



**BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
Wednesday, July 12, 2023 at 6:00 PM
Commission Chambers**

The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below. Meetings will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE - City Attorney Thomas Trask

3. ROLL CALL

4. APPROVAL OF THE AGENDA

5. PROCLAMATIONS - Mayor/City Clerk

A. Proclamation - Parks and Recreation Month; July 2023

6. PRESENTATIONS (limited to 10 minutes each)

A. Update on John's Pass Dredging - Aptim Presentation

7. PUBLIC COMMENT

Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes and do not include any topic that is on the agenda. Public comment on agenda items will be allowed when they come up.

For any quasi-judicial public hearings that might be on the agenda, an affected person may become a party to a quasi-judicial proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Director not less than five days prior to the hearing.

8. CONSENT AGENDA

Any member of the Board of Commissioners can ask to pull a consent item for separate discussion and vote.

[A.](#) Approval of Minutes

[B.](#) FY 2023 Audit Engagement Letter

9. UNIFINISHED BUSINESS

[A.](#) Resolution 2023-08 - FY 2023 Budget Amendment #2

10. PUBLIC HEARINGS

[A.](#) Ordinance 2023-15, Comprehensive Plan Activity Center Definition - 2nd Reading & Public Hearing

11. CONTRACTS/AGREEMENTS

[A.](#) Ratify City's Option to Remain in Pinellas County CDBG Cooperation Agreement through FY's 24, 25, and 26

12. NEW BUSINESS

13. STAFF REPORTS

14. AGENDA SETTING - July 26, 2023 BOC Workshop Meeting

A. Presentation: Selah Freedom - Raising Awareness to End Sex Trafficking

B. Shade Structures

C. Revision to City of Madeira Beach Commission Districts

D. RFQ 2023-08 - City Attorney Professional Legal Services - Board of Commissioners to review, rank and schedule interviews

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

B. City Attorney

C. City Manager

D. City Clerk

16. ADJOURNMENT

One or more Elected or Appointed Officials may be in attendance.

Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call the City Clerk at 727-391-9951, ext. 231 or 223 or fax a written request to 727-399-1131.



PROCLAMATION PARKS AND RECREATION MONTH JULY 2023

WHEREAS, parks and recreation are an integral part of communities throughout this country; and

WHEREAS, parks and recreation promote health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promote time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being and alleviating illnesses such as depression, attention deficit disorders, and Alzheimers; and

WHEREAS, parks and recreation encourage physical activities by providing space for popular sports, hiking trails, swimming pools, and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation are a leading provider of healthy meals, nutrition services, and education; and

WHEREAS, parks and recreation programming and education activities, such as out-of-school time programming, youth sports, and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation are fundamental to the environmental well-being of our community; and

WHEREAS, parks and recreation are essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the City of Madeira Beach, FL recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, I, James Rostek, Mayor of the City of Madeira Beach, Florida, proclaim the month of July as **Park and Recreation Month** in Madeira Beach, Florida and encourage everyone to recognize this day. Proclaimed this 12th day of July 2023.

James Rostek, Mayor
City of Madeira Beach, Florida



MEMORANDUM

Date: July 12, 2023
To: Board of Commissioners
From: Robin I. Gomez, City Manager
Subject: UPDATE ON JOHN'S PASS DREDGING - PRESENTATION

Background

Since January 2023, the City has been utilizing the Pinellas County Professional Coastal Management Environmental Consultant, Aptim Environmental & Infrastructure, Inc, for the initial design and permitting process for the John's Pass Dredging Project. Nicole Sharp with Aptim will be providing a brief update on the project.

Discussion

The City was awarded a \$1.556 Million grant by the 2022 Florida Legislature, through the Florida Department of Environmental Protection (available until June 30, 2024), to assist with the dredging of a section of the John's Pass channel/waterway, more specifically an approximate 1.61 acres area on the northern side of the channel/waterway adjacent to a FDOT right-of-way, City property, and private property to the east (as more specifically identified in the enclosed Project Description documentation). In September City staff began preliminary discussions with the referenced Pinellas County contractor and in October began finalizing the grant documentation required by the State (FL Department of Environmental Protection), both documents enclosed.

At the Feb 8 Commission Regular Meeting, the Commission approved to utilize the Pinellas County continuing professional services agreement for Coastal Management Environmental Consulting Services, Aptim Environmental & Infrastructure, Inc. The agreement is to provide a variety of tasks, including:

1. Agency Pre-Application Meeting
2. Topographic and Hydrographic Survey
3. Engineering and Design
4. FEDEP and USACE Permitting
5. Request for Additional Information Phase
6. Final Permit Application Process
7. Construction Plans/Specifications
8. Bidding Assistance

All Aptim consulting tasks are estimated at \$136,727.00

At the same Feb 8 Commission Regular meeting, the Commission also approved the City's grant award of \$1.556 M, with the FDEP.



APTIM
 6401 Congress Avenue, Suite 140
 Boca Raton, FL 33487
 Tel: +1 561 391 8102
 Fax: +1 561 391 9116
 nicole.sharp@aptim.com

September 2, 2022

Robin Gomez
 Madeira Beach, City Manager
 300 Municipal Drive
 Madeira Beach, FL 33708

Re: Johns Pass Dredging Design, Permitting, and Pre-construction Services

Dear Robin:

This letter is in response to the City of Madeira Beach (City) request for a proposal for Aptim Environmental & Infrastructure, LLC (APTIM) to perform design, permitting, and pre-construction services to support dredging of the northern shoreline of Johns Pass. Tasks within this proposal include Agency Pre-Application Meeting, Topographic and Hydrographic Survey, Engineering and Design, FDEP and USACE Permitting, RAI Phase, Finalize Permit Application Process, Construction Plans and Specifications, and Bidding Assistance.

Included as Exhibits are the Scope of Work (Exhibit A), the Fee Proposal (Exhibit B), and the Rate Schedule (Exhibit C). APTIM proposes to perform these services on a lump sum basis not to exceed \$136,727. The services proposed herein will be governed by the terms and conditions of contract number 167-0486-CN (RW) between Pinellas County and Aptim Environmental & Infrastructure, LLC, dated March 20, 2018. Barring any unforeseen circumstances, all work will be completed within 425 days of receiving the County's Notice to Proceed.

Sincerely,

Nicole S. Sharp, P.E.
 Coastal Market Lead
 Aptim Environmental & Infrastructure, LLC

 Client Authorized Signature

 Printed Name

cc: Beau Suthard, P.G., APTIM

 Title

Exhibit A
Scope of Work



APTIM
6401 Congress Avenue, Suite 140
Boca Raton, FL 33487
Tel: +1 561 391 8102

**Johns Pass Dredging
Design, Permitting and Pre-construction Services, Madeira Beach, Florida
Scope of Work**

INTRODUCTION

Since the mid-1990's to present, the City of Madeira Beach (City) has experienced increased sedimentation along the northern side of the channel within Johns Pass. The sedimentation is likely attributed to alongshore sediment transport of sand moving north to south, which becomes entrained via tidal currents along the updrift bank of the inlet. In order to mitigate for this sedimentation, it is the City's desire to dredge this area to restore access to adjacent marinas and remove the excess sediment from the Pass. The following scope of work provides details for the design, permitting, and pre-construction services to support dredging of Johns Pass.

Task 1 – Agency Pre-Application Meeting

Upon receipt of a Notice to Proceed from the City, we will coordinate with Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (Corps) in order to schedule pre-application meetings. Prior to attending these meetings, we will develop a project description and supporting information that summarize the project history, natural resources in the project vicinity, and geotechnical investigation results. We will coordinate the project description with the City prior to the pre-application meeting. This information will be submitted to the agencies with a meeting agenda in advance of the pre-application meetings to allow agency staff ample time to prepare.

APTIM representatives will attend a video teleconference pre-application meeting with representatives from the City, FDEP and Florida Fish and Wildlife Commission (FWC). The purpose of this meeting is to present the proposed project, identify any areas of concern, gather agency input on the project and facilitate an expedited permit process. Due to Florida Department of Transportation (FDOT) rights-of-way within the area, FDOT representative may also be invited to participate to identify any concerns.

Following the pre-application meeting with FDEP and FWC, we will coordinate with the local Corps office to present our proposed project and obtain feedback from their staff. Representatives from U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) may also participate in the pre-application meeting if deemed necessary. During this meeting, we will summarize FDEP's guidance. The goal will be to integrate the Corps process with the State's permitting procedure for streamlined coordination.

Following both pre-application meetings, APTIM will prepare and submit a summary of each meeting to the State and federal agencies for review and comment. This will document the information presented and decisions made during the meetings for future reference. Ultimately, recommendations will be made to the City based upon results of these meetings and a path forward will be developed.

Task 2 – Topographic and Hydrographic Survey

APTIM will conduct a bathymetric and topographic survey of selected cross sections and profiles from the project area. All survey work will be conducted under direct supervision of the of the registered Florida

professional surveyor and mapper. All data collection and deliverables will adhere to Section 01000 and Section 01100 of the Florida Department of Environmental Protection (FDEP), Division of Water Resource Management's *Monitoring Standards for Beach Erosion Control Projects, May 2014 (revised October 2014)* and will be in accordance to Chapter 5J-17 Florida Administrative Code (F.A.C.) pursuant to Chapter 472 of the Florida Statutes (FS) and U.S. Army Corps of Engineers (USACE) protocol.

Task 3 – Engineering and Design

Based upon feedback received during the pre-application meetings, APTIM will design a dredge template for the northern shoreline of the Pass and potential disposal options. The design will utilize the survey conducted by APTIM in Task 2. The design will include lines, grades, and volumes for the amount of material to be excavated from the channel. The disposal location will be finalized and coordinated with the City during this task.

Task 4 – FDEP and USACE Permitting

APTIM will act as the agent for the City throughout the permit application process for the proposed project. This task will include professional services to support state and federal permitting efforts of the final selected plan. The permit application will include the dredging of northern portion of Johns Pass. APTIM will prepare and submit the relevant state and federal permit applications by integrating the environmental, geological, and engineering components. Justification for potential impacts to natural resources from construction of the project will also be included within the permit package. Information to be incorporated into the permit application shall include:

- A description of the existing conditions
- Historical background information
- Justification of the maintenance dredging project
- A written description of the project's design features
- Anticipated construction methods
- Relevant environmental information
- Relevant geological data
- Permit drawings
- Monitoring plans as required

APTIM biologists will coordinate with various agencies to obtain, review, and compile updated environmental data for presentation in the application. This task anticipates the use of existing data and does not include field investigations. If resource surveys are requested by agencies during the permitting process, APTIM can provide a separate proposal to conduct those specific surveys.

A draft permit application will be prepared for review by the City. Once the City has reviewed the application, APTIM will submit the final permit applications to the FDEP and the Corps.

It is anticipated that the City will provide all permit fees directly to the permit agencies and will be responsible for publication of any public notices. APTIM will work closely with the City to support agency staff and their permitting review in an effort to expeditiously secure final permits, to the greatest extent practical.

Task 5 – RAI Phase

Typically, within 30-60 days following receipt of the JCP application, the FDEP issues a “Request for Additional Information” (RAI) which outlines what information is still needed in order to complete the application. This RAI includes comments from FDEP staff as well as any comments from FWC. The Corps may also submit questions, sometimes on behalf of USFWS and NMFS or to support preparation of their public notice. APTIM will respond to State and federal agency questions and provide all required data and information in order to deem the project files complete, allowing the agencies to process and finalize the permits. This proposal assumes one formal RAI response from both each regulatory agency (FDEP and Corps).

Task 6 – Final Permit Application Process

APTIM will work closely with the agencies to complete the permitting process and obtain both State and federal permits. APTIM will coordinate with the agencies during this period and provide any last minute documentation that is requested. APTIM will negotiate permit conditions after review of the draft permits. We will review permit and Biological Opinion project descriptions and Terms and Conditions for accuracy and consistency.

Task 7 – Construction Plans and Specifications

APTIM will develop construction plans and technical specifications that will provide the necessary details to the Contractor to construct the project and adhere to permit conditions. It is assumed that the City will provide front-end documents, including general conditions, and provide the overall format of the contract documents such that the technical specifications can be incorporated without duplication or conflict in terms and conditions.

The construction plans will include plan views and cross-sections sufficient for the construction of the project. The plans will provide survey control information which will allow the contractor to control and construct the channel. The spoil site will be delineated within the disposal locations allowed by FDEP and USACE permit conditions.

Specifications developed for the project will include: Technical Specifications with Environmental Protection Summary. We will integrate the permit conditions into the document. The Engineer will provide plans and specifications in Acrobat and Word format.

Task 8 – Bidding Assistance

Once the construction plans and technical specifications are completed, APTIM will provide the City with a bid package containing: construction plans, technical specifications, project permits, bid form, and contractor questions integrated into the specifications. An engineer’s opinion of probable costs will be prepared. After the City bid announcement is published, APTIM staff will participate in the pre-bid meeting and assist the City in answering technical questions as needed during the bidding process. Once the bids have been opened, APTIM will assist the City in reviewing the bids and preparing a recommendation for award based on a review of the bids deemed responsive by City procurement.

