

February 13, 2024

**REGULAR
CITY COMMISSION MEETING**

@ 6:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785
www.indian-rocks-beach.com

AGENDA

CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, FEBRUARY 13, 2024 @ 6:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. PRESENTATIONS.

- A. **REPORT OF** Pinellas County Sheriff's Office.
- B. **REPORT OF** Pinellas Suncoast Fire & Rescue District.
- C. **RECOGNITION OF** Father Robert "Bob" Wagenseil.

2. PUBLIC COMMENTS. *[3-minute time limit per speaker.]*

(Any member of the audience may come forward, give their name and address, and state any comment or concern that they may have regarding any matter over which the City Commission has control, EXCLUDING AGENDA ITEMS. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent, or slanderous remarks shall be permitted. No speaker shall be interrupted, and no debate shall occur between the speaker and the City Commission.)

3. REPORTS OF:

- A. **City Attorney.**
- B. **City Manager.**
- C. **City Commission.**
[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. CONSENT AGENDA:

- A. **APPROVAL OF** the Amended November 14, 2023 City Commission Meeting Minutes.
- B. **APPROVAL OF** the January 11, 2024 Special City Commission Meeting Minutes.
- C. **APPROVAL OF** the January 11, 2024 City Commission Meeting Minutes.
- D. **APPROVAL OF** the dates for the City Commission Budget Workshops and Public Hearings for the Fiscal 2024/2025 Operating Budget and Capital Improvements Budget.
- E. **RECEIVE/FILE** December 2023 Year-To-Date First Quarter Financials.
- F. **AUTHORIZING** the City Manager to dispose of surplus property/equipment which has become unnecessary or unfit for the City's use.

6. PUBLIC HEARINGS:

A. RESOLUTION NO. 2024-01- A resolution of the City of Indian Rocks Beach, Florida, relating to lot mowing or clearing, providing for approval and endorsement of all assessments as finally fixed and adjusted. 2004 Gulf Boulevard, Indian Rocks Beach, FL. 33785.

7. OTHER LEGISLATIVE MATTERS: None.

8. WORK SESSION: None.

9. OTHER BUSINESS. : None.

10. ADJOURNMENT.

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 lkornijtschuk@irbcity.com, no later than FIVE (5) days before the proceeding for assistance.

POSTED: February 9, 2024.

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, March 12, 2024 @ 6:00 P.M.**

Indian Rocks Beach Municipal Election.

The City of Indian Rocks Beach Municipal Election to fill (2) City Commission Seats will be held on **Tuesday, March 19, 2024**, in the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, from 7:00 a.m. until 7:00 p.m.

Swearing-in Ceremony and Reception for Mayor-Commissioner Kennedy.

The City of Indian Rocks Beach incoming City Commission will be sworn in during a public ceremony, on **Thursday, March 28, 2024, at 6:00 p.m.** The swearing-in ceremony will take place in the Civic Auditorium - 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Following the swearing-in ceremony, a reception will be held for Mayor-Commissioner Joanne "Cookie" Kennedy.

Please join us on March 28, 2024, as we honor Mayor-Commissioner Joanne "Cookie" Kennedy for years of dedicated service to the City of Indian Rocks Beach, as a city commissioner, board member, friend, environmentalist, and best of all, Mayor-Commissioner.

AGENDA ITEM NO. 1A

REPORT OF
Pinellas County Sheriff's Office

AGENDA ITEM NO. 1B

REPORT OF
Pinellas Suncoast Fire & Rescue District

AGENDA ITEM NO. 1C

**RECOGNITION OF
Father Robert "Bob" Wagenseil**

AGENDA ITEM NO. 2

PUBLIC COMMENTS

AGENDA ITEM NO. 3A

REPORTS OF City Attorney

AGENDA ITEM NO. 3B

REPORTS OF City Manager

Memorandum

To: City Manager – Greg Mims

From: Code Enforcement & Finance Departments

Date: 02/07/2024

Re: Month of January, 2024 Vacation Rental Registration Numbers,
Code Violations, Parking Tickets , Fines, & Court Hearings

302 Total VR Registrations approved thru Finance Dept. (To Date)

1 VR Registrations pending in Finance Dept.

250 VR Property inspections completed by Code Enforcement. (To Date)

55 VR Properties pending response on scheduling inspection date.

38 VR Property Inspections Currently Scheduled.

14 Parking Violation Tickets Issued

57 Code Violation Letters Sent

2 Fines / Notice to Appear (Circuit Court)

1 Notice to Appear (Magistrate Court) Repeat

Finance 

Dan Carpenter

Code Enforcement 

Mike Kelley

AGENDA ITEM NO. 3C

REPORTS OF City Commission

AGENDA ITEM NO. 4

ADDITIONS/DELETIONS

AGENDA ITEM NO. 5A

CONSENT AGENDA

**APPROVAL OF the
Amended November 14, 2023 City
Commission Meeting Minutes.**

MINUTES-AMENDED (1/16/2024)

**CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, NOVEMBER 14, 2023- 6:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785
(MEETING CAN BE VIEWED AT WWW.INDIAN-ROCKS-BEACH.COM)**

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

City Clerk, Lorin Kornijtschuk, swore in the newly appointed City Commissioner, Janet Wilson.

MEMBERS PRESENT: Mayor-Commissioner Joanne Kennedy, Vice-Mayor Commissioner Jude Bond, Commissioner Denise Houseberg, Commissioner Lan Vaughan and Commissioner Janet Wilson.

OTHERS PRESENT: City Attorney Randy Mora, City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen, Planning and Zoning Consultant Hetty Harmon and City Clerk Lorin A. Kornijtschuk.

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

1 A. RECOGNITION of Nation's Veterans. Mayor-Commissioner Kennedy honored veterans with a City of Indian Rocks Beach lapel pin.

1 B. RECOGNITION of Joseph McCall. City of Indian Rocks Beach recognized Joseph McCall for his service for the City of Indian Rocks Beach.

1 C. REPORT OF Pinellas County Sheriff's Office.
A PCSO representative reviewed the monthly report.

1 D. REPORT OF Pinellas Suncoast Fire & Rescue District.
Fire Chief Jeffrey Davidson reviewed the fire district's monthly report.

1 E. PRESENTATION OF Emergency Beach Restoration Project by John Bishop from Pinellas County Emergency Management.

2. PUBLIC COMMENTS.

Lee Wilkerson, 490 Harbor Drive North, stated the dunes held up pretty well. He stated the short-term rental ordinance is having a good effect but some beach properties that had been operating commercially for a long time with a motel/transient license are being requested to comply with the Ordinance that should not have to. He asked the city commission to consider electronic parking like other beach communities around us have.

Beth McMullen, 480 Harbor Drive South, stated on October 25 at 3:30 am her ring camera picked up a car going by her mailbox and neighbor's mailbox. Mail was stolen from her neighbor's mailbox.

Marc Bodine, Cameron Cove, 2402 Gulf Boulevard, stated December 2019, he signed the easement for the Army Core of Engineers for the Beach Renourishment Project. He recently signed the new easement for the Emergency Beach Restoration Project but did not realize there would be a 10-foot dune, blocking the resort's view and access to the beach.

Don House, 2104 Beach Trail, stated he did not sign the Emergency Beach Restoration Project easement.

Jim Labadie, 316 10th Avenue, stated the sand being put on the beach is great. Mr. Labadie questioned the short-term rental fees and what he gets for it.

Diane Daniels, 309 10th Avenue, stated Pinellas County has new recycling labels available for the City's recycling bins and asked the City to look into using them. She stated the short-term rental process is overwhelming.

Bert Valery, 2113 Gulf Boulevard, stated his building is over 70 years old and is falling apart. He stated he would like to demolish the building and develop a mixed-use project but because of the FAR (Floor Area to Ratio) problem that prevents any Mixed-Use construction on Gulf Boulevard it is preventing him from doing so. He requested the City Commission to revisit the subject of mixed use.

Mary Wilkerson, 490 Harbor Drive North, stated she has a motel license, state license and a city license. She stated all motel owners who have been following the rules are now going to have to pay with the City's short-term rental ordinance. It needs to be tweaked.

Robert Pergolizzii, 2618 Gulf Blvd. #503, stated he was grateful for the sand and the vegetation with the Emergency Beach Nourishment Project but was not aware of the 10-foot-high mountain. It has destroyed his view.

Lynn Timberlake, 514 Gulf Boulevard, stated she has been here since 1972 with an all year long commercial rental vacation property. She stated that she pays state and local fees, and the county inspects it several times a year. She stated there are some properties similar to hers that are not being charged.

John Phanstiel, 448 Harbor Drive South, stated the Commission did a good job working to fill the vacancy.

RB Johnson, 1206 Beach Trail, stated the existing dunes with Hurricane Idalia got carved away badly and are continued to be beat up with people recreating along the dunes and children digging into them causing them to erode even more. The sea oats will come back if we give them time. He asked the Commission to think about posting and roping off the dunes at each beach access.

3 A. REPORT OF the City Attorney.

City Attorney Mora reported on the status of the (7) seven pending lawsuits against the City of Indian Rocks Beach in connection with the adoption of the short-term rental Ordinance. He stated the City has filed a motion to dismiss.

City Attorney Mora requested a Shade Meeting with the City Commission to discuss mediation and litigation strategy. City Commission unanimously agreed.

3 B. REPORT OF the City Manager.

City Manager Mims read his City Manager report.

3 C. REPORT OF the City Commission.

Commissioner Wilson introduced herself.

Commissioner Houseberg provided an update to the City's new website.

Commissioner Vaughan had nothing to report.

Vice-Mayor Commissioner Bond stated the Beach Art Center and IRB Home annual tour of homes is December 9, 2023.

Mayor – Commissioner Kennedy listed the City's Holiday Events.

4. ADDITIONS/DELETIONS.

5. CONSENT AGENDA.

A. APPROVAL of October 10, 2023, Regular City Commission Meeting Minutes.

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

MOTION was made by Commissioner Vaughan and seconded by Commissioner Houseberg to approve the Consent Agenda, consisting of Agenda item no. 5 A. The Motion carried unanimously.

6. PUBLIC HEARING.

A. BOA CASE NO. 2023-08 – 320 12th Avenue

Variance request from Sec.110-131(1) f.1 of the Code of Ordinances, of 10 feet into the required 25-foot front yard setback, resulting in a total setback of 15 feet for the extension of the garage.

City Attorney Mora read BOA Case 2023-08- 320 12th Avenue by title only.

City Attorney Mora stated the variance application before the board is a quasi-judicial matter.

City Attorney Mora inquired of the members if they had any ex-parte communications with the applicant or their agent in advance tonight concerning the application before them. All members have responded in the negative.

City Attorney Mora inquired of the members if they had conducted a site visit for the limited purpose of evaluating the application that they are considering this evening. All members have responded in the negative.

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

Planning Consultant Harmon presented BOA Case NO. 2023-08 -320 12th Avenue with a PowerPoint Presentation depicting an aerial view of the property.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2023-08 – 320 12th Avenue

Variance request from Sec.110-131(1) f.1 of the Code of Ordinances, of 10 feet into the required 25 foot front yard setback, resulting in a total setback of 15 feet for the extension of the garage for property located at 320 12th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 3, Block 88, 1st Addition to Re-Revised Indian Beach Subdivision, recorded in Plat Book 23 Pages 11,12 and13, of the Public Records of Pinellas County, Florida & that part of Lot 4, Block 88, 1st Addition to Re-Revised Indian Beach Subdivision Described as Beg Most E'ly Cor of Lot 4 Thence S36D01'00"W 120FT Thence Cur RT RAD 285FT ARC 26.51FT CB N51D29'36"W 26.50FT Thence N47D46'33"E 22.63FT Thence N51D15'00"E 57.76FT Thence N45D17'36"E 41.42FT To POB (Map S-06-30-15)
Parcel # 01-30-14-42048088-0030

OWNER	Earl Wertheim
LOCATION of PROPERTY:	32012th Ave
ZONING:	S- Single- Family Residential

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

BACKGROUND:

The applicant is requesting a variance of 10 ft into the front yard to allow for an extension of the garage so that the owner can park his vehicle inside the garage. The house was constructed in 1957.

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 property is a pie-shaped lot located along a curved right of way.

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

The applicant did not create any special conditions or circumstances.

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

Granting the variance would confer special privileges to the applicant.

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

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

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

This is the minimum variance to allow the owner to enlarge the garage to be able to park his car.

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 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 October 2, 2023, (Sec. 2-149 of the Code of Ordinances.)

LEGAL NOTICE: A legal notice was published in the November 1, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for November 14, 2023, for BOA Case No. 2023-08.

CORRESPONDENCE: Neighbors at 322 12th Avenue and 323 12th Ave sent letters of approval on the proposed setback.

[End of Staff Report]

Commissioner Vaughan asked for confirmation that the extension of the driveway would not go past the sidewalk. Planning and Zoning Consultant Harmon responded affirmatively.

Vice-Mayor Commissioner Bond asked for confirmation of what the overall distance would be. Planning and Zoning Consultant responded 45 feet from the road to the front of the garage.

Lauren Rubenstein on behalf of the applicant, 2700 1st Avenue N. St. Petersburg, provided her power-point presentation.

City Attorney Mora stated the commission had a copy of the applicant's presentation.

Vice-Mayor Commissioner Bond what is the hardship for a special situation

Ms. Rubenstein responded it is an unusual shaped lot.

Mayor- Commissioner Kennedy opened the public comment section

City Attorney Mora duly swore in John Thayer during the quasi-judicial proceedings.

John Thayer, 1819 Bay Boulevard, stated he had lived on 12th Avenue and has been by this property several times. He stated he does not have any issue with extending the garage because there is plenty of property. He stated he had an issue with the height of the roof line which he thinks is out of character of the house and the rest of the houses in the area.

Mayor-Commissioner Kennedy closed the public comments.

Applicant Earl Wertheim, 320 12th Avenue, stated ¾ of the homes around 12th Avenue are 2 and 3 stories high. His home was built sometime in 1950 and it is not built for cars that we have now.

Planning and Zoning Consultant Harmon stated the building height is within the code and does conform to the rest of the neighborhood.

B. ORDINANCE NO. 2023-07-FIRST READING- SMALL SCALE FUTURE LAND USE MAP AMENDMENT: Request to change the Future Land Use from Residential/Office/Retail (R/O/R) to Commercial-General-Temp Lodging Density 50 - Business District Triangle (CG-TLD50-BDT) for an additional 112 units with 92 lock off units to the Holiday Inn Harbourside site at 401 2nd St. As described in Exhibit "A."

Attorney Mora read Ordinance No. 2023-07 by title only.

Mayor- Commissioner Kennedy recused herself from items B and C to avoid the appearance of any voting conflict due to the proximity of the mentioned property to hers. (attached Form 8B)

Attorney Mora advised that Vice-Mayor Commissioner Bond will be presiding over these matters. Mayor – Commissioner Kennedy will resume the meeting after these two matters.

Planning Consultant Harmon provided a Power Point Presentation.

[Beginning of Staff Report]

SUBJECT: SMALL SCALE FUTURE LAND USE MAP AMENDMENT ORDINANCE NO. 2023—07: Request to change the Future Land Use from Residential/Office/Retail (R/O/R) to Commercial-General-Temp Lodging Density 50 - Business District Triangle (CG-TLD50-BDT) for an additional 112 units with 92 lock off units to the Holiday Inn Harbourside site at 401 2nd St. As described in Exhibit “A”

OWNER:	Gulf Coast Marina Limited Partnership
LOCATION of PROPERTY:	401 2 nd St
FUTURE LAND USE:	Residential/Office/Retail
ZONING:	PUD- Planned Unit Development

Direction	Existing Use	Future Land Use	Zoning Category
North	Preservation	Preservation	Preservation/Business
East	Intracoastal Waterway	N/A	N/A
South	Keegan Clair Park	Recreation/Open Space	Recreation/Open Space
West	Business/Chic-a Si Park	Commercial General/ Recreation/Open Space	Business/Recreation Open Space

I. BACKGROUND

Gulf Coast Marina Limited Partnership has requested to amend the Future Land Use Map for the 12.3 acre site for the property located at 401 2nd St. The Future Land Use Map amendment will allow for the development of an additional 112 2-Bedrooms with 92 of the units having lock off units for a total of 204 additional units. These additional 204 units would increase the existing site total to 568 units, with a density of 47 units per acre. Currently there are 364 units on site, with an existing density of 30 units per acre.

The current Future Land Use Category Residential/Office/Retail allows up to 15 units per acre. The proposed Future Land Use change to Commercial-General-Temp Lodging Density 50-Business District Triangle (CG-TLD50-BDT) would allow up to 50 units per acre. The CG-TLD50-BDT is subject to a development agreement and is required for temporary lodging densities greater than 15 units per acre.

II. REVIEW OF THE LAND USE AMENDMENT

The future Land Use Amendment was reviewed with compliance with the following:

1. City of Indian Rocks Beach Comprehensive Plan
2. Countywide Plan
3. City of Indian Rocks Beach Land Development Code -Business Triangle Overlay Zone regulations.

1. City of Indian Rocks Beach Comprehensive Plan

A. ALLOWABLE DENSITY

The Future Land Use change to Commercial-General-Temp Lodging Density 50- Business District Triangle (CG-TLD50-BDT) has been reviewed for compatibility with City of Indian Rocks Beach Comprehensive Plan. The CG-TLD50-BDT Land Use District would allow for up to 50 units per acre.

The City's Commercial-General-Temp Lodging Density 50- Business District Triangle (CG-TLD50-BDT) Future Land Use Category allows the increased density if the plan addresses Design Considerations. The purpose of the design considerations is to enable the local government to authorize the increased density and intensity.

In particular, design considerations applicable to the proposed use shall address the following in the Development Agreement so as to ensure compatibility in terms of context-sensitive design, and the scale and placement of the proposed use so as to achieve a harmonious relationship and fit relative to its location and surroundings:

- A. Building scale, including height, width, location, alignment, and spacing.
- B. Building design, including elevations, façade treatment, entrance and porch or balcony projections, window patterns and roof forms.
- C. Site improvements, including building and site coverage, accessory structures, service and amenity features, walkway and parking areas, open space, and view corridors.
- D. Adjoining property use, including density/intensity, and building location, setbacks, and height.

STAFF COMMENT: Review of the proposed development based on the above design criteria finds that the project does not meet the standard design criteria.

The proposed building height of the 54-unit building is 85'7" ft. This height is not in compliance with the City's Comprehensive Plan or Land Development Code and is not compatible with surroundings and the entrance into the City of Indian Rocks Beach. The adjacent buildings to the south are 52 ft. and the proposed building height of the other two buildings is 50 ft. The building height is measured from the crown of the road at 2nd St.

B. TRAFFIC IMPACTS

The traffic study indicates that the level of service will decrease from a Level of Service B to Level of Service C at the intersection of 5th Avenue and 1st Street.

The overall traffic impact if all of the lock off units were rented would be 1,110 daily trips and an additional 90 PM peak hour trips. The traffic study states that all affected intersections and roadway segments would continue to operate acceptable levels of service.

C. COASTAL HIGH HAZARD AREA

The property is totally located in the Coastal High Hazard area and needs to be evaluated balancing criteria located in the Coastal Management & Conservation section of the City's Comprehensive Plan.

Objective 2.2 The City shall not increase densities or intensities above those established in this plan within the Coastal High Hazard Area (CHHA), except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment:

1. ACCESS TO EMERGENCY SHELTER SPACE AND EVACUATION ROUTES

Since the proposed amendment will not increase in permanent residential populations, adverse impacts to emergency shelter space capacity are not anticipated.

Walsingham Rd is a designated evacuation route and this project is located adjacent to Walsingham Rd.

2. UTILIZATION OF EXISTING AND PLANNED INFRASTRUCTURE

This project will be served by existing infrastructure.

3. UTILIZATION OF EXISTING DISTURBED AREAS –

The project will utilize the existing disturbed area within the Business Triangle and no natural areas that buffer existing storms will be altered as a result of the proposed development.

4. WATER DEPENDENT USE

The proposed project is adjacent to docks on the intracoastal that are part of the overall development.

5. PART OF COMMUNITY REDEVELOPMENT PLAN

This project is not in a community redevelopment plan but is an amendment to an existing Planned Unit Development.

6. OVERALL REDUCTION OF DENSITY OR INTENSITY

This proposal is to increase the density in the area, however the proposed land use is compatible with the County Wide Plan and the City's Comprehensive Plan.

7. CLUSTERING OF USES

The entire City is within the CHHA making it impossible to cluster uses outside of the CHHA.

8. INTEGRAL PART OF COMPREHENSIVE PLANNING PROCESS

The Harborside development has been a vital part of the Business Triangle for years.

2. COUNTYWIDE PLAN

The Future Land Use amendment has been reviewed for compatibility with the Countywide Map Plan, and specially the Coastal High Hazard Area requirements and the Alternative Temporary Lodging Use Standards. The Alternative Temporary Lodging Use Standards allow for increased density up to 50 units per acre.

The County's Alternative Temporary Lodging Use Standards allow the increased density if the plan addresses Design Considerations. The purpose of the design considerations is to enable the local government to authorize the increased density and intensity. Sec 5.2.2.2 of the County Wide Rules addresses the building height compatibility.

STAFF COMMENT: Review of the Countywide Plan will allow for the proposed density however, there are conditions not being met. The design considerations in the County's Alternative Temporary Lodging Use Standards are also included in the Commercial-General-Temp Lodging Density 50- Business District Triangle and were not met.

3. CITY OF INDIAN ROCKS BEACH LAND DEVELOPMENT CODE - BUSINESS TRIANGLE OVERLAY ZONE REGULATIONS.

The Business Triangle Overlay zone was reviewed for setbacks as discussed in the Design considerations in the Commercial-General-Temp Lodging Density 50- Business District Triangle. According to Section 110-135 (e) (1), a 5-foot setback would ordinarily be allowed with a city reviewed and approved landscaping plan. The plan is showing a 4-foot side setback along the north property line, resulting in a one-foot deviation from the ordinary standard.

STAFF COMMENT: Review of the Business triangle overlay zone in Section 110-135 (e) (1), a 5-foot setback would ordinarily be allowed with a city reviewed and approved landscaping plan. The proposed plans show a 4-ft setback along the north property line. The applicant believes that the landscape plan previously submitted and installed along 2nd St. covers the perimeter of the site. There is no additional landscape plan for the site at this time that would show additional landscaping along the north property line. This property does about a preservation area and is very dense. A full landscape plan will be required before development

The Local Planning Agency shall review all materials, facts, documents and forward a recommendation to the City Commission.

After the first public hearing The Future Land Use Map Amendment will be sent to Forward Pinellas for their compliance review with the County Wide Plan.

EXHIBIT "A": LEGAL DESCRIPTION

A tract of land in Section 12, Township 30 South, Range 14 East, Pinellas County, Florida, including Lots 7 through 11, Block 14, and Lots 1 through 6 and a portion of Lots 7 through 9, Block 15 and a portion of vacated Blocks 17 and 18 and streets, according to plat of INDIAN ROCKS BEACH, as recorded in Plat Book 4, page 12, public record of Pinellas County, Florida, and including a portion of the vacated right-of-way for State Road 699 and being more particularly described as follows:

Commence at the Southeast corner of said Section 12; thence along the south boundary of said Section 12, N 89°07'59" W., 1442.50 feet, thence N. 02°07'65" W., 276.76 feet to the North right-of-way line of Miami Avenue; thence along said North right-of-way line, S.89°10'15" E., 140.00 feet to the East right-of-way line of 2nd Street North and the Point of Beginning; thence along said East right-of-way line, N.02°07'55"W., 442.85 feet to the South right-of-way line of 4th Avenue; thence along the South, East and North right-of-way lines of 4th Avenue the following three courses; S.89°14'51" E, 100.13 feet: thence N.02°07'55"W., 50.06 feet, thence N.89°14'51" W., 100.13 feet to the East right-of-way line of 2nd Street North; thence

along said East right-of-way line N.02°07'55"W., 246.96 feet; thence S.89°17'29" E., 287.39 feet; thence S. 81°59'15" E., 50.00 feet to a non-tangent curve concave to the West having a radius of 2884.93 feet (a radial line to said point bears S81°59'15" E.); thence along said curve Notherty 215.97 feet through a central angle of 04°19'09" to the south right-of-way line of S.R. S-694, also being the beginning of a non-tangent curve concave to the South having a radius of 3719.83 feet (a radial line to said point bears N.02°44'03" to a tangent compound curve concave to eh Southwest having a radius of 616.34 feet; thence along said curve Southeasterly 43.83 feet through a central angle of 40°02'59"; thence tangent from said curve S. 49°17'04" E, 25.94 feet; thence S. 40°48'01" W., 1085.71 feet; thence N. 87°14'52" W., 72.15 feet to a non-tangent curve concave to the Northwest having a radius of 2914.91 feet (a radial line to said point bears S. 67°14'58" E.); thence along said curve Southwesterly 5.61 feet through a central angle of 00°06'37"; thence non0tanget from said curve, N89°10'15"W., 158.30 feet to the Point of Beginning.

ASLO BEING DESCRIBED AS all of HAMLIN'S LANDING, according to the plat thereof recorded in Plat book74, page 24, public records of Pinellas County, Florida.

Parcel Numbers

12-30-14-35363-001-0000 -HAMLIN'S LANDING PHASE I rear parking and road north half of condos

12-30-14-35363-001-0010 -HAMLIN'S LANDING PHASE I, LOT 1 restaurant

12-30-14-35363-002-0100 HAMLIN'S LANDING PHASE II, TR A front parking lot

12-30-14-35363-002-0200- HAMLIN'S LANDING PHASE II, TR B- south half of condos

12-30-14-35854-000-2080 HARBOUR CLUB AT MARKER 33 COMMERCIAL CONDO UNIT 208

12-30-14-36411-000-6200 HARBOURSIDE AT MARKER 33 VACATION CONDO UNIT 620

12-30-14-35363-003-0000 HAMLIN'S LANDING PHASE III LESS HARBOURSIDE AT MARKER 33 VACATION CONDO PER O.R. 19182/1811 & LESS 43 UNIT BLDG DESC IN O.R. 19738/852 - Water park

[End of Staff Report]

Vice-Mayor Commissioner Bond asked if the applicant wanted to come forward.

Robert Williams, 102nd Suite 501 St. Petersburg, representing the applicant Jeff Keierleber, stated they are looking at the Comprehensive Plan Amendment not the design phase. This request for a Comprehensive Plan Amendment will allow us to further review what zoning, traffic, parking and the project will look like. He stated this is a unique area in the city Business Triangle district and the Holiday Inn is the largest single entity.

Mr. Williams stated the City had adopted a temporary lodging comprehensive plan category that is very specific to the business triangle, and this is the only place that the temporary lodging can go. Temporary lodging is just for transient rentals. He stated this is where you want your short-term lodgers, not in your neighborhoods. He stated that the first step is to the Comprehensive Plan Amendment and that they are willing to table the PUD Amendment so that they can respond to what the Planning and Zoning Board looked at.

Mr. Robert Pergolizzi presented his Planning Report for the Land Use Amendment and the PUD Amendment dated October 11, 2023, that was reviewed by City Staff and was available in the

City Commission Agenda Packet. He provided a PowerPoint. He stated that we cannot get to the PUD Amendment unless we have the proper land use classification. The Land Use Classification is imperative for us to move forward with discussion on the design and the height of the actual PUD.

Commissioner Houseberg asked where the cars were going to go.

Mr. Pergolizzi responded it is a design element in the PUD, parking will be available on site, most of it under the building, with some surface lot.

City Attorney Mora clarified that this is a legislative decision about land use designation and if this is an appropriate land use designation. It is not appropriate for the land use decision to be confined to design specifications that have not been finalized. City Attorney Mora read Sec. 110-802 (sub a) (sub-1).- Standards for review of proposed comprehensive plan amendments.

Commissioner Vaughan asked how old is the City Comprehensive Plan that the applicant is referring to.

Planning Consultant Harmon responded that the City Comprehensive Plan was updated 2 years ago, but this specific land use was added in 2010 or 2011.

Commissioner Vaughan asked if changing (ROR) Residential Office Retail to a Commercial General Temporary Lodging designation would allow for the items the applicant wants and does it allow for 85-foot-tall building.

City Attorney Mora responded not specifically. The current zoning would not allow it.

City Attorney Mora stated this Ordinance is predicated to the design proposal.

City Attorney Mora clarified the question being asked in this hearing is whether the proposed Temporary Lodging designation, which is in the City Comprehensive Plan is an appropriate designation for this project.

Commissioner Vaughan stated he drives up and down Gulf Boulevard and has sat traffic in the area of the proposed development while the draw bridge was open. He is concerned about the impact of traffic. He stated that development is good but thinks it needs to be measured. He stated that citizens are saying that they do not have beaches, if the designation is changed how will all the extra people fit on the beach. He also questioned what happened to the city designated parking spots.

Commissioner Houseberg stated she is not against the amendment, and something needs to happen to the restaurant and the only way that will happen is with the land use change.

Vice-Mayor Commissioner Bond asked if the applicant had looked extensively at current design options.

Mr. Williams responded based on what the density ,intensity and Residential Office Retail designation is now, it is not possible to do much of anything.

Applicant Jeffery Keierleber provided a brief history of how and when he purchased the property and the original plan. He stated they need this designation before they can design and address the height. He stated if the height were a deal breaker, they would work on it.

Vice-Mayor Commissioner Bond asked when approval was given years ago to do the new design with the higher elevation along the waterfront what the intended use of those 3 other lots.

Mr. Keierleber stated at the time they were not sure what the density would be.

City Attorney Mora clarified the transient designation was not a land use designation in the City Comprehensive plan 20 years ago. It is staff testimony and applicant statement that the designation that they seek tonight was put in place after that development.

Vice-Mayor Commissioner Bond opened public comment.

Beth McMullen, 481 Harbor Dr. South, stated she is concerned about traffic and the amount of people it will bring to the community. She disagrees with this Ordinance.

Kelly Cisarik, 448 Harbor Drive South, stated Indian Rocks Beach has a very generous PUD but this request does not comply with the city's codes. The density request at 50 units per acres is more like Clearwater. She asked the Commission to shoot down this proposal, have them reduce the height and density and then they could do a PUD. She also asked the City to address the situation of the designated parking spots the city was granted years ago.

RB Johnson, 1206 Beach Trail, stated there was no discussion on future phases on the parking lots when he was on the board. He encouraged the Commission to reconsider changing the land use designation, which would open the door to a much larger development than was ever considered in the past.

Mary Wilkerson, 490 Harbor Drive North, stated these 112 units will be 2- or 3-bedroom units with a minimum of 500-600 people and if they have guests 800 people. The beach is getting smaller, and we are packing more people on it.

Kathleen Majors, 439 Harbor Drive South, stated she has lived here for 28 years and in 2004 she voted in election against a Publix being built near 24th Avenue and restricting the heights of new construction.

Bill Snyder, 425 18th Avenue, stated the traffic has been backed up to 18th avenue from Walsingham Road. There is no room for cars or people, we do not need to let this happen.

Nancy Obarski, 708 Beach Trail, stated that she has the same concerns as everyone with traffic and density. She stated she knew RB Johnson when the Comprehensive Plan and the land use category was created. She stated there must have been a reason for the commission to create it. If it is not used, the commission should take it out of the Comprehensive Plan.

Beth Lynn, 914 Harbor House Drive, stated her concern is the density and the impact on the natural environment. She stated she would consider Mixed Use that was suggested by the Florida Pinellas Survey that was done a few years ago. She stated if (ROR) Residential Office Retail were the equivalent to mixed use, this would allow some development and bring some residential development to bring back renters who lost their places due to short-term rentals.

John Thayer, 1819 Bay Boulevard, stated he has been here 70 some odd years and knew the Holiday Inn when it was Hamlin's Landing. He asked the commission to stick to the height restrictions.

Rick McFall, 408 Harbor Drive North, Chairperson of the Planning and Zoning Board, stated why the Planning and Zoning Board came to the decision to deny this request. He stated the traffic study was done in July 2021, during Covid, and it should have been updated. The current plan to the designated 18 city parking spaces disappeared on the site plan. He stated the building height was an issue, though that was pertaining to the PUD, they saw a potential problem with density as it related to traffic. It was unanimously voted down by the Planning and Zoning Board.

John Phanstiel, 448 Habor Drive South, stated Indian Rocks Beach is overcrowded at the intersection of Walsingham and Gulf Boulevard. He stated what would be best for the city is more restaurants, and long-term rentals for people who work in the city or who want to become residents. He asked the Commission to vote no on this Ordinance.

Vice-Mayor Bond closed the public comment session.

Commissioner Wilson stated she has heard conversation regarding restaurants, but she did not see anything about restaurants in the presentation.

Mr. Williams stated she is correct, there are no restaurant plans.

MOTION made by Commissioner Vaughan, seconded by Commissioner Houseberg to extend the length of the meeting Unanimous Approval by Acclamation.

Commissioner Wilson asked staff what the applicant can do with the current designation.

Planning and Zoning Consultant stated they now have 30 units per acre, to get anything more they would have to change the land use designation. She stated you do not have to allow 50 units per acre, the land use district can be negotiated as a part of the PUD.

City Attorney Mora clarified it identifies maximum density; it is not entitlement.

Commissioner Vaughan stated we open the door for 50 units per acre.

Commissioner Vaughn stated we have heard from our citizens that are talking about density , they do not want it.

Commissioner Bond asked staff if right now it is 30 units per acre if they go shorter on the waterside, they could have more opportunity. Planning and Zoning Consultant Harmon stated the ROR (Residential Office Retail) only allows 15 units per units per acre.

City Attorney Mora clarified that what Holiday Inn has on the property now was legally held to be appropriate for that property through a series of proceedings. What they build is what they were granted.

MOTION was made by Commissioner Vaughan and seconded by Commissioner Wilson to DENY the passage of ORDINANCE NO. 2023-07-FIRST READING- SMALL SCALE FUTURE LAND USE MAP AMENDMENT: Request to change the Future Land Use from Residential/Office/Retail (R/O/R) to Commercial-General-Temp Lodging Density 50 -

Business District Triangle (CG-TLD50-BDT) for an additional 112 units with 92 lock off units to the Holiday Inn Harbourside site at 401 2nd St. As described in Exhibit "A".

Roll Call Vote:

Ayes: Wilson, Vaughan, Bond

Nays : Houseberg

Absent: Kennedy

Motion Denied by a vote of 3 to 1, with Commissioner Houseberg casting the dissenting vote.

City Attorney Mora asked the Commission if there was any objection from pulling item C, 2023-08 from the Agenda given the failure of Ordinance No. 2023-07 which is necessary predicate to the First Reading of 2023-08. **Unanimous Approval by Acclamation.**

~~**C. ORDINANCE NO 2023-08 FIRST READING PLANNED UNIT DEVELOPMENT:
Request for an amendment to the Holiday Inn Harbourside (formerly known as Hamlin's Landing) Planned Unit Development for an additional 112 units with 92 lock off units for the Holiday Inn Harbourside site at 401 2nd Street, Indian Rocks Beach, Florida.
REMOVED FROM THE AGENDA DUE TO ORDINANCE NO. 2023-07 BEING DENIED.**~~

7. OTHER LEGISLATIVE MATTERS.

Ordinance No. 2023-06-Public Hearing /Second and Final 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.

Attorney Mora read Ordinance No. 2023-06 by title only.

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

MOTION was made by the Vice-Mayor Commissioner Bond and seconded by Commissioner Vaughan to approve Ordinance No 2023-06-Public Hearing /Second 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.

Roll Call Vote:

Ayes: Wilson, Houseberg, Vaughan, Bond, Kennedy

Nays: None

The Motion carried unanimously.

8. WORK SESSION ITEMS. None.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

Motion was made by Commissioner Houseberg and seconded by Commissioner Vaughan to adjourn at 9:43 p.m. Unanimous approval by acclamation.

/lak

PINELLAS COUNTY SHERIFF'S OFFICE
BOB GUALTIERI, SHERIFF



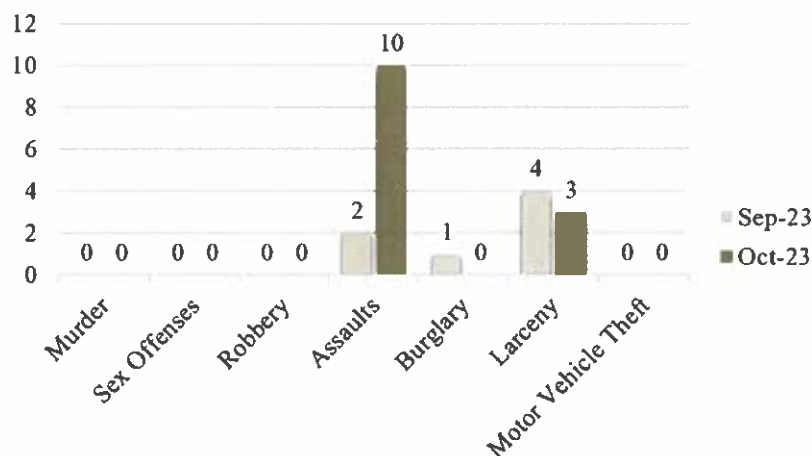
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

October 2023

Select UCR Property & Person Crimes	September 2023	October 2023	October 2022 YTD	October 2023 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	3
Robbery	0	0	3	2
Assaults	2	10	42	59
Burglary	1	0	13	4
Larceny	4	3	55	81
Motor Vehicle Theft	0	0	5	7
GRAND TOTAL	7	13	119	156



Prepared by: Casey Taylor

Data Source: ACISS: UCR Offenses with Occurred Address, Arrested Subjects, Citation City Report
CAD: Crime Analysis Views, Crime Analysis Incident History (Dispo- 7)

11/13/2023

Arrests

October 2023

There was a total of **19** people arrested in the City of Indian Rocks Beach during the month of October resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	5
Battery On LEO	1
Felony Battery -Prior Convictions	1
Possession Of Controlled Substance	1
Resist LEO With Violence	1
Violation Of Probation/Community Control-Adult	1
Misdemeanor	10
Battery-Domestic Related	1
Dating Violence Domestic	1
Disorderly Intoxication	3
False Name Or ID By Person Arrested	1
Resist/Obstruct LEO Without Violence	2
Trespass After Warning	1
Trespass In Structure/Conveyance	1
Warrant	3
Warrant Arrest	3
Traffic Felony	1
Habitual Traffic Offender	1
Traffic Misdemeanor	13
Attach Tag Not Assigned	1
Driver's License Suspended/Revoked	2
Driving Under The Influence	6
Failure To Register Vehicle	1
No Valid Driver's License	2
Reckless Driving	1
Grand Total	32

*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

Deputy Activity

There was a total of **759** events in the City of Indian Rocks Beach during the month of October resulting in **1,023** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of October. *CAD data is filtered by problem type.

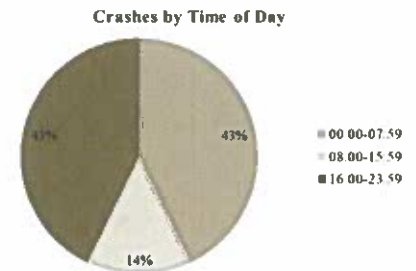
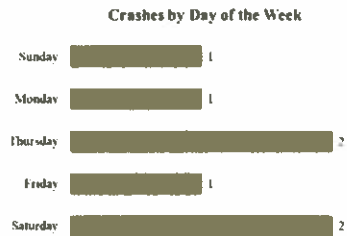
October 2023

DEPUTY ACTIVITY	TOTAL
Traffic Stop	233
Directed Patrol	132
House Check	66
Vehicle Abandoned/Illegally Parked	51
Suspicious Person	30
911 Hangup Or Open Line	22
Assist Citizen	21
Transport Prisoner	15
Assist Other Agency	13
Alarm	11
Trespass	10
Traffic Violation	10
Noise	10
Contact	9
Suspicious Vehicle	9
Accident	8
Ordinance Violation	7
Community Contact	7
Building Check Business	6
Lost/Found/Abandoned Property	6
Animal Call	6
Information/Other	6
Supplement	5
Disorderly Conduct	5
Traffic/DWLSR	5

Crash & Citation Analysis

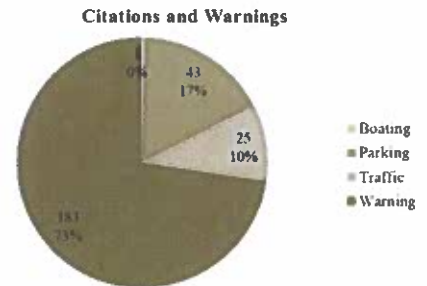
There were 7 crashes in the City of Indian Rocks Beach during October 2023. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
10 Gulf Blvd	1
Gulf Blvd/12th Ave	1
5th Ave/2nd St	1
25th Ave/Gulf Blvd	1
Gulf Blvd/4th Ave	1
353 Gulf Blvd	1
401 Gulf Blvd	1



There were a total of 252 citations and warnings issued in the City of Indian Rocks Beach during October 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
1701 Gulf Blvd	2
Gulf Blvd & 9th Ave	2
Gulf Blvd & 4th Ave	2
13th Ave & Gulf Blvd	2
900 Gulf Blvd	1
1st Ave & Gulf Blvd	1
Gulf Blvd & 19th Ave	1
213 Gulf Blvd	1
14th Ave & Gulf Blvd	1
22nd Ave & 1st St	1



November 2023 City Manager's Report

- Halloween was held on Saturday, October 28th and was a huge success. Several hundred children were in attendance. Thanks to our City Team, Crabby Bills, IRB Home, PCSO, PSFRD and Pinellas County for participating in this premiere children's event.
- Our new Revenue Officer and additional Code Enforcement Officer began work on November 9, 2023.
- Our Host Compliance Contractor has begun work on the database, mapping etc. associated with vacation rental monitoring. This process will take several weeks to complete and implement.
- Vacation Rental Ordinance & Registration
As of 11/7/2023
 - 95 Certificates have been issued.
 - 118 Applications approved through Finance.
 - 14 Applications Pending in Finance.
 - 95 Properties Inspected -Certificates Issued.
 - 23 Properties Pending Inspections.

Courtesy Notices have been mailed to all property owners on the West side of Gulf Boulevard advising vacation rental operators to comply.

In December, the City will begin the process of sending notice of violations and/or magistrate hearing dates to operators that were previously registered with the City but have not registered and complied with the new ordinance.

The Registration Vacation Rental List on the City's Website will be reconfigured to be organized by street address.

- General City Code Division Update
Code Enforcement Team Members spent a substantial amount of time assisting Pinellas County with securing easements for the Pinellas County Emergency Beach Erosion Control Project. That effort started on September 20th and ended on October 27th. The process involved approximately 65 parcels.
- The contractor for Gulf Boulevard Undergrounding Phase II began work on the first phase of this project. The project is divided into three phases and is scheduled to be completed by 2025.
- IRB Beach Accesses that are open
18th, 17th, 15th, 12th, 10th, 9th, 8th, 7th, 6th, 5th, 4th, 3rd, 2nd.

Our contractor is currently working on 26th & 28th beach accesses. After these ramps are complete the contractor will move to other closed beach accesses and construct the new ramps.

- Upcoming Events
 - IRB Christmas Tree Lighting – December 1 at 7:00 PM at 12th Avenue Park.
 - IRB Christmas Parade – December 3 at 1:00 PM.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Joanne M. Kennedy		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Commission
MAILING ADDRESS 408 2nd Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF
CITY Indian Rocks Beach	COUNTY Pinellas	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 11/14/2023		NAME OF POLITICAL SUBDIVISION: N/A
		MY POSITION IS ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained), to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joanne M. Kennedy, hereby disclose that on November 14, 20 23

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

At the November 14, 2023 Regular City Commission Meeting, I abstained from voting on the Holiday Inn Harbour Side's proposed future land use map amendment.

Pursuant to statute 286.012, I abstained to avoid a possible conflict or appearance of a conflict, because my mixed-use property is directly across the street from the subject property.

I have not received any funds indirectly or directly from the applicant.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict

January 16, 2024
Date Filed

Joanne M. Kennedy
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

AGENDA ITEM NO. 5B

CONSENT AGENDA

**APPROVAL OF the
January 11, 2024
Special City Commission
Meeting Minutes.**

MINUTES
CITY OF INDIAN ROCKS BEACH
SPECIAL CITY COMMISSION MEETING
THURSDAY, JANUARY 11, 2024- 4:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785

Mayor-Commissioner Kennedy called the meeting to order at 4:02 p.m., followed by the Pledge of Allegiance and a moment of silence.

MEMBERS PRESENT: Mayor-Commissioner Joanne Kennedy, Vice-Mayor Commissioner Jude Bond, Commissioner Denise Houseberg, and Commissioner Janet Wilson.

OTHERS PRESENT: City Attorney Randy Mora, City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen, Senior Accountant Christine O'Connor and City Clerk Lorin A. Kornijtschuk.

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

1. INTERVIEW candidates to fill vacant City Commission seat for the remainder of the unexpired term, which will end in March 2025.

Five-Minute introduction by applicants followed by a Ten-Minute questions/answer by Commission to applicant.

John M. Bigelow, 451 Harbor Drive N.

Timothy Dunfey, 2700 Gulf Blvd.

Suzanne Gibson, 1206 Bay Shore Blvd.

2. PUBLIC COMMENTS.

Nancy Obarski, 708 Beach Trail #B, questioned the appointment process.

Diane Daniel, 309 10th Avenue, stated she recently met Suzanne Gibson and was impressed with her.

Matthew Barrowclough, 211 11th Avenue, stated he missed the deadline, and requested the Commission to reconsider his late application.

3. VOTE.

Unanimous vote for candidate John M. Bigelow.

10. ADJOURNMENT.

Motion was made by Commissioner Houseberg and seconded by Commissioner Wilson to adjourn at 5:02 p.m. Unanimous approval by acclamation.

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk, City Clerk

**AGENDA ITEM NO. 5C
CONSENT AGENDA**

**APPROVAL OF the
January 11, 2024
Regular City Commission
Meeting Minutes.**

MINUTES

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION MEETING
THURSDAY, JANUARY 11, 2024- 6:00 PM
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785**

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

City Clerk, Lorin Kornijtschuk, swore in the newly appointed City Commissioner, John Bigelow.

MEMBERS PRESENT: Mayor-Commissioner Joanne Kennedy, Vice-Mayor Commissioner Jude Bond, Commissioner Denise Houseberg, and Commissioner Janet Wilson and Commissioner Bigelow

OTHERS PRESENT: City Attorney Randy Mora, City Manager Gregg Mims, Finance Director Dan Carpenter, Public Works Director Dean Scharmen and City Clerk Lorin A. Kornijtschuk.

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

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

A PCSO representative reviewed the monthly report.

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

A Pinellas Suncoast Fire & Rescue District representative reviewed the fire district's monthly report.

2. PUBLIC COMMENTS.

John Thayer, 1819 Bay Blvd., asked what happened to the electric charging stations in front of City Hall.

Diane Daniels, 309 10th Ave., stated she launched a new Facebook page named IRB Green. She requested the City to consider starting up an advisory committee to discuss environmental issues.

John Phanstiel, 448 Harbor Drive South, congratulated John Bigelow. He thanked the City officials and City staff in their enforcement and activities including the Special Magistrate. He stated the Florida State Vacation Rental Bill is to be heard by only 1 more committee.

Nancy Obarski 708 Beach Trail #B, requested the Commission to discuss the possibility of holding a special election for the open Commission seats, rather than appointing them.

Don House, 2104 Beach Trail, stated the Mayor-Commissioner failed to file Form 8 B when she recused herself for a portion of the November 14, 2024 regular city Commission Meeting.

3 A. REPORT OF the City Attorney.

City Attorney Mora stated the Legislative Session began January 9, 2024 and will continue through March 8, 2024. Mediation regarding the city short-term rental ordinance began earlier this week and updates will be given as it progresses.

3 B. REPORT OF the City Manager.

City Manager Mims stated this March the city will be issuing a request for proposals from contractors for the three possible drainage projects and a bid for recycling . The current recycling contract expires December 31, 2024.

City Manager stated the 14th Ave. reconstruction project from Gulf Blvd. to Bay Palm Blvd. is complete. The reconstruction of the beach accesses are complete and all accesses are open. The playground equipment in Kolb Park will be completed in a couple of weeks.

City Manager stated the city is finalizing the claims with the city's insurance provider for the damage from the hurricane and will file a claim with FEMA for the costs not covered by insurance.

City Manager stated the electric charging stations were removed because the 3-year pilot program with Duke Energy expired.

City Manager Mims read the Code Enforcement Report for December 2023.

3 C. REPORT OF the City Commission.

Commissioner Bigelow thanked the other City Commissioners.

Mayor-Commissioner Kennedy, Vice-Mayor Commissioner Bond and Commissioner Wilson welcomed Commissioner Bigelow.

Commissioner Houseberg provided an update to the new City Website and thanked Diane Daniel for her assistance.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA.

- A. APPROVAL** of December 1, 2023, Closed Executive Session.
- B. APPROVAL** of December 12, 2023, Regular City Commission Meeting Minutes.
- C. APPOINTING** Phil Hanna to the Finance, Budget & Review Committee as a regular board member for a three-year term.

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

MOTION was made by Commissioner Houseberg and seconded by Commissioner Wilson to approve the Consent Agenda, consisting of Agenda item nos. 5 A through 5 C. **The Motion carried unanimously.**

6. **PUBLIC HEARING.** None.

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

8. **WORK SESSION ITEMS.** None.

9. **OTHER BUSINESS.** None.

10. **ADJOURNMENT.** None

Motion was made by Commissioner Houseberg and seconded by Commissioner Wilson to adjourn at 6:33 p.m. Unanimous approval by acclamation.

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

Attest: _____
Lorin A. Kornijtschuk, City Clerk



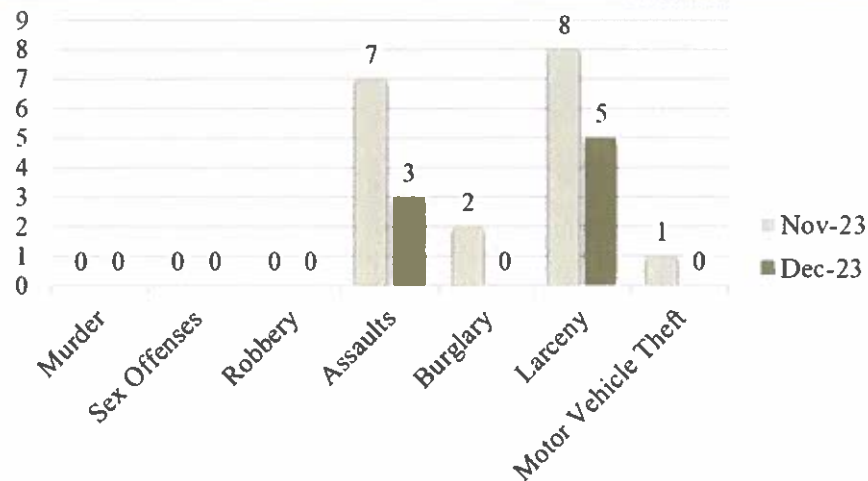
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

December 2023

Select UCR Property & Person Crimes	November 2023	December 2023	December 2022 YTD	December 2023 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	3
Robbery	0	0	3	2
Assaults	7	3	46	69
Burglary	2	0	14	6
Larceny	8	5	63	94
Motor Vehicle Theft	1	0	7	8
GRAND TOTAL	18	8	134	182



Arrests

December 2023

There was a total of *10* people arrested in the City of Indian Rocks Beach during the month of December resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	6
Possession Of Concealed Weapon While Committing Felony	1
Possession Of Controlled Substance	2
Possession Of Firearm Ammo By Felon	1
Possession With Intent To Sell/Distribute A Controlled Substance	1
Tampering With Electronic Monitoring Device-Adult	1
Misdemeanor	4
Assault-Domestic Related	1
Petit Theft-Shoplifting	1
Trespass After Warning	2
Warrant	1
Warrant Arrest	1
Traffic Felony	1
Felony Habitual Traffic Offender	1
Traffic Misdemeanor	1
Driving Und The Influence	1
Grand Total	13

*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

Deputy Activity

There was a total of **671** events in the City of Indian Rocks Beach during the month of December resulting in **879** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of December. **CAD data is filtered by problem type.*

December 2023

DEPUTY ACTIVITY	TOTAL
Traffic Stop	204
Directed Patrol	157
House Check	75
Vehicle Abandoned/Illegally Parked	32
Assist Citizen	21
Contact	14
Suspicious Person	13
Ordinance Violation	12
Trespass	10
Noise	10
911 Hangup Or Open Line	10
Transport Prisoner	9
Information/Other	9
Disorderly Conduct	7
Building Check Business	6
Community Contact	6
Area Check	5
Traffic Hazard/Obstruction	5
Domestic-In Progress	4
Alarm	4
Drug Call-Not In Progress	4
Assist Motorist	3
Lost/Found/Abandoned Property	3
Assist Other Agency	3
Suspicious Vehicle	3

Prepared by: Casey Taylor

Data Source: ACISS: UCR Offenses with Occurred Address, Arrested Subjects, Citation City Report
CAD: Crime Analysis Views, Crime Analysis Incident History (Dispo- 7)

- 3 -
1/11/2024

Crash & Citation Analysis

There was 1 crash in the City of Indian Rocks Beach during December 2023. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
311 Gulf Blvd	1

Crashes by Day of the Week



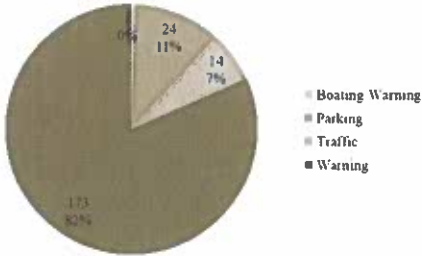
Crashes by Time of Day



There were a total of 212 citations and warnings issued in the City of Indian Rocks Beach during December 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
5th Ave & 2nd St	3
Gulf Blvd & 2nd Ave	1
2nd St & Walsingham Rd	1
Miami Ave & 2nd St	1
Gulf Blvd & 15th Ave	1
Gulf Blvd & 16th Ave	1
Gulf Blvd & 17th Ave	1
6th Ave & Gulf Blvd	1
Gulf Blvd & 9th Ave	1
74 Gulf Blvd	1

Citations and Warnings



Memorandum

To: City Manager – Greg Mims

From: Code Enforcement & Finance Departments

Date: 01/03/2024

Re: Vacation Rental Registration Numbers, Code Violations,
Parking Tickets , Fines, & Court Hearings

269 Total VR Registrations approved thru Finance Dept.

19 VR Registrations pending in Finance Dept

185 VR Property inspections completed by Code Enforcement

72 VR Properties pending on scheduling inspection

18 VR Property Inspections Scheduled

3 Parking Violation Tickets Issued

48 Code Violation Letters Sent

2 Fines / Notice to Appear (Circuit Court)

6 Notice to Appear (Magistrate Court) 3 – Repeat 3 - New

Finance

Dan Carpenter

Code Enforcement

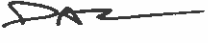
Mike Kelley

**AGENDA ITEM NO. 5D
CONSENT AGENDA**

**APPROVAL OF the
Date for the City Commission Budget
Workshops and Public Hearings for the Fiscal
2024/2025 Operating Budget and Capital
Improvements Budget.**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: February 13, 2024 AGENDA ITEM: 5D

ORIGINATED BY: Dan Carpenter, Finance Director 

AUTHORIZED BY: Brently Gregg Mims, City Manager 

SUBJECT: **Setting the dates for the City Commission Budget Workshops and Public Hearings for the Fiscal 2024/2025 Operating Budget and Capital Improvements Budget.**

BACKGROUND

In March the Property Appraiser provides the Finance Director a tentative calendar for the upcoming Budget and Millage process identifying any conflicting County meetings. Pursuant to Florida Statutes, staff has reviewed the required actions by the City and is proposing the attached 2024/2025 Budget Calendar.

Staff has reviewed the County Calendar and is recommending scheduling the workshops and public hearings to avoid any conflict with the County Commission Hearings and the School Board Hearings.

MOTION

Move to *approve/deny* setting the dates for the City Commission Budget Workshops and Public Hearings for the Fiscal 2024/2025 Operating Budget and Capital Improvement Plan.

FISCAL YEAR 2024/2025

BUDGET CALENDAR

May 7-10, 2024 Tuesday-Friday	City Commissioners provide initial 2025 Budget suggestions to the City manager and Finance Director <i>input</i>
May 31, 2024 Friday	Property Appraiser delivers certification of taxable value (DR-420) to City
June 17, 2024 Monday	Five-Year Capital Improvement Program (CIP) delivered to City Commission and Finance and Budget Committee
June 28, 2024 Friday	Property Appraiser delivers certification of taxable value (DR-420) to City
July 3, 2024 Wednesday	Preliminary budget delivered to City Commission and Finance and Budget Committee
July 10, 2024 Wednesday	Finance and Budget Committee Review CIP and Preliminary Budget
July 16, 2024 Tuesday	City Commission CIP and Preliminary Budget Work Session 4:00-6:00pm
July 16, 2024 Tuesday	City Commission Meeting- Commission sets tentative millage rate 6:00pm
August 1, 2024 Thursday	City notifies Property Appraiser of tentative millage rate and date/time/place of first public hearing-completed DR420 returned
August 2, 2024 Friday	Tentative budget delivered to City Commission
September 4, 2024 Wednesday	City holds FIRST Public Hearing to adopt a tentative budget and millage rate 6:00pm
September 13-15, 2024 Friday/Sunday	City advertises intent to adopt final budget and millage rate and final public hearing within 15 days of adoption of tentative budget
September 18, 2024 Wednesday	City holds FINAL Public Hearing to adopt final budget and millage rate from 2-5 days after ad appears 6:00pm
September 20, 2024 Friday	City forwards to Property Appraiser the millage rate within 3 days of adopting the Ordinance

Legend

S = Set Date

Meetings with City Commission

Finance and Budget Review Committee

City Staff

**AGENDA ITEM NO. 5E
CONSENT AGENDA**

**RECEIVE/FILE
December 2023 Year to Date First Quarter
Financials.**

DISCUSSION MEMO

INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: February 13, 2024

AGENDA ITEM: 5E

ORIGINATED BY: Dan Carpenter, Finance Director 

AUTHORIZED BY: Brently Gregg Mims, City Manager 

SUBJECT: December 2023 Year-to-Date Financial Report

BACKGROUND:

Staff presents a quarterly discussion of year-to-date financial results to the City Commission.

ANALYSIS:

Financial reports comparing December 2023 fiscal year-to-date actual revenues and expenditures to budget are attached.

City of Indian Rocks Beach
FY 2024 BUDGET TO ACTUAL REPORT
AS OF DECEMBER 31, 2023

	12/31/2023 Period to Date Actual	FY 2024 TOTAL APPROVED BUDGET	OVER/(UNDER) BUDGET	% OF TOTAL FY 2024 APPROVED BUDGET
001 GENERAL FUND				
AD VALOREM TAX	\$ 2,521,049	\$ 3,171,800	\$ (650,751)	79%
FRANCHISE FEE	\$ 84,040	\$ 496,560	\$ (412,520)	17%
COMMUNICATIONS SERVICES TAX	\$ 15,102	\$ 80,000	\$ (64,898)	19%
BUSINESS REG & OCC LICENSES	\$ 137,771	\$ 147,310	\$ (9,539)	94%
PERMITS & FEES	\$ 5,890	\$ 8,800	\$ (2,910)	67%
INTERGOVERNMENTAL	\$ 85,501	\$ 447,930	\$ (362,429)	19%
CHARGES FOR SERVICES	\$ 1,159	\$ 7,000	\$ (5,841)	17%
PARKING FEES	\$ 52,814	\$ 183,750	\$ (130,936)	29%
FINES AND FOREFITS	\$ 11,768	\$ 75,000	\$ (63,232)	16%
INTEREST ON INVESTMENT	\$ 84,488	\$ 200,000	\$ (115,512)	42%
MISCELLANEOUS	\$ 23,112	\$ 24,420	\$ (1,308)	95%
TOTAL REVENUE	\$ 3,022,694	\$ 4,842,570	\$ (1,819,876)	62%
CITY COMMISSION	\$ 24,205	\$ 60,300	\$ (36,095)	40%
CITY MANAGER	\$ 73,361	\$ 308,340	\$ (234,979)	24%
FINANCE	\$ 100,027	\$ 464,690	\$ (364,663)	22%
CITY ATTORNEY	\$ 31,723	\$ 152,000	\$ (120,277)	21%
PLANNING	\$ 15,055	\$ 85,200	\$ (70,145)	18%
CITY CLERK	\$ 36,614	\$ 143,790	\$ (107,176)	25%
LAW ENFORCEMENT	\$ 319,329	\$ 1,284,740	\$ (965,411)	25%
BUILDING & CODE ENFORCEMENT	\$ 70,657	\$ 360,320	\$ (289,663)	20%
PUBLIC WORKS	\$ 242,450	\$ 1,387,630	\$ (1,145,180)	17%
LIBRARY	\$ 25,047	\$ 121,100	\$ (96,053)	21%
RECREATION	\$ 24,383	\$ 36,700	\$ (12,317)	66%
CENTRAL SERVICES	\$ 118,435	\$ 408,220	\$ (289,785)	29%
TOTAL EXPENDITURES	\$ 1,081,286	\$ 4,813,030	\$ (3,731,744)	22%
101 CAPITAL PROJECTS				
IC SURTAX PENNY FOR PINELLAS	\$ 110,022	\$ 500,000	\$ (389,978)	22%
UTILITY UNDERGROUND GRANT	\$ -	\$ 3,123,310	\$ (3,123,310)	0%
GRANTS - AMERICAN RESCUE PLAN & D	\$ -	\$ 1,950,590	\$ (1,950,590)	0%
GRANTS -SWFWMD	\$ -	\$ 197,500	\$ -	0%
TOTAL REVENUE	\$ 110,022	\$ 5,771,400	\$ (5,661,378)	2%
CONTRUCTION PROJECTS	\$ 940,192	\$ 6,311,920	\$ (5,371,728)	15%
TOTAL EXPENDITURE	\$ 940,192	\$ 6,311,920	\$ (5,371,728)	15%
402 SOLID WASTE FUND				
GRANT REVENUE	\$ -	\$ 3,000	\$ -	0%
SOLID WASTE	\$ 359,245	\$ 1,865,660	\$ (1,506,415)	19%
TOTAL REVENUE	\$ 359,245	\$ 1,868,660	\$ (1,506,415)	19%
SOLID WASTE	\$ 325,728	\$ 1,964,000	\$ (1,638,272)	17%
TOTAL EXPENDITURE	\$ 325,728	\$ 1,964,000	\$ (1,638,272)	17%

**AGENDA ITEM NO. 5F
CONSENT AGENDA**

**AUTHORIZING
the City Manager to dispose of surplus
property/equipment which has become
unnecessary or unfit for the City's use.**

INDIAN ROCKS BEACH CITY COMMISSION

AGENDA MEMORANDUM

MEETING OF: February 13, 2024 **AGENDA ITEM:** 5F

ORIGINATED BY: Dean A. Scharmen, Public Works Director

AUTHORIZED BY: Brently Gregg Mims, City Manager

SUBJECT: Authorizing the City Manager to dispose of surplus property/equipment which has become unnecessary or unfit for the City's use.

BACKGROUND:

Pursuant to Part I Charter, Article V. City Manager, Section 5.3. Powers and Duties of the City Manager, Subsection 10 of the Code of the City of Indian Rocks Beach, Florida, providing for the disposal of City property/equipment which has become unnecessary or unfit for the City's use, the property/equipment listed on Attachment A has been inspected and found to be no longer usable by the City of Indian Rocks Beach.

ANALYSIS:

City staff is requesting authorization to sell, donate, recycle or destroy the City property/equipment shown on Attachment A.

FISCAL IMPACT:

GovDeals, Incorporated conducts auctions of state, county and municipal furniture, equipment and vehicles on a continual basis. There are no respective charges utilizing this firm for handling the sale and transfer of any paperwork associated with the vehicles and/or equipment.

By utilizing an outside agency to run the auction the City is saving staff time and avoids any conflict or problems that could occur if this was handled in house.

ATTACHMENT A – SURPLUS EQUIPMENT

- ✓ One – 2007 Ford F450 Super Duty Dump Truck – (572-2) –
VIN # 1FDXF46P97EB21790
- ✓ One – 2014 Freightliner SD W Goliath MDL G400 Garbage Truck – (534-17) –
VIN # 1FVHG3DV9EHFP9639
- ✓ One – Ver-Mac Solar/Battery Powered Arrow Board – VM-489625PULWL-02
SN – 17-096018
- ✓ Eleven – Lighted Pole Mounted Christmas Tree Decorations
- ✓ Ten – Lighted Pole Mounted Christmas Palm Tree Decorations

AGENDA ITEM NO. 6 A

PUBLIC HEARINGS

RESOLUTION NO. 2024-01-

A resolution of the City of Indian Rocks Beach, Florida, relating to lot mowing or clearing, providing for approval and endorsement of all assessments as finally fixed and adjusted.

AGENDA MEMO

INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: February 13, 2024 **AGENDA ITEM: 6A**

ORIGINATED BY: Lorin A. Kornijtschuk, City Clerk 
Mike Kelley, Code Enforcement Manager 

AUTHORIZED BY: Brently Gregg Mims, City Manager 

SUBJECT: Hearing on Assessments for Lot Mowing.
2004 Gulf Boulevard, Indian Rocks Beach, Fl. 33785

The City's Code requires property owners to trim vegetation on their property and otherwise keep the premises clean and free of debris, trash, and other noxious matter.¹ If a property owner fails to maintain the property in such a fashion, the City may take steps to abate the property and charge the owner an assessment commensurate with the cost to the City to do so.²

Once the City completes the work in connection with the abatement of the property and upon proper notice to the necessary parties, "the city commission will meet to hear and determine any objections or defenses that may be filed in writing to the assessment of the amount thereof."³ After the hearing is held, "[t]he city commission shall by resolution approve and endorse all assessments as finally fixed and adjusted at [a public hearing]. Such assessment shall, from the date of such confirmation, constitute a lien on the respective lot or parcels of land or other real property upon which they are levied... All persons who fail to object in writing to the proposed assessment in the matter provided in this article shall be deemed to have consented to and approved the assessment."⁴

Attached to this Memorandum is Resolution 2024-01 and corresponding Exhibit A, 2004 Gulf Boulevard, Indian Rocks Beach, Fl. 33785 – the Assessment List for Lot Mowing. The property owner or agent listed on the Assessment for Lot Mowing has failed to maintain the property per the City's Code and has caused the City to abate the property and assess the listed costs for doing so. The City has been in contact with Thelma Smith, regarding the status of the property. Ms. Smith has failed to maintain the property as required, and the City now seeks to recover its costs.

Staff recommends the Commission approve Resolution 2024-01.

/lak

¹ § 26-61, City Code

²² §§ 26-63, City Code

³ § 26-64, City Code

⁴ §26-65, City Code

Exhibit A
ASSESSMENT FOR LOT MOWING
2004 Gulf Boulevard, Indian Rocks Beach, FL. 33785

Name of Owner	Legal Description	Mowed/Cleared	Amount Assessed	Amount Paid
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	03/29/2023 City of Indian Rocks Beach Property Cleanup	\$39.52	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	03/29/2023 City of Indian Rocks Beach Administrative Fee	\$100.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	03/29/2023 Andy's Tree Services Cleanup	\$250.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	03/29/2023 City of Indian Rocks Beach Administrative Fee	\$100.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	05/03/2022 City of Indian Rocks Beach Property Cleanup	\$128.35	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	05/03/2022 City of Indian Rocks Beach Administrative Fee	\$100.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	07/07/2022 City of Indian Rocks Beach Property Cleanup	\$300.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	07/07/2022 City of Indian Rocks Beach Administrative Fee	\$100.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/19/2022 City of Indian Rocks Beach Property Cleanup	\$250.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/19/2022 City of Indian Rocks Beach Administrative Fee	\$100.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/19/2022 City of Indian Rocks Beach Property Cleanup	\$526.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/19/2022 City of Indian Rocks Beach Administrative Fee	\$100.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/19/2023 City of Indian Rocks Beach Property Cleanup	\$347.84	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/19/2023 City of Indian Rocks Beach Administrative Fee	\$100.00	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/30/2023 City of Indian Rocks Beach Property Cleanup	\$1,624.31	
Smith, Thelma W. 12506 Luca Lane Anchorage, KY 40223-1545	01-30-14-42030-011-0140	09/30/2023 City of Indian Rocks Beach Administrative Fee	\$100.00	

Accrued passed due fees for cleanup and maintenance totaling \$4,266.02

**CITY OF INDIAN ROCKS BEACH
RESOLUTION NO. 2024-01**

**A RESOLUTION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA,
RELATING TO LOT MOWING OR CLEARING, PROVIDING FOR
APPROVAL AND ENDORSEMENT OF ALL ASSESSMENTS AS
FINALLY FIXED AND ADJUSTED.**

WHEREAS, the lot as described by the schedule attached hereto as and made a part hereof (Exhibit A- 2004 Gulf Boulevard, Indian Rocks Beach , FL. 33785- Legal Description: 01-30-14-42030-011-0140) was found to require mowing or clearing pursuant to the requirements of Chapter 26, Article III, Nuisances, of the City of Indian Rocks Beach City Code; and

WHEREAS, subsequent to the City abating the nuisance on the lot, the attached assessment roll was prepared (Exhibit A), which details the name of the property owner, a description of the lot proposed to be assessed for the abatement, the cost and expense of abating the nuisance, and the amount proposed to be assessed against each lot; and

WHEREAS, upon proper notice, the City Commission held a public hearing in City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on the 13th day of February 2024, at 6:00 p.m. to hear any objections or defenses that may have been filed in writing to the imposition of the assessments and the amounts thereof and to determine what, if any, assessments shall be imposed.

NOW BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED, AS FOLLOWS:

Section 1. All foregoing recitals shall be adopted and incorporated as if fully set forth herein.

Section 2. The City Commission hereby approves and endorses all assessments detailed on the assessment roll, attached hereto and incorporated herein as **Exhibit A**-(2004 Gulf Boulevard, Indian Rocks Beach , FL. 33785- Legal Description: 01-30-14-42030-011-0140). All assessments shall be paid at the Indian Rocks Beach Finance Department, in full, without interest, within thirty (30) days from the date of the adoption of this resolution by the City Commission. After thirty (30) days, a lien shall be recorded with the Pinellas County Clerk of the Circuit Court against the parcels listed in **Exhibit A**, with a simple interest rate of ten percent (10%) per annum plus filing fees until paid in full.

Section 3. This Resolution shall be in full force and effect immediately upon its adoption and approval in the manner provided by law.

PASSED AND ADOPTED this 13th day of February 2024, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor/Commissioner

ATTEST: _____
Lorin A. Kornijtschuk, City Clerk

AGENDA ITEM NO. 7

OTHER LEGISLATIVE MATTERS

AGENDA ITEM NO. 8

WORK SESSION

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10

ADJOURNMENT