



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING OCTOBER 11, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on October 11, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:** James "Jim" Rostek, Mayor  
David Tagliarini, Commissioner District 1  
Eddie McGeehen, Commissioner District 3  
Anne-Marie Brooks, Commissioner District 4

**MEMBERS ABSENT:** Ray Kerr, Vice Mayor/Commissioner District 2

**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. Vice Mayor Ray Kerr was absent.

#### 4. APPROVAL OF THE AGENDA

City Attorney Tom Trask added Item K. Special Magistrate Lien – 15350 Gulf Boulevard to the agenda.

Commissioner Brooks motioned to approve the agenda with the addition of Item K. Special Magistrate Lien – 15350 Gulf Boulevard. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

## **5. PROCLAMATIONS**

### **A. Domestic Violence Awareness Month – October 2023**

Mayor Rostek read a proclamation proclaiming October 2023 as Domestic Violence Awareness Month. Melinda Perry from Hope Villages of America was present to receive the proclamation.

### **B. Fire Prevention Week; October 8-14, 2023**

Mayor Rostek read a proclamation proclaiming the week of October 8-14, 2023, as Fire Prevention Week. Members of the Madeira Beach Fire Department were present to receive the proclamation.

### **C. Florida City Government Week; October 16-22, 2023**

Mayor Rostek read a proclamation proclaiming the week of October 16-22, 2023, as Florida City Government Week.

## **6. PRESENTATIONS**

There were no presentations.

## **7. PUBLIC COMMENT**

Trish Springer introduced herself as Councilor for the City of Seminole, President of the Suncoast League of Cities, and an Executive Board Member for the Florida League of Cities. She introduced the Executive Board of the Suncoast League of Cities and invited the Commissioners to get involved in the Suncoast League of Cities and Florida League of Cities. They have monthly meetings, hold networking events, and build relationships with Florida Legislatures. She explained some of the activities the League is involved in, such as Florida Legislative Action Days and a travel program.

## **8. CONSENT AGENDA**

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

- **2023-09-13, BOC Special Meeting Minutes**
- **2023-09-13, BOC Regular Meeting Minutes**
- **2023-09-27, BOC Special Meeting Minutes**

· **2013-09-27, BOC Regular Workshop Meeting Minutes**

Commissioner Brooks requested a change to the September 27<sup>th</sup> Workshop Meeting Minutes. She wanted to add to her questioning about John’s Pass on page nine, paragraph five, “Currently, if they had a catastrophic event, they could not rebuild, and Community Development Director Rowan said yes.”

Commissioner Brooks motioned to approve the Consent Agenda with the change. Commissioner Tagliarini seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**9. PUBLIC HEARINGS**

**A. Resolution 2023-11, Disposition of Municipal Property for Affordable Housing**

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

**RESOLUTION 2023-11**

**A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING AN INVENTORY OF CITY OWNED FEE SIMPLE PROPERTY AND DETERMINING NO SUCH PUBLIC PROPERTY IS APPROPRIATE OF USE AS AFFORDABLE HOUSING; AND PROVIDING FOR AN EFFECTIVE DATE.**

The City Attorney said there were some amendments to Florida Statute 166.0541. As of October 1, 2023, and every three years thereafter, each City would be required to prepare an inventory list of all the real property located within its jurisdiction that they hold as a fee-simple title ownership and which is appropriate for use as affordable housing. The City must review and revise the inventory list at a public hearing. Following the public hearing, the governing body of the municipality must adopt the resolution, which would include the inventory list. Staff believed there is no property owned by the City by fee-simple that is appropriate for use as affordable housing.

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

Commissioner Tagliarini motioned to adopt Resolution 2023-11, Disposition of Municipal Property for Affordable Housing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

**B. ABP 2023-06 Barefoot Beach Club**

Attorney Brian J. Aungst, Jr., McFarlane Ferguson & McMullen 625 Court Street Clearwater, spoke on behalf of the applicant Barefoot Beach Resort South, LLC. He requested a continuance pursuant to Section 2-11 of the Madeira Beach Land Development Code. The reasons for the continuance were as follows:

- His client's daughter became ill, and they did not want to expose anyone to it.
- He did not want to put the four members of the Board present through a potential two to three-hour hearing that could end in a potential deadlock.
- Pursuant to Section 110-533 of the Code, if there were a deadlock, it would be considered a denial, and his client would not be able to re-apply for a year.

A continuance would be in order, given the interest of fairness and justice.

