



**BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
Wednesday, November 08, 2023 at 6:00 PM
Commission Chambers, 300 Municipal Drive,
Madeira Beach, FL 33708**

Meetings will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE - City Attorney Thomas Trask**
- 3. ROLL CALL**
- 4. APPROVAL OF THE AGENDA**
- 5. PROCLAMATIONS - Mayor/City Clerk**
- 6. PRESENTATIONS (limited to 10 minutes each)**
- 7. PUBLIC COMMENT**

Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record. Please limit your comments to five (5) minutes and do not include any topic on the agenda. Public comment on agenda items will be allowed when they come up.

If you would like someone at the City to follow up on a comment or question made at the meeting, you may fill out a comment card with the contact information and give it to the City Manager. Comment cards are available at the back table in the Commission Chambers. It is not mandatory to complete a comment card.

For any quasi-judicial public hearings that might be on the agenda, an affected person may become a party to a quasi-judicial proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Director not less than five days prior to the hearing.

- 8. CONSENT AGENDA**

Any member of the Board of Commissioners can ask to pull a consent item for separate discussion and vote.

[A.](#) 2023-10-11, BOC Regular Meeting Minutes

[B.](#) 2023-10-25, Joint Meeting with the Board of Commissioners and Civil Service Commission

[C.](#) 2023-10-25, BOC Regular Workshop Meeting Minutes

9. PUBLIC HEARINGS

[A.](#) Ordinance 2023-07, Whistleblower Ordinance - 2nd Reading & Public Hearing

[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. - 1st Reading & Public Hearing

[C.](#) Ordinance 2023-35, Smoking Restrictions on Public Parks and Public Beaches

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

10. UNFINISHED BUSINESS

11. CONTRACTS/AGREEMENTS

[A.](#) Madeira Beach Market Agreement

[B.](#) Aclarian Consultant Agreement FY 2024

[C.](#) Purchase of Sparkling Bin SB2 Dual Bin Trailer

[D.](#) Purchase 2023 Ford F-150 Supercab XL 4X2

12. NEW BUSINESS

[A.](#) Appointment - Civil Service Commission

[B.](#) Resolution 2023-12 FY 2023 Budget Amendment #3

13. STAFF REPORTS

14. AGENDA SETTING - NOVEMBER 15, 2023 BOC REGULAR WORKSHOP

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
- I. City Manager's Monthly Report - October 2023

15. REPORTS/CORRESPONDENCE

- A. Board of Commissioners
- B. City Attorney
- C. City Manager
- D. City Clerk

16. ADJOURNMENT

One or more Elected or Appointed Officials may be in attendance.

Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call the City Clerk at 727-391-9951, ext. 231 or 232 or fax a written request to 727-399-1131.



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING OCTOBER 11, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on October 11, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: James "Jim" Rostek, Mayor
David Tagliarini, Commissioner District 1
Eddie McGeehen, Commissioner District 3
Anne-Marie Brooks, Commissioner District 4

MEMBERS ABSENT: Ray Kerr, Vice Mayor/Commissioner District 2

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. Vice Mayor Ray Kerr was absent.

4. APPROVAL OF THE AGENDA

City Attorney Tom Trask added Item K. Special Magistrate Lien – 15350 Gulf Boulevard to the agenda.

Commissioner Brooks motioned to approve the agenda with the addition of Item K. Special Magistrate Lien – 15350 Gulf Boulevard. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

5. PROCLAMATIONS

A. Domestic Violence Awareness Month – October 2023

Mayor Rostek read a proclamation proclaiming October 2023 as Domestic Violence Awareness Month. Melinda Perry from Hope Villages of America was present to receive the proclamation.

B. Fire Prevention Week; October 8-14, 2023

Mayor Rostek read a proclamation proclaiming the week of October 8-14, 2023, as Fire Prevention Week. Members of the Madeira Beach Fire Department were present to receive the proclamation.

C. Florida City Government Week; October 16-22, 2023

Mayor Rostek read a proclamation proclaiming the week of October 16-22, 2023, as Florida City Government Week.

6. PRESENTATIONS

There were no presentations.

7. PUBLIC COMMENT

Trish Springer introduced herself as Councilor for the City of Seminole, President of the Suncoast League of Cities, and an Executive Board Member for the Florida League of Cities. She introduced the Executive Board of the Suncoast League of Cities and invited the Commissioners to get involved in the Suncoast League of Cities and Florida League of Cities. They have monthly meetings, hold networking events, and build relationships with Florida Legislatures. She explained some of the activities the League is involved in, such as Florida Legislative Action Days and a travel program.

8. CONSENT AGENDA

A. Approval of Minutes

- 2023-09-13, BOC Special Meeting Minutes
- 2023-09-13, BOC Regular Meeting Minutes
- 2023-09-27, BOC Special Meeting Minutes

· **2013-09-27, BOC Regular Workshop Meeting Minutes**

Commissioner Brooks requested a change to the September 27th Workshop Meeting Minutes. She wanted to add to her questioning about John’s Pass on page nine, paragraph five, “Currently, if they had a catastrophic event, they could not rebuild, and Community Development Director Rowan said yes.”

Commissioner Brooks motioned to approve the Consent Agenda with the change. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

9. PUBLIC HEARINGS

A. Resolution 2023-11, Disposition of Municipal Property for Affordable Housing

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

RESOLUTION 2023-11

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING AN INVENTORY OF CITY OWNED FEE SIMPLE PROPERTY AND DETERMINING NO SUCH PUBLIC PROPERTY IS APPROPRIATE OF USE AS AFFORDABLE HOUSING; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said there were some amendments to Florida Statute 166.0541. As of October 1, 2023, and every three years thereafter, each City would be required to prepare an inventory list of all the real property located within its jurisdiction that they hold as a fee-simple title ownership and which is appropriate for use as affordable housing. The City must review and revise the inventory list at a public hearing. Following the public hearing, the governing body of the municipality must adopt the resolution, which would include the inventory list. Staff believed there is no property owned by the City by fee-simple that is appropriate for use as affordable housing.

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

Commissioner Tagliarini motioned to adopt Resolution 2023-11, Disposition of Municipal Property for Affordable Housing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

B. ABP 2023-06 Barefoot Beach Club

Attorney Brian J. Aungst, Jr., McFarlane Ferguson & McMullen 625 Court Street Clearwater, spoke on behalf of the applicant Barefoot Beach Resort South, LLC. He requested a continuance pursuant to Section 2-11 of the Madeira Beach Land Development Code. The reasons for the continuance were as follows:

- His client’s daughter became ill, and they did not want to expose anyone to it.
- He did not want to put the four members of the Board present through a potential two to three-hour hearing that could end in a potential deadlock.
- Pursuant to Section 110-533 of the Code, if there were a deadlock, it would be considered a denial, and his client would not be able to re-apply for a year.

A continuance would be in order, given the interest of fairness and justice.

The City Attorney read Section 2-8 of the City Code and told the Mayor it would be a decision he would have to make on behalf of the City. The City Attorney recommended he grant the motion of continuance because the Code requires justice and fairness be granted to the applicant. He recommended the date for the hearing be set for November 8, 2023, at the next Regular Meeting.

Tom Edwards, protected address, said he is an affected party and would be out of town on November 8th. He asked the meeting be set for December.

The Mayor said he would like to grant the attorney’s request.

Commissioner Brooks motioned to move the hearing to the December 13, 2023, Regular Meeting at 2:00 p.m. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

The City Attorney explained to the audience they may not get another notice. If they are an affected party or if they are not an affected party and want to testify, they would need to come to the December 13th meeting at 2:00 p.m.

A woman who did not state their name asked if the reason it was being delayed was because the Board did not think they could come to an agreement with just four members. The City Attorney said the applicant needed to be present to testify on behalf of his application.

Rose Llauget, 13231 Gulf Lane, said several people wanted to share information about their neighborhood character without addressing the request by the applicant. The Mayor said she would be able to speak at the hearing on December 13th.

C. Ordinance 2023-07, Whistleblower Ordinance – 1st 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.

Commissioner Tagliarini motioned to approve Ordinance 2023-07, Whistleblower Ordinance, after first reading & public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

D. Ordinance 2023-19, Definitions to be consistent with Forward Pinellas - 1st Reading & Public Hearing

City Attorney Tom Trask said the presentation would be done by City Staff, and it would be a cumulative presentation with regard to the remainder of the Ordinances being presented.

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.

Community Development Director Jenny Rowan said Ordinances 2023-19, 22, 26, 27, 28, 29, and 30 would be in the Code of Ordinances and the Comprehensive Plan. She explained they must be consistent with the land use categories in the Countywide Plan, and they cannot exceed the standards set in the Countywide Plan.

Director Rowan explained the relationship between the County and local plans. Forward Pinellas has the Countywide Plan, which is where the standards are set. Locally, there is the Comprehensive Plan, which is where the future land use maps and elements are, and the Code of Ordinances, which is where the land development regulations are. Every parcel has three designations, and it has to be consistent throughout all three plans.

Director Rowan said the City adopted standards in 2007-2008 that were incorrectly applied and did not call out what could be used by right. The ordinances correct it. They worked closely with Forward Pinellas to make sure the amendments were within their standards. To get the alternative

standards, there must be a development agreement that would include specifics. Currently, the Comprehensive Plan does not go into what could be built without using a development agreement.

Director Rowan compared the Countywide Plan Map Category to the Comprehensive Plan Future Land Use Map Category and compared the Countywide Plan Map Category to the Madeira Beach Zoning District Category. If the City does not become compliant with the Countywide Plan, the County could sue the City. The Ordinances would clean up what was adopted in 2007-2008.

Director Rowan said Ordinance 2023-19 would add and amend definitions to be the same as the Countywide Plan.

Mayor Rostek opened to public comment.

Tom Edwards, District One, asked if they are over in the FAR (Floor Area Ratio) and the density, why would they want planned development that would increase it above what the County has. The Mayor asked if he would email the question to each of the Commissioners.

Ron Llauget, 13231 Gulf Lane, said he thought the properties west of Gulf Blvd. are C3, but the map shows them as R3.

Director Rowan said there are no zoning changes to the map. Everything to the west of Gulf Blvd. is R3 on the zoning map. They are doing text amendments in the Code and Comprehensive Plan. With Planned Development, they would still have to adhere to the intensities and densities in the Comprehensive Plan.

Commissioner Tagliarini said he received confirmation from Linda Fisher with Forward Pinellas that the Ordinance is about wordage consistency. If they did not align with the Countywide policies, rebuilding after a disaster would be complicated.

Mayor Rostek asked how they could rebuild John’s Pass if they tightened the restrictions. Director Rowan said it would be better explained when they get to Ordinance 2023-27, Item G.

Commissioner Tagliarini motioned to approve Ordinance 2023-19, Definitions to be consistent with Forward Pinellas after first reading & public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

- Commissioner Tagliarini "YES"
- Commissioner Brooks "YES"
- Commissioner McGeehen "YES"
- Mayor Rostek "YES"

The motion carried 4-0.

E. Ordinance 2023-22, Future Land Use Element to be consistent with Forward Pinellas

- 1st 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. There were no public comments.

Director Rowan said the Ordinance would reformat the Future Land Use element into a matrix so it would be easier to read. The numbers and uses were carried over. It would provide a “by right” density so Temporary Lodging Use could be built without going through a development agreement. It would include and update allowed uses for each land use. It would detail the Alternative Temporary Lodging Use Standards as required by the Countywide Plan.

Commissioner Tagliarini said the Ordinance proposed to increase the City’s Alternative Temporary Lodging densities, but they would remain within the maximum standards allowed by the Countywide Plan. Director Rowan said yes.

Commissioner Brooks asked if they were going to use the definition Activity Center or if the Neighborhood definition that Forward Pinellas recommended would work. Director Rowan said it would work.

Commissioner Brooks motioned to approve Ordinance 2023-22, Future Land Use Element to be consistent with Forward Pinellas after first reading & public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

F. Ordinance 2023-26, R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan – 1st 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.

Director Rowan said the Ordinance amended definitions and added the Alternative Temporary Lodging Use Standards and how to use them.

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

Commissioner Tagliarini said it lowers the overall maximum Temporary Lodging density from 75 to 60 units per acre. Director Rowan confirmed it.

Commissioner Tagliarini motioned to approve Ordinance 2023-26, R-3 Medium Density Multifamily Residential Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

Commissioner Tagliarini "YES"
Commissioner Brooks "YES"
Commissioner McGeehen "YES"

Mayor Rostek "YES"

The motion carried 4-0.

G. Ordinance 2023-27, C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan – 1st Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-26 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.

Director Rowan said it was very similar to Ordinance 2023-26. It would reduce the FAR from 1.2 to .55 in the C-1 District in John's Pass, which is required by the County.

Commissioner Tagliarini said he received confirmation from the County that it lowers the maximum density for temporary lodging units when alternative standards are met.

The Mayor asked how they would rebuild John's Pass if they were tightening things. Director Rowan said language was being put into the Ordinance stating they could get to the 1.2 FAR, but an approved development agreement would be needed.

Commissioner Brooks reworded the Mayor's question. Currently, if a hurricane wiped out John's

Pass, it could not be rebuilt, but if they change it and reduce the number, how could they rebuild it? Would they be able to rebuild it because it would be a Neighborhood Center? How would it affect the rebuilding of John’s Pass in the event of a storm? Andrew Morris, Long Range Planner, said they could not fix the commercial issue unless the John’s Pass Village Activity Center planned land use change passes. It is basically cleaning up the zoning Code that they are required to do.

Commissioner Brooks asked if what they were currently voting on had nothing to do with rebuilding John’s Pass. Director Rowan said no. All the Ordinances on the agenda were prepared because they became aware they were inconsistent with the County. They would take the approach of a land use change in John’s Pass because they have a concentration of legally non-conforming properties, and for Gulf Blvd., they could make text changes to be in line with the County. They would only vote on the text changes now, not the land use change.

Commissioner Tagliarini said John’s Pass is still in danger until they look at the next step. There would be nothing they could do without the land use change.

Commissioner Brooks motioned to approve Ordinance 2023-27, C-1 Tourist Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

H. Ordinance 2023-28, C-2 John’s Pass Marine Commercial Zoning District to be consistent with the Countywide Plan – 1st Reading & 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.

Director Rowan said C-2 is not an allowed use for Temporary Lodging, so the Ordinance amended definitions. The area is the Boardwalk, and density does not apply.

Commissioner Tagliarini motioned to approve Ordinance 2023-28, C-2 John’s Pass Marine Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

I. Ordinance 2023-29, C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan – 1st Reading & 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.

Director Rowan said it was very similar to the previous ordinances.

Commissioner Brooks motioned to approve Ordinance 2023-29, C-3 Retail Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

J. Ordinance 2023-30, C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan – 1st Reading & 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.

Director Rowan pointed out the C-4 District on the Map.

Commissioner Tagliarini asked what R/O/R as a Future Land Use Category meant. Director Rowan said currently, the Code has two different land uses under C-4. It did not reference the R/O/R (Residential/Office/Retail), and it should because there are C-4 properties that have the land use of R/O/R. It would not change any land use.

Commissioner Brooks motioned to approve Ordinance 2023-30, C-4 Marine Commercial Zoning District to be consistent with the Countywide Plan after first reading & public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

- Commissioner Brooks "YES"
- Commissioner McGeehen "YES"
- Commissioner Tagliarini "YES"
- Mayor Rostek "YES"

The motion carried 4-0.

K. Special Magistrate Lien – 15350 Gulf Boulevard

The City Attorney said the item is a follow-up to the workshop discussion for the property located at 15350 Gulf Boulevard. He reviewed the history of the item and said it was not in compliance. He asked for the authority from the Board to move forward and prepare and file a Complaint for Injunctive Relief. In the Complaint for Injunctive Relief, they would ask the property owner to come into compliance. If they grant him the authority, he would reach out to the property owner

to advise her of the action they would take and ask her one last time to bring the property into compliance.

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

Commissioner Tagliarini motioned to approve the City Attorney’s request. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

10. UNFINISHED BUSINESS

11. CONTRACTS/AGREEMENTS

A. Approve City Attorney Agreement

The City Manager said the scope of work to be provided would be similar to what has been provided. Staff reviewed the three-year proposed agreement and had no further comments, questions, or recommendations.

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

Commissioner Brooks motioned to approve the City Attorney Agreement with Trask Daigneault LLP. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

B. Approve Annual PCSO Law Enforcement Services Agreement

The City Manager reviewed the item and explained the services for the new fiscal year. There would be almost an 8% increase over the cost that would be passed on to the City due to inflation, equipment, and labor costs that are included in the FY 2024 budget.

