



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING DECEMBER 13, 2023 2:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 2:00 p.m. on December 13, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

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

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Andrew Laflin, Finance Director/City Treasurer  
Thomas Trask, City Attorney

#### 1. CALL TO ORDER

Mayor Rostek called the meeting to order at 2:00 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

Mayor Rostek said Agenda Item 9. M., 2COP Alcoholic Beverage License Application ABP 2023-06 Barefoot Beach Club was pulled from the agenda.

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

ROLL CALL:

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

The motion carried 5-0.

## **5. PROCLAMATIONS**

There were no proclamations.

## **6. PRESENTATIONS**

### **A. GFOA Certificate of Achievement for Excellence in Financial Reporting.**

Mayor Rostek read the GFOA Certificate of Achievement for excellence in financial reporting.

Finance Director Andrew Laflin thanked the finance team and auditors for their excellent work.

## **7. PUBLIC COMMENT**

Happy Price, 13319 Boca Ciega Avenue and Chairperson of the Board of Trustees for the Gulf Beaches Public Library announced the grand re-opening of the Gulf Beaches Public Library on January 25, 2024, from 5:00 p.m. to 8:00 p.m. and invited all to come. The library will have a future fundraising event to sell commemorative bricks for \$100.00 each.

Bill Gay, 423 150<sup>th</sup> Ave., gave a five-minute PowerPoint presentation about the lawsuit on Madeira Beach Town Center projects. Over time, changes were made to the Cambria Hotel, and a lot of green space was eliminated. The building is no longer in compliance with the setbacks. The major changes in the planned development never went through the approval process.

Ms. Price said the same person complaining about the lack of green space around the Cambria Hotel is the same person who filed lawsuits forcing the Cambria to be shorter and wider.

Commissioner Brooks asked if residents could be notified to bring their presentations in a timely manner if they wanted them on the screen.

## **8. CONSENT AGENDA**

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

- **2023-11-08, BOC Regular Meeting Minutes**
- **2023-11-25, 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"
Commissioner Brooks	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**9. PUBLIC HEARINGS**

**A. Ordinance 2023-34, Changing the Candidate Qualifying Period – 2<sup>nd</sup> Reading & 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.**

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

There was no discussion among the Board.

Commissioner Brooks motioned to adopt Ordinance 2023-34, Changing the Candidate Qualifying Period, after 2<sup>nd</sup> Reading and Public Hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

Commissioner McGeehen "YES"  
Mayor Rostek "YES"

The motion carried 5-0.

**B. Ordinance 2023-35, Smoking on Public Parks and Beaches – 2<sup>nd</sup> Reading and 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.**

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

There was no discussion among the Board.

Vice Mayor Kerr motioned to adopt Ordinance 2023-35, Smoking Restrictions on Public Parks and Beaches, after 2<sup>nd</sup> Reading and Public Hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**C. Ordinance 2023-19, Definitions to be Consistent with Forward Pinellas – 2<sup>nd</sup> Reading & Public Hearing**

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.**

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

There was no discussion among the Board.

Vice Mayor Kerr motioned to adopt after 2nd Reading and Public Hearing, Ordinance 2023-19, Definitions to be Consistent with Forward Pinellas. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**D. Ordinance 2023-21, Dune Protection and Beach Debris - 1<sup>st</sup> Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2023-21 by title only:

**ORDINANCE 2023-21**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE III (BEACH DEBRIS) OF CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE MADEIRA BEACH CODE OF ORDINANCES TO AMEND THE PURPOSE TO INCLUDE COMMERCIAL PROPERTY; INCLUDE COMMERCIAL PROPERTY IN THE DEFINITIONS; ADD COMMERCIAL PROPERTY AND PROVISION RELATING TO BLOCKING PATHWAYS TO OBSTUCTIONS ON THE BEACH PROVISION; REQUIRE PROPERTY TO BE STORED INSIDE DURING A NAMED STORM EVENT; INCLUDE COMMERCIAL PROPERTY IN LEAVE NO TRACE INFORMATIONAL SIGNS IN RENTAL UNITS; ADD PROHIBITION REGARDING CROSSING DUNES AND THE REMOVAL OF VEGETATION ON DUNES; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Tagliarini asked if it was to amend an existing ordinance. Community Development Director Jenny Rowan said it would help the deputies with better enforcement on the beach.

Mayor Rostek asked if they should amend it to add “public walkways” so there would not be any potential legal issues.

The City Manager said the ordinance is intended to prevent people from blocking access points.

Public Works Director Megan Wepfer said if people are allowed to block their accessways, then people go through the dunes. The City is trying to protect the dunes.

The consensus of the Board was to leave the language as it is.

Commissioner Tagliarini motioned to approve Ordinance 2023-21, Dune Protection and Beach Debris as written after 1<sup>st</sup> Reading and Public Hearing. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**E. Ordinance 2023-22, Future Land Use Element to be Consistent with Forward Pinellas – 2<sup>nd</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.

Bill Gay, 423 150<sup>th</sup> Ave., asked the following questions to City Attorney Trask and Director Rowan on record to confirm their advice to the City regarding the amendment to the City's Comprehensive Plan and Development Regulations:

- Mr. Trask drafted the ordinance, and Ms. Rowen was in contact with the county. She told the Commissioners and the residents the ordinances in front of the City are required by the county, or else the county might sue the City. Is that true?
- Did anyone from the county tell you the county would sue the City if it did not make the ordinances consistent?
- Mr. Trask's firm represents a number of municipalities in Pinellas County. Have you advised other municipalities to amend the Comprehensive Plan and Land Development Regulations in the same way you advised the Madeira Beach Commission? Why? Why not? You do not recall?
- According to Mr. Gay's lawyer, after he made a public records request the county's public records report showed there was no record of the county ever suing any municipality for being inconsistent with its plan. There was not even a letter to any municipality warning of any such action.
- Are there any changes to the proposed ordinance that increase density even with a development agreement anywhere in the City? Are there any provisions in any of the ordinances that would permit the reduction or relaxation of any development requirements?

If they could not answer the questions, he did not think they should adopt the ordinances until it could be explained in detail any increase in density intensity or any other development criteria to the public.

The Mayor asked Mr. Gay to email his questions to the City Manager. The City Manager would forward the questions to the appropriate department and copy the Board. Mr. Gay said he would.

Commissioner Tagliarini said he thought they were complying with the county plan when they voted on it the first time. There would not be an increase in densification intensity in future development. Director Rowan said they are not consistent with the county, and right now, they exceed the county. They would be bringing the numbers down to what they should be. Commissioner Tagliarini asked if there were any increases by right. Director Rowan said no, only decreases by right.

Vice Mayor Kerr said they should approve it and move on. He did not see any negative to complying with the county regulations.

Commissioner Brooks said the county asked them to change it several years ago and it did not get addressed. It is a necessary change. They need to become compliant.

Vice Mayor Kerr motioned to adopt Ordinance 2023-22, Future Land Use Element to be consistent with Forward Pinellas, after 2<sup>nd</sup> Reading and Public Hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

**F. Ordinance 2023-26, R-3 Medium Density Multifamily Residential Zoning District to be Consistent with the Countywide Plan – 2<sup>nd</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.**

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

Vice Mayor Kerr said it would bring them into compliance.

Commissioner Brooks motioned to adopt Ordinance 2023-26, R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan, after 2<sup>nd</sup> Reading and Public Hearing. Vice Mayor Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

**G. Ordinance 2023-27, C-1 Tourist Commercial Zoning District to be Consistent with the Countywide Plan – 2<sup>nd</sup> Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2023-27 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.

Commissioner Tagliarini asked if there were any changes since the first reading. Director Rowan said no.

Commissioner Tagliarini motioned to adopt Ordinance 2023-27, Tourist Commercial Zoning District to be consistent with the Countywide Plan. Vice Mayor Kerr seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**H. Ordinance 2023-28, C-2 John's Pass Marine Commercial Zoning District to be Consistent with the Countywide Plan – 2<sup>nd</sup> Reading and 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.

Commissioner Tagliarini asked if it provided for any increases in by right densification. Director Rowan said no, and it has not changed since first reading.

Commissioner Brooks motioned to adopt Ordinance 2023-28, C-2 John's Pass Marine Commercial Zoning District to be consistent with the Countywide Plan, after 2<sup>nd</sup> Reading and Public Hearing. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**I. Ordinance 2023-29, C-3 Retail Commercial Zoning District to be Consistent with the Countywide Plan – 2<sup>nd</sup> Reading and 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.

Commissioner Tagliarini asked if it allowed for any increases by right, impervious surface ratios or intensification of any kind. Director Rowen said no, it is decreasing the by right. It increases the intensification by the alternative temporary lodging use standards.

Vice Mayor Kerr motioned to adopt Ordinance 2023-29, C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan, after 2<sup>nd</sup> Reading and Public Hearing. Commissioner Tagliarini seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**J. Ordinance 2023-30, C-4 Marine Commercial Zoning District to be Consistent with the Countywide Plan – 2<sup>nd</sup> Reading and 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.

Vice Mayor Kerr motioned to adopt Ordinance 2023-30, C-4 Marine Commercial Zoning to be consistent with the Countywide Plan, after 2<sup>nd</sup> Reading and Public Hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**K. Ordinance 2023-33, Amendment to Capital Improvement Element of the Comprehensive Plan – 1<sup>st</sup> Reading and Public Hearing**

City Attorney Tom Trask read Ordinance 2023-33 by title only:

**ORDINANCE 2023-33**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA,  
AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE  
COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO  
UPDATE THE CAPITAL IMPROVEMENT PROGRAM (CIP) SCHEDULE  
OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2024 THROUGH  
2030; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Director Rowan said it is done every year. The City is required by Florida Statutes to update its five-year Capital Improvement Program within the Comprehensive Plan. It takes the numbers from the approved budget and puts them in the Comprehensive Plan.

The City Attorney said it is more detailed than it has been in the past.

Commissioner Tagliarini motioned to approve Ordinance 2023-33, Amendment to Capital Improvement Element of the Comprehensive Plan, after 1<sup>st</sup> Reading and Public Hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**L. Forward Pinellas Alternative Compromise for the John's Pass Village Activity Center Plan**

Director Rowan reviewed the item. If approved, it would go to Forward Pinellas for the County's approval. It would come back to the Board for final approval and adoption of Ordinances 2023-01 and 2023-02. Staff finds the Neighborhood Center level appropriate.

Director Rowan said there was a minor change to include the impervious surface ratio cap to .85, and that can be decreased throughout the zoning.

Commissioner Tagliarini said he did not see any acre averages in the properties. Director Rowan said correct. The larger numbers would be in the Alternative Temporary Lodging Use Standards where Development Agreements are required.

Commissioner Tagliarini asked if it could only be applied in case of a catastrophic event. He asked if there was anything that would prevent a property owner from rebuilding something bigger on

several lots after tenants leave. The City Attorney said the City does not have a role in the connection between a tenant and landlord. Director Rowan said the property owner could unify multiple parcels together. Commissioner Tagliarini said property owners did not have to wait for a hurricane to knock the buildings down, and the Activity Plan restrictions would apply to what they would build next. Director Rowan said it was assuring compatible redevelopment that matches the current character.

The City Attorney reminded the Board they are not voting on the ordinance. They are voting on whether the alternative compromise is acceptable.

Mayor Rostek opened to public comment.

Bill Gay, 423 150<sup>th</sup> Ave., said it could open up higher densities in John's Pass Village. The City needs to follow its ordinances. There has been no training for the Planning group and what the ordinances mean in terms of planned development.

Vice Mayor Kerr motioned to adopt the Forward Pinellas Alternative Compromise for the John's Pass Village Activity Center Plan. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 4-1.

**M. 2COP Alcoholic Beverage License Application ABP 2023-06 Barefoot Beach Club**

The application was pulled from the agenda.

**10. UNFINISHED BUSINESS**

**11. CONTRACTS/AGREEMENTS**

**A. State Issued Grant for the Cancer Reducing Exhaust Capture System**

Fire Chief Clint Belk reviewed the item. The system is 75% grant funded. The City would pay approximately \$4,000.00.

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

Commissioner Brooks motioned to approve the State issued Grant for the Cancer Reducing Exhaust Capture System. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

**B. Park Street Antique Center Lease for Public Works**

Public Works Director Megan Wepfer explained the item. The use of the building stated in the agreement was changed at the request of the Mayor. The lease is a one-year extension.

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

Vice Mayor Kerr motioned to approve the Park Street Antique Center Lease for Public Works. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

**C. Madeira Beach Youth Baseball and Softball Contract**

Recreation Director Jay Hatch reviewed the item and said there were no changes.

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

Commissioner Brooks motioned to approve the Madeira Beach Youth Baseball and Softball Contract. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Commissioner Brooks	"YES"
Commissioner Tagliarini	"YES"



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

The motion carried 5-0.

**D. RFP 2023-08 Electrical Repair / Services Contract Approval and Bid Acceptance**

Director Wepfer said the contract with the electrician ended from the 2018 RFP. It went out to bid, and they had one submittal from the same company. They are staying with the original contract numbers from 2018.

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

Commissioner Brooks motioned to approve RFP 2023-08 Electrical Repair / Services Contract and Bid Acceptance. Vice Mayor Kerr seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**12. NEW BUSINESS**

**A. Resolution 2023-13, FY 2024 Budget Amendment #1**

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

**RESOLUTION 2023-13**

**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 LOCAL OPTION SALES TAX FUND, THE ARCHIBALD PARK FUND, AND THE PARKING FUND; AND PROVIDING FOR AN EFFECTIVE DATE**

Finance Director Andrew Laflin explained the item. Unspent balances on purchase orders would be rolled over into the FY 2024 budget. They would have carryover reserves they can use to apply to FY 2024.

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

There was no discussion among the Board.

Commissioner Tagliarini motioned to adopt Resolution 2023-13, FY 2024 Budget Amendment #1. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**B. Resolution 2023-14, Cybersecurity Resolution (F.S. 282.3185 Local Government Cybersecurity Act)**

City Attorney Tom Trask read Resolution 2023-14 by title only:

**RESOLUTION 2023-14**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ADOPT POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THE FRAMEWORK AND COMPLY WITH SECTION 282.3185, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO AFFIRM COMPLIANCE WITH SECTION 282.3185, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

The City Attorney gave a brief background on the item and read part of the Florida Statutes that applies. They would have until January 1, 2025, to make the adoption. The Resolution provided that the Board of Commissioners is adopting the National Institute of Standards and Technology cyber security framework.

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

Vice Mayor Kerr asked if any new software, hardware, or services would be required to be able to maintain these standards. The City Manager said they are able to comply, and they would make sure all of the standards are met.

Vice Mayor Kerr motioned to adopt Resolution 2023-14, Cybersecurity Resolution. Commissioner Tagliarini seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**C. Authorize Settlement of Special Magistrate Liens on 13222 3<sup>rd</sup> Street East**

City Attorney Trask explained the history of the item. The total amount of the code enforcement fine was \$127,554.65, which does not include the attorney's fees, interest, or costs. The City received an offer of settlement from the property owner, which was for the property to be sold. The City would receive 25% of the value received at the sale. The property owner would receive 75%. He requested authorization from the Board to have the City Manager sign the settlement agreement. He recommended approval.

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

Vice Mayor Kerr asked how the City Attorney's fees are handled. The City Attorney said Attorney Weidner handling the case would get paid a percentage of the total recovery if he won. If he did not win, he would not get paid. The sale would be an arm's length transaction. They would make sure it gets significant value.

Vice Mayor Kerr motioned to authorize the Settlement of Special Magistrate Liens on 13222 3<sup>rd</sup> Street East. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 5-0.

**13. STAFF REPORTS**

**A. City Clerk Report – December 2023**

The City Clerk reported on the City Clerk Report for December 2023. She said the City Clerk's report had always been included in the City Manager's report. It was recently decided to separate them.

#### **14. Discussion Items for December 13, 2023 BOC Regular Meeting**

##### **A. Campaign Signs – Presentation by City Manager Robin Manager**

The City Manager said the City is bound by Florida Statutes in terms of what is an allowable campaign sign. Campaign signs cannot go on a public right of way, and permission must be obtained to put a sign on private property. The Florida Elections Commission and the City's Code Enforcement Deputies address the people's concerns.

Mayor Rostek asked how to tell what a public right-of-way is. The City Manager said the right-of-way is within a few feet of any street or sidewalk.

Vice Mayor Kerr asked how it would apply to residential neighborhoods. The City Manager said signs cannot be put on the right-of-way.

Mayor Rostek opened to public comment.

Bill Gay, 423 150<sup>th</sup> Ave., said all the election signs on 150<sup>th</sup> Ave. from the bridge to Gulf Blvd. were illegal and violated the State Code. Probably 90% of the signs in previous elections violated the City Code. The City has not done a good job of enforcement. He would send the legislation to the Board.

##### **B. Field Internship Agreement / SPC Emergency Medical Services Program**

Chief Belk said it is an agreement between the Fire Department and St. Petersburg College. It would allow the firefighters to be preceptors for the new hires attending paramedic school. They would get credit while they are performing certain duties at work. It would allow the Chief to have access to their grades throughout the program.

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

Commissioner McGeehen asked if they must attain a grade "C" or better. Chief Belk said they must attain a passing score. They would be allowed two failures, and it is a year-long program. They would get a State of Florida Paramedic License and be nationally registered.

##### **C. RFP# 2023-09 Patriot Park Dock Replacement**

Director Wepfer said they did not wrap the pilings when the docks were originally built in 2003. She had the docs inspected in 2022 to see if a full replacement was needed or just the decking. The inspection came back needing a full replacement. During the bid process, the easternmost dock was in disrepair, and they closed it. She had \$125,000 in the budget. She received a better quote for the handrail at \$19,000 instead of \$47,000. They received two bids through the RFP. One was

from Fender Marine in Orlando with a bid of \$370,000, which did not include the possibility of drilling. The other was from Speeler Companies with a bid of \$119,750. The total cost for the east and west docks, including drilling and the new handrail, would be just over \$175,000. There would be money that could be allocated towards it.

Mayor Rostek asked how big the docks would be. Director Wepfer said the west dock would be 25' x 40' and the east dock would be 80' x 30'. Mayor Rostek asked if the docks were used often. Director Wepfer said there are people at the park all the time.

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

Director Wepfer said it will come back to the regular meeting in January for a vote.

## **15. REPORTS/CORRESPONDENCE**

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

The Board of Commissioners had no report.

### **B. City Attorney**

City Attorney Trask wished everyone a Merry Christmas.

### **C. City Manager**

The City Manager thanked the Commission for attending the activities and events over the last couple of weeks. The Seafood Festival will be from Friday, January 19, 2024, to Sunday, January 21, 2024. He wished everyone happy holidays and thanked the Commission for their support.

### **D. City Clerk**

The City Clerk wished everyone happy holidays and said she looks forward to working with everyone again next year. She reminded everyone the January regular meeting is at 2:00 p.m. on Wednesday, January 10, 2024.

Commissioner McGeehen said Crabby did a great job with the 57<sup>th</sup> Annual Boat Parade. He wished Madeira Beach a Merry Christmas and a Happy New Year.

## **16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 4:12 p.m.

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James "Jim" Rostek, Mayor

ATTEST:

DRAFT