The City Attorney read Section 2-8 of the City Code and told the Mayor it would be a decision he would have to make on behalf of the City. The City Attorney recommended he grant the motion of continuance because the Code requires justice and fairness be granted to the applicant. He recommended the date for the hearing be set for November 8, 2023, at the next Regular Meeting.

Tom Edwards, protected address, said he is an affected party and would be out of town on November 8<sup>th</sup>. He asked the meeting be set for December.

The Mayor said he would like to grant the attorney's request.

Commissioner Brooks motioned to move the hearing to the December 13, 2023, Regular Meeting at 2:00 p.m. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

The City Attorney explained to the audience they may not get another notice. If they are an affected party or if they are not an affected party and want to testify, they would need to come to the December 13<sup>th</sup> meeting at 2:00 p.m.

A woman who did not state their name asked if the reason it was being delayed was because the Board did not think they could come to an agreement with just four members. The City Attorney said the applicant needed to be present to testify on behalf of his application.

Rose Llauget, 13231 Gulf Lane, said several people wanted to share information about their neighborhood character without addressing the request by the applicant. The Mayor said she would be able to speak at the hearing on December 13<sup>th</sup>.

### **C. Ordinance 2023-07, Whistleblower Ordinance – 1st Reading & Public Hearing**

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

#### **ORDINANCE 2023-07**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, BY CREATING NEW ARTICLES I, GENERAL PROVISIONS; AND II, WHISTLEBLOWER PROVISIONS, OF CHAPTER 50 (PERSONNEL) OF THE CODE OF ORDINANCES TO PROVIDE FOR GENERAL EMPLOYMENT MATTERS INCLUDING A PROCESS FOR INVESTIGATING EMPLOYEE COMPLAINTS AGAINST THE CITY MANAGER AND TO ESTABLISH AN ADMINISTRATIVE PROCEDURE FOR EMPLOYEES AND OTHER PERSONS TO REPORT INSTANCES OF ILLEGALITY, MISMANAGEMENT, MALFEASANCE, WASTE OR FRAUD ON THE PART OF CITY EMPLOYEES, AGENTS OR CONTRACTORS; PROVIDING A PROCEDURE FOR INVESTIGATING SUCH ALLEGATIONS; PROVIDING FOR NON-RETALIATION FOR PERSONS WHO REPORT SUCH INSTANCES; PROVIDING A MANNER FOR ALLEGING RETALIATION TO SEEK REDRESS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

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

Commissioner Tagliarini motioned to approve Ordinance 2023-07, Whistleblower Ordinance, after first reading & public hearing. Commissioner Brooks seconded the motion.

#### **ROLL CALL:**

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

The motion carried 4-0.

**D. Ordinance 2023-19, Definitions to be consistent with Forward Pinellas - 1st Reading & Public Hearing**

City Attorney Tom Trask said the presentation would be done by City Staff, and it would be a cumulative presentation with regard to the remainder of the Ordinances being presented.

City Attorney Tom Trask read Ordinance 2023-19 by title only:

**ORDINANCE 2023-19**

**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 ADD DEFINITIONS FOR COMMERCIAL/BUSINESS SERVICE USE, COMMERCIAL RECREATION USE, INSTITUTIONAL USES, MIXED USE, NET LAND AREA, NONRESIDENTIAL USE, OFFICE USE, PERSONAL SERVICE/OFFICE SUPPORT USE, PUBLIC EDUCATIONAL FACILITY, RECREATION/OPEN SPACE USES, RESIDENTIAL EQUIVALENT USE, RESIDENTIAL USE, RETAIL COMMERCIAL USE, STORAGE/WAREHOUSE/DISTRIBUTION – LIGHT, TRANSPORTATION/UTILITY USES, VACATION RENTAL USE AND WORKING WATERFRONT; TO REVISE THE DEFINITION OF MULTIFAMILY UNDER THE DEFINITION OF DWELLING UNIT; TO REVISE THE DEFINITIONS OF FLOODWAY, FLOOR AREA RATIO (FAR) AND IMPERVIOUS SURFACE RATIO (ISR); PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Jenny Rowan said Ordinances 2023-19, 22, 26, 27, 28, 29, and 30 would be in the Code of Ordinances and the Comprehensive Plan. She explained they must be consistent with the land use categories in the Countywide Plan, and they cannot exceed the standards set in the Countywide Plan.

Director Rowan explained the relationship between the County and local plans. Forward Pinellas has the Countywide Plan, which is where the standards are set. Locally, there is the Comprehensive Plan, which is where the future land use maps and elements are, and the Code of Ordinances, which is where the land development regulations are. Every parcel has three designations, and it has to be consistent throughout all three plans.

