



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING APRIL 10, 2024 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on April 10, 2024, 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
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, 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

A. City Manager Robin Gomez said Item 14. A. Code Enforcement/Satellite Office was moved to the May 8, 2024, regular meeting for approval of the agreement.

Vice Mayor Kerr motioned to approve the agenda as amended. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

5. MARCH 19, 2024 MUNICIPAL ELECTION – CERTIFIED OFFICIAL ELECTION RESULTS – CITY OF MADEIRA BEACH CHARTER AMENDMENT

A. March 19, 2024 Municipal Election – Certified Official Election Results – City of Madeira Beach Charter Amendment

The City Manager announced the certified official election results of the March 19, 2024 Municipal Election. The Charter Amendment on the ballot was not passed by the voters.

Official Municipal Election Results – City of Madeira Beach

For City of Madeira Beach, Proposed Charter Amendment

- City of Madeira Beach Charter Amendment

To change the Candidate Qualifying Period to the first full week in December instead of the first two full weeks in December

YES	236 votes
NO	429 votes

6. APPOINTMENT OF VICE CHAIR

A. Appointment of Vice Mayor

City Attorney Tom Trask read the City Charter Section 4.4 Vice Mayor and said they would need to either nominate or make a motion to appoint a Vice Mayor. Historically, it has been a different Commissioner.

Vice Mayor Kerr motioned to appoint Commissioner Anne-Marie Brooks as Vice Mayor. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

Commissioner McGeehen "YES"
Commissioner Brooks "YES"

The motion carried 5-0.

Mayor Rostek thanked outgoing Vice Mayor Kerr for his support, assistance, and dedication to the position and for covering for him in his absence.

7. PROCLAMATIONS

There were no proclamations.

8. PRESENTATIONS

A. Presentation of FY 2023 Annual Comprehensive Financial Report (ACFR)

Zach Chalifour, Partner at James Moore & Co., P.L., presented a PowerPoint of the findings of their Audit Report for the year ended September 30, 2023.

- Every year, the City submits an ACFR to the Government Finance Officers Association for evaluation of compliance with the program requirements. They expect to receive the Certificate of Achievement for Excellence in Financial Reporting again this year.
- They provided an unmodified opinion in the Independent Auditor's Report.
- There were no internal control or compliance findings in the Report on Internal Control and Compliance.
- In the Management Letter required by Chapter 10.550, no red flags were identified. They noted the balance of the Building Fund was over the statutory limit as of September 30, 2023. One comment was corrected from last year.
- The Independent Accountant's Examination Report noted the City to be in compliance with State Statute related to investment activity and investment policies.
- He reviewed the General Fund balance and said the City is again in a strong financial position.
- He reviewed the Business-type Funds and said the three existing proprietary funds, Sanitation, Stormwater, and Marina, are moving in a positive direction. The Parking Fund is now an Enterprise Fund, which shows the direct revenue and expenses related to the Parking Fund.
- The Building Fund and other Governmental Funds have positive fund balances. He explained the FRS pension liability.

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

9. PUBLIC COMMENT

There were no public comments.

10. APPROVAL OF MINUTES

- A. 2024-03-13, BOC Regular Meeting Minutes**
- B. 2024-03-27, BOC Special Meeting Minutes**
- C. 2024-03-27, BOC Regular Workshop Meeting Minutes**

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

ROLL CALL:

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

The motion carried 5-0.

11. CONSENT AGENDA

12. PUBLIC HEARINGS

- A. Ordinance 2024-04, Special Magistrate – Code Enforcement – 1st Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2024-04 by title only:

ORDINANCE 2024-04

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 2 (ENFORCEMENT BY SPECIAL MAGISTRATE) OF ARTICLE VII (CODE ENFORCEMENT) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO REFLECT THE CHANGES THAT HAVE BEEN ADOPTED IN CHAPTER 162, FLORIDA STATUTES; DELETING SECTION 2-380 (PRIORITY OF LIENS) AND RENUMBERING SUBSEQUENT SECTIONS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said the purpose of the ordinance is to update the Code in relation to updates in the Florida Statutes.

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

Commissioner Kerr motioned to approve Ordinance 2024-04, Special Magistrate – Code Enforcement, after 1st Reading and Public Hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Ordinance 2024-06, Special Magistrate Compensation – 1st Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2024-06 by title only:

ORDINANCE 2024-06

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 2-502 (APPOINTMENT AND REMOVAL) OF ARTICLE VIII (SPECIAL MAGISTRATE) OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO AMEND THE APPROVAL PROCESS FOR THE RATE OF COMPENSATION OF THE SPECIAL MAGISTRATE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said the purpose of the ordinance is to make it consistent in the Special Magistrate Variance Code Section as they did in the Code Enforcement Section.

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

Commissioner Tagliarini motioned to approve Ordinance 2024-06, Special Magistrate Compensation, after 1st Reading and Public Hearing. Vice Mayor Brooks seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
-------------------------	-------

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

The motion carried 5-0.

C. Ordinance 2024-05, Fees & Collection Procedures Manual FY 2024 Update – 1st Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2024-05 by title only:

ORDINANCE 2024-05

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING THE FEES AND COLLECTIONS PROCEDURE MANUAL; REPEALING ORDINANCE 2023-18; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

- The purpose is to add the Building Safety Milestone Report Review fee of \$250.

Commissioner Tagliarini motioned to approve Ordinance 2024-05, Fees & Collection Procedures Manual FY 2024 Update, after 1st Reading and Public Hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

D. ABP 2024-02 Dockside Dave's Restaurant

City Attorney Tom Trask read the City's code stating the procedures for the quasi-judicial hearing and asked the Commissioners if they had any ex parte communication or conflicts of interest to disclose. There were none. The parties were the City and the applicant, Dockside Dave's Real Estate, LLC of 14701 Gulf Blvd. Madeira Beach, Fl 33708. There were no affected parties, and no one filed a notice of intent. Since there was no person other than the applicant, the City would present first.

The City Attorney administered the oath to the witnesses, Joseph Petraglia, Planning Technician, Andrew Morris, Long Range Planner, and Brandon Isario, the applicant.

City Staff Presentation

Background:

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2024-02 is requesting authorization from the Board of Commissioners for the approval of a Special Food Service Establishment (4COP) alcoholic beverage license for the sale of beer, wine, and liquor for consumption on premises at the existing Dockside Dave's Restaurant located at 14701 Gulf Blvd Madeira Beach, Florida 33708. This establishment is located in the C-3, Retail Commercial Zoning District. The future land use designation for the property is Residential/Office/Retail (R/O/R). Section 110-534 of the Madeira Beach Code of Ordinances requires the approval by the Board of Commissioners for an existing alcoholic beverage zoned property to change to an alcoholic beverage license of greater intensity. The new application would be reviewed for all factors located under Section 110-532. Pursuant to Section 110-539, the Notice of Public Hearing has been properly sent to all property owners within 300 feet of the subject property 15 days before the scheduled consideration by the Board of Commission. Such notice has also been posted on the subject property, at the Gulf Beaches Public Library, City Hall, and the City of Madeira Beach website.

Discussion:

When considering the alcoholic beverage license application, the Board of Commissioners shall consider the following factors:

(1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.

Section 110-534 of the Madeira Beach Code of Ordinances requires the approval by the Board of Commissioners to change to an alcoholic beverage license of greater intensity. The applicant is applying for a Special Food Service Establishment (4COP) alcoholic beverage license to be able to sell liquor alongside the current beer and wine offerings. Permitting Dockside Dave's Restaurant of Madeira Beach to add liquor to the menu for consumption on premises would not adversely affect the character of the existing neighborhood. The existing neighborhood is mostly commercial uses, and the existing restaurant already has a 2COP alcohol license to serve beer and wine on the premises. Additionally, The Reef Bar and Grill next door already serves liquor.

(2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.

The minimum parking requirements of this property meet the requirements of (sec. 110-971). Adding liquor to the menu should not create any additional traffic congestion as the business has been in operation for over a decade, and the use is not changing. Additional traffic and congestion should not be created by the proposed alcohol use. The proposed alcohol use does not present a safety hazard.

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

This proposed alcohol use is compatible with the location. The Reef Bar and Grill next door already serves liquor. This application is to permit liquor to be sold at the existing restaurant. Any future expansion of the square footage of alcohol use will require the applicant to send in a new permit application pursuant to Section 110-535. - Expansion of alcoholic beverage zoning in the Madeira Beach Code of Ordinances. The owner confirmed he will be applying for a new petition for an alcohol beverage license once the building plans for the new renovated restaurant are completed.

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

Public safety should not be adversely affected by Dockside Dave's Restaurant serving liquor for consumption on the premises. The restaurant is more than 300 feet away from any established church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. This 300-foot requirement is the minimum distance required for bars and clubs located in the C-3, Zoning District (sec. 110-530) and does not need to be met for restaurants, in which Dockside Daves is currently classified as.

(5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.

The applicant has no outstanding fines or penalties owed to the City under any section of the Code.

Fiscal Impact: N/A

Recommendation(s): Staff recommends 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 Dockside Dave's Restaurant.

Attachments:

Local Application
Existing Site Plan
Public Notice
Mailing and Posting

The City Attorney asked if Mr. Petraglia wanted the staff report to be received into evidence. Mr. Petraglia said yes.

Applicant Presentation

Mr. Isario responded to questions and comments from the Board.

Commissioner Tagliarini:

- Did Mr. Isario have plans to renovate the building, and if it would remain a restaurant? It will remain a restaurant, and they will be expanding it.
- Would he change the hours of operation? No

Public Comment

There were no public comments.

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

Commissioner Kerr motioned to approve the Special Food Service Establishment (4COP) Alcoholic Beverage License ABP 2024-02 for Dockside Dave’s Restaurant. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

13. UNFINISHED BUSINESS

A. Resolution 2024-02, BOC Policy Handbook

City Attorney Tom Trask read Resolution 2024-02 by title only:

RESOLUTION 2024-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE BOARD OF COMMISSIONERS POLICY HANDBOOK; REPEALING RESOLUTION 2023-05; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager reviewed the changes the Board made at the March 27th workshop:

- Removal of Staff Reports from the agenda
- Rotating the roll call vote
- Make Approval of the Minutes a separate category on the agenda

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

Commissioner Kerr said it made sense to him that the Mayor should cast his vote last during roll call. He referenced page 399 of Robert’s Rules of Order Newly Revised 12th Edition, “The roll is called in alphabetical order except that the presiding officer’s name is called last, and only when his vote will affect the result.”

The City Attorney said it is the Board's decision how it will be done. The Board's rule takes place before Robert's Rules is applied.

Commissioner Tagliarini said he is in favor of rotating the vote. He would like to see a situation where no one member could use the last vote as leverage or a statement.

Vice Mayor Brooks and Commissioner McGeehen said they were fine either way.

Commissioner Kerr motioned to approve Resolution 2024-02, BOC Policy Handbook, excluding the rotation of the roll call. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 3-2.

14. CONTRACTS/AGREEMENTS

B. Code Enforcement/Satellite Office

The item was moved to the May 8, 2024, regular meeting.

C. RFQ 23-12, Planning Services to Create and Implement a New City Master Plan

Community Development Director Jenny Rowan presented the item and responded to questions and comments from the Board.

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

Vice Mayor Brooks motioned to approve the Consulting and Design Services Agreement and the Scope of Services with Kimley-Horn for RFQ 23-12. Commissioner Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

D. ITB 2023-14 Coastal Groin Restoration Approval

Public Works Director Megan Wepfer reviewed the item and recommended approval of the Speeler Co. contract.

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

Commissioner Kerr motioned to approve the contract with Speeler Co. to complete the Coastal Groin Restoration Project. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

E. Approval to Surplus & Purchase a Truck

Director Wepfer reviewed the item and asked for approval from the Board.

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

- There have been problems with both the cabin chassis and the Packer trucks.

Vice Mayor Brooks motioned to approve the surplus of #33 (2016 Peterbuilt rear load packer), #37 (2017 Peterbuilt rear load packer), and trade in #23 (2023 Kenworth T880 with a 32 CY rear load packer) and purchase a 2024 truck (Battle Motor with a Pac tech body). Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

F. Engagement Letter for Magistrate Services

City Attorney Tom Trask said Mr. Bart Valdes has been the Special Magistrate for the City since 2016, and they need to appoint him on an annual basis. The hourly rate he requested is the same hourly rate he has been charging since 2016 at \$190 per hour. He asked for the Board's approval of the Engagement Letter.

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

Commissioner Tagliarini motioned to approve the engagement letter for Special Magistrate Services. Commissioner Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

15. NEW BUSINESS

Commissioner Kerr distributed copies of an email he wanted to send to RJ Myers of Shumaker Advisors and asked the Board for their comments. The Board responded as follows:

- There was no objection to Commissioner Kerr meeting with Mr. Myers.
- Commissioner Kerr should use his City email when corresponding with Mr. Myers.
- The Board should discuss the content of any email sent to Mr. Myers if Commissioner Kerr is speaking as a Commissioner.
- Developing relationships is very important in politics.
- Discuss items at a workshop that the Board might want Mr. Myers to advocate for in Tallahassee.

The Board agreed that Commissioner Kerr would meet with Mr. Myer to get his feedback on advocating for additional Homestead rights. The topic will be put on the agenda for the next workshop.

16. AGENDA SETTING – April 24, 2024 BOC Workshop Meeting

- A. Ordinance 2024-02 Accessory Structures**
- B. Bicentennial Park Usage**
- C. Residential Parking**
- D. Beach Chairs/Umbrellas on Sand in front of Caddy's Restaurant**
- E. Redington Beaches EMS Station Funding Agreement**
- F. Updates to Fence Code**
- G. John's Pass Village Zoning**

Items added to the workshop agenda:

1. Additional Homestead Rights
2. City Marina Development

17. REPORTS/CORRESPONDENCE

A. Board of Commissioners

B. City Attorney

The City Attorney reminded the Board that he issued two memos this month. One on the end of the legislative session and the other related to a Supreme Court case about the use of social media.

C. City Clerk's Report – April 2024

The City Clerk reviewed her April 2024 report.

Commissioner Kerr said he would not be available during the week of September 25th and would not be able to attend the meetings. He asked if they could be changed. The Board agreed to work on changing the date.

D. City Manager

The City Manager reminded everyone of upcoming events:

- 1st John's Pass Village and Boardwalk Zoning Public Workshop – Saturday, April 13th at 10:00 a.m.
- 2nd John's P Pass Village and Boardwalk Zoning Public Workshop – Thursday, April 18th at 10:00 a.m.
- Hurricane and Turtle Expo – Saturday, April 20th at 10:00 a.m.
- 3rd John's Pass Village and Boardwalk Zoning Public Workshop – Saturday, April 20th at 1:00 p.m.
- Earth Day Event – Monday, April 22nd at 6:00 p.m.
- King of the Beach Fishing Tournament – April 25th, 26th, and 27th
- Final Friday at John's Pass Village – April 26th

Vice Mayor Brooks asked the City's cost for the dismissed ethics case against the past Commission. The City Manager said it was just over \$19,000.

18. ADJOURNMENT

Mayor Rostek adjourned the meeting at 7:21 p.m.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

DRAFT