



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING FEBRUARY 14, 2024 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on February 14, 2024, 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 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

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. Presentation - Gulf Beaches Rotary Contribution

Members of the Gulf Beaches Rotary Club presented the City with its half of the proceeds from their annual Carnival to be held May 14<sup>th</sup> through May 17<sup>th</sup>. They thanked the City for its partnership.

## 7. PUBLIC COMMENT

Charlie Renier, a local fish house owner, expressed his frustration about being investigated. He asked the Commission for help.

Commissioner Brooks requested it be an item on a future workshop agenda so they could talk about the issues and the roles of the Commission.

## 8. CONSENT AGENDA

### A. Approval of Minutes

- **2024-01-10, BOC Regular Meeting Minutes**
- **2024-01-24, 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 2024-01, Calling the March 19, 2024 Municipal Election - 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2024-01 by title only:

**ORDINANCE 2024-01**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CALLING FOR A MUNICIPAL ELECTION ON MARCH 19, 2024, FOR THE PURPOSE OF PROVIDING FOR ONE CHARTER AMENDMENT; PROVIDING FOR PUBLICATION; AUTHORIZING ELECTION EXPENDITURES; IDENTIFYING THE PINELLAS COUNTY CANVASSING BOARD AS THE CANVASSING BOARD FOR THE MARCH 19, 2024 MUNICIPAL ELECTION; PROVIDING FOR POLLING PLACES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Brooks motioned to adopt Ordinance 2024-01, Calling the March 19, 2024 Municipal Election, after 2<sup>nd</sup> 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.

**B. Ordinance 2024-03, An Ordinance adopting a code provision regarding parking meter overtime and failure to pay provisions – 1st Reading and Public Hearing**

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

**ORDINANCE 2024-03**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CREATING SECTION 66-70 TO PROVIDE DUTIES OF VEHICLE OPERATORS TO ACTUATE PARKING METERS AND AMENDING**

**SECTION 66-72 TO PROVIDE FOR ADDITIONAL LIMITATIONS ON PARKING IN CITY PARKING LOTS AND BEACH ACCESS EASEMENTS IN CHAPTER 66 (TRAFFIC AND VEHICLES) OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Trask explained the purpose of the item is to make sure there are no challenges in the future. The City's Code was unclear that there is a legal requirement to pay a parking meter fee. The City Manager said it provides better language.

Commissioner Tagliarini asked if there were specific incidents that occurred. The City Manager said they determined it needed to be more clear after looking at the language.

Commissioner McGeehen said he would be going for a ride-along with the Parking Enforcement Supervisor. He would like to pass out copies of the ordinance to the people.

Vice Mayor Kerr asked if any signs included the information in the ordinance. The City Manager said the signs remind people to pay to park. The biggest violations were people failing to park or continuing to pay and parking outside the lines.

Mayor Rostek opened to public comment.

[Name unclear] asked what the policy is for a disabled placard. The City Manager said any marked City space is free for a valid disabled placard.

Vice Mayor Kerr motioned to approve Ordinance 2024-03, an ordinance adopting a code provision regarding parking meter overtime and failure to pay provisions, after 1st 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. (2COP) Alcoholic Beverage License Application #2024-01 Osaka Japanese and Thai Restaurant of Madeira Beach**

City Attorney Tom Trask read the City's code stating the procedures for the quasi-judicial hearing and asked the Commissioners if they had any ex parte communication or conflicts of interest to disclose. There were none. The parties were the City and the applicant, Osaka Japanese and Thai

Restaurant of Madeira Beach, 696 150<sup>th</sup> Avenue Madeira Beach, Fl 33708. There were no affected parties, and no one filed a notice of intent. Since there was no person other than the applicant, the City would present first.

The City Attorney administered the Oath to the witness, Andrew Morris, Long Range Planner. The applicant was not present.

### City Staff Presentation

#### **Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2024-01 is requesting authorization from the Board of Commissioners for the approval of a (2COP) alcoholic beverage license for the sale of beer and wine for consumption on premises at Osaka Japanese and Thai Restaurant of Madeira Beach located at 696 150<sup>th</sup> Avenue Madeira Beach, Florida 33708. This establishment is located in the C-3, Retail Commercial Zoning District. The future land use designation for the property is Commercial General.

Pursuant to Section 110-539, the Notice of Public Hearing has been properly sent to all property owners within 300 feet of the subject property 15 days prior to the scheduled consideration by the Board of Commissioners. Such notice has also been posted on the subject property, at the Gulf Beaches Public Library, City Hall, and the City of Madeira Beach website.

#### **Discussion:**

When considering the alcoholic beverage license application, the Board of Commissioners shall consider the following factors:

**(1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.**

Permitting Osaka Japanese and Thai Restaurant of Madeira Beach to serve beer and wine for consumption on premises would not adversely affect the character of the existing neighborhood. The existing neighborhood is mostly commercial uses. Within the past five years, there was previously a sushi restaurant (Hinata Japanese Steakhouse & Seafood) at this location that was approved for the same type of (2COP) alcoholic beverage license in 2016 (ASP#2016-02).

**(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.**

Previously a restaurant with a (2COP) alcoholic beverage license was located at this location. The minimum parking requirements of this property exceed the requirements of (sec. 110- 971). Additional traffic and congestion should not be created by the proposed alcohol use. The proposed alcohol use does not present a safety hazard.

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

This proposed alcohol use is compatible with the location. Other businesses in this shopping center also serve alcohol such as Slyce Madeira Beach, another restaurant within the same shopping center.

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

Public safety should not be adversely affected by Osaka Japanese and Thai Restaurant of Madeira Beach serving beer and wine for consumption on the premises. The restaurant is more than 300 feet away from any established church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. This 300-foot requirement is the minimum distance required for bars and clubs located in the C-3, Zoning District (sec. 110-530) and does not need to be met for Restaurants.

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

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

**Fiscal Impact:** N/A

**Recommendation(s):** Staff recommends the approval of ABP 2024-01.

**Attachments:**

Local Application

State Application

Floor Plan

Public Notice Mailing and Posting

The City Attorney asked if Mr. Morris wanted the entire agenda packet to be received into evidence. Mr. Morris said yes.

Mayor Rostek said there is a Social Security number on the application that should not be public information. The City Attorney said it would be redacted.

**Applicant Presentation**

The applicant was not present.

**Public Comment**

[No name given], resident at Sea Towers in Madeira Beach, spoke in favor of the restaurant.

Brian Niemi, American Legion Drive, said he is excited to have the restaurant coming to the neighborhood.

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

Vice Mayor Kerr motioned to approve (2COP) Alcoholic Beverage License Application #2024-01 Osaka Japanese and Thai Restaurant of Madeira Beach. 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.

**10. UNFINISHED BUSINESS**

**11. CONTRACTS/AGREEMENTS**

**A. Field Internship Agreement with SPC**

Fire Chief Clink Belk reviewed the item.

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

Commissioner Brooks motioned to approve the Field Internship Agreement with SPC. 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. RFP #2023-11, Digital Information Sign Purchase**

The City Manager said the item was discussed at the last workshop, and Staff recommends proceeding with the low bid and purchase of the sign. Marina Manager Brian Crabtree said he spoke with Visit St. Pete/Clearwater, and there is a possibility for some funding for it.

Vice Mayor Kerr asked if it would be a problem if they entered the agreement before accepting any grant. Mr. Crabtree said no, they would get reimbursed.

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

Vice Mayor Kerr motioned to proceed with the low bid and purchase of the Digital Information Sign. 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.

**C. Purchase 2023 Chevy Silverado 5500 Regular Cab 2WD**

The City Manager said the item was discussed at the workshop and is part of the Capital Budget in the Public Works Department. It would replace a 2004 Ford F550 and serve as the chassis for the Duralift Bucket truck. The price of the truck was \$54,880, and there would be some additional cost, but it would not be over \$20,000.00. It would stay below the budgeted \$75,000.

Vice Mayor Kerr asked if they would repurpose the bucket and put it on a new chassis. The City Manager said yes.

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

Commissioner Brooks motioned to approve the purchase of a 2023 Chevy Silverado 5500 Regular Cab 2WD and not to exceed \$20,000 for the work that needed to be done. 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.

**D. Fireworks Agreement**

Recreation Director Jay Hatch explained the item. The agreement would include four dates:

- March 16<sup>th</sup>
- May 4<sup>th</sup>
- July 3<sup>rd</sup>
- November 9<sup>th</sup>



A local company offered a barge for July 3<sup>rd</sup>, but details for it need to be finalized.

Vice Mayor Kerr asked where the barge would be located. Director Hatch said in the water between ROC Park and the American Legion.

Commissioner Tagliarini asked if Master Pyro Display, LLC is aware of the barge. Director Hatch said yes, and the fireworks can be detonated remotely. Commissioner Tagliarini asked if there was an alternative plan if they could not get the barge. Director Hatch said he is exploring other options just in case.

Commissioner Brooks said getting the fireworks back on a barge would be fantastic, and residents would be very pleased.

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

Commissioner Tagliarini motioned to approve the Fireworks Agreement with Master Pyro, LLC. 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.

**12. NEW BUSINESS**

**A. Tampa Bay Coastal Master Plan**

The City Manager said they received a request from the Tampa Bay Planning Council for a letter of support for a project proposal called the Tampa Bay Coastal Master Plan. He asked the Board for approval to submit the letter of support. It would not cost anything. Commissioner Brooks is the City's representative with the Tampa Bay Regional Planning Council.

Commissioner Brooks said the Council assigned the City a community liaison who will be meeting with herself, the City Manager, and Planning and Zoning to see how the City could best utilize the Council.

Jamie Neville, Disaster Recovery Coordinator for the Tampa Bay Regional Planning Council, introduced herself as the City's liaison. The goal is to figure out the needs of the City and see if there would be a way to connect their federal partners with grants to get the needs met.

Commissioner Brooks said she was recently at a meeting where the topic was water quality tests

and the lack of testing in Boca Ciega Bay. She was able to get information on how to possibly move forward with starting water quality testing. She thinks they will be able to utilize the Council a lot in the coming years.

Commissioner Brooks motioned to authorize the Mayor to execute the letter of support for the Tampa Bay Coastal Master Plan. 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.

**13. STAFF REPORTS**

There were no staff member reports.

**14. AGENDA SETTING – February 28, 2024 BOC Regular Workshop Meeting**

- A. Purchase Kubota Mini Excavator**
- B. City Hall Satellite Office**
- C. RFI 2023-14 Coastal Groin Restoration bid discussion**
- D. JPV Activity Center and Zoning**
- E. TBBCC Check Presentation**
- F. Master Plan**

Items added to the workshop agenda:

Commissioner Brooks

- 1. Discuss roles and responsibilities as Commission members.

**15. REPORTS/CORRESPONDENCE**

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

City Attorney Trask reviewed the following three items:

February 14, 2024, BOC Regular Meeting

1. Schooner litigation (Burke versus the City of Madeira Beach) - On February 1<sup>st</sup>, the appeal brought the case to a conclusion unless there is a further appeal. The appeal time is thirty days, which would be March 4<sup>th</sup>.
2. William Gay versus Hendricks, Andrews, Hodges, and Price - The City was successful in defending the case. The appeal time is thirty days which would be March 8<sup>th</sup>. In the case, Mr. Gay asked to be reimbursed by the City for his attorney fees, and the court denied it.
3. Fire Station litigation - A mediation is coming up, and the attorney representing the City will need direction from the Commission. He requested a Shade meeting on February 28, 2024, at 4:00 p.m. to provide a strategy relative to the case settlement.

**C. City Clerk’s Report – February 2024**

The City Clerk reminded everyone that she included Madeira Beach history in the City Clerk’s Report and hoped everyone had a chance to read it.

**D. City Manager’s Reports – December 2023 and January 2024**

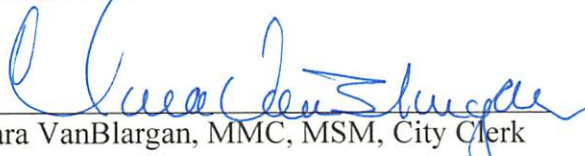
The City Manager reviewed the City Manager’s Report for December 2023 and January 2024.


Vice Mayor Kerr asked what the balance is from the increased hourly parking rate going toward the new parking garage. Finance Director Andrew Laflin said almost a million dollars is dedicated to the parking garage.

**16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 7:23 p.m.

ATTEST:

  
 Clara VanBlargan, MMC, MSM, City Clerk

  
~~James “Jim” Rostek, Mayor~~  
 Arthur “Ray” Kerr, Vice Mayor  
 acting as Mayor