Director Rowan said the City adopted standards in 2007-2008 that were incorrectly applied and did not call out what could be used by right. The ordinances correct it. They worked closely with Forward Pinellas to make sure the amendments were within their standards. To get the alternative

standards, there must be a development agreement that would include specifics. Currently, the Comprehensive Plan does not go into what could be built without using a development agreement.

Director Rowan compared the Countywide Plan Map Category to the Comprehensive Plan Future Land Use Map Category and compared the Countywide Plan Map Category to the Madeira Beach Zoning District Category. If the City does not become compliant with the Countywide Plan, the County could sue the City. The Ordinances would clean up what was adopted in 2007-2008.

Director Rowan said Ordinance 2023-19 would add and amend definitions to be the same as the Countywide Plan.

Mayor Rostek opened to public comment.

Tom Edwards, District One, asked if they are over in the FAR (Floor Area Ratio) and the density, why would they want planned development that would increase it above what the County has. The Mayor asked if he would email the question to each of the Commissioners.

Ron Llauget, 13231 Gulf Lane, said he thought the properties west of Gulf Blvd. are C3, but the map shows them as R3.

Director Rowan said there are no zoning changes to the map. Everything to the west of Gulf Blvd. is R3 on the zoning map. They are doing text amendments in the Code and Comprehensive Plan. With Planned Development, they would still have to adhere to the intensities and densities in the Comprehensive Plan.

Commissioner Tagliarini said he received confirmation from Linda Fisher with Forward Pinellas that the Ordinance is about wordage consistency. If they did not align with the Countywide policies, rebuilding after a disaster would be complicated.

Mayor Rostek asked how they could rebuild John's Pass if they tightened the restrictions. Director Rowan said it would be better explained when they get to Ordinance 2023-27, Item G.

Commissioner Tagliarini motioned to approve Ordinance 2023-19, Definitions to be consistent with Forward Pinellas after first reading & public hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**E. Ordinance 2023-22, Future Land Use Element to be consistent with Forward Pinellas**

**– 1<sup>st</sup> Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2023-22 by title only:

**ORDINANCE 2023-22**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING POLICY 4.1.1.1 TO INCORPORATE THE PROVISIONS OF POLICIES 4.1.1.2 AND 4.1.1.3 OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO REFORMAT EACH LAND USE CATEGORY INTO A MATRIX, INCLUDE THE COUNTYWIDE PLAN LAND USE CATEGORIES, AND INCLUDE ALLOWED USES CONSISTENT WITH THE COUNTYWIDE PLAN; RENUMBERING POLICY 4.1.1.4 TO POLICY 4.1.1.2; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

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

Director Rowan said the Ordinance would reformat the Future Land Use element into a matrix so it would be easier to read. The numbers and uses were carried over. It would provide a “by right” density so Temporary Lodging Use could be built without going through a development agreement. It would include and update allowed uses for each land use. It would detail the Alternative Temporary Lodging Use Standards as required by the Countywide Plan.

Commissioner Tagliarini said the Ordinance proposed to increase the City’s Alternative Temporary Lodging densities, but they would remain within the maximum standards allowed by the Countywide Plan. Director Rowan said yes.

Commissioner Brooks asked if they were going to use the definition Activity Center or if the Neighborhood definition that Forward Pinellas recommended would work. Director Rowan said it would work.

Commissioner Brooks motioned to approve Ordinance 2023-22, Future Land Use Element to be consistent with Forward Pinellas after first reading & public hearing. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.



**F. Ordinance 2023-26, R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan – 1<sup>st</sup> Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2023-26 by title only:

**ORDINANCE 2023-26**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 4 (R-3, MEDIUM DENSITY MULTIFAMILY RESIDENTIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE R-3 DISTRICT; ADD VACATION RENTAL, TEMPORARY LODGING AND INSTITUTIONAL AS PERMITTED USES; ADD RETAIL COMMERCIAL AND PERSONAL SERVICE USES AS AN ACCESSORY USE; REVISE THE SPECIAL EXCEPTION USES FOR STANDALONE RETAIL COMMERCIAL AND PERSONAL SERVICE USES; ADD RETAIL COMMERCIAL TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY FOR RESIDENTIAL DWELLING, VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS IN SECTION 110-230; ADD SETBACK REQUIREMENTS FOR TEMPORARY LODGING AND RETAIL COMMERCIAL; AMEND MAXIMUM LOT COVERAGE PROVISIONS; AMEND BUFFERING REQUIREMENTS FOR TEMPORARY LODGING; ADD SPECIAL REQUIREMENTS FOR TEMPORARY LODGING, ALTERNATIVE TEMPORARY LODGING USE STANDARDS AND STAND-ALONE RESTAURANTS AND RETAIL COMMERCIAL USES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Director Rowan said the Ordinance amended definitions and added the Alternative Temporary Lodging Use Standards and how to use them.

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

Commissioner Tagliarini said it lowers the overall maximum Temporary Lodging density from 75 to 60 units per acre. Director Rowan confirmed it.

Commissioner Tagliarini motioned to approve Ordinance 2023-26, R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	"YES"
Commissioner Brooks	"YES"
Commissioner McGeehen	"YES"

Mayor Rostek

"YES"

The motion carried 4-0.

**G. Ordinance 2023-27, C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-26 by title only:

**ORDINANCE 2023-27**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 5 (C-1, TOURIST COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-1 DISTRICT; REVISE PERMITTED USES TO INCLUDE RESIDENTIAL, VACATION RENTAL, PERSONAL SERVICE, OFFICE, OFFICE SUPPORT, RETAIL COMMERCIAL, BUSINESS SERVICE, COMMERCIAL AND TEMPORARY LODGING; DELETE COMMERCIAL, RECREATION AND ENTERTAINMENT FACILITIES AS SPECIAL EXCEPTION USES; ADD INSTITUTIONAL AND COMMERCIAL RECREATION AS SPECIAL EXCEPTION USES; ADD RETAIL COMMERCIAL AND RESIDENTIAL DWELLING UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY FOR VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS IN SECTION 110-260; REVISE REFERENCE FOR PERMITTED USES OF SIDE YARDS IN SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS; ADD SPECIAL REQUIREMENTS FOR ALTERNATIVE TEMPORARY LODGING USE STANDARDS AND INSTITUTIONAL USES OTHER THAN PUBLIC EDUCATIONAL FACILITIES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Director Rowan said it was very similar to Ordinance 2023-26. It would reduce the FAR from 1.2 to .55 in the C-1 District in John's Pass, which is required by the County.

Commissioner Tagliarini said he received confirmation from the County that it lowers the maximum density for temporary lodging units when alternative standards are met.

The Mayor asked how they would rebuild John's Pass if they were tightening things. Director Rowan said language was being put into the Ordinance stating they could get to the 1.2 FAR, but an approved development agreement would be needed.

Commissioner Brooks reworded the Mayor's question. Currently, if a hurricane wiped out John's

Pass, it could not be rebuilt, but if they change it and reduce the number, how could they rebuild it? Would they be able to rebuild it because it would be a Neighborhood Center? How would it affect the rebuilding of John's Pass in the event of a storm? Andrew Morris, Long Range Planner, said they could not fix the commercial issue unless the John's Pass Village Activity Center planned land use change passes. It is basically cleaning up the zoning Code that they are required to do.

Commissioner Brooks asked if what they were currently voting on had nothing to do with rebuilding John's Pass. Director Rowan said no. All the Ordinances on the agenda were prepared because they became aware they were inconsistent with the County. They would take the approach of a land use change in John's Pass because they have a concentration of legally non-conforming properties, and for Gulf Blvd., they could make text changes to be in line with the County. They would only vote on the text changes now, not the land use change.

Commissioner Tagliarini said John's Pass is still in danger until they look at the next step. There would be nothing they could do without the land use change.

Commissioner Brooks motioned to approve Ordinance 2023-27, C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**H. Ordinance 2023-28, C-2 John's Pass Marine Commercial Zoning District to be consistent with the Countywide Plan – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-28 by title only:

**ORDINANCE 2023-28**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 6 (C-2, JOHN'S PASS MARINE COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-2 DISTRICT; DELETE RETAIL AND ADD COMMERCIAL, COMMERCIAL RECREATION AND RETAIL COMMERCIAL AS PERMITTED USES; DELETE THE C-2, JOHN'S PASS MARINE COMMERCIAL DISTRICT SPECIAL REQUIREMENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Director Rowan said C-2 is not an allowed use for Temporary Lodging, so the Ordinance amended definitions. The area is the Boardwalk, and density does not apply.

