



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING JUNE 11, 2025 6:00 p.m.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on June 11, 2025, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Anne-Marie Brooks, Mayor
Ray Kerr, Vice Mayor/Commissioner District 2
David Tagliarini, Commissioner District 1
Eddie McGeehen, Commissioner District 3
Housh Ghovae, Commissioner District 4

MEMBERS ABSENT: None.

CHARTER OFFICERS PRESENT: Robin Gomez, City Manager
Clara VanBlargan, City Clerk
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, City Attorney

1. CALL TO ORDER

Mayor Brooks 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. All were present.

4. APPROVAL OF THE AGENDA

Vice Mayor Kerr motioned to approve the Agenda. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Kerr	"YES"
Commissioner Tagliarini	"YES"

Commissioner Ghovae	"YES"
Commissioner McGeehen	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

5. PROCLAMATIONS

Mayor Brooks read a proclamation proclaiming June 11, 2025, USFSP YMCA Youth in Government Civic Fellows Day. Judithanne McLauchlan accepted the proclamation on behalf of her students of the USFSP YMCA Youth in Government Civic Fellows Program, who were present.

6. PRESENTATIONS

There were no presentations.

7. PUBLIC COMMENT

There were no public comments.

8. APPROVAL OF MINUTES

- A. 2025-05-14, BOC Regular Meeting Minutes
- B. 2025-05-28, BOC Budget Workshop Meeting Minutes
- C. 2025-05-28, BOC Regular Workshop Meeting Minutes

Vice Mayor Kerr motioned to approve the meeting minutes as written. Commissioner Ghovae seconded the motion.

ROLL CALL:

Vice Mayor Kerr	"YES"
Commissioner Ghovae	"YES"
Commissioner McGeehen	"YES"
Commissioner Tagliarini	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

9. CONSENT AGENDA

- A. ITB #25-06 Boca Ciega Street End Beautification Project Contract Approval
- B. ITB #25-07 Military Court of Honor Project Contract Approval
- C. RFI No. 25-09 Engineering Consultant and Design Services Contract Approval

Mayor Brooks said they received an email today from the City Attorney to pull Item 9. C., from the Consent Agenda for discussion.

Vice Mayor Kerr motioned to approve the Consent Agenda Item 9. A & 9. B. Commissioner McGeehen seconded the motion.

ROLL CALL:

Vice Mayor Kerr	"YES"
Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Ghovae	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

C. RFI No. 25-09 Engineering Consultant and Design Services Contract Approval

The City Attorney explained that RFI No. 25-09, Engineering Consultant and Design Services, was released under the Competitive Consultants Negotiation Act (CCNA). Part of that requirement is approval based on a preference or a numbering system. The public works director provided a preference list on the dais. It would be a two-fold approval of the item. One is to approve the preference list provided on the dais, and then the draft agreements provided in the packet. Different categories of services are shown on the preference list. When a project is being considered for a particular category, the first engineering company will be chosen. If the negotiation is unsuccessful, the second will be chosen, and so on, as they go through the process. The contracts in the folder are in the form of a continuing contract to allow for that process. Each time something needs to be addressed within one of the categories listed, it will come back to the Board for approval. The approval will not be for a particular project or expenditure when voting, but just for listing them in the order of priority of who to talk to and negotiate with first. The contracts will be on hand to do that in a situation involving a scope of services. The motion tonight is to approve the preference list, followed by approval of the contracts in the agenda package. It can be done in one motion.

Vice Mayor Kerr asked if the same services were needed multiple times, if number 1 would always be the first choice, or if they would rotate down to number 7. The City Attorney said number 1 would always be the first choice. If the engineering firm says it cannot handle the project, it will move to number 2. They will always go to number 1 when they start the negotiation process because they are the most qualified based on the evaluation the evaluation team did.

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

Commissioner Tagliarini motioned to approve the RFI No. 25-09 preference list and the draft agreements in the agenda package. Commissioner McGeehen seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Ghovae	"YES"
Vice Mayor Kerr	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

10. PUBLIC HEARINGS

A. Ordinance 2025-13 Fees and Collection Procedure Manual – FY 2025 Update – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-13 by title only:

ORDINANCE 2025-13

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING A REVISED APPENDIX A. – FEES AND COLLECTION PROCEDURES MANUAL OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH, FLORIDA, TO PROVIDE FOR THE CHANGES TO THE RATES OF OVERNIGHT PARKING AND CITY DEVELOPMENT FEES AND REWORD CERTAIN DEVELOPMENT SERVICES; REPEALING ORDINANCE 2025-12; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said that was the second and final reading of Ordinance 2025-13. The ordinance exhibit shows the changes made in strikeouts and the underlined format.

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

Commissioner Tagliarini motioned to adopt Ordinance 2025-13, Fees and Collection Procedure Manual – FY 2025 Update on second reading and public hearing. Commissioner Ghovae seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
Commissioner Ghovae	"YES"
Vice Mayor Kerr	"YES"
Commissioner McGeehen	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

B. ABP 2025-03 Belleair Market Johns Pass

City Attorney Tom Trask said the applicant is George Scott, owner of Belleair Market Johns Pass, located at 111 Boardwalk Place West, Suite 103, Madeira Beach, FL 33708. He read the summary of the application. The applicant is seeking a 2COP Alcoholic Beverage License for the sale of beer and wine by the drink or in sealed containers for consumption on premises and by sealed container for consumption off premises. The establishment is in the C-1, John's Pass Village Activity Center Zoning District and the Commercial Core Character District. The future land use designation for the property is Activity Center. The standards to be applied are those set forth in City Code, Section 110-532. When considering the alcoholic beverage application, the Board of Commissioners shall consider the following five 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.
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.

The City Attorney said the burden of proof pursuant to Section 2-10 of the City's Code is as follows:

The applicant shall have the burden of proof at the hearing to show by the greater weight of the evidence that the application is consistent with the City's comprehensive plan and complies with all procedural requirements of law. Conditions may be suggested by the applicant, the City or any party, or may be imposed by the Board, which are intended to assure consistency and compliance.

The City Attorney said the identities of the parties were the City and George Scott. The City received no notices of intent from affected parties. The order of presentation pursuant to the City's Code is that the applicant will go first, followed by the City. He read the quasi-judicial proceedings as follows:

The Board of Commissioners acts in a quasi-judicial rather than a legislative capacity. At the hearing it is not the Board's function to make law but rather to apply law that has already been established. In the quasi-judicial hearing, the Board is required by law to make

findings of fact based upon the evidence presented at the hearing and apply those findings of fact to precisely established criteria containing the Code of Ordinances to make a legal decision regarding the application before it. The Board may only consider evidence at the hearing that the law considers competent substantial and relevant to the issues. If the competent substantial and relevant evidence at the hearing demonstrates that the applicant has met the criteria established in the Code of Ordinances, then the Board is required by law to find in favor of the applicant. By the same token, if the confident substantial and relevant evidence of the hearing demonstrates that the applicants failed to meet the criteria established in the Code of Ordinances, then the Board is required by law to find 'against' the applicant.

The City Attorney asked the Board of Commissioners if they had received or needed to disclose any ex parte communications they had with the applicant. There were none.

The City Attorney asked the Board of Commissioners if any conflicts of interest needed to be noted. There were none.

The City Attorney administered the Oath to the witnesses present at the meeting.

Applicant Presentation

Melanie Leon, General Manager of Belleair Market Johns Pass, said they planned to have more of a convenience store-type business. It will be single cans, and packs. They also plan to do wine slushies using organic red wine. Everything will be sealed properly. They plan to do an open carry-out.

The City Attorney asked Ms. Leon if she wanted to go through the criteria in the agenda packet the applicant or property owner had filed. Ms. Leon said she would if there were any questions.

Board of Commissioners Questions of Ms. Leon.

Vice Mayor Kerr asked if they had a restaurant. The box checked on the application says they do. Ms. Leon said yes, but they do not cook anything on site. They have Cuban sandwiches. They just press them. It would be counted as a restaurant or a sandwich café. They only slice and press meat.

Vice Mayor Kerr asked if they had a sit-down. Ms. Leon said they have two small tables inside, a bench outside, and two chairs.

City Staff Presentation

Andrew Morris, Long Range Planning in Community Development, read from the Staff report in the agenda packet prepared for the item.

Discussion:

When considering the alcoholic beverage license 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.**

John's Pass Village is mostly commercial uses with a focus on tourism. There are not any single-family residential areas adjacent to the property of the proposed alcohol use. A small market serving sandwiches and selling beer and wine would be a compatible use for the location. The proposed alcohol use would 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 location of the Belleair Market John's Pass has previously had commercial tenants including a convenience store with a (2APS) alcoholic beverage license. It is not foreseen that any additional traffic would be generated since this location has previously had similar commercial tenants. There is parking located under and behind the structure and across the street in the John's Pass Plaza Parking Garage. John's Pass Village is a walkable commercial area where customers can walk between their shopping and eating destinations. The proposed alcohol use would not create additional congestion or present a safety hazard.

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

A small market would be a compatible use in this location since it is a commercial use and would be surrounded by other commercial uses. Many of the nearby tenants have several types of alcohol licenses. The structure that the establishment is in has previously had other commercial tenants including a convenience store. The proposed use is compatible with the location.

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

Public safety should not be adversely affected by Belleair Market serving beer and wine for consumption on the premises. The café is more than 300 feet away from any established church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. There are businesses nearby that already sell alcohol.

(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): City Staff recommends the approval of ABP 2025-03.

Attachments:

Loal Application
Existing Site Plan

Public Notice Mailing and Posting

The City Attorney asked Mr. Morris if he was asking that the Mayor receive into evidence the agenda package. Mr. Morris said yes.

Questions from the Board of Commissioners to Mr. Morris

Vice Mayor Kerr said the previous business also had carry-out. He asked if they had a restaurant and a sit-down open beverage area. Mr. Morris said not to his knowledge. It is a very small establishment. Outside those two tables, there is not much room for anything.

Vice Mayor Kerr said it was mentioned that they could have an open beer, take it out, and serve it. He asked if that was against any City codes. For any open events, they could carry alcoholic beverages throughout the John's Pass Village area, but he does not know that to be the case for any other day. He recalls that an open-carry out was up for a vote a couple of years ago, and thought it was voted down. Mr. Morris said that, in the way the license had been advertised for off-premises, it would need to be a sealed container. John's Pass is not a wet zone on public rights-of-way. The Vice Mayor said it gets a little dicey in his mind if they are going to have a couple of tables where they can sit down and enjoy a cold alcoholic beverage. It is just like any place in the village, so he knows it happens. Those shops are subject to whatever the City enforces. He did not see a problem with it since it was established there prior. It is a commercial area where nearly every place down there serves alcohol. So, if it is a package store, it should be approved as a package store. If served inside, they should consume that alcoholic beverage before leaving, just like in a restaurant.

Mayor Brooks said the presentation stated that the alcohol leaving the premises would be covered. If she purchased a pressed Cuban and a cold beer, she would sit at a table, open the beer and drink it, or take both items unopened and leave.

Opened to Public Comment

The City Attorney administered the Oath to Tom Edwards.

Tom Edwards, District 1, said if a person makes a purchase and walks out with a beer and a sandwich, he would think that the personnel working the checkout counter would be able to advise the tourists and customers that are not familiar with the ordinance that they cannot open the container and walk around John's Pass with an open container. He asked to make that one of the conditions for training their staff and any new members.

The City Attorney closed the quasi-judicial hearing.

Board of Commissioners Consideration and Approval

The City Attorney said in the agenda packet that City staff recommends approving ABP 2025-03.

Commissioner McGeehen motioned to approve ABP 2025-03, Bellair Market Johns Pass. Commissioner Ghovae seconded the motion.

ROLL CALL:

Commissioner McGeehen	"YES"
Commissioner Ghovae	"YES"
Vice Mayor Kerr	"YES"
Commissioner Tagliarini	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

C. ABP 2025-02 Barefoot Beach Club

City Attorney Tom Trask said the applicant is Amanda Huffman for Barefoot Beach Resort South, LLC, located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, FL 33708. The City received notices of intent from the following affected parties:

- Thomas Edwards
- Cynthia Edwards
- Ronald Llauget
- Rose Llauget
- Mitchell and Sandra Rayburn
- Barbara Ray
- John Kline

He read the summary of the application. The applicant was requesting approval for a Special Motel/Hotel (4COP) Alcoholic Beverage License with the intent to sell beer, wine, and liquor for consumption on the premises. Special Act 79-554 allows hotels in Pinellas County with at least 50 hotel rooms to apply for the license, and Barefoot Beach Club meets the threshold. He read the following five factors in City Code, Section 110-532 for consideration of the alcoholic beverage 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.

The City Attorney said the burden of proof is set forth in Section 2-10 of the City's Code as follows:

The applicant shall have the burden of proof at the hearing to show by the greater weight of the evidence that the application is consistent with the city comprehensive plan and complies with all procedural requirements of law. Conditions may be suggested by the applicant, the City, or any party or may be imposed by the Board, which are intended to assure consistency and compliance.

The City Attorney read the quasi-judicial proceedings as follows:

The Board of Commissioners acts in a quasi-judicial rather than a legislative capacity, stating that the hearing is not the Board's function to make law but rather to apply law that has already been established. In the quasi-judicial hearing, the Board is required by law to make findings of fact based upon the evidence presented at the hearing and apply those findings of fact to previously established criteria containing the Code of Ordinances to make a legal decision regarding the application before it. The Board may only consider evidence at the hearing that the law considers competent, substantial, and relevant to the issues. If the competent, substantial, and relevant evidence at the hearing demonstrates that the applicant has met the criteria establishing the Code of Ordinances, then the Board is required by law to find in favor of the applicant. By the same token, if the confident substantial and relevant evidence of the hearing demonstrates that the applicants failed to meet the criteria established in the Code of Ordinances, then the Board is required by law to find 'against' the applicant.

The City Attorney asked each Commissioner if they received or needed to disclose any ex parte communications on the item.

- Commissioner Tagliarini said he spoke with Mr. and Mrs. Edwards, Mr. and Mrs. Llauget, Joann Klaben, and the Board of the Chambre condominiums. The general discussions were about it being inappropriate for the primarily residential neighborhood.
- Vice Mayor Kerr said he spoke with Joann Klaben about the history between residents and Barefoot Beach Club.
- Mayor Brooks said she spoke with Joann Klaben about the neighbors and her interactions with Barefoot Beach Club.
- Commissioner McGeehen said he spoke with residents in his district, including Ray, Cassandra, Ed, Nicki, and Chris.
- Commissioner Ghovae said he spoke with Doug Andrews about the nature of the application.

The City Attorney asked the Commissioners if they had any conflicts of interest that would prohibit them from considering the application. There were none.

The City Attorney accepted a notice of intent from Gail Yidas.

The City Attorney administered the Oath to the witnesses present at the meeting.

The City Attorney said the order of presentation would be the applicant, the City, and then Mr. Brian Aungst, Macfarlane Ferguson & McMullen, who was present on behalf of his client, Barefoot Beach Resort South, LLC.

Applicant Presentation

Brian Aungst introduced himself and gave a PowerPoint presentation, which was submitted to the City into evidence. The property is located in the C-1 John's Pass Activity Center Transitional Zone. Alcohol sales are permitted use in the district. The primary type of use within 300 feet of the Barefoot Beach Club is hotel and condo use. The Barefoot Beach Club Hotel was developed under a development agreement that allows for an ancillary rooftop bar, sun deck, and fitness room with typical and customary limited food service for hotel guests for their convenience only. A prior Commission legislatively approved the use at a lower evidence standard. The ancillary restaurant would not increase the need for additional parking because it is for hotel guests only. There are 73 rooms at the hotel, so 73 parking spaces are required. The hotel provides 84 spaces. Special Magistrate Valdez approved the Special Exception Use application with conditions at the May 27, 2025 hearing. Nothing has changed structurally, so the only thing to be approved by the Board is the ability to sell alcohol to hotel guests only. There are no restrictions on the property other than what is in the noise ordinance because the development agreement expired when the certificate of occupancy was issued.

Mr. Aungst responded to the approval criteria as follows:

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 proposed request is compatible with the character of the existing neighborhood. The previously approved development agreement included a rooftop bar/restaurant.

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.

There would be no additional traffic because it is for hotel guests only.

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

The hotel has operated on the property for years, and the request will not alter the hotel's character.

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

The requested use would not have an impact on 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 does not owe any fees to the City.

Mr. Aungst said the Special Magistrate's Order Granting Special Exception Use with Conditions dated June 7 imposed the following 11 conditions of approval that the public asked for:

1. No amplified music or sound on the open rooftop.
2. The applicant will comply with all noise ordinance provisions.
3. No event on the open rooftop that includes non-hotel guests.
4. There shall be no special events with 50 or more people on the open rooftop.
5. The rooftop will operate under the definition of a restaurant.
6. The commercial uses approved in the application will continue the intent of the development agreement.
7. Any lighting on the open rooftop must comply with the Code.
8. The open rooftop shall close at 9:00 p.m.
9. The dumpsters shall be screened from public view and not placed in a parking spot.
10. All deliveries shall be made on the property and prohibited from parking on Gulf Lane.
11. The Board may revoke the Special Exception Use if the conditions and safeguards made part of the approval are violated.

The applicant, Amanda Huffman, introduced herself and her husband. They want to work in harmony with the neighbors, and they have worked hard to achieve this.

Mr. Aungst said alcohol would not be available off-premises. It would be for hotel guests only. There will be a fence and signage. The rooftop will close at 9:00 p.m., and the pool will close at dusk.

Questions from the Board of Commissioners

The City Attorney asked if there were any questions from the Commission.

Commissioner Tagliarini asked if they knew several Character Zones were in the John's Pass Activity Center designation. Mr. Aungst said yes. Commissioner Tagliarini asked if they would say the Transitional Zone Characteristic District is the same as the Commercial Core. Mr. Aungst said it has different uses. Commissioner Tagliarini said the application states there are 119 seats on the rooftop, and if events are limited to 50 people, is there anything that prevents 119 people on the rooftop? Mr. Aungst said he reads the condition to say there would not be more than 49 people on the roof at any given time. Commissioner Tagliarini asked if there was a way it could be monitored. Mrs. Huffman said yes. They did not want to turn it into something they could not control. Commissioner Tagliarini asked for confirmation on the 60:40 ratio for food and alcohol. Mr. Aungst confirmed that food and non-alcoholic beverages are 60% to 40% alcoholic beverages.

Commissioner Tagliarini asked why the application states they are not working on kitchen plans. Mrs. Huffman said it would be quick-service food with some already-prepared meals. She is confident they will be able to stay within the 60:40 ratio.

Vice Mayor Kerr asked Mr. and Mrs. Huffman if they were the owners. Mrs. Huffman said she is the manager of the property, her father-in-law is the owner of the LLC, and her husband is a managing partner of the LLC. The Vice Mayor asked about the events advertised on their website. Mr. Huffman said they partnered with West Events and supplied only the rooms for people attending the events hosted by West Events. The Vice Mayor asked if they would be catering events, and Mrs. Huffman said no.

Mayor Brooks asked Mrs. Huffman how long she had worked for the hotel. Mrs. Huffman said 17 years. The Mayor asked what they would have for music on the rooftop that would be compliant. Mr. Aungst said there would not be any music. The Mayor asked what kind of events they considered holding at the hotel. Mrs. Huffman said no events would be held at the hotel; they would be referred to West Events. The Mayor said a concern of residents is that the hotel is not staffed 24 hours a day, seven days a week. Mrs. Huffman said a property manager is living on-site and makes rounds every 30 minutes or more, and she and her husband are there after hours. An after-hours telephone number is posted when the office is closed. The Mayor said, for clarification, that an alcoholic beverage cannot be taken from one building to another. Mrs. Huffman said that it is correct.

Commissioner McGeehen asked if they would be training the bartenders and servers. Mrs. Huffman said they would do all the training and food service certifications. Commissioner McGeehen asked if there would be security on the property to help shut down the rooftop at 9:00 p.m. Mrs. Huffman said the staff locks the property down at 9:00 p.m. The property manager acts as security there. Commissioner McGeehen asked how the partnership with West Events was working out. Mr. Huffman said it was working out very well because they are closer in proximity than Cambria.

Commissioner Ghovae asked if there would be on-street signage that would encourage people to stop to check out the rooftop. Mr. Aungst said no, it is not open to the public. Commissioner Ghovae asked if there was a parapet wall for protection on the rooftop. Mr. Aungst showed a slide of the rooftop architecture. Commissioner Ghovae asked about the height of the parapet wall. Mr. Aungst said he did not know. Commissioner Ghovae said any safety concerns on the rooftop would not be a liability to the City.

Cross Examination of the Affected Parties

Mr. Edwards asked where the property manager stays on the premises. Mr. Huffman said he did not want to disclose that, but he is there 24 hours a day, seven days a week. There are two maintenance workers, a supervisor, and a helper. Mr. Edwards asked if the property manager works the 12-hour shift when the office is closed. Mr. Huffman said he responds to any calls and issues. They have an associate who lives nearby who checks on the property, and their family stays there over the summer months. Mr. Edwards asked if the property manager walks the property to the

water since people from the hotel go to the beach to set off fireworks. Mr. Aungst objected to the question, and Mrs. Huffman said she would not speak to accusations. She said they shut down the noise immediately. Mr. Edwards asked if that included fireworks. Mrs. Huffman said they have not used fireworks and do not permit fireworks on the property. City Attorney Trask asked Mr. Edwards to focus his questions on the alcohol permit application, not other issues. Mr. Edwards asked if they would sell alcohol from 9:00 a.m. until 9:00 p.m. Mr. Aungst said the use includes all commercial food sales and non-alcoholic and alcoholic beverages.

Mrs. Edwards asked why two different business addresses are on the license information on page 307 of the agenda packet. That address is not listed on the property appraiser's website. Mr. Huffman said the previous address before the new building was built was 13238, the address of the new building is 13220, and they can receive mail at both addresses.

Mr. Llaugett asked where they would dispense alcohol. Mrs. Huffman said on the rooftop and poolside. Mr. Llaugett asked if there was a sketch of the pool deck. Mrs. Huffman said she was working with the City on it. Mr. Aungst said the approval of the application would be to serve food and beverages throughout the hotel. The rooftop, open-air balcony was required to have a special exception for commercial use, which the Special Magistrate approved. Mr. Llaugett asked if the pool blueprint was part of the application. Mr. Morris said it was. Mr. Llaugett said the instructions from form DEPR ABT 6001 state scanned blueprints are not accepted. Mr. Aungst said it was a separate application filed with the State of Florida, and if DBPR felt they needed to supplement the application, they would. Mr. Llaugett asked if they would continue to allow people to bring alcohol onto the property if the license is approved. Mr. Aungst said he could not see how they could not allow it unless someone was breaking the rules already set in place. Mrs. Huffman said it is not a bar. That has been misunderstood.

Mrs. Llaugett asked for clarification on whether the previous Commission approved the sale of alcohol. Mr. Aungst said the previous Commission approved the uses in terms of the development agreement, but that did not give them the right to sell alcohol, and they still need to go through the process. Mrs. Llaugett asked if the previous approval contained the word alcohol. Mr. Aungst said it did not, but the word bar is used twice. Mrs. Llaugett asked if he assumed the word bar meant alcohol bar. Mr. Aungst said that was his interpretation. Mrs. Llaugett asked if the beach property to the high-water mark was included in their calculation. Mr. Aungst said there will not be alcohol sales or service on the beach; it is limited to the property. Mrs. Llaugett asked how they would dispense alcohol at the pool site. Mrs. Huffman said it would be canned beverages in a refrigerated device. Mr. Aungst said no structures are being added to the site. Mrs. Llaugett asked if they planned on selling alcohol on both Gulf Lane and Gulf Blvd. Mr. Aungst said it would approve the sale of alcohol on premises, and it has to comply with all the other codes and ordinances of the City.

Ms. Yidas asked who would determine if there was a violation. Mr. Aungst said a code complaint would be filed and investigated by the City. It would be up to the Special Magistrate and the Commission on a case-by-case basis.

City Staff Presentation

Andrew Morris, Long Range Planning in Community Development, read from the Staff report in the agenda packet prepared for the item.

Discussion:

When considering the alcoholic beverage license 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.**

Barefoot Beach Club has the Future Land Use Category of Activity Center (AC) and the Zoning Category of C-1, John's Pass Village Activity Center. Barefoot Beach Club is in the Transitional Character District of the John's Pass Village Activity Center. The east side of Gulf Boulevard in the Transitional Character District has a mix of condo-hotel and commercial uses. The west side of Gulf Boulevard for the Transitional Character District is a mix of tourist accommodations and residential properties. On the west side of Gulf Boulevard, commercial uses are allowed as an ancillary use but requires the primary use of the property to be either a temporary lodging use or a residential use.

City Staff using ArcGIS Pro and Pinellas County Property Appraiser Parcel Data created a map and tables showing the types of uses within a 300-foot radius of Barefoot Beach Club. The first table includes Barefoot Beach Club for the hotel and condo-hotel use land area, while the second table does not include Barefoot Beach Club. The largest type of use based on land area within the 300 feet radius is hotel and condo hotel. The second largest type of use is multifamily residential. The third largest type of use within the 300 feet radius is single-family residential. The fourth largest type of use is commercial. If Barefoot Beach Club is not included in the land area of the hotel and condo hotel use, the order of the top four largest uses does change. The largest type of use becomes multifamily residential. The next largest type of use is hotel and condo hotel. The third largest use is single-family residential. The fourth largest type of use is commercial.

The only alcohol use allowed on the west side of Gulf Boulevard in the Transitional Character District is for restaurants that meet the requirements in (Section 110-527) of the Madeira Beach Code of Ordinances. The Development Agreement previously approved for Barefoot Beach Club stated that the restaurant use would be ancillary and for hotel guests only. The applicants' proposed alcohol use will need to meet the requirements for restaurants located in (Section 110-527).

Figure 1

Properties Within 300 Feet of Barefoot Beach Club

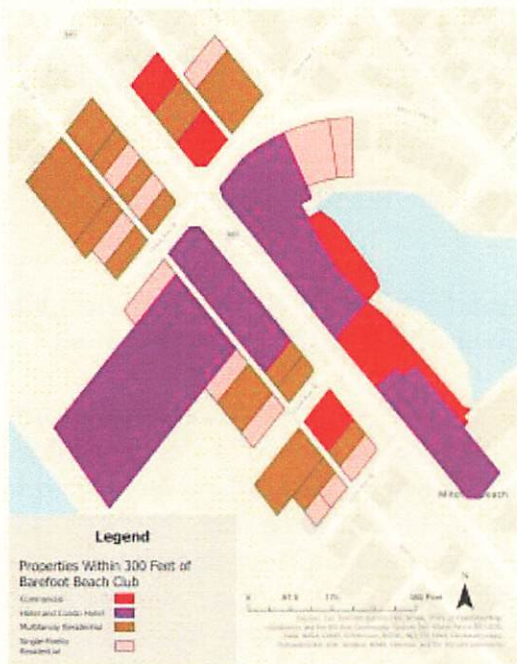


Table 1

Total:	Types of Uses Within 300 Feet of Barefoot Beach Club		
	Type of Use	Total Area by Type of Use (Acres)	Total Percentage by Type of Use Land Area
	Single-Family Residential	1.17	15%
	Multifamily Residential	1.82	24%
	Commercial	1.12	15%
	Hotel and Condo Hotel	3.50	46%
		7.60	100%

Table 2

Total:	Types of Uses Adjacent to Barefoot Beach Club Within 300 Feet		
	Type of Use	Total Area by Type of Use (Acres)	Total Percentage by Type of Use Land Area
	Single-Family Residential	1.17	21%
	Multifamily Residential	1.82	33%
	Commercial	1.12	20%
	Hotel and Condo Hotel	1.45	26%
		5.56	100%

(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 alcoholic beverage license use would be ancillary to the main use of the property, which is used as a hotel. The alcoholic beverages would be sold alongside food and would only be sold to hotel guests. The proposed alcoholic beverage license use will need to meet the restaurant requirements in (Sect. 110-527) of the Madeira Beach Code of Ordinances. Since the proposed alcoholic beverage license use would be for an ancillary restaurant for hotel guests, additional congestion would not be expected. The proposed alcoholic beverage license use meets the intent of the previous Development Agreement and would not be considered an expansion of use requiring additional parking.

(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 Transitional Character District along the west side of Gulf Boulevard allows for ancillary non-residential uses, but the primary use of the property would need to be either for temporary lodging uses or residential uses. The neighborhood consists of multifamily, single-family, condo-hotels, and one stand-alone commercial restaurant (which is across Gulf Boulevard). Alcoholic beverages for an ancillary restaurant would be compatible since it would not be the primary use of the property. The primary use of the property would still need to be a hotel. Barefoot Beach Club is a hotel and serving food and alcohol to hotel guests only is customary of a hotel use that would be considered an ancillary use.

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

The proposed alcoholic beverage license use would not adversely affect public safety. The proposed alcohol use is compatible with the C-1, John's Pass Activity Center Zoning District and Transitional Character District. The primary use of the property is a hotel and will continue to be a hotel. At least 60% of the gross sales of the ancillary restaurant would need to come from food and non-alcoholic beverages (condition 3 of SE 2025-01). In (Sec. 110-538) of the Madeira Beach Code of Ordinances, establishments classified as restaurants are required to maintain books and records reflecting the gross sale of food and non-alcoholic items and the gross sale of alcoholic beverages. They are required to provide such books and records to the City within 30 days upon request. Failure to keep the books and records required in this section shall be adequate grounds for the Board of Commissioners to revoke the alcoholic beverage zoning classification of the property upon which the business operates.

(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):

City Staff recommends the approval of ABP 2025-02 with the following conditions:

1. No amplified music, no raucous noise (Article III.-Noise), and no amplification of sound including but not limited to radios, stereos, karaoke machines, and televisions shall be permitted on the open rooftop.
2. No special events (Article II.-Special Events) (50 or more people) shall be permitted on the rooftop. Only hotel guests are allowed on the rooftop. The definition of a "hotel guest" for this alcoholic beverage license request is a registered overnight hotel room occupant.
3. The applicant must sell food, the applicant must meet the restaurant definition (60% of sales from food and non-alcoholic beverages), and the applicant shall only serve food and alcohol to hotel guests and cannot operate as a restaurant open to the public.
4. The commercial uses approved in this application will continue the intent of the Development Agreement dated December 1, 2015, and recorded in OR Book 19105, Page 1649-1668 and allow the open rooftop use of a sundeck and the enclosed rooftop area to be used as a fitness room and/or a bar restaurant for hotel guests. These uses will be considered ancillary uses for the primary hotel use and shall not become primary uses of the property.
5. Any lighting used on the open rooftop must be compliant with the Madeira Beach Code of Ordinances, (Section 110-505. - Lighting within the sea turtle conservation zone).
6. Alcoholic Beverages cannot be sold or consumed beyond the Coastal Construction Control Line (CCCL) on the beach.
7. The Board of Commissioners may revoke the Alcoholic Beverage License if the above-mentioned conditions and safeguards and/or the conditions made part of the special exception use are violated.

Attachments:

Local Application ABP 2025-02

Site Plan

State Application

Special Act 79-554

SE 2025-01 Application

Public Notice Mailing and Posting

The City Attorney asked Mr. Morris if he wanted the agenda package to be entered into evidence. Mr. Morris said yes. City Attorney Trask asked if there were any objections from the affected parties and Mr. Aungst. There were none. Mayor Brooks received the agenda package and the applicant's PowerPoint presentation into evidence.

Questions from the Board of Commissioners

The City Attorney asked if there were any questions from the Commission for Mr. Morris.

Commissioner Tagliarini asked if the application would allow them to sell alcohol at the address across the street that they own. Mr. Morris said it is only on the addresses listed on the application, memo, and public notice. Commissioner Tagliarini asked if any other businesses on the west side of Gulf Blvd had 4COP licenses. Mr. Morris said Caddy's is the only active 4COP license on the west side of Gulf Blvd. Commissioner Tagliarini asked if there were any hotels with or without a kitchen with a 4COP license on the west side of Gulf Blvd. Mr. Morris said no. Commissioner Tagliarini asked if granting the license would create a precedent for other beach hotels to request a liquor license. Mr. Morris said the rest of the beach is zoned R-3, allowing restaurant-type uses to have a liquor license.

Vice Mayor Kerr asked if the deputies had the devices that measure the sound. Mr. Morris said he did not know. Vice Mayor Kerr said he wanted to make sure they had the proper wording if it were to pass.

Commissioner Ghovae asked if Mr. Aungst's presentation restrictions were part of the record. Mr. Morris said yes, and the staff conditions are attached to the memo.

Mayor Brooks asked if staff recommended approving the alcohol license with the conditions on the memo and the Special Magistrate conditions. Mr. Morris said yes.

Cross Examination of Mr. Morris

Mr. Aungst asked Mr. Morris what his title was and if he was testifying as an expert for the City. Mr. Morris stated his name and title and said he was. Mr. Aungst asked if the proposed alcohol sales use is permitted in the Transitional Character District of the John's Pass Activity Center because the hotel has more than 50 rooms. Mr. Morris said the code requires it to be for ancillary use at the hotel. Mr. Aungst asked if Mr. Morris explained that it is an allowable use because it is an ancillary, non-residential use and temporary lodging. Mr. Morris said yes. Mr. Aungst asked if the approval of the license with the conditions outlined was consistent with the intent of the development agreement. Mr. Morris said yes.

Mr. Llaugett asked why his and other properties going to the high-water mark were not included in Mr. Morris' calculations. Mr. Morris said the parcel data came from the Pinellas County Property Appraiser's website. Mr. Llaugett asked if it could be a mistake. Mr. Morris suggested he contact the Property Appraiser's office.

Mrs. Llaugett asked if the majority of Gulf Lane would be family residential if he took the portion of Barefoot Beach to the high-water line out of the calculation. Mr. Morris said any of the properties are allowed to be rented as nightly rentals. He did not look at which properties were homesteaded, but it is a mixed-use district. Mrs. Llaugett asked why there was no specific information in the conditions concerning hotel guests at the poolside. Mr. Morris said most concerns they received were related to the rooftop, but it could be added as a condition if the Board

directed it. Mrs. Llaugett asked if it would be prudent to include the same definitions for the rooftop and the pool. Mr. Morris said the Board can add it as a condition when they vote.

Affected Party Presentations

Tom Edwards, District 1, said that before the existing buildings were built, there were ten cottages on Gulf Lane and a small strip store on Gulf Blvd. The previous owners, Mr. and Mrs. Stark, were on-site managers, and there were no problems. Mr. Stark wanted to open a package store in the strip store, but the neighborhood was against alcohol sales in the residential neighborhood, and the Commission denied it. Barefoot Beach bought the property and did a planned development. They could have had a bar and restaurant, but they never built the restaurant.

Mr. Edwards said they wanted the Traditional Area of the John's Pass Activity Center to only go to 130th Avenue or 131st Avenue, not 133rd Avenue. He provided a list of the condominiums along Gulf Lane. None of them has any rooftop activity or applied for an alcohol license. It is the only residential area on the beach west of Gulf Blvd. He asked the Board not to set a precedent and grant an alcohol permit in the Gulf Lane neighborhood.

Mr. Edwards said there is no active on-site management 24 hours a day. That is significant when there will be alcohol activities there. He did not understand why they wanted to start serving at 9:00 a.m. when it was not a restaurant. There is no way to control the number of guests on the rooftop. There are some things the Magistrate ordered that the City cannot enforce. The residents in the neighborhood do not want alcoholic beverages in their residential neighborhood. It will affect the character of the neighborhood.

Mr. Edwards showed a short video focusing on the noise coming from the property. No one on site took any action. He cited instances when noise was an issue at the property.

Commissioner Tagliarini asked how long Mr. Edwards has lived in the existing years. Mr. Edwards said 44 years. He also pointed out that there would be no parking for the extra people they hire.

Commissioner Tagliarini asked if Mr. Edwards thought the proposed use was compatible with the location and why or why not. Mr. Edwards said the neighborhood has been against the sale of alcohol anywhere west of Gulf Blvd along Gulf Lane. No establishments on the west side of Gulf Blvd. sell alcohol except Caddy's and Archibald Park, which serve a substantial amount of food.

Commissioner Tagliarini asked if Mr. Edwards had seen the laundry truck parking on Gulf Lane and if the dumpster had been moved since the Magistrate's Order on May 27, 2025. Mr. Edwards said he had not seen the truck, but the dumpster was still there.

Vice Mayor Kerr asked Mr. Edwards if the deputies had ever been called to the property and, if so, how many times. Mr. Edwards said yes, many times. The Sheriff's Office does not enforce the ordinances as well as the local police used to.

Mayor Brooks asked how many times over the past year Mr. Edwards has called and reported them for violating a noise ordinance. Mr. Edwards said he had not called because of the response he got from the deputies.

Mrs. Edwards said her husband said everything she wanted to say. She has not called the police. She is a sound sleeper, sleeps with a CPAP machine, and only hears the noise until 9:00 or 10:00 p.m. She got the Sheriff's report for calls for service from the Sheriff's Department and listed them. Because it is in the code, they do not need to approve it. They need to think about the neighborhood and the people who live there. She asked the Board not to allow the liquor license.

Commissioner Tagliarini asked if the Sheriff's calls were specifically for Barefoot Beach. Mrs. Edwards said all of them, except one, were listed as 13220 Gulf Blvd., which is the address for Barefoot Beach.

Commissioner Ghovae asked if the rooftop would contribute to additional noise. Mrs. Edwards said yes. Commissioner Ghovae asked if she would be okay if the rooftop contributed to, for instance, three police reports in three months, then the City could revoke the license. Mrs. Edwards said yes, but would they vote to revoke the license once they approve it? Commissioner Ghovae said it would be a condition of the approval.

Ronald Llaugett, 13231 Gulf Lane, distributed a list of the properties on Gulf Lane. He asked the Board to mark how many individuals said "yes" to it and how many said "no." He said there would be very few "yeses" from the neighborhood. He sent an email asking Mr. Morris to clarify the definition of license premise as outlined in Florida Statutes 561.01(11). Mr. Morris forwarded the email to Attorney Trask. He read Attorney Trask's response, "If the application includes both parcels, the property owner may be required to obtain licenses for two locations through the Division of Alcoholic Beverages, Tobacco Division of the Department of Business and Professional Regulations. It is his opinion that the processing of the application with the City doesn't change, though, so long as the application contains both parcels and the BOC can proceed. Just because the BOC approved the two locations doesn't mean the division will approve it." Mr. Llaugett thought they would need two licenses.

Commissioner Tagliarini asked if Mr. Llaugett thought the 4COP license would adversely affect the character of the existing neighborhood. Mr. Llaugett said yes. Commissioner Tagliarini asked how long he had lived there. He said he lived there in 1976, bought it in 1981, and started renting it through VRBO about 13 years ago. He has had a few complaints from the renters. Commissioner Tagliarini asked if he thought the proposed use was compatible with the location. Mr. Llaugett said no.

Mr. Aungst asked Mr. Llaugett if he currently lived at the property next door to Barefoot Beach and when the last time he resided there full-time. Mr. Llaugett said he does not live there and has not lived there for 35 years. Mr. Aungst asked what his primary address is. He said 19905 Reading Road, Lutz, Florida. Mr. Aungst asked if he rents his property out full-time. Mr. Llaugett said yes. Mr. Aungst asked if he allowed his renters to drink alcohol on his property. Mr. Llaugett said yes. Mr. Aungst asked if anyone had ever complained about noise or issues with his renters. Mr.

Llaugett said not to him. Mr. Aungst asked if his property was substantially damaged. Mr. Llaugett said yes and did not know if it would need to be torn down. It is occupiable upstairs, but he is not renting it now. He stopped renting it after the hurricane.

Rose Llaugett, 13231 Gulf Lane, said they have been there since 1976 and have undergone changes in Madeira Beach. The Gulf Lane community is small, primarily residential, and quiet. Gulf Blvd. is a commercial thoroughfare, but between 135th Avenue and 129th Avenue, no businesses serve alcohol; it is a residential old Florida community. People come to Madeira Beach because they want the beach, not a big party atmosphere. She asked the Board to retain the ambiance and character of the small jewel in Madeira Beach.

Mrs. Llaugett said hotels are going up, and you can see the mistakes made. They were not supposed to see the entrance to the parking garages at the entrance to the City, only the beach. It would be hard to revoke their license, and she does not see that happening. The objective is to make money, but do it with the neighborhood in mind. She asked the Board to consider the residents and not give them alcohol sales at the pool. She did not want them going across Gulf Lane with the alcohol. To happily coexist with the neighborhood, they need to give up something.

Commissioner Ghovae asked if she would be fine with no alcohol sales at the pool. Mrs. Llaugett said she would be fine if they adhered to the rules. They did not address what would happen at the pool under the conditions. There is no way they would always be able to meet the conditions.

The City Attorney said Mr. Edwards submitted the video on a thumb drive. There were no objections, and the Mayor received it as evidence.

Public Comment

The City Attorney administered the Oath to Jeff Beggins.

Jeff Beggins, 429 Boca Ciega Drive, said they own a hotel that was approved years ago, and now they are only asking to serve to their guests. The majority of homes on Gulf Lane are commercial properties being rented. He thought the Board should look at it from a constitutional property rights standpoint. He advised them to vote yes.

Closing Argument

Mr. Aungst said they are fine with adopting all of the same conditions the Magistrate adopted; that way, they are uniform with the conditions in the Commission's approval. They are also fine with making all the conditions reciprocal between the pool and the roof. People are going to be able to drink alcohol at the hotel whether they buy it there or not. The Magistrate received into evidence police reports from 2020-2023 provided by Mr. Edwards. Only eight of them were noise-related. The Magistrate did not receive any from 2024 or 2025. He said Mr. Edwards admitted that he did not make any reports in 2025 and has never contacted the Huffs directly to complain.

Mr. Aungst cited case law Katherine Bay versus Fagan, 52 So. 3d 19 District Court of Appeal First District, from December 14, 2010. It is about quasi-judicial land use hearings and what is competent substantial evidence. The staff report is competent substantial evidence, and the expert has testified that they meet all five approval criteria. They have not heard countervailing expert testimony. It is specifically allowed for a hotel that sells 60% food and non-alcoholic beverages in the Transitional District of the John's Pass Village Activity Center. It is in the Code. They have to approve it if they meet the burden of proof because it is a quasi-judicial hearing. It does not matter if they do not like it.

Mr. Aungst said the conditions were crafted with a sincere desire to meet the compatibility criteria. Not only can they revoke it, but the Special Magistrate can too. None of the conditions are in place outside the general noise ordinance. The dumpster was moved to the parking lot at the request of Public Works Director Megan Wepfer. The owners have already applied for a permit to install the enclosure. It is a condition to enclose it, so they will not be able to sell alcohol until the condition is met. He encouraged the Board to adopt the staff recommendation of approval with the Special Magistrate's conditions and reciprocal to the pool.

Mrs. Huffman said they want Barefoot Beach to be a legacy for their children and a place for them to continue to grow. She wants harmony for all of the neighbors and to help the community.

The City Attorney closed the quasi-judicial hearing.

Board of Commissioners Consideration and Approval

Commissioner McGeehen motioned to approve ABP 2025-02 Barefoot Beach Club based on staff recommendations. Commissioner Ghovae seconded the motion.

Vice Mayor Kerr said the motion does not include the pool area, common areas, or the Special Magistrate conditions. City Attorney Trask said it does include the entire property. Vice Mayor Kerr suggested the motion be amended to include no amplified music for the common areas. Mayor Brooks said they are voting on the alcohol license and agreed with the recommendation that the conditions match the conditions the Magistrate set. Vice Mayor Kerr said the staff's recommendation and the Magistrate's conditions reference the rooftop, not the pool area or other common areas. City Attorney Trask said they can add the word poolside everywhere it mentions rooftop. City Attorney Trask asked Commissioner McGeehen if he was willing to amend his motion to include that language in the conditions. Commissioner McGeehen said yes. Commissioner Ghovae seconded the amended motion.

Mayor Brooks listed the positives she took away from the information presented as follows:

1. It is for guests only.
2. If they are serving alcohol, there will be someone there to serve it and address certain situations. Having a bartender is a greater benefit to the surrounding community.
3. They can regulate people by the pool if they are serving their own alcohol.
4. She agreed with the conditions set by the Magistrate.

5. Barefoot Beach has put forth a good-faith effort and is already starting to comply with their issues.
6. Barefoot Beach has met all of the criteria, and they have the legal right to have the alcohol license.
7. If they do not adhere to the rules, the Board can take the license away. If they do not take it away, the Special Magistrate can.
8. She sees giving the license as a way to regulate the alcohol as opposed to anyone bringing their own alcohol and behaving in whatever manner they choose.
9. People can walk across the street with alcohol now. With the license, they will be held to a higher standard.

Commissioner Tagliarini listed his sticking points:

1. The proposed alcohol beverage request will adversely affect the character of the existing neighborhood. He has heard a lot of evidence from long-time residents who say it would affect the neighborhood's character.
2. The long-time residents say the proposed use is not compatible with the location. It is a hotel in the middle of residential properties.
3. He questions how they will maintain the 60:40 ratio of food to alcohol when they do not have a restaurant with a kitchen.

The City Attorney said there are two cases of law regarding statements made by the residents. Pollard versus Palm Beach County held that statements by local residents of their opinions and desires and in opposition to the proposal are not competent substantial evidence. The City of Apopka versus Orange County has the same holding. You are not to consider those statements as competent substantial evidence. The case of Katherine Bay versus Fagan, as referenced by Mr. Aungst, holds that lay opinion testimony requiring expertise is not competent substantial evidence. He wanted to make sure they followed the law when they voted.

Vice Mayor Kerr asked Mr. Trask if they had a choice on voting it up or down. City Attorney Trask said they have a choice to determine whether the five criteria were met based on the testimony and evidence that they received.

Mayor Brooks asked if the law was on the side of the alcohol applicant. City Attorney Trask said the only expert that testified was Mr. Morris. The applicant did not have to put on a case. They could have relied upon Mr. Morris's testimony, which would have been sufficient.

ROLL CALL:

Commissioner McGeehen	"YES"
Commissioner Ghovae	"YES"
Vice Mayor Kerr	"NO"
Commissioner Tagliarini	"NO"
Mayor Brooks	"YES"

The motion carried 3-2.

The Mayor recessed the meeting at 9:34 p.m. and reconvened at 9:42 p.m.

11. UNFINISHED BUSINESS

There was no unfinished business.

12. CONTRACTS/AGREEMENTS

A. Master Agreement UF, Task Order 08: Impact Fees

Community Development Director Jenny Silver said the master agreement is between the University of Florida and the City for Jerry Murphy to look into the impact fees they discussed at the BOC Workshop. She included in the agenda packet some elevation numbers and new single-family home permits that have been issued, shown on p. 479 of the agenda packet. It shows that the building permit fee was reduced from 2% to 1%. It also shows the impact fees collected on each project. They have three new homes and three elevations. Two of the elevations had no impact fees. The other elevation involved enclosing the garage, so they paid the impact fees as shown.

Jerry Murphy, University of Florida, said that in 2019, the City entered into a master research agreement with the University of Florida. The university is a state organization. They are not covered under the CCNA, and they are exempt. The City has a direct agreement with the university and does not have to go out for RFPs or RFI. If the agreement in the packet is approved, it will be their eighth task order under the master research agreement. The largest of the task orders in the past has been the impact fees because it involved amendments to the comprehensive plan, establishment of service levels, and an entire ordinance with multiple hearings working with the Planning Commission. They were contacted to see what they can do regarding where they are with the impact fees. Chapter 92 of the City's code is the provision for re-examining the proportionate share development fees or the impact fees. The relevant provision of their current discussion is Sections 92-65. It provides that the Board of Commissioners will review the fee schedule for the impact fees annually. Section 92-66 provides that unless otherwise directed by the Board of Commissioners, the schedule will be adjusted in May based on the methodology that is in the reports that are referenced in Section 92-67, which are in turn based on the levels of service adopted in the City's comprehensive plan. In those reports, some colorful tables are used to calculate the fees. That was a snapshot taken in 2019. It changes over time as the City acquires, eliminates, or retires assets. That has not been updated in six years. It is reasonable to take a new look, including whether or not it is reasonable and legally defensible to make certain accommodations for elevating structures out of the flood plain, thereby potentially improving the City's health, safety, and welfare. He does not know the answer to any of those questions regarding assets, flood plain development, or legal defensibility because they have not researched it. Their understanding at the University of Florida when drafting the task order, as shown on p. 388 of the agenda packet, is that the City wanted to re-examine the proportionate share of the development fees in light of the aftermath of Hurricane Helene. The task order is just a draft for discussion. They usually do not have the negotiation and discussion of that in a public forum. In the past, that has been done with

staff and then brought to the Board of Commissioners. The Board can make changes to the draft. They might want to consider their assistance in coordinating with Pinellas County for the City as they discuss their mobility fee adoption. Another is updating the report since the information is six years old and things have changed. The report did not include the new Cambria Hotel. In the tables that Jenny mentioned, the permit fees are percentage fees based on the construction cost. The impact fees do not have that same basis and an entirely different calculation. They are based on the square footage of the improvements. The other thing that the task order mentions is the planning officials' training. The training is beneficial. They have not done it since 2019. The training can be open to the public. The Board of Commissioners and the Planning Commission benefit mostly because they are the sounding Board for the comprehensive plan or the land development regulations.

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

Vice Mayor Kerr said the last time they spoke, they talked about being able to offer a 500 sq. ft. allowance so that people elevating their home would not be charged an impact fee if they finished off the garage. He would assume that the two that elevated their home did not include enclosing their garage. They could do it later and then pay the impact fee. He asked if they had to pay the \$30,000 to do the study and then wait a year before they could do it or vote to offer the 500 sq. ft. allowance. Mr. Murphy said the Commission can do many things he cannot advise them on. He would not advise doing that because he did not think it was provided for in the comprehensive plan. The Code of Ordinances would need to be amended to provide for it.

Vice Mayor Kerr said in the report that the staff wants to keep the funding sources because they can be used anywhere. Director Silver said it can be used on specific projects within the capital improvement plan. They have one impact fee for culture and recreation for things like parks and an impact fee for transportation, mobility, and safety like fire. They are looking at using a portion of the culture and recreation fees collected for the pocket parks. Building permit fees cannot be used for that. It goes into the building fund, and there are very specific things they can use it for. Vice Mayor Kerr said that is why they decreased it from 2% to 1%. They will have building permit fees they will never be able to spend. Director Silver said the permit fees go to the building fund. The impact fees go to three different funds. The bulk of it goes to parks, culture, and recreation. Then there is transportation and safety, just like fire.

Vice Mayor Kerr said he was torn on the impact fees. A few will be paying for something many will enjoy. It is wrong. The building permit fees are so restrictive. If they do a pocket park, everyone will enjoy it. Everyone, including condo owners, should participate in that. He asked if there were other reasons for bringing it up than the fees being an issue. They would need to review and authorize the \$30,000 expense. That would not come to fruition until this time next year. Mr. Murphy explained that they put next year's date there because they do not know if there will be a heavy hurricane season or if something will be delayed. It provides a cushion if there is. He does not see it taking that long, but he cannot foresee the weather.

Vice Mayor Kerr asked what benefits there were other than him raising the issue about the impact fees and wanting to provide an allowance, reduce the impact fees, or eliminate the impact fees

from the residential and strictly doing it on an impact such as building a new condo, building a new hotel, or building a commercial structure. Something that will bring a lot of beds to the area will impact all the services brought to the City and not someone rebuilding their home. He is trying to understand what the study will give them at the end of the day. Mr. Murphy said it depends on the Board's direction. The task order is negotiable. It has been six years since the snapshot was taken, which is probably time to take another snapshot to ensure that the fees are legitimate in the Statute. The Statute requires contemporaneous information. At some point or another, they need to look at the research and reports for accuracy.

Vice Mayor Kerr said they would need to add the built Cambria and the Beach Maker that is coming because construction is starting anytime, and the two condos on 150th. Mr. Murphy said everything has been permitted since the snapshot was taken in 2019, which is considerable. The Cambria alone was considerable. The Statute does not require a specific time. It just needs to be contemporaneous and kept updated. The comprehensive plan must be updated every seven years, which is pretty broad information. That is due in 2029. One thing to look at in the comprehensive plan would be the snapshot.

Vice Mayor Kerr said they could approve it this year or kick it down the road a year or two. Mr. Murphy said it was a policy decision for the Board. The Vice Mayor said it is something that needs to be done. Mr. Murphy said it would need to be done at some point. It could be done every year. That is probably not as effective given the yearly cycle of what they have to deal with at Madeira Beach. Enough has changed in the last six years, and it would be worthwhile to look at it. They could see if they could waive the fees if someone elevates and if it can be done legally. They would have to research it. It is a question of first impression.

Vice Mayor Kerr said it would also give them an idea about the assets shown in red and green. Mr. Murphy said some of those assets could be gone or replaced at a higher cost, and new assets that are not included. Then, the basis of what is going on regarding the square footage islandwide of new permits is also not included. That would be updated.

Commissioner Tagliarini said the report's benefits would not be just to find out if they could charge less impact fees for elevated houses. They should do that on a regular basis. Mr. Murphy said that was correct, and the Board would want them to investigate anything else under that impact fee proportionate share development. The Board could give direction, and staff could revise the task order, and they would execute it.

Commissioner Ghovae asked if they could compare their impact fees to see where they are relative to other local cities and the county. Mr. Murphy said that depending on what extent the Board wants to do, Pinellas County has a lot of cities. The goal would be to keep the task order within the \$30,000 limit, which he thinks is the desire of the City. Commissioner Ghovae said they could compare them to at least three or four cities and the county.

Mayor Brooks said she likes the impact fees and does not want them to go away. Based on conversations with staff, she believes that any home that increases its square footage of livable space impacts the community. She heavily supported the reduction of the permit fees from 2% to

1%, as seen in those meetings. Regarding spending the \$30,000 and its focus on the impact fees, it seems the Commission is inclined to do a study. They are not in a professional position to know what that study would be. She would rather them come back with what the staff thinks. If they were going to do an additional study, what kind of study the staff would recommend? She would like to see that. It might still be \$30,000, but that is a substantial amount of money to spend on a study they do not need. The study might benefit them, but what will it be, and how will it benefit them? She does not want to approve \$30,000 tonight without understanding what they are approving it for unless somebody makes a motion to do the study on impact fees. She would not be for that motion because she is not for doing away with impact fees, and neither is the staff because that is the recommendation. But she would be interested if there are other options and other things to have and see that. They could help the Board understand what they would be voting on and what they would get out of it. She would not be opposed if the impact fees were still a part of that study to ensure they align with why they got them from the beginning. She is not for just doing the study to do away with impact fees.

Commissioner Ghovae said he agreed with the Mayor. There are a lot of cities, including the county, that have impact fee studies. They can look at and analyze them and adopt them. The Mayor said they did an entire study on impact fees, which is why they charge them. What do they want to do if they are trying to move away from that and do other things?

Vice Mayor Kerr said he recalls that they are one of the first cities, if not the only City on the beaches, that was going to charge an impact fee because of being built out. Mr. Murphy said he could not speak to where it is today, but they had several that did have impact fees, but it was not islandwide. The Vice Mayor said they needed to do it, and the expert, Mr. Murphy, suggested it was time, based on the growth and changes made in Madeira Beach. Mr. Murphy said he had no problem with another workshop to flush the task out in a way that would make it more becoming to the Commission. The agreement is just a draft, and it might have moved along more quickly than it should have. The June and July dates are just a window. They will work to get it done as quickly as possible.

Vice Mayor Kerr said he has neighbors who will have two mortgages and anything they can do to help them get into their homes. He would hate to see an extra \$5,000 added just because they want to build a park. More than one resident has mentioned that. Overall, it is pennies for their entire project, but they have a second mortgage to lift their home. It is like piling on. It is the few paying for something that all will enjoy. Mr. Murphy said he might have an issue with that. The assets they have used to calculate the fee are those the taxpayers have paid for since the City was incorporated. As new people come in and expand their buildings' footprint, it has a greater impact. That is demonstrable over time. It might not be the individual homeowner at that time, but as those properties turn over, larger things can occur over time, and those impacts are there. There are impacts just with the enlargement itself. The trucks coming back and forth have an impact on the roads. The impact fee is designed to capture the proportionate share of that impact on the whole of the community to make sure that as new things come in and things get bigger, they continue to maintain the level of service with the cultural and recreation facilities, transportation and mobility, and public safety.

Vice Mayor Kerr said they do not see eye to eye on that and never will, but that is ok. Impacts come when building a new school or a hospital. They are a built-out community. He would be ok with kicking the study down the road to another workshop to see if now is the time to do it. Mayor Brooks asked if the next workshop would give them enough time to put together a presentation or if the following workshop would be better. Director Silver said the July workshop worked better. She could come back with real-life examples of those numbers.

Mayor Brooks said she would like to understand what they would get from the \$30,000 study. What more would it provide other than the impact fees? She wants more than that. If the study comes back and says they should not collect the money, that is a whole other conversation. She does not personally believe it will, but she could be wrong. If they had a better understanding, especially now when they are looking at the loss of revenue in the community and are talking about spending \$30,000, what more can they get from that? She has no idea. It would address Vice Mayor Kerr's concerns at the same time, giving them all a deeper understanding of what the study would be. Mr. Murphy said they could talk with the staff and pick out some options for the Board to pick from at the July workshop.

Vice Mayor Kerr asked that they schedule the impact fee item earlier in the meeting. Mr. Murphy said the public deserves some priority when they have a controversial item like that.

The Board consented to bring back the item at the July workshop meeting and with a presentation, and to discuss it earlier in the meeting.

13. NEW BUSINESS

A. Resolution 2025-05, Amendment to Emergency Operations Plan (EOP)

City Attorney Tom Trask read Resolution 2025-05 by title only:

RESOLUTION 2025-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, PROVIDING FOR THE ADOPTION OF THE CITY OF MADEIRA BEACH EMERGENCY OPERATIONS PLAN DATED JUNE 11, 2025; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Ghovae motioned to adopt Resolution 2025-05, Amendment to Emergency Operations Plan (EOP). Commissioner McGeehen seconded the motion.

ROLL CALL:

Commissioner Ghovae "YES"

Commissioner McGeehen	"YES"
Commissioner Tagliarini	"YES"
Vice Mayor Kerr	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

B. Resolution 2025-06, FY 2025 Budget Amendment #1

City Attorney Tom Trask read Resolution 2025-06 by title only:

RESOLUTION 2025-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2025 (OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025) BY INCREASING APPROPRIATIONS FOR EXPENDITURES IN THE GENERAL FUND, THE ARCHIBALD PARK FUND, AND THE SANITATION FUND; AND PROVIDING FOR AN EFFECTIVE DATE

Finance Director Consultant Andrew Laflin reviewed the item. The resolution is due to disaster-related expenses that were not contemplated in the budgeting process last year.

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

Vice Mayor Kerr asked if they were being charged additional money on IT services per year. Mr. Laflin said there was a request for the outsourced IT provider to serve as Virtual Chief Information Security Officer, which was not in the budget. The City Manager said it was to comply with the State Statute. The officer would ensure all of the IT security. Mayor Brooks said it is \$16,166 per month. The Vice Mayor asked if it was an increase of \$5,000 per month in 2024. He asked if the service was bid out. The City Manager said yes, it was for the security component. They were required by a certain date to enact a security component for all networks. The Mayor said they are now paying over \$21,000 monthly for IT services. She asked if it was going to be long-term. The City Manager said he would review it with IT and look at the budget for next year, but he does not think it is. Vice Mayor Kerr said he wanted to understand what they are getting for their money because they are now paying more.

Mayor Brooks asked the City Manager to bring the information and answer to the next meeting.

Commissioner McGeehen motioned to adopt Resolution 2025-06, FY 2025 Budget Amendment #1. Vice Mayor Kerr seconded the motion.

ROLL CALL:

Commissioner McGeehen	"YES"
-----------------------	-------

June 11, 2025, BOC Regular Meeting Minutes

Vice Mayor Kerr	"YES"
Commissioner Ghovae	"YES"
Commissioner Tagliarini	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

C. Approval of submission of RFP No. 25-10 – Financial Auditing Services

Finance Director Consultant Andrew Laflin said Section 218.391 of the Florida Statutes governs the selection process of the external auditing firm for counties, municipalities, and special districts. They went through the process in 2020 and had an audit firm provide the audit services for FY 2020 to FY 2024. It was a three-year agreement with two one-year renewal options and has since expired. Per statute, there is no piggybacking allowance and no unlimited extension periods. So once that contract has exhausted they need to go out for an RFP to be aligned with the State Statute. When they went through the process previously, and in adopting the Florida Law under 218.391, it was determined that the Board of Commissioners would serve as the Auditor Selection Committee. As required by the state, they cannot have an employee of the City be a part of the Auditor Selection Committee. When they went through the process previously, it was determined that the Board of Commissioners would serve as the selection committee. It is the first step in the process. The selection committee has already been identified from the previous solicitation. Now they are going through another solicitation to issue RFP No. 25-10, and per the solicitation document, the deadline is July 16. He wants a workshop in August for the Auditor Selection Committee to meet, which is the Board of Commissioners. Then, at the regular Board of Commissioners meeting, they will vote to go forward with the firm. The tentative date of the workshop is August 20, but if the Board would rather do it in one day, along with the budget workshop and the regular workshop, they could change the workshop to August 27.

Vice Mayor Kerr said he would like the meetings on the same day. He asked if they could have the responses in advance. Mr. Laflin said once he has the proposals, he will send them to the Board along with the RFP document, so they will have about a month to review them. The grading criteria is already in the RFP document.

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

Commissioner Tagliarini motioned to authorize staff to issue RFP No. 25-10 for Financial Auditing Services and direct staff to schedule a meeting with the Auditor Selection Committee to perform an evaluation of the respondents who submitted qualifying proposals. Commissioner Ghovae seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
Commissioner Ghovae	"YES"

Vice Mayor Kerr	"YES"
Commissioner McGeehen	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

14. AGENDA SETTING (06/25/2025, BOC Regular Workshop; 6:00 p.m.)

- A. Compensation Study
- B. Resolution 2025-04, Adopting Ceremonial Items Policy (Draft)
- C. Interlocal Agreement Between Pinellas County and Local Governments for Multimodal Impact Fee Coordination
- D. Non-conformance – variances
- E. John's Pass Dredging Update
- F. Beach Groins Update
- G. Post-Storm Update – FEMA, FDEP, Permitting, Hurricane Expo/Season Preparations
- H. FY 25 Financial Update including Storm Damage

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

Added Items

Mayor Brooks asked for each department head to give an update on where each department is post-storm at the workshop. The City Manager said he included the impact fees for July 23.

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners Meeting Schedule 2025

There were no changes to the meeting schedule.

B. Board of Commissioners – 2025 BOC Meetings Report, January 1, 2025 – May 31, 2025

The City Clerk said she updated the report to May 31. It is a Board of Commissioners report so if the Board would like something added she is happy to add it. She would like to add the meetings that the Mayor does to the report because that is important. She added the report to Laserfiche along with the City Manager's Reports. She did not have the recent city manager reports to add.

Commissioner Tagliarini said the report was very thorough. The Mayor said the report was very good and thanked the City Clerk.

C. Board of Commissioners Correspondence

The City Clerk said the section is for anything the Board would like to report.

Vice Mayor Kerr said he would like a monthly Big-C update. Mayor Brooks asked the City Manager to have the Big-C update on the agenda once a month.

Mayor Brooks:

- She serves on the Tampa Bay Regional Planning Council. They just got a new liaison on the Council who was going to come to the meeting tonight, but was unable to do so.
- She was recommended for the EMS Advisory Council. The County Commission will vote for her to begin attending those meetings at their next meeting. The first meeting for her will be on June 27. She will also want to bring information on that. The Fire Department is excited that she will be there to be a voice for them, and is super excited to be there. She met Dr. Jameson, Chief Medical Officer and EMS Medical Director, while shadowing at the Fire Department. She was excited to learn more about it, and one of the things the county does is the Fentanyl Program, and she hopes to be involved in that. She lost her youngest son to a Fentanyl overdose, so that day she felt it was meant to be. She was excited to have the opportunity to serve on the Council and see how she could make a change and be a voice for them and the Fire Department. She looks to bring updates on that.

D. City Attorney

City Attorney Trask said everyone signed the Fire Station Litigation Settlement Agreement. He is hoping to have the funds by the end of the month.

E. City Clerk's Report – June 2025

The City Clerk reviewed her June 2025 report. She congratulated Brandon Behring on joining the City Clerk's Office from the Recreation Department. He has assisted the City Clerk's Office since October 2024 and will be a great asset. The EOC is looking to have staff present, and she is considering having him do that. He has a bachelor's degree in Journalism, and he likes that kind of stuff. He and Lara Hooley are a great asset to the City Clerk's Office. Lara recently obtained a certification as a Certified Administrative Professional in the Executive Assistant through Polk State College.

Mayor Brooks said that all terrible things become great. She thanked the City Clerk for promoting Mr. Behring. He was a recreation employee. Due to the hurricanes, recreation was not working. He went to help the City Clerk's department and was recently promoted to work there. Other recreation employees working in different departments due to the hurricanes have been promoted to work in the departments they were helping. Brandon went from child care to a job he liked, a job he might not have ever known. A couple of other recreation employees who came in and started working for other departments due to the hurricanes and recreation not working have now been promoted to those departments. They may not have realized that would be a path for them, so that is a great spot that Helene and Milton gave them.

F. City Manager


The City Manager:

- Thanked everyone who participated and attended the Hurricane and Turtle Expo. Next year, they will be two separate events. They have grown a bit too big individually. It is the turtle nesting season and the storm season.
- They have been finalizing the Emergency Operations Plan. They had several meetings regarding software, mainly related to flood plane management, permitting management, substantial damage, etc. They are looking at staffing equipment and getting all the departments prepared for a disaster. They hope to find a location to store equipment. They are searching for an alternate location for the emergency operations center if they need to evacuate.
- The City is hosting a groundbreaking ceremony for the Military Court of Honor at Patriot Park on Friday, June 20, at 9:00 a.m.
- The City is hosting a groundbreaking ceremony for the Redington Beaches EMS Station on Friday, June 27, at 9:00 a.m. near the North Redington Beach Town Hall.
- He will start doing the City Manager's Reports again. He will have one for July at the July 9th BOC Regular Meeting. Due to hurricanes and post-storm work, he had not been doing them.
- He thanked the Board for their continued support of staff.

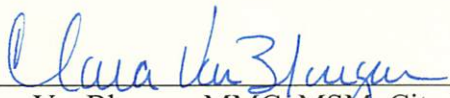
16. RESPOND TO PUBLIC COMMENTS/QUESTIONS

17. ADJOURNMENT

Mayor Brooks adjourned the meeting at 10:40 p.m.


Anne-Marie Brooks, Mayor

ATTEST:


Clara VanBlargan, MMC, MSM, City Clerk

