



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING DECEMBER 14, 2022 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on December 14, 2022, 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  
Ray Kerr, Commissioner District 2  
Dave Hutson, Commissioner District 4

**MEMBERS ABSENT:** David Tagliarini, Commissioner District 1

**CITY STAFF PRESENT:** Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Thomas Trask, City Attorney

#### 1. CALL TO ORDER

Mayor Hendricks called the meeting to order at 6:10 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 Hutson motioned to move Items 8C, Ordinance 2023-01, John's Pass Village Activity Center Plan, and 8D, Ordinance 2023-02, Amending FLUM to add John's Pass Village Activity Center, to the February 8, 2023, BOC Regular Meeting. Commissioner Kerr seconded the motion.

Vice Mayor Andrews asked if they were waiting for new information before voting. He thought they had enough information. Mr. Healey and staff had done an excellent job presenting it to them. Commissioner Hutson said he would like to have another public meeting to discuss concerns they heard and let the public know the City needed to do it to fit within the county plan. Vice Mayor

Andrews said he was concerned if they kept pushing it back and it got to March, there could be a new board seated, and they would have to go through it all again. That would be passing off responsibility.

Commissioner Kerr said he was not ready to vote because he did not have the time to digest the new information they received. He might want to propose a modification. He would vote against it if it remained on the agenda.

Mayor Hendricks said he was prepared to vote and was fine with it on the agenda.

Commissioner Hutson amended the motion to move Items 8C, Ordinance 2023-01, John's Pass Village Activity Center Plan, and 8D, Ordinance 2023-02, Amending FLUM to add John's Pass Village Activity Center, from February 8, 2023, to January 11, 2023. Commissioner Kerr seconded the motion.

**ROLL CALL:**

Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Vice Mayor Andrews	"YES"
Mayor Hendricks	"NO"

The motion carried 3-1.

Vice Mayor Andrews motioned to approve the agenda with the change of removing Items 8C, Ordinance 2023-01, John's Pass Village Activity Center Plan, and 8D, Ordinance 2023-02, Amending FLUM to add John's Pass Village Activity Center, and adding them to the January 11, 2023, Regular meeting. Commissioner Kerr seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

## **5. PROCLAMATIONS/PRESENTATIONS**

### **5.1 PROCLAMATIONS – MAYOR/CITY CLERK**

There were no proclamations.

### **5.2 PRESENTATIONS (limited to 10 minutes each)**

There were no presentations.

## 6. PUBLIC COMMENT

There were no public comments.

## 7. CONSENT AGENDA

### A. Approval of Minutes:

- **2022-10-26, BOC Workshop Meeting Minutes**
- **2022-11-09, BOC Regular Meeting Minutes**
- **2022-11-16, BOC Workshop Meeting Minutes**

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

### ROLL CALL:

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

The motion carried 4-0.

## 8. PUBLIC HEARINGS

- A. Ordinance 2022-32, Proposed Amendment to City Charter, Section 2.2, Board of Commissioners Created; Qualification; Term of Office; and Vacancies, Subparagraph (B), Qualifications and Terms of Office, to provide that Commission Members shall have been Qualified Electors and Resident of the City of Madeira Beach for One (1) Year immediately prior to their Qualifying for Election – 2<sup>nd</sup> Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2022-32 by title only:

### **ORDINANCE 2022-32**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF MADEIRA BEACH A PROPOSED AMENDMENT TO CITY CHARTER SECTION 2.2, BOARD OF COMMISSIONERS CREATED; QUALIFICATIONS; TERM OF OFFICE; AND VACANCIES, SUBPARAGRAPH (B), QUALIFICATIONS AND TERM OF OFFICE, TO PROVIDE THAT COMMISSION MEMBERS SHALL HAVE BEEN QUALIFIED**

**ELECTORS AND RESIDENT OF THE CITY OF MADEIRA BEACH FOR ONE (1) YEAR IMMEDIATELY PRIOR TO THEIR QUALIFYING FOR ELECTION; AND BY PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Hendricks opened the floor for discussion.

Mayor Hendricks said he had no problems with it.

Commissioner Hutson said it was voted on by the citizens to change the Charter, and it was approved. There was another place in the Charter that mentioned it, so they needed to do it. They would not be changing anything. City Attorney Trask said it was to make things consistent.

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

Vice Mayor Andrews motioned to pass Ordinance 2022-32, Proposed Amendment to City Charter, Section 2.2, after second reading and public hearing. Commissioner Hutson seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**B. Ordinance 2022-33, Proposed Amendment to City Charter Section 5.5, City Treasurer to provide that the Board of Commissioners may delegate to a contractor or firm to perform the services of the Director of Finance and City Treasurer – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2022-23 by title only:

**ORDINANCE 2022-33**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF MADEIRA BEACH A PROPOSED AMENDMENT TO CITY CHARTER SECTION 5.5, CITY TREASURER, TO PROVIDE THAT THE BOARD OF COMMISSIONERS MAY DELEGATE TO A CONTRACTOR OR FIRM TO PERFORM THE SERVICES OF THE DIRECTOR OF FINANCE AND CITY TREASURER; AND BY PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Hendricks opened the floor for discussion.

Commissioner Hutson said they were changing the Charter to say they would be allowed to use a contractor for finance, which is what they have been doing. They were doing it to save money, and it was legal.

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

Vice Mayor Andrews motioned to pass Ordinance 2022-33, Proposed Amendment to City Charter Section 5.5, after second reading and public hearing. Commissioner Hutson seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

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

The Item was moved to the January 11, 2023, BOC Regular meeting.

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

The Item was moved to the January 11, 2023, BOC Regular meeting.

**E. Ordinance 2023-03, Capital Improvement Program (CIP) – 1<sup>st</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.

Andrew Morris, Community Development staff, said each fiscal year, the City is required by Florida Statutes and the City's comprehensive plan to amend the 5-year Capital Improvements Plan (CIP) and update the Capital Improvements Element of the Comprehensive Plan. The Planning Commission recommended the Ordinance to the Board for first reading. Forward Pinellas reviewed the Ordinance and said it was not impacted by the countywide rules.

Mr. Morris stated the fiscal impacts:

- \$11,70,000 for FY 2023
- \$12,923,000 for FY 2024
- \$5,150,000 for FY 2025
- \$225,000 for FY 2026
- \$225,000 for FY 2027

Staff recommends the Board approve Ordinance 2023-03 to go to a second reading.

The City Manager said it was approved for the budget for the current fiscal year. Mayor Hendricks said it could always be amended.

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 first reading and public hearing. Commissioner Hutson seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**F. Ordinance 2023-05, Fees and Collection Procedure Manual -1<sup>st</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.**

City Attorney Trask made one change to the ordinance. There was a typographical error in the “PASSED AND ADOPTED” section. It should read “PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS \_ DAY OF \_\_\_, 2023” instead of “PASSED AND ADOPTED, following a first reading and public hearing, this \_ day of \_\_\_, 2023 by the Board of Commissioners of the City of Madeira Beach, Florida.” He wanted to remove the reference that it would be approved following the first reading; it would require two public hearings.

Mayor Hendricks asked if it was for the \$5 increase in the recycling fees. The City Manager said it was. The new vendor, Waste Pro, would be providing 64-gallon containers as opposed to 18-gallon containers. Mayor Hendricks asked when the containers would go out. Director Wepfer said the transition period would start the week of December 19<sup>th</sup>, and Waste Connections would pick up the 18-gallon containers on their last service date on December 28<sup>th</sup>.

Commissioner Kerr asked if people should leave their containers in the driveway if they were on vacation for Christmas. Director Wepfer said they could, but they would be collecting them for a few weeks.

Mayor Hendricks asked if they were going to be collecting the same day as they emptied the recycling. Director Wepfer said yes. Waste Connections and Waste Pro would be working together on the transition.

Vice Mayor Andrews asked how the information would be put out to the public. Director Wepfer said they sent out flyers to commercial and residential accounts.

Financial Consultant Andrew Laflin said it included a \$5 increase from \$31.27 to \$36.27 and an additional \$14 per month for an additional cart.

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 first reading and public hearing. Commissioner Hutson seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**G. ABP 2022-03 Frabotta’s Beach Kitchen Saltwater Hippie Bar**

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 City Attorney read the list of affected parties and administered the Oath to those present to speak on the item.

#### Applicant presentation

Bill Karns, 11055 9<sup>th</sup> Street East, Treasure Island, said he owns the buildings on the triangle and had a tenant move out. After hurricane Ian, they held a special event there to raise money, food, and supplies for the victims. Their intent would be to hold special events in the vacant building once or twice a month with bands and alcoholic beverages. They currently have Frobattas Beach Kitchen and Saltwater Hippie Bar, so it would be an extension of the premise.

Commissioner Hutson asked for an update on the block being torn down. Mr. Karns said they were in the final stages of their plans. It would be exactly what was approved in 2017. They had site plan approval with 29,000 square feet of retail and two floors of parking. They committed to Marriott to bring a Marriott Autograph Collection, which would be a condo-hotel run as a Marriott. Scraping of the ground would be sometime in September 2023, so the application would be for a short period.

Commissioner Hutson asked if they were going to knock a door between the two buildings. Mr. Karns said no, and it would only be open for one or two events per month. Commissioner Hutson asked if it would be an open front. Mr. Karns said no.

Mayor Hendricks asked if they could move the bands inside. Mr. Karns said the facility would not allow for it. There is a temporary bar and no seating.

#### Response questions and concerns

Wayne McKenney, 15000 Gulf Boulevard, said he lives directly across the street from the outside band, and the buildings do not stop any noise. He asked Mr. Karns why he could not apply to go indoors at the vacant building. Mr. Karns said it would not be feasible to bring the bands inside because the facility is not set up for it.

Fred Eastwood, 15000 Gulf Boulevard, asked Mr. Karns if the application was only for eight months. Mr. Karns said it would be temporary but could be delayed a month. Mr. Eastwood asked if there were plans for live entertainment in the new complex. Mr. Karns said there would be locations in the 28,000 square feet for bars and a restaurant. Mr. Eastwood asked if it would be outdoors. Mr. Karns said it would be indoors. There would not be a rooftop, but the hotel would own the fourth floor, which has a pool deck with an indoor-outdoor restaurant. Mr. Eastwood asked Mr. Karns if he knew if the City had the ability to offer a limited-time approval through September, and Mr. Karns said he did not know.

#### City staff presentation

### **Background**



Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2022-03, is requesting authorization from the Board of Commissioners for the approval of a Special Food Service Establishment (4COP) alcoholic beverage license with stated intent to sell beer, wine, and liquor for consumption on premise at Frabotta's Beach Kitchen & Saltwater Hippie Beach Bar, 15031 Gulf Boulevard, 15042 Madeira Way, 15040 Madeira Way, Madeira Beach, Florida 33708. 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 enlarge the area where alcoholic beverages are sold.

Section 110-534 of the Madeira Beach Code of Ordinances requires approval of the Board of Commissioners to enlarge the area for the sale of alcoholic beverages, including consideration of all requirements under Section 110-532.

Pursuant to Section 110-539, the Notice of Public Hearing has been properly sent to all property owners within 300 feet of the subject property 15 days prior to the scheduled consideration by the Board of Commission. Such notice has also been posted on the subject property.

#### Discussion

Sec. 110-532, requires when considering the alcoholic beverage application, the Board of Commissioners shall consider the following factors. Staff analysis follows each factor:

**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.**

*Section 110-534* of the Madeira Beach Code of Ordinances requires properties that propose to enlarge the area for the sale of alcoholic beverages to file a new petition for alcoholic beverage zoning with the Board of Commissioners. Frabotta's Beach Kitchen & Saltwater Hippie Beach Bar are located in the Madeira Beach Town Center Special Area Plan Commercial Core District, which is an area focused on commercial and commercial/mixed use. It is one of the main commercial areas of Madeira Beach. The properties are zoned PD, Planned Development. The applicant currently has a Special Food Service Establishment (4COP) Alcoholic Beverage License that was approved in 2019. The applicant proposes to expand their alcohol use to an adjacent commercial structure where entertainment like concerts would be held inside the structure. Within the structure are five high top tables, a stage, and a small bar to prepare beverages. The type of alcohol license would stay the same and still would need to meet the restaurant requirements located in *Sec. 110-527* of the Madeira Beach Code of Ordinances. The proposed expansion would be compatible with neighborhood since it is a commercial focused area.

**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 proposed Frabotta's Beach Kitchen & Saltwater Hippie Beach Bar expansion would be within an existing commercial structure that is adjacent to existing alcoholic beverage zoning. Frabotta's Beach Kitchen & Saltwater Hippie Beach Bar are located in the Madeira Beach Town Center

Special Area Plan and Madeira Way Town Center Parking Area. This is a special parking area that only requires 50% of the usually required parking. There is adequate parking for this type of use.

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

These establishments are in the Madeira Beach Town Center Special Area Plan Commercial Core District, which is one of the main commercial areas in Madeira Beach. The properties are zoned PD, Planned Development. These establishments are 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 proposed use would be compatible with the location.

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

Frabotta's Beach Kitchen & Saltwater Hippie Beach Bar currently have a Special Food Service Establishment (4COP) Alcoholic Beverage License that was approved in 2019. The type of alcoholic beverage license use would not be changing. The square footage where alcohol would be sold would expand. The applicant is required to stay in compliance with the restaurant requirements located in Sec. 110-527 of the Madeira Beach Code of Ordinances. The proposed expansion 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 with the following conditions:

1. Records that show that the applicant has been compliant with the restaurant requirements in Sec. 110-538. - Record keeping and reporting requirements, and *Sec. 110-527. – Classifications* in the Madeira Beach Code of Ordinances.
2. Activity related to alcohol use at 15040 Madeira Way must be contained within the structure and cannot be done outside.
3. Live entertainment at 15040 Madeira Way must be contained within structure and cannot violate *Sec. 34-87. – Enumeration* in the Madeira Beach Code of Ordinances.

**Response questions and concerns**

Fred Eastwood, 15000 Gulf Boulevard, asked Mr. Morris how the character of the existing neighborhood was defined. It sounded like the residences within 300 feet were not acknowledged. Mr. Morris said their recommendation stated the use would be indoors, which was in consideration of the nearby residences. Mr. Eastwood asked how many residents were notified of the public notice, and Mr. Morris said he did not have the exact number, but he included all residences three hundred feet from each of the three parcels. Mr. Eastwood asked if there was a reference to an outdoor stage in the original application for the Saltwater Hippie Beach Bar. Mr. Morris said he was not working for the City at that time and could not find it in the minutes.

#### Affected party presentations

Danette [last name?] read an email she wrote in February 2022 addressed to the City Manager, Mayor Hendricks, and Commissioner Hutson. It was a formal complaint regarding the music that came from Saltwater Hippie Beach Bar.

Wayne McKenney, 15000 Gulf Boulevard, read an objection letter from the Ocean Sands Board of Directors to Mr. Morris and asked that it be placed on record. He read a second letter from an owner at Ocean Sands who could not be in attendance. He said they were not getting noise from the Cambria but from the outside stage at the Saltwater Hippie Beach Bar. The outside stage was erected without permission.

Jeff Rouse, 15000 Gulf Boulevard, said he was the past president of the Board at Ocean Sands. He asked if the Board received copies of the correspondence and the City Attorney said he placed it on the dais for each Board member. Mr. Rouse said the number one complaint of residents of Ocean Sands during his term was the constant noise from various venues. They were starting to see an economic fallout from real estate agents telling prospective buyers about the temporary noise. A solution would be to have the bands play inside the vacant facility and put a door between the two buildings. A group of owners from Madeira Beach Yacht Club, Ocean Sands, and Sereno feel that litigation could be the only way to get compensation for the loss of use of their properties.

Fred Eastwood, 15000 Gulf Boulevard, said he provided a packet of evidence for the Board. He read a statement for public record and submitted it into evidence with the City Clerk.

#### Public comments

There were no public comments.

#### Rebuttal testimony by the applicant

Mr. Karns said the kitchen at Frobotta's Beach Kitchen stayed open past the dining room hours of 9:30 p.m. on weekdays and 10:00 p.m. on weekends. They would continue to serve food long as the bar was open. He would be happy to present the Board with the food versus alcohol sales volumes. They had one noise complaint in the six years it has been open. The stage in the courtyard was permitted but not with the original application because they only served beer and wine and did not have music. They would address the music on the weekends, but the hearing was about extending the alcohol permit to the former Sinbad's location, not the courtyard.

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

Commissioner Hutson was concerned about the lighting on Madeira Way and people not using the crosswalk. People were popping out from between cars which made it scary driving through the area.

Vice Mayor Andrews said they were the legislative body, and they should make their decision based on the Charter and the Code. The Administration should handle the noise complaints and enforcement of the Codes. It was not just about Saltwater Hippie Beach Bar. Whatever the vote would be should be based on the new venue that would host special events one to two times per month. He appreciated all the concerns but thought they should all be neighborly and have a discussion to figure things out, so it did not come to the Board.

Commissioner Kerr said the noise of the outdoor venue was an issue, but he agreed with Vice Mayor Andrews that was not being asked. What was being asked would not increase noise issues. They needed to vote based on what was requested.

Commissioner Kerr motioned to pass ABP 2022-03, Frabotta's Beach Kitchen Saltwater Hippie Bar, with staff recommendations. Vice Mayor Andrews seconded the motion.

**ROLL CALL:**

Commissioner Kerr	"YES"
Vice Mayor Andrews	"YES"
Commissioner Hutson	"NO"
Mayor Hendricks	"YES"

The motion carried 3-1.

**9. UNFINISHED BUSINESS**

**10. CONTRACTS/AGREEMENTS**

**A. Approve Outside Counsel – Recreation Center and Fire Station Construction Issues**

City Attorney Trask reviewed the item and said the City hired Michael Biller of Biller Reinhard Engineering Group to evaluate the settlement issues to the Recreation Center and Fire Station. The City retained BTL Engineering Services to complete a subsurface investigation to determine why it was happening. He and the City Manager were talking with Carlton Fields Law Firm and believed it would be appropriate to hire them to handle the issue. They were asking the following three things of the Board:

- To approve retaining the representation of Carlton Fields for the settlement issue.

- Authorize the City Manager to sign the fee representation agreement with Carlton Fields.
- Begin the statutory 558 notice process. If that did not result in a resolution with the contractor or the architect, then Carlton Fields would have the authority to file suit against the responsible entity.

Mayor Hendricks said there was too much damage and was ok moving forward with it. Vice Mayor Andrews agreed. Commissioner Kerr said he would support it.

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

Commissioner Hutson motioned to approve outside counsel, Carlton Fields Law Firm, for the Recreation Center and Fire Station construction issues, to authorize the City Manager to sign the agreement, to begin the 558 notice process, and to file a lawsuit if a conclusion is not reached. Vice Mayor Andrews seconded the motion.

#### ROLL CALL:

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

The motion carried 4-0.

#### **B. King of the Beach Fishing Tournament Contract with the Old Salt Fishing Foundation**

The City Manager said, as discussed at the 4:00 p.m. workshop, they would proceed with either a 5-year or a 10-year agreement. Old Salt Fishing Foundation would hold the events and reimburse the City for Fire EMS and sanitation. He asked the Board for direction on a 5-year or 10-year agreement.

Mayor Hendricks said he would like a long-term contract. It brings a lot of business and goodwill to the City.

The City Manager said they would bring back an agreement to the January 11, 2023, BOC Regular Meeting for a vote.

Commissioner Kerr said he would like to see a 10-year agreement. Vice Mayor Andrews agreed and said he would like to see them locked in for a while.

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

The consensus of the Board was to bring back a 10-year contract with Old Salt Fishing Foundation to the January 11<sup>th</sup> regular meeting for a vote.

### **C. Refuse Truck Modifications and Container Purchase**

The City Manager reviewed the item and asked for approval to purchase the lifts for the back of the sanitation trucks and the 64-gallon trash containers. Director Wepfer said it was for final approval.

The City Manager said the cost for 2,000 64-gallon containers was \$115,871.86 and \$35,350 for three sets of cart tippers, including parts and labor. Director Wepfer said they would begin to get them out in March.

Vice Mayor Andrews said he looked at Commissioner Tagliarini's resident survey, and it was basically tied. The reason for people wanting the 64-gallon containers was convenience, and the 96-gallon containers seemed more for necessity. If they do not buy the 96-gallon containers, then maybe they should not buy the 64-gallon ones. They would have the same amount of people on the truck. If they would do the 64-gallon containers instead of the 96-gallon containers, would it be fair to charge people for another 64-gallon container. It would only be another \$8,000 for the bigger ones. If a second one is needed, then they could justify charging a monthly fee. There has not been overwhelming support for either container. He thought they would need more 64-gallon containers, and it would end up costing more money. Mayor Hendricks said if they get additional containers, they will also get the revenue for it.

The City Manager said the recycling containers were increasing in size, and the theory was less trash would be thrown into the containers and more into the recycling containers.

Commissioner Kerr said he got a lot of pushbacks from people not wanting the big container, and the 64-gallon was manageable. An additional \$14 for a second container that the City would maintain is a good number. It would be a more uniform look throughout the City. He thought the 64-gallon was a good size.

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

Commissioner Kerr motioned to approve the purchase of 2,000 64-gallon containers and three sets of cart tippers. Commissioner Hutson seconded the motion.

#### **ROLL CALL:**

Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Vice Mayor Andrews	"NO"
Mayor Hendricks	"YES"

The motion carried 3-1.

