



## MINUTES

### BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING DECEMBER 14, 2022 4:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 4:00 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  
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 4:00 p.m.

### 2. ROLL CALL

City Clerk Clara VanBlargan called the roll.

### 3. PUBLIC COMMENT

Chuck Dillon, 529 Lillian Drive, said there were too many VRBOs (vacation rentals by owner), especially on Crystal Island. The Commission has been lowering the fines that have been levied against them, and it does not help the situation.

### 4. TOPICS FOR DISCUSSION

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

Commissioner Tagliarini requested Agenda Item 4. H., Ordinance 2023-01 John's Pass Village Activity Center Plan, be discussed first. Mayor Hendricks said he would rather discuss the Item after Item A. since he had already announced it. The Board consented.

City Manager Robin Gomez said the existing agreement was in the fifth and final year, and they wanted to sign a new agreement for an additional five years with the same stipulations as follows:

- Old Salt Foundation must submit a special event application at least 60 days prior to the events.
- The City would be the event's headlining (top-billing) host sponsor.
- The City would be recognized as part of award presentations and photo opportunities.
- The City would waive fees for the use of the City's facilities.
- Old Salt Foundation provides a \$2,500 payment for field restoration/preservation/aeration.
- Old Salt would provide the City a projected financial impact statement sixty (60) days upon event's conclusion.

Staff recommended renewal of the agreement with simplified terms.

Tom Verdensky, president of Old Salt Fishing Foundation, asked the City to waive some of the fees because they have been impacted by the following:

- Covid
- Event insurance has tripled
- Decline in spectators
- Increased parking fees
- Shuttle difficulties

Mayor Hendricks asked what the financial consideration was. Mr. Verdensky said they would rather donate money to the City than pay a fee. It would look much better for the organization. Amy Verdensky, marketing director of Old Salt Fishing Foundation, said they pay about \$10,000.00 for both events. If they could reduce the EMS fee, the application fee, or the aeration fee they could give it back in a different way. She was hoping to get the total amount down to about \$5,000.00.

The City Manager said there was a sizable economic impact to the City by hosting both tournaments.

Commissioner Tagliarini asked what facilities the City waived for the events. The City Manager said the venue, but Old Salt paid for the garbage.

Mr. Verdensky said they could sponsor an event to offset the cost instead of paying fees. It was easier for them to donate from a sponsor standpoint than to pay direct fees.

Commissioner Tagliarini asked what the simplified terms of the agreement were that staff recommended. The City Manager said it was the same terms in the original agreement.

Recreation Director Jay Hatch said prior to the contract the event was treated as a special event and they paid the special event fees. The contract put together five years ago turned out to be more work for staff. He suggested treating it as a special event.

Vice Mayor Andrews said Old Salt was involved all year and constantly donating to the City. They bring an economic impact to the City, and they would not lose money by waiving fees. Old Salt did not ask for fees to be waived during Covid.

Vice Mayor Andrews asked the type of projected financial impact statement they provided to the City. Director Hatch said he felt like it had a lot of information that had nothing to do with the contract. Vice Mayor Andrews said it was not the City's right to audit them. He suggested taking the field restoration fee and the financial impact statement out of the agreement. The Mayor agreed they did not need the financial impact statement.

Mayor Hendricks said the organization had been part of Madeira Beach, and he would like to see a ten-year agreement.

Commissioner Hutson said he wanted to go with the agreement as written. It was a lot of noise, garbage, and traffic.

Commissioner Tagliarini said he was inclined to accept the staff recommendation.

Commissioner Kerr said any costs to the City should come from the event's revenues. The event should pay for itself.

Vice Mayor Andrews said the City would aerate the field every year regardless of the event. They did not charge any other organization that held events there to aerate. The Mayor said it was normal maintenance of a ball field.

Commissioner Kerr asked what the EMS fees were. Director Hatch said it was about \$3,000, and it was tied into an ordinance relating to public safety. Commissioner Kerr asked if it would be reasonable to maintain the EMS fees but absorb the \$2,500 aeration fee. Mr. Verdensky said it was.

Fire Chief Clint Belk said the fees were to recover the overtime costs, which were about \$2,300.

The consensus of the Board was to waive the \$2,500.00 fee for the field restoration and continue to charge the EMS fee.

Mayor Hendricks opened to public comment.

Bill Gay, 423 150<sup>th</sup> Ave., said their IRS filings did not contain documentation of how expenses and revenues were handled. They brought in over a million dollars a year for the past several years but paid out less than ten thousand dollars a year to charity. Their biggest expense was typically in the \$100,000 plus range to Squid Ink Productions, which is owned by the Verdensky family. He thought the fishing tournament was losing money, and they were using contributions from people to cover the loss. He proposed the City audit Old Salt's financial transactions for the last two years. The City needed to recoup all costs it incurred sponsoring the tournaments.

Amy Verdensky, Old Salt Fishing Foundation, said they were audited in 2020 by the IRS. Almost ninety percent of what they take in is entry fees, and they pay it back out in tournament winnings. The event pays itself back, and they report what they need to properly.

## **B. Ordinance 2023-01 John's Pass Village Activity Center Plan**

This item was moved from Item 4. H.

### **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.**

Mayor Hendricks opened the floor for discussion.

Commissioner Tagliarini said he was not comfortable moving forward with the proposed activity center designation for the following three reasons:

- He observed many residents seemed to be confused about the specific details of the John's Pass Village Activity Center designation. He provided copies of questions from residents and the answers from City staff. He put out a survey to 54 residents in his district asking if they were in favor of passing proposed Ordinances 2023-01 and 2023-02. One resident was in favor, two were unsure, and the rest were against it.
- It was brought to his attention that some residents were concerned about the contract between Healey Consultant Services, LLC, and the City of Madeira Beach. He made a public records request for invoices and contracts between Healey Consultant Services LLC and the City for the last year. The amount paid between September 2021 and October 2022

was \$42,145. Any contracts that exceeded \$30,000 required Board approval. He asked City Attorney Trask for a written opinion and that was provided to the Board.

- It was brought to his attention Forward Pinellas was contacted concerning their authority over the City's designations for plans. Linda Fisher, principal planner of Forward Pinellas, responded with, "Neither Forward Pinellas nor Pinellas County has any authority to penalize the City for failing to amend its comprehensive plan to be consistent with the countywide plan."

Vice Mayor Andrews said there was so much misinformation online from people against the activity center. He read online that there would be 1,880 hotel rooms in John's Pass. That would be more than fifteen hotels the size of the Cambria, which has 125 rooms. Staff and the Planning Commission did their due diligence and approved and supported the plan. Activity Centers are a designation provided by the county to give flexibility to the City. The Mayor agreed.

Commissioner Tagliarini asked City Attorney Trask if he was prepared to respond to the contract issues with Healey Consultant Services, LLC. City Attorney Trask said it was not part of the agenda item, and he was waiting for additional information to be provided. Commissioner Tagliarini asked if he was concerned about possible litigation. City Attorney Trask said he was always concerned, but he did not see that happening. One solution would be to bring it back before the Commission to ratify the contract and every payment made.

David Healey, Healey Consultant Services LLC, and Andrew Morris, Planner/GIS Technician, reviewed the item and responded to questions and comments from the Board. The Planning Commission considered the plan at a public hearing and recommended approval of Ordinances 2023-01 and 2023-02. Staff offered a possible amendment to the first ordinance, which had to do with the discussion about the appropriate residential density in the transitional district. They proposed to reduce the dwelling units per acre from 24 to 18.

Mr. Healey said a correction was made in Table 4.6 to a parking count on 133<sup>rd</sup> Avenue West, where it showed more spaces than there actually were.

Staff recommended approval of 2023-01 and 2023-02.

Commissioner Kerr asked why the transitional district was included in the discussion. He thought the activity center was the triangle where the retail shops and restaurants are. Mr. Healey said the transitional district serves as a transition from the more central part of John's Pass Village to the periphery. Commissioner Kerr said he did not think of an activity center to include dwelling units. Mr. Healey said an activity center needed a combination of residential, temporary lodging, and commercial in order to prosper. It would not encourage more intensification. Six different character districts would be created and interrelated.

Commissioner Kerr asked if the FAR and density measurements of the dwelling units on the west side of Gulf Boulevard would have anything to do with what would be proposed in the plan. Mr. Healey said they are separate and distinct.

Commissioner Hutson said most residents were worried about hotels. The commercial core and traditional village districts make up eight acres, and if they put 100 lodgings per acre, that comes out to 800 hotel rooms. He asked if a PD was different from the maximum numbers. Mr. Healey said they were not and that they could apply for a planned development district, but the objective was not to necessitate a plan or zoning amendment. It would not be consistent with the plan because it calls for mixed-use.

Commissioner Hutson asked if there were any locations currently in John's Pass Village with lodging UPA of 75 or 100. Mr. Healey said the resort facilities medium would allow a range of 45 to 75. There were no buildings in the traditional village and commercial core districts with that high of a UPA.

Commissioner Tagliarini asked if a hotel could be built on the lot that Florida Parking currently rents near 128<sup>th</sup> Ave. The City Manager said a planned development would be needed. Mr. Morris said 60 temporary lodging units per acre would be allowed. Commissioner Tagliarini asked how it would change if it became an activity center. Mr. Healey said it would go to 75 temporary lodging units per acre as the standard and 100 with a bonus.

Mayor Hendricks opened to public comment.

Chuck Dillon, 529 Lillian Drive, said he was upset the Planning Commission meeting for the John's Pass Village Activity Center was scheduled for November 28<sup>th</sup> and not on December 5<sup>th</sup>. He did not know why they were rushing it. It was not under time restraints. He was going to ask a lot of questions at the meeting but did not attend the November 28<sup>th</sup> meeting. There was a lot of confusion and a lot of unanswered questions. Some affected parties were not heard from at the November 28<sup>th</sup> meeting. He was going to sign up to be an affected party, but it was not posted within the time frame to be able to fill out the paperwork. He was trying to stay ahead of it for the Commission, so they have more information.

Bill Gay, 423 150<sup>th</sup> Avenue, said it would be more of an inactivity center to sleep, eat, and drink. Properties are being bought up by developers and speculators who would tear down the two-story buildings and build higher. The intensity and density would be denser with many people and traffic. He would like to see the activity center do more for permanent residential people who would be ongoing participants in the democratic process. He called it the bulldozer kind of plan. Planned development does not control anything. The City planners and the Commission have violated most of the rules of the planned development process in terms of setbacks and height. Examples of that would be along the causeway with the Cambria Hotel, and now they want to put an accessory building there, which would not be allowed by ordinances, but it was approved. The setbacks for the two Karns' condos were not code compliant. The planners are not doing their job, and the Commission is not looking into issues to make sure the planners are following the ordinances. Bill Karns violated the setbacks, and the City did nothing to enforce the ordinances, while Tom Trask did not say a word through all of it.

Jerry Cantrell, 13322 First Street East, said he was one of the affected parties that were not allowed to speak. He had to work that night and came late and was told he could not speak. Mr. Gomez does a great job and has a great staff, but there is an appearance problem. The way to correct the

appearance problem is to communicate to the people. The way to fix the problem would be to reduce the UPA size and make it what it is currently is. It would prevent it from getting any larger, it would be a significant increase in size, and the transitional space goes into residential areas. It is not currently commercial retail.

### **C. R.O.C. Park – Water Fall Improvements**

Recreation Director Jay Hatch reviewed the item and responded to questions and comments from the Board. They contacted ten companies and received one quote for \$47,000 from Hollywood Pool Pros and a second quote that was higher. He was worried they would only get the two quotes or none at all if they went through the RFP process.

Mayor Hendricks asked if they should look at fiberglassing. Director Hatch said he got a quote for fiberglassing for \$10,000, which did not include anything else, and the company did not seem interested in the job. The only color was white, which would stain.

Commissioner Tagliarini asked if the R.O.C. Park Foundation had any responsibilities in the park. Director Hatch said everything in the park was donated to the City. It is a City-owned facility and the City's responsibility to maintain it.

Mayor Hendricks said the park, in general, needed updating, and it was put in the budget. He thought it needed to be put out for an RFP. The City Manager said it would delay it at least three months, and they might not get any responses.

Commissioner Kerr asked if they were in this position because of a lack of upkeep on an annual basis. Director Hatch said they had a pool company looking after it when it began operating. It was difficult to keep balanced. Part of the proposal was to help keep it balanced and clean. Commissioner Kerr asked if they would be back to the same spot two years from now because they could not maintain it. Director Hatch said he hoped not.

Mayor Hendricks asked about using salt water. Director Hatch said that was an option. It would be easier to maintain; it would slow down the process.

Vice Mayor Andrews said they have the money in the budget. He wanted to move forward and get it done.

Mayor Hendricks said they might need to put out an RFP for maintenance for the park. Director Hatch said the pool company that services the Splash Pad and the pool at the Yacht Club did not want to give a quote to fix the fountain.

Commissioner Kerr said he was concerned about the long-term and keeping it nice. Director Hatch said they replaced the rocks with bricks because they would end up in the fountain. He thought a conversation about changing to salt water should be in the future.

Commissioner Hutson asked if the quotes constituted an RFP. City Attorney Trask said it did not. They could waive the RFP process if it were a sole provider or an emergency situation. It might

not be either situation because there were plenty of pool companies that did not want to do the job. His recommendation would be to do the RFP and speed it along.

Mayor Hendricks opened to public comment.

Chuck Dillon, 529 Lillian Drive, asked why they had to do an RFP when there were ten qualified companies that basically denied the work, and they would know what the prices were. The price would be increased, and the other companies would not submit a bid.

The Consensus of the Board was to go ahead with the RFP.

#### **D. Rebuild Archibald Park Restroom Building Scope Approval**

Public Works Director Megan Wepfer reviewed the scope approval for the engineering services to rebuild the bathroom structure. Pictures of the current bathroom and a structural assessment she did not agree with were included in the agenda packet. There is a lot of concrete spalling on the building, which is not repairable. The ramp and the facilities were not up to ADA standards. Rebuilding it would bring it up to ADA compliance. They would increase the number of stalls in each bathroom by one.

Director Wepfer said they found a restroom at Lake Seminole Park designed by Sofarelli & Associates, and with some modifications, it would fit Archibald Park. It would save the City a lot of money.

Mayor Hendricks asked if they needed to increase the number of stalls. Director Wepfer said they did because of heavy use there. Commissioner Hutson asked if they needed to add more than one. Director Wepfer said there was not enough room to add more than one.

Commissioner Hutson asked what they would do during the time it was being built. Director Wepfer said they would have a temporary restroom trailer.

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

The consensus of the Board was to move forward with it.

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

Director Wepfer said they would be milling and resurfacing the roadway, curbs, and storm drains at 131<sup>st</sup> and 129<sup>th</sup> Avenues. An aerial map was provided in the agenda packet. Pelican Lane would not be included because of possible development.

Vice Mayor Andrews said it was already approved and asked if it was in the budget. Director Wepfer said it was. It would be a joint agreement with Pinellas County for the waterways.

Director Wepfer said she applied for a grant from Florida Job Growth which is still in review.



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

The consensus of the Board was to move forward with it.

Commissioner Tagliarini excused himself from the meeting to go to work.

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

Director Wepfer reviewed the item. It included milling and resurfacing, curb work, and storm drains on 155<sup>th</sup> Ave., 154<sup>th</sup> Ave., 153rd Ave., 1<sup>st</sup> St E., 2<sup>nd</sup> St E., Harbor Dr., and Municipal Dr. They received \$1 million from the state for the project.

Commissioner Hutson said the neighbors were concerned about the slope. Director Wepfer said they would look into it.

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

The consensus of the Board was to move forward with it.

#### **G. Discuss/Review Proposed Property Purchase for PW/Sanitation & Fleet Operations Usage**

The City Manager said the item was to gauge the Board's interest in a parcel located at 4711 95<sup>th</sup> St. North so they could permanently relocate the PW/Sanitation and Fleet Operations. It would alleviate paying the \$3,000 in rent they currently pay. The process would begin by obtaining an appraisal. If the appraisal came in above \$5,000, then they would obtain a second appraisal. The owners would obtain their appraisal. He asked for direction from the Board.

Mayor Hendricks said he liked the looks of it if they could get it at the right price. In ten years, it could almost be paid for. Commissioner Kerr agreed. The building in the back of the property would be perfect.

Vice Mayor Andrews asked where the property was located. The City Manager said it was north of the Bay Pines Wawa on 95<sup>th</sup> St. North. It has two structures, one small structure used as a work room, and the main building would have enough space to accommodate the sanitation trucks and the mechanic. Commissioner Kerr said he understood it has large bay doors and a lot of power supplied to the building.

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

The consensus of the Board was to move forward with it.

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

Director Wepfer said the City has been under contract with USA Voltage since 2019. They went out for bid, and the contractor has agreed to continue at the same prices quoted during the first bid process.

Mayor Hendricks said they had done a great job. Vice Mayor Andrews agreed.

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

The consensus of the Board was to move forward with it.

**I. Ordinance 2023-01 John's Pass Village Activity Center Plan**

This Item was moved to 4. B.

**5. ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 6:00 p.m.

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John B. Hendricks, Mayor

ATTEST:

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Clara VanBlargan, MMC, MSM, City Clerk