Commissioner Tagliarini motioned to approve Ordinance 2023-28, C-2 John's Pass Marine Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

**I. Ordinance 2023-29, C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-29 by title only:

**ORDINANCE 2023-29**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 7 (C-3, RETAIL COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-3 DISTRICT; DELETE BUSINESS OFFICE, FINANCIAL SERVICE USES AND TOURIST DWELLING UNITS AS PERMITTED USES; ADD RETAIL COMMERCIAL, COMMERCIAL, OFFICE SUPPORT, BUSINESS SERVICE, MULTIFAMILY RESIDENTIAL, VACATION RENTAL AND TEMPORARY LODGING AS PERMITTED USES; DELETE ENTERTAINMENT FACILITIES, BUSINESS AND FINANCIAL SERVICES AND MEDICAL MARIJUANA DISPENSARIES AS SPECIAL EXCEPTION USES; ADD INSTITUTIONAL AS RELIGIOUS USE, RETAIL COMMERCIAL AND BUSINESS SERVICES AS SPECIAL EXCEPTION USES; DELETE TOURIST DWELLING AND MULTIFAMILY UNITS FROM BUILDING SITE REQUIREMENTS; ADD VACATION RENTAL AND TEMPORARY LODGING UNITS, MULTIFAMILY AND VACATION RENTAL UNITS LOT SIZE REQUIREMENTS, AND REVISE LOT WIDTH REQUIREMENTS FOR RESIDENTIAL, VACATION RENTAL UNITS AND TEMPORARY LODGING UNITS WITHIN BUILDING SITE REQUIREMENTS IN**

**SECTION 110-320; REVISE THE DENSITY REQUIREMENTS FOR RESIDENTIAL OR VACATION RENTAL DWELLING UNITS; ADD REFERENCE TO ALTERNATIVE TEMPORARY LODGING USE STANDARDS IN CG AND R/O/R FUTURE LAND USE CATEGORIES; AMEND MAXIMUM LOT COVERAGE TO ALLOW FOR NONRESIDENTIAL/COMMERCIAL USE ONLY; DELETE TOURIST DWELLINGS AND ADD TEMPORARY LODGING TO BUFFERING REQUIREMENTS; ADD REQUIREMENTS FOR VACATION RENTALS AND TEMPORARY LODGING UNITS IN SPECIAL REQUIREMENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Director Rowan said it was very similar to the previous ordinances.

Commissioner Brooks motioned to approve Ordinance 2023-29, C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

**J. Ordinance 2023-30, C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan – 1<sup>st</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-30 by title only:

**ORDINANCE 2023-30**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 8 (C-4, MARINE COMMERCIAL) OF ARTICLE V (DISTRICTS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO AMEND THE PURPOSE AND INTENT OF THE C-4 DISTRICT; DELETE RESTAURANTS, TOURIST DWELLING UNITS AND RETAIL AS PERMITTED USES; ADD RETAIL COMMERCIAL, TEMPORARY LODGING UNITS, COMMERCIAL/BUSINESS SERVICE USE AND RESIDENTIAL AND VACATION RENTAL UNITS AS PERMITTED USES; DELETE ENTERTAINMENT FACILITIES AND FINANCIAL SERVICES AND**

**ADD COMMERCIAL, BUSINESS SERVICE AND INSTITUTIONAL AS RELIGIOUS USE AS SPECIAL EXCEPTION USES; DELETE TOURIST DWELLING AND ADD TEMPORARY LODGING AND VACATION RENTAL UNITS TO BUILDING SITE REQUIREMENTS AND MAXIMUM DENSITY IN SECTION 110-350; ADD REFERENCE TO ALTERNATIVE TEMPORARY LODGING USE STANDARDS IN CG AND R/O/R FUTURE LAND USE CATEGORIES; DELETE TOURIST DWELLING UNITS AND ADD TEMPORARY LODGING UNITS IN BUILDING SETBACK REQUIREMENTS; AMEND MAXIMUM LOT COVERAGE PROVISIONS TO DELETE REFERENCE TO TEMPORARY LODGING USES; AMEND BUFFERING REQUIREMENTS FOR TEMPORARY LODGING; ADD SPECIAL REQUIREMENTS FOR VACATION RENTALS AND TEMPORARY LODGING UNITS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Director Rowan pointed out the C-4 District on the Map.

Commissioner Tagliarini asked what R/O/R as a Future Land Use Category meant. Director Rowan said currently, the Code has two different land uses under C-4. It did not reference the R/O/R (Residential/Office/Retail), and it should because there are C-4 properties that have the land use of R/O/R. It would not change any land use.

Commissioner Brooks motioned to approve Ordinance 2023-30, C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**K. Special Magistrate Lien – 15350 Gulf Boulevard**

The City Attorney said the item is a follow-up to the workshop discussion for the property located at 15350 Gulf Boulevard. He reviewed the history of the item and said it was not in compliance. He asked for the authority from the Board to move forward and prepare and file a Complaint for Injunctive Relief. In the Complaint for Injunctive Relief, they would ask the property owner to come into compliance. If they grant him the authority, he would reach out to the property owner

to advise her of the action they would take and ask her one last time to bring the property into compliance.

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

Commissioner Tagliarini motioned to approve the City Attorney's request. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**10. UNFINISHED BUSINESS**

**11. CONTRACTS/AGREEMENTS**

**A. Approve City Attorney Agreement**

The City Manager said the scope of work to be provided would be similar to what has been provided. Staff reviewed the three-year proposed agreement and had no further comments, questions, or recommendations.

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

Commissioner Brooks motioned to approve the City Attorney Agreement with Trask Daigneault LLP. Commissioner Tagliarini seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**B. Approve Annual PCSO Law Enforcement Services Agreement**

The City Manager reviewed the item and explained the services for the new fiscal year. There would be almost an 8% increase over the cost that would be passed on to the City due to inflation, equipment, and labor costs that are included in the FY 2024 budget.

Mayor Rostek opened to public comment.

Ron Llauget, 13231 Gulf Lane, said the Sheriff's Department is doing an excellent job, but he wished they would pay more attention to the crossings with the lights. There were many incidents where cars ran the lights, and he would like to see them caught.

The Mayor said the City Manager would make contact to put special emphasis on the areas. The City Manager said they are constantly being reminded.

Commissioner Tagliarini motioned to approve the Annual PCSO Law Enforcement Services Agreement. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**12. NEW BUSINESS**

**A. Appointment to Planning Commission**

The City Clerk said there is one vacancy remaining on the Planning Commission. The term expired on September 30, 2023. One application from Elizabeth Watkins Holloway was received before the deadline, and one from Mike Noble was received after the deadline. He was re-applying for his position. The Board could choose to accept it. She distributed his application to the Board.

Mayor Rostek opened to public comment.

Elizabeth Watkins Holloway introduced herself to the Board and gave her background. She has been practicing commercial and residential real estate law for about 20 years.

Mike Noble, 158 131<sup>st</sup> Ave. East, said he was on the Commission for 15 years and wanted to re-apply and continue his service.

The City Clerk distributed the ballots to the Board. The City Attorney instructed the Commissioners to make sure their name was on their ballot. The City Clerk read the results as follows:

Commissioner Brooks	Mike Noble
Commissioner Tagliarini	Elizabeth Watkins Holloway
Mayor Rostek	Mike Noble



Commissioner McGeehen     Mike Noble

Mike Noble received three votes, and Elizabeth Watkins Holloway received one.

### **13. STAFF REPORTS**

There were no staff reports.

### **14. AGENDA SETTING – October 25, 2023 BOC Workshop Meeting**

- A. John’s Pass Village Activity Center Alternative Compromise Forward Pinellas**
- B. Special Events Parking at Library, City Hall, Rex Place**
- C. Smoking/Vaping Ban on Sand, Parks**
- D. City Economy**
- E. City Lobbyist – 2024 Legislature**
- F. IAFF Salary Discussion**
- G. Discussion – Changing the Candidate Qualifying Period beginning March 2025 from the first Two Weeks to the first One Week in December, excluding weekends [City Charter, Sec. 3.3 Nomination of Board of Commissioners, A. Filing]**

Items added to the Workshop Agenda:

#### Mayor Rostek

1. Update on the two-and-a-half-foot setback and paver issues
2. Update on the shade structures

### **15. REPORTS/CORRESPONDENCE**

#### **A. Board of Commissioners**

Commissioner Tagliarini said he was contacted by the woman in charge of SWAT (Students Working Against Tobacco), and they will give a presentation at 3:00 p.m. on October 18, 2023, in the Chamber.

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

The City Attorney thanked the Board for the opportunity to represent the City. He appreciated the Board authorizing the signing of the contract.

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

The City Manager thanked the Board for approving Mr. Trask’s contract.

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

The City Clerk reminded everyone that the candidate qualifying period would be the first two full weeks in December, excluding weekends for Commissioner District 1 and Commissioner District 2. The election would be on Tuesday, March 19, 2024. The packets would be available online, in person, or by email.

**16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 7:52 p.m.

\_\_\_\_\_  
James “Jim” Rostek, Mayor

ATTEST:

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk

DRAFT