Mayor Rostek opened to public comment.

Ron Llauget, 13231 Gulf Lane, said the Sheriff’s Department is doing an excellent job, but he wished they would pay more attention to the crossings with the lights. There were many incidents where cars ran the lights, and he would like to see them caught.

The Mayor said the City Manager would make contact to put special emphasis on the areas. The City Manager said they are constantly being reminded.

Commissioner Tagliarini motioned to approve the Annual PCSO Law Enforcement Services Agreement. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

12. NEW BUSINESS

A. Appointment to Planning Commission

The City Clerk said there is one vacancy remaining on the Planning Commission. The term expired on September 30, 2023. One application from Elizabeth Watkins Holloway was received before the deadline, and one from Mike Noble was received after the deadline. He was re-applying for his position. The Board could choose to accept it. She distributed his application to the Board.

Mayor Rostek opened to public comment.

Elizabeth Watkins Holloway introduced herself to the Board and gave her background. She has been practicing commercial and residential real estate law for about 20 years.

Mike Noble, 158 131st Ave. East, said he was on the Commission for 15 years and wanted to re-apply and continue his service.

The City Clerk distributed the ballots to the Board. The City Attorney instructed the Commissioners to make sure their name was on their ballot. The City Clerk read the results as follows:

Commissioner Brooks	Mike Noble
Commissioner Tagliarini	Elizabeth Watkins Holloway
Mayor Rostek	Mike Noble

Commissioner McGeehen Mike Noble

Mike Noble received three votes, and Elizabeth Watkins Holloway received one.

13. STAFF REPORTS

There were no staff reports.

14. AGENDA SETTING – October 25, 2023 BOC Workshop Meeting

- A. John’s Pass Village Activity Center Alternative Compromise Forward Pinellas**
- B. Special Events Parking at Library, City Hall, Rex Place**
- C. Smoking/Vaping Ban on Sand, Parks**
- D. City Economy**
- E. City Lobbyist – 2024 Legislature**
- F. IAFF Salary Discussion**
- G. Discussion – Changing the Candidate Qualifying Period beginning March 2025 from the first Two Weeks to the first One Week in December, excluding weekends [City Charter, Sec. 3.3 Nomination of Board of Commissioners, A. Filing]**

Items added to the Workshop Agenda:

Mayor Rostek

1. Update on the two-and-a-half-foot setback and paver issues
2. Update on the shade structures

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

Commissioner Tagliarini said he was contacted by the woman in charge of SWAT (Students Working Against Tobacco), and they will give a presentation at 3:00 p.m. on October 18, 2023, in the Chamber.

B. City Attorney

The City Attorney thanked the Board for the opportunity to represent the City. He appreciated the Board authorizing the signing of the contract.

C. City Manager

The City Manager thanked the Board for approving Mr. Trask’s contract.

D. City Clerk

The City Clerk reminded everyone that the candidate qualifying period would be the first two full weeks in December, excluding weekends for Commissioner District 1 and Commissioner District 2. The election would be on Tuesday, March 19, 2024. The packets would be available online, in person, or by email.

16. ADJOURNMENT

Mayor Rostek adjourned the meeting at 7:52 p.m.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

DRAFT



MINUTES

BOARD OF COMMISSIONERS JOINT MEETING WITH CIVIL SERVICE COMMISSION OCTOBER 25, 2023 3:30 P.M.

A Joint Board of Commissioners Meeting with the Civil Service Commission was held at 3:30 p.m. on October 25, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

BOC 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

CIVIL SERVICE COMMISSION MEMBERS PRESENT

Gene Embler, Chair
Jerry Cantrell, Commissioner
Paul Tilka, Commissioner
Judithanne McLauchlan, Commissioner

MEMBERS ABSENT:

Christina Ponte, Vice Chair

CITY STAFF PRESENT:

Robin Gomez, City Manager
Clara VanBlargan, City Clerk/Ex-Officio Secretary to Civil Service Commission
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, City Attorney
Robert Eschenfelder, Civil Service Commission Attorney

1. CALL TO ORDER

Mayor Rostek called the meeting to order at 3:30 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll.

3. PUBLIC COMMENT

There were no public comments.

4. DISCUSSION ITEMS

Chair Embler said the purpose of the meeting is to discuss two issues that the Civil Service Commission voted on. They've had numerous discussions and are not unanimous about how they feel. One is whether they change the authority of the Civil Service Commission to give them more teeth. In the past, they have always been an advisory board; now, some feel they should have more authority regarding running the City. The other issue is who the Civil Service Commission should be able to work with. In the past, it has always been the people beneath the directors, and they are asking if it should include directors. They thought bringing it to the Board of Commissioners would be beneficial to find out their thoughts on the two issues.

A. At the September 13, 2023 Civil Service Commission Meeting, they voted to approach the Board of Commissioners for the Civil Service Commission to be able to have the ability to reinstate an employee wrongfully terminated. The motion carried 2/1.

Commissioner Cantrell gave a PowerPoint presentation on the two issues on the agenda. He explained that in a 2018 employee grievance hearing, the Civil Service Commission determined the employee had been wrongfully terminated. They gave the city manager a written recommendation to reinstate the employee. He did not respond or act, and when asked to attend the employee hearing, he did not. The Board of Commissioners should have been made aware of it but was not. The city manager is one of the four charter officers who work directly for the Board of Commissioners. Former commissioner Doug Andrews and former mayor John Hendricks said the Civil Service Commission should have more teeth and not just advisory, so the issue does not happen again.

Commissioner Cantrell said Attorney Eschenfelder informed the Civil Service Commission that there is no current method for the Board of Commissioners or the Civil Service Commission to require the city manager to reinstate wrongfully terminated employees. He recommended that the authority be given to the Civil Service Commission. If, in a quasi-judicial hearing, they determine an employee was wrongfully terminated in a method that did not comply with their written policies and procedures, they want the ability to reinstate them.

Commissioner Tilka thanked Commissioner Cantrell for the presentation and said he was glad they were discussing the issue and pleased it was going in some direction. How it works out or is structured would be up to the legal counsel.

Commissioner McLauchlan thanked Commissioner Cantrell for putting together a thorough presentation bringing to light the issues and thanked the Board of Commissioners for meeting with them on the unresolved issues that needed addressing.

Chair Embler said what happened in the past was tragic. They had so much turmoil going on at that time. There was a new city manager, many personnel changes, and they had no personnel policy handbook on handling grievances that was effective. Their team has been working for years to get the personnel policy right, and various reasons prevented them from doing that. They have a good draft policy that is much clearer going forward and gives the proper escalation steps. She

does not see them getting into the situation again. Their leaders are responsible for hiring leaders with the right credentials and certifications and who make the right decisions. She would rather trust the city manager and the Board of Commissioners over a committee.

Attorney Eschenfelder said different municipalities cover it in different ways. The City of Saint Petersburg has a Civil Service Commission with the authority to reinstate someone they felt wrongfully terminated when there is no "just cause" for doing so. The City of Clearwater has a Civil Service Board that contracts with a hearing officer who conducts the quasi-judicial hearing, hears all the witnesses, and makes written findings of fact and conclusions of law. The transcript goes back to the Civil Service Board to read and determine if there "was or was not just cause" to terminate the person. If wrongfully terminated, they can reverse the termination. It is a policy decision the Board of Commissioners will have to decide. A charter amendment would need voter approval.

Helen Price, former commissioner, asked why the Civil Service Commission determined that the employee had been wrongfully terminated. It must be for legal reasons and if the policy handbook was followed. Commissioner Tilka explained that the employee had been accused of making a derogatory comment about the city manager outside of work at a local bar. Commissioner Cantrell said the hearing transcript states a wrongful termination and that the personnel policy was not followed. Attorney Eschenfelder said a person could be terminated if the city manager determines a person's behavior is disruptive to the workplace.

Attorney Eschenfelder said he would like the Board of Commissioners to decide what it would like going forward regarding employees being able to overturn their termination.

Mayor Rostek said in a past commission meeting that former commissioner John Hendricks agreed with former vice mayor Doug Andrews that he supported a change giving the Civil Service Commission more teeth to overturn a termination. He asked Mr. Hendricks if he still agreed with it. Mr. Hendricks said yes. The employee had an exemplary work record and had no problems on the job. The comment she made was hearsay. It was not about the city manager but about the executive assistant to the city manager at a noisy bar and got back to the city manager. He was on the Civil Service Commission then, and they tried numerous times to get the city manager to come to their meeting to answer questions, but he refused. He was told that the city manager had thrown the written recommendation given to him by the Civil Service Commission in the garbage can. If he were a manager and fired every employee who said something negative about him off-premises, he would not have any employees working for him. The bottom line is, are the employees doing their job at work? Although the Civil Service Commission heard the case, they were completely shut down.

Chair Emblar asked Mr. Hendricks if the employee reported directly to the city manager. He said she reported directly to Jay Hatch, and Jay had no problems with her on anything.

Chair Emblar said the Civil Service Commission has been working hard to structure the disciplinary steps and improve the processes. In the past, everyone appeared to go directly to the city manager. In the new version, they identified the steps more clearly. There are multiple steps before employees can be terminated.

Commissioner Tagliarini asked Chair Embler what would have happened in that case if the current process was in place and what would have happened next. Chair Embler said there would be a meeting with the employee and the direct supervisor. The proper steps should be taken before it gets to the city manager. Mr. Hendricks said it would have only been the director and the city manager's office involved back then. They felt the city manager wanted to do away with the Civil Service Commission.

City Manager Robin Gomez said he understood that it did not go through the progressive discipline they currently have in place and utilize. They constantly remind supervisors if they have an employee who is not performing, they must document it. Start with counseling, then a verbal, and then a written warning. There are instances where it escalates to immediate termination, such as theft.

Recreation Director Jay Hatch said he was the supervisor and was pulled into the city manager's office and informed the decision had been made. He stressed disagreement with it and returned to the office and discussed it with the employee. He was removed from the decision-making process and never had an issue with the employee. He took it upon himself to discuss it with her because she deserved it. He does not know why it was handled that way. Chair Embler said he should have been involved in the process.

Attorney Eschenfelder said that under the Charter, the manager is given the authority to hire and fire everyone except Charter Commission direct appointees. The Charter also gives the manager the authority to delegate their authority to the department heads. The department heads can delegate their authority to folks below them. The manager or the administrator cannot possibly be aware of everything that goes on in every department. So, they are a poorer judge in whether someone should be fired versus suspended for five days versus just counseling them. From what he heard, what happened was horrifying management at its worst and should never have happened. The Board can choose an option, keep it as is, or amend the Charter to have the Civil Service Commission be able to overturn a termination to move forward.

Commissioner Tagliarini asked what would happen if the exact thing happened, and an employee of Mr. Hatch said something off the record about Mr. Gomez, and Mr. Gomez made sure that person was fired. Attorney Eschenfelder said that could happen right now. The Charter provides that the manager has the complete authority to terminate any non-charter employee. Commissioner Tagliarini said by implementing an intervention that the Civil Service Commission hears the case, the Board of Commissioners could have a buffer of at least one place for that employee to go before a final decision. Attorney Eschenfelder said the only recourse is for the employee to request a Civil Service Commission hearing. Under the Charter, the Civil Service Commission is only advisory. It would need the authority to overturn a termination decision. Commissioner Tagliarini asked who they advised, the person who fired them. Attorney Eschenfelder said yes.

Commissioner Tagliarini said he was trying to determine why they are trying to make a change. Although he did not perceive it happening again under the current manager and staff, it sounds like it could happen again with the wrong people in place. Attorney Eschenfelder said one of the weaknesses was that it was only a recommendation to the manager, not the Board of

Commissioners who hired the manager. It seems odd, at least in a sense where the manager is the decision maker, that the recommendation goes to the manager. The manager will have a strong bias towards upholding his own decision.

Commissioner Tagliarini asked if the Civil Service Commission could advise the city manager and the Board of Commissioners.

Attorney Eschenfelder said the Board of Commissioners has options as a governing board. The majority of the Civil Service Commission voted to ask that the Charter be changed to allow the Civil Service Commission the authority to overturn a termination decision. They discussed making their recommendation to the city manager and the Board of Commissioners, but no vote was taken. That is an option to do that through the Code. He does not want the Board of Commissioners as a governing board involved in individual personnel decisions. If they are going to have a body that reviews a disciplinary, that either needs to be the Civil Service Commission or a hearing officer. It would be a due process hearing for the employees. It gets down to whether there was "just cause."

Mayor Rostek said their firefighters are unionized. If one gets into trouble, what is their due process to grievance? Is it similar to their non-unionized employees? Attorney Eschenfelder said most unions will have arbitration built into their process. The Mayor said firefighters have their own independent board of people that can make recommendations, whereas the other employees have the Civil Service Commission with no teeth. The City Manager said their recommendations go back to the fire management and the city manager, so it is typically the same.

Commissioner McGeehen asked if Florida was a right-to-work state. Attorney Eschenfelder said yes, they could be hired or fired, quit, or be fired for a good reason, a bad reason, or no reason at all as long as the reason is not illegal.

Commissioner Brooks said Chair Emblar stated that once the policy handbook they are working on is in place, the situation should not happen again. Would it be possible to allow the Civil Service Commission some leeway without changing the Charter? She remembers when that situation occurred, so what she heard today is not the whole story. It was a different city manager at the time and a different style of managing. Would they be able to implement the new policy, giving the Civil Service Commission a little more oversight without changing the City Charter? Attorney Eschenfelder said it would depend on if anyone had legal standing to challenge doing it that way. The Charter states the Civil Service Commission shall prepare personnel rules. When concurred in by the City Manager, the rules shall be proposed to the Board of Commissioners. It also states grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. Legally, what would be argued by someone who had standing to make the argument that the voters said what it wanted its Civil Service Commission to be, and that was advisory. That dovetails with the section of the Charter it says the manager has the authority to hire and fire those beneath him. However, the Charter also says that all duties, powers, reservations of power, and funding for the Civil Service Commission may be provided for by ordinance duly passed by the Board of Commissioners of the City of Madeira Beach. The Board could do an ordinance to say the Civil Service Commission has the power to override the city

manager, and they are no longer advisory with respect to termination decisions. They can do it by ordinance and see if anybody challenges it.

Mr. Hendricks said he likes the idea of a hearing officer because it gets it out of the Civil Service Commission's hands and is impartial. Attorney Eschenfelder said because a hearing officer is not addressed in the Charter, they can do it by ordinance. The Civil Service Commission can review that, and then they would be advising. They would have a written quasi-judicial order to advise on. Mr. Hendricks said he did not foresee it happening with the current city manager, but it could happen under another city manager. The Civil Service Commission was walked on, and he did not want that happening again and did not want to see it happen again to the employees. They have progressive discipline that was not followed.

Vice Mayor Kerr agreed with the attorney and Mr. Hendricks about the hearing officer. He asked if the grievance would be brought to the Civil Service Commission for review and to investigate and then go to the hearing officer. They would stop there if they saw justification and automatically say to the city manager, director, or whatever was well within their rights for termination. They could make a recommendation if there is a gray area because expense and time are involved. If taken to a hearing officer and he agrees with the employee, it was a wrongful termination, where does it go from there? Attorney Eschenfelder said he would write in the ordinance that the hearing officer would render their findings of fact and conclusions of law and on whether the employee should be reinstated or not. The Civil Service Commission would review that, and if it did not recommend overturning it, it would become final. That still keeps the Civil Service Commission as advising because they are not making a decision but also allows the outcome of the order to take effect and to get that person reinstated if the hearing officer ruled that way, and the Civil Service Commission agreed with it. If the Civil Service Commission disagrees, they could not overrule it because they are advisory. He could also say in the ordinance that if the Civil Service Commission disagreed with the order, it would then be escalated to the Board of Commissioners to get involved. Regarding expenses, they do not fire that many people. From an employee perspective, it would be more if they had to hire legal counsel to represent them. With a hearing officer, they would not have to worry about a quorum, and the hearing officer would be a working attorney and fit the schedule.

Vice Mayor Kerr asked what would happen if the employee did not want reinstated and wanted to sue for wrongful termination. Attorney Eschenfelder said Florida does not recognize the tort of wrongful termination. If they give due process to their employees, the issue would be whether there is a "just cause." He would write in the ordinance that the Civil Service Commission or the hearing officer does not have the authority to rule on matters such as Title VII Discrimination and The Americans with Disabilities Act because that is for the judges to do. The question would be if there "was or was not" just cause. Regarding expenses, he would not take the fear of hurting the City in a lawsuit to make a decision on whether to do it or not. If management does what it should be doing in terms of progressive discipline, documenting, and consistently applying the rules, there should not be a problem.

Commissioner Tagliarini said it sounds like a viable alternative to changing the Charter would be to create an ordinance that required a hearing official so the Civil Service Commission could give informed advice that could stand up. Attorney Eschenfelder said they could say in the ordinance

that it would become final and binding if the Civil Service Commission concurred with the recommended order.

Commissioner Brooks said she liked the idea of a hearing officer because it is someone totally removed to make an informed decision based on the facts outside of passing a revision to the Charter. Taking the road of going with the hearing officer gives empowered information to the Civil Service Commission. At the same time, she would hope that the Board of Commissioners would be paying attention. In the case of when the city manager did not do his job, the Commission at that time should have called him to the floor for it.

Mayor Rostek said he would like to hear from each Civil Service Commissioner if they are okay with the hearing officer concept.

Commissioner McLauchlan said although they are changing the personnel policy, the procedures were not followed back then. They do need something new, so there are some teeth. She agrees with Attorney Eschenfelder creating an ordinance allowing for an impartial, professional hearing officer. Issues or decisions that would come to the Civil Service Commission who would then review it and potentially implement it. They would not have to worry about changing the Charter. They will have that important buffer for the employees.

Commissioner Tilka said he likes the idea of a hearing officer. They are more qualified than the Civil Service Commission. When it comes back to them, they will do what they need to do with the decision. It would be better to do an ordinance than a referendum. If there is a problem at a certain point, they could live with that.

Chair Emblar said she supported the idea of having a separate hearing officer. It is a great way to go and it takes away any potential bias of a committee that is not elected.

Commissioner Cantrell said he agrees with a hearing officer. It is an excellent way to go. Another thing he would like to add to the ordinance is that the Charter states that they are an advisory body and provide their findings in a grievance, now called an appeal, to the city manager and the grieved employee. In their rules, they are adding that it will also come to the Board of Commissioners. They will do what the Charter says but add the additional step so the Board is not overlooked.

Commissioner McGeehen said he agreed with having the hearing officer.

Chair Emblar said they recently added HR Report to their agenda so they will have an update of what is going on and to be more proactive and transparent.

Vice Mayor Kerr said they keep referring to the human resources people. That is currently the city manager. Part of the second escalation process was to human resources, which is the city manager. The City Manager said the HR function is Megan Powers, who reports directly to him. If there was an HR Director, they would report directly to the city manager.

Vice Mayor Kerr asked about enforcement. Where does it go after the grievance officer has made a decision? Attorney Eschenfelder said he would write in the ordinance that it goes to the Civil

Service Commission. If the Civil Service Commission concurs, it becomes final. It would be an enforceable order against the manager.

Commissioner Cantrell asked if it would only be to reinstate. Attorney Eschenfelder said that legally speaking, they are to get their backpay if they are reinstated and lost backpay. That would be included in the hearing officers award. The manager would be bound by the hearing officer's ruling, whatever that might be. They could also find that there is "just cause" to discipline but also find that termination is not supported because they have shown three other cases in the past two years where the same conduct only resulted in a two-day suspension. If warranted, the two-day suspension would be imposed.

Vice Mayor Kerr asked if there would be a possibility that an employee who is terminated would not go through the process automatically. Attorney Eschenfelder said the only downside is there could be a claim they were denied due process and terminated without "just cause" would be waived because if the employer provides a procedure to use and the employee does not use it, they could not make that legal argument in court.

B. At the September 13, 2023 Civil Service Commission Meeting, they voted that they vote on whether directors are civil service protected. The motion carried 2/1.

Commissioner Cantrell continued his PowerPoint presentation. He said in the August 2018 Joint Meeting with the Civil Service Commission and the Charter Review Committee they agreed that arbitration steps needed to be in place so all employees would have due process, including directors or front-line managers, if terminated. They would like the Board of Commissioners' thoughts on whether directors can file an appeal if wrongfully terminated. He does not like the idea of a director being terminated without "just cause." Suppose that City Manager Gomez does what he is supposed to, and there are no problems, but if he should leave, a new city manager comes in and decides to terminate someone just because he does not like them. That would be a problem. A lot of the directors that report to the city manager have been there a long time and worked their way up through the ranks. They understand the historical perspective of the City and can communicate effectively with the city manager and their employees if something goes wrong. If they get rid of that leadership, there will be chaos. There should be "just cause" for termination and not for any reason.

Commissioner Tagliarini asked if a new city manager was hired, and they did not like the directors could they fire them for no reason? Attorney Eschenfelder said it has happened. A new manager could come in, and a director might not like them for some reason, or the new manager might feel they should be able to pick their own management team. There could be tension between the two.

Commissioner Tagliarini asked if perhaps they created an ordinance or a rule that a new city manager had to work with the current set of directors for an "x" number of months before they could change or terminate a director to allow them the opportunity to see that the person does know the job very well although they might not seem to be qualified to do the job. He asked if it was possible to have something like that where there would be no firing for the first six months. Attorney Eschenfelder said it was possible. He could put in the ordinance that they could not be fired without cause.

Mayor Rostek asked if that could be put in the city manager's employment contract. Attorney Eschenfelder said his advice would be they only have contracts with two people, the city manager and the city attorney. Everyone else is an employee who follows the personnel policy and who gets a conditional offer of employment stating the starting wage, benefits, etc., and the terms and conditions are set forth in the personnel policy.

Mr. Hendricks said he hoped they do not go down a path of micromanaging the city manager. He would need the ability to take care of his directors, and if they are not directing, he needs the ability to let them go.

Commissioner Brooks said they have been through city managers that were not good for the City. They came in and got rid of people for whatever reason. However, it was a different Commission, and this Commission is going to change over time. If Robin ever decides to leave there will be another city manager, but regardless, they have to allow the city manager to choose his team. When a government body changes over, the staff that reports directly to them often changes completely. When you have good employees and hire the right city manager, you will have employees who will want to work with the city manager for the betterment of the City. She would not want to tie the city manager's hands. If the city manager is firing people left and right the Commission should be paying attention and asking questions.

Commissioner Tagliarini asked Commissioner Brooks if she was suggesting that if the new city manager came in and fired everybody and started over then they would have to go through the process of deciding whether or not they approved. They could change their city manager but that would be a whole other process. Commissioner Brooks said hiring a city manager is not easy. There was a time when the City was extremely divided. They got a new Commission and when that Commission came in a lot of people that worked for the City for years were let go. Regardless of what the politics were for the people sitting on the Commission, getting rid of all the people was wrong. The City is in a good place. They have a good city manager and a good staff. They would be looking to fill that position with someone who would continue to move the City forward in a positive way.

Commissioner Tagliarini said city managers change and boards change. If they have an ordinance with a six-month "just cause" buffer to allow the new employee and the new city manager to see if they really hate each other before that time comes. At the end of six months, if the director or the city manager has caused nothing but pain, they get rid of them. He is suggesting that there be no changes for six months.

Chair Emblar said there is a saying that the best predictor of future behavior is taking a look at past behavior. She has not observed how the interview process goes but would think it is incumbent on the Commission to ask good questions to determine their leadership style and whether it will complement what they want and fit the vision of what they want in the community. The Commission has a hard job, but there is a concept called behavioral interviewing that will help get to the point of knowing a person's leadership style. She does like the six-month rule.

Ms. Price said six months is too long. They should know in about three months.

Commissioner Tagliarini said he would be heartbroken if they hired a new city manager and some of their current staff were let go. They have a wonderful staff, and he would hate to see that happen just because the new guy whom they disagreed on but had to have somebody just wanted to clean house.

Commissioner McGeehen said he would like to get some comments from the residents on their thoughts.

Commissioner Cantrell asked the City Manager if they had to take on a new city manager, would he feel there was a period of time it would be realistic for the new city manager to wait and observe before they make hard decisions to release people without cause. The City Manager said his process is not to come in and make staff changes. They must wait at least six months to a year or more other than somebody who is a pain and not part of the mission or vision. However, it is the Commission's role to hire the right person. They should ask their plans for the staff, which is part of the hiring process. They do not want someone to come in and fire two or three people and bring in two or three people from the outside. That causes significant disruption. He has been in an organization where that happened a couple of times, and it created chaos and anxiety. The last thing he would want as a manager is to have the people he relies on every day to feel he is going to remove them. Time has to go by to evaluate their level of knowledge, expertise, experience, and how they will react. It could be six months to a year. He has no idea how they will present at a commission meeting, even if they presented once or twice. They could be nervous, and everyone makes mistakes. But, he will go back to the due diligence of who is hired, whether himself or whomever. That is part of the interview process. He is not in favor of getting rid of people. They are all human and must give people a chance to show and prove what they can do. He could not be happier with the staff he has. They are wonderful and do a great job. Hopefully, none of it ever happens, and they have the process to go through. They have had one instance of disciplining an employee because it was a very high offense that led to a discipline that led to a suspension. That is the only one they have been involved in. Other personnel issues have been during the probationary period, where they can make staff changes that may not be working out. Whatever the personnel rules stipulate, that is what they follow.

Mayor Rostek said it should be six months minimum.

Commissioner Tagliarini suggested an ordinance to say for the first six months, the new city manager, whoever that would be, would need "just cause" to get rid of somebody. The City Manager said he was fine with that, but the next person might disagree. He is not aware of that being in any employment agreement. He could ask ICMA. He is unaware of any city or county having an ordinance where the new administrator, the new CEO, has to undergo a certain process. They would need to have "just cause" and follow the disciplinary progressive process.

Vice Mayor Kerr said he likes the idea of having a six-month minimum for several reasons. As the City Manager and Attorney Eschenfelder suggested, it is a mindset for many city managers that they are going to bring their team with them. That not only would hurt their City but would hurt the City they are leaving. They need an opportunity to get to know the staff, directors, and upper management and create relationships. They have a minimum period to figure that out. The bigger

case is that after that period, they are at-will employees and do not have civil service protection. It sounds like that is what everyone is feeling and saying, and they have the right to have their team around them. The City Manager said that is why some cities have employment agreements to further define the roles and responsibilities. They can have in the agreements the termination process.

Commissioner Cantrell asked Attorney Eschenfelder if they needed that in an ordinance or if it could be written in the rules there has to be a six-month grace period and must be "just cause," but after six months, those employees are "at-will," and even during the "just cause" period they have no protections under the appeal process.

Attorney Eschenfelder said he would include the hearing officer in the ordinance to come before the Civil Service Commission because it has to be blessed by ordinance. With respect to the six-month situation where a new manager cannot dismiss an "at-will" department head for the first six months unless they had "just cause," that would be in personnel policy because if it needs to be changed over time, they could do that.

Commissioner Cantrell said there would be no civil service protection. Attorney Eschenfelder said that if the manager wishes to terminate the department head in the first six months, they would have to show "just cause." They would technically be protected by civil service, at least the system, for the first six months. After six months, they would become terminable at will. That is upon a new manager coming in.

Commissioner Tagliarini said the new city manager needs to try and get along for at least six months to get to know their department directors. Attorney Eschenfelder said the community has suffered so much turmoil. The six months allow the manager to gain as much institutional knowledge from a department director as their assessment might change.

Chair Emblar said the meeting had been helpful.

5. ADJOURNMENT

Mayor Rostek adjourned the meeting at 5:22 p.m.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk



MINUTES

BOARD OF COMMISSIONERS
REGULAR WORKSHOP MEETING
OCTOBER 25, 2023
6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on October 25, 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 6:00 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

3. PUBLIC COMMENT

Bob Bello, 13301 Gulf Lane, thanked the City for doing a great job.

4. DISCUSSION ITEMS

A. City Lobbyist Presentation

RJ Myers, Government Affairs Consultant with Shumaker Advisors, introduced himself and gave a high-level overview of the budget from the last legislative session, the timeline of the process, and some wins for the City. He responded to questions and comments from the Board.

Vice Mayor Kerr made the following three comments:

- He would rather see the resources allocated from Duke Energy be combined with a state grant to underground the power lines to become more resilient.
- He would like to move the road projects up as quickly as possible.
- He asked if the ballot initiative could be packaged with the yearly tax value increases being lowered to two percent so it would pass in the legislature. People are raising their homes because they would not be reassessed.

Mr. Myers responded with the following:

- He said he was not aware of any undergrounding grants that exist, but he would look into it and have a conversation with the legislators.
- Raising the roads would have to be a stand-alone project, and there is nothing like that this year.
- There were conversations on how to make raising a home more accessible to residents. He has not seen anything, but it would need to be a ballot initiative.

Mayor Rostek said he wished they could speed up the process of clearing up the FEMA red tape. The City would not participate because it is so difficult to get any forward movement, and everyone gets frustrated. It would be nice to have a streamlined process to get the projects done. Mr. Myers said there were people who were looking at it.

Vice Mayor Kerr asked if there was anything positive for the City in the upcoming term. The City Manager said they are looking at mitigating the flooding, replacing some of the seawalls, and the road projects. Vice Mayor Kerr said they need the grants for the road projects so they can get the engineering done. The City Manager said there is usually a two-year time period for the funding allocation.

B. FY24 Fire Salaries Increases

The City Manager said they are starting the third year of a three-year agreement. The purpose of the item was to make sure they stay competitive, and they are offering the best packages.

Fire Chief Clint Belk said the intent is to be proactive and get in front of the recruitment and retention issue. There started to become a big gap in pay wages compared to other fire departments.

The City Manager said the starting salary is currently \$50,400, and they would like to bring that closer to what other districts are starting at, which would be \$58,000. The budget can support it.

The Mayor asked why each firefighter needed two sets of bunker gear. The Chief said it is NFPA compliance from the cancer initiative.

Commissioner Tagliarini said he was disappointed to hear they were not competitive with other cities. He was in favor of the increase.

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

Commissioner Brooks said she was shocked to see how low the firefighters are on the pay scale. Employee retention is important for the City, and she would hate to see any firefighter choose to leave over salary. She supported a fifteen percent increase for them.

Commissioner McGeehen said he thought a fifteen percent increase was a great investment.

Vice Mayor Kerr said they need to support the firefighters.

The consensus of the Board was to accept the salary increases.

The Chief said it would be a wage increase as opposed to a wage re-opener. He thanked the Commission.

C. Florida Firefighter Cancer Decontamination Equipment Grant

The Chief said Governor DeSantis just added many types of cancers to the list of fire-related cancers. The grant is from the State Fire Marshall's Office. It would be for a Wards Decontamination System installed on the truck and would filter out 94-97% of all carcinogens in the diesel smoke and exhaust. They are maintenance-free. The City would be responsible for 25% of the purchase amount.

Commissioner Brooks asked if the system was for one truck. Chief Belk said it was for the two ladder trucks.

Vice Mayor Kerr asked if it was an unfunded mandate. The Chief said no.

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

D. A Request to Change the Candidate Qualifying Period

The City Manager said the Charter stipulates the first two full weeks of December as the qualifying period for candidates running for a seat on the Commission. The purpose of the item was to discuss the possibility of changing it to one week, which is what most cities do.

City Clerk Clara VanBlargan said they got it decreased from four weeks to two weeks, and the petitions were decreased from one hundred to twenty-five.

Commissioner Tagliarini asked the Clerk what needed to be accomplished during the two weeks. The City Clerk explained the various forms to be filed. The DS-DE 9, appointing their campaign treasurer and designating the campaign depository had to be filed before they can begin circulating petitions for signature. Commissioner Tagliarini asked if it was enough time to approve the documents. The City Clerk said they are usually approved the same day or within a couple of days. Commissioner Tagliarini asked if everything could be done in advance, including the signatures. The City Clerk said there is a Florida Statute that says qualifying papers can be filed with the qualifying officer during the 14 days before the start of qualifying. It was mentioned at the June

City Clerk's conference, but she would have to verify to see if it applied to municipalities. The packet would be available online with the links to the Division of Elections.

The City Clerk said if they decide to change it, she will advertise more, and the packets would be available earlier than December 1st online, by email and in the City Clerk's Office. Once the DS-DE 9 is filed, they can open a campaign account. Some banks started requiring the candidates to get an EIN number before opening a campaign account. Commissioner Brooks said she was able to open the account using her social security number.

Commissioner Tagliarini asked what the advantage would be to changing it to one week. The City Manager said it would cut down on politicizing.

Mayor Rostek opened to public comment.

A citizen [no name given] asked if someone new coming in who does not know how the system works, would one week be enough time.

Commissioner Tagliarini said the City Clerk is very helpful in the process, and they can start early. The City Clerk said most candidates file their forms within a day or two. You do not need to be the only one getting signatures; you can have several people out getting signatures for you.

Commissioner McGeehen said a lot of people have full-time jobs and families and can only get out a certain amount of time. He thought two weeks was fair because of getting the signatures, and it gives time for the people to get to know the candidates in their district.

Dave Hutson, 15308 Harbor Drive, said it is nine days. It is from noon on Monday until noon the following Friday. He suggested if they were going to change it, make it from Thursday until Wednesday so the weekend is included. He thought it was a bad idea to change it.

Commissioner Brooks said they would actually have three weeks to get the packets in. She thought if they communicate it, it would be a greater opportunity, and it would limit the time spent by the City Clerk's office. Since the packets would be available online, it makes it easier if you are working.

Commissioner Brooks asked if it would be for this year. The City Clerk said it would be for next year. The deadline to submit ballot language for this year is December 19th, so the first reading of the ordinance would need to be in November and the second reading in December if they decide to do it.

Commissioner Kerr asked if the Clerk's office was committed to having all the paperwork available two weeks prior to the qualifying period. The City Clerk said yes. She would get more information on the pre-qualifying period and include it the staff memo with the ordinance.

The City Attorney asked direction from the Board because he would need to prepare an ordinance. He would not include the language subject to the City Clerk having everything available 14 days in advance because that is just practice.

The consensus of the Board was to have the City Attorney prepare the ordinance to read the first full week of December.

E. Discuss/Review Possible Smoking/Vaping Ban on Parks and Beach

The City Manager said House Bill 105 allows cities and counties to restrict smoking at public beaches and parks with the exception of unfiltered cigars. Multiple cities in the area put an ordinance in place adopting it. A lot of education would be provided to the public with additional signage. He asked direction from the Board.

Mayor Rostek opened to public comment.

Bob Bello, 13301 Gulf Lane, recommended including parking lots in the ordinance. There had been a trash can fire two times in the parking lot in front of his house he believed were started by cigarettes.

Commissioner Tagliarini said the Students Working Against Tobacco (SWAT) would help provide signage for public access and hotels. He would prefer not to allow smoking in parking lots either.

Vice Mayor Kerr supported the ban 100% because of environmental reasons.

Commissioner McGeehen said he is 100% for banning smoking and vaping on the beach but is on the fence about restricting the parking lots. He said he is all for compromise.

Commissioner Brooks agreed with the ban but is concerned about the enforcement. She thought it would be good to have the hotels have literature on the ban at their front desks, in their emails, and in their rooms.

Mayor Rostek agreed with the ban, and if people want to smoke in parking lots, they should do it in their vehicles.

Vice Mayor Kerr asked for the status of the common ordinance the Big C communities were going to put together. The City Manager said it lost traction with the changes in members. The surrounding cities started adopting their own ordinance, but they are all similar.

The City Attorney said the ordinance would be in regard to public beaches and parks owned and controlled by the City. Commissioner Brooks asked if they could define the specific areas that would be protected. The City Attorney said they could include a diagram or sketch, but he would leave it to the City staff.

The consensus of the Board was to move forward and have the City Attorney prepare an ordinance.

F. Proposed Parking

The City Manager reviewed the changes in parking permit fees and requirements that were made since 2022. With the proposed changes, they would be going electronic. The most efficient way to

enforce would be to use the current handhelds the staff uses and go through the license plate of each vehicle.

The City Manager reviewed the following proposed changes and asked for direction from the Board:

1. **Resident Parking Permit** – free to residents living within the Madeira Beach corporate city limits for at least six months and a day upon providing a valid FL driver’s license with a Madeira Beach address (within City limits) and a valid vehicle registration; only change allows for the option of an online process with digital parking permits enforced through each vehicle’s license plate. Limit of three passes per address may park in all City lots, and no overnight parking. Moving to an online Resident Parking Permit application system offers several advantages, including faster processing times, improved user experience, increased transparency, and a positive environmental impact. These benefits collectively contribute to a more efficient and modern permit operation for the community's use.
2. **Business Employees Permit** - \$40/month mainly for John’s Pass Village/Boardwalk employees to park at various lots – only change allows for the option of an online process with digital parking permits enforced through each vehicle’s license plate.

Proposed New Parking Categories (all only available online with digital parking permits enforced through each vehicle’s license plate):

3. **MB Property Owner, not a resident Parking permit:** those not residing in Madeira Beach for at least six months and a day may purchase a monthly parking pass for \$100.00 - \$300.00/month.
4. **Visitors, overnight guests Parking Permit:** \$150.00-\$250.00/weekly, \$300.00-\$400.00/monthly; will be available for anyone, but mainly designed (in response to) out-of-town visitors staying from a few nights to a few weeks with limited parking at a property/resort.
5. **Pinellas County OR smaller designated geographic area (possibly various zip codes) resident Parking Permit** –only to visit John's Pass Village & Boardwalk, only valid at specific lots/streets; must register to participate – rate will be \$1.00/hour.

The Mayor said many residents are upset. The first thing he addressed is the flyer at the front desk that states who is eligible. Those who are eligible are residents living in Madeira Beach for at least six months of a year and property owners who do not rent their property short or long-term for any part of the year. He said Section 66-73 of the Code spells it out, and the flyer conflicts with the Code. The City Manager said it does not define seasonal. The Mayor said it identifies full-time or seasonal. The Canadians cannot stay for six months and a day, and the property owners who rent their property and use it for a week or two still pay property taxes. They should have a ceremonial pass. Maybe there could be a way the passes could be assigned to the property for the renters.

Commissioner Brooks said the requirements for parking passes and parking have not been enforced in the past. Now, they are enforcing what has always been the rule, and people are not used to it.

Commissioner Tagliarini asked where the parking passes West Events has would fall into the hierarchy of parking. The City Manager said the streets around West Events were turned into resident parking only because there was nowhere for residents to park. West Events called the City, saying they had nowhere to park, so the City provided permits mainly for the vendors of West Events, so they do not block the streets. Free parking permits are also provided to other businesses who inquire.

Commissioner Tagliarini said he feels that a property owner, not just a resident, should be entitled to a couple of parking passes. The City Manager said the permit needs to be attached to a license plate; otherwise, they could not enforce it.

Vice Mayor Kerr said he thought it was written well, and he is comfortable with the way it is. Commissioner Brooks said the property would need to be tied to a vehicle that is registered to the property owner. The property owner could not get three stickers if they do not have three vehicles. They could not get an extra sticker to give away. The City Manager said that is why they would eliminate the stickers. Vice Mayor Kerr said they would need to wordsmith the ordinance.

Commissioner Brooks said it was fair. The owner of a property should be able to have a parking pass for as many vehicles as they own, but no more than three. She thought two passes were enough.

The City Manager said if a renter shows a lease for at least six months, a Florida driver's license, and a Florida vehicle registration, they are considered a resident and they can get a pass. Residents do not have to own property.

Mayor Rostek opened to public comment.

A citizen [no name given] said she is Canadian, is not homesteaded, cannot vote, and is limited by the sticker where she can park. In the 11 years she has lived there, she has not had any issues getting a sticker. She does not give her renters stickers; they should pay for parking.

Bob Bello, 13301 Gulf Lane, said he agreed. A property owner who is paying taxes should get the benefit. He did not believe short-term rentals should get a parking pass under any circumstance. The parking enforcement supervisor, Jamal Yahia, is doing a great job and has things under control, and maybe together, they can figure out a solution. He suggested designating four parking spots in front of the dog park for residents who use it, so when there is an event, they would not have to park so far away.

The City Manager said they could consider adding one or two resident parking spaces for the dog park. Permits are not issued to short-term renters because they are not property owners, and most do not have a Florida driver's license or registration.

Commissioner Tagliarini said they would support businesses more if they allowed them to have three stickers if they owned the property. The Mayor said the ordinance says dwelling unit, which implies residential.

Commissioner Brooks said she would support two parking spaces in front of the dog park that says, “Dog Park Only Parking.” If no one is in the park with a dog, the vehicle should be ticketed.

The City Manager said they propose adding \$5 per day for special events. The signage would be portable and electronic. It would include 191 spaces at City Hall, Rex Place, and the Library. It would generate approximately \$50,000 per year, and the expense would be the signage equipment at \$5,000 with maintenance costs. It would be enforced, and residents would not be required to pay.

Vice Mayor Kerr asked if they could work out a shared revenue system with Winn Dixie. The City Manager said they would need to bring back a lease to the Board.

A citizen [no name given] asked if they would get a sticker. The City Manager said they would not be issuing stickers for 2024. Everything would be electronic. She asked if the plate could be from Ontario, and the City Manager said yes.

The consensus of the Board was to wordsmith the ordinance to include property owners and designate a couple of parking spaces in front of the dog park. The Board wanted to keep the overnight parking passes and was not in favor of designating certain spots in John’s Pass Village at \$1.00 per hour.

G. John’s Pass Village Alternative Compromise

Community Development Director Jenny Rowan gave a PowerPoint presentation and responded to questions and comments from the Board. A land use change in John’s Pass Village is needed for the following reasons:

- To protect the Village
- To create a compatible redevelopment
- To be consistent with the Countywide Plan
- To take a proactive instead of reactive planning approach

Director Rowan explained the relationship with local land regulations between the Countywide Plan, the Madeira Beach Comprehensive Plan, and the Madeira Beach Code of Ordinances. What they adopt in the Comprehensive Plan and Zoning cannot exceed the County’s maximums. Every parcel of land in Madeira Beach has three designations; one at the County level, one with the Comprehensive Plan, and one with zoning. They are looking at amending the Countywide Plan map and the Future Land Use. After it is adopted, the zoning will be amended.

Director Rowan gave the background on the Item. In 2023, the City submitted the Activity Center application to Forward Pinellas for the land use change locally. They submitted an application to the county. They reviewed it and voted unanimously for the alternative compromise. The City

applied for the Community Center subcategory in the Activity Center category. The county thought it should be an Activity Center but a Neighborhood Center subcategory instead of a Community Center subcategory. The Neighborhood Center subcategory is less dense and intense.

Director Rowan said they can use the alternative temporary lodging standard being used along Gulf Boulevard. It was adopted incorrectly, and they are cleaning it up with other ordinances going for a second reading in December. Staff revised the alternative temporary lodging numbers to fit within the Neighborhood Center. To use the standard, they must have a development agreement that needs to include the following:

- Design Standards
- Concurrency Management Standards
- Hurricane Evacuation Plans
- Mobility Management

Vice Mayor Kerr asked if they could build back in the Traditional Village what they have existing at a 2.0 Floor Area Ratio. Director Rowan said yes. They did not use the alternative temporary lodging new standards in the Traditional Village area because they wanted to keep the commercial main street feel that it is.

Director Rowan reviewed the Special Area Plan and the proposed changes to the document.

Director Rowan said it would come back to the next workshop meeting in November and then to the Board in December for a vote. At that time, the Board can make suggestions and change the numbers.

Commissioner Brooks asked if it followed what they got back from Forward Pinellas. Director Rowan said yes. They forwarded the revised numbers to them and were on board with it.

Vice Mayor Kerr asked if there would be any more public meetings. Director Rowan said no, only at the November workshop and the December regular meeting. The zoning meetings would start in January.

Commissioner Tagliarini said he felt he had a better grasp on it but would like to give more opportunities for residents to ask questions. He suggested making it a topic at the Happy Hour with the City Manager or Breakfast with the City Manager.

Vice Mayor Kerr asked how the RFQ for the Master Plan was coming along. Director Rowan said it was almost ready, and they plan to get it out in December and end in January.

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

The consensus of the Board was to move forward with it.

H. 2.5 ft. Setback

Community Development Engineer Marci Forbes explained walkways, sidewalks, and parking areas are currently in the Structure definition in the Code, and they will possibly redefine them as Hardscape. In the meantime, they could immediately lift requirement number (13) in Section 110-427. Yard Regulations - Open Sky Requirements which states the following:

(13) Walkways and paths may encroach into the minimum yard requirement so long as they stay within the ISR requirements.

Ms. Forbes said they would not enforce the two-and-a-half feet and continue researching how to redefine the walkways, sidewalks, and parking.

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

Commissioner Tagliarini asked to clarify they were not to exceed the Impervious Surface Ratio. Ms. Forbes said it was correct. They would also include non-vegetative pervious surface materials such as turf in the ordinance.

I. Shade Structures

Ms. Forbes said they have a good idea of which direction they would like to head and felt the Board would want some options. Ms. Forbes and Director Rowan discussed the following suggested changes to the Code in zones R-1, R-2, and R-3:

- Using square footage limitations instead of dimension limitations
- Defining enclosed versus open accessory structures

They thought it would allow the option of having an enclosed and open accessory structure that would be properly sized and located on a property.

Ms. Forbes explained a visibility triangle as one idea for the possibility of a structure's location. A second possibility would be to keep the side yard setbacks the same and apply the rear yard setback used for pools because it takes into account the tiebacks associated with the sea wall.

Ms. Forbes said shade structures other than the official Cheeky Hut must meet the Florida Building Code requirements. There are no prefabricated ones that would withstand 150 per mile wind, but she would research what is available prefabricated versus what needs to be designed.

Director Rowan said the visibility triangle would be difficult to read and permit. She suggested using the second possibility, which is more of a rectangle.

Vice Mayor Kerr said he thought they were going down the right path.

Commissioner Tagliarini asked if it was more restrictive or less restrictive for the residents. Director Rowan said it was less restrictive.

Mayor Rostek asked how soon it would be for a finished product. Director Rowan said they would take it to the next Planning Commission meeting in November for their comments. It would probably come back to the Board after the first of the year.

Ms. Forbes said they would come up with a plan for what has already been built.

Director Rowan said they feel comfortable with the residential areas but would like to get more feedback on the commercial areas because they are more of a gray area.

Mayor Rostek opened to public comment.

Michelle Helms, 546 Johns Pass Ave., asked what determined where the height starts. She was concerned because some residents do not have their sea wall lifted, but others do. They need to find a common zone. She had concerns because some of the existing structures were denied permits that were built anyway, and the Board had not done anything. The City made her comply when she was building her home.

Commissioner Brooks said currently, a resident can have shade in their backyard, like an umbrella or retractable shade, but they cannot build a structure and put a kitchen, ceiling fan, or TV in it. Director Rowan said correct. Commissioner Brooks said she did not know how to deal with the people who did things wrong. She did not understand how someone built something in the City that a resident filed a complaint on, and nobody stopped it. The City is in a better place now.

Commissioner Brooks asked if it would define a shade structure as no walls. Ms. Forbes said it was the goal to have zero enclosure. Commissioner Brooks asked if electricity could be something that could be permitted. Ms. Forbes said FEMA does not have defined rules for it. The City typically looks for shut-off valves for water, gas, electricity, and quick disconnects. Outdoor kitchens would be something they will need to address.

Ms. Helms said she had no problem with it, only that nothing was done. She had no problem with future structures, except people need to comply. Her biggest problem was that nobody in the City stood behind her or responded to what she needed.

The City Manager said the item was scheduled in front of the Special Magistrate several times. It was pulled from there until a resolution was found. It would go in front of the Special Magistrate next month with the Code violation.

5. ADJOURNMENT

Mayor Rostek adjourned the meeting at 9:10 p.m.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

DRAFT

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.

WHEREAS, the current City Code does not properly address situations wherein an employment-related complaint is brought against the City Manager other than the procedure for removing the city manager from office as provided in City Charter, Section 5.4, A.; and

WHEREAS, the current City Code does not provide for an avenue by which City employees or vendors may bring to the City’s attention allegations of illegality, mismanagement, malfeasance, waste or fraud on the part of City employees or City vendors; and

WHEREAS, Florida Statute § 112.3187, entitled the “Whistle-blower’s Act,” provides certain protections to persons who disclose information regarding illegal or malfeasant conduct on the part of government employees, agents or contractors; and

WHEREAS, subsection (8)(b) of the Act provides for the establishment, by local ordinance, of an administrative procedure to permit disclosure and protect those persons making disclosure from retaliation; and

WHEREAS, the Act provides that where a local government adopts a local ordinance establishing such administrative procedures, that it will have an opportunity to address complaints locally rather than having a complainant proceed directly to court; and

WHEREAS, the Board of Commissioners finds that addressing these matters in the Code of Ordinances will help ensure that the City’s employees will have sufficiently detailed methods

to raise such issues, and that standardized procedures are in place for the City to address any such issues; and

WHEREAS, the City Attorney has reviewed best practices and has recommended the provisions contained in this Ordinance to provide the policy specificity the Board of Commissioners desires; and

WHEREAS, the Board of Commissioners finds that it is in the best interests of the City to adopt the policy provisions set forth in this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of City of Madeira Beach, Florida, that:

SECTION 1. A new Article I of Chapter 50 (Personnel), entitled General Provisions, is hereby created as follows:

Article I – General Provisions

Sec. 50-1. – Policy and procedures.

The Board of Commissioners will adopt a personnel policy and procedures manual from time to time by ordinance, which shall be codified in the Code of Ordinances and kept on file in the city clerk's office.

Sec. 50-2. Complaints against the city manager.

- (a) Notwithstanding any personnel policy or code provision to the contrary, any employee of the city who desires to make a personnel-related complaint (other than a whistleblower complaint addressed in article II of this chapter) against the city manager shall communicate that complaint in writing directly to the city's mayor. In the event any such complaint is directed to the city manager, the city attorney, the city's human resources staff, or any other managerial official of the city, that official shall refrain from taking any action regarding the complaint but shall instead immediately convey the complaint to the mayor.
- (b) Upon receiving such complaint, the mayor will confer with the city attorney to obtain such counsel as the mayor deems necessary. The mayor shall then ensure that the complaint is investigated without the involvement in any way of the city manager, except that the city manager will be required to fully cooperate with any investigatory efforts made, including being interviewed regarding the complaint.
- (c) The mayor may either investigate the complaint him or herself or, if the nature of the complaint is factually complex or may involve the violation of state or federal employment laws, the mayor may assign the city attorney to perform the investigation or may use budgeted city funds to retain a qualified third party individual or firm to conduct the investigation.

- (d) Once the complaint has been investigated, a written report summarizing the complaint, the investigation's findings, and making any recommendations as to the resolution of the complaint shall be provided by the mayor to the city manager and the members of the board of commissioners. The board of commissioners shall have the ultimate authority as to what, if any actions shall be taken to address the complaint. At the meeting where the board of commissioners considers the investigatory report, the city manager shall be afforded the opportunity to address the commission, in person or in writing, providing any such additional information or argument as the city manager may desire to make.
- (e) Nothing herein shall be interpreted as prohibiting an employee from filing administrative charges with any state or federal agency with jurisdiction to receive the employee's complaint.
- (f) The term "personnel-related complaint" as used in this section shall mean any complaint alleging that the city manager him or herself has directly engaged in unlawful discrimination or unlawful retaliation towards the employee, or has directly violated the employee's constitutional rights. The city manager's mere review and upholding of a disciplinary decision shall not be the basis of a personnel-related complaint unless the complaining employee alleges that the city manager's decision to uphold the decision was an act of unlawful discrimination or unlawful retaliation against the employee, or a violation the employee's constitutional rights.

SECTION 2. A new Article II of Chapter 50 (Personnel) of the Madeira Beach City Code, entitled Whistle-blower Provisions, is hereby created as follows:

Article II – Whistleblower Provisions

Sec. 50-20. Procedure for disclosing certain information.

- (a) An employee, independent contractor working for the city, or employee of an independent contractor working for the city, who has information concerning the following categories is required to disclose that information to the city manager or, if the allegation is against the manager, then to the city attorney (both of whom are designated as the appropriate local officials for receiving whistleblower disclosures per Florida Statute § 112.3187(6)):
 - (1) Any violation or suspected violation of any federal, state, or local law, rule or regulation committed by an employee or agent of the city or independent contractor of the city, which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
 - (2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of the city or independent contractor of the city.

- (b) Pursuant to Florida Statutes § 112.3187(7), to receive statutory whistleblower protection, the information must be disclosed on the employee's, contractor's or employee of a contractor's own initiative, be in writing, and be signed by the employee or person making the disclosure.

Sec. 50-21. Procedure for investigating disclosures.

- (a) Once a disclosure has been made, the city manager shall confer with the mayor to determine whether any investigation is warranted and, if so, an appropriate course of investigation of the disclosure, in light of the specifics of the disclosure, the laws and regulations which may apply, the complexity or sophistication of the matters involved in the disclosure, whether criminal violations may be present, and any other relevant factors. Should the city manager be the subject of a disclosure, then the city attorney shall confer with the mayor on a proper course of action.
- (b) The level of formality and documentation of any investigation of disclosures made may vary depending on the nature and severity of the disclosure. In any event, the members of the board of commissioners shall be kept updated as appropriate on the progress of any investigation to the extent allowed by applicable confidentiality laws and records exemptions.
- (c) Once a determination has been made with respect to how any investigation will proceed, such investigation will be conducted in an expeditious manner. The city manager or city attorney, as the case may be, shall make any criminal or regulatory referrals, recommend modified policies to the board of commissioners, or take any other actions which are deemed necessary as a result of the investigation. Criminal or regulatory referrals may be made even before the investigation is concluded if doing so will prevent or reduce a substantial and specific danger to the public's health, safety, or welfare, will avoid the expiration of any criminal statute of limitations, or where the severity of any criminal allegation is such that a law enforcement referral must promptly be made.
- (d) Notwithstanding any of the foregoing, while the city manager may determine that it is in the city's best interests to defer an internal investigation pending resolution of any external criminal or regulatory referral, the city reserves the right to make its own independent determination as to any whistleblower disclosure with respect to the application of the city's own contractual agreements, codes and policies.

Sec. 50-22. Retaliation prohibited.

Neither the city manager, nor an independent contractor of the city, nor any managerial personnel working under either, shall dismiss, discipline, or take any other adverse employment action against any of their respective employees because such employee(s) disclosed, in good faith, information categorized in § 50-20. Neither the city manager, nor any managerial personnel working under the city manager, shall take any adverse regulatory or contractual action that affects

the rights or interests of an independent contractor or employee of an independent contractor for having disclosed, in good faith, information categorized in § 50-20.

Sec. 5-23. Persons protected.

- (a) Pursuant to Florida Statutes § 112.3187(7), any employee, independent contractor working for the city, **or employee of an independent contractor working for the city**-who discloses information on his or her own initiative and in the manner prescribed in § 50-20(b), is protected from retaliation based on such disclosure.
- (b) Any employee, independent contractor working for the city, or employee of an independent contractor working for the city who is requested to participate in any investigation or hearing concerning a disclosure made pursuant to § 50-20 is also protected from retaliation based on such participation.
- (c) Any person who refuses to participate in any retaliatory actions prohibited by § 50-22 is protected from retaliation for such refusal.
- (d) No person is afforded the protections provided in this article where such person:
 - (1) Knowingly submits an untruthful claim or report;
 - (2) Commits or intentionally participates in committing the violation or suspected violation for which protection from retaliation is being sought;
 - (3) Violates any personnel rule or policy in connection with or related to the subject of the disclosure; or
 - (4) Violates any contractual or regulatory provision applicable to city contracts which are the subject of or related to the disclosure.
- (e) Nothing herein precludes city from taking any personnel, contractual, or other action against any employee, or other person which is predicated upon grounds other than, and would have been taken absent, the employee's or person's disclosure of information under § 50-20.
- (f) The provisions of this section may not be used by a person while he or she is under the care, custody, or control of the state correctional system, a county sheriff, or a municipal police department after release therefrom, with respect to circumstances that occurred during any period of incarceration.

Sec. 50-24. Procedure for reviewing complaint of retaliation.

- (a) Any complaint of retaliation prohibited under § 50-23 must be filed with human resources or the city manager within 60 days after the alleged retaliatory action. Such complaint

must be submitted in writing, setting forth the facts which constitute the alleged retaliation. Once a retaliation complaint has been received, the city manager shall transmit the complaint, along with all other documentation relevant to the complaint, to the city's civil service commission. Upon hearing the complaint, the civil service commission must make findings of fact and a conclusion as to whether prohibited retaliation has occurred. These findings and conclusions shall be reduced to writing and a copy shall be provided to the complaining party.

- (b) If it is determined that retaliation has occurred, the city manager shall take such actions as would remedy the effects thereof, including reinstatement of the city employee to the same position held before the adverse action was commenced, or to an equivalent position or reasonable front pay as alternative relief; reinstatement of the employee's full fringe benefits and seniority rights, as appropriate; compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action. The city manager is authorized to promulgate any forms or procedures, not inconsistent with these provisions, to facilitate the complaint review process.
- (c) Notwithstanding the foregoing, any city employee who is a member of a collective bargaining agreement may elect to pursue any remedy available pursuant to such agreement, however, such employee may not pursue both remedies.

Sec. 50-25. Confidentiality of information.

- (a) Pursuant to Florida Statutes § 112.3188(1), the name or identity of any individual who makes a disclosure in good faith of the kind of information set forth in § 50-20, and in the manner set forth in § 50-21, may not be disclosed, without the written consent of the individual, to anyone other than the appropriate local officials designated in § 50-20(a) and such of their staff as are necessary to investigate the disclosure.
- (b) However, such disclosure is permitted if the designated appropriate local official determines that the disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare, or to prevent the imminent commission of a crime, or where the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation.
- (c) The foregoing confidentiality and record exemption is applicable so long as the investigation is active, as that term is defined in Florida Statutes § 112.3188(2)(c)(1).
- (d) Pursuant to Florida Statutes § 112.3188(2)(b)-(c), all information received pursuant to § 50-20 by the city's designated appropriate local officials, or information produced or derived from fact-finding or investigations conducted pursuant to § 50-21, is confidential and exempt from public records disclosure. However, such information may be disclosed by the designated appropriate local official if it is determined that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the

public's health, safety, or welfare or to prevent the imminent commission of a crime. Information disclosed under this subsection may be disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare, or to prevent the imminent commission of a crime based on the disclosed information.

- (e) Pursuant to Florida Statutes § 112.3188(2)(c)(4), any person who willfully and knowingly discloses information or records made confidential under subsection (a) above commits a misdemeanor of the first degree.

SECTION 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

SECTION 4. For purposes of codification of any existing section of the Madeira Beach City Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

SECTION 5. The Codifier shall codify the substantive amendments to the Madeira Beach City Code contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

SECTION 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2023.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Tampa Bay Times Published Daily

STATE OF FLORIDA
COUNTY OF Pinellas, Hillsborough, Pasco,
Hernando Citrus

} ss

Before the undersigned authority personally appeared **Deirdre Bonett** who on oath says that he/she is **Legal Advertising Representative** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: ORDINANCE 2023-07** was published in said newspaper by print in the issues of: **10/25/23** or by publication on the newspaper's website, if authorized, on

Affiant further says the said **Tampa Bay Times** is a newspaper published in **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida and that the said newspaper has heretofore been continuously published in said **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida each day and has been entered as a second class mail matter at the post office in said **Pinellas, Hillsborough, Pasco, Hernando Citrus** County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature Affiant

Sworn to and subscribed before me this **10/25/2023**

Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



NOTICE OF PUBLIC HEARINGS CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §166.041(3)(a):

NOTICE IS HEREBY GIVEN, that the Board of Commissioners of the City of Madeira Beach will conduct a **Second Reading and Public Hearing for the adoption of Ordinance 2023-07 on Wednesday, November 8, 2023 at 6:00 p.m.:**

The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is:

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.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. A copy of the proposed Ordinance is available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding proposed Ordinance 2023-07, please contact the City Clerk at 727-391-9951, ext. 231 or 232 or email the City Clerk at cvanblargan@madeirabeachfl.gov.

The meeting will be aired on Public Access TV Spectrum Channel 640 and through the City's website.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during either public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private court reporter or private court recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statute, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 48 hours prior to the meeting: (727) 391-9951, Ext. 231 or 232 or email a written request to the City Clerk at cvanblargan@madeirabeachfl.gov.

b. All or a portion of the matters under investigation or inquiry are active criminal intelligence information or active criminal investigative information as defined in s. [119.011](#).

2. Notwithstanding sub-subparagraph 1.a., an investigation ceases to be active when:

a. The written report required under s. [112.3189\(9\)](#) has been sent by the Chief Inspector General to the recipients named in s. [112.3189\(9\)](#);

b. It is determined that an investigation is not necessary under s. [112.3189\(5\)](#); or

c. A final decision has been rendered by the local government or by the Division of Administrative Hearings pursuant to s. [112.3187\(8\)\(b\)](#).

3. Notwithstanding paragraphs (a), (b), and this paragraph, information or records received or produced under this section which are otherwise confidential under law or exempt from disclosure under chapter 119 retain their confidentiality or exemption.

4. Any person who willfully and knowingly discloses information or records made confidential under this subsection commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

History.—s. 6, ch. 90-247; s. 1, ch. 91-150; s. 3, ch. 91-285; s. 2, ch. 93-57; s. 1, ch. 95-136; s. 2, ch. 95-153; s. 1, ch. 95-166; ss. 36, 37, ch. 96-406; s. 21, ch. 99-333.

¹**Note.**—As amended by s. 1, ch. 95-166, s. 2, ch. 95-153, and s. 36, ch. 96-406; this version of paragraph (2)(a) was also amended by s. 21, ch. 99-333. For a description of multiple acts in the same session affecting a statutory provision, see preface to the *Florida Statutes*, “Statutory Construction.” This section was also amended by s. 1, ch. 95-136, and s. 37, ch. 96-406, and that version reads:

112.3188 Confidentiality of information given to the Chief Inspector General and agency inspectors general.—

(1) The identity of any individual who discloses in good faith to the Chief Inspector General or an agency inspector general information that alleges that an employee or agent of an agency or independent contractor has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public’s health, safety, or welfare or has committed or is suspected of having committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to anyone other than a member of the Chief Inspector General’s or agency inspector general’s staff without the written consent of the individual, unless the Chief Inspector General or agency inspector general determines that:

(a) The disclosure of the individual’s identity is necessary to prevent a substantial and specific danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime, provided that such information is disclosed only to persons who are in a position to prevent the danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime;

(b) The disclosure of the individual’s identity is unavoidable and absolutely necessary during the course of the inquiry or investigation; or

(c) The disclosure of the individual’s identity is authorized as a result of the individual consenting in writing to attach general comments signed by such individual to the final report required pursuant to s. 112.3189(6)(b).

(2)(a) Except as specifically authorized by s. 112.3189 and except as provided in subsection (1), all information received by the Chief Inspector General or an agency inspector general or information produced or derived from fact-finding or other investigations conducted by the Department of Legal Affairs, the Office of the Public Counsel, or the Department of Law Enforcement is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for an initial period of not more than 30 days during which time a determination is made whether an investigation is required pursuant to s. 112.3189(5)(a) and, if an investigation is determined to be required, until the investigation is closed or ceases to be active. For the purposes of this subsection, an investigation is active while such investigation is being conducted with a reasonable good faith belief that it may lead to the filing of administrative, civil, or criminal charges. An investigation does not cease to be active so long as the Chief Inspector General or the agency inspector general is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the Chief Inspector General or agency inspector general or other administrative or law enforcement agency. Except for active criminal intelligence or criminal investigative information as defined in s. 119.011, and except as otherwise provided in this section, all information obtained pursuant to this subsection shall become available to the public when the investigation is closed or ceases to be active. An investigation is closed or ceases to be active when the final report required pursuant to s. 112.3189(9) has been sent by the Chief Inspector General to the recipients specified in s. 112.3189(9) (c).

(b) Information deemed confidential under this subsection may be disclosed by the Chief Inspector General or agency inspector general receiving the information if the Chief Inspector General or agency inspector general determines that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime, and such information may be disclosed only to persons who are in a position to prevent the danger to the public’s health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information.

(3) Information or records obtained under this section which are otherwise confidential under law or exempt from disclosure shall retain their confidentiality or exemption.

(4) Any person who willfully and knowingly discloses information or records made confidential under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Item 9A.

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2021 Florida Statutes (Including 2021B Session)

<p><u>Title X</u> PUBLIC OFFICERS, EMPLOYEES, AND RECORDS</p>	<p><u>Chapter 112</u> PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS</p> <p><u>Entire Chapter</u></p>	<p>SECTION 31895 Investigative procedures in response to prohibited personnel actions.</p>
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112.31895 Investigative procedures in response to prohibited personnel actions.—

(1) COMPLAINT.—

(a) If a disclosure under s. [112.3187](#) includes or results in alleged retaliation by an employer, the employee or former employee of, or applicant for employment with, a state agency, as defined in s. [216.011](#), that is so affected may file a complaint alleging a prohibited personnel action, which complaint must be made by filing a written complaint with the Office of the Chief Inspector General in the Executive Office of the Governor or the Florida Commission on Human Relations, no later than 60 days after the prohibited personnel action.

(b) Within 5 working days after receiving a complaint under this section, the office or officer receiving the complaint shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under s. [112.3187](#) to each of the other parties named in paragraph (a), which parties shall each acknowledge receipt of such copies to the complainant.

(2) FACT FINDING.—The Florida Commission on Human Relations shall:

(a) Receive any allegation of a personnel action prohibited by s. [112.3187](#), including a proposed or potential action, and conduct informal fact finding regarding any allegation under this section, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under s. [112.3187](#) has occurred, is occurring, or is to be taken.

(b) Within 180 days after receiving the complaint, provide the agency head and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

(3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

(a) The Florida Commission on Human Relations, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term “state agency” is defined in s. [216.011](#).

2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. [112.3187](#).

3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.

4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.

5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Florida Commission on Human Relations to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.

6. Review rules pertaining to personnel matters issued or proposed by the Department of Management Services, the Public Employees Relations Commission, and other agencies, and, if the Florida Commission on Human Relations finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.

7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.

8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising under this section before the Public Employees Relations Commission or any other appropriate agency, except that the Florida Commission on Human Relations must comply with the rules of the commission or other agency and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. [112.3187-112.31895](#).

10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

(b) Within 15 days after receiving a complaint that a person has been discharged from employment allegedly for disclosing protected information under s. [112.3187](#), the Florida Commission on Human Relations shall review the information and determine whether temporary reinstatement is appropriate under s. [112.3187\(9\)\(f\)](#). If the Florida Commission on Human Relations so determines, it shall apply for an expedited order from the appropriate agency or circuit court for the immediate reinstatement of the employee who has been discharged subsequent to the disclosure made under s. [112.3187](#), pending the issuance of the final order on the complaint.

(c) The Florida Commission on Human Relations shall notify a complainant of the status of the investigation and any action taken at such times as the commission considers appropriate.

(d) If the Florida Commission on Human Relations is unable to conciliate a complaint within 35 days after providing the agency head and complainant with the fact-finding report, the Florida Commission on Human Relations shall terminate the investigation. Upon termination of any investigation, the Florida Commission on Human Relations shall notify the complainant and the agency head of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding but is not admissible without the consent of the complainant.

(e)1. The Florida Commission on Human Relations may request an agency or circuit court to order a stay, on such terms as the court requires, of any personnel action for 45 days if the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a prohibited personnel action has occurred, is occurring, or is to be taken. The Florida Commission on Human Relations may request that such stay be extended for appropriate periods of time.

2. If, in connection with any investigation, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the Florida Commission on Human Relations shall report the determination together with any findings or recommendations to the agency head and may report that determination and those findings and recommendations to the Governor and the Chief Financial Officer. The Florida Commission on Human Relations may include in the report recommendations for corrective action to be taken.

3. If, after 35 days, the agency does not implement the recommended action, the Florida Commission on Human Relations shall terminate the investigation and notify the complainant of the right to appeal under subsection (4), or may petition the agency for corrective action under this subsection.

4. If the Florida Commission on Human Relations finds, in consultation with the individual subject to the prohibited action, that the agency has implemented the corrective action, the commission shall file such finding with the agency head, together with any written comments that the individual provides, and terminate the investigation.

(f) If the Florida Commission on Human Relations finds that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, the commission shall terminate the investigation.

(g)1. If, in connection with any investigation under this section, it is determined that reasonable grounds exist to believe that a criminal violation has occurred which has not been previously reported, the Florida Commission on Human Relations shall report this determination to the Department of Law Enforcement and to the state attorney having jurisdiction over the matter.

2. If an alleged criminal violation has been reported, the Florida Commission on Human Relations shall confer with the Department of Law Enforcement and the state attorney before proceeding with the investigation of the prohibited personnel action and may defer the investigation pending completion of the criminal investigation and proceedings. The Florida Commission on Human Relations shall inform the complainant of the decision to defer the investigation and, if appropriate, of the confidentiality of the investigation.

(h) If, in connection with any investigation under this section, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a violation of a law, rule, or regulation has occurred, other than a criminal violation or a prohibited action under this section, the commission may report such violation to the head of the agency involved. Within 30 days after the agency receives the report, the agency head shall provide to the commission a certification that states that the head of the agency has personally reviewed the report and indicates what action has been or is to be taken and when the action will be completed.

(i) During any investigation under this section, disciplinary action may not be taken against any employee of a state agency, as the term “state agency” is defined in s. [216.011](#), for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against any employee for participating in an investigation without notifying the Florida Commission on Human Relations.

(j) The Florida Commission on Human Relations may also petition for an award of reasonable attorney’s fees and expenses from a state agency, as the term “state agency” is defined in s. [216.011](#), pursuant to s. [112.3187](#)(9).

(4) RIGHT TO APPEAL.—

(a) Not more than 21 days after receipt of a notice of termination of the investigation from the Florida Commission on Human Relations, the complainant may file, with the Public Employees Relations Commission, a complaint against the employer-agency regarding the alleged prohibited personnel action. The Public Employees Relations Commission shall have jurisdiction over such complaints under ss. [112.3187](#) and [447.503](#)(4) and (5).

(b) Judicial review of any final order of the commission shall be as provided in s. [120.68](#).

History.—s. 14, ch. 92-316; s. 4, ch. 93-57; s. 703, ch. 95-147; s. 22, ch. 99-333; s. 130, ch. 2003-261; s. 7, ch. 2020-153.

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2021 Florida Statutes (Including 2021B Session)

<p><u>Title X</u> PUBLIC OFFICERS, EMPLOYEES, AND RECORDS</p>	<p><u>Chapter 112</u> PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS</p> <p><u>Entire Chapter</u></p>	<p>SECTION 3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.</p>
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112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—

(1) **SHORT TITLE.**—Sections [112.3187-112.31895](#) may be cited as the “Whistle-blower’s Act.”

(2) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public’s health, safety, or welfare. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

(3) **DEFINITIONS.**—As used in this act, unless otherwise specified, the following words or terms shall have the meanings indicated:

(a) “Agency” means any state, regional, county, local, or municipal government entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.

(b) “Employee” means a person who performs services for, and under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.

(c) “Adverse personnel action” means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor.

(d) “Independent contractor” means a person, other than an agency, engaged in any business and who enters into a contract, including a provider agreement, with an agency.

(e) “Gross mismanagement” means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

(4) **ACTIONS PROHIBITED.**—

(a) An agency or independent contractor shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this section.

(b) An agency or independent contractor shall not take any adverse action that affects the rights or interests of a person in retaliation for the person’s disclosure of information under this section.

(c) The provisions of this subsection shall not be applicable when an employee or person discloses information known by the employee or person to be false.

(5) **NATURE OF INFORMATION DISCLOSED.**—The information disclosed under this section must include:

(a) Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public’s health, safety, or welfare.

(b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.

(6) TO WHOM INFORMATION DISCLOSED.—The information disclosed under this section must be disclosed to any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. [112.3189](#)(1) or inspectors general under s. [20.055](#), the Florida Commission on Human Relations, and the whistle-blower’s hotline created under s. [112.3189](#). However, for disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief executive officer as defined in s. [447.203](#)(9) or other appropriate local official.

(7) EMPLOYEES AND PERSONS PROTECTED.—This section protects employees and persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; who refuse to participate in any adverse action prohibited by this section; or who initiate a complaint through the whistle-blower’s hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs; or employees who file any written complaint to their supervisory officials or employees who submit a complaint to the Chief Inspector General in the Executive Office of the Governor, to the employee designated as agency inspector general under s. [112.3189](#)(1), or to the Florida Commission on Human Relations. The provisions of this section may not be used by a person while he or she is under the care, custody, or control of the state correctional system or, after release from the care, custody, or control of the state correctional system, with respect to circumstances that occurred during any period of incarceration. No remedy or other protection under ss. [112.3187-112.31895](#) applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under ss. [112.3187-112.31895](#) is being sought.

(8) REMEDIES.—

(a) Any employee of or applicant for employment with any state agency, as the term “state agency” is defined in s. [216.011](#), who is discharged, disciplined, or subjected to other adverse personnel action, or denied employment, because he or she engaged in an activity protected by this section may file a complaint, which complaint must be made in accordance with s. [112.31895](#). Upon receipt of notice from the Florida Commission on Human Relations of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. [112.31895](#) or bring a civil action within 180 days after receipt of the notice.

(b) Within 60 days after the action prohibited by this section, any local public employee protected by this section may file a complaint with the appropriate local governmental authority, if that authority has established by ordinance an administrative procedure for handling such complaints or has contracted with the Division of Administrative Hearings under s. [120.65](#) to conduct hearings under this section. The administrative procedure created by ordinance must provide for the complaint to be heard by a panel of impartial persons appointed by the appropriate local governmental authority. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the local governmental authority. Within 180 days after entry of a final decision by the local governmental authority, the public employee who filed the complaint may bring a civil action in any court of competent jurisdiction. If the local governmental authority has not established an administrative procedure by ordinance or contract, a local public employee may, within 180 days after the action prohibited by this section, bring a civil action in a court of competent jurisdiction. For the purpose of this paragraph, the term “local governmental authority” includes any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing.

(c) Any other person protected by this section may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this section.

(9) RELIEF.—In any action brought under this section, the relief must include the following:

- (a) Reinstatement of the employee to the same position held before the adverse action was commenced, or to an equivalent position or reasonable front pay as alternative relief.
- (b) Reinstatement of the employee’s full fringe benefits and seniority rights, as appropriate.
- (c) Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action.

(d) Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

(e) Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

(f) Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure and if a court of competent jurisdiction or the Florida Commission on Human Relations, as applicable under s. [112.31895](#), determines that the disclosure was not made in bad faith or for a wrongful purpose or occurred after an agency's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency. This paragraph does not apply to an employee of a municipality.

(10) DEFENSES.—It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's or person's exercise of rights protected by this section.

(11) EXISTING RIGHTS.—Sections [112.3187](#)-[112.31895](#) do not diminish the rights, privileges, or remedies of an employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies in s. [447.401](#) also applies to whistle-blower actions.

History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 86-233; s. 1, ch. 91-285; s. 12, ch. 92-316; s. 1, ch. 93-57; s. 702, ch. 95-147; s. 1, ch. 95-153; s. 15, ch. 96-410; s. 20, ch. 99-333; s. 2, ch. 2002-400.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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MEMORANDUM

TO: Honorable Mayor and Board of Commissioners
 VIA: Robin Gomez, City Manager
 FROM: Clara VanBlargan, City Clerk
 DATE: November 2, 2023
 RE: Ordinance 2023-34, Changing the Candidate Qualifying Period

Background

The Board of Commissioners reviewed this agenda item at its October 25, 2023 BOC Workshop Meeting and directed the City Attorney to prepare an ordinance for first reading and public hearing changing the qualifying period from the first two weeks in December to the first full week in December. The revised section of the Charter being proposed is:

City Charter, Section 3.3 Nomination of Board of Commissioners.

- (A) *Filing.* Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the City Clerk during the candidate qualifying period held during the first ~~two~~ full weeks in December, excluding weekends, beginning at Noon on Monday, the first day of the qualifying period and ending at Noon on Friday, the last day of the qualifying period. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for one (1) year immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.

The relevant Florida Statutes are:

Florida Statute 100.3605 (Conduct of Municipal Elections) provides:

- (1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or

exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

Florida Statute 105.031(6) (Qualification; filing fee; candidates oath; items required to be filed) provides:

“Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, **to be processed and filed during the qualifying period.**”

Florida Statute 166.031 (Charter Amendments) provides:

- (1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.
- (2) F.S. 166.031 (2), Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

Other relevant Charter provision:

City Charter, Section 3.3 Nomination of Board of Commissioners, states, (A) Filing:

Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the City Clerk during the candidate qualifying period.

Qualifying papers provided to the City Clerk during the pre-qualifying period (not earlier than 14 days prior to the beginning of the qualifying period) will be processed and filed by the City Clerk, during the qualifying period (F.S. 105.031(6)).

Qualifying Period of Neighboring Cities and Towns

City of Indian Rocks Beach – 6 days
 City of St. Pete Beach – 10 days
 City of Gulfport – 6 days
 Town of North Redington Beach – 11 days
 Town of Redington Shores – 11 days
 Town of Redington Beach – 11 days

City of Clearwater – 10 days
City of Treasure Island – 11 days
City of Madeira Beach – 10 days

Fiscal Impact

The estimated cost to advertise the Ordinance for the second reading and public hearing is \$150.00.

Recommendation

The recommendation is for the Board of Commissioners to approve Ordinance 2023-34, changing the qualifying period to the first full week in December instead of the first two full weeks in December.

If the Ordinance is approved after the first reading and public hearing, the Ordinance will be advertised for a second reading and public hearing at the 2:00 p.m., BOC Regular Meeting on December 13, 2023. The deadline for submitting ballot language to the Pinellas County Supervisors of Elections is 5:00 p.m. on Tuesday, December 19, 2023.

If the voters approve the charter amendment at the March 19, 2024 Municipal Election, it will take effect for the candidate qualifying period beginning in December 2024 for the March 2025 Municipal Election.

Attachments:

- Ordinance 2023-34, Charter Amendment – Amending Section 3.3, Changing the Qualifying Period
- Ordinance 2023-34, Charter Amendment – Section 3.3 – Business Impact Estimate

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.

WHEREAS, the **BOARD OF COMMISSIONERS** has considered and reviewed the proposed Charter amendment, received public comment through at least two (2) public hearings on the proposed referendum ballot question; and

WHEREAS, the **BOARD OF COMMISSIONERS** has determined that it is in the best interest of the residents of the City to allow voters the opportunity to vote at referendum on whether to amend the Charter, through adoption of this Ordinance and the submittal of this Charter amendment to the citizens for voter approval pursuant to §166.031, Florida Statutes; and

WHEREAS, the **BOARD OF COMMISSIONERS** has determined that the adoption of this Ordinance is in the best interest of the residents of the City of Madeira Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. BALLOT QUESTION. The following measure shall be placed on the General Election ballot for March 19, 2024 to be voted upon by the qualified electors of the City of Madeira Beach, Florida and this amendment shall become effective immediately upon approval by a majority of the electors voting on this referendum question:

**City of Madeira Beach
No. 1 Charter Amendment**

Amend qualifying period to the first full week in December.

This charter amendment would amend Section 3.3(A) of the Charter to change the Candidate Qualifying Period to the first full week in December instead of the first two full weeks in December. Should the Charter be amended?

Yes
No

Explanation:

Amended Charter text (underline and ~~strikethrough~~):

Section 3.3 – Nomination of Board of Commissioners.

- (A) *Filing.* Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the City Clerk during the candidate qualifying period held during the first full week in December, excluding weekends, beginning at Noon on Monday, the first day of the qualifying period and ending at Noon on Friday, the last day of the qualifying period. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for one (1) year immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.

Section 2. ELECTION DATE. The following measures shall be placed on the election ballot for March 19, 2024 to be voted upon by the qualified electors of the City of Madeira Beach, Florida and this amendment shall become effective for the candidate qualifying period beginning in December 2024 for the March 2025 Municipal Election.

Section 3. COORDINATION WITH PINELLAS COUNTY SUPERVISOR OF ELECTIONS. The City Clerk of the City of Madeira Beach, Florida is hereby authorized to take and to coordinate all actions necessary with the Pinellas County Supervisor of Elections in order to ensure that the proposed Amendment to the Charter set forth herein, is properly placed on the Referendum Ballot to be held at the Election to be held on March 19, 2024 in Madeira Beach, Florida. This Referendum shall be conducted according to the requirements of law governing Referendum Elections in the State of Florida for Municipal Charter Amendments.

Section 4. EFFECTIVE DATE.

(a) This Ballot Question Ordinance **placing the charter amendment as referendum on the ballot** shall become effective immediately upon passage by the Board of Commissioners and shall be placed on the ballot for a vote of the electorate.

(b) The **charter amendment shall only become effective for the candidate qualifying period beginning in December 2024 upon approval by a majority of the electors voting on the ballot question** in the March 19, 2024 election and shall be incorporated into and become a

part of the Charter. If a majority of those voting vote “no” to such Amendment, the Amendment to the Charter shall not be adopted and that Amendment to the Charter and its provisions as proposed in this Ordinance, shall be of no force or effect.

Section 5. REPEAL OF ORDINANCES IN CONFLICT. Any portion of any ordinance in conflict with the Charter, to the extent of such conflict, is hereby repealed and compliance is required with the Charter as may be amended by the voters.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2023.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Business Impact Estimate

Proposed ordinance's title/reference:

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.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Amendment to the Charter changing the qualifying period to the first full week in December instead of the first two full weeks in December.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):



MEMORANDUM

Date: Nov 8, 2023
To: Board of Commissioners
From: Robin I. Gomez, City Manager
Subject: Discuss/Review Smoking/Vaping on Public Parks and Beach/Sand

Background

In 2022, Florida Governor Ron DeSantis signed into law House Bill 105 amending the Florida Clean Indoor Air Act allowing cities and counties to restrict smoking at public beaches and parks subject to certain exceptions including unfiltered cigars.

Discussion

For various health and environmental reasons, various cities including Treasure Island, Clearwater, St Petersburg, Belleair Bluffs, etc., have adopted ordinances regulating smoking making it unlawful, except for the smoking of unfiltered cigars, in public parks and beaches owned and operated by the applicable city.

Cigarette butts are one of the most found litter items on our beach and parks and one of the more difficult to remove. Additionally, cigarette butts can cause ingestion hazards to wildlife, can detract from a healthy environment, and can reduce the enjoyment of the City's public beach and parks for individuals and families desirous of enjoying a smoke-free environment.

Enclosed is the smoking restriction ordinance number 2023-35, along with the business impact statement for review/discussion at the 1st reading and public hearing.

Enforcement would occur by a continuous educational and information campaign, additional signage, followed by warnings to individuals observed smoking, followed by the issuance of a citation/violation/ticket by deputies upon the completion of the first 3 months of the educational/information campaign.

Fiscal Impact

Cost of additional signage and/or additional dedicated enforcement (PCSO extra-duty deputies)

Recommendation

Adopt Ordinance 2023-35 on first reading.

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.

WHEREAS, smoking in or on public beaches and public parks is a danger to health and is a material annoyance, inconvenience, discomfort and health hazard to patrons of those beach and parks; and

WHEREAS, Florida Statute 386.209 provides that the regulation of smoking is preempted to the State and supersedes any county or municipal ordinance on the subject; and

WHEREAS, effective July 1, 2022, Florida Statute 386.209 was revised to allow for counties and municipalities to restrict smoking within boundaries of any public beaches and public parks that they own, except that counties and municipalities may not further restrict the smoking of unfiltered cigars; and

WHEREAS, the Board of Commissioners of the City of Madeira Beach has determined that it is appropriate to create Code provisions to regulate smoking in or on public beaches and public parks; and

WHEREAS, the Board of Commissioners has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That 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 is hereby created to read as follows:

ARTICLE VI – RESTRICTIONS RELATING TO SMOKING IN OR ON PUBLIC BEACHES AND PUBLIC PARKS

Sec. 58-160. – Purpose and definitions.

The purpose of this Article is to regulate smoking in or on public beaches or public parks. Smoking in or on public beaches or public parks is a danger to health and is a material annoyance, inconvenience, discomfort and health hazard to patrons that use those beaches and parks. This Article does not regulate the smoking of unfiltered cigars or other smoking regulations that are preempted to the State of Florida, pursuant to Florida Statute Chapter 386.

Public Parks – Any area officially designated by the Board of Commissioners as a park and posted as such.

Public Beaches – Any area officially designated by the Board of Commissioners as a beach and posted as such.

Smoking – Inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, filtered cigars, pipe tobacco and any other lighted tobacco product.

Sec. 58-161. – Prohibition of smoking.

It shall be unlawful for any person to smoke in or on any public beach or public park owned and operated by the City of Madeira Beach.

Sec. 58-162 – Exceptions.

The provisions of this Article shall not apply:

- (a) to the smoking of unfiltered cigars in or on public beaches or public parks parks: or
- (b) to smoking in designated smoking areas in or on public beaches or public parks.

Sec. 58-163. – Posting of no smoking signs.

- (a) The City Manager or designee is authorized to install appropriate signage in all locations where smoking is prohibited.
- (b) Such signage shall consist of “No Smoking” or “Smoke Free” signs with letters not less than 1” in height or the international “No Smoking” symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

Sec. 58-164. – Penalty.

The provisions of this Article may be enforced by civil citation punishable by a fine not more than \$100.00 for the first violation and not more than \$500.00 for each subsequent violation.

Section 2. For purposes of codification of any existing section of the Madeira Beach Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 4. In the event a court of competent jurisdiction finds any part or provision of the Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the Code of Ordinances of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for herein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2023.**

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING: _____

PUBLISHED: _____

PASSED ON SECOND READING: _____

Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE 2023-35

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Madeira Beach is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Madeira Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Madeira Beach hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Amendment to the Code of Ordinances to provide for restrictions relating to smoking in or on public beaches and public parks.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Madeira Beach, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

(c) An estimate of the City of Madeira Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):



Memorandum

Meeting Details: November 8, 2023 – BOC Regular Meeting

Prepared For: Hon. Mayor Rostek and Board of Commissioners

From: Community Development Department

Subject: Public Hearing for a **Special Food Service Establishment (4COP SFS) ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-07** for 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

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 recommends the approval of ABP 2023-07.

Attachments:

Application

Public Notice Mailing and Posting



CITY OF MADEIRA BEACH

PLANNING & ZONING DEPARTMENT
 300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
 (727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131
 Email: planning@madeirabeachfl.gov



ALCOHOLIC BEVERAGE PERMIT APPLICATION

Applicant's Name: MARC BROWN

Type of License Requested: 4COP SFS

Name of Partnership, Corporation, LLC (if applicable): TIKI DOCKS MADERIA LLC

Mailing Address: 505 E JACKSON ST. STE 302, TAMPA, FL 33602

Phone(s): (239) 850-9451 Email: MICHELLE@PSFBFL.COM

Type of Ownership: Individual Partnership Corporation LLC

Name of Business: DON THE BEACHCOMBER Business Phone: _____

Physical Address: 15015 MADERIA WAY, STE 100, MADERIA BEACH, FL 33708

Parcel #: 09-31-15-54180-000-0020

Legal Description: SEE ATTACHED PROPERTY APPRAISER SHEET

Number of Seats: Inside: 129 Outside: 118

Number of Employees: 17/SHIFT

Zoning District:

- | | |
|---|--|
| <input type="checkbox"/> C-1 Tourist Commercial | <input type="checkbox"/> C-2 John's Pass Marine Commercial |
| <input type="checkbox"/> C-3 Retail Commercial | <input type="checkbox"/> C-4 Marine Commercial |
| <input type="checkbox"/> R-3 Only Restaurant | <input checked="" type="checkbox"/> PD Planned Development |

Classification:

- | | |
|--|--|
| <input type="checkbox"/> Package store, beer & wine | <input type="checkbox"/> Retail Store, beer, wine |
| <input type="checkbox"/> Package store, beer, wine, liquor | <input checked="" type="checkbox"/> Restaurants |
| <input type="checkbox"/> Bar | <input type="checkbox"/> Club <input type="checkbox"/> Charter Boats |

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

Number of Parking Spaces: 67 HC Parking Spaces: 6 Bike Racks: 4

Hours of Operation:

Monday: 11AM-11PM

Tuesday: 11AM-11PM

Wednesday: 11AM-11PM

Thursday: 11AM-11PM

Friday: 11AM-11PM

Saturday: 11AM-11PM

Sunday: 11AM-11PM

General Description of Business: FULL SERVICE RESTAURANT

Supporting Materials Required:

- Property Owner’s Written Approval
- Property Survey
- Site Plan

Questionnaire: On a separate piece of paper, please answer the following questions:

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.
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.
3. Whether or not the proposed use is compatible with the particular location for which it is proposed.
4. Whether or not the proposed use will adversely affect the public safety.
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 owned by the applicant to the City under any section of the code.

Affidavit of Applicant:

I understand that this Alcoholic Beverage Permit Application, with its attachments, becomes a permanent record for the City of Madeira Beach and hereby certify that all statements made herein together with any attachments, are true to the best of my knowledge.

ABP #: 2023-07

Item 9D.

Signature of Applicant: [Handwritten Signature]

Date: 10/6/23

****For City of Madeira Beach Use Only****

Fee: \$800.00 Check # [Redacted] Cash Receipt # [Redacted]

Date Received: 10/09/23 Received by: Andrew Morris

ABP# Assigned: 2023-07

BOC Hearing Date: 11/08/23 Approved Denied

Community Development Director

Date: _____

City Manager

Date: _____

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

[Interactive Map of this parcel](#)

[Sales Query](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

C

09-31-15-54180-000-0020

Compact Property Record Card

[Tax Estimator](#)

Updated September 30, 2023

[Email](#) [Print](#)

[Radius Search](#)

[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address (First Building)
MADEIRA HOTEL INVESTORS LLC 4729 RUE BORDEAUX LUTZ FL 33558-5368	15015 MADEIRA WAY MADEIRA BEACH
	Jump to building: (1) 15015 MADEIRA WAY <input type="checkbox"/>



Property Use: 3912 (Hotels and Motels (50 units or more)) Current Tax District: MADEIRA BEACH (MB) Total Heated SF: 94,261 Total Gross SF: 160,086 Total Units: 125

[click here to hide] **Legal Description**

MADEIRA BEACH COMMERCIAL CENTER PART OF TRACT B TOGETHER WITH PART OF GOVT LOT I IN SEC 09-31-15 ALL BEING DESC AS FROM NW COR OF SD TRACT B TH N88D04'07"E 258FT TH S01D55'53"E 7.29FT FOR POB TH S01D55' 53"E 192.71FT TO N'LY R/W OF MADEIRA WAY TH N88D 04'07"E ALG SD RD R/W 268.46FT TH N62D54'59"E 21.34FT TH N43D51'28"E 39.51FT TH N46D08'32"W 109.15FT TH N01D55'53"W 79.12FT TH CUR RT RAD 167FT ARC 15.32FT CB S84D 15'26"W 15.32FT TH S88D00' 20"W 224.71FT TO POB

<input type="checkbox"/> File for Homestead Exemption			2023 Parcel Use		
Exemption	2023	2024			
Homestead:	No	No	Homestead Use Percentage: 0.00%		
Government:	No	No	Non-Homestead Use Percentage: 100.00%		
Institutional:	No	No	Classified Agricultural: No		
Historic:	No	No			

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Flood Zone (NOT the same as your evacuation zone)	Plat Book/Page
20344/0530	Sales Query	121030278011	A	Current FEMA Maps	26/52

2023 Preliminary Value Information

Year	Just/Market Value	Assessed Value / Non-HX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2023	\$26,750,000	\$26,750,000	\$26,750,000	\$26,750,000	\$26,750,000

[click here to hide] Value History as Certified (yellow indicates correction on file)

Year	Homestead Exemption	Just/Market Value	Assessed Value	County Taxable Value	School Taxable Value	Municipal Taxable Value
2022	No	\$25,550,000	\$25,550,000	\$25,550,000	\$25,550,000	\$25,550,000
2021	No	\$24,500,000	\$24,500,000	\$24,500,000	\$24,500,000	\$24,500,000
2020	No	\$1,620,618	\$1,620,618	\$1,620,618	\$1,620,618	\$1,620,618
2019	No	\$1,703,600	\$1,703,600	\$1,703,600	\$1,703,600	\$1,703,600
2018	No	\$1,045,000	\$1,045,000	\$1,045,000	\$1,045,000	\$1,045,000
2017	No	\$1,010,000	\$1,010,000	\$1,010,000	\$1,010,000	\$1,010,000
2016	No	\$924,000	\$924,000	\$924,000	\$924,000	\$924,000
2015	No	\$885,000	\$885,000	\$885,000	\$885,000	\$885,000
2014	No	\$843,000	\$843,000	\$843,000	\$843,000	\$843,000

Year	Assessment	Value	Value	Value	Value	Value	Item 9D
2013	No	\$800,000	\$800,000	\$800,000	\$800,000		
2012	No	\$787,000	\$787,000	\$787,000	\$787,000		\$787,000
2011	No	\$790,000	\$790,000	\$790,000	\$790,000		\$790,000
2010	No	\$796,000	\$796,000	\$796,000	\$796,000		\$796,000
2009	No	\$935,000	\$935,000	\$935,000	\$935,000		\$935,000
2008	No	\$1,090,000	\$1,090,000	\$1,090,000	\$1,090,000		\$1,090,000
2007	No	\$1,080,000	\$1,080,000	\$1,080,000	N/A		\$1,080,000
2006	No	\$1,025,000	\$1,025,000	\$1,025,000	N/A		\$1,025,000
2005	No	\$653,000	\$653,000	\$653,000	N/A		\$653,000
2004	No	\$545,000	\$545,000	\$545,000	N/A		\$545,000
2003	No	\$474,000	\$474,000	\$474,000	N/A		\$474,000
2002	No	\$467,700	\$467,700	\$467,700	N/A		\$467,700
2001	No	\$451,500	\$451,500	\$451,500	N/A		\$451,500
2000	No	\$445,500	\$445,500	\$445,500	N/A		\$445,500
1999	No	\$436,100	\$436,100	\$436,100	N/A		\$436,100
1998	No	\$439,100	\$439,100	\$439,100	N/A		\$439,100
1997	No	\$436,700	\$436,700	\$436,700	N/A		\$436,700
1996	No	\$436,700	\$436,700	\$436,700	N/A		\$436,700

2022 Tax Information

2022 Tax Bill Tax District: MB

2022 Final Millage Rate 16.2571

Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new Tax Estimator to estimate taxes under new ownership.

Ranked Sales (What are Ranked Sales?) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	V/I
13 Nov 2018	20344 / 0530	\$5,000,000	Q	I
18 Aug 2016	19312 / 1609	\$8,150,000	M	I
31 Dec 1996	09583 / 0127	\$2,300,000	U	I

2023 Land Information

Seawall: No Frontage: View: None

Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Hotels And Motels (39)	0x0	65.00	51530.0000	1.0000	\$3,349,450	SF

[click here to hide] **2023 Building 1 Structural Elements** [Back to Top](#)

Site Address: 15015 MADEIRA WAY

October 06, 2023

City of Maderia Beach
Planning & Zoning Department

RE: Alcoholic Beverage Permit Application Questionnaire

To whom it may concern:

Please allow the below to serve as Applicant's responses to the questionnaire portion of the Alcoholic Beverage Permit Application:

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 requested change is a permitted and anticipated use on this site per the Planned Development. Additionally, the surrounding intensely developed commercial area contains several establishments operating with alcoholic beverage permits without issue. In this instance, the alcoholic beverage service is to be in conjunction with a full-service restaurant with a family friendly atmosphere that would assimilate well with surrounding uses.

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

It is not believed the Restaurant will create any additional traffic impacts beyond what has been anticipated as part of the PD and development agreement. Additionally, the area has undergone significant roadway improvements that have ensured safe and efficient access to the site. It is also anticipated that a sizeable portion of the customers will result from existing foot traffic/pedestrian shed due to the nature of the geographic location.

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

The proposed use is compatible with this location as it is a restaurant is situated in a historically significant commercial district that is currently occupied by several businesses possession alcoholic beverage permits.

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

The requested license is not anticipated to adversely affect public safety. The establishment has been built to meet or exceed current codes in every way, and the applicant has an exemplary safety record throughout its restaurants.

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

All fees are current.

Thank you for your consideration.

Sincerely,

Marc Brown
President
23 Restaurant Services

Madeira Hotel Investors, LLC
5294 62nd Ave South
St Petersburg FL 33715

Item 9D.

October 6, 2023

City of Madeira Beach

RE: Tiki Docks Madeira LLC Alcoholic Beverage Permit Application

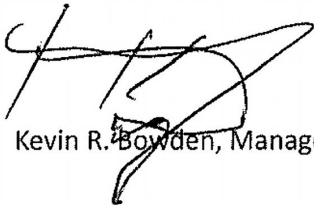
To Whom it May Concern:

I, Kevin Bowden as manager of Madeira Hotel Investors, owner/landlord of:

15015 Madeira Way, STE 100, Madeira Beach FL 33708

approve of the sale of alcoholic beverages at this property by tenant, Tiki Docks Madeira LLC DBA Don the Beachcomber.

Sincerely,



Kevin R. Bowden, Manager

Cc: Tiki Docks Madeira LLC, 505 E Jackson ST, STE 302, Tampa FL 33602

LEGAL DESCRIPTION

A PORTION OF PARCEL 2 AS RECORDED IN OFFICIAL RECORDS BOOK 19312, PAGE 1609, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING A PORTION OF GOVERNMENT LOT 1, LYING AND BEING IN SECTION 9, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF TRACT B, MADEIRA BEACH COMMERCIAL CENTER, AS RECORDED IN PLAT BOOK 26, PAGE 52, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N88°04'07"E, ALONG THE NORTHERLY LINE OF SAID TRACT B, 169.40 FEET TO A POINT OF BEGINNING OF SAID PARCEL 2; THENCE CONTINUE N88°04'07"E, ALONG THE NORTHERLY LINE OF SAID TRACT B, 88.60 FEET; THENCE LEAVING SAID LINE S01°55'53"E, ALONG THE WESTERLY LINE OF SAID PARCEL 2, A DISTANCE OF 7.29 FEET TO THE POINT OF BEGINNING OF SAID PORTION; THENCE CONTINUE S01°55'53"E, ALONG SAID WESTERLY LINE, A DISTANCE OF 192.71 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MADEIRA WAY (AN 80 FOOT RIGHT-OF-WAY) AS SHOWN ON SAID PLAT; THENCE N88°04'07"E, ALONG SAID LINE A DISTANCE OF 268.46 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 233, ALSO KNOWN LOCALLY AS WELCH CAUSEWAY OR 150TH AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE, N62°54'59"E, A DISTANCE OF 21.34 FEET; THENCE N43°51'28"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 39.51 FEET; THENCE DEPARTING SAID LINE, N46°08'32"W, A DISTANCE OF 109.15 FEET; THENCE N01°55'53"W, A DISTANCE OF 79.12 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTH; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 15.32 FEET, HAVING A RADIUS OF 167.00 FEET, THROUGH A CENTRAL ANGLE OF 05°15'24", THE CHORD FOR WHICH BEARS S84°15'26"W, A CHORD DISTANCE OF 15.32 FEET TO THE END OF SAID CURVE; THENCE S88°00'20"W, A DISTANCE OF 224.71 FEET TO THE POINT OF BEGINNING. TOGETHER WITH PERPETUAL NON-EXCLUSIVE ACCESS EASEMENT FOR PEDESTRIAN WALKWAY USE PER THAT EASEMENT AGREEMENT (HOTEL A - MARINA ACCESS) RECORDED DECEMBER 19, 2018, IN OFFICIAL RECORDS BOOK 20371, PAGE 2549, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. TOGETHER WITH PERPETUAL NON-EXCLUSIVE EASEMENT FOR CROSS-DRAINAGE, MAINTENANCE, REPAIR AND TEMPORARY CONSTRUCTION PER THAT DRAINAGE CROSS-EASEMENT AGREEMENT RECORDED DECEMBER 19, 2018, IN OFFICIAL RECORDS BOOK 20371, PAGE 2557, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

BOUNDARY SURVEY

LEGEND

- A = ARC
A/C = AIR CONDITIONER
AC = ACREAGE
C.B. = CHORD BEARING
CH = CHORD
CLF = CHAIN LINK FENCE
CONC = CONCRETE
DI = DRAINAGE INLET
EL = ELEVATION
EP = EDGE OF PAVEMENT
F.F. = FINISHED FLOOR ELEVATION
FCIR = FOUND CAPPED IRON ROD
FCM = FOUND CONCRETE MONUMENT
FIR = FOUND IRON ROD
FOEP = FOUND OPEN END PIPE
GAR_EL = GARAGE ELEVATION
HYD = HYDRANT
LP = LIGHT POLE
(M) = MEASURED
(P) = PLAT
(R) = RECORD
(C) = CALCULATED
O.R. = OFFICIAL RECORD
P.B. = PLAT BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.PIPE = PINCHED PIPE
PG. = PAGE
PP = POWER POLE
R = RADIUS
R/W = RIGHT OF WAY
S.F. = SQUARE FEET
SCIR = SET 1/2" IRON ROD #5545
UP = UTILITY POLE
S SANITARY MANHOLE
D DRAINAGE MANHOLE
M MANHOLE
SC SURVEY CONTROL POINT
CO CLEANOUT
BP BOUNDARY POINT FOUND
FCM FOUND CONC. MONUMENT
GT GREASE TRAP
LGP LIGHTPOLE
G GAS VALVE
W WATER VALVE (POTABLE)
WRI WATER VALVE (NON-POTABLE)
SV SANITARY VALVE
V VALVE
T TELEPHONE PEDESTAL
E ELECTRIC PEDESTAL
TV CABLE TELEVISION PEDESTAL
SC SERVICE CABINET
V VALVE COVER (WATER)
V VALVE COVER (IRRIGATION)
WB WIRE PULL BOX
WMB WATER METER BOX
H HYDRANT
UP UTILITY POLE
ET ELECTRIC TRANSFORMER
V VALVE (BACKFLOW)
SS SINGLE SUPPORT SIGN
MS MULTI SUPPORT SIGN
PL PROPERTY LINE
CL CENTER LINE
DELTA DELTA
C COLUMN

- PALM TREE
TREE
UTILITY EASEMENT
FENCE
GRADE BREAK
BUILDING/BOUNDARY

SURVEYOR NOTES:

- 1. ALL EASEMENTS ARE FOR UTILITY AND OR DRAINAGE UNLESS OTHERWISE NOTED.
2. THIS SURVEY IS ONLY FOR THE USE OF THE PARTIES THAT ARE BEING CERTIFIED TO.
3. ALL MATTERS CONTAINED IN THE ALTA TITLE COMMITMENT EXECUTED BY OLD FIDELITY NATIONAL TITLE INSURANCE COMPANY, DATED: 5-19-2022 AT 8:00 AM, ORDER No. 10555020 - FILE No. 22-0709 CENB/Madeira Hotel. HAVE BEEN REVIEWED AND, WHERE APPLICABLE, PLOTTED HEREON.
4. THE BEARINGS SHOWN HEREON ARE BASED ON OFFICIAL RECORD INFORMATION OF PINELLAS COUNTY, FLORIDA AND FLORIDA STATE PLANE COORDINATES, WEST ZONE, 0901 (FDOT RTK NETWORK).
5. CALCULATED INFORMATION IS BASED ON (A) CONCEPTUAL RECREATION OF PLAT INTENT, (B) INFORMATION REQUIRED TO SET RECORD CORNERS, & OR (C) COMPILED DATA FROM SURROUNDING PLATS, DEEDS, AND CERTIFIED CORNER DOCUMENTS.
6. DIMENSIONS ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
7. THIS DRAWING DOCUMENTS THE BOUNDARIES AND IMPROVEMENTS AS THEY EXISTED 06/24/2022. THE SURVEYOR MAKES NO WARRANTY, WRITTEN OR OTHERWISE, AS TO THE ACCURACY AND/OR DISPOSITION OF THE BOUNDARIES BEYOND THAT DATE.
8. THE SURVEYOR ACCEPTS NO LIABILITY FOR CONSTRUCTION, ADDITIONS, AND/OR IMPROVEMENTS HEREAFTER ERECTED.
9. THERE IS NO EVIDENCE OF CEMETERIES ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.
10. NO OBSERVABLE EVIDENCE OF CHANGES IN STREET RIGHT-OF-WAY LINES COMPLETED AND AVAILABLE FROM THE CONTROLLING JURISDICTION AND NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
11. PROPERTY HAS PHYSICAL ACCESS TO "MADEIRA WAY"
12. IN REGARDS TO ALTA TABLE A ITEM 11a, NO UNDERGROUND UTILITY PLANS AND/OR REPORTS HAVE BEEN PROVIDED BY THE CLIENT AT THE TIME THIS SURVEY WAS PERFORMED.

FLOOD PLANE CERTIFICATION ACCORDING TO THE F.I.R.M. MAP, COMMUNITY PANEL NUMBER: 12103C0191H DATED: 08/24/2021. THIS PROPERTY APPEARS TO BE IN FLOOD ZONE "AE" AND THE BASE 100 YEAR FLOOD ELEVATION IS 10 MEAN SEA LEVEL.

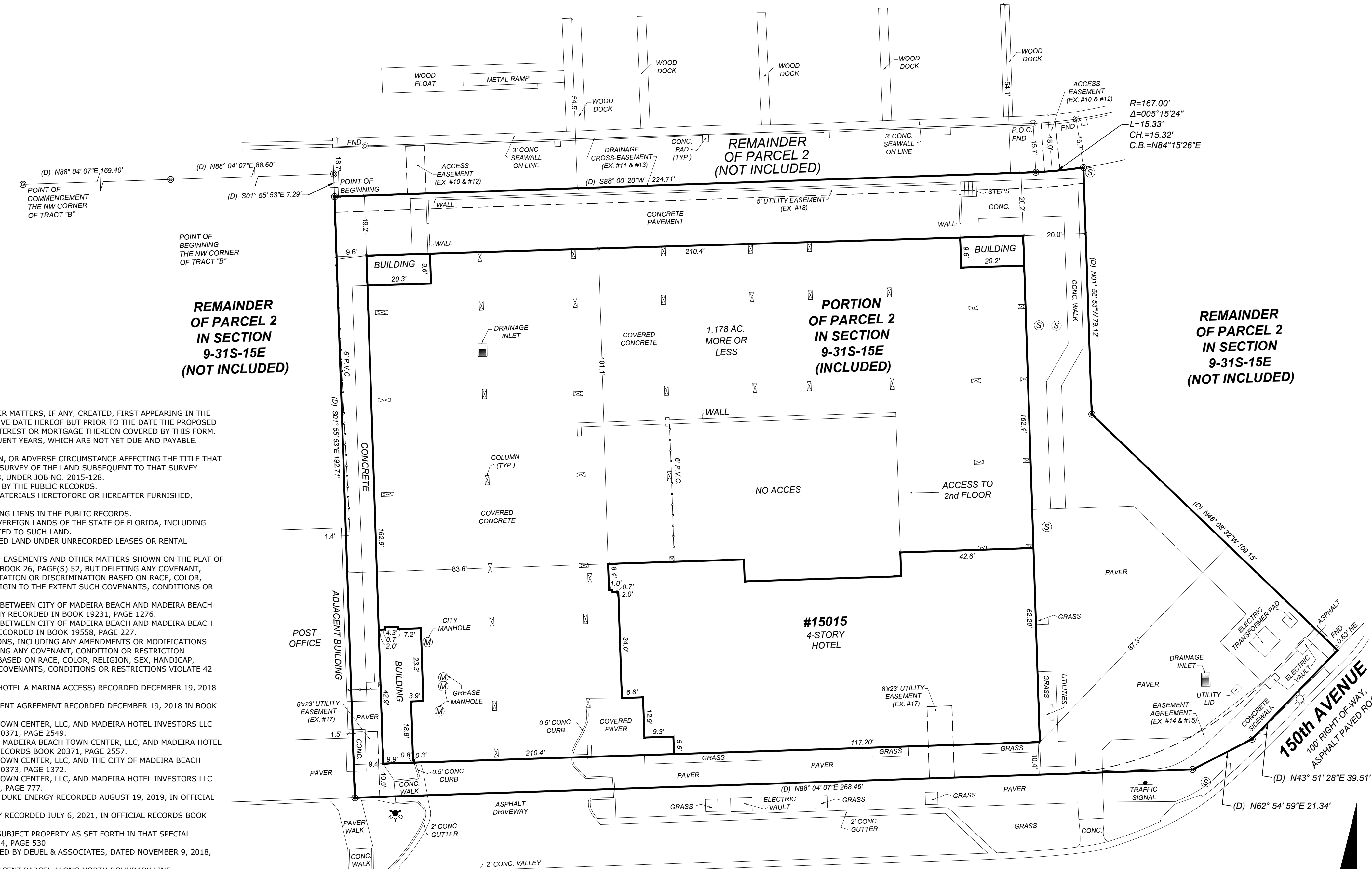
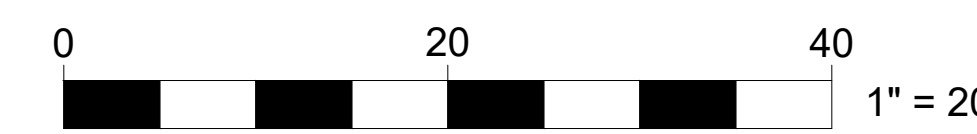
CERTIFIED PARTIES:

FIDELITY NATIONAL TITLE INSURANCE COMPANY
CENTENNIAL BANK, AN ARKANSAS STATE CHARTERED BANKING CORPORATION, ISAOA/ATMA,
BATTAGLIA, ROSS, DICUS & MCQUAD, P.A.
MADEIRA HOTEL INVESTORS LLC, A FLORIDA LIMITED LIABILITY COMPANY

This certifies that a survey of this legal described hereon was made under my supervision and that the survey complies with the Standard and Practice set forth by the Florida Board of Professional Land Surveyors & Mappers in Chapter 51-17 F.A.C. pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and accurate representation thereof to the best of my knowledge and belief, subject to notes and notations hereon. NOT VALID UNLESS SIGNED, DATED AND STAMPED WITH MY EMBOSSED SEAL FOR REFERENCE ONLY.

06/24/2022
DATE

Signature of Mohammad B. Far
MOHAMMAD B. FAR, P.L.S. #5545



PERMITTED EXCEPTIONS

- 1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS FORM.
2. TAXES AND ASSESSMENTS FOR THE YEAR 2022 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE.
3. STANDARD EXCEPTIONS:
A. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND SUBSEQUENT TO THAT SURVEY PREPARED BY DEUEL & ASSOCIATES, DATED NOVEMBER 9, 2018, UNDER JOB NO. 2015-128.
B. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
C. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIALS HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
D. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS IN THE PUBLIC RECORDS.
4. ANY CLAIM THAT ANY PORTION OF THE INSURED LAND IS SOVEREIGN LANDS OF THE STATE OF FLORIDA, INCLUDING SUBMERGED, FILLED OR ARTIFICIALLY EXPOSED LANDS ACCRETED TO SUCH LAND.
5. RIGHTS OF TENANTS OCCUPYING ALL OR PART OF THE INSURED LAND UNDER UNRECORDED LEASES OR RENTAL AGREEMENTS.
6. RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF MADEIRA BEACH COMMERCIAL CENTER, AS RECORDED IN PLAT BOOK 26, PAGE(S) 52, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).
7. TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT BETWEEN CITY OF MADEIRA BEACH AND MADEIRA BEACH DEVELOPMENT CO., LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN BOOK 19331, PAGE 1276.
8. TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT BETWEEN CITY OF MADEIRA BEACH AND MADEIRA BEACH TOWN CENTER, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN BOOK 19558, PAGE 227.
9. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, INCLUDING ANY AMENDMENTS OR MODIFICATIONS THERETO, RECORDED IN BOOK 19876, PAGE 1320, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).
10. TERMS AND CONDITIONS OF THAT EASEMENT AGREEMENT (HOTEL A MARINA ACCESS) RECORDED DECEMBER 19, 2018 IN BOOK 20371, PAGE 2549.
11. TERMS AND CONDITIONS OF THAT DRAINAGE CROSS-EASEMENT AGREEMENT RECORDED DECEMBER 19, 2018 IN BOOK 20371, PAGE 2557.
12. EASEMENT AGREEMENT BY AND BETWEEN MADEIRA BEACH TOWN CENTER, LLC, AND MADEIRA HOTEL INVESTORS LLC RECORDED DECEMBER 19, 2018, IN OFFICIAL RECORDS BOOK 20371, PAGE 2549.
13. DRAINAGE CROSS-EASEMENT AGREEMENT BY AND BETWEEN MADEIRA BEACH TOWN CENTER, LLC, AND MADEIRA HOTEL INVESTORS LLC RECORDED DECEMBER 19, 2018, IN OFFICIAL RECORDS BOOK 20371, PAGE 2557.
14. EASEMENT AGREEMENT BY AND BETWEEN MADEIRA BEACH TOWN CENTER, LLC, AND THE CITY OF MADEIRA BEACH RECORDED DECEMBER 19, 2018, IN OFFICIAL RECORDS BOOK 20373, PAGE 1372.
15. EASEMENT AGREEMENT BY AND BETWEEN MADEIRA BEACH TOWN CENTER, LLC, AND MADEIRA HOTEL INVESTORS LLC RECORDED APRIL 12, 2019, IN OFFICIAL RECORDS BOOK 20497, PAGE 777.
16. EASEMENT IN FAVOR OF DUKE ENERGY FLORIDA, LLC, D/B/A DUKE ENERGY RECORDED AUGUST 19, 2019, IN OFFICIAL RECORDS BOOK 20660, PAGE 647.
17. GENERAL UTILITY EASEMENT IN FAVOR OF PINELLAS COUNTY RECORDED JULY 6, 2021, IN OFFICIAL RECORDS BOOK 21614, PAGE 246.
18. PERPETUAL FIVE (5) FOOT EASEMENT RESERVED OVER THE SUBJECT PROPERTY AS SET FORTH IN THAT SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 20344, PAGE 530.
19. MATTERS SHOWN