



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING

May 8, 2024
6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on May 8, 2024, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT:

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

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

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

ROLL CALL:

Commission Kerr	"YES"
Vice Mayor Brooks	"YES"

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

The motion carried 5-0.

5. PROCLAMATIONS

A. Proclamation: National Safe Boating Week; May 18 – 24, 2024

Mayor Rostek read a Proclamation proclaiming May 18 – 24, 2024, as National Safe Boating Week. Representatives from the Coast Guard accepted the Proclamation. They thanked the City of Madeira Beach for the continued support.

B. Proclamation: 55th Annual Municipal Clerks Week; May 5 – 11, 2024

Mayor Rostek read a Proclamation proclaiming May 5 – 11, 2024, as the 55th Annual Municipal Clerks Week. City Clerk Clara VanBlargan accepted the Proclamation.

C. Proclamation: National Public Works Week; May 19 – 25, 2024

Mayor Rostek read a Proclamation proclaiming May 19 – 25, 2024, as National Public Works Week. Public Works Director Megan Wepfer accepted the Proclamation.

6. PRESENTATIONS (limited to 10 minutes each)

7. PUBLIC COMMENT

Tom Edwards, District One, suggested they have a workshop with a specialized deputy to discuss the noise issue. He suggested they make it so a permit application be submitted 95 days in advance, and post it on the website so people would have 45 days to object. Mayor Rostek said it would be added to a workshop.

8. APPROVAL OF MINUTES

A. 2024-04-10, BOC Regular Meeting Minutes

B. 2024-04-24, BOC Budget Workshop Meeting Minutes

C. 2024-04-24, BOC Regular Workshop Meeting Minutes

Commissioner Kerr motioned to approve the minutes as written. 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.

9. CONSENT AGENDA

10. PUBLIC HEARINGS

A. Ordinance 2024-04, Special Magistrate – Code Enforcement – 2nd 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 ordinance was first read on April 10, 2024, and there have been no changes since that 1st reading.

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

Vice Mayor Brooks motioned to adopt Ordinance 2024-04, Special Magistrate – Code Enforcement, after 2nd Reading and Public Hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Ordinance 2024-06, Special Magistrate Compensation – 2nd 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 ordinance was first read on April 10, 2024, and there have been no changes since that 1st reading.

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

Commissioner Tagliarini motioned to adopt Ordinance 2024-06, Special Magistrate Compensation, after 2nd Reading and Public Hearing. Vice Mayor Brooks 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.

C. Ordinance 2024-05, Fees & Collection Procedures Manual FY 2024 Update – 2nd 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.

The City Attorney said the ordinance was first read on April 10, 2024, and there have been no changes since that 1st reading.

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

Vice Mayor Brooks motioned to adopt Ordinance 2024-05, Fees & Collection Procedures Manual FY 2024 Update, after 2nd Reading and Public Hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

Mayor Rostek asked that Agenda Item 10.E., ABP 2024-03 Sip & Scoop, be discussed before Item 10.D. The Board consented.

D. ABP 2024-03 Sip & Scoop

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, Village Café at John's Pass, LLC of 13015 Suite C Village 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, James Cody Johnson, Sip & Scoop's Chief Operating Officer, and Yaite Ruiz, Sip & Scoop's Manager.

City Staff Presentation

Background:

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2024-03 is requesting authorization from the Board of Commissioners for the approval of a (2COP) alcoholic beverage license for the sale of beer and wine for consumption on premises at the existing Sip & Scoop café located at 13015 Suite C, Village Blvd, Madeira Beach, FL 33708. This establishment is located in the C-1, Tourist Commercial Zoning District. The future land use designation for the property is Activity Center.

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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.

Permitting Sip & Scoop in Johns Pass Village to add beer and wine to the menu for consumption on premises would not adversely affect the character of the existing neighborhood. The existing neighborhood is mostly commercial uses. Additionally, various other businesses in the same area already serve alcohol. Bamboo Beach Bar next door currently serves liquor. Sip & Soop is requesting a license that would just be for beer and wine.

(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 addition of alcohol to the menu will not affect congestion, traffic generated, or present a safety hazard. Sip & Scoop is located in a walkable part of the city. Sip & Scoop has agreed to install a bike rack on the premises with at least three stalls and has already purchased an applicable rack. Their bike rack would add three additional parking spot credits to their total parking count. The layout and number of seats at Sip & Scoop are not being changed from when it was built out in 2021 and with the addition of a bike rack, the total number of parking spots will increase from what is existing before permitting alcohol to be served on premises.

(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. Sip & Scoop already serves more than just ice cream on the menu. Beer and wine would complement their existing food and beverage options.