ASSUMPTIONS

This scope does not include environmental resource investigations, modeling studies, or additional geotechnical investigations, or construction administration, which may be performed by City staff or by our Team under a future phase of work.

Exhibit B
Fee Proposal



SPM REVISION: 2021 - REV 21.3

Release Date: 5/18/21

PROJECT NUMBER: 631028032
 PROPOSAL NUMBER: A1A1XXXX
 Date Pricing Model was Prepared: 8/23/22

Project Estimate
Summary By Task
 Madeira Beach Johns Pass Dredging
 09/02/22

Task Number	Task Name	Labor	Sub-contractors	Equipment	Materials	Other ODC's	Travel	Total	Adjustments	Total Project
Tsk-001	Agency Pre-Application Meetings	\$ 6,695.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,695.00	-	\$ 6,695.00
Tsk-002	Topographic and Hydrographic Survey	\$ 14,995.00	\$ -	\$ 2,486.00	\$ -	\$ -	\$ 836.00	\$ 18,317.00	-	\$ 18,317.00
Tsk-003	Engineering and Design	\$ 8,970.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,970.00	-	\$ 8,970.00
Tsk-004	FDEP and USACE Permitting	\$ 45,320.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,320.00	-	\$ 45,320.00
Tsk-005	RAI Phase	\$ 23,430.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,430.00	-	\$ 23,430.00
Tsk-006	Final Permit Application Process	\$ 2,370.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,370.00	-	\$ 2,370.00
Tsk-007	Construction Plans and Specifications	\$ 22,880.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,880.00	-	\$ 22,880.00
Tsk-008	Bidding Assistance	\$ 8,745.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,745.00	-	\$ 8,745.00
Totals =		\$ 133,405.00	\$ -	\$ 2,486.00	\$ -	\$ -	\$ 836.00	\$ 136,727.00	\$ -	\$ 136,727.00

Submitted By: Nicole Sharp
 Submitted To: Madeira Beach Johns Pass Dredging
 Submission Date: 09/02/22

Exhibit C
Rate Schedule



Aptim Environmental & Infrastructure, Inc.
 2481 NW Boca Raton Boulevard
 Boca Raton Florida 33431
 Tel: +1 561-391-8102
 Fax: +1 561-391-9116

EXHIBIT A
SCHEDULE OF FULLY-LOADED (BURDENED) RATE VALUES
APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC.
PINELLAS COUNTY, FLORIDA
RFP CONTRACT NO. 167-0486-CN (RW)

I. PERSONNEL CLASSIFICATION	<u>Rate</u>
Principal Engineer.....	270.00/hour
Expert Witness (Testimony)	270.00/hour
Senior Project Manager.....	230.00/hour
Project Manager	185.00/hour
Program Manager	170.00/hour
Senior Coastal Engineer.....	185.00/hour
Coastal Engineer III	150.00/hour
Coastal Engineer II	125.00/hour
Coastal Engineer I	110.00/hour
Coastal Modeler II.....	130.00/hour
Coastal Modeler I.....	110.00/hour
Professional Surveyor & Mapper	130.00/hour
Hydrographer	125.00/hour
Surveyor.....	95.00/hour
Survey Technician.....	80.00/hour
Senior Marine Biologist	140.00/hour
Marine Biologist II	120.00/hour
Marine Biologist I	90.00/hour
Professional Geologist.....	130.00/hour
Geologist IV.....	150.00/hour
Geologist III.....	125.00/hour
Geologist II	110.00/hour
Geologist I	95.00/hour
Senior CAD Operator	150.00/hour
CAD Operator	110.00/hour
GIS Operator	110.00/hour
Boat Captain.....	90.00/hour
Bookkeeper	80.00/hour
Clerical.....	75.00/hour
Technician.....	60.00/hour

EXHIBIT A
SCHEDULE OF FULLY-LOADED (BURDENED) RATE VALUES
APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC.
PINELLAS COUNTY, FLORIDA
RFP CONTRACT NO. 167-0486-CN (RW)

II. EQUIPMENT	<u>Rate</u>
Truck (2WD road use).....	\$0.565/mile
Truck (4WD beach use).....	110.00/day
Survey Boat (28 ft. Parker)	1,050.00/day
Survey Boat (24 ft. Privateer)	790.00/day
Survey Sea Sled	310.00/day
All Terrain Vehicle	105.00/day
Enclosed 18" Trailer	78.00/day
Trimble RTK GPS	495.00/day
Trimble Differential GPS.....	415.00/day
Leitz Total Station w/Data Collector	130.00/day
Hand Laser Range Finder	15.00/day
Range Azimuth System.....	310.00/day
Odom Hydrotrack Sounder	165.00/day
Heave, Pitch, Roll Compensator	215.00/day
Odom ES3PT Multibeam	600.00/day
Speed of Sound Velocity Meter	63.00/day
Hypack/DredgePack Navigation System	260.00/day
Hypack/Hysweep	260.00/day
Nortek AWAC ADCP high frequency deepwater wave height, direction and current profiler	5,000.00/month *
Nortek Aquadopp ADCP low frequency shallow water wave height, direction and current profiler.....	2,900.00/month *
Nortek Storm Software for wave and current data processing	50.00/day
Primer statistical package.....	\$200/project
X-STAR CHIRP 512i Seismic Profiling System.....	1,150.00/day
Seismic Profiler Thermal Printer	130.00/day
Sonar Wizard Map Seismic Data Processing Package	155.00/day
Edgetech 4200 FS Sidescan Sonar System	695.00/day
Sonar Wizard Map Sidescan Data Processing Package.....	155.00/day
Geometric G-881 Magnetometer	215.00/day
Schonstedt GA-52B Magnetic Locator.....	30.00/day
Jet Probe with Pump	55.00/day
Underwater Tide Gauge.....	175.00/day
Nikon Level/Tripod/Rod	65.00/day
PC PowerPoint Projector	50.00/day
Lietz Handheld Level.....	10.00/day
Optical Reading Compass.....	10.00/day
Garmin Handheld GPS	10.00/day
Turbidimeter.....	38.00/day

EXHIBIT A
SCHEDULE OF FULLY-LOADED (BURDENED) RATE VALUES
APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC.
PINELLAS COUNTY, FLORIDA
RFP CONTRACT NO. 167-0486-CN (RW)

SCUBA Tanks (Nitrox)	19.00/day
Digital Camera	10.00/day
Underwater Camera	32.00/day
Underwater Camera W/Strobes.....	75.00/day
Underwater Seadrop Integrated Camera.....	30.00/day
Underwater Video Camera.....	115.00/day
GPS Integrated Underwater Video Camera	435.00/day
Underwater Scooter.....	50.00/day
Sieve Analysis.....	75.00/sample
Carbonate Analysis	65.00/sample
Monuments	28.00/each
Survey Disk.....	15.00/each
Dry Suit.....	15.00/day
Ponar Sampler.....	30.00/day
Microscopes	20.00/day
Mobile Telephone	10.00/day
Penetrometer	55.00/day
Generator.....	60.00/day

* ADCP monthly cost may be pro-rated for shorter periods of use

III. SCUBA DIVING SERVICES

Rate

Equipment & Insurance \$75/diver/day **

** Charge in addition to normal hourly rates for personnel listed on Page 1.

IV. NUMERICAL MODELS

Rate

ADCIRC Tidal Circulation Model	\$1,000/project
BOUSS 2D WAVE - Wave Refraction/Diffraction Model.....	\$1,000/project
MIKE21- NSW Spectral Wave Transformation Model	\$2,000/project
MIKE21- HD 2D Current Simulation Model.....	\$2,000/project
MIKE21- ST 2D Sediment Transport Model.....	\$2,000/project
DELFT 3D WAVE - SWAN Wave Refraction/Diffraction Model.....	\$1,000/project
DELFT 3D FLOW - 2D Hydrodynamic Model	\$2,200/project
DELFT 3D MORPHO - Morphodynamic Model.....	\$3,000/project
DELFT 3D WAQ – Water Quality Model	\$2,000/project

Project Description

A. Project Location and Site History

Johns Pass is in southwest Pinellas County and connects Boca Ciega Bay to the Gulf of Mexico (Figure 1). The project area stretches approximately 241 linear feet in Johns Pass channel immediately east of the Gulf Boulevard Bridge (State Road 699) (Figure 2). FDEP Permit No. 0270453-001-JC, issued in 2010, suggests that maintenance dredging has occurred in the channel at Johns Pass. Since the mid-1990's to present, the City of Madeira Beach has experienced increased sedimentation along the northern side of the channel within Johns Pass. The sedimentation is likely attributed to alongshore sediment transport of sand moving north to south, which becomes entrained via tidal currents along the updrift bank of the inlet.



Figure 1. Project Location Map.

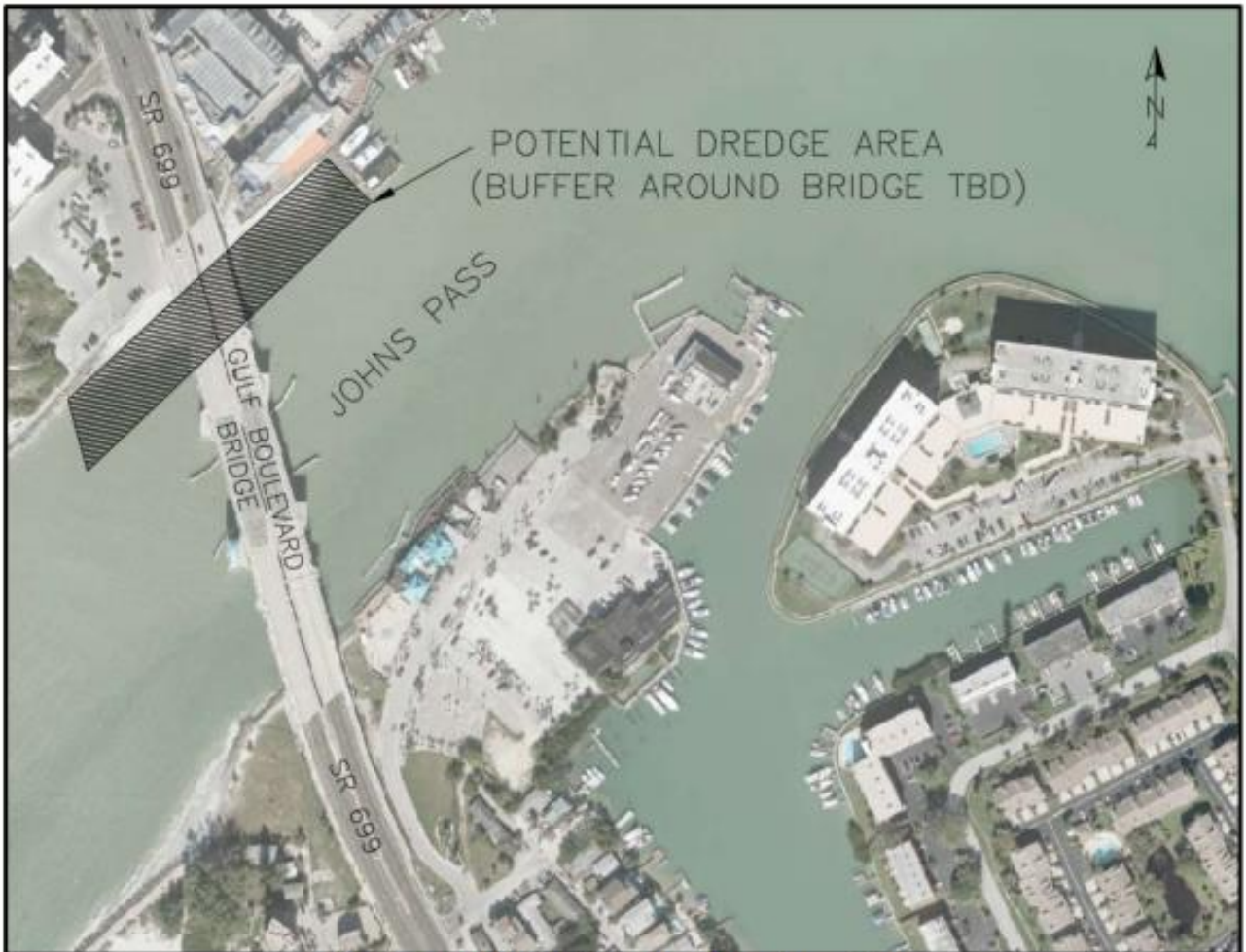


Figure 2. Proposed Dredge Area Location.

B. Proposed Activity

In order to mitigate for the sedimentation in north Johns Pass, it is the City's desire to dredge this area to restore access to adjacent marinas and remove the excess sediment from the Pass. The proposed dredge footprint is approximately 1.61 acres, shown in Figure 3. The buffer between the Gulf Boulevard Bridge and the dredge area will need further coordination between the City and the Florida Department of Transportation (FDOT). The dredge area extends approximately 107 feet seaward from the marina dock.

