

## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING JANUARY 11, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on January 11, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:** John B. Hendricks, Mayor  
Doug Andrews, Vice Mayor/Commissioner District 3  
David Tagliarini, Commissioner District 1  
Ray Kerr, Commissioner District 2  
Dave Hutson, Commissioner District 4

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Lara Hooley, Executive Assistant to City Clerk  
Thomas Trask, City Attorney

#### 1. CALL TO ORDER

Mayor Hendricks called the meeting to order at 6:00 p.m.

#### 2. INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney Tom Trask gave the Invocation and led the Pledge of Allegiance.

#### 3. ROLL CALL

City Clerk Clara VanBlargan called the roll.

#### 4. APPROVAL OF THE AGENDA

Commissioner Tagliarini requested Item 9A., Ordinance 2023-01 John's Pass Village Activity Center Plan, and Item 9B., Ordinance 2023-02 Amending FLUM to add John's Pass Village Activity Center, be removed from the agenda until they could come up with a plan the residents could support for the following reasons:

- The John's Pass Village Activity Center was created by a planner not approved by the Board, and an RFP was not issued for his hiring.

- A letter received by Mayor Hendricks from the State Department of Economic Opportunity suggested the Activity Center failed to identify land use types and the densities and intensities of land use as required by Florida Statutes. The letter was not shared with the Board and has not been part of the discussion.
- He sent specific questions from residents to the City Manager regarding the project. He emailed the answers to the residents so they could make an informed decision. He surveyed the residents on how they wanted him to vote on the items. Of the 110 residents who responded, one was in favor, five were not sure, and 105 were not in favor of the project.

Vice Mayor Andrews said he was against pulling it off the agenda. It could be discussed and voted on and go from there. Mayor Hendricks agreed; it has been going on too long.

Commissioner Hutson agreed to leave it on the agenda because there was no direction change from the Planning Commission. If they wanted changes, it would be up to the Board.

Commissioner Kerr wanted to keep it on the agenda because it was a good opportunity for discussion.

Vice Mayor Andrews motioned to approve the Agenda as written. Commissioner Hutson seconded the motion.

**ROLL CALL:**

Vice Mayor Andrews	“YES”
Commissioner Hutson	“YES”
Commissioner Kerr	“YES”
Commissioner Tagliarini	“NO”
Mayor Hendricks	“YES”

The motion carried 4-1.

**5. PROCLAMATIONS**

**A. National Mentoring Month; January 2023**

Mayor Hendricks read a proclamation proclaiming January 2023 as National Mentoring Month.

**6. PRESENTATIONS (limited to 10 minutes each)**

There were no presentations.

**7. PUBLIC COMMENT**

John Lipa, 399 150<sup>th</sup> Avenue, said Megan Wepfer was outstanding. She did an excellent job getting the new contract with the new recycling provider and kept him informed as vice president of their condo association.

Vivian McDowell, 910 Bay Point Drive, said her flood insurance went from \$1,900 last year to \$3,800 this year for the same amount of coverage. She asked if the Board could help. Mayor Hendricks said the City did not have a hand in it.

Amanda Baldwin, 519 John's Pass Avenue, asked the City to conduct an assessment of the City's Community Development Staff, specifically the Planning and Zoning Department. The residents pay the salaries of four employees plus a consultant, and they do not work five days a week. There are systemic issues, and if the City was aware and chose not to address them, it would be either complicit to the work environment or negligent. The taxpayers deserved better.

## **8. CONSENT AGENDA**

### **A. Approval of Minutes**

## **9. PUBLIC HEARINGS**

### **A. Ordinance 2023-01, John's Pass Village Activity Center Plan – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-01 by title only:

### **ORDINANCE 2023-01**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING THE MADEIRA BEACH JOHN'S PASS VILLAGE ACTIVITY CENTER PLAN; PROVIDING FOR AN INTRODUCTORY STATEMENT OF PLAN PURPOSE AND OVERVIEW; PROVIDING FOR BACKGROUND HISTORY AND COMMUNITY ENGAGEMENT; PROVIDING FOR THE PLAN AREA, EXISTING AND PROPOSED USES AND DENSITY/INTENSITY STANDARDS, AND DISTINCT CHARACTER DISTRICTS; PROVIDING FOR TRANSPORTATION IMPACTS AND CONNECTIVITY; PROVIDING FOR COASTAL HIGH HAZARD AREA CONSIDERATIONS; PROVIDING FOR PLANNING AND URBAN DESIGN PRINCIPLES; PROVIDING FOR IMPLEMENTATION STRATEGIES; PROVIDING FOR TRANSMITTAL TO, AND CONSIDERATION BY, FORWARD PINELLAS AND THE COUNTYWIDE PLANNING AUTHORITY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA STATE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR THEIR REVIEW AND COMMENT; PROVIDING FOR THE FILING OF THIS AMENDMENT IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

The City Manager reviewed the item and stated the purpose as follows:

- To establish the standards and means to preserve and rebuild the existing character, uses, and density/intensity of John's Pass Village in the event of a disaster.
- To reconcile inconsistencies among existing land use characteristics in the City Comprehensive Plan and the Countywide Rules Standards.
- To provide for consistency and enhancement in the Activity Center for future improvement, revitalization, and potential redevelopment within the Village.

