



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING FEBRUARY 10, 2021 6:00 P.M.

A regular meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on February 10, 2021 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  
Helen "Happy" Price, Commissioner District 1  
Nancy Hodges, Commissioner District 2  
John Douthirt, Commissioner District 4 (via teleconference)

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Robert Daniels, City Manager  
Clara VanBlargan, City Clerk  
Patty Kordis, Deputy 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

Commissioner Hodges gave the Invocation and led the Pledge of Allegiance.

#### 3. ROLL CALL

City Clerk Clara VanBlargan called the roll.

#### 4. APPROVAL OF THE AGENDA

Vice Mayor Andrews motioned to approve the Agenda. Commissioner Hodges seconded the motion.

**ROLL CALL:**

Vice Mayor Andrews	"YES"
Commissioner Hodges	"YES"
Commissioner Douthirt	"YES"
Commissioner Price	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

## **5. PROCLAMATIONS/PRESENTATIONS**

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

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

#### **A. Treasure Island Madeira Beach Chamber of Commerce New President Introduction - *Missy Hahn, former Chamber President***

Former Treasure Island and Madeira Beach Chamber of Commerce President Missy Hahn introduced the new Chamber President, Barry Rubin.

#### **B. Firefighter of the Year, Lieutenant Andrew Childers - *Clint Belk, Fire Chief***

Fire Chief Clint Belk introduced Firefighter of the Year, Lieutenant Andrew Childers. He gave a brief description of Lieutenant Childers' background since starting his career with the Madeira Beach Fire Department in 2012 and recognized him for his compelling dedication and continued personal and professional growth to the Department and the community.

## **6. PUBLIC COMMENT**

Mayor Hendricks opened to public comment:

Robert Preston, 425 S. Bayshore Drive, was opposed to the City not issuing a Certificate of Occupancy to Caddy's Restaurant because of improper signage on the building. Until there is a review of the outdated sign ordinance, the City should issue Caddy's Restaurant a temporary occupancy certificate.

Vice Mayor Andrews agreed and said the sign ordinance should be on the workshop meeting agenda for review and updating.

City Manager Robert Daniels read public comments electronically submitted:

- Joanne Kelly, 329 Boca Ciega Point Boulevard, commented that the 9-11 Memorial was sacred, and parking work trucks on the grass was a disgrace to the park.
- John Ryan, 14017 N Bayshore Drive, stressed that the Special Magistrate ruling needed to be enforced at 14011 N. Bayshore Drive. The verdict required gutters to be installed on the home to stop the rain from hitting the roof of his house.
- Noor Hakim, 13045 Gulf Boulevard, owner of a bike rental business in Madeira Beach, said he provided all clients with safety gear and instructions for all cycling rules and regulations. He asked the City to differentiate between e-bikes and electric scooter businesses and allow bike rental businesses to continue rentals in Madeira Beach and neighboring communities.

- Katelyn Boots, 13045 Gulf Boulevard, owner of a bike shop in Madeira Beach, said prohibiting electric bike rentals would affect her business. She has worked hard to ensure people follow all the safety rules and regulations. She urged the City not to punish bike rental businesses for mistakes made by others.

## 7. PUBLIC HEARINGS

- A. PUBLIC HEARING to consider a request by Marcus Winters, on behalf of SFMB Madeira Beach, LLC, for an Alcoholic Beverage Use, associated with a 4COP License, for a Beer, Wine, and Liquor Consumption on Premises, with the stated intent to sell liquor, beer, and wine by drink or in sealed containers for consumption on premises of Caddy's Madeira Beach at 14080 Gulf Blvd, Madeira Beach, FL 33708, only - *Linda Portal, Community Development Director***

City Attorney Tom Trask administered the Oath to those commenting on the item.

Community Development Director Linda Portal reviewed the item. She reported the staff analysis for each of the following five factors the Board of Commissioners to consider for the alcoholic beverage application per City Code, Sec. 110-532:

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 is 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.

Community Development Director Linda Portal distributed a copy of the amended conditions to the Board. She reviewed the amended conditions and said the staff recommended approval:

1. Alcohol service is allowed only on site and in conjunction with the restaurant, and an annual audit will be submitted to the City for review to show 60% of revenue from the restaurant/bar operation is derived from the sale of food and other non-alcoholic items, in keeping with code language, Sec. 110-527. Classifications. (d)-Restaurants.
2. The restaurant and associated activity will be located on existing impervious surface, within the approved site plan area, inside the coastal construction control line, and will not impact the surrounding dunes or beach.
3. Lighting meets ordinance requirements for sea turtle conservation.

4. The property will be designed and operated in keeping with all noise, lighting, and sea turtle protection regulations as updated.
5. Both on-site and off-site litter resulting from the operation of the commercial use of the property must be managed by the restaurant in a manner consistent with city requirements.
6. Structures outside the enclosed building must be approved for FEMA standards, in accordance with the floodplain management ordinance. Portable features must be site plan approved with emergency management protocol for removal in the event of a flooding event.
7. No amplified sound is allowed between the hours of 9:00 p.m. and 7:30 a.m. Sunday through Thursday, and 11:00 p.m. through 7:30 a.m. on Friday, Saturday, and the evening before a national holiday, and all city codes must be respected regarding noise or other nuisance activities.
8. Mobile or off-site vending, to include the delivery of food and beverage to public land or right-of-way, including to Tom and Kitty Stuart Park, will not be permitted.
9. No chairs or tables supplied or contracted for supply by the applicant will be placed on the beach.
10. The parking area located east of Gulf Boulevard is for parking only. No other activities will be conducted on that portion of the site.
11. All fees and fines associated with the building and development process must be paid as a condition of the issuance of this approval.

Mayor Hendricks requested a privacy fence to be installed to the north and south adjacent properties to buffer noise and protect the residents' privacy.

Commissioner Hodges asked if all of the conditions had been approved by the owner of Caddy's. Director Portal said yes.

Commissioner Price asked if there would be a list of conditions for every alcoholic license going forward. Director Portal said this was an unusual situation, and the Planning Department had to address compatibility in land-use changes.

Vice Mayor Andrews said the City needed to be consistent with every review process.

Community Development Director Linda Portal asked that the Development Agreement and the Memorandum be submitted into evidence and presented to the City Clerk.

Attorney Brian Aungst, 625 Court Street, representing SFMB Madeira Beach LLC's, thanked the Board and staff for all their hard work on the project. He requested amending condition # 9, adding the word "public" before the word beach. He and Mr. Winters had input on the eleven conditions and agreed with all. He reviewed the Development Agreement entered into in 2013 and said his client purchased the property in 2017. His client had lived up to every condition within the site plan, which raised concern about adding a fence and if there would be any site plan specific issue. He asked that staff review options for a fence and if it would be feasible.

Attorney Trask opened to public comment:

- Robert Preston, 425 S. Bayshore Drive, said the surrounding areas by Caddy's were residential. He was in favor of having more conditions for the project to be respectful to the neighborhood.
- Barry Rubin, Madeira Beach and Treasure Island Chamber of Commerce, was in favor of the Caddy's Restaurant project.
- Richard Harris, 374 Bay Plaza, Treasure Island, said Caddy's Sunset Beach has been an asset to the community.
- Jeff Beggins, 429 Boca Ciega Drive, said Caddy's would be a welcome addition to Madeira Beach.
- Attorney Aungst said he appreciated working with the staff. The owner of Caddy's could abide by the current conditions presented. Without a Civil Engineer's review of the proposed fence, they could not commit to adding a privacy fence condition.

City Manager Robert Daniels read the following public comments electronically submitted that stressed concerns on the proposed item:

- Pamela and Michael Fournier, 14146 Gulf Boulevard
- Wesley and Nancy Nichols, 14146 Gulf Boulevard
- Antonio and Francesca Puntillo, 14146 Gulf Boulevard
- Diane Mills, 14146 Gulf Boulevard
- Carol Lyle, 14146 Gulf Boulevard
- Ruth and Tony DeLisio, 14146 Gulf Boulevard
- Mark Gannon, 14146 Gulf Boulevard
- Kevin and Janet Gibbons, 14146 Guld Boulevard
- Glen Marconcini, 14010 Gulf Boulevard
- James Lyle, 14146 Gulf Boulevard
- Arthur Clark, Arena de Madeira
- Diane Mills, 14146 Gulf Boulevard

City Manager Robert Daniels read the following public comments electronically submitted that were in favor of the proposed item:

- Robin Miller, Tampa Bay Beaches Chamber of Commerce
- Lawrence Lunn, 11130 1<sup>st</sup> Street E.

Attorney Aungst addressed some of the written comments and said Mr. Rubin and Mr. Winters held a Zoom meeting on February 4, 2021, for surrounding residents to answer questions and concerns.

Mayor Hendricks asked Mr. Winters if he would put up a privacy fence on each side of the property next to the condominiums. Mr. Winters said he would.

Vice Mayor Andrews motioned to approve the Alcoholic Beverage Use Application submitted by SFMB Madeira Beach, LLC, for an Alcoholic Beverage Use, associated with a 4COP License, for a beer, wine, and liquor consumption on premises with the stated intent to sell liquor, beer, and wine by drink or in sealed containers for consumption on premises of Caddy's Madeira Beach at 14080 Gulf Blvd, Madeira Beach, FL 33708, only, with the stated conditions by City staff. Commissioner Hodges seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Hodges	"YES"
Commissioner Douthirt	"NO"
Commissioner Price	"YES"
Mayor Hendricks	"YES"

The motion carried 4-1.

**B. PUBLIC HEARING to consider a request by Amy B. Powell, on behalf of Coastal Taco, LLC, for Alcoholic Beverage Use, associated with a 2COP License, for beer and wine consumption on the premises with stated Intent to sell beer and wine by drink or in sealed containers for consumption on premises of Coastal Taco at 14601 Gulf Blvd, Madeira Beach, FL 33708, only. - *Linda Portal, Community Development Director***

City Attorney Tom Trask administered the Oath to those commenting on the item.

Community Development Director Linda Portal reviewed the item and answered questions and comments made by the Board. Her report was submitted into evidence to the City Clerk.

Amy Powell, 15320 Harbor Drive, owner of Coastal Taco located at 14601 Gulf Boulevard, said she was very excited to get her business underway.

Attorney Trask opened to public comment. There were no comments received in person or electronically.

Commissioner Price motioned to approve the Alcoholic Beverage Use Application submitted by Coastal Taco, LLC, for an Alcoholic Beverage Use, associated with a 2COP License, for a beer and wine consumption on-premises with the stated intent to sell beer and wine by drink or in sealed containers for consumption on premises of Coastal Taco at 14601 Gulf Blvd., Madeira Beach, FL 33708. Vice Mayor Andrews seconded the motion.

ROLL CALL:

Commissioner Price	"YES"
Vice Mayor Andrews	"YES"
Commissioner Hodges	"YES"
Commissioner Douthirt	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

## **7. CONSENT AGENDA**

Commissioner Price asked to remove Consent Agenda Item 8. C., Approve scope of work for Cardno to perform the Seawall Assessment for \$33,000. The City Manager recommended moving the item to Agenda Item 11. D., under New Business. Mayor Hendricks agreed.

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

### **B. FDOT - State Highway Lighting, Maintenance, and Compensation Agreement - Jamie Ahrens**

### **C. Approve scope of work for Cardno to perform the Seawall Assessment for \$33,000 - Jamie Ahrens, Public Works Director**

This item was moved for discussion under New Business.

### **D. Professional Records Management and Information Management Services – SML, Inc. - Clara VanBlargan, City Clerk**

Commissioner Price motioned to approve the Consent Agenda and move Consent Agenda Item 8. C., Approve scope of work for Cardno to perform the Seawall Assessment for \$33,000 to Agenda Item 11.D., under New Business. Vice Mayor Andrews seconded the motion.

### **ROLL CALL:**

Commissioner Price	“YES”
Vice Mayor Andrews	“YES”
Commissioner Douthirt	“YES”
Commissioner Hodges	“YES”
Mayor Hendricks	“YES”

The motion carried 5-0.

## **8. UNFINISHED BUSINESS**

## **9. CONTRACTS/AGREEMENTS**

## **10. NEW BUSINESS**

### **A. Proposal for purchasing property on Palm Street for the purpose of putting a parking lot there to ease the burden of lack of parking in the City (proposal to be provided before the meeting) - Vice Mayor Andrews**

Vice Mayor Andrews reviewed the item and answered questions and comments by the Board. He said the proposal included a finished parking lot for \$430,000 with ten parking spots. The figures included the \$250,000 sale price of the property, the exact price Caddy's paid for the property in 2017. The remaining \$180,000 would be for the cost per parking spot of \$18,000, including

engineering, civil site work, drainage, utilities, footpaths, permeable pavers, and landscaping. There could be a possibility of three additional parking spots on 141<sup>st</sup> Avenue. He asked to change the “No Parking” signs on 141<sup>st</sup> Avenue to “Resident Parking Only.” The City Manager said he would check on the signs.

After discussion by the Board, it was decided to have the property appraised to determine the value and bring the item back to the Board in March.

Mayor Hendricks opened to public comment:

Robert Preston, 425 S. Bayshore Drive, asked if the Palm Street property purchase was in the budget.

Deby Weinstein, 441 129<sup>th</sup> Avenue, suggested using the parking lot's recorded revenue at 134<sup>th</sup> Avenue and Gulf Boulevard for comparison income for the proposed parking lot. She questioned if it was proper procedure for the Commissioner to recommend the item instead of staff.

**B. Resolution 2021-02, Amendments to Purchasing Procedures Manual - *Andrew Laflin, Financial Consultant***

City Attorney Tom Trask read Resolution 2021-02 by title only:

**RESOLUTION 2021-02**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING THE CITY OF MADEIRA BEACH PURCHASING PROCEDURES MANUAL, VERSION 2021; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

Financial Consultant Andrew Laflin reviewed the item and answered questions and comments made by the Board.

Mayor Hendricks opened to public comment. There were no comments received in person or electronically.

Commissioner Price motioned to approve Resolution 2021-02, amendments to the Purchasing Procedures Manual. Vice Mayor seconded the motion.

**ROLL CALL:**

Commissioner Price	“YES”
Vice Mayor Andrews	“YES”
Commissioner Douthirt	“YES”
Commissioner Hodges	“YES”
Mayor Hendricks	“YES”

The motion carried 5-0.



**C. Resolution 2021-03, Requesting the International City/County Management Association (ICMA) to reinstate former city manager Shane Crawford as a member to the ICMA - *Mayor Hendricks***

City Attorney Tom Trask read Resolution 2021-03 by title only:

**RESOLUTION 2021-03**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, REQUESTING THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA) TO REINSTATE FORMER CITY MANAGER SHANE CRAWFORD AS A MEMBER OF THE ICMA; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

Mayor Hendricks reviewed the item and answered questions and comments made by the Board.

Mayor Hendricks opened to public comment.

The following people commented in opposition of proposed Resolution 2021-03:

- Jean Chivington, 14902 N. Bayshore Boulevard
- Jim Rostek, 480 137<sup>th</sup> Avenue Circle
- Janet Emmila, 15403 2<sup>nd</sup> Street E.

City Manager Robert Daniels read the following public comments electronically submitted opposing proposed Resolution 2021-03:

- Thomas Schaefer, 850 Bay Point Drive
- Denise Rostek, 480 137<sup>th</sup> Avenue Circle
- William Howell, [no address given]
- Deborah Maxemow, [no address given]
- Mark Hubbard, Hubbards Marina
- Bill Gay, 423 150<sup>th</sup> Avenue

City Manager Robert Daniels read the following public comment electronically submitted in favor of proposed Resolution 2021-03:

Shane Crawford, [no address given], asked the Board to approve proposed Resolution 2021-03.

Robert Preston, 425 S. Bayshore Drive, approached the podium to speak. He said Shane Crawford's termination was a vendetta against his involvement in developing the Town Centre by Madeira Beach United, other groups, and previous staff.

Commissioner Hodges motioned to approve Resolution 2021-03. Commissioner Price seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Price	"YES"
Commissioner Douthirt	"NO"
Commissioner Hodges	"YES"
Mayor Hendricks	"YES"

The motion carried 4-1.

**D. Approve scope of work for Cardno to perform the Seawall Assessment for \$33,000 -  
*Jamie Ahrens, Public Works Director***

This item was moved from the Consent Agenda.

Public Works Director Jamie Ahrens reviewed the item and answered questions and comments made by the Board. He reported his findings of the assessments of the seawalls. He said the work done now would be a preventative measure for the seawall maintenance in the future.

Mayor Hendrick opened to public comment.

Robert Preston, 425 S. Bayshore Drive, was in favor of the project.

Commissioner Price motioned to approve the scope of work for Cardno to perform the Seawall Assessment for \$33,000. Vice Mayor Andrews seconded the motion.

ROLL CALL:

Commissioner Price	"YES"
Vice Mayor Andrews	"YES"
Commissioner Douthirt	"YES"
Commissioner Hodges	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

**11. STAFF REPORTS**

Recreation Director Jay Hatch gave an update on upcoming special events.

**12. REPORTS/CORRESPONDANCE**

**A. City Commission**

Commissioner Price reported the cancelation of the Library's special meeting.

Commissioner Hodges announced an upcoming Rotary event to take place on Tuesday, February 23, 2021. She asked Attorney Trask if she could invite the Commissioners to the event. Attorney Trask said Commissioners could attend. They just cannot talk about City business.

#### **B. City Attorney**

City Attorney Trask thanked the Commissioners for the Shade meeting. He reminded them the discussion was confidential.

#### **C. City Manager**

City Manager Robert Daniels reported he attended a meeting with the City Manager from St. Pete Beach and Treasure Island. The topics included parking fees and electric scooters. The City of Treasure Island's parking fees are \$2.75 per hour, and that of the City of St. Pete Beach is \$3.25 per hour. There are safety concerns with electric scooters, electric bikes, and bikes on the beach. It was agreed that similar regulations and ordinances should be established for the surrounding beach communities for the electric scooter issues.

The City Manager said staff was organizing a contest in March to the renaming of Causeway Park. Residents and Madeira Beach Middle School will be invited to participate in the contest.

The City Manager said the City received \$88,170.50 through grant money from the CARES Act. The reimbursement was for necessary expenditures incurred due to the public health emergency with respect to the 2019 Coronavirus Disease.

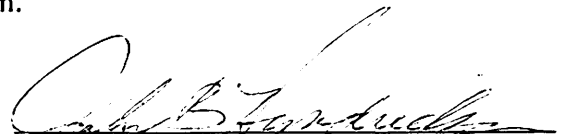
Commissioner Price asked for a review of the Code Enforcement and Code Compliance reported numbers on the January 2021 report. The City Manager said he would verify the numbers and report back to the Board.

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

The City Clerk said on February 24, 2021, the Florida League of Cities will be hosting a virtual mandatory Ethics Training. City Hall will be closed during the training so all can attend.

### **13. ADJOURNMENT**

Mayor Hendricks adjourned the meeting at 9:05 p.m.



John B. Hendricks, Mayor

ATTEST:

  
Clara VanBlargan, MMC, MSM, City Clerk