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

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

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

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

Fiscal Impact: N/A

Recommendation(s): Staff recommends the approval of ABP 2024-03 with the condition that a bike rack with at least 3 stalls be added on the premises.

Attachments:

Local Application
Existing Site Plan
Public Notice
Mailing and Posting

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

Mayor Rostek asked if there were restroom facilities. Mr. Petraglia deferred the question to the applicant.

Commissioner Tagliarini asked if the Village Café at John's Pass, LLC was the parent company. Mr. Petraglia said yes, it is one business.

Applicant Presentation

Mr. Johnson said they requested the 2(COP) license as an amenity for families visiting their property. There are restroom facilities on-site that are maintained.

Commissioner Tagliarini asked if they had a food menu. Mr. Johnson said they have a full menu for breakfast and lunch. They have food options until they close at 10:00 p.m. every night.

Public Comment

Yaite Ruiz, Manager of Sip & Scoop, said she is in charge of training the new employees and the food menu. She gave an overview of the menu and said the bike rack was already being installed.

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

Commissioner Tagliarini motioned to approve the ABP 2024-03 for Sip & Scoop with the condition that a bike rack with at least three stalls be added on the premises. Vice Mayor Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

E. Ordinance 2024-02 Open Accessory Structures – 1st Reading and Public Hearing

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

ORDINANCE 2024-02

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 4 (ACCESSORY STRUCTURES) OF ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) OF THE CITY'S LAND DEVELOPMENT CODE TO PROVIDE FOR APPLICABILITY; TO PROVIDE DEFINITIONS; TO REQUIRE BUILDING PERMITS FOR ACCESSORY STRUCTURES AND PROVIDE FOR REGULATION OF CHICKEES; TO PROVIDE FOR MAINTENANCE OF ACCESSORY STRUCTURES; AMEND THE SETBACKS FOR REAR YARD ACCESSORY STRUCTURES ON LOTS ON WATER IN R-1 ZONING DISTRICT; AMEND THE SETBACKS FOR REAR YARD ACCESSORY STRUCTURES ON LOTS ON WATER IN R-2 ZONING DISTRICT; AMEND THE SETBACKS FOR ACCESSORY STRUCTURES IN C-4 ZONING DISTRICT AND ADD ALLOWANCES FOR FEDERAL AND STATE REGULATED STRUCTURES; ADD QUANTITY TO MAXIMUM SIZE OF ACCESSORY STRUCTURES IN R-1, R-2, AND R-3 ZONING DISTRICTS; AMEND THE MAXIMUM SIZE FOR ENCLOSED AND OPEN ACCESSORY STRUCTURES FOR SINGLE-FAMILY USE, DUPLEX AND MULTIFAMILY USE, AND TEMPORARY LODGING USE; ADD QUANTITY TO MAXIMUM SIZE OF ACCESSORY STRUCTURES IN C-1, C-2, C-3, AND C-4 ZONING DISTRICTS; ADD A SECTION TO ADDRESS CONSTRUCTION TRAILERS; ADD A SECTION TO ADDRESS OUTDOOR KITCHENS; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Jenny Rowan said it amends the Code to allow for open accessory structures and creates multiple sections. The final version allows for open accessory structures at 3.5% of the total lot size in addition to the already allowed enclosed accessory structure. The amendment created setbacks for the open accessory structures for each zoning

district and structural elements of the sea wall for lots on the water. Staff added language to address the concerns in the C-4 zoning districts. A new Section was added to put regulations on construction trailers, and a new Section for requirements for permanent outdoor kitchens. She explained the minor changes made since discussed at the last workshop:

- Page 107-108 of the agenda packet, Section 110-484. Maximum size and quantity in R-1, R-2, and R-3 zones is 14 feet high from grade.
- Page 104 of the agenda packet, added verbiage in Section 110-473. Building permits are required to include the Indian member tribe ID to identify who is building the chickee structures.

Director Rown and Marci Forbes, Community Development Engineer, responded to questions and comments from the Board.

- The footprint of the open accessory structure includes the outermost points of the roof, which would be 3.5% of the total lot size.
- Commissioner Kerr would like to increase it to 4% of the total lot size. The Board agreed.

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

- Mayor Rostek questioned the last sentence in Section 110-485 on page 108 of the agenda packet and thought it might allow for violations of the Zoning Code. Director Rowan said there are two working waterfronts that are required by state or federal regulations that may exceed the size or number of structures on the property. They are required to provide documentation. The City Attorney said it provides an exception to the Code, not a violation.
- Mayor Rostek asked about getting an impact study where C-4 backs up to residential. Ms. Forbes said the state has already taken the stance that the working waterfront takes priority over residences. Accessory structures might not be causing the issues; it may be the function of the business. The Mayor thought Section 110-485 should be extracted from the document.
- Commissioner Kerr said the revision is less restrictive than the current version. The City Manager said the purpose of the ordinance is to define and clarify accessory structures across all zoning districts.