Andrew Morris, Planner and GIS Technician, gave a PowerPoint presentation related to Ordinances 2023-01 and 2023-02, which included the following:

### The Introduction

Commissioner Tagliarini asked Mr. Morris if the plan was implemented would it require an amendment to the countywide plan. Mr. Morris said it would require a map amendment.

Commissioner Tagliarini asked if the City could adopt a policy in the Comprehensive Plan that would allow post-disaster redevelopment up to the pre-existing level of development. Mr. Morris said that was the conclusion in Mr. Charles Gauthier's report. Commissioner Kerr asked Mr. Morris to comment on Mr. Gauthier's report. Mr. Morris said the information within the numbers was accurate, but it was based off of assumptions.

Vice Mayor Andrews said they needed to decide if they were going to allow Mr. Gauthier's analysis to be submitted. He talked to Mr. Gauthier, FAICP, and asked who hired him, how much he got paid, and what the contract was for. He got paid \$3,000 to write the report for someone who was against the project. They did not have anything to verify the report. They were being asked to come up with a plan to create an activity center to establish the standards and means to preserve and rebuild the existing character, uses, and density and intensity of John's Pass Village in the event of a disaster. They needed to focus on what they were being asked to do.

Commissioner Tagliarini asked Mr. Morris if he said the numbers were correct in Mr. Gauthier's report. Mr. Morris said they were, but Mr. Gauthier reduced what is currently allowed in that area which would be unfair to current property owners, and it would make a lot of structures non-conforming.

Commissioner Tagliarini asked if it would be possible to modify the activity center designation to preserve the existing impervious surface ratio, floor area ratio, units per acre, and height restrictions. Mr. Morris said the ordinance did not impact existing zoning, and a zoning ordinance would be needed to change the zoning. The ordinance was focused on residential density, character density, lodging density, and floor area and had regulations by character district. The character districts are being proposed. They allow set standards based on the specific area. The plan provided opportunity for redevelopment, it would not hurt the community, and it would make it stronger.

Mayor Hendricks said the increases in John's Pass Village would need to go through a PD. Height restriction would be in the future zoning ordinance.

Mayor Hendricks opened the floor to public questions and comments.

John Lipa, 399 150<sup>th</sup> Avenue:

- He would like to see Mr. Gauthier's report vetted and melded into the existing work so they could have a plan everyone could live with.
- He did not understand how the traffic would be less after the improvements were made at John's Pass Village.
- He asked if he would be able to park at John's Pass Village as a resident after the development.
- He asked if the water and sewer were factored in.

Mayor Hendricks responded:

- There would always be parking for residents at John's Pass Village; a City parking garage would be built.
- They needed to continue to do things to generate revenue for the City.
- Traffic-wise, the population of the City dropped, but the City gets traffic from people getting on and off the barrier island from other beach towns. Most people who come here would Uber because renting a car is too expensive.

Mr. Morris responded:

- When a map change amendment is done, they need to use traffic generation rates from Forward Pinellas. They wanted to make John's Pass a destination people could stay and not have to drive.
- The developer would pay for any infrastructure improvements.

Tom Edwards, Madeira Beach resident, protected address:

- He asked if they could meet the county's plan if the density were lessened, so temporary housing would not have to be as intense as what is proposed.
- He asked if there was anything in Mr. Gauthier's report that was not factual. Could they have an activity plan and look at the options he proposed?
- Could they pass an ordinance that would allow building back to what is existing?
- He did not think Mr. Gauthier's report was vetted where there were options and the public needed to discuss it.
- There was a lot of active participation from residents when Duany had his charrettes at a general meeting.
- The process used was not well advertised, and it should have been more inclusive for the residents.

Mr. Morris responded:

- They would need to adopt a zoning ordinance that would be compatible with the plan. It would be a significant reduction from what is in the Comprehensive Plan if they matched the county's plan.

- Mr. Gauthier’s report was factual. The Board could make a motion to adopt something that would match the existing density in a category in the countywide plan. It would not be right to reduce it from what they have now.
- A vacant piece of property would be restricted on what could be built.
- They would hold public workshops when they bring a zoning ordinance forward because they wanted to make sure it met what the community wanted. They would make sure it would protect what is currently there and allow for redevelopment without a negative impact on residents.

Vice Mayor Andrews responded:

- He agreed that Mr. Gauthier’s report was not vetted.
- Nothing would change if the ordinance was adopted. They would still need to go through a PD to do anything in the Pass.

Bill Karns, 11055 9<sup>th</sup> Street East, Treasure Island:

- He asked why the meeting was being handled in chaos. He did not understand why Mr. Morris was not allowed to finish his presentation, go to public comment, and then go to the Board to talk about it.

Bonnie Lipa, 399 150<sup>th</sup> Avenue:

- She felt the Commission had already made its choice.
- She asked how they could vote on the ordinance when there were too many unknowns and variables.
- She said she did not know what the ordinance meant.

Mayor Hendricks responded:

- He said he did not see where there would be any changes there for years in the future. The ordinance was the groundwork for a worst-case scenario. Anything that happens would need to go through a planned development agreement process.
- He said the ordinance meant the property owners could rebuild their property, but it did not mean that some big development could come in. It was correcting things that needed to be done in the event of a catastrophe.

Mr. Morris continued with his presentation and discussed the following:

- Transportation
- Coastal High Hazard Area Considerations
- Planning and Urban Design Principles
- Implementation Strategies

Staff recommended possible revisions for consideration by the Board:

- Reduce the proposed residential density in the Transitional Character District from 24 to 18 dwelling units per acre.
- Clean up the language to state no stand-alone commercial use allowed, and commercial use on the west side of Gulf Boulevard would continue to be limited to 20 percent of the floor area.

- Reduce the public parking count for the parking lot near the 133<sup>rd</sup> Avenue west beach access to five parking spaces.

David Healey, Healey Consultant Services, LLC, gave his preliminary observations about Mr. Gauthier's report and responded to questions and comments from the Board.

Commissioner Tagliarini asked what the disadvantages were of including the preservation of the existing density, floor area ratio, impervious surface ratio, and height restrictions in the City's plan. Mr. Healey said the first principle was to do no damage to what was available under the plan. The problem is that the plan did not go far enough to overcome the incongruities with the countywide plan. The idea of the plan was to try looking ahead.

Commissioner Tagliarini asked if they were going to have a developer submit a planned development to build and what the harm would be in preserving the existing rates by having the developer submit their plan requests as they went along. Mr. Healey said they might not have the authority to approve it if it asked for a planned development that exceeded the permitted density of the plan or it did not track with the countywide plan.

Vice Mayor Andrews said they should question why John's Pass Village was not an activity center already to give the City the designation needed to protect the business owners. Mr. Healey said it was in the original comprehensive plan, but it never made it to the next level. It was done in name only.

Commissioner Kerr said the plan should state the floor area ratio is restricted by zoning ordinances. He would vote on the ordinance with a few suggested changes. The suggested changes would meet the three goals of the activity center, to be able to rebuild, to bring consistency between the county and the City, and revitalization.

Vice Mayor Andrews said he was ok with changing the commercial core district from 75/100 UPA to 60/100 UPA. He would leave the others the same because it would give the ability to grow.

Mayor Hendricks opened to public comment.

The public present that spoke:

- Joe Jorgensen, 13019 Boca Ciega Avenue
- Bill Karns, 11055 9<sup>th</sup> Street East, Treasure Island
- David Babb, 7867 Sailboat Key Blvd.
- Jeff Beggins, 429 Boca Ciega Drive
- Barry Rubin, President of the Treasure Island and Madeira Beach Chamber of Commerce, 12601 Gulf Blvd
- Jim Everett, 17404 2<sup>nd</sup> Street East, Redington
- Tom Edwards, Madeira Beach resident, protected address
- Benjamin Mallah, 1700 Gulf Blvd, Belleair Shores
- Brandon Luper, 7262 Sawgrass Point Drive, Pinellas Park
- Jerry Cantrell 13322 First Street East

- Bill Gay, 423 150<sup>th</sup> Avenue

Mayor Hendricks asked that a copy of a petition with twenty-nine John’s Pass Village business owners’ signatures be submitted into the record.

Commissioner Kerr said they would be allowing business owners to rebuild their non-conforming structures and allow for revitalization only through a PD. They would not be handing additional value to any property owner.

Commissioner Hutson asked if a single-family home or duplex in the low intensity or resort district could be rebuilt at the current square footage. Mr. Morris said the plan needed to conform with the countywide plan map, so fixing the issues was important. If it was non-conforming, a variance for setbacks might be needed. It depended on the scenario.

Commissioner Hutson said he would vote for the activity center to include the boardwalk, the commercial area, and the traditional village, but did not think they were ready for it.

Commissioner Kerr motioned to pass on first reading and public hearing, Ordinance 2023-01, John’s Pass Village Activity Center Plan, with the following changes and to include the staff recommended changes:

- The proposed maximum density of temporary lodging in the commercial core area to be 60 with a maximum of 100 with a PD bonus.
- Change the residential proposed maximum density for the transitional area to 18 as recommended by staff and the staff changes that were presented at the end of the presentation regarding that area.
- Change the proposed maximum in the low-intensity mixed-use area, Pelican Lane, to 40/60, with 60 being the bonus.

Staff recommended changes referred by Commissioner Kerr in the motion:

- Clean up the language to say no stand-alone commercial use allowed, and the setbacks would stay similar to what is currently there. Commercial use on the west side of Gulf Blvd will continue to be limited to 20 percent of the floor area.
- Reduce the public parking count for the parking lot near 133<sup>rd</sup> Avenue west beach access to five parking spaces.

Vice Mayor Andrews seconded the motion.

ROLL CALL:

Commissioner Kerr	“YES”
Vice Mayor Andrews	"YES"
Commissioner Hutson	"NO"
Commissioner Tagliarini	"NO"
Mayor Hendricks	"YES"



The motion carried 3-2.

**B. Ordinance 2023-02, Amending FLUM to add John’s Pass Village Activity Center –  
1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-02 by title only:

**ORDINANCE 2023-02**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP DESIGNATION OF THE CITY’S COMPREHENSIVE PLAN FROM COMMERCIAL GENERAL, RECREATION/OPEN SPACE, RESIDENTIAL MEDIUM, RESIDENTIAL/OFFICE/RETAIL, AND RESORT FACILITIES MEDIUM TO ACTIVITY CENTER FOR THE AREA AS SET FORTH IN THE ACCOMPANYING LEGAL DESCRIPTION IN EXHIBIT A ATTACHED HERETO AND HEREBY MADE A PART OF THIS ORDINANCE; PROVIDING FOR FUTURE REVITALIZATION AND DEVELOPMENT WITHIN THE ACTIVITY CENTER CATEGORY TO BE CONSISTENT WITH AND PURSUANT TO THE PROCEDURES, GUIDELINES AND STANDARDS OF THE JOHN’S PASS VILLAGE ACTIVITY CENTER PLAN AS ADOPTED BY ORDINANCE 2023-01, AND AS SUCH PLAN MAY BE IMPLEMENTED AND ADMINISTERED THROUGH THE ADOPTION OF A JOHN’S PASS VILLAGE ACTIVITY CENTER ZONING DISTRICT(S); PROVIDING FOR TRANSMITTAL TO AND CONSIDERATION BY FORWARD PINELLAS AND THE COUNTYWIDE PLANNING AUTHORITY FOR A CORRESPONDING AMENDMENT OF THE COUNTYWIDE FUTURE LAND USE MAP TO THE COUNTYWIDE PLAN CATEGORY OF ACTIVITY CENTER (COMMUNITY CENTER); PROVIDING FOR TRANSMITTAL TO THE FLORIDA STATE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR THEIR REVIEW AND COMMENT; PROVIDING FOR THE FILING OF THIS AMENDMENT TO THE CITY FUTURE LAND USE MAP IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Morris said the proposed ordinance accompanied Ordinance 2023-01 and would update the comprehensive plan map to the proposed Activity Center Future Land Use Category.

Mayor Hendricks opened the floor for discussion. There were no comments from the Board.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to pass Ordinance 2023-02, Amending FLUM to add John’s Pass Village Activity Center, after first reading and public hearing. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	“YES”
Commissioner Kerr	"YES"
Commissioner Tagliarini	“NO”
Commissioner Hutson	"NO"
Mayor Hendricks	"YES"

The motion carried 3-2.

**C. Ordinance 2023-03, Capital Improvement Program (CIP) – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-03 by title only:

**ORDINANCE 2023-03**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO UPDATE THE CAPITAL IMPROVEMENT PROGRAM (CIP) SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2023 THROUGH 2027; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Hendricks opened the floor for discussion. There were no comments from the Board.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to pass Ordinance 2023-03, Capital Improvement Program (CIP), after second reading and public hearing. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES”
Commissioner Kerr	"YES"
Commissioner Tagliarini	"YES"
Commissioner Hutson	“YES”
Mayor Hendricks	"YES"

The motion carried 5-0.

**D. Ordinance 2023-04, Prescribing the Manner of Holding the March 14, 2023 Municipal Election and providing for the Polling Locations – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-04 by title only:

**ORDINANCE 2023-04**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CALLING FOR A MUNICIPAL ELECTION ON MARCH 14, 2023, FOR THE PURPOSE OF ELECTING A MAYOR; PROVIDING FOR TWO CHARTER AMENDMENTS; PROVIDING FOR PUBLICATION; AUTHORIZING ELECTION EXPENDITURES; IDENTIFYING THE PINELLAS COUNTY CANVASSING BOARD AS THE CANVASSING BOARD FOR THE MARCH 14, 2023 MUNICIPAL ELECTION; PROVIDING FOR POLLING PLACES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Hendricks opened the floor for discussion. There were no comments from the Board.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Kerr motioned to pass Ordinance 2023-04, Prescribing the Manner of Holding the March 14, 2023 Municipal Election and providing for the Polling Location, after first reading and public hearing. Commissioner Hutson seconded the motion.

**ROLL CALL:**

Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Vice Mayor Andrews	"YES"
Commissioner Tagliarini	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**E. Ordinance 2023-05, Fees and Collection Procedure Manual – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-05 by title only:

**ORDINANCE 2023-05**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FEES AND COLLECTIONS PROCEDURES MANUAL THAT WAS AMENDED BY ORDINANCE 2022-23, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

Mayor Hendricks said it focused on the fee increases for sanitation and recycling.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to pass Ordinance 2023-05, Fees and Collection Procedure Manual, after second reading and public hearing. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Commissioner Tagliarini	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**F. Ordinance 2023-08, Article V – Re-Adoption of Purchasing Code and Repeal of Ordinance 2021-03 – 1<sup>st</sup> Reading & Public Hearing (City Attorney)**

City Attorney Tom Trask read Ordinance 2023-08 by title only:

**ORDINANCE 2023-08**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CERTAIN SECTIONS OF ARTICLE V – PURCHASE AND CONTRACTS OF CHAPTER 2 – ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE FOR AN INCREASE OF THE \$15,000.00 SEALED BIDS THRESHOLD TO \$30,000.00; TO PROVIDE THAT NOTICE TO BIDDERS SHALL BE PUBLISHED ON THE CITY’S WEBSITE; TO PROVIDE THAT NOTICE FOR ALL BIDS MAY BE GIVEN BY POSTING A REQUEST FOR PROPOSALS ON A WEB-BASED NOTIFICATION AND DELIVERY SYSTEM USED FOR PUBLIC SOLICITATIONS; TO PROVIDE FOR THE DELETION OF PRINTED ADVERTISEMENT, POSTING OR PUBLICATION IN THAT PORTION OF A NEWSPAPER NORMALLY GIVEN TO LEGAL ADVERTISEMENTS AND FOR THE REQUIREMENT THAT ALL BIDS, WHETHER POSTED OR ADVERTISED, BEAR THE TITLE “REQUEST FOR BIDS;” TO PROVIDE FOR DELETION OF THE REQUIREMENTS OF A PENAL BOND, A PERFORMANCE BOND AND THAT ALL BIDDERS SHALL POSSESS A MUNICIPAL OR COUNTY OCCUPATIONAL LICENSE; TO ADDRESS NON-RESPONSIVE BIDS; TO ADDRESS THE AMOUNT OF A BID BOND; TO PROVIDE REVISIONS REGARDING THE ACCEPTANCE OF BIDS; TO PROVIDE REVISIONS REGARDING THE EVALUATION OF BIDDER**

**RESPONSIBILITY; TO PROVIDE THAT CHANGE ORDERS SHALL BE APPROVED BY THE CITY MANAGER; TO PROVIDE FOR AN INCREASE TO THE DOLLAR THRESHOLDS IN THE REGULATIONS GOVERNING THE PURCHASE AND SALES CRITERIA; CREATING SECTION 2-194 TO PROVIDE FOR CONTRACTS AND ENGAGEMENTS FOR PERSONAL AND PROFESSIONAL SERVICES OF ATTORNEYS AT LAW, FINANCIAL CONSULTANTS, EXPERTS AND OTHER PERSONAL AND PROFESSIONALS SERVICES WITHOUT COMPETITIVE BIDDING; REPEALING ORDINANCE 2021-03; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

City Attorney Trask reviewed the item and responded to questions and comments from the Board.

Mayor Hendricks asked if they were going to advertise RFPs through electronic notifications rather than through newspaper ads. The City Attorney said yes.

Vice Mayor Andrews asked the City Attorney if the only mark out was the “\$15,000 sealed bids threshold to \$30,000” approved in 2021. The City Attorney said the change was already made. He wanted to show all of the changes that were made to the Code in 2021.

Commissioner Hutson asked if it was being done so that going forward, it would be ok hiring someone for certain jobs without an RFP. The City Attorney said it was done to correct it so the title had the proper information in it so the public could understand.

Commissioner Kerr asked if the City Manager was working under the \$30,000 constraint. The City Attorney said yes, but the ordinance would repeal it and create it again. Commissioner Kerr asked if they should solicit bids from previous vendors or do anything specific to bring the electronic advertisement to their attention. The City Manager said they were not limiting it in any way, and it would be put on several sites for people to submit a bid. Vendors could go online and sign up, enter their category, and the bid would show up. They would make sure they would send it to prior and existing vendors. The City Attorney said subparagraph C says, “notice may be given by posting a request for proposals on a web-based notification and delivery system used for public solicitations.”

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor motioned to pass Ordinance 2023-08, Article V, re-adoption of the purchasing code and repeal of Ordinance 2021-03. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Tagliarini	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

### **G. ABP 2023-01 Goombahs Cigars**

City Attorney Tom Trask read the City's code stating the procedures for the quasi-judicial hearing and asked the Commissioners if they had any ex parte communication or conflicts of interest to disclose. There were none. The applicant was Goombas Cigar Lounge, LLC, there were no affected parties, and no one filed a notice of intent.

The City Attorney administered the Oath to those present to speak on the item, who was Andrew Morris, Planner and GIS Technician, and Juan Rivera, Jr., the applicant.

#### Applicant Presentation

Mr. Rivera introduced himself and responded to the following five questions on the application:

1. The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.
2. The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.
3. Whether or not the proposed use is compatible with the particular location for which it is proposed.
4. Whether or not the proposed use will adversely affect the public safety.
5. No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.

Commissioner Tagliarini asked if he had any plans to change the closing hours. Mr. Rivera said no, they would have the same hours as the Daiquiri Shack.

Commissioner Kerr asked if there was any requirement for food. Mr. Rivera said they would only have cigars, beer, wine, and coffee. They passed all their inspections.

#### City Staff Presentation

##### **Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-01 is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Goombahs Cigar Lounge. This establishment is located in the C-3, Retail

Commercial Zoning District. The Madeira Beach Future Land Use designation for this property is Planned Redevelopment Mixed Use.

**Discussion:**

When considering the alcoholic beverage application, the Board of Commissioners shall consider the following factors:

**(1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

The sale of beer and wine for consumption on premises is an allowed use in the C-3, Retail Commercial Zoning District. The business is located in a shopping plaza with other businesses that have various types of alcoholic beverage licenses. The Planned Redevelopment Mixed Use Future Land Use designation is given to properties located within the Madeira Beach Town Center Special Area Plan. This property is located in the Commercial Core District of the Madeira Beach Town Center Special Area Plan. Commercial and Commercial/mixed-use are the focus of this district. The proposed alcoholic beverage use is compatible with the zoning designation and future land use designation of the property.

**(2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.**

The beer and wine would be sold alongside cigars at this establishment. Cigars are a specialty product and would continue to be the primary focus of this establishment. Properties located within the Madeira Beach Town Center Special Area Plan have a reduced parking requirement that is 50% less than other areas of Madeira Beach. The traffic generated from this proposed alcoholic beverage request would not create congestion or present a safety hazard.

**(3) Whether or not the proposed use is compatible with the particular location for which it is proposed.**

This establishment is not located within three hundred feet of a church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. The C-3, Retail Commercial Zoning District and Planned Redevelopment Mixed Use Future Land Use designation allow for the sale of alcohol. The proposed alcohol use would be compatible with this location.

**(4) Whether or not the proposed use will adversely affect the public safety.**

The requested license is not anticipated to adversely affect public safety. The subject site is along a commercial corridor that includes uses that are compatible with an establishment that serves alcoholic beverages.

**(5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.**

The applicant has no outstanding fines or penalties owed to the City under any section of the Code.

**Fiscal Impact:** N/A

**Recommendation(s):** Staff recommends the approval of ABP 2023-01.

Public Comment

There were no public comments.

The City Attorney said the public portion of the meeting was closed. It was back to the Commission for a motion.

Vice Mayor Andrews motioned to pass ABP 2023-01, Goombahs Cigars. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Tagliarini	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**H. Revocation of ABP 2021-06 Super Market**

City Attorney Tom Trask said the procedures for the quasi-judicial hearing were the same as the previous hearing and asked the Commissioners if they had any ex parte communication or conflicts of interest to disclose. There were none.

The City Attorney said the standards to be applied were in Section 110-537, Revocation of Alcoholic Beverage Zoning. The burden of proof was the greater weight of the evidence. The license owner was Bright Star 7, Inc., and did not have representation present. Mr. Morris was already sworn in.

City Staff Presentation

**Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages Sec. 110-537. - Revocation of alcoholic beverage zoning, any alcoholic beverage zoning may be revoked by the Board of Commissioners upon finding a violation of the land development regulations, loss of state license, or the failure to conduct the sale of alcoholic beverages for any six-month period as demonstrated by not having a valid city occupational license for such use during this six-month period. This establishment is located in the C-3, Retail Commercial Zoning District. Since there was a loss of the state license, revocation of the Beer and Wine Package Sales (2APS) Alcoholic Beverage License at Super Market, 14201 Gulf Boulevard, Madeira Beach, Florida 33708, is appropriate.



**Discussion:**

The State License for Super Market expired September 30, 2021. From when the State License expired until late 2022, the applicant was not able to operate their business because of renovations to the structure. The renovations were completed approximately one year after the State License expired. Attached to the memo is a screenshot of when the building permit was approved and when the inspection was completed. Since the state license expired more than one year ago, Sec. 110-537. - Revocation of alcoholic beverage zoning requires the revocation of the alcoholic beverage zoning for ABP 2021-06.

**Fiscal Impact:** N/A

**Recommendation(s):** Staff recommends revocation of ABP 2021-06.

Public Comment

There were no public comments.

Vice Mayor Andrews motioned to revoke ABP 2021-06, Super Market. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Tagliarini	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**I. ABP 2023-02 Island Supermarket**

City Attorney Tom Trask said the procedures for the quasi-judicial hearing were the same and asked the Commissioners if they had any ex parte communication or conflicts of interest to disclose. There were none.

The City Attorney said the standards to be applied were in Section 110-532. The burden of proof was the greater weight of the evidence. The applicant was All-Star 3, LLC, and did not have representation present. Mr. Morris was already sworn in, and there were no affected parties.

City Staff Presentation

Mr. Morris said they received one public comment and distributed a copy to the Board.

**Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-02 is requesting authorization from the Board of Commissioners for the approval of a Beer and Wine Package Sales (2APS) Alcoholic Beverage License with stated intent to sell beer and wine at Island Supermarket for consumption off premises. The address of this establishment is 14201 Gulf Boulevard, Madeira Beach, Florida 33708. This establishment is located in the C-3, Retail Commercial Zoning District. This location was previously approved for a Beer and Wine Package Sales (2APS) Alcoholic Beverage License but during renovations of the structure, the state license expired. Since the state license expired and more than six months have passed where no alcohol was sold, the applicant is required to reapply for an alcoholic beverage license at this location.

**Discussion:**

When considering the alcoholic beverage application, the Board of Commissioners shall consider the following factors:

**(1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

Island Supermarket is located in the C-3, Retail Commercial Zoning District. The C-3, Retail Commercial Zoning District provides service to both permanent and transient residents where a full range of urban services and a high degree of accessibility is required. Beer and wine package sales at a retail establishment is an allowed use in this zoning district. Gulf Boulevard is a major commercial corridor through Madeira Beach with a variety of business establishments along the corridor including various businesses that sell beer and wine. Many lodging facilities and vacation rentals are located nearby along Gulf Boulevard.

**(2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.**

The structure was previously used for more intense commercial uses than what is currently being proposed. This establishment is also accessible by sidewalk and bike lane. A convenience store at this location would not create congestion or present a safety hazard.

**(3) Whether or not the proposed use is compatible with the particular location for which it is proposed.**

The C-3, Retail Commercial Zoning District allows retail establishments including convenience stores that sell beer and wine. Beer and Wine Package Sales (2APS) is a compatible use for this location. This establishment is not located within three hundred feet of a church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center.

**(4) Whether or not the proposed use will adversely affect the public safety.**

A convenience store is an allowed use in the C-3, Retail Commercial Zoning District. The beer and wine sold at this establishment would not be allowed to be consumed on property and would need to be consumed off premises. The proposed use would not adversely affect the public safety.

**(5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.**

The applicant has no outstanding fines or penalties owed to the City under any section of the Code.

**Fiscal Impact:** N/A

**Recommendation(s):** Staff recommends approval of ABP 2023-02 with the following condition:

- 1. Completed installation of the bike racks required for the parking credits

Public Comment

There were no public comments.

The City Attorney said the public portion of the meeting was closed. It was back to the Commission for a motion.

Commissioner Hutson asked if there was an entrance from the parking lot. Mr. Morris said the entrance was in the front of the building. With the bike rack credit, they would have enough parking.

Vice Mayor Andrews asked if they would typically include bike racks if they needed to meet the parking credit. Mr. Morris said yes it was in the Parking Code.

Commissioner Tagliarini motioned to pass ABP 2023-02, Island Supermarket with the condition of completed installation of bike racks. Commissioner Hutson seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Vice Mayor Andrews	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**J. ABP 2023-03 The Dock**

City Attorney Tom Trask said the procedures for the quasi-judicial hearing were the same and asked the Commissioners if they had any ex parte communication or conflicts of interest to disclose. There were none.

The City Attorney said the standards to be applied were in Section 110-534. The burden of proof was the greater weight of the evidence. The applicant was Boardwalk Place Operator, LLC. Mr. Morris was already sworn in and there were no affected parties.

The City Attorney administered the Oath to those to speak on the item, who was Mr. Bill Karns, representing the applicant.

### Applicant Presentation

Bill Karns, 11055 9<sup>th</sup> St. East, Treasure Island, said they recently purchased Don's Dock, and the license allowed for package liquor only. They would like to be able to serve alcoholic beverages on the back dock.

Commissioner Kerr asked if he was talking about having beer on the dock. Mr. Karns said yes, the dock was along the back of the building. They did not want people going out onto the docks where the boats were going to be fueled or moored. They wanted to have four or five tables outside where they could serve drinks.

Commissioner Hutson asked if there were bathrooms. Mr. Karns said yes.

### City Staff Presentation

#### **Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-03, is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on and off premises at The Dock. This establishment is located in the C-2, John's Pass Marine Commercial Zoning District. This application is being made pursuant to Sec. 110-534 of the City of Madeira Beach Code of Ordinances, as a result of the applicant's request to change the existing (2APS) Alcoholic Beverage License to a (2COP) Alcoholic Beverage License.

#### **Discussion:**

When considering the alcoholic beverage application, the Board of Commissioners shall consider the following factors:

#### **(1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

Currently this property has an active (2APS) Alcoholic Beverage License for package sales of beer and wine for off premises consumption. The applicants propose to change to a (2COP) Alcoholic Beverage License that would allow for the sale of beer and wine in sealed containers for off premises consumption to continue, while allowing consumption of beer and wine on premises. The Dock is located in the C-2, John's Pass Marine Commercial Zoning District. This zoning district's purpose is to recognize the unique commercial, marine, tourist and historic value of this area. The proposed change in Alcoholic Beverage License would be compatible with this Zoning District and does not adversely affect the character of the existing neighborhood.

**(2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.**

The applicant proposes to discontinue the sale of seafood and renovate the structure to allow for the sale of beer and wine on premises. The applicant owns the land across the street from the property with additional parking. The establishment is also accessible by boat. Sale of beer and wine in sealed containers, ice, and soft drinks would continue. The Madeira Beach Code of Ordinances, *Sec. 110-954. - Special parking areas*, reduces parking requirements by 50% for properties within the C-2 Zoning District. The proposed change in alcohol beverage license use will not create congestion or present a safety hazard.

**(3) Whether or not the proposed use is compatible with the particular location for which it is proposed.**

This establishment is not located within three hundred feet of a church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. The Dock is located in the C-2, John's Pass Marine Commercial Zoning District, which is a commercial focused district. Other nearby businesses sell alcohol within this Zoning District. The proposed change in alcohol use would be compatible with the location.

**(4) Whether or not the proposed use will adversely affect the public safety.**

This establishment currently has an active (2APS) Alcoholic Beverage License. The proposed change to a (2COP) Alcoholic Beverage License would continue to limit the sale of alcohol to just beer and wine. The only change would be allowing the consumption of beer and wine on premises. The proposed change in use would not adversely affect the public safety.

**(5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.**

The applicant has no outstanding fines, or penalties owed to the City under any section of the Code.

**Fiscal Impact:** N/A

**Recommendation(s):** Staff recommends approval of ABP 2023-03 with the following conditions:

1. The proposed renovations to the existing structure need to be completed.
2. Beer and wine sold for consumption off-site would need to be in sealed containers.
3. Beer and wine sold by the drink would need to be consumed onsite only.
4. The sale of beer and wine needs to end by 12:00 AM.

Mayor Hendricks said he wanted to make sure there were enough trash containers there, so trash did not get in the water.

The City Attorney opened to public comments. The City Attorney administered the Oath to Tom Edwards, Madeira Beach resident.

Tom Edwards, a Madeira Beach resident protected address, asked if there was adequate parking and if people would know where to park. He asked if the alcohol would be consumed on the premises only.

Bill Karns said the dock is over the submerged land lease, and there were 14 free parking spaces upland on their property that would be marked.

The City Attorney said the public portion of the meeting was closed. It was back to the Commission for a motion.

Commissioner Hutson motioned to pass ABP 2023-03, The Dock, with the following recommended conditions:

1. The proposed renovations to the existing structure need to be completed.
2. Beer and wine sold for consumption off-site would need to be in sealed containers.
3. Beer and wine sold by the drink would need to be consumed onsite only.
4. The sale of beer and wine needs to end by 12:00 AM.

Vice Mayor Andrews seconded the motion.

**ROLL CALL:**

Commissioner Hutson	"YES"
Vice Mayor Andrews	"YES"
Commissioner Tagliarini	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**10. UNFINISHED BUSINESS**

**11. CONTRACTS/AGREEMENTS**

**A. Ratify an After-the-fact Healey Consultant Services, LLC., Agreement dated July 26, 2021, including past and thru 12-30-2022 Payments (to consultant), and Waive Purchasing Procedure in City Code Section 2-193(4)**

City Attorney Trask gave the background on the item and responded to questions and comments from the Board.

Commissioner Kerr asked if it was an opportunity to avoid litigation. The City Attorney said he did not think it would ever get to that point, but it would solve the issue.

Commissioner Tagliarini said the work was done regardless of any mistakes, and they needed to take care of it.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Tagliarini motioned to approve an after-the-fact Healey Consultant Services, LLC agreement dated July 26, 2021, including past and thru 12-30-2022 payments, and waive purchasing procedure in City Code Section 2-193(4). Vice Mayor Andrews seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	"YES"
Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**12. NEW BUSINESS**

**13. STAFF REPORTS**

Commissioner Tagliarini said every year, Pinellas County Schools and the Education Foundation sponsor the "Teacher of the Year" competition. Every elementary, middle, and high school selects its teacher. Out of nearly 7,000 teachers, his husband was one of the top ten. The final decision will be made on February 8, 2023, which is when the next BOC regular meeting will be held. He requested the meeting be held earlier in the day.

The consensus of the Board was to change the February 8, 2023, regular meeting from 6:00 p.m. to 2:00 p.m.

**14. AGENDA SETTING**

**A. January 25, 2023, BOC Regular Workshop Meeting**

- 1. Comprehensive Plan Update (Jerry Murphy)**
- 2. Residential Amenities Rentals Prohibition**
- 3. Update on Ordinance 2020-05, Slow Speed-Minimum Wake Zone**
- 4. Update on John's Pass Dredging**
- 5. Frequency of City Public Firework(s) Shows**
- 6. Proposed ordinance requiring the return of trash containers**
- 7. Engineering RFQ Review**
- 8. Approve Shumaker Advisors Florida Services Agreement**
- 9. Extension of Engineering Services Contract**

Items added to the workshop agenda:

### Mayor Hendricks

1. Derelict docks - The City Attorney said there was a provision in the Code. The City Manager said Code Enforcement was following up on it, and additional support from the Sheriff's Marine Unit was received.
2. Amending deed restrictions on the Marina - The City Attorney said he could look into it, but he thought it was a requirement of the sale. If it were a requirement, they would have to go back to the seller for approval to make changes. If the requirements were state created, it would be a lengthy process.

### Vice Mayor Andrews

1. Pursue recovering attorney's fees that were spent defending themselves against the Sunshine violation – The City Attorney said they were not recoverable.

### Commissioner Hutson

1. Discuss how to prevent visitors from entering private property at the beach access near Gulf Lane – The City Manager said they would need to add signage and improve enforcement. Beach signs were updated.

### Commissioner Kerr

1. Discuss the advantages of working towards getting the best CSR rate. He wanted to make sure they were doing the right thing and working with the 50% rule in zoning for insurance and federal mortgages.

## **15. REPORTS/CORRESPONDENCE**

### **A. Board of Commissioners**

Mayor Hendricks wanted to make it clear he did not direct Mr. Daniels to hire Mr. Healey.

### **B. City Attorney**

The City Attorney had no report.

### **C. City Manager**

- The City Manager's Report will be updated at the January 25, 2023, workshop.
- Recycling began January 4<sup>th</sup>, and an update on resident participation will be at the February regular meeting.
- The display in the Chamber was a project from an honors class at USF, St. Pete, last year and was displayed at Heritage Village for six months.
- The lobby in City Hall was revised to include a store, and he encouraged everyone to stop by.
- He encouraged everyone to attend the Seafood Festival Friday, Saturday, and Sunday in John's Pass Village.

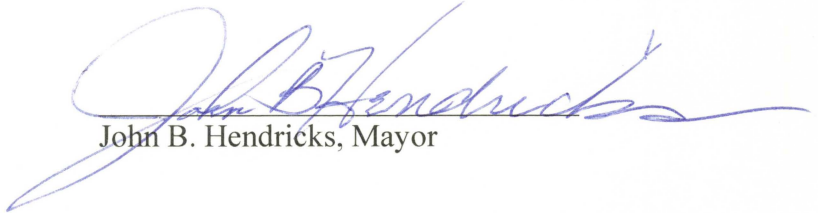


**D. City Clerk**

The City Clerk had no report.


**16. ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 10:50 p.m.



John B. Hendricks, Mayor

ATTEST:



Clara VanBlargan, MMC, MSM, City Clerk

