



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING NOVEMBER 8, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on November 8, 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

**MEMBERS ABSENT:** Anne-Marie Brooks, Commissioner District 4

**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. Commissioner Brooks was absent.

#### 4. APPROVAL OF THE AGENDA

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

#### ROLL CALL:

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

Mayor Rostek "YES"

The motion carried 4-0.

## 5. PROCLAMATIONS

There were no proclamations.

## 6. PRESENTATIONS

There were no presentations.

## 7. PUBLIC COMMENT

There were no public comments.

## 8. CONSENT AGENDA

### A. Approval of Minutes

- **2023-10-11, BOC Regular Meeting Minutes**
- **2023-10-25, Joint Meeting with the Board of Commissioners and Civil Service Commission Minutes**
- **2023-10-25, BOC Regular Workshop Meeting Minutes**

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

### ROLL CALL:

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

The motion carried 4-0.

## 9. PUBLIC HEARINGS

### A. Ordinance 2023-07, Whistleblower Ordinance – 2<sup>nd</sup> 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.

There was no discussion by the Board.

Commissioner Tagliarini motioned to adopt Ordinance 2023-07, Whistleblower Ordinance, after Second Reading and Public Hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

**B. Ordinance 2023-34, Amendment to City Charter, Section 3.3. A, Nomination of Board of Commissioners, changing the Qualifying Period to the first full week in December instead of the first two full weeks in December – 1<sup>st</sup> Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2023-34 by title only:

**ORDINANCE 2023-34**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA PROVIDING FOR BALLOT TITLE, BALLOT QUESTION AND TEXT FOR PROPOSED REFERENDUM QUESTION TO BE PLACED ON MARCH 19, 2024 ELECTION BALLOT; PROVIDING FOR AN AMENDMENT TO THE CHARTER CHANGING THE QUALIFYING**

**PERIOD TO THE FIRST FULL WEEK IN DECEMBER INSTEAD OF THE FIRST TWO FULL WEEKS IN DECEMBER; PROVIDING FOR THE ELECTION DATE; PROVIDING FOR COORDINATION WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

City Clerk Clara VanBlargan said the qualifying period is the first two full weeks in December. The item was a recommendation to change it to the first full week in December. With it being one week, candidates still have an opportunity to take advantage of the Florida Statute that allows candidates to submit their qualifying papers no sooner than fourteen days in advance of the start of the qualifying period.

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

The City Clerk said she is almost finished with the online packet.

Vice Mayor Kerr received clarification that an application would be made available online that could be submitted well before the qualifying period. It would allow the candidates to collect the signatures well before the qualifying period. Potential candidates would not be limited by limiting the qualifying period to one week. The one week would be when the Clerk could stamp in the qualifying papers.

The City Clerk said Form DS-DE 9, Designation of Campaign Treasurer and Designation of Campaign Depository for Candidates, needs to be filed before circulating petitions for signature. Vice Mayor Kerr said he wanted to make sure that potential candidates understand that the referendum did not apply to the upcoming election. It would go on the ballot for voter approval. If it were approved, it would not limit a candidate's time to collect signatures. The City Clerk said correct, but she cannot stamp anything in until the qualifying period starts.

Commissioner Tagliarini motioned to approve, after first reading and public hearing, Ordinance 2023-34, Amendment to City Charter, Section 3.3. A. Nomination of Board of Commissioners, changing the Qualifying Period to the first full week in December instead of the first two full weeks in December. Vice Mayor Kerr seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**C. Ordinance 2023-35, Smoking Restrictions on Public Parks and Public Beaches – 1st Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-35 by title only:

**ORDINANCE 2023-35**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING ARTICLE VI - RESTRICTIONS RELATING TO SMOKING IN OR ON PUBLIC BEACHES AND PUBLIC PARKS OF CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO ESTABLISH RESTRICTIONS RELATING TO SMOKING IN OR ON PUBLIC BEACHES AND PUBLIC PARKS; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR THE PROHIBITION OF SMOKING IN OR ON PUBLIC BEACHES AND PUBLIC PARKS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR POSTING OF NO SMOKING SIGNS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

City Manager Robin Gomez explained the item and responded to questions and comments from the Board.

Mayor Rostek opened to public comment.

Jayden Taylor, a member of SWAT (Students Working Against Tobacco) and the Youth Advocacy Board, thought they should go smoke free and vape free in parks and beaches to keep the environment clean.

Isabelle Nelson, a freshman at Gibbs High School and a member of SWAT, thanked the Board for protecting people and wildlife in parks and beaches.

A student from Hollins High School and a member of SWAT said she wanted to go to college and study environmental science. The cause is very important to her. She thanked the Board for their leadership and for protecting the community.

Bryan Green, a Madeira Beach resident, asked if vaping was part of smoking. The City Manager said yes.

Commissioner Tagliarini thanked the students for becoming involved and thanked them for coming forward.

Vice Mayor Kerr said there has always been an argument about free rights, but as a City, the right has been overridden by the harm it has done in the community. They need to stand with other beach communities and ban smoking and vaping where they can by law. He supported it.

Commissioner McGeehen thanked the students for coming. He was all for cleaning up the beaches and keeping them healthy.

The City Manager thanked Alex Winston, the Prevention Policy Coordinator with the Florida Department of Health, for coming. She provided drafts of signage that will be installed. There would be at least a 90-day advocating and educating period before real enforcement would occur.

Commissioner Tagliarini motioned to approve after first reading and public hearing, Ordinance 2023-35, Smoking Restrictions on Public Parks and Public Beaches. Vice Mayor Kerr seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

**D. Special Food Service Establishment (4COP SFS) Alcoholic Beverage License #2023-07, Don the Beachcomber**

City Attorney Tom Trask said the item was a quasi-judicial hearing, and he read the procedures. The parties in the case are the applicant, Mark Brown, Tiki Docks, LLC for Don the Beachcomber, located at 15015 Madeira Way, Suite 100, Madeira Beach, and the City. He read Section 2-10 of the Code, the Burden of Proof they must apply. There were no notices of intent to be an affected party received by the City. The order of presentation would be the applicant first and then the City. Since there were no notices of intent, the City would present first.

The City Attorney asked the Commissioners if there had been any ex-parte communications between the applicant and any of the Commissioners, and there were none. He asked the Commissioners if there were any conflicts of interest to be disclosed, and there were none.

The City Attorney swore in the witnesses.

City Staff Presentation

Andrew Morris, Long Rang Planner, read the City staff memo in the agenda packet, which included the five factors for the Board of Commissioners to consider:

**Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-07 is requesting authorization from the Board of Commissioners for the approval of a special Food Service Establishment (4COP SFS) Alcoholic Beverage License with stated intent to sell beer, wine, and liquor for consumption on premises at Don the Beachcomber located at 15015 Madeira Way, Ste 100, Madeira Beach, Florida, 33708. This

establishment is located in the PD, Planned Development Zoning District. The Madeira Beach Future Land Use designation for this property is Planned Redevelopment-Mixed Use.

**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.**

The property has the Future Land Use designation of Planned Redevelopment-Mixed Use and is surrounded by other properties with this Future Land Use designation. The Planned Redevelopment- Mixed Use Future Land Use designation is given to properties located within the Madeira Beach Town Center Special Area Plan. This property is located in the Commercial Core District of the Madeira Beach Town Center Special Area Plan. Commercial and Commercial/Mixed-Use are the focus of this district. There are other nearby businesses that sell alcohol also. A restaurant that serves beer, wine, and liquor would be an acceptable use for the property and would not adversely affect the character of the existing neighborhood.

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

Properties located within the Madeira Beach Town Center Special Area Plan have a reduced parking requirement that is 50% less than other areas of Madeira Beach. The restaurant is attached to a hotel structure that has a parking garage. The property has sufficient parking for both the hotel and restaurant uses. The traffic generated from this proposed alcoholic beverage request would not create congestion or present a safety hazard.

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

This establishment is not located within three hundred feet of a church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. A restaurant that serves beer, wine, and liquor would be compatible with the existing Zoning designation and Future Land Use designation for the property. The property is adjacent to other similar commercial uses. The proposed alcohol use would be compatible with this location.

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

The requested license is not anticipated to adversely affect public safety. For Special Food Service Establishment (4COP SFS) Alcoholic Beverage Licenses, the state of Florida requires at least 51% of gross food and beverage revenue to come from the sale of food and nonalcoholic beverages. Selling food will be the primary focus of the business, and selling alcohol would be secondary to that. The subject site is along a commercial

corridor that includes other commercial uses that are compatible with an establishment that serves alcoholic beverages.

- (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 recommended the approval of ABP 2023-07.

**Attachments:**

- Application
- Public Notice Mailing and Posting

The City Attorney asked Mr. Morris if he wanted to enter pages 78 – 111 of the Agenda Packet into evidence, and he said yes. The City Attorney asked the Board if they had any questions for Mr. Morris.

Vice Mayor Kerr asked if the hours of operation fit the City Code for the location. Mr. Morris said it is a commercial zoned property and not near anything residential. His only thought would be noise related. The time they proposed was fine. Vice Mayor Kerr asked if it could be amended to the state or as per existing zoning ordinance. Vice Mayor Kerr asked what the hours of operation were in that location. The City Attorney said they did not have a required time for a restaurant to close by; it was the issue of controlling noise. There is a provision in the County Code that would allow the applicant to stay open until 3:00 a.m.

Mayor Rostek asked how much of the restaurant activity would be outside. Mr. Morris said there would be outdoor seating on the street side of Madeira Way.

Commissioner Tagliarini asked if the outdoor footprint encroached on any existing setback requirements for the property. Marci Forbes, Community Development Engineer, said no.

Commissioner Tagliarini asked if existing noise ordinances apply to the business. Mr. Morris said yes. Commissioner Tagliarini asked what time the noise ordinance applies. He wanted the applicant to understand existing noise ordinances apply to them like the rest of the City. Mr. Morris said amplified outdoor sound, music, or live entertainment is prohibited between 9:00 p.m. and 7:30 a.m. Sunday through Thursday, and 11:00 p.m. Friday through Saturday.

Commissioner Tagliarini asked if the business was open to hotel guests only. Ms. Forbes said it was open to the public.



## Applicant Presentation

Keith Long, Esq., Long Law, P.A., introduced himself and said he was representing Tiki Docks, LLC, who was proposing the location at 15015 Madeira Way, Suite 100. He thanked City staff for helping them with the process. He requested approval from the Board of their request to sell consumption on premises alcoholic beverages in conjunction with a full-service restaurant. The restaurant would be Don the Beachcomber, which is a tiki-based concept.

Attorney Long addressed the five factors the Board needed to consider and believed it would fit nicely in the location. They would abide by the local ordinances and laws. He responded to questions and comments from the Board.

Commissioner Tagliarini said the 9:00 p.m. limitation on weekdays for sound would be important.

Vice Mayor Kerr said he thought it was a great improvement to the area, but if they get any complaints, it would be about noise. Mr. Long said they intend to assemble it well within the neighborhood.

Mayor Rostek asked what the distance was from the set of tables to the water because noise would be an issue. Mr. Morris said it looks like almost two hundred feet from the end of the restaurant to the edge of the sea wall. Attorney Long assured the Board it would not be an issue. The City Attorney said the Board can revoke the application if they fail to meet the requirements of the approval.

Commissioner McGeehen asked if the outside would be dog friendly. Yanis Russell, Director of Construction for the project, said yes.

Commissioner McGeehen asked if they would have a ServSafe program to make sure there would not be underage drinking. Mr. Russell said they use ServSafe as part of the training for employees. They have ongoing certifications that are completed quarterly.

The City Attorney asked if anyone from the public wished to speak.

Bryan Green, a Madeira Beach resident, said he lives very close to the Cambria hotel, and they are great neighbors. He looked forward to the restaurant coming. He appreciated the Board's concern to make sure it was done correctly.

The City Attorney said it was back to the Board for approval by motion.

Vice Mayor Kerr said he looks forward to it, and it is what they want to build. It would fit the location.

Commissioner Tagliarini agreed with Vice Mayor Kerr. His only concern would be the noise, but it sounded like they had it covered.

Commissioner McGeehen agreed with the other Commissioners.

Mayor Rostek thought it would be a great asset.

Vice Mayor Kerr motioned to approve the Special Food Service Establishment (4COP SFS) Alcoholic Beverage License #2023-07, Don the Beachcomber. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**10. UNFINISHED BUSINESS**

**11. CONTRACTS/AGREEMENTS**

**A. Madeira Beach Market Agreement**

The City Manager said it was an agreement between the City of Madeira Beach and Tampa Bay Markets, Inc. to provide the Wednesday Market on Madeira Way. It would begin on Wednesday, December 6<sup>th</sup>, and continue through just before Memorial Day.

The City Manager said one change to the agreement was that Tampa Bay Markets, Inc. would contribute \$50 per day the day of the market to cover the cost to close and re-open Madeira Way.

Mayor Rostek opened to public comment.

John Connelly, 600 Normandy Road, suggested extending the contract to five years because they would not want them to leave. They do a nice job. Recreation Director Jay Hatch said the contract is for five years, and they have a good relationship with them.

Commissioner Tagliarini motioned to move forward with the proposed Madeira Beach Market Agreement. Commissioner McGeehen seconded the motion. The City Attorney said it would be a motion to approve the existing agreement and asked for a motion to amend to approve the agreement in the agenda packet. Commissioner Tagliarini motioned to approve the Madeira Beach Market Agreement. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

Mayor Rostek

"YES"

The motion carried 4-0.

### **B. Aclarian Consultant Agreement FY 2024**

The City Manager said the item was to continue with the process where they have outsourced the Finance Director/City Treasurer, which began in July 2020. An agreement has been approved annually for the services. The agreement for FY 2023 expired on September 30<sup>th</sup>. He recommended approval of continuing with the agreement for FY 2024. The agreement provided for an increase from \$7,400 to \$7,800 per month.

Finance Director Andrew Laflin made the following points:

- The agreement does not obligate them on a long-term basis, and it can be terminated for convenience, not cause, with a 30-day written notice.
- If they did want to make a change, he encouraged them to speak to the Finance Department members for their input on the current arrangement. They would be the ones most impacted by any decision made.
- The Charter Amendment was not intended to be put out for referendum for public input on whether or not the City should insource or outsource. It was to provide clarifying language to the Charter.

Mr. Laflin said he had a great three years with the City and would like to continue, but he respects any decisions they make.

Vice Mayor Kerr asked the City Manager to speak on how the Finance Department felt. The City Manager said he has not had any issues or concerns, and they work very well with Mr. Laflin as a team. He has been very happy with Mr. Laflin's leadership in the Finance Department.

Vice Mayor Kerr agreed the referendum was a clean-up action for the Charter. It was hard to understand what their responsibility was for the residents and the City, which is why he pushed for a second opinion. The Attorney General declined to comment.

Vice Mayor Kerr said he did not want to fix something that was not broken. He did not see having an employee versus the agreement they have now bringing answers to questions. He agreed with the City Manager's recommendation to continue with the agreement.

Commissioner McGeehen agreed with the City Manager and Vice Mayor. He has not received many emails on the subject, but the ones he did receive were positive. He thought they should go along with it. They could save money with Mr. Laflin and use it towards other programs.

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

Vice Mayor Kerr motioned to approve the Aclarian Consultant Agreement FY 2024. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 3-1.

**C. Purchase of Sparkling Bin SB2 Dual Bin Trailer**

Public Works Director Megan Wepfer said the item was in the FY 2024 budget in the Capital Improvements Plan. The purpose of the trailer would be to clean the toters in John's Pass Village, on the beach, and in various parks. They have been getting complaints about the smell of the trash cans. It came in under budget at \$69,995. It is a mobile pressure washer. Down the road, they could look at using it to clean resident's trash cans for a monthly service. She recommended approving the purchase of the trailer.

Commissioner Tagliarini asked if they take the bins to the trailer. Director Wepfer said they hook the trailer to a truck and pull it to a location. They would pull the toters to the bin cleaner, which picks the toters up and sanitizes the inside, and then they could pressure wash and clean the outside.

Commissioner Tagliarini asked if it could clean the dumpsters. Director Wepfer said it has an option to do dumpsters but only front loaders, which the City does not have. They sanitize the dumpsters every time they are emptied.

Mayor Rostek asked if they created their own problem by changing from the old cans to the new ones. Director Wepfer said no. The Mayor asked how much the liners were for the toters. Director Wepfer said they are very expensive. The Mayor asked if she had the staffing to do it. Director Wepfer said yes, it actually saves staff. Mayor Rostek asked what they do with the contaminated water. Director Wepfer said it goes into the sewer. The Mayor asked where the trailer would be stored. Director Wepfer said it would be stored at the public works yard.

The City Manager said the funding for the purchase would come out of the Parking Fund.

Commissioner McGeehen thought it would be in their best interest to purchase the trailer. He asked if there was a warranty for it. Director Wepfer said there is a one-year warranty, and the company is based in Florida. Commissioner McGeehen asked if they would have to pay a transportation fee. Director Wepfer said no. Commissioner McGeehen asked if the wrapping cost \$1,000. Director Wepfer said she had not negotiated the price for it yet, but the City has a local company they use. Grants are an option to pay for it.

Vice Mayor Kerr said he is not a fan of the trash bins at John's Pass Village. He thought it would be better if they did not have to lift the lid. If there was no other option and they were keeping the toters, he would support the purchase. Director Wepfer said they cut holes in the lids, so people

did not have to lift the lids, and it was working out well. She explained how the trailer worked and said everything would be contained in the back of the trailer.

Vice Mayor Kerr motioned to approve the purchase of the Sparkling Bin SB2 Dual Bin Trailer. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**D. Purchase 2023 Ford F-150 Supercab XL 4X2**

Director Wepfer said it was a capital item coming out of the Archibald Fund, which was expanded because they took over the maintenance of all the parks except for City Hall. She has two ground maintenance employees and only one truck in that department.

Mayor Rostek asked if it would be going on the beach and if it needed to be a 4X4. Director Wepfer said no. Most of her fleet is 4X4, and she is ok with a 4X2. The truck would not be available until December.

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

Vice Mayor Kerr said they needed to have good tools to do good work.

Commissioner Tagliarini motioned to approve the purchase of a 2023 Ford F-150 Supercab XL 4X2. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**12. NEW BUSINESS**

**A. Appointment to Civil Service Commission**

The City Clerk said the Civil Service Commission consists of five members, and two vacancies

exist due to expiring terms of members. The vacancies were advertised, and one application received. Judithanne McLauchlan applied for reappointment. She was invited to come to the meeting but was not able to. The Clerk said she will continue to advertise until the second vacancy is filled. If appointed, her term would expire September 30, 2026.

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

Commissioner Tagliarini said he heard good reports from the current Civil Service Commission about Ms. McLauchlan. There would be no reason not to reaffirm her application.

Vice Mayor Kerr said he watches the meeting when he can, and it seemed like a good team. They need to keep a good team together.

Commissioner McGeehen agreed. It would be a good investment for the City.

Vice Mayor Kerr motioned to accept Judithanne McLauchlan's application for reappointment to the Civil Service Commission. Commissioner Tagliarini seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**B. Resolution 2023-12 FY 2023 Budget Amendment #3**

City Attorney Tom Trask read Resolution 2023-12 by title only.

**RESOLUTION 2023-12**

**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 SANITATION FUND, AND THE PARKING FUND; AND PROVIDING FOR AN EFFECTIVE DATE.**

Finance Director Andrew Laffin said Florida Statutes allow municipalities to amend their budget up to sixty days after year-end. It would be the last amendment they could do. It is the clean-up amendment they do at the end of the fiscal year when reviewing the actual expenditures by Fund and Department. Article X, Sections 10.4 and 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.

Mr. Laflin said the actual revenues are in line with the budget. Total actual expenditures were far less than budgeted. Budget adjustments were needed in the General Fund, the Parking Fund, and the Sanitation Fund. Approving the Resolution would keep them in compliance with state law and the city charter.

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

Vice Mayor Kerr motioned to adopt Resolution 2023-12, FY 2023 Budget Amendment #3. Commissioner Tagliarini seconded the motion.

**ROLL CALL:**

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

The motion carried 4-0.

**13. STAFF REPORTS**

There were no staff reports.

**14. AGENDA SETTING – November 15, 2023 BOC Regular Workshop Meeting**

- A. Madeira Beach Babe Ruth Agreement**
- B. RFP 2023-08 Electrical Repair / Services Contract**
- C. Duke Energy Discussion on Future Undergrounding and Status of Gulf Blvd**
- D. CIP Equipment Purchase – Garbage Truck**
- E. IT RFQ Results – Recommend Firm**
- F. FY 24 Budget Amendment 1**
- G. John’s Pass Village Activity Center Alternative Compromise**
- H. City Economy – December 13<sup>th</sup> Workshop**
- I. City Manager’s Monthly Report – October 2023**

Items added to the Workshop Agenda:

Vice Mayor Kerr

1. Create a list of “old business” still open and unresolved. An example would be the “No Wake Zone.”
2. On that list would be his second item, what happened to their discussion on residential impact fees?

Mayor Rostek suggested putting it under Unfinished Business.

Commissioner McGeehen

1. Update on the timeline for fixing the road between 144<sup>th</sup> Ave. and 155<sup>th</sup> Ave.

## **15. REPORTS/CORRESPONDENCE**

- A. Board of Commissioners**
- B. City Attorney**
- C. City Manager**

The City Manager reminded everyone of the 30<sup>th</sup> Anniversary of the King of the Beach Kingfish Tournament on November 9<sup>th</sup> through November 11<sup>th</sup>. There will be fireworks on Friday and Saturday at 9:00 p.m.

- D. City Clerk**

The City Clerk said she was working on the Qualifying Packet and was almost done with it.

## **16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 7:45 p.m.

\_\_\_\_\_  
James "Jim" Rostek, Mayor

ATTEST:

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