### **D. Second Amendment Extension for Electrical Services**

The City Manager said the item was discussed at the workshop meeting at 4:00 p.m.

Vice Mayor Andrews said he dealt with USA Voltage, LLC, and never had a problem with them.

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

Vice Mayor Andrews motioned to approve the second amendment extension for electrical services. Commissioner Kerr seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**E. Area 5 Roadway and Drainage Project Scope Approval**

The City Manager said the item was discussed at the workshop meeting at 4:00 p.m.

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

Vice Mayor Andrews motioned to approve the Area 5 Roadway and Drainage Project Scope. Commissioner Hutson seconded the motion.

The City Attorney said they needed to make sure Area 5 and Area 6A Roadway and Drainage Scopes fall under task orders for the continuing contract they have with the contractor. If the continuing contract was not in existence, they would need to make sure they had an amendment to extend it. The City Clerk had made him aware the continuing contract had expired in January 2022. If the project scopes were approved, he suggested they confirm the continuing contract was still in existence so the task order could be done without going out for an RFQ or RFP.

Mayor Hendricks said if that was the case, they had already discussed having it go out for an RFP. He asked if they should push it to January or February to see what they would be doing about an engineering firm. The City Manager said they would not have the RFP back by January.

The City Attorney asked to be provided with the original contract issued through the RFQ process. The City Clerk said she thought there were two one-year renewal options.

Mayor Hendricks said he would like to see it go out to RFP because he questioned the billing from the current engineering firm. There were excessive charges on the Crystal Island project.

The City Attorney said it would be either a motion to table or a motion to postpone.

Vice Mayor Andrews motioned to postpone Area 5 Roadway and Drainage Project Scope Approval. Commissioner Kerr seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

**F. Area 6A Roadway and Drainage Project Scope Approval**

Commissioner Kerr asked if they could add conduit to either Area 5 or Area 6A Roadway and Drainage Scopes. Director Wepfer said that was a different consultant, but they would work collectively. They have a meeting set up with Duke Energy to talk about it.

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

Vice Mayor Andrews motioned to postpone Area 6A Roadway and Drainage Project Scope. Commissioner Kerr seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

**G. Rebuild Archibald Park Restroom Building Scope Approval**

The City Manager asked the Board to table the item because they needed to comply with Florida Statutes regarding the Consultant's Competitive Negotiations Act.

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

Vice Mayor Andrews motioned to postpone the rebuild of Archibald Park Building Scope. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"



Commissioner Hutson	"YES"
Mayor Hendricks	"YES"

The motion carried 4-0.

## **11. NEW BUSINESS**

## **12. STAFF REPORTS**

There were no staff reports.

## **13. AGENDA SETTING**

### **January 25, 2023, BOC Regular Workshop Meeting**

- 1. Update – Comprehensive Plan (Jerry Murphy)**
- 2. Update – Ordinance 2020-05, Slow Speed-Minimum Wake Zone**
- 3. Update – John’s Pass Dredging**
- 4. Frequency of City Public Fireworks Displays**

Added items to the workshop meeting agenda:

#### Mayor Hendricks

1. Proposed ordinance requiring the return of trash containers

#### Commissioner Kerr

1. Purchase of the property located at 4711 95<sup>th</sup> St. N.

The City Manager said he would add it to the agenda if he gets information on it.

## **14. REPORTS/CORRESPONDENCE**

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

Mayor Hendricks said he received an invitation to the Governor’s Inauguration on January 3, 2023.

### **B. City Attorney**

The City Attorney wished the Board a Merry Christmas and thanked them for the opportunity to represent the City this year.

### **C. City Manager**

The City Manager reviewed the City Manager’s Report for November.

Mayor Hendricks thanked the City Manager for the fabulous job done, and said morale has not been higher.

#### **D. City Clerk**

The City Clerk reported that the Candidate Qualifying Period would end on Friday, December 16<sup>th</sup>, at noon. Three candidates have qualified so far, but there were more working on it. The two qualified candidates for Mayor were Vice Mayor Andrews and Jim Rostek. The qualified candidate for Commissioner District Four was Anne-Marie Brooks. There were a couple for District Three working on qualifying.

The City Clerk gave an update on the new software purchased in the City Clerk's office: Municode Meeting, Laserfiche, Barracuda and said she welcomed feedback.

#### **15. ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 8:14 p.m.

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John B. Hendricks, Mayor

ATTEST:

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Clara VanBlargan, MMC, MSM, City Clerk