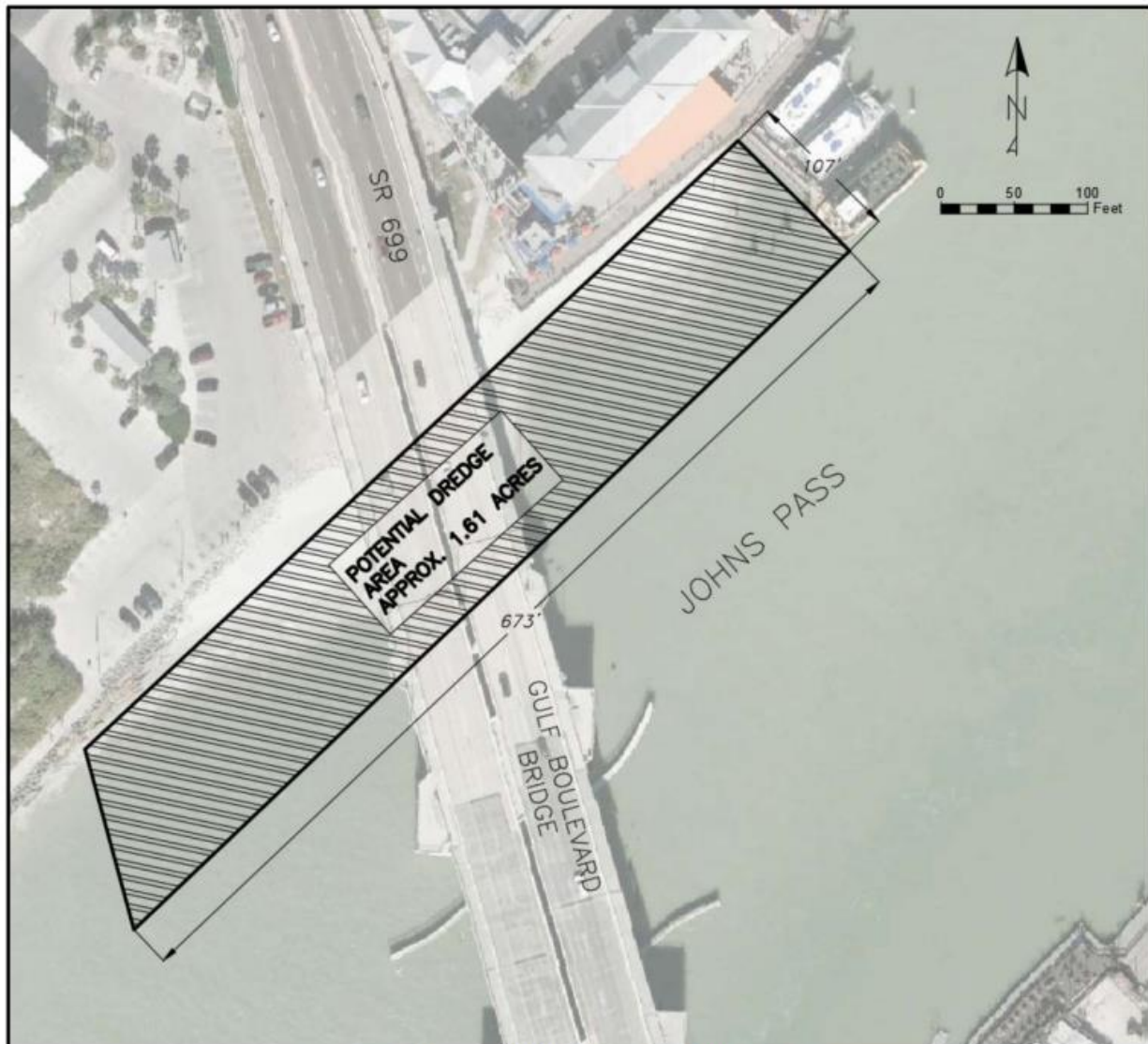


Figure 3. Proposed Dredge Area Dimensions.

C. Construction Methodology, Equipment, and Materials

The dredge and other construction vessels will access the site via either the Gulf Intracoastal Waterway to the east or the Gulf of Mexico to the west.

- Mechanical Dredge Methods:

Material may be dredged from the Johns Pass Channel utilizing mechanical dredge methods with a backhoe, long reach excavator, or clamshell dredge, and sealed barge.

- Hydraulic Dredge Methods:

Material may be dredged from the Johns Pass Channel utilizing hydraulic dredging methods with a cutterhead dredge. The dredge pipe will span from the cutterhead dredge to the spoil area and will be clearly marked. Continuous navigation access will be maintained for all vessels in the channel.

- Dredge Spoil:

Further coordination with the City and County is required to determine a location and compliance measures for the dredge spoil.

D. Environmental Setting

The proposed project area is located within the boundaries of the Pinellas County Aquatic Preserve and the Boca Ciega Bay Aquatic Preserve which are classified as Outstanding Florida Waters (OFW).

E. Avoidance and Minimization Measures

All project construction will adhere to the *Standard Manatee Conditions for In-Water Work* (FWC, 2011) and the *Sea Turtle and Smalltooth Sawfish Construction Conditions* (NMFS, 2006).

F. Water Quality and Turbidity Control Measures

The Johns Pass Channel is located in an OFW. Due to currents and vessels navigating the waterway, turbidity curtains cannot be used around the active dredge area. Turbidity monitoring will be utilized to maintain water quality during dredging.

G. Construction Schedule

It is estimated that construction will take no longer than 45-60 days and will commence once all permits are received.

H. State Lands

According to the Pinellas County Property Appraiser the parcel adjacent to the proposed dredge area is owned by John's Pass Plaza LLC (Tax Parcel ID 15-31-15-58320-002-0050). No parcel is located on the proposed project area. The proposed project will require a proprietary authorization (easement) as it is located on state-owned submerged lands.

I. Archeological or Historic Sites

The SHPO will be contacted prior to submitting an FDEP permit application to determine if a CRAS will be required for the proposed project. The applicant will comply with any requirements determined by SHPO or the USACE.



MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
JUNE 14, 2023
6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on June 14, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT:

James "Jim" Rostek, Mayor
Ray Kerr, Vice Mayor/Commissioner District 2
David Tagliarini, Commissioner District 1
Eddie McGeehen, Commissioner District 3
Anne-Marie Brooks, Commissioner District 4

MEMBERS ABSENT:

CITY STAFF PRESENT:

Robin Gomez, City Manager
Clara VanBlargan, City Clerk
Thomas Trask, Interim City Attorney

1. CALL TO ORDER

Mayor Rostek 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

There were no changes made to the agenda.

5. PROCLAMATIONS

There were no proclamations.

6. PRESENTATIONS

There were no presentations.

7. PUBLIC COMMENT

Jerry Cantrell, 13322 1st Street E, commented on an email he recently sent to the Commission. He received the meeting announcement for the Future Land Use/Consistency with Forward Pinellas meeting in his personal email yesterday, three days prior to the meeting. Although the meeting was mentioned in the City Manager's Report it would not have been easily noticed prior to yesterday. A significant quantity of people will not realize the meeting will impact decisions related to John's Pass Activity Center as it is not clearly indicated in the announcement. Additional meetings need to be scheduled regarding "Future Land Use/Consistency with Forward Pinellas" so more people would know before sending it to the BOC workshops and regular meetings.

8. CONSENT AGENDA

A. Approval of Minutes

- **2023-05-10, BOC Regular Meeting Minutes**
- **2023-05-24, BOC Budget Workshop Meeting Minutes**
- **2023-05-24, BOC Regular Workshop Meeting Minutes**

Vice Mayor Kerr asked if the \$748,000 was correct in the May 24, 2023, BOC Regular Workshop Meeting Minutes on p. 38 in the last paragraph. It states that Marcus Winters, owner of Caddy's, said it took a lot of work, thought, and two years to put Caddy's together. He had been told what to build in Tom and Kitty Stuart Park. Caddy's paid \$748,000 toward Tom and Kitty Stuart Park, gave up five feet of their property, provided all utilities and sewer for the bathroom trailer, and paid \$20,000 towards the trailer.

The City Clerk said she would have to listen to the meeting tape. The City Manager said it is probably part of the total project cost and not just the cost to demolish the pavilion and remove the palm trees, repave, and get the park to its current condition. Public Works Director Megan Wepfer said she recalled over \$700,0000 mentioned, but that was to redo the entire park. She does not know if that number is correct; they paid toward the remodeling of Tom and Kitty Stuart Park.

Vice Mayor Kerr said he would like clarification because that is a lot of money. The Mayor said in the tax records the City of Madeira Beach still owns that plot of land. Director Wepfer said when they did the construction for the restaurant part, their agreement was to remodel the park. The dollar amount mentioned went toward the park. Vice Mayor Kerr said it needed to be correct for the official records.

Vice Mayor Kerr motioned to approve the minutes as written with the clarification that needs to be confirmed. Commissioner Brooks seconded the motion.

ROLL CALL:

Vice Mayor Kerr

"YES"

Commissioner Brooks	"YES"
Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

The City Clerk's Office listened to the recording of the May 24, 2023, BOC Regular Workshop Meeting. The amount quoted by Marcus Winters, owner of Caddy's, was correct. In the meeting he explained why it cost them \$748,000 to comply with what they were told to build and do in Tom and Kitty Stuart Park:

Mr. Winters said they had to move the building three times, and each time, the plans had to be re-engineered. It all had to do with the entrance of the park and the development agreement. They were dealing with the DEP because of the beach, the DOT because of the state road, Pinellas County because of the utilities, and the City of Madeira Beach. They had to meet with each of them who all had a different idea, and each had to approve everything, which took a long time. What is in Kitty Stuart Park now is what he was told to build; he did not have a choice. Caddy's paid \$748,000 toward Tom and Kitty Stuart Park. They gave up five feet of their property. Included in the development agreement were 14 parking spots and bicycle and motorcycle stands totaling 19 spots. They provided all the utilities and plumbing for the bathroom trailer. They were to build bathroom facilities if they could do it for \$20,000, but because of the height regulations, they could not do it. They went to the City with a design, and the City agreed. They paid \$20,000, and the trailer was bought. He wanted to put palm trees in the park but was not allowed. He then wished the City good luck.

B. Professional Services Contract RFQ #20-03 First Amendment

Commissioner Tagliarini asked the meaning of "first amendment extension." The City Manager said they are extending the three-year agreement by one year.

C. RFP #2023-03 Gulf Lane Roadway & Beach Access Improvements bid acceptance and contract award

Commissioner Tagliarini asked for clarification that AJAX did submit a bid but did not stay for the entire process. The City Manager said yes.

Vice Mayor Kerr motioned to approve Consent Item B, Professional Services Contract RFQ #20-03 First Amendment, and Consent Item C, RFP #2023-03, Gulf Lane Roadway & Beach Access Improvements bid acceptance and contract award. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

9. PUBLIC HEARINGS

A. Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2023-09 by title only:

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 86-144 (NOTIFICATION) OF ARTICLE IV (DEVELOPMENT AGREEMENTS) OF CHAPTER 86 (ADMINISTRATION) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE FOR NOTICE BY U.S. MAIL TO ALL PROPERTY OWNERS WITHIN 300 FEET IN ANY DIRECTION OF PROPERTY WHICH IS THE SUBJECT OF A PUBLIC HEARING CONSIDERING AN APPLICATION TO ENTER INTO, AMEND OR REVOKE A DEVELOPMENT AGREEMENT; PROVIDING THAT NOTICES SHALL BE POSTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

The City Attorney said that was the second and final reading for Ordinance 2023-09 by title only. There have been no changes since the original reading.

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

Vice Mayor Kerr motioned to approve Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications, after second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Ordinance 2023-10, Amendment to Ch. 110 – Alcohol Beverage Permit Application Fee – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-10 by title only:

ORDINANCE 2023-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTIONS 110-531, 110-533 AND 110-539 OF ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO REFER TO THE CITY'S FEES & COLLECTION PROCEDURE MANUAL FOR THE COST OF AN ALCOHOLIC BEVERAGE PERMIT APPLICATION FEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-10 by title only. There had been no changes since first reading.

Vice Mayor Kerr said they were moving fees out of the general ordinances into the fees schedule.

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

Vice Mayor Kerr motioned to approve Ordinance 2023-10, Amendment to Ch. 110 – Alcohol Beverage Permit Application Fee, after second reading and public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

C. Ordinance 2023-11, Amending the Comprehensive Plan of the City of Madeira Beach to adopt the changes identified in the regularly scheduled Evaluation and Appraisal of the Comprehensive Plan – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-11 by title only:

ORDINANCE 2023-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ADOPT THE CHANGES IDENTIFIED IN THE REGULARLY SCHEDULED EVALUATION AND APPRAISAL OF THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-11 by title only. There had been no changes since first reading.

Commissioner Tagliarini said on p. 10 of the comprehensive plan in Table 4.0, the ISR, the Impervious Surface Ratio, for temporary lodging density and intensity standards for RFM, Resort Facilities Medium, is limited to 0.85. In Table 4.1, the ISR has increased to 0.95. They had the discussion about a year ago, and he had recommended that the ISR be limited to .07, which is the ISR for residential structures. They were compromising with 0.85. Why is it different in Table 4.1, and why has it increased? He does not know if it is different but considering the flood they had with the last few rainstorms, they are not addressing some of their basic environmental concerns.

Jerry Murphy, University of Florida, said there was no proposed change. That is how it existed in the comprehensive plan prior to the year. The only thing done was to add a table with a number to it. It is the existing FAR for resort facilities, and Table 4.0 is for temporary lodging. The intensities are different because the uses are different.

Vice Mayor Kerr asked Mr. Murphy if anything stood out to him in the 150-page document. Mr. Murphy said the major substantive changes that were made in the comprehensive plan were made to prepare the City to adopt the impact fees. This is the end of the process for the comprehensive plan, and once adopted, they will have one year to adopt changes to the land development regulations to be consistent with the comprehensive plan according to the Florida Statutes. The land development regulations are due for review and revision. Not just to be consistent with the plan, but there are some internal discrepancies that should be resolved.

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

Vice Mayor Kerr motioned to approve Ordinance 2023-11, Amending the Comprehensive Plan of the City of Madeira Beach, to adopt the changes identified in the regularly scheduled Evaluation and Appraisal of the Comprehensive Plan, after second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

D. Ordinance 2023-12, Amendment to LDR – Definition of Portable Sign – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-12 by title only:

ORDINANCE 2023-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 (DEFINITIONS) OF CHAPTER 82 (GENERAL PROVISIONS) OF THE CITY'S LAND DEVELOPMENT CODE TO REVISE THE DEFINITION OF PORTABLE SIGN; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-12 by title only. There had been no changes since first reading.

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

Commissioner Brooks motioned to approve Ordinance 2023-12, Amendment to LDR – Definition of Portable Sign, after second reading and public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

E. Ordinance 2023-13, LDC – Rental of Residential Amenities – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-13 by title only:

ORDINANCE 2023-13

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING DIVISION 15 OF ARTICLE VI OF CHAPTER 110 (ZONING) OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF MADEIRA BEACH CONCERNING RENTAL OF RESIDENTIAL AMENITIES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-13 by title only. There had been no changes since the first reading.

Commissioner Tagliarini said the ordinance did not include a dock. If a person were renting their dock and it was in violation of an ordinance for that property, could that be included? If a person were renting their dock and it infringed on a neighbor's peace and quiet, could that also be included considering the ordinance is a violation? The City Attorney said docks are regulated by a different code section in the code. They would look at that code section.

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

Commissioner Tagliarini motioned to approve Ordinance 2023-13, LDC – Rental of Residential Amenities, after second reading and public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

F. Ordinance 2023-17, Amendment to Purchasing Ordinance – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-17 by title only:

ORDINANCE 2023-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE V – PURCHASE AND CONTRACTS OF CHAPTER 2 – ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE FOR THE DELETION OF THE WORDS "CITY COMMISSION" AND REPLACEMENT WITH THE WORDS "BOARD OF COMMISSIONERS" IN SECTIONS 2-191(B) AND 2-193(3)(B) THEREOF; TO PROVIDE FOR THE DELETION OF SECTIONS 2-193(3)C AND 2-194 OF THE CODE RELATING TO

PERSONAL AND PROFESSIONAL SERVICE CONTRACTS; TO PROVIDE FOR CONFLICT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-17 by title only. There had been no changes since the first reading.

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

Commissioner Brooks motioned to approve Ordinance 2023-17, Amendment to Purchasing Ordinance, after second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

G. 4COP Alcoholic Beverage License Application #2023-05 for John's Pass Grille located at 111 Boardwalk Place West #203 and #201, Madeira Beach, Florida 33708

Mayor Rostek said it was a quasi-judicial hearing.

The City Attorney said the applicant is John's Pass Grille, LLC. The address of the property is 111 Boardwalk Place. There are no affected parties that have filed a Notice of Intent to become affected parties.

City Attorney Tom Trask said the summary is as follows:

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-05, is requesting authorization from the Board of Commissioners for the approval of a Special Food Service Establishment (4COP) alcoholic beverage license with stated intent to sell beer, wine, and liquor for consumption on premise at John's Pass Grille. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This application enlarges the area where alcoholic beverages are sold. Section 110-535. Expansion of alcoholic beverage zoning of the Madeira Beach Code of Ordinances requires approval of the Board of Commissioners to enlarge the area for the sale of alcoholic beverages, including consideration of all requirements under Section 110-532 (detailed in the discussion section of this memo).

The City Attorney said the standards to be applied in the review are set forth in Section 110-97, which City staff will go over, which are also in the memo from City staff. The burden of proof in

the case is the greater weight of the evidence set forth in Section 2-10 of the Code. The parties in the case are the applicant, John's Pass Grille, and the City. He said it did not look like anyone was present on behalf of the applicant. Normally the order of the presentation would be the applicant first and then the City.

The City Attorney read the quasi-judicial hearing procedures. He asked the Commissioners if there had been any ex-parte contacts they needed to disclose, and there were none. The City Attorney asked the Commissioners if there were any conflicts of interest that needed to be disclosed, and there were none.

The City Attorney swore in the witnesses, who were City staff.

Applicant Presentation

The applicant was not present, and no one on behalf of the applicant was present.

City Staff Presentation

Andrew Morris, Long Range Planner in the Community Development Department, read the staff memo, which included the five criteria for approval:

Background

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-05, is requesting authorization from the Board of Commissioners for the approval of a Special Food Service Establishment (4COP) alcoholic beverage license with stated intent to sell beer, wine, and liquor for consumption on premise at John's Pass Grille. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This application enlarges the area where alcoholic beverages are sold. Section 110-535. Expansion of alcoholic beverage zoning of the Madeira Beach Code of Ordinances requires approval of the Board of Commissioners to enlarge the area for the sale of alcoholic beverages, including consideration of all requirements under Section 110-532 (detailed in the discussion section of this memo).

Discussion

- (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 Grille currently has an active Special Food Service Establishment (4COP) alcoholic beverage license. The applicant's alcoholic beverage license use would expand to an adjacent commercial unit. This proposed expansion adds 27 new seats inside and 16 new seats outside. Previously a mortgage office was in the adjacent commercial unit. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This zoning district's purpose is to recognize the unique commercial, marine, tourist, and historic value of John's Pass Village. Other nearby businesses in John's Pass Village have alcoholic beverage licenses that allow for the sale of beer, wine, and liquor. The proposed expansion in alcoholic beverage license usage fits within the existing character of the 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.

John's Pass Grille is an existing restaurant that currently has an active Special Food Service Establishment (4COP) alcoholic beverage license. The proposed expansion would replace a mortgage office in the adjacent commercial unit. The Madeira Beach Code of Ordinances, Section 110-954. Special parking areas reduce the parking requirements by 50% for properties within the C-1 Tourist Commercial, Zoning District. The property owner of this structure owns the nearby John's Pass Plaza garage. The proposed expansion of the alcoholic beverage use would not create congestion or present a safety hazard.

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

John's Pass Grille is not located within 300 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. Other nearby businesses in John's Pass Village sell alcohol, including liquor. Expanding the existing restaurant is compatible with the location. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This zoning district is primarily a commercial district focused on serving both tourists and residents.

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

John's Pass Grille would continue to be a restaurant with the proposed expansion of alcoholic beverage license. The expansion would add additional seating in the adjacent commercial unit and the outdoor patio area. Other nearby restaurants have similar seating arrangements. The proposed expansion in alcoholic beverage license use would not adversely affect public safety since they already have an approved alcohol license.

(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 have any outstanding charges, fees, interest, fines, or penalties owed to the city.

Fiscal Impact

N/A

Recommendation(s)

Staff recommends the approval of the Special Food Service Establishment (4COP) alcoholic beverage license with stated intent to sell beer, wine, and liquor for consumption on premise at John's Pass Grille located at 111 Boardwalk Place West #203 and #201, Madeira Beach, Florida 33708.

Attachments:

- Application that includes the floor plans for both units

- The 300 ft public notice and posting

The City Attorney asked Mr. Morris if he wanted the Commission to receive into the evidence his staff memo along with the attachments. Mr. Morris said yes.

The City Attorney asked the Board if they had questions of Mr. Morris.

Mayor Rostek said the applicant was not present and asked if that had happened before. Mr. Morris said they recently got their license approved less than a year ago. It is a commercial area, and it makes sense to have a restaurant use there. They were notified, and he has been in contact with them.

Vice Mayor Kerr asked if there had been any incidents or trouble from the place of business since they had their liquor license. Mr. Morris said he would have to ask the Sheriff's Department, but he has not been made aware of anything specific to safety.

Commissioner Tagliarini said he had been there a few times. It is more of a family-oriented place.

The City Attorney said it goes back to the Board for consideration and approval of the application. That can be made by motion.

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

The City Attorney said it was back to the Commission for consideration and approval of the application. He needed a motion and a second, and a discussion on the motion.

Vice Mayor Kerr motioned to approve the 4COP Alcoholic Beverage Application #2023-05 for John's Pass Grille located at 111 Boardwalk Place West #203 and #201, Madeira Beach, Florida 33708. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

10. UNFINISHED BUSINESS

A. Resolution 2023-07, Authorizing the City Attorney to seek an Attorney General Opinion regarding the position of Director of Finance/City Treasurer

City Attorney Tom Trask read Resolution 2023-07 by title only:

RESOLUTION 2023-07**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO SEEK AN ATTORNEY GENERAL OPINION REGARDING THE POSITION OF DIRECTOR OF FINANCE/CITY TREASURER; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

The City Attorney said the resolution was prepared at the direction of the Board and believed it set forth the appropriate questions that needed to be asked of the Attorney General. Once it is approved, it will require him to issue a legal opinion as required by the Attorney General, so they have it along with the resolution and prepare a letter setting forth some background. Information will be attached that the Board has received in their packet before. He will copy the Commission when sent to the Attorney General if approved.

Commissioner Tagliarini asked if they would see the final letter before sent. The City Attorney said it would be provided after sending it.

Commissioner Brooks said they had discussed it several times and decided it was something they wanted to do to get clarification.

Commissioner Tagliarini said he would not be voting against it because they said they would do it. When he first heard about it from Mr. Gomez, and after thinking about it, he would like to know if the City Attorney, City Manager, or any of the Commissioners had changed their position on it since the Election. Would they have done it differently?

The City Attorney said he did not think it was necessary to do it to begin with or have him draft an ordinance to put it in the Charter and have a referendum. He did not think it made a difference after the referendum as to what they have the right to do under the current Charter, whether amended or not. He is the attorney that gets direction from the Commission, and that is what the Commission wanted him to do, so that is what he did.

The City Manager said they discussed it in several meetings, it was the next step, and they will continue with the steps as they go forward.

Mayor Rostek said his opinion had not changed. He will vote the will of the voters.

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

Vice Mayor Kerr said they must be prepared to take action one way or another. The Attorney General may not want to get involved. They will need a backup plan for whatever their statement is.

Commissioner Brooks said it was discussed in the last meeting that they might not receive a response from the Attorney General. They need to decide how long to wait.

The City Attorney suggested waiting 90 days at a minimum. That will allow the Attorney General to do whatever they need to do and then act upon it.

Commissioner Tagliarini said he thought 90 days would be enough. Vice Mayor Kerr said he does not think they should put a time limit on it. Commissioner Tagliarini said he wanted it in the minutes they are officially coming back to it. Vice Mayor Kerr said they are definitely coming back to it. If they do not get a response back by October, they address it, take a vote, and move forward.

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

Vice Mayor Kerr motioned to approve Resolution 2023-07, Authorizing the City Attorney to seek an Attorney General Opinion regarding the position of Director of Finance/City Treasurer, and that they bring it back at the October workshop to address at that point. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-1.

B. Gulf Beaches Public Library FY 2024 Budget

The City Manager said the budget was presented at the workshop by library board member Helen Price, and there have not been any changes since then.

Vice Mayor Kerr motioned to approve the Gulf Beaches Public Library FY 2024 Budget. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

11. CONTRACTS/AGREEMENTS

A. Interlocal Agreement with Pinellas County for Cooperative Procurements of Disaster Debris Collection & Monitoring and Management Services

Public Works Director Megan Wepfer said the County puts out an RFP for contractors to perform debris cleanup on a five-year basis. She explained the purpose and said staff recommended approval of the Interlocal Agreement between Pinellas County and Local Governments for the Cooperative Procurements of Disaster Debris Collection & Removal Services and Disaster Debris Monitoring & Management Services within Geographic Pinellas County.

Director Wepfer said the agreement says the City is able to use the County's contractors for the same pricing to cover its portion.

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

Commissioner Tagliarini motioned to approve the Interlocal Agreement with Pinellas County for Cooperative Procurements of Disaster Debris Collection & Monitoring and Management Services. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. R.O.C. Park – Reflection Pond Repair and Upgrade - RFP

Recreation Director Jay Hatch said he did a walkthrough with the company that provided the bid. A contract was received for a total of \$84,085 to replace pumps, replace the bottom, put in a salt system, remove unnecessary features, and get it running. The only thing they were not aware of was underground plumbing. It would be easier to maintain in the future. He put through the \$84,085 and a contingency of 10%, so the projected budget is \$92,500 for the final total.

Director Hatch said they would drain it, pressure wash it, and clean it out tomorrow. The company would ideally start the work next week.

Vice Mayor Kerr asked what the warranty was. Director Hatch said the pebble sheen has a warranty, but he did not know the exact years. The City Attorney said the contract warrants its work for one year after the completion date or the pool has been filled with water.

Commissioner McGeehen said he liked the idea of putting a two to three-foot barrier around the pond.

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

Commissioner Brooks motioned to approve the R.O.C. Park – Reflection Pond Repair and Upgrade - RFP. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

12. NEW BUSINESS

13. STAFF REPORTS

There were no staff reports.

14. AGENDA SETTING – WORKSHOP MEETING

- A. Density and Intensity Consistency with Forward Pinellas**
- B. 2.5 ft setback for drainage**
- C. City Manager’s Monthly Report – May 2023**
- D. 2023 Legislative Update**

Items added to the workshop agenda:

The Mayor asked to schedule more public meetings for the citizens. The City Manager said they would.

Vice Mayor Kerr

1. Campaign signs
2. Discussion on copper phone lines
3. Update on the 95th Street property
4. Discuss how planned development and zoning interact with each other when a PD is approved

Mayor Rostek

1. Discuss Tiki/Cheeky Huts (shade structures) setback issues

Commissioner Tagliarini

1. Discuss the dog park

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

Commissioner McGeehen thanked the Madeira Beach Fire Department for a job well done over Memorial Day weekend and thanked them for their service.

B. City Attorney

The City Attorney gave an update on the appeal for a variance for a dock filed by Mr. Tim Church in November 2022. He received a notice from the Appellate Court that the case was dismissed. The case is over, and it was a successful conclusion for the City. He would answer any questions offline.

C. City Manager

The City Manager reminded the Board that the next FY 2024 Budget Workshop meeting would be held on June 28th at 4:00 p.m. The focus will be on the General Fund but will discuss all the funds.

He reminded the Board of the public meeting on Saturday at 10:00 a.m. in the Chamber with Forward Pinellas to discuss the densities and intensity consistency with the County.

He said June 30th is Final Friday at John's Pass Village. There will be discussions about expanding it in the Village because of its success. They will bring it back to the Board in the next fiscal year.

The Mayor asked what happened to the Fire Department's UTV and how much it would cost to buy a new one. The City Manager said it was estimated to be about \$20,000. They will obtain the required three quotes to replace it. Fire Chief Clint Belk said they took it to Leroy for regular maintenance, and upon inspection, he found the frame underneath was completely rusted out, and it was barely holding the gas tank up. They put it as a capital item for the next fiscal year and will make an emergency purchase now.

D. City Clerk

The City Clerk said there would be a state-mandated continuing education training on ethics on July 12th at City Hall from 10:00 a.m. to 3:30 p.m. with a break for lunch. There will be another in-depth ethics training but does not know the date yet. She will get possible dates out to the Commission to see which one would be better for them.

The City Clerk said the parliamentary president of our area will be providing possible dates and times of her availability for training. She will let the Commission know when that is scheduled.

16. ADJOURNMENT

Mayor Rostek adjourned the meeting at 7:08 p.m.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk



Memorandum

Meeting Details: July 3, 2023, BOC Regular Meeting
Prepared For: Hon. Mayor Rostek and Board of Commissioners
Staff Contact: Andrew Laflin, Finance Director
Subject: FY 2023 Audit Engagement Letter

Background:

In fiscal year 2020, the City completed a Request for Proposals (RFP) process and selected the audit firm James Moore & Co. to perform auditing services for the City for fiscal years 2020, 2021, and 2022. According to the contract, upon completion of the engagement for the fiscal year 2022 audit, a new engagement can be entered into for two additional one-year periods, at the option of both parties. James Moore & Co. has provided the City with an engagement letter to perform the FY 2023 audit.

Fiscal Impact:

The fees for the audit of the financial statements and related services, including expenses, are as follows:

Audit Fee - \$45,000
Preparation of Financial Statements - \$4,500
Single Audit Fee (Per Major Program) - \$3,500

Recommendation(s):

Staff recommends execution of the FY 2023 engagement letter with James Moore & Co.

Attachments:

- FY 2023 Audit Engagement Letter

June 14, 2023

To the Honorable Mayor and Board of Commissioners,
City of Madeira Beach, Florida:

You have requested that we audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Madeira Beach, Florida (the City) as of September 30, 2023, and for the years then ended, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In addition, if applicable, we will audit the City's compliance over major federal award programs and major state projects for the year ended September 30, 2023. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the City's major federal award programs and major state projects.

The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS), and in accordance with Government Auditing Standards, and the provisions of Chapter 10.550, Rules of the State of Florida, Office of the Auditor General, will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the City complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and Government Auditing Standards, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America (U.S. GAAP), as promulgated by the Governmental Accounting Standards Board (GASB) require that supplementary information, such as management's discussion and analysis (MD&A) or budgetary comparison information, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management's discussion and analysis
2. Budgetary comparison schedules
3. Pension and OPEB schedules (as applicable)

Supplementary information other than RSI will accompany the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and additional procedures in accordance with GAAS. We intend to provide an opinion on whether the following supplementary information is presented fairly in all material respects in relation to the basic financial statements as a whole:

1. Nonmajor fund combining schedules
2. Budgetary comparison schedules
3. Schedule of revenues and expenditures – Emergency Medical Services
4. Schedule of expenditures of federal awards and state financial assistance (if applicable)

Also, the document we submit to you will include the following other additional information which will not be subjected to the auditing procedures applied in our audit of the basic financial statements:

1. Introductory section
2. Statistical section

Data Collection Form

If applicable, prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility, if the Data Collection Form is applicable. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form, if applicable, is required to be submitted within the earlier of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audits in accordance with GAAS and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America (if applicable); the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, Audit Requirements for Federal Awards* (Uniform Guidance) (if applicable); Section 215.97, Florida Statutes, *Florida Single Audit Act* (if applicable), and the provisions of Chapter 10.550, Rules of the State of Florida, Office of the Auditor General (if applicable). As part of an audit of financial statements in accordance with GAAS, and in accordance with Government Auditing Standards, and the provisions of Chapter 10.550, Rules of the State of Florida, Office of the Auditor General, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit

City of Madeira Beach, Florida
 June 14, 2023
 Page 3

evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America, and the provisions of Chapter 10.550, Rules of the State of Florida, Office of the Auditor General. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the City's basic financial statements. Our report will be addressed to the governing body of the City. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditors' report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

We also will issue a written report as required by Chapter 10.550, Rules of the State of Florida, Office of the Auditor General upon completion of our audit.

Reporting on Key Audit Matters

Management has not requested that we communicate key audit matters in our auditors' report for this fiscal year.

City of Madeira Beach, Florida
June 14, 2023
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Significant Risks Identified

We have identified the following preliminary significant risks of material misstatement as part of our audit planning, which are being communicated to comply with auditing standards and do not represent any specific finding and/or concerns related to the audit:

- Override of internal controls by management
- Improper revenue recognition due to fraud
- Improper use of restricted resources

Our final communication of significant risks identified will take place upon completion of our audit.

Audit(s) of Major Program and/or Major Project Compliance

If applicable, our audit(s) of the City's major federal award program(s) and/or state project(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; the Uniform Guidance; and Chapter 10.550, Rules of the State of Florida, Office of the Auditor General; and will include tests of accounting records, a determination of major programs and/or projects in accordance with the Uniform Guidance, Chapter 10.550, Rules of the State of Florida, Office of the Auditor General, and other procedures we consider necessary to enable us to express such an opinion on major federal award program and/or major state project compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the City's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, Government Auditing Standards, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of the federal programs as a whole.

Our procedures will consist of determining major federal programs and, performing the applicable procedures described in the U.S. Office of Management and Budget OMB Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of the City's major programs, and performing such other procedures as we consider necessary in the circumstances. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will obtain an understanding of the City's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the City's major federal award programs. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

Chapter 10.550, Rules of the State of Florida, Office of the Auditor General requires that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major state projects, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the City's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, Government Auditing Standards, and Chapter 10.550, Rules of the State of Florida, Office of the Auditor General, will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of the state projects as a whole.

Our procedures will consist of tests of transactions and other applicable procedures described in the State of Florida State Projects Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of the Organization's major state projects, and performing such other procedures as we consider necessary in the circumstances. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major state projects in our report on compliance issued pursuant to Chapter 10.550, Rules of the State of Florida, Office of the Auditor General.

Also, as required by Chapter 10.550, Rules of the State of Florida, Office of the Auditor General, we will obtain an understanding of the City's internal control over compliance relevant to the audit in order to design and perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major state project. Our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Chapter 10.550, Rules of the State of Florida, Office of the Auditor General. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

As part of a compliance audit in accordance with GAAS, and in accordance with Government Auditing Standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the City's major federal award programs and/or major state projects, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
3. For identifying, in its accounts, all federal awards received and state financial assistance expended during the period and the federal programs under which they were received;

4. For maintaining records that adequately identify the source and application of funds for federally funded activities;
5. For preparing the schedule of expenditures of federal awards and/or state financial assistance (including notes and noncash assistance received) in accordance with the Uniform Guidance (if applicable) and Chapter 10.550, Rules of the State of Florida, Office of the Auditor General requirements (if applicable);
6. For the design, implementation, and maintenance of internal control over federal awards, state financial assistance, and compliance;
7. For establishing and maintaining effective internal control over federal awards and state financial assistance that provides reasonable assurance that the City is managing federal awards and state projects in compliance with federal and state statutes, regulations, and the terms and conditions of the federal awards and state financial assistance;
8. For identifying and ensuring that the City complies with federal laws and state statutes, regulations, and the terms and conditions of federal award programs and state financial assistance projects and implementing systems designed to achieve compliance with applicable federal and state statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal award programs and state financial assistance projects;
9. For disclosing accurately, currently, and completely the financial results of each federal award and major state project in accordance with the requirements of the award;
10. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
11. For taking prompt action when instances of noncompliance are identified;
12. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
13. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
14. For submitting the reporting package and data collection form to the appropriate parties;
15. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
16. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, including the disclosures, and relevant to federal award programs and state financial assistance projects, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit;
 - c. Unrestricted access to persons within the City and others from whom we determine it necessary to obtain audit evidence.
 - d. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report; and
 - e. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditors' report
17. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
18. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
19. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
20. For informing us of any known or suspected fraud affecting the City involving management, employees with significant role in internal control and others where fraud could have a material effect on compliance;

City of Madeira Beach, Florida
 June 14, 2023
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21. For the accuracy and completeness of all information provided;
22. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information;
23. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter; and
24. For identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants.
25. Additionally, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review on the first day of fieldwork.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit.

Additional Examination Engagements

You have requested that we examine the City's compliance for the fiscal year ended September 30, 2023, with the following statutes (collectively, "the Statutes"):

- Section 218.415, Florida Statutes, *Local Government Investment Policies*
- Section 288.8018, Florida Statutes, *Gulf Coast Audits* (if applicable)

We are pleased to confirm our acceptance and our understanding of this direct examination engagement by means of this letter. Our examination will be conducted with the objective of obtaining reasonable assurance by evaluating whether the City complied in all material respects with the Statutes and performing other procedures to obtain sufficient appropriate evidence to express an opinion in a written practitioner's report that conveys the results of our evaluation.

Practitioner Responsibilities

We will conduct our examination in accordance with the attestation standards established by the AICPA. An examination involves performing procedures to obtain attest evidence about whether the City complied with the Statutes, in all material respects. An examination involves performing procedures to obtain evidence about the City's compliance with the Statutes. The nature, timing, and extent of procedures selected depend on the practitioner's judgment, including the assessment of the risks of material misstatement of the underlying subject matter, whether due to fraud or error.

Because of the inherent limitations of an examination engagement, together with the inherent limitations of internal control, an unavoidable risk exists that some material misstatements may not be detected, even though the examination is properly planned and performed in accordance with the attestation standards. However, we will inform you of any material noncompliance with laws or regulations, uncorrected misstatements, fraud, and when relevant to the underlying subject matter or subject matter information, internal control deficiencies that comes to our attention, unless clearly inconsequential.

City of Madeira Beach, Florida
 June 14, 2023
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Management Responsibilities

Our examination will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

1. For ensuring the City complies with the Statutes;
2. For the design, implementation, and maintenance of internal control to prevent, or detect and correct, misstatement of or noncompliance with the Statutes, due to fraud or error;
3. For selecting the criteria for the evaluation of the City's compliance with the Statutes;
4. Determining that such criteria are suitable, will be available to the intended users, and are appropriate for the purpose of the engagement; and
5. To provide us with:
 - a. Access to all information of which management is aware that is relevant to compliance with the Statutes, such as records, documentation, and other matters and that you are responsible for the accuracy and completeness of that information;
 - b. Additional information that we may request from management for the purpose of the examination; and
 - c. Unrestricted access to persons within the City from whom we determine it necessary to obtain attest evidence.

As part of our examination process, we will request from you written confirmation concerning representations made to us in connection with the examination.

Reporting

We will issue a written report upon completion of our examination of the City's compliance with the Statutes. Our report will be addressed to the governing body. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

Nonattest Services

We will perform the following nonattest services: preparation of financial statements, preparation of schedule of expenditures of federal awards and state financial assistance and data collection form (if applicable). With respect to any nonattest services we perform, we will not assume management responsibilities on behalf of the City. However, we will provide advice and recommendations to assist management of the City in performing its responsibilities. The City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual (Andrew Laflin) to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the engagement are as follows. We will perform the services in accordance with applicable professional standards. This engagement is limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our firm may advise the City with regard to different matters, but the City must make all decisions with regard to those matters.

Any nonattest services performed by us do not constitute an audit performed in accordance with *Government Auditing Standards*.

City of Madeira Beach, Florida
 June 14, 2023
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Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents or support for any other transactions we select for testing.

We do not host, are not the custodian of, and accept no responsibility for your financial and non-financial data. You acknowledge that you have sole responsibility for the storage and preservation of your financial and non-financial data.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditors' report to the date the financial statements are issued.

Zach Chalifour is the service leader for the audit services specified in this letter. The service leader's responsibilities include supervising the services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the reports.

Our fees for the audit of the financial statements and related services, including expenses, for each of the fiscal years included in this engagement are as follows:

Year Ending September 30,	Audit Fee	Preparation of Financial Statements	Single Audit Fee (per major program)
2023	\$45,000	\$4,500	\$3,500

Payments shall be due in accordance with Section 218.70, Florida Statutes, *Local Government Prompt Payment Act*.

This engagement may be terminated by either party for noncompliance with the terms as noted in this engagement letter. The parties will provide 60 days' notice of their intention to terminate the engagement. Upon completion of this engagement with the audit for the year ended September 30, 2023, a new engagement can be entered into for an additional one-year period, at the option of both parties. Any such engagements will be evidenced by a new engagement letter.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the City's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

City of Madeira Beach, Florida
 June 14, 2023
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In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

The audit documentation for this engagement is the property of James Moore & Co., P.L. and constitutes confidential information. However, we may be requested to make certain audit documentation available to a grantor or their designee, a federal or state agency providing direct or indirect funding, or the U.S. Government Accountability Office pursuant to authority given to it by laws or regulation, or to peer reviews. If requested, access to such audit documentation will be provided under the supervision of James Moore & Co., P.L. personnel. We will notify you of any such request. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

In the normal course of business, we use the services of third-parties and individual contractors, which are not employees of James Moore & Co., P.L. Those services are performed at various levels and in various aspects our engagements including bookkeeping, tax return preparation, consulting, audit and other attest services and clerical and data entry functions. It is possible that during the course of the engagement we may utilize such third-party and individual contractor sources. Additionally, the engagement will, of necessity, require us to handle confidential information and we expect third-party service providers and individual contractors to maintain the confidentiality of such information. To be reasonably assured that unauthorized release of confidential client information does not occur, we require those individuals and third-party service providers to enter into a written agreement to maintain the confidentiality of such information. Your acceptance of this arrangement acknowledges and accepts our handling of confidential information including access by third-party and individual service providers.

Public Records

While we will not and cannot perform hosting services for the City, and therefore do not expect to be in possession of any of the City's original records, with regard to any public records of the City in our possession, pursuant to section 119.0701, Florida Statutes, we shall comply with Florida's Public Records Act, Chapter 119, Florida Statutes, and agree to:

Keep and maintain all public records that ordinarily and necessarily would be required by the City to keep and maintain in order to perform the engagement.

Upon request from the City's custodian of public records, provide copies to the City within a reasonable time and public access to said public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

Ensure that said public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

We will meet all requirements for retaining said public records and transfer, at no cost, to the City all said public records in our possession upon termination of this Agreement and destroy any duplicate public records that are exempt or confidential and exempt from Chapter 119, Florida Statutes, disclosure requirements. All records will be returned to the City in their original form.

IF THE CONTRACTOR (JAMES MOORE & CO., P.L.) HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 727-391-9951, cvanblargan@madeirabeachfl.gov, 300 Municipal Drive, Madeira Beach, FL 33708.

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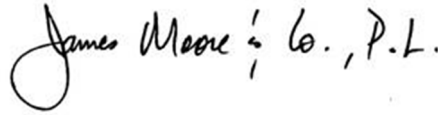
All notices and communications required under this proposal shall be in writing and shall be deemed to have been duly given when delivered personally or by registered or certified mail to the following persons:

For the City: Robin Gomez, City Manager
 300 Municipal Drive
 Madeira Beach, FL 33708

For James Moore & Co., P.L.: Zach Chalifour
 121 Executive Circle
 Daytona Beach, FL 32114

We appreciate the opportunity to be of service to the City of Madeira Beach, Florida and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,


 JAMES MOORE & CO., P.L.

RESPONSE:

This letter correctly sets forth the understanding of the City of Madeira Beach, Florida.

By _____

Title _____

Date _____

**HADDOX
REID
EUBANK
BETTS PLLC**

CPAs & Advisors

REPORT ON THE FIRM'S SYSTEM OF QUALITY CONTROL

April 23, 2021

To the Members
James Moore & Co., P.L.
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of James Moore & Co., P.L. (the firm) in effect for the year ended October 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and audits of employee benefit plans.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of James Moore & Co., P.L. in effect for the year ended October 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. James Moore & Co., P.L. has received a peer review rating of *pass*.

Haddox Reid Eubank Betts PLLC



Memorandum

Meeting Details: July 3, 2023

Prepared For: Hon. Mayor Rostek & Board of Commissioners

Staff Contact: Andrew Laflin, Finance Director

Subject: Proposed FY 2023 Budget Amendment #2

Background

The Charter of the City of Madeira Beach, Article X – *Financial Procedures* allows for amendments to the FY 2023 annual operating budget through the adoption of a Resolution. Resolution No. 2020-20 clarified the guidance from the City’s Charter as it relates to the budget amendment process and established procedures relating to initiation, approval, and processing of requested budget transfers and budget amendments. Article X, Section 10.4 and Section 10.5, of the City’s Charter state that intra-fund transfers and increases to a particular fund are permitted after adoption of the annual operating budget through the adoption of a Resolution. Intra-fund transfers are interpreted to include any needed increases to the overall budget of a department within a fund or a division within a department that is separately reported in the City’s annual adopted budget.

Budget adjustments are needed within the General Fund, Parking Fund, and Local Option Sales Tax Fund. The primary reason for these adjustments is higher than expected cost for services and an unanticipated vehicle purchase. The purpose of increasing the budgets for each fund and department is described in Exhibit A, and Exhibit A also includes a comparison of budgeted revenues and budgeted expenses and other outflows by fund and department.

Fiscal Impact

Adoption of this Resolution would result in preparing a budgetary entry only and has no direct fiscal impact to the City.

Recommendation(s)

Staff recommends approval of Resolution 2023-08.

Attachments

- Resolution 2023-08
- Exhibit A – FY 2023 Budget Amendment #2 Details

RESOLUTION 2023-08

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2023 (OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023) BY INCREASING APPROPRIATIONS FOR EXPENDITURES IN THE GENERAL FUND, THE LOCAL OPTION SALES TAX FUND, AND THE PARKING FUND; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of Commissioners of the City of Madeira Beach adopted an annual budget for the Fiscal Year 2023; and

WHEREAS, the Board of Commissioners of the City of Madeira Beach desires to adopt an amendment to the Fiscal Year 2023 Budget; and

WHEREAS, Section 10.5 of the City Charter of the City of Madeira Beach authorizes the Board of Commissioners to amend the adopted budget by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. The Board of Commissioners authorizes the Budget for Fiscal Year 2023 to hereby be amended to reflect an increase in appropriations for expenditure within the General Fund, Local Option Sales Tax Fund, and Parking Fund, as set forth in Exhibit A.

SECTION 2. The Board of Commissioners authorizes Director of Finance/City Treasurer to allocate the budget amendment pursuant to the account level detailed provided as set forth in Exhibit A.

SECTION 3. This Resolution shall become effective immediately upon final passage and adoption by the Board of Commissioners.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS ____ DAY OF _____, 2023.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

FY 2023 BUDGET AMENDMENT #2

Fund/Department	Account Number	Account Description	Current Budget Amount	Increase (Decrease)	Revised Amount
Local Option Sales Tax Fund - Fire/EMS	103.4000.564000	Capital Equipment	63,000	40,000	103,000
Total Budgeted Outflow Increase:				40,000	
Local Option Sales Tax Fund - Non-Departmental	103.1400.380001	Fund Balance Carryover Used	759,500	40,000	799,500
Total Budgeted Inflow Increase:				40,000	

Purpose:

Purchase of a 2023 Polaris to replace the 2014 Polaris. During recent service it was discovered that the mechanical condition of the current Special Rescue 25 is poor and deemed unsafe to operate. SR25 is used during beach/water rescue emergencies and special events. It is a vital part of MBFD's response to emergencies.

Fund/Department	Account Number	Account Description	Current Budget Amount	Increase (Decrease)	Revised Budget Amount
Parking Fund - Parking Management	407.6500.549001	Bank Service Charges	135,000	50,000	185,000
Total Budgeted Outflow Increase:				50,000	
Parking Fund - Parking Management	407.6500.354001	Parking Fines	91,150	50,000	141,150
Total Budgeted Inflow Increase:				50,000	

Purpose:


Transaction processing fees from parking vendors exceeded budgeted estimates due to higher than expected transaction volume. Overall, parking revenues are trending to exceed budget by the end of the fiscal year by nearly 10%, or \$250,000.

Fund/Department	Account Number	Account Description	Current Budget Amount	Increase (Decrease)	Revised Budget Amount
General Fund - Recreation	001.5000.548000	Promotions & Pub Rltns	100,000	50,000	150,000
Total Budgeted Outflow Increase:				50,000	
General Fund - Non-Departmental	001.1400.347400	Special Event Fee	100,000	50,000	150,000
Total Budgeted Inflow Increase:				50,000	

Purpose:

Costs associated with various events managed and run by City staff were higher than expected. Increase in budgeted expenditures is offset by higher than anticipated revenues generated from these events.

Budget Vs Actual - Revenue Comparison by Fund & Department

Fund Name	Department Name	Original Budget	Amended Budget	Actual Balance	% Used
Archibald Park Fund	Archibald	991,500	991,500	495,253	50%
Building Fund	Building Services	1,322,500	1,322,500	608,626	46%
Debt Service Fund	Debt Service	285,000	285,000	103,479	36%
Gas Tax Fund	Gas Tax	102,500	102,500	68,632	67%
General Fund 	City Manager	-	-	14,857	
	Community Development	134,500	134,500	52,172	39%
	Fire/Ems	844,200	844,200	595,488	71%
	John's Pass Village	1,556,000	1,556,000	30,432	2% *
	Non-Departmental	10,843,528	10,843,528	9,228,621	85%
	Public Works Streets	-	-	10,131	
	Recreation	305,000	305,000	372,527	122% **
	Special Projects	610,000	610,000	496,257	81%
Local Option Sales Tax Fund					
Marina Fund	Marina	8,390,620	8,390,620	4,642,058	55%
Parking Fund	Parking Management	2,845,000	2,896,150	2,359,678	81%
Sanitation Fund	Sanitation	1,660,000	1,660,000	1,110,178	67%
Stormwater Fund	Stormwater	2,240,000	2,240,000	499,788	22% ***

* John's Pass North Shoreline Dredging Project still in progress - \$1.556m award; \$30k spent YTD

** Collection of \$78k of recreation impact fees whose revenues were unbudgeted

*** \$1.49m budgeted transfer from General Fund not yet recorded in FY 2023

Budget Vs Actual - Expense Comparison by Fund & Department

Fund Name	Department Name	Original Budget	Amended Budget	Actual Balance	% Used
Archibald Park Fund	Archibald	5,032,094	5,032,094	537,833	11%
Building Fund	Building Services	1,200,585	1,242,995	548,279	44%
Debt Service Fund	Debt Service	305,000	305,000	91,475	30%
Gas Tax Fund	Gas Tax	141,000	141,000	77,904	55%
General Fund	Board Of Commissioners	74,800	74,800	35,903	48%
	City Clerk	444,647	448,647	234,323	52%
	City Manager	596,355	666,345	448,528	67%
	Community Development	688,776	688,776	421,020	61%
	Finance	525,046	525,046	359,472	68%
	Fire/Ems	2,068,570	2,078,570	1,359,552	65%
	Human Resources	118,421	118,421	40,324	34%
	Information Technology	255,904	220,652	181,216	82% **
	John's Pass Village	1,913,000	1,943,000	200,140	10%
	Law Enforcement	1,552,600	1,552,600	1,095,499	71%
	Legal Services	214,000	214,000	116,832	55%
	Non-Departmental	4,052,500	4,248,908	534,885	13%
	Parks	117,000	117,000	41,288	35%
	Public Works Administration	3,180,538	5,475,424	617,606	11%
	Recreation	1,156,943	1,234,883	902,216	73% *
	Fire/Ems	-	63,000	75,332	120% *
	Public Works Administration	700,000	700,000	-	0%
	Recreation	606,500	606,500	65,458	11%
	Special Projects	-	-	12,169	
	Marina	942,432	942,432	521,873	55%
Parking Fund	Parking Management	2,251,586	2,302,736	2,220,327	96% *
Sanitation Fund	Sanitation	1,766,387	1,766,387	1,178,883	67%
Stormwater Fund	Stormwater	7,823,850	7,951,350	1,502,872	19%

* See FY 2022 Proposed Budget Amendment #2

** Payments to outsourced IT Provider (Network Resources) - \$200,000 budgeted; \$178,921 spent through mid-June '23



Memorandum

Meeting Details: July 12, 2023, BOC Regular Meeting
Prepared For: Hon. Mayor Rostek and Board of Commissioners
Staff Contact: Jenny Rowan, Community Development Director
Subject: Ordinance 2023-15 Comprehensive Plan Activity Center Definition 2nd Reading & Public Hearing

Background

Ordinance 2023-15 creates the Activity Center Future Land Use Category in the Madeira Beach Comprehensive Plan, consistent with the Forward Pinellas Countywide Rules. No specific property or location is associated with this text change. The amendment adds a category of use the community can choose when updating its plan and map in the future. Adopting the Activity Center designation for a specific property or area requires a separate land use map amendment and the adoption of regulating policies for an Activity Center.