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, said he thought all heights would go down to 14 feet, but Section 110-485 is still at 20 feet. Commissioner Kerr said residential is 14 feet and commercial will stay at 20 feet.

Vice Mayor Brooks motioned to approve Ordinance 2024-02, Open Accessory Structures, with the addition of the tribal ID and 4% lot size, after 1st Reading and Public Hearing. Commissioner Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

11. UNFINISHED BUSINESS

12. CONTRACTS/AGREEMENTS

A. Redington EMS Station Funding Agreement

Fire Chief Clink Belk said it is the final contract between the City and Pinellas County EMS. It would allow Madeira Beach to become the project manager for the Redington EMS Station. They have access to the entire \$7.4 million, so no money needs to be put upfront. Pinellas County Director of EMS Craig Hare said that after the groundbreaking the County will provide a medic unit vehicle so there would be no decrease in service to the citizens.

Commissioner Tagliarini motioned to approve the Redington EMS Station Funding Agreement. Vice Mayor Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Approve Agreement with Mali Contracting Corp. to construct Code Enforcement/Satelite Office

City Manager Gomez said Mali Contracting Corp. was the low-bid to complete the work not to exceed \$260,000. The cost of the project will be funded through the Building Fund and should take about four months to complete.

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

- Vice Mayor Brooks asked why blacked-out pages were included in the agreement. The

City Manager said he would find out why the pages were blacked out and let them know. He thought they might be site plans. City Attorney Trask said there is a public record exemption for the infrastructure and blueprints of the City Hall facility.

Vice Mayor Brooks motioned to approve the Agreement with Mali Contracting Corp. to construct the Code Enforcement/Satellite Office. Commissioner Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

13. NEW BUSINESS

A. Resolution 2024-03, FY 2024 Budget Amendment #2

City Attorney Tom Trask read Resolution 2024-03 by title only:

RESOLUTION 2024-03

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2024 (OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2024) BY INCREASING APPROPRIATIONS FOR EXPENDITURES IN THE GENERAL FUND, THE ARCHIBALD PARK FUND, THE BUILDING FUND, THE SANITATION FUND, THE STORMWATER FUND, THE MARINA FUND, AND THE PARKING FUND; AND PROVIDING FOR AN EFFECTIVE DATE

Finance Director Andrew Laflin said it was reviewed in the Budget Workshop and recommended approval.

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

Vice Mayor Brooks motioned to adopt Resolution 2024-03, FY 2024 Budget Amendment #2. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Brooks	"YES"
Commissioner Kerr	"YES"

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

The motion carried 5-0.

14. AGENDA SETTING – May 22, 2024 BOC Workshop Meeting

- A. City Manager's Employment Agreement – 2nd Amendment**
- B. John's Pass Village Zoning**
- C. Parking Garage Update**
- D. Bicentennial Park**
- E. Beach Chairs/Umbrellas on Sand in front of Caddy's Restaurant**
- F. FY 2025 Gulf Beaches Public Library Budget**
- G. Noise Ordinance**
- H. HR, Classification, Compensation Study**
- I. IAFF Collective Bargaining Agreement**

Items added to the workshop agenda:

1. Consider hiring a Grant Writer on an as-needed basis.

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners – 2024 BOC Meeting Schedule

- The September 25, 2024, BOC Special Meeting was changed to Monday, September 30, 2024, at 5:45 p.m. for the 2nd Reading and Public Hearing to adopt the FY 2025 Millage Rate and Budget Ordinances. The Regular Workshop would be at 6:00 p.m. the same day.
- The October 9, 2024, Regular Meeting was changed to Monday, October 14, 2024, at 6:00 p.m.
- Commissioner Tagliarini did not have his work schedule but will give plenty of notice of any changes.

B. City Attorney

The City Attorney had no report.

C. City Clerk – May 2024 City Clerk's Report

The City Clerk reviewed her May 2024 report.

D. City Manager

The City Manager reminded everyone that the next Budget Workshop meeting will be on Wednesday, May 22, 2024, at 4:00 p.m., followed by the BOC Regular Workshop meeting at 6:00 p.m.

There will be a beach cleanup with the Trash Turtles on May 18, 2024, from 7:30 a.m. until 10:30 a.m. at Archibald Park, followed by a life vest giveaway from 10:00 a.m. until noon.

The Beach Groin project began Monday, May 13th. The Clearwater Marine Aquarium is ensuring the turtle nests will not be disturbed.

Mayor Rostek asked for more participation in the Trash Pirates cleanups.

16. ADJOURNMENT

Mayor Rostek adjourned the meeting at 7:39 p.m.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk