



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING JUNE 14, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on June 14, 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
Thomas Trask, Interim 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

There were no changes made to the agenda.

5. PROCLAMATIONS

There were no proclamations.

6. PRESENTATIONS

There were no presentations.

7. PUBLIC COMMENT

Jerry Cantrell, 13322 1st Street E, commented on an email he recently sent to the Commission. He received the meeting announcement for the Future Land Use/Consistency with Forward Pinellas meeting in his personal email yesterday, three days prior to the meeting. Although the meeting was mentioned in the City Manager's Report it would not have been easily noticed prior to yesterday. A significant quantity of people will not realize the meeting will impact decisions related to John's Pass Activity Center as it is not clearly indicated in the announcement. Additional meetings need to be scheduled regarding "Future Land Use/Consistency with Forward Pinellas" so more people would know before sending it to the BOC workshops and regular meetings.

8. CONSENT AGENDA

A. Approval of Minutes

- **2023-05-10, BOC Regular Meeting Minutes**
- **2023-05-24, BOC Budget Workshop Meeting Minutes**
- **2023-05-24, BOC Regular Workshop Meeting Minutes**

Vice Mayor Kerr asked if the \$748,000 was correct in the May 24, 2023, BOC Regular Workshop Meeting Minutes on p. 38 in the last paragraph. It states that Marcus Winters, owner of Caddy's, said it took a lot of work, thought, and two years to put Caddy's together. He had been told what to build in Tom and Kitty Stuart Park. Caddy's paid \$748,000 toward Tom and Kitty Stuart Park, gave up five feet of their property, provided all utilities and sewer for the bathroom trailer, and paid \$20,000 towards the trailer.

The City Clerk said she would have to listen to the meeting tape. The City Manager said it is probably part of the total project cost and not just the cost to demolish the pavilion and remove the palm trees, repave, and get the park to its current condition. Public Works Director Megan Wepfer said she recalled over \$700,000 mentioned, but that was to redo the entire park. She does not know if that number is correct; they paid toward the remodeling of Tom and Kitty Stuart Park.

Vice Mayor Kerr said he would like clarification because that is a lot of money. The Mayor said in the tax records the City of Madeira Beach still owns that plot of land. Director Wepfer said when they did the construction for the restaurant part, their agreement was to remodel the park. The dollar amount mentioned went toward the park. Vice Mayor Kerr said it needed to be correct for the official records.

Vice Mayor Kerr motioned to approve the minutes as written with the clarification that needs to be confirmed. 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.

The City Clerk's Office listened to the recording of the May 24, 2023, BOC Regular Workshop Meeting. The amount quoted by Marcus Winters, owner of Caddy's, was correct. In the meeting he explained why it cost them \$748,000 to comply with what they were told to build and do in Tom and Kitty Stuart Park:

Mr. Winters said they had to move the building three times, and each time, the plans had to be re-engineered. It all had to do with the entrance of the park and the development agreement. They were dealing with the DEP because of the beach, the DOT because of the state road, Pinellas County because of the utilities, and the City of Madeira Beach. They had to meet with each of them who all had a different idea, and each had to approve everything, which took a long time. What is in Kitty Stuart Park now is what he was told to build; he did not have a choice. Caddy's paid \$748,000 toward Tom and Kitty Stuart Park. They gave up five feet of their property. Included in the development agreement were 14 parking spots and bicycle and motorcycle stands totaling 19 spots. They provided all the utilities and plumbing for the bathroom trailer. They were to build bathroom facilities if they could do it for \$20,000, but because of the height regulations, they could not do it. They went to the City with a design, and the City agreed. They paid \$20,000, and the trailer was bought. He wanted to put palm trees in the park but was not allowed. He then wished the City good luck.

B. Professional Services Contract RFQ #20-03 First Amendment

Commissioner Tagliarini asked the meaning of "first amendment extension." The City Manager said they are extending the three-year agreement by one year.

C. RFP #2023-03 Gulf Lane Roadway & Beach Access Improvements bid acceptance and contract award

Commissioner Tagliarini asked for clarification that AJAX did submit a bid but did not stay for the entire process. The City Manager said yes.

Vice Mayor Kerr motioned to approve Consent Item B, Professional Services Contract RFQ #20-03 First Amendment, and Consent Item C, RFP #2023-03, Gulf Lane Roadway & Beach Access Improvements bid acceptance and contract award. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

9. PUBLIC HEARINGS

A. Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2023-09 by title only:

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 86-144 (NOTIFICATION) OF ARTICLE IV (DEVELOPMENT AGREEMENTS) OF CHAPTER 86 (ADMINISTRATION) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE FOR NOTICE BY U.S. MAIL TO ALL PROPERTY OWNERS WITHIN 300 FEET IN ANY DIRECTION OF PROPERTY WHICH IS THE SUBJECT OF A PUBLIC HEARING CONSIDERING AN APPLICATION TO ENTER INTO, AMEND OR REVOKE A DEVELOPMENT AGREEMENT; PROVIDING THAT NOTICES SHALL BE POSTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

The City Attorney said that was the second and final reading for Ordinance 2023-09 by title only. There have been no changes since the original reading.

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

Vice Mayor Kerr motioned to approve Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications, after second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Ordinance 2023-10, Amendment to Ch. 110 – Alcohol Beverage Permit Application Fee – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-10 by title only:

ORDINANCE 2023-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTIONS 110-531, 110-533 AND 110-539 OF ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO REFER TO THE CITY'S FEES & COLLECTION PROCEDURE MANUAL FOR THE COST OF AN ALCOHOLIC BEVERAGE PERMIT APPLICATION FEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-10 by title only. There had been no changes since first reading.

Vice Mayor Kerr said they were moving fees out of the general ordinances into the fees schedule.

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

Vice Mayor Kerr motioned to approve Ordinance 2023-10, Amendment to Ch. 110 – Alcohol Beverage Permit Application Fee, after second reading and public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

C. Ordinance 2023-11, Amending the Comprehensive Plan of the City of Madeira Beach to adopt the changes identified in the regularly scheduled Evaluation and Appraisal of the Comprehensive Plan – 2nd Reading & Public Hearing

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

ORDINANCE 2023-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ADOPT THE CHANGES IDENTIFIED IN THE REGULARLY SCHEDULED EVALUATION AND APPRAISAL OF THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-11 by title only. There had been no changes since first reading.

Commissioner Tagliarini said on p. 10 of the comprehensive plan in Table 4.0, the ISR, the Impervious Surface Ratio, for temporary lodging density and intensity standards for RFM, Resort Facilities Medium, is limited to 0.85. In Table 4.1, the ISR has increased to 0.95. They had the discussion about a year ago, and he had recommended that the ISR be limited to .07, which is the ISR for residential structures. They were compromising with 0.85. Why is it different in Table 4.1, and why has it increased? He does not know if it is different but considering the flood they had with the last few rainstorms, they are not addressing some of their basic environmental concerns.

Jerry Murphy, University of Florida, said there was no proposed change. That is how it existed in the comprehensive plan prior to the year. The only thing done was to add a table with a number to it. It is the existing FAR for resort facilities, and Table 4.0 is for temporary lodging. The intensities are different because the uses are different.

Vice Mayor Kerr asked Mr. Murphy if anything stood out to him in the 150-page document. Mr. Murphy said the major substantive changes that were made in the comprehensive plan were made to prepare the City to adopt the impact fees. This is the end of the process for the comprehensive plan, and once adopted, they will have one year to adopt changes to the land development regulations to be consistent with the comprehensive plan according to the Florida Statutes. The land development regulations are due for review and revision. Not just to be consistent with the plan, but there are some internal discrepancies that should be resolved.

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

Vice Mayor Kerr motioned to approve Ordinance 2023-11, Amending the Comprehensive Plan of the City of Madeira Beach, to adopt the changes identified in the regularly scheduled Evaluation and Appraisal of the Comprehensive Plan, after second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

D. Ordinance 2023-12, Amendment to LDR – Definition of Portable Sign – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-12 by title only:

ORDINANCE 2023-12

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 REVISE THE DEFINITION OF PORTABLE SIGN; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-12 by title only. There had been no changes since first reading.

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

Commissioner Brooks motioned to approve Ordinance 2023-12, Amendment to LDR – Definition of Portable Sign, after second reading and public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

E. Ordinance 2023-13, LDC – Rental of Residential Amenities – 2nd Reading & Public Hearing

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

ORDINANCE 2023-13

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA,
CREATING DIVISION 15 OF ARTICLE VI OF CHAPTER 110 (ZONING)
OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF
MADEIRA BEACH CONCERNING RENTAL OF RESIDENTIAL
AMENITIES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND
FOR AN EFFECTIVE DATE.**

The City Attorney said it was the second and final reading of Ordinance 2023-13 by title only. There had been no changes since the first reading.

Commissioner Tagliarini said the ordinance did not include a dock. If a person were renting their dock and it was in violation of an ordinance for that property, could that be included? If a person were renting their dock and it infringed on a neighbor's peace and quiet, could that also be included considering the ordinance is a violation? The City Attorney said docks are regulated by a different code section in the code. They would look at that code section.

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

Commissioner Tagliarini motioned to approve Ordinance 2023-13, LDC – Rental of Residential Amenities, after second reading and public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

F. Ordinance 2023-17, Amendment to Purchasing Ordinance – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-17 by title only:

ORDINANCE 2023-17

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA,
AMENDING ARTICLE V – PURCHASE AND CONTRACTS OF
CHAPTER 2 – ADMINISTRATION OF THE CODE OF ORDINANCES OF
THE CITY OF MADEIRA BEACH TO PROVIDE FOR THE DELETION
OF THE WORDS "CITY COMMISSION" AND REPLACEMENT WITH
THE WORDS "BOARD OF COMMISSIONERS" IN SECTIONS 2-191(B)
AND 2-193(3)(B) THEREOF; TO PROVIDE FOR THE DELETION OF
SECTIONS 2-193(3)C AND 2-194 OF THE CODE RELATING TO**

PERSONAL AND PROFESSIONAL SERVICE CONTRACTS; TO PROVIDE FOR CONFLICT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2023-17 by title only. There had been no changes since the first reading.

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

Commissioner Brooks motioned to approve Ordinance 2023-17, Amendment to Purchasing Ordinance, after second 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.

G. 4COP Alcoholic Beverage License Application #2023-05 for John's Pass Grille located at 111 Boardwalk Place West #203 and #201, Madeira Beach, Florida 33708

Mayor Rostek said it was a quasi-judicial hearing.

The City Attorney said the applicant is John's Pass Grille, LLC. The address of the property is 111 Boardwalk Place. There are no affected parties that have filed a Notice of Intent to become affected parties.

City Attorney Tom Trask said the summary is as follows:

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-05, is requesting authorization from the Board of Commissioners for the approval of a Special Food Service Establishment (4COP) alcoholic beverage license with stated intent to sell beer, wine, and liquor for consumption on premise at John's Pass Grille. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This application enlarges the area where alcoholic beverages are sold. Section 110-535. Expansion of alcoholic beverage zoning of the Madeira Beach Code of Ordinances requires approval of the Board of Commissioners to enlarge the area for the sale of alcoholic beverages, including consideration of all requirements under Section 110-532 (detailed in the discussion section of this memo).

The City Attorney said the standards to be applied in the review are set forth in Section 110-97, which City staff will go over, which are also in the memo from City staff. The burden of proof in

the case is the greater weight of the evidence set forth in Section 2-10 of the Code. The parties in the case are the applicant, John's Pass Grille, and the City. He said it did not look like anyone was present on behalf of the applicant. Normally the order of the presentation would be the applicant first and then the City.

The City Attorney read the quasi-judicial hearing procedures. He asked the Commissioners if there had been any ex-parte contacts they needed to disclose, and there were none. The City Attorney asked the Commissioners if there were any conflicts of interest that needed to be disclosed, and there were none.

The City Attorney swore in the witnesses, who were City staff.

Applicant Presentation

The applicant was not present, and no one on behalf of the applicant was present.

City Staff Presentation

Andrew Morris, Long Range Planner in the Community Development Department, read the staff memo, which included the five criteria for approval:

Background

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-05, is requesting authorization from the Board of Commissioners for the approval of a Special Food Service Establishment (4COP) alcoholic beverage license with stated intent to sell beer, wine, and liquor for consumption on premise at John's Pass Grille. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This application enlarges the area where alcoholic beverages are sold. Section 110-535. Expansion of alcoholic beverage zoning of the Madeira Beach Code of Ordinances requires approval of the Board of Commissioners to enlarge the area for the sale of alcoholic beverages, including consideration of all requirements under Section 110-532 (detailed in the discussion section of this memo).

Discussion

(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.

John's Pass Grille currently has an active Special Food Service Establishment (4COP) alcoholic beverage license. The applicant's alcoholic beverage license use would expand to an adjacent commercial unit. This proposed expansion adds 27 new seats inside and 16 new seats outside. Previously a mortgage office was in the adjacent commercial unit. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This zoning district's purpose is to recognize the unique commercial, marine, tourist, and historic value of John's Pass Village. Other nearby businesses in John's Pass Village have alcoholic beverage licenses that allow for the sale of beer, wine, and liquor. The proposed expansion in alcoholic beverage license usage fits within the existing character of the 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.

John's Pass Grille is an existing restaurant that currently has an active Special Food Service Establishment (4COP) alcoholic beverage license. The proposed expansion would replace a mortgage office in the adjacent commercial unit. The Madeira Beach Code of Ordinances, Section 110-954. Special parking areas reduce the parking requirements by 50% for properties within the C-1 Tourist Commercial, Zoning District. The property owner of this structure owns the nearby John's Pass Plaza garage. The proposed expansion of the alcoholic beverage use would not create congestion or present a safety hazard.

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

John's Pass Grille is not located within 300 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. Other nearby businesses in John's Pass Village sell alcohol, including liquor. Expanding the existing restaurant is compatible with the location. John's Pass Grille is in the C-1, Tourist Commercial Zoning District. This zoning district is primarily a commercial district focused on serving both tourists and residents.

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

John's Pass Grille would continue to be a restaurant with the proposed expansion of alcoholic beverage license. The expansion would add additional seating in the adjacent commercial unit and the outdoor patio area. Other nearby restaurants have similar seating arrangements. The proposed expansion in alcoholic beverage license use would not adversely affect public safety since they already have an approved alcohol license.

(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 does not have any outstanding charges, fees, interest, fines, or penalties owed to the city.

Fiscal Impact

N/A

Recommendation(s)

Staff recommends the approval of the Special Food Service Establishment (4COP) alcoholic beverage license with stated intent to sell beer, wine, and liquor for consumption on premise at John's Pass Grille located at 111 Boardwalk Place West #203 and #201, Madeira Beach, Florida 33708.

Attachments:

- Application that includes the floor plans for both units

- The 300 ft public notice and posting

The City Attorney asked Mr. Morris if he wanted the Commission to receive into the evidence his staff memo along with the attachments. Mr. Morris said yes.

The City Attorney asked the Board if they had questions of Mr. Morris.

Mayor Rostek said the applicant was not present and asked if that had happened before. Mr. Morris said they recently got their license approved less than a year ago. It is a commercial area, and it makes sense to have a restaurant use there. They were notified, and he has been in contact with them.

Vice Mayor Kerr asked if there had been any incidents or trouble from the place of business since they had their liquor license. Mr. Morris said he would have to ask the Sheriff's Department, but he has not been made aware of anything specific to safety.

Commissioner Tagliarini said he had been there a few times. It is more of a family-oriented place.

The City Attorney said it goes back to the Board for consideration and approval of the application. That can be made by motion.

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

The City Attorney said it was back to the Commission for consideration and approval of the application. He needed a motion and a second, and a discussion on the motion.

Vice Mayor Kerr motioned to approve the 4COP Alcoholic Beverage Application #2023-05 for John's Pass Grille located at 111 Boardwalk Place West #203 and #201, Madeira Beach, Florida 33708. 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.

10. UNFINISHED BUSINESS

A. Resolution 2023-07, Authorizing the City Attorney to seek an Attorney General Opinion regarding the position of Director of Finance/City Treasurer

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

RESOLUTION 2023-07

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO SEEK AN ATTORNEY GENERAL OPINION REGARDING THE POSITION OF DIRECTOR OF FINANCE/CITY TREASURER; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

The City Attorney said the resolution was prepared at the direction of the Board and believed it set forth the appropriate questions that needed to be asked of the Attorney General. Once it is approved, it will require him to issue a legal opinion as required by the Attorney General, so they have it along with the resolution and prepare a letter setting forth some background. Information will be attached that the Board has received in their packet before. He will copy the Commission when sent to the Attorney General if approved.

Commissioner Tagliarini asked if they would see the final letter before sent. The City Attorney said it would be provided after sending it.

Commissioner Brooks said they had discussed it several times and decided it was something they wanted to do to get clarification.

Commissioner Tagliarini said he would not be voting against it because they said they would do it. When he first heard about it from Mr. Gomez, and after thinking about it, he would like to know if the City Attorney, City Manager, or any of the Commissioners had changed their position on it since the Election. Would they have done it differently?

The City Attorney said he did not think it was necessary to do it to begin with or have him draft an ordinance to put it in the Charter and have a referendum. He did not think it made a difference after the referendum as to what they have the right to do under the current Charter, whether amended or not. He is the attorney that gets direction from the Commission, and that is what the Commission wanted him to do, so that is what he did.

The City Manager said they discussed it in several meetings, it was the next step, and they will continue with the steps as they go forward.

Mayor Rostek said his opinion had not changed. He will vote the will of the voters.

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

Vice Mayor Kerr said they must be prepared to take action one way or another. The Attorney General may not want to get involved. They will need a backup plan for whatever their statement is.

Commissioner Brooks said it was discussed in the last meeting that they might not receive a response from the Attorney General. They need to decide how long to wait.

The City Attorney suggested waiting 90 days at a minimum. That will allow the Attorney General to do whatever they need to do and then act upon it.

Commissioner Tagliarini said he thought 90 days would be enough. Vice Mayor Kerr said he does not think they should put a time limit on it. Commissioner Tagliarini said he wanted it in the minutes they are officially coming back to it. Vice Mayor Kerr said they are definitely coming back to it. If they do not get a response back by October, they address it, take a vote, and move forward.

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

Vice Mayor Kerr motioned to approve Resolution 2023-07, Authorizing the City Attorney to seek an Attorney General Opinion regarding the position of Director of Finance/City Treasurer, and that they bring it back at the October workshop to address at that point. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-1.

B. Gulf Beaches Public Library FY 2024 Budget

The City Manager said the budget was presented at the workshop by library board member Helen Price, and there have not been any changes since then.

Vice Mayor Kerr motioned to approve the Gulf Beaches Public Library FY 2024 Budget. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

11. CONTRACTS/AGREEMENTS

A. Interlocal Agreement with Pinellas County for Cooperative Procurements of Disaster Debris Collection & Monitoring and Management Services

Public Works Director Megan Wepfer said the County puts out an RFP for contractors to perform debris cleanup on a five-year basis. She explained the purpose and said staff recommended approval of the Interlocal Agreement between Pinellas County and Local Governments for the Cooperative Procurements of Disaster Debris Collection & Removal Services and Disaster Debris Monitoring & Management Services within Geographic Pinellas County.

Director Wepfer said the agreement says the City is able to use the County's contractors for the same pricing to cover its portion.

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

Commissioner Tagliarini motioned to approve the Interlocal Agreement with Pinellas County for Cooperative Procurements of Disaster Debris Collection & Monitoring and Management Services. 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.

B. R.O.C. Park – Reflection Pond Repair and Upgrade - RFP

Recreation Director Jay Hatch said he did a walkthrough with the company that provided the bid. A contract was received for a total of \$84,085 to replace pumps, replace the bottom, put in a salt system, remove unnecessary features, and get it running. The only thing they were not aware of was underground plumbing. It would be easier to maintain in the future. He put through the \$84,085 and a contingency of 10%, so the projected budget is \$92,500 for the final total.

Director Hatch said they would drain it, pressure wash it, and clean it out tomorrow. The company would ideally start the work next week.

Vice Mayor Kerr asked what the warranty was. Director Hatch said the pebble sheen has a warranty, but he did not know the exact years. The City Attorney said the contract warrants its work for one year after the completion date or the pool has been filled with water.

Commissioner McGeehen said he liked the idea of putting a two to three-foot barrier around the pond.

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

Commissioner Brooks motioned to approve the R.O.C. Park – Reflection Pond Repair and Upgrade - RFP. 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.

12. NEW BUSINESS

13. STAFF REPORTS

There were no staff reports.

14. AGENDA SETTING – WORKSHOP MEETING

- A. Density and Intensity Consistency with Forward Pinellas**
- B. 2.5 ft setback for drainage**
- C. City Manager's Monthly Report – May 2023**
- D. 2023 Legislative Update**

Items added to the workshop agenda:

The Mayor asked to schedule more public meetings for the citizens. The City Manager said they would.

Vice Mayor Kerr

1. Campaign signs
2. Discussion on copper phone lines
3. Update on the 95th Street property
4. Discuss how planned development and zoning interact with each other when a PD is approved

Mayor Rostek

1. Discuss Tiki/Cheeky Huts (shade structures) setback issues

Commissioner Tagliarini

1. Discuss the dog park

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

Commissioner McGeehen thanked the Madeira Beach Fire Department for a job well done over Memorial Day weekend and thanked them for their service.

B. City Attorney

The City Attorney gave an update on the appeal for a variance for a dock filed by Mr. Tim Church in November 2022. He received a notice from the Appellate Court that the case was dismissed. The case is over, and it was a successful conclusion for the City. He would answer any questions offline.

C. City Manager

The City Manager reminded the Board that the next FY 2024 Budget Workshop meeting would be held on June 28th at 4:00 p.m. The focus will be on the General Fund but will discuss all the funds.

He reminded the Board of the public meeting on Saturday at 10:00 a.m. in the Chamber with Forward Pinellas to discuss the densities and intensity consistency with the County.

He said June 30th is Final Friday at John's Pass Village. There will be discussions about expanding it in the Village because of its success. They will bring it back to the Board in the next fiscal year.

The Mayor asked what happened to the Fire Department's UTV and how much it would cost to buy a new one. The City Manager said it was estimated to be about \$20,000. They will obtain the required three quotes to replace it. Fire Chief Clint Belk said they took it to Leroy for regular maintenance, and upon inspection, he found the frame underneath was completely rusted out, and it was barely holding the gas tank up. They put it as a capital item for the next fiscal year and will make an emergency purchase now.

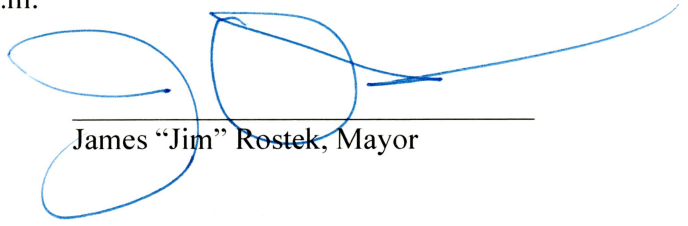
D. City Clerk

The City Clerk said there would be a state-mandated continuing education training on ethics on July 12th at City Hall from 10:00 a.m. to 3:30 p.m. with a break for lunch. There will be another in-depth ethics training but does not know the date yet. She will get possible dates out to the Commission to see which one would be better for them.

The City Clerk said the parliamentary president of our area will be providing possible dates and times of her availability for training. She will let the Commission know when that is scheduled.

16. ADJOURNMENT

Mayor Rostek adjourned the meeting at 7:08 p.m.



James "Jim" Rostek, Mayor

ATTEST:



Clara VanBlargan, MMC, MSM, City Clerk