Discussion

In 2022, the city proposed an amendment (Ordinance 2022-03) to the Madeira Beach Comprehensive Plan to add the category of Activity Center. Forward Pinellas reviewed the amendment and provided minor changes to the new land use category which are reflected in Ordinance 2023-15. Second reading occurred before receiving feedback from the Department of Economic Opportunity (DEO). DEO responded to the amendment stating that the city had to rescind the adoption, adopt the Property Rights Element into the Comprehensive Plan prior to any new changes, and to resubmit the amendment after the adoption of the Property Rights Element. After the Property Rights Element was adopted, DEO "identified no adverse impacts" and provided technical assistance as a suggestion. Staff discussed the suggestions with DEO to add more substantive standards (including intensities and densities) once any land was designated Activity Center on the future land use map.

Ordinance 2023-15 is a rewrite of Ordinance 2022-03 with minor changes. The city thought it was best to repeal Ordinance 2022-03 and rewrite the Ordinance with a new number. The Local Planning Agency (the Planning Commission) voted to support Ordinance 2023-15 moving forward to public hearing for first reading at the May 10, 2023, Board of Commissioners Meeting. The Board Commissioners voted for Ordinance 2023-15 to be transmitted to the Florida Department of Economic Opportunity and other state and regional agencies that review proposed Comprehensive Plan Amendments. The responses we received from the Florida Department of Economic Opportunity and other state and regional agencies did not have concerns about Ordinance 2023-15. Since they did not have concerns, Ordinance 2023-15 can move forward to second reading for adoption.

Fiscal Impact

The fiscal impact upon the city is anticipated in the adopted budget under personnel, advertising and consulting expenses associated with the requirements of the amendment process.

Recommendation(s):

Staff recommends the adoption of Ordinance 2023-15.

Attachments/Corresponding Documents

- Ordinance 2023-15 Comprehensive Plan Activity Center Definition
- Florida Department of Economic Opportunity Response
- Florida Department of Environmental Protection Response
- Florida Department of Transportation Response
- Forward Pinellas Response
- Southwest Florida Water Management District Response
- Tampa Bay Regional Planning Council Response
- Notice of Public Hearing for Ordinance 2023-15

ORDINANCE 2023-15

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER; REPEALING ORDINANCE 2022-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, City staff has reviewed the future land use element of the City's Comprehensive Plan; and

WHEREAS, City staff has recommended that the future land use element be amended to establish a land use category of Activity Center for the potential use of new Activity Centers within the city limits; and

WHEREAS, an ordinance establishing the land use category of Activity Center within the city limits (Ordinance 2022-03) was adopted prior to it being reviewed by the Department of Economic Opportunity as required by law; and

WHEREAS, the purpose of this ordinance is to repeal Ordinance 2022-03 and provide the Department of Economic Opportunity with the required opportunity to review the amendment to the future land use element that establishes a land use category for Activity Center within the city limits; and

WHEREAS, the Department of Economic Opportunity, in its function as the State Land Planning Agency, has reviewed and provided comments on the amendment to the Comprehensive Plan in accordance with Florida Statute 163.3184.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: That Section 4.0, Future Land Use Element, Policy 4.1.1.2 of the City of Madeira Beach Comprehensive Plan, Policy is hereby amended to add the following paragraph at the end of said policy:

Activity Center – AC, each Activity Center is regulated by a Special Area Plan.

The purpose of this category is to recognize those areas that are identified and planned for in detail based on their unique location, intended use, appropriate density/intensity, and pertinent planning considerations. This category should facilitate infill and redevelopment to create a mix of uses that promotes an aesthetically pleasing and safe built environment that is compatible with the area's character, uses, and transportation facilities.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in a Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved Special Area Plan) are subject to review by and approval of the Countywide Planning Authority upon recommendation of Forward Pinellas pursuant to The Countywide Rules. Each Special Area Plan establishes the density, intensity, and mix of permitted uses, and must include, at a minimum, information addressing the requirements for Special Area Plans or their equivalent as set forth in The Countywide Rules.

SECTION 2: That Ordinance 2022-03 is hereby repealed.

SECTION 3: That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

SECTION 4: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

SECTION 5: That the effective date of this Plan Amendment shall be thirty-one (31) days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a Final Order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If a Final Order of Noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status. A copy of the Resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,

THIS ____ day of _____, 2023.

JAMES "JIM" ROSTEK, Mayor

ATTEST:

CLARA VANBLARGAN, MMC, MSM, City Clerk

PASSED ON FIRST
READING: _____

PUBLISHED: _____

PASSED ON SECOND
READING: _____

APPROVED AS TO FORM:

THOMAS J. TRASK, City Attorney

From: [Stansbury, James](#)
To: [Morris, Andrew](#)
Cc: [Nazaire, Christina](#); [Harris, Donna](#)
Subject: FW: [e] [EXTERNAL] - RE: City of Madeira Beach Amendment No. 23-02ESR
Date: Thursday, June 29, 2023 4:18:43 PM
Attachments: [image002.png](#)

Mr. Morris,

Ms. Nazaire forwarded your email to me regarding the Department's response to the proposed to the City of Madeira Beach's proposed 23-02ESR. Your request for clarification is understandable. You were sent the wrong letter in response to the amendment. The Department does not have any comments or technical assistance comments regarding the proposed amendment. Ms. Nazaire will give you a call to discuss one related matter. Otherwise, please consider this email as a correction in regards to the Department's position regarding the proposed amendment. Thank you for bringing it to our attention.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

From: Nazaire, Christina <Christina.Nazaire@deo.myflorida.com>
Sent: Thursday, June 29, 2023 3:59 PM
To: Stansbury, James <James.Stansbury@deo.myflorida.com>
Subject: FW: [EXTERNAL] - RE: City of Madeira Beach Amendment No. 23-02ESR

From: Morris, Andrew <Amorris@madeirabeachfl.gov>
Sent: Thursday, June 29, 2023 2:12 PM
To: Nazaire, Christina <christina.nazaire@deo.myflorida.com>
Cc: Jenny Rowan <jrowan@madeirabeachfl.gov>
Subject: [EXTERNAL] - RE: City of Madeira Beach Amendment No. 23-02ESR

Christina,

I just wanted to check in and see if you have an update for the review comment about City of Madeira Beach Amendment No. 23-02ESR. The public hearing for the adoption of Amendment No. 23-02ESR is on July 12, 2023 and the cutoff date for the Agenda Packet for that meeting is on July 3, 2023.

Best Regards,

Andrew Morris

Andrew Morris, AICP

Long Range Planner
 300 Municipal Drive
 Madeira Beach, FL 33708
 O: (727) 391-9951 Ext. 296
 Email: amorris@madeirabeachfl.gov



From: Morris, Andrew
Sent: Tuesday, June 27, 2023 10:51 AM
To: 'christina.nazaire@deo.myflorida.com' <christina.nazaire@deo.myflorida.com>
Cc: Jenny Rowan <jrowan@madeirabeachfl.gov>
Subject: City of Madeira Beach Amendment No. 23-02ESR

Christina,

I was reviewing the response letter for City of Madeira Beach Amendment No. 23-02ESR. The paragraph references a comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review. I did not see the comment attached to the letter.

The Department of Economic Opportunity ("Department") has reviewed the Madeira Beach proposed comprehensive plan amendment (Amendment No. 23-02ESR), received on May 11, 2023, pursuant to the expedited state review process in Section 163.3184(2) - (3), Florida Statutes (F.S.). We have identified a comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review. The Agency's comment regarding these amendments are attached to this letter.

Best Regards,

Andrew Morris

Andrew Morris, AICP
 Long Range Planner
 300 Municipal Drive
 Madeira Beach, FL 33708
 O: 727-391-9951 Ext. 296
 Email: amorris@madeirabeachfl.gov



Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.

This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure. Under Florida law email addresses are public records.

Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.

Ron DeSantis
GOVERNOR



Meredith Ivey
ACTING SECRETARY

June 9, 2023

The Honorable James Rostek
Mayor, City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

Dear Mayor Rostek:

The Department of Economic Opportunity ("Department") has reviewed the Madeira Beach proposed comprehensive plan amendment (Amendment No. 23-02ESR), received on May 11, 2023, pursuant to the expedited state review process in Section 163.3184(2) - (3), Florida Statutes (F.S.). We have identified a comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review. The Agency's comment regarding these amendments are attached to this letter.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | www.Facebook.com/FLDEO

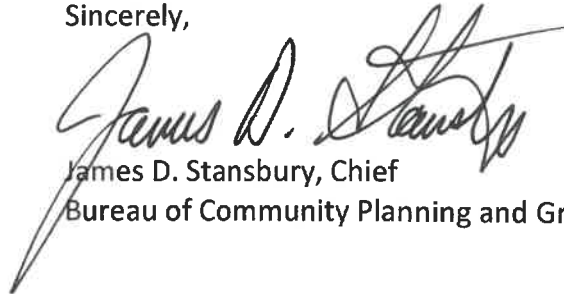
An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

June 9, 2023

Page 2 of 3

If you have any questions concerning this review, please contact Christina Nazaire, Planning Analyst, by telephone at (850) 717-8532 or by email at christina.nazaire@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large initial "J" and "S".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/cn

Enclosure(s): Procedures for Adoption

cc: Jenny Rowan, CFM, Community Development Director
Sean Sullivan, Tampa Bay Regional Planning Council Executive Director

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldeo.my.salesforce-sites.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

11201 N. McKinley Drive
Tampa, Florida 33612

JARED W. PERDUE P.E.
SECRETARY

May 17, 2023

Ms. Jenny Rowen, CFM
Community Development Director
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

Re: Madeira Beach Comprehensive Plan Amendment 23-02ESR

Dear Ms. Rowen:

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed amendment 23-02ESR as adopted by Ordinance No. 2023-15.

Background: Madeira Beach is a barrier island community located between the Gulf of Mexico and Boca Ciega Bay and between Treasure Island and Redington Beach in south Pinellas County. The City contains 570 acres, and an estimated 2020 population of 3,895. Composed mostly of residential, commercial and recreation/open space land use, two important roads connect in this area: SR 699 (Gulf Boulevard, which travels the length of the City) and SR 666 (150th Avenue/Madeira Beach Causeway, which extends to the mainland).

Proposal: Ordinance 2023-15 creates the Activity Center future land use category in the Madeira Beach Comprehensive Plan, consistent with the Countywide Rules. No specific property or location is associated with this text change. The amendment adds a category of use the community can choose when updating its plan and map in the future. Adopting the Activity Center designation for a specific property or area requires a separate land use map amendment and the adoption of regulating policies for an Activity Center.

Comments: FDOT determined amendment 23-02ESR has no impact on important state transportation resources or facilities within its jurisdiction.

Also, for your information, FDOT has incorporated a hyperlink to provide technical assistance so local governments (e.g., Madeira Beach) can find FDOT projects quickly by selecting a road, city, or county, or by clicking onto a county on the Tampa Bay Service Area Map identified on the header page of the hyperlink. The site also contains current

Ms. Jenny Rowen

Page 2

May 17, 2023

news about detours and lane closures as well as an interactive email sign-up to receive news email alerts. FDOT projects hyperlink follows: <https://www.fdotampabay.com/>

Thank you for coordinating on the review of the proposed amendment with FDOT. If you have any questions, please do not hesitate to contact me at 813-975-6429 or at Daniel.santos@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Santos', is positioned above the printed name.

Daniel C. Santos, AICP
D7 Development Compliance Supervisor

cc: Ray Eubanks, Plan Processing Administrator, DEO
Waddah Farah, PDA Administrator, FDOT District 7
Lindsey Mineer, Growth Management Coordinator, FDOT District 7



April 3, 2023

Andrew Morris
Planner/GIS Technician
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

RE: Review of proposed amendment to Comprehensive Plan (Ord. No. 2023-15)

Dear Andrew:

Thank you for forwarding the proposed amendment to the City's Comprehensive Plan, establishing the Activity Center category. The language is consistent with the Countywide Rules.

In addition to this finding, I would make the following recommendations:

- Add a purpose statement for the Activity Center category, similar to what you have for Planned Redevelopment – Mixed Use in the same policy, to avoid confusion since the Special Area Plan language of the two categories is nearly identical. The purpose statement from the Countywide Rules is attached if it would be helpful to use as a reference.
- In the ordinance, the policy reference is "Section 4.0, Future Land Use Element, Policy 1.1.2," but in the comprehensive plan document, the policy is written as "4.1.1.2." I recommend using the latter reference in the ordinance to avoid confusion.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at lfisher@forwardpinellas.org.

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher". The signature is fluid and cursive.

Linda Fisher
Principal Planner

From: [Jenny Rowan](#)
To: [VanBlargan, Clara](#); [Morris, Andrew](#)
Subject: FW: Madeira Beach 23-02ESR Proposed
Date: Thursday, June 22, 2023 10:02:28 AM
Attachments: [image002.png](#)

FYI

Jenny Rowan, CFM

Community Development Director
City of Madeira Beach
(727)391-9951 x 255

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Thursday, June 22, 2023 9:57 AM
To: Jenny Rowan <jrowan@madeirabeachfl.gov>; DCPexternalagencycomments <dcpexternalagencycomments@deo.myflorida.com>
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: [e] Madeira Beach 23-02ESR Proposed

To: Jenny Rowan, CFM, Community Development Director

Re: Madeira Beach 23-02ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



[Dep Customer Survey](#)



Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.

Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.



An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

Item 10A.

Bartow Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office

78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office

7601 U.S. 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Joel Schleicher

Chair, Charlotte, Sarasota

Ed Armstrong

Vice Chair, Pinellas

Michelle Williamson

Secretary, Hillsborough

John Mitten

Treasurer, Hernando, Marion

Kelly S. Rice

Former Chair, Citrus, Lake,
Levy, Sumter

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Pinellas

Dustin Rowland

Pasco

Robert Stern

Hillsborough

Brian J. Armstrong, P.G.

Executive Director

June 7, 2023

Ms. Jenny Rowan, CFM
Community Development Director
City of Madeira Beach
300 Municipal Dr
Madeira Beach, FL 33708

Subject: **Madeira Beach 23- 2ESR**

Dear Ms. Rowan:

The Southwest Florida Water Management District (District) has reviewed the proposed text amendment Ordinance 2023-15. It does not appear that the proposed amendment will result in any adverse regional water resource-related impacts. Therefore, we are not forwarding any comments for consideration.

We appreciate this opportunity to participate in the review process. Please provide the District with a copy of the adopted amendment, including any supporting data and analysis. If you have any questions or require further assistance, please do not hesitate to contact me at (352) 519-1880 or patrick.doty@watermatters.org.

Sincerely,

Patrick Doty, AICP, CFM
Senior Planner

PD

cc: Barbara Powell, DEO

NOTICE OF PUBLIC HEARINGS CITY OF MADEIRA BEACH

Item 10A.

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §166.041(3)(a) and 163.3184:

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct a **Second Reading and Public Hearing for the adoption of proposed Ordinance 2023-15 on Wednesday, July 12, 2023, at 6:00 p.m.** The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is:

ORDINANCE 2023-15

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER; REPEALING ORDINANCE 2022-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. A copy of the proposed Ordinance is available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding proposed Ordinance 2023-15, please contact Community Development Director Jenny Rowan at 727-391-9951, ext. 255 or 244.

The meeting will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private court reporter or private court recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office no later than 48 hours prior to the meeting: (727) 391-9951 or 231 or 223 or fax a written request to (727) 399-1131.

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Clara VanBlargan, MMC, MSM, City Clerk



LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT SUMMARY LOG -
4/15/23 - 5/17/23)

TBRPC #	DATE REC'D	JURISDICTION	SM. SCALE	LG. / TEXT	DEO #	LOCAL GOV'T REFERENCE #	TBRPC COMMENTS		TECH. COMMENTS		AMENDMENT DESCRIPTION
							Yes	No	Yes	No	
18	4/19/2023	Holmes Beach		X	23-01ESR	Ordinance No. 23-06		X		X	To amend the conservation future land use category to restrict residential development, strengthen the conservation language, and update the land acreages within the future land use distribution table.
19	4/20/2023	Palmetto		X	23-01ESR	ORDINANCE 2023-04		X		X	Comprehensive plan text amendments involving the calculation of intensity and density for land use
20	4/25/2023	City of Clearwater		X	23-01ESR	CPA2022-10001		X		X	Utilities Element Text Amendment
21	4/25/2023	City of Clearwater		X	23-02ESR	CPA2022-10002		X		X	Parks and Recreation Impact Fee System – Recreation and Open Space Element Text Amendment
22	4/28/2023	Hillsborough County	X			CPA 23-05		X		X	Future Land Use Map Change – 16± acres located at 10502 Symmes Rd, FL
23	4/28/2023	Hillsborough County	X			CPA 23-06		X		X	Future Land Use Map Change – 39.08± acres located at 5135 Madison Avenue
24	4/28/2023	Hillsborough County	X			CPA 23-07		X		X	Future Land Use Map Change – 9.68± acres located at Big Bend and Triple Creek Blvdq2
25	4/28/2023	Hillsborough County	X			CPA 23-08		X		X	Future Land Use Map Change – 41.14± acres located at Armand Dr and Soccer Dr
26	4/28/2023	Hillsborough County	X			CPA 23-09		X		X	Future Land Use Map Change – 14.47± acres located at 1005 Kingsway Rd
27	4/28/2023	Hillsborough County	X			CPA 23-10		X		X	Future Land Use Map Change – 4.2± acres located at 17438 Dorman Rd

28	4/28/2023	Hillsborough County	X			CPA 23-11		X		X	Future Land Use Map Change – 4.2± acres located at 17438 Dorman Rd
29	4/28/2023	Hillsborough County	X			CPA 23-12		X		X	Future Land Use Map Change – 13.2± acres located at 7035 Temple Terrace Highway
30	5/3/2023	Manatee County		X	23-08DRI	PLN2209-0062 (PA-22-19)		X		X	General Clean-Up County-Initiated Large Scale Comprehensive Plan Map Amendment
31	5/4/2023	Manatee County		X	23-09DRI	PLN2209-0015 - PA-22-17		X		X	County-Initiated Large Scale Map Amendment to the Future Land Use Map of the Future Land Use Element to designate specific real property generally located throughout the county
32	5/9/2023	City of Tampa		X	23-02ESR	TA/CPA 22-31		X		X	A text amendment related to Accessory Dwelling Units,
33	5/10/2023	Madeira Beach		X	23-02ESR	ORDINANCE 2023-15		X		X	An ordinance of the city of madeira beach, florida, amending the future land use element of the comprehensive plan of the city of madeira beach to establish a land use category for activity center

AG	Agricultural	FLUE	Future Land Use Element	P/SP	Public/Semi-Public
ARE	Area Redevelopment Element	FLUM	Future Land Use Map	PD	Planned Development
ALF	Assisted Living Facility	GOPs	Goals, Objectives & Policies	PFE	Public Facilities Element
CBD	Central Business District	GNC	General Commercial	PRE	Property Rights Element
CCE	Coastal & Conservation Element	HE	Housing Element	PSFE	Public School Facilities Element
CE	Conservation Element	I	Industrial	QCE	Quality Communities Element
CG	Commercial General	ICE	Intergovernmental Coord. Element	R/O	Residential/Office
CHHA	Coastal High Hazard Area	IE	Infrastructure Element	R/OS	Recreation/Open Space
CIE	Capital Improvements Element	IL	Industrial Limited	R/O/R	Residential/Office/Retail

CIP	Capital Improvements Plan/Program	IND	Industrial Heavy	R&D	Research & Development
CL	Coastal Lands	INST	Institutional	RCP	Research Corporate Park
CLRE	Coastal, Lakes & Rivers Mgmt Element	LCE	Livable Communities Element	RES	Residential
CME	Coastal Management Element	LDC	Land Development Code	RH	Residential High
CMU	Community Mixed-Use	LDR	Low-Density Residential	RL	Residential Low
COM	Commercial	LI	Light Industrial	RM	Residential Medium
CON	Conservation	LOS	Level of Service	RS	Residential Suburban
CPA	Comprehensive Plan Amendment	M	Manufacturing	RU	Residential Urban
CPAL	Comp. Plan Amendment/Large-Scale	MPUD	Master Planned Unit Development	SMU	Suburban Mixed Use
CPAS	Comp. Plan Amendment/Small-Scale	MU	Mixed Use	TE	Transportation Element
DE	Drainage Element	NOI	Notice of Intent	UF	Urban Fringe
EAR	Evaluation & Appraisal Report	O	Office		
EC	Employment Center	ORD	Ordinance		



MEMORANDUM

Date: July 12, 2023
To: Board of Commissioners
From: Robin I. Gomez, City Manager
Subject: RATIFY CITY'S OPTION TO REMAIN IN PINELLAS COUNTY CDBG

Background

The City has been a partner with Pinellas County Housing & Community Development in the current Pinellas County CDBG (Community Development Block Grant) Urban County program through an existing cooperation agreement. The program is undergoing its requalification with the US Department of Housing & Urban Development (HUD) and the County and the County has requested the City of Madeira Beach to either remain or withdraw from the agreement.

Discussion:

As a non-entitlement City within Pinellas County, the City has two (2) options for applying for CDBG funds: (1) form an inter-local or cooperation agreement with the Urban (Pinellas) County (must receive HUD approval), or (2) the City itself applies through the State Small Cities program. Under option (1) the City applies for CDBG funds for any eligible project through the County, but relinquishes its ability to apply for Small Cities CDBG funds. Additionally, by participating with the County the City is also eligible for participation in the County's HOME Investment Partnerships Program (HOME) and the County's Emergency Solutions Grant (ESG) programs.

The City has been utilizing option 1 and desires to continue with the same.

We have not in the past few years submitting any CDBG funding requests, but will explore any possible programs and/or projects.

Fiscal Impact

None

Recommendation

Approve City's election of Option 1, to remain in the Pinellas County Urban County cooperative agreement for the use of any future CDBG funds in FY 24, 25, and 26.



Housing & Community Development

March 8, 2023

CERTIFIED MAIL #7015 1660 0000 5530 8537

The Honorable John B. Hendricks, Mayor
City of Maderia Beach
300 Municipal Drive
Maderia Beach, Florida 33708

RENEWAL OF COMMUNITY DEVELOPMENT BLOCK GRANT COOPERATION AGREEMENT

Dear Mayor Hendricks:

The purpose of this letter is to advise the City of the upcoming requalification of Pinellas County for receipt of Community Development Block Grant (CDBG) funds as an Urban County for fiscal years 2024, 2025, and 2026. The City of Maderia Beach is a partner in the current Pinellas County CDBG Urban County program under an existing Cooperation Agreement.

As a non-entitlement city within the Urban County, the City has two (2) options for applying for CDBG funds. Option 1 is to form an inter-local or cooperation agreement with the Urban County, which must be approved by HUD. Under Option 1, the City would apply to the County for CDBG funds for any eligible project but would relinquish the ability to apply for Small Cities CDBG funds through the State of Florida. Option 2 is through the State Small Cities program. Option 2 does not preclude the County from using CDBG funds to assist individuals who reside within the incorporated areas of the County.

By participating in the Urban County CDBG program, the City will also be participating in the County's HOME Investment Partnerships Program (HOME) and the County's Emergency Solutions Grant (ESG) program. Participation will not preclude the City or the County from applying for funds under the State of Florida's HOME or ESG programs.

310 Court St.
Clearwater, FL 33756
Phone (727) 464-8200
Fax (727) 464-8201
V/TDD (727) 464-4062
www.pinellascounty.org

The Honorable John B. Hendricks, Mayor
 City of Maderia Beach
 March 8, 2023
 Page 2

Thank you for your long-term support to bring federal CDBG funds to our communities. For nearly 50 years, low- and moderate-income residents of the City and County, including the elderly, the disabled, and families with special needs have been the principal beneficiaries of a multitude of programs and projects undertaken as a result of cooperative efforts.

Please respond no later than July 1, 2023, of the City's intent to remain a member of the Urban County or to terminate the Cooperation Agreement and leave the Urban County. Simply check the appropriate selection below, sign, date and return this letter to Brook Gajan, Compliance Manager, Community Development Division.

If you have any questions concerning the process, please feel free to contact Bruce Bussey at 727-464-8257, bbussey@pinellas.gov, or Brook Gajan at 727-464-8232, bgajan@pinellas.gov.

Sincerely,

Carol L. Stricklin
 Director, Pinellas County Housing and Community Development

cc: Mr. Robin Ignacio Gomez, City Manager
 Ms. Precious Brannon, Department of HUD

The City of Maderia Beach elects to:

☒ remain in the Pinellas County Urban County for use of CDBG funds, allowing for automatic renewal of the existing Cooperation Agreement for fiscal years 2024, 2025, and 2026, and relinquish the ability to apply for funding through the State of Florida's Small Cities CDBG program.

☐ withdraw from the Pinellas County Urban County, allowing the existing Cooperation Agreement to expire, and retain the ability to apply to the State of Florida Small Cities program for CDBG funds for fiscal years 2024, 2025, and 2026.

Signature: Rob I. Gomez

Date: 6-28-2023

Printed Name: Robin I. Gomez

Title: City Manager