for second and final reading.

City Clerk O'Reilly presented Ordinance No. 2022-03 and briefly reviewed the Staff Report. 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 COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2022-03, ON SECOND AND FINAL 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

NAYS: NONE

MOTION TO APPROVE CARRIED UNANIMOUSLY.

6B. BOA CASE NO. 2022-13 — 525-20TH AVENUE

Considering a variance request from Sec. 94-86(a)(1) of the Code of Ordinance to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet, along the northern property line, and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along, the southern property line, for a new dock, boat lift and personal watercraft lifts for the property located at 525-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 46 & Rip Rts, Fifteenth Addition to Re-Revised Map of Indian Beach. Parcel #: 06-30-15-42300-000-0460.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2022-13 – 525 20th AVENUE: Variance request from Sec. 94-86(a)(1), of the Code of Ordinance, to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft lifts for property located at 525-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 46, 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 #06-30-15-42300-000-0460.

OWNER: Tanya Campbell
Courtney Campbell
PROPERTY LOCATION: 525-20th Avenue
ZONING: S- Single Family Residential

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

BACKGROUND:

The applicant is requesting a variance of 9 feet to encroach into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line and to encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft. The width of the lot is 45ft. The lot is an inverse curve lot and the property lines project into the water at an angle causing the available side setback to be reduced as the lot lines are extended into the water. The

owners to the north and south have agreed to the location of the dock, boat lift and personal water craft lifts.

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 narrower width and the angled property lines are not applicable to all lots in the same zoning district.*
- 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 dock and lifts as proposed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on November 3, 2022, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: Nicholas Cerjanec, 521-20th Avenue, and Louis Russo, 529-20th Avenue, have signed off on the site plan in the Pinellas County Water and Navigation Permit Application stating no objection.

LEGAL NOTICE: A legal notice was published in the Tampa Bay Times on Wednesday, October 26, 2022, in the matter RE: Notice of Public Hearing for BOA Case No. O2022-13.

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: The Board of Adjustments and Appeals recommended denial to the City Commission by a vote of 5-0.

[End of Staff Report]

City Attorney Mora read BOA Case No. 2022-13 — 525-20th 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 Bond 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. 2022-13, 525-20th Avenue.

Planning Consultant Harmon stated the applicants are requesting a variance to encroach 9 feet into the required 12-foot side yard setback, resulting in a total side yard setback of 3 feet along the northern property line, and encroach 5 feet 10 inches into the required 12-foot side yard setback, resulting in a total side yard setback of 6 feet 2 inches along the southern property line, to allow for a new dock, boat lift and personal watercraft. The width of the lot is 45 feet. The lot is an inverse curve lot, and the property lines project into the water at an angle, causing the available side setback to be reduced as the lot lines are extended into the water. The owners to the north and south have agreed to the location of the dock, boat lift, and personal watercraft lifts.

Planning Consultant Harmon stated both adjacent property owners had signed off on the site plan in the Pinellas County Water and Navigation Permit Application, not objecting.

Planning Consultant Harmon made a PowerPoint Presentation depicting an aerial view of the property, the dock plan, and the dock cross-section. She explained the applicants are proposing a dock and boat slip on the northern side and on the south side two jet ski lifts. The jet ski lifts will lift out of the water and flip over to the dock, so when the jet skis are not in use, the applicants will almost meet the 12-foot side setback.

Mayor-Commissioner Kennedy stated the Staff Report says that the Board of Adjustments and Appeals denied the request, and staff approved the request.

Planning Consultant Harmon stated staff did recommend approval because both adjacent neighbors signed off on the site plan, and the Board of Adjustments and Appeals denied the request 5 to 0.

Mayor-Commissioner Kennedy asked Planning Consultant Harmon to explain why the Board of Adjustments and Appeals denied the request.

Planning Consultant Harmon stated the Board of Adjustments and Appeals felt that the applicants were putting too much within that site.

Planning Consultant Harmon stated the Board discussed narrowing the docks, then the jet ski lifts, which will take 3 to 4 feet of the 12-foot wide dock when they swing onto the dock.

Commissioner McCall asked if the new boat lift would be in the same existing boat lift position and stated it looked like it was sitting right on the property line.

Planning Consultant Harmon stated from a previous permit, the boat lift was off the property line.

Jason Rogers, Priority Marine Construction, 200 Midway Island, Clearwater, explained the variance request. He stated the current permitted structure is 5 feet off the property line. He said during the Board of Adjustments and Appeals Meeting, there was a discussion about adjacent property owners being unable to pull their boats in if they sell their homes. He stated the neighbors could not cross those riparian lines.

Mr. Rogers stated when the jet ski lifts are spun up on the dock, they will take up to 5 to 6 feet, and the remaining feet will give his clients enough space to access the boat lift and have a functional dock by going out 50 feet.

Mr. Rogers stated the required side yard setbacks are 12 feet unless the lot is a 45-foot inverse pie-shaped lot. Those side yard setbacks change according to Code Section 94-

86(a)(3). *[Inverse curve lots that have more than or equal to 24 feet of water frontage and less than 45 feet of water frontage shall be allowed to construct a dock facility with diminishing setbacks from the side property line as extended into the water. Side setbacks for inverse curve lots shall start at ten feet from the property line as extended and encroach to within five feet of the property line as extended onto the water. The slips, boats, boat lift, dock, catwalks, lower landings, platforms, tie-poles, and personal watercraft lift shall not encroach into the setbacks.]*

Mr. Rogers stated that, technically, his clients are requesting 2 feet on the right side and nothing on the left side.

Mr. Rogers reiterated that both adjacent property owners have signed off on the site plan in the Pinellas County Water and Navigation Permit Application, not objecting. He stated the neighbor to the left has a dock 3 feet off his property line that the City permitted.

Mayor-Commissioner Kennedy asked Mr. Rogers what the hardship was, with Mr. Rogers responding to the setbacks.

Commissioner Hanna asked why his clients wanted the head of the dock so wide, with Mr. Rogers stating that the jet ski lifts spin up on the dock and there needs to be ample space to access the boat lift.

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

Mayor-Commissioner Kennedy stated it is unusual for City staff to recommend approval and for the Board of Adjustments and Appeals to recommend denial unanimously.

City Attorney Mora ultimately stated that it is for the City Commission as the final quasi-judicial body adjudicating the matter to weigh those decisions. Neither the recommendation of the Board of Adjustments and Appeals nor the City staff is binding on the City Commission's decision-making. However, the City Commission can consider those facts.

Mayor-Commissioner Kennedy stated that the City has boards for them to take their time to review the application and be part of the community. She feels that their input is valuable to the City Commission.

Planning Consultant Harmon stated historically, the City has approved a lot of dock variances. In other communities, if both adjacent property owners have signed off on the site plan in the Pinellas County Water and Navigation Permit Application, they are automatically approved by the city.

City Attorney Mora stated that each variance application stands on its own from a legal standpoint. The City Commission's decision-making is bound by the criteria in the City Code and not those in other communities.

Commissioner McCall asked if Mr. Rogers was correct on Code Section 94–86(a)(3) regarding the pie-shaped lot with the side setback requirements.

[City Attorney Mora noted that the City had lost telephonic connection with Commissioner Bond.]

Planning Consultant Harmon stated Code Section 94-86(a)(3) reads under 45 feet of water frontage and noted this lot is just at 45 feet.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO APPROVE BOA CASE NO. 2022-13, 525-20TH AVENUE. A VARIANCE REQUEST FROM SEC. 94-86(a)(1) OF THE CODE OF ORDINANCE TO ENCROACH 9 FEET INTO THE REQUIRED 12-FOOT SIDE YARD SETBACK, RESULTING IN A TOTAL SIDE YARD SETBACK OF 3 FEET, ALONG THE NORTHERN PROPERTY LINE, AND TO ENCROACH 5 FEET 10 INCHES INTO THE REQUIRED 12-FOOT SIDE YARD SETBACK, RESULTING IN A TOTAL SIDE YARD SETBACK OF 6 FEET 2 INCHES ALONG, THE SOUTHERN PROPERTY LINE, FOR A NEW DOCK, BOAT LIFT AND PERSONAL WATERCRAFT LIFTS FOR THE PROPERTY LOCATED AT 525-20TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 46 & RIP RTS, FIFTEENTH ADDITION TO RE-REVISED MAP OF INDIAN BEACH. PARCEL #: 06-30-15-42300-000-0460.

Commissioner Hanna stated he is concerned that an awful lot is going on out there, and the lot is small.

Commissioner Hanna stated the pie-shaped lot causes the hardship.

Commissioner McCall stated the applicants have a mean water problem that has pushed the dock out to 50 feet, exasperating the property line just getting smaller and smaller and pushing it in. He stated that pie-shaped lots are stuff to deal with, and he feels that going to the extra expense of having a swing-in jet ski lift to try and accommodate and keep viable space on the south of the dock.

ROLL CALL VOTE:

AYES: McCALL, HOUSEBERG, HANNA, KENNEDY

NAYS: NONE

ABSENT: BOND

MOTION TO APPROVE CARRIED UNANIMOUSLY.

7A. ORDINANCE NO. 2022-07 — FIRST READING.

An Ordinance of the City of Indian Rocks Beach, Florida, providing for an amendment to Section 74-63 of the Code of Ordinances pertaining to the operation of vessels within the City’s coastal waters in the Gulf of Mexico; providing for the incorporation of recitals; providing for approval of an amendment to the City’s Code to establish a public bathing beach area limited to manually propelled vessels only to conform to Florida’s Statutes and Administrative Code; providing for severability; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.

(Beginning of Staff Report)

BACKGROUND:

During the June 14, 2022 City Commission Meeting, the City Commission held discussions about the IRB City Buoy System/Waterway Markers.

As the City Commission is aware, the City has had a permitted Buoy System/Waterway Markers in the Gulf-of-Mexico in the Gulf-of-Mexico, within Pinellas County, since 1996.

In April 2022, the City was contacted by the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways (FFWC) who indicated that they had received a report from a neighboring jurisdiction that the IRB Buoy System may not comply with the current standards for a boating restricted area as outlined in Florida Statutes 327.46.

Based upon the conversations with FFWC, it appears in 2009, Florida Statutes changed, which limits what types of boating restricted areas that municipalities have the authority to establish.

In the case of IRB, the City has two options:

1. Rescind Ordinance 591, which established the No Anchoring Zone and remove all the current buoys in place.
2. Adopt a new ordinance that would designate the area as a swim zone and a boating-restricted area.

FISCAL IMPACT:

Within the FY 22/23 Operational Budget, funding has been appropriated to accomplish the tasks of removing and re-installing the Buoy System.

Estimated costs are as follows:

Permitting/Engineering	\$ 3,500
Equipment/Hardware	\$26,500
Boating Services	\$ 8,500
Contingency	\$ <u>1,500</u>
TOTAL	\$40,000

(End of Staff Report)

City Attorney Mora read Ordinance No. 2022-07 by title only.

City Attorney Mora presented the agenda item and stated this item had been workshopped a couple of months ago by the City Commission. As the City Commission may recall, the state agencies with jurisdiction in the coastal waters found that the City's buoy system currently does not conform with the statutory regime for coastal waters. A city can make a few categories of designations, and a low or no wake zone absent of a host of other factors is not one of them.

City Attorney Mora stated the City was presented with a few options by the Florida Fish and Wildlife Conservation and Commission (FWC) that the City Commission discussed at some length. The City Commission's general consensus was inclined to exclude motorized vehicles from the buoyed area.

City Attorney Mora stated Commissioner Bond was concerned about wind-powered or alternative-powered vessels going at high speed within that same area but not having a motor. After significant research and time spent conferring with FWC and their legal counsel, a solution was found within the law.

City Attorney Mora stated Ordinance No. 2022-07 is a product of the City Code coming into compliance with Section 327.46, F.S., and Florida Administrative Code (FAC) which serves to interpret it.

City Attorney Mora stated under that statutory regime, the City is allowed to establish vessel-exclusion zones. The will of the City Commission was to lend toward a vessel-exclusion zone. A vessel-exclusion zone is defined as an area from which all vessels or certain classes of vessels are excluded. Within that zone, the City is allowed to designate a public bathing beach. However, Florida Statutes nor the FAC define a public bathing beach. The City can use its home rule powers to define a public bathing beach as it best meets the City's needs as articulated by the City Commission.

City Attorney Mora stated the policy attempting to be captured here would be what is presently understood as a non-anchoring zone that would transition to the vessel-excluding zone, which would be a public bathing beach. In this public bathing beach, by operating the

regulation, all vessels other than those propelled by oars, paddles, or poles are prohibited from entering the marked area. Vessels equipped with sails or a mechanical means of propulsion may enter the marked area only if the sails or mechanical means of propulsion is not in use and, if possible, to do so, the mechanical means of propulsion is tilted or raised out of the water.

City Attorney Mora stated a draft of this ordinance had been forwarded to FWC for their review and comment before the first and second readings. He said FWC had one limited comment he was prepared to make before the second reading: specify the area this ordinance covers. He stated the area covers the corporate boundaries from north to south along the gulf coast. It is not subsections or subdivided portions of the beach.

Mayor-Commissioner Kennedy opened the public comment section.

Rod Baker, 364 Bahia Vista Drive, cautioned the City Commission against passing this ordinance because it begins to step on the culture of Indian Rocks Beach and its residents. Many people launch small fishing boats from the beach with motors, and they go to the rock piles to fish. The City had gotten in trouble before when they usurped control that can seem in the moment but violate Constitutional guarantees in the State of Florida, like the right to fish and the statement that fishing is part of the culture as defined by the Florida Constitution. To do this throughout the entire City would mean that people who grew up here and have motorized boats cannot legally launch their boats from the beach to fish the rock piles. He stated it would make more sense to have this area at the public beach area, the County Park, and not try to do it across all the private beaches and the entire City at once.

April Jenkins, 1113 Ohio Avenue, Dunedin, St. Petersburg College Student, stated she is currently a student in Public Policy in Administration, Bachelor Program at St. Petersburg College, and she is here tonight to address Agenda Item No. 7A, Ordinance No. 2022-07, regarding the buoy system and waterway markers. After reviewing several documents from the original buoy system, the updated Florida Statute, the current agenda items, and her interview with the Public Works Director, she agrees with the recommendation that the City adopt the new ordinance designating a vessel-exclusion zone.

Ms. Jenkins stated that designating this area as a vessel-exclusion zone makes it fair to all residents and eliminates any confusion about where the areas are. Additionally, since Indian Rocks Beach gets a fair amount of tourist traffic and they would not be familiar with the rules, this makes enforcement easier for FWC across the board.

Mayor-Commissioner Kennedy closed the public comment session.

Commissioner Hanna asked City Attorney Mora to address Mr. Baker's comment regarding motorized boats.

City Attorney Mora stated the City Commission, as the policymakers, can define the boundaries of any vessel-exclusion zone or zones that would be established, and staff could make that clear in markings. Nothing in this ordinance prohibits fishing in the area, and he understands the concerns about the viability of getting one's vessel from A to B through that area. As written, nothing prohibits a boat or vessel from being in that area so long as it is not under motorized or artificial, or wind power at the time. The equities that were being balanced based on the commentary from the public and the City Commission were the ability for people to traditionally recreate, swim, fish, and play in that area, or also paddleboarding, canoeing, and kayaking all of which are perfectly permissible in the area as written. It would be to the extent that the current practices of boats are allowed to traverse in that area with their motors engaged as long as they are in some low-speed situation. The City cannot regulate in that fashion any longer. This ordinance was the best means to adapt to that. If it was the desire of the City Commission to create any carve out of some portion of the beach or those coastal waters, the City Commission might have the ability to do that, and buoys could mark that.

Mayor-Commissioner Kennedy stated Mr. Baker commented about violating Constitutional rights and asked if the City would be doing anything like that.

City Attorney Mora stated he would not advise the City Commission ever to violate the Constitution. Any ordinance is susceptible to a Constitutional challenge. The viability of it, he is not going to opine on a legal claim he has not seen made. He certainly would not advise the City Commission to violate the City's residents' Constitutional rights.

City Attorney Mora stated the State has dictated through its administrative code and statutes that the City's ordinances establishing the safety zone and no anchoring are not viable. To the extent that the City has buoys that say no wake, low wake. The City cannot have them there. Indian Rocks Beach is not the only beach community in Pinellas County facing this issue. In fact, in part, this is the product of another beach community having this reported and then reporting Indian Rocks Beach and other communities to FWC.

City Attorney Mora stated the communication he had with the FWC concerning this draft ordinance was them following up with the City earlier in the week, saying they spoke to the City in June and that it is coming to the end of the year. FWC asked about the status of the City's amended buoy system ordinance. He stated FWC is tracking this issue and wants to see some resolution, whatever it may be, within the City Commission's discretion as the policymakers.

Vice Mayor-Commissioner Houseberg asked if the City should exclude the motorized vessels in the public beach area, the County Park, and not in other areas where other people are fishing and putting in their sailboats.

Mayor-Commissioner Kennedy asked how the City would enforce that.

Vice Mayor-Commissioner Houseberg stated she does not know but how are stop signs enforced. The City Commission cannot just say well, if it is not enforceable, the City cannot do it.

Mayor-Commissioner Kennedy stated FWC contacted the City and informed the City that it has to comply with F.S. concerning the City's buoy system, and the City is being monitored.

Vice Mayor-Commissioner Houseberg questioned should the beach be shut down to all motorized vessels.

City Attorney Mora stated Vice Mayor-Commissioner Houseberg is talking about the ordinance as written. The current ordinance prohibits any motorized vessels on the beach, and she is asking if there could be a carve-out or a series of carve-outs for motorized vessels.

City Attorney Mora stated the buoy area could be interrupted. It does not need to be all or nothing. However, that was not something the City Commission discussed or expressed, so it was not memorialized in this draft. If the City Commission wishes to do, the City Commission can do that. He would suggest that the City Commission have some basis for the where and why of it. His job is to give the City Commission both sides of the issue. The other side is invariably the reverse nimbby of why not that street. Ultimately, the City Commission lives and recreates in this community, and the City Commission knows the community well and that of the residents. He is not the policymaker. The City Commission can do that if the City Commission desires, but the City Commission would need to guide staff, and the ordinance would be drafted as such, or the City Commission can go as is.

Commissioner Hanna stated if FWC mandates the City to do this. The City has to address the buoy line now. If the City finds out, there is a way to make these carve-outs for motorized boats. The City Commission can make an addendum to the ordinance later.

City Attorney Mora stated the City Commission could make amendments once the ordinance is adopted. The City Commission can certainly amend the ordinance later if the City Commission so desires.

City Attorney Mora stated he wanted to be clear. However, when the City Commission says it can look into how to do that, it is just a policy decision as to where to place a channel to allow the motorized boats to go from the shore to the Gulf; that is all it takes to define the boundaries of it.

Commissioner Hanna asked if this would be something that the City would have to go to FWC for.

City Attorney Mora responded no. The City would advise FWC that this is the City's ordinance and it has blank number of public bathing beaches (vessel-exclusion zone) and their boundaries. The draft ordinance did not delineate channels for motorized boats because the City Commission did not discuss this issue previously.

Commissioner McCall stated if the City starts doing cut-outs, where would they be? As a boater from the other side, it is very unnerving when there are no buoys in other beach communities because swimmers are right next to the boats, and it is hard to see the swimmers.

Commissioner McCall stated does the community really think that tourists would understand where they can and cannot swim.

Commissioner McCall stated he appreciates Mr. Baker's comments. He sees many kayakers and people paddling through the buoy area and fishing the old pier and the fish rocks.

Commissioner McCall stated for him, it is all or nothing. Since he has been on the City Commission, there have been meltdowns of people fishing in beach areas.

Commissioner McCall stated the City would be causing a safety hazard by trying to make cut-outs for motorized boats. He thinks the City should meet FWC's compliance.

Commissioner McCall stated the budget for the buoy system is \$40,000, and the cost would increase if the City has cut-outs for motorized boats.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER McCALL, TO APPROVED ORDINANCE NO. 2022-07, ON FIRST READING, PROVIDING FOR AN AMENDMENT TO SECTION 74-63 OF THE CODE OF ORDINANCES PERTAINING TO THE OPERATION OF VESSELS WITHIN THE CITY'S COASTAL WATERS IN THE GULF OF MEXICO; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL OF AN AMENDMENT TO THE CITY'S CODE TO ESTABLISH A PUBLIC BATHING BEACH AREA LIMITED TO MANUALLY PROPELLED VESSELS ONLY TO CONFORM TO FLORIDA'S STATUTES AND ADMINISTRATIVE CODE.

Commissioner Hanna stated Commissioner McCall brings up the most critical point and that is safety because swimmers are hard to see in the water when in a boat.

ROLL CALL VOTE:

AYES: McCALL, HANNA, KENNEDY

NAYS: HOUSEBERG

ABSENT BOND (Lost telephone connection)

MOTION TO APPROVE ON FIRST READING PASSED BY A VOTE OF 3 TO 1.

7B. DISCUSS AND AUTHORIZE the City Manager to execute a First Amendment Exclusive Residential Recycling Service Contract with Waste Connections of Florida, Inc.

(Beginning of Staff Report)

As the City Commission is aware, the City's current contract for Curbside Recycling will expire on December 31, 2022.

During the October 11, 2022 Regular City Commission Meeting, staff provided several options regarding the City's Recycling Program.

Per the City Commission's consensus, the following information is provided on the Recycling Program.

1. Implement a Hybrid Recycling Drop-Off Program within the City at special locations: Brown Park, City Hall, Nature Preserve, and Keegan Clair Park accepting aluminum and cardboard commodities only.

Upon further review, the option has been declared as not viable due to logistical reasons and service requirements of IRB and the capabilities of the City of Largo.

2. Continue with the Curbside Recycling Program with Waste Connections including/accepting additional operating costs.

This option has been further discussed by staff with the current contractor and a revised proposal to the City has been offered as follows:

2-Year Contract Extension

- \$11.53 per month for single-family home *(same as the current bid that was provided from Waste Pro to Madeira Beach)*.
- \$28.63 per pickup for condominiums.
- Current CPI language in contract remains the same.
- \$398,015.40 annually.

ANALYSIS:

It should be noted that this option is a 62.3% increase to the current Recycling Budget Expenditures and will require a rate increase for the solid waste customers.

FISCAL IMPACT:

The newly negotiated contract with Waste Connections has a financial impact on the current adopted FY 2023 solid waste rates.

The new recycling contract is \$389K per year or \$150K more annually than the previous recycling contract.

A 10% increase in solid waste rates will be necessary to generate the additional \$150K annually to cover the increases to recycling costs.

Current residential rates of \$62.50 bi-monthly would be increased to \$68.75, and commercial rates will be increased 10% for all commercial containers.

If approved, an FY23 Budget Amendment and Solid Waste Rate Change Ordinance will be brought to the City Commission at a later date.

If the City Commission approves this option, it should also authorize the City Manager to sign all contract extension documents.

(End of Staff Report)

City Attorney Mora read the Agenda Item by title only.

Finance Director Carpenter presented Agenda Item No. 7, and briefly reviewed the Staff Report.

Finance Director Carpenter stated the City entered into a contract with Waste Connections in 2018 and renewed that contract with Waste Connections several times. This fall, when the City renewed its current contract with Waste Connections, it was not in a position to extend the contract under the provisions that were allowable to extend its contract with the City, based on the state of recycling and the inflationary costs. He stated that had led the City to where it is now to discuss it publicly. Staff started last month with a work session item. During that discussion, staff asked for policy direction from the City Commission, and they provided some insight and information about where the City has been, where it thought it was, and where it could go. He stated there was no unanimous consensus from the City Commission to do one thing specifically. Staff did receive a majority consensus to look at two particular ways to go with recycling: (1) Implement a Hybrid Recycling Drop-Off Program within the City at special locations: Brown Park, City Hall, Nature Preserve, and Keegan Clair Park accepting aluminum and cardboard commodities only, and (2) Continue with the Curbside Recycling Program with Waste Connections including/accepting additional operating costs.

Finance Director Carpenter stated staff has reviewed the two options and thereafter explained the following results:

1. **Implement a Hybrid Recycling Drop-Off Program within the City at special locations: Brown Park, City Hall, Nature Preserve, and Keegan Clair Park accepting aluminum and cardboard commodities only.**

Upon further review, the option has been declared as not viable due to logistical reasons and service requirements of IRB and the capabilities of the City of Largo.

2. **Continue with the Curbside Recycling Program with Waste Connections including/accepting additional operating costs.**

This option has been further discussed by staff with the current contractor and a revised proposal to the City has been offered as follows:

2-Year Contract Extension

- \$11.53 per month for single-family home (*same as the current bid that was provided from Waste Pro to Madeira Beach*).
- \$28.63 per pickup for condominiums.
- Current CPI language in contract remains the same.
- \$398,015.40 annually.
- \$150,000 increase annually.
- \$6.00 increase bi-monthly, per household.

Commissioner Hanna asked if there is a termination clause for either party in the agreement.

Finance Director Carpenter stated there is a 60-days written notice to terminate without cause for both parties.

Commissioner McCall asked about the GPS tracking on trucks or on the recycling, and is the City getting what it is paying for.

Finance Director Carpenter stated the City did not pursue the GPS tracking, and if the City did dig into the GPS tracking device on the competitor, it would be on the trucks itself, not the specific contents that go into the truck.

Finance Director Carpenter stated the contract puts the control of the recycling materials into the hands of the contractor at the spot of curbside pickup that has not changed. The City would not have any different control over what really happens to the contents.

Mayor-Commissioner Kennedy opened the public comment session.

Paul Sacco, Director of Solid Waste for Pinellas County, stated his team is here to answer any questions that the City Commission may have.

Rod Baker, 364 Bahia Vista Drive, stated he was taking some items to the dump, and he noticed that there were recycling trucks and dump trucks in the same lines as him backing up to the incinerator. He spoke with some Pinellas County Commissioners, and they disclosed that not much of it is getting recycled. He was on the Environmental Stewardship Board when the City first initiated the Curbside Recycling Program. So, the question was posed why do people recycle? The County Commissioners responded that it gets people something good to feel about.

Mr. Baker stated that a \$400,000 City budget for recycling is a big purchase when the City considers the dovetail of doubling what it would be versus not doing it at all. He would be interested in understanding the impact on the City's general garbage pickup costs and making it public knowledge that the City made this decision because it was not actually getting recycled. Maybe someone could share with the City Commission and the public just how much is getting recycled and whether it is worth the money that the City is spending on recycling.

Ian Boyle, Government Affairs Manager of Waste Connections, stated Waste Connections had been the City's recycling partner for Indian Rocks Beach since 2011. In 2018, Waste Connections amended its contract with the City because the City wanted to go to a cart system. After all, Indian Rocks Beach was a heavily recycling community. He stated Indian Rocks Beach's material is being recycled and offered a tour of their facility to anyone in the audience and the City Commission. He said Commissioner Bond did tour the facility last month. He noted their facility recycles about 8,000 tons a month, which includes Hillsborough County, Pasco County, the City of St. Petersburg, and all their other contracts in Pinellas County. He stated Commissioner Bond did do a tour of their facility last month.

Mr. Boyle stated about 20% of recycling is contaminated, which are items that cannot be recycled, and third-party buyers are not buying them, so those items go to the burn plant. A total misconception that all recycling is going to the burn plant is just not true.

Mr. Boyle stated the statement about the trucks is a misconception as well. What happened back when recycling first started, they had dual stream — split body trucks, which were dedicated recycling trucks. To improve recycling, they went to a single-stream system where everything goes into one part, and the processor separates those materials. After that, Mr. Boyle explained that Waste Connections uses one truck for garbage pickup and recycling and explained in detail how the processor (the green machine) separates the recyclables.

Mr. Boyle stated it is not Waste Connections' intent or desire to increase their rates to their municipal contracts. But that is just the stress that Waste Connections is under right now. Everything is going up — diesel costs, labor costs. That is where the recycling market is right now.

Judy Sexton, 405 Harbor Drive South, stated the City would be going backward if the City decided not to have its Curbside Recycling Program anymore. She does not know what is happening to the City. She stated before the City starts to make this kind of decision, there should be a field trip to the recycling plant to see if they are recycling. She called Waste Connections directly, and they assured her that the recycling materials collected were being correctly recycled.

Ms. Sexton stated that she has no problem with the rate increase and it is okay to pay \$6.00 every two months for recycling, considering what flood insurance is and all the other things that have gone up.

Ms. Sexton stated everyone needs to be mindful of what everyone is doing here in the community. She believes the short-term rentals have no skin in the game, so they do not care where they put their trash. If 20% is not getting recycled, there is a reason for that. The residents must be mindful of what they put in their recycling cans. She will take her recycling down to Brown Park before she stops recycling.

Ms. Sexton stated the City Commission needs to consider its decisions where this is concerned. There are no fireworks allowed on the 4th of July because the City is worried about things getting trashed. However, some short-term renters are putting cigarette butts all over the place and not recycling where they need to be. The City has bigger fish to fry than whether to continue the Curbside Recycling Program for an increase of \$6.00 every two months.

John Thayer, 1819 Bay Boulevard, stated the misconceptions about recycling keep getting shot down by the people doing the recycling, yet the City and public still hear it. Granted, there is 20% or so of dirty recycled material, but the only way to get that fixed is to keep recycling and keep educating people about how to clean the recycled material. The way to do that is to have a nice clean recycling bin to put it in and Curbside Recycling Program. Recycling is the right thing to do, and the increase is minimal.

Finance Director Carpenter stated when this item was discussed during the October 11, 2022 City Commission Meeting, the City did not have a fixed negotiated price with Waste Connections. The numbers presented this evening are negotiated numbers with Waste Connections.

Finance Director Carpenter explained there are residents in town who recycle but do not live in curbside single-family homes and do not have a blue recycle can. But, the cost of recycling is pro-rated to all solid waste customers, whether they live in a condominium, a single-family home, or a commercial entity. The total cost is allocated across the entire operation and all bills generate the money within the Solid Waste Operation.

Mayor-Commissioner Kennedy stated the City tries to be as transparent as possible. The City Commission found out about the curbside recycling rate increase because the contract with Waste Connections was set to expire on December 31, 2022.

Mayor-Commissioner Kennedy stated several years ago that the City sent a postcard to all IRB citizens asking about their top priorities. Recycling was among the community's top three things citizens wanted to see done.

Mayor-Commissioner Kennedy stated the City sent out a postcard inviting residents to attend tonight's meeting if they were interested in this topic. She noted that she learned some things tonight different from what was told at the last meeting. She is glad that Waste Connections was present to advise what exactly is being recycled and how the recycling plant works. She stated the contaminated recycled materials are burned and then converted into electricity for 70,000 homes in Pinellas County.

Commissioner McCall stated this had been a learning experience for him. He said Public Works Director Scharmen advised him that the average cost per ton is \$200 for garbage and \$500 for recycled materials.

Commissioner McCall stated he is always about the more education, the better. He was surprised that Green Peace USA Recycling sent him two studies on plastics. They estimate that only 5% of plastics are recycled. One and two plastics are the only plastics that are being recycled. Three through seven plastics are not being recycled, and those plastics are going somewhere in a bale, a landfill, or burned, per Green Peace USA Recycling's article.

Commissioner McCall stated he was surprised by the articles. He said recycling has dropped. It was 8% in 2020, and now it is 5% in 2022 for plastics. Green Peace USA studied 357 recycling centers.

Commissioner McCall stated the bend of the article, in his opinion, was if people want to recycle and be good for the environment, do not buy single-use plastic.

Commissioner McCall stated the City initially contracted with Waste Connections in 2011. Then the market started to change in 2018 for the recycling market, especially when China stopped taking recycling material from the United States.

Commissioner Houseberg stated she has questions about the incineration of the contaminated recycled materials, like how that power is used.

Paul Sacco, Solid Waste Director of Pinellas County, stated all the materials that comes to the Solid Waste Facility that can be put into the feed chutes go into the boilers is incinerated. That volume is reduced by 10 percent. So, instead of putting 100 percent into the landfill, about 10 percent in volume would be placed in the landfill. The incinerated recycled materials generate power for 40,000 to 45,000 homes in Pinellas County. The ash

that comes from that facility is used at the landfill. The ash is a recyclable material used as a cover needed for the permitting process of operating the landfill. The landfill needs to be covered daily with ash to eliminate the odors or vectors and things like that.

Commissioner Houseberg asked if those 45,000 homes are receiving electricity from the incinerator for free.

Mr. Sacco responded negatively. It is just the power equivalent. Pinellas County has a power purchase agreement with Duke Energy, and that power is put onto the grid. Then Pinellas County is paid money for that power, which offsets the tipping fees.

Mr. Sacco stated Pinellas County needs to be looked at as a community. Pinellas County does not have the luxury of having a lot of vacant land for another landfill. Pinellas County will never have another landfill. The Board of County Commissioners has passed a Master Plan discussing zero waste to the landfill by 2050. He stated that the landfill has approximately 80 years left.

Mr. Sacco stated when the landfill is full, the garbage would need to be trucked somewhere else if they take it, and if they do, what would be the cost for disposal?

Mr. Sacco spoke on the importance of reduce, reuse, or recycle, stating it is great for the environment and for protecting the landfill.

Stephanie Watson, Program Manager, Recycling Outreach & Programs, stated Pinellas County Solid Waste does provide tours of its Waste Energy Facility. The primary goal of the Waste Energy Facility is not to generate electricity; that is the secondary benefit. The primary benefit is to reduce the amount of garbage. So, for every ten trucks that come to its door, there is one truck left of ash that goes to the landfill. The goal of the Waste Energy Facility is volume reduction, and energy creation is great, but it is really so Pinellas County will not have a magnanimous landfill.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG, TO AUTHORIZE THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT EXCLUSIVE RESIDENTIAL RECYCLING SERVICE CONTRACT WITH WASTE CONNECTIONS OF FLORIDA, INC.

ROLL CALL VOTE:

AYES: McCALL, McCALL, KENNEDY

NAYS: HOUSEBERG

ABSENT: BOND (LOST TELEPHONIC CONTACT)

MOTION TO APPROVE CARRIES BY A VOTE OF 3 TO 1.

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

9. **OTHER BUSINESS.** None.

10. **ADJOURNMENT.**

MOTION MADE BY COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT 9:10 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

December 13, 2022

Date Approved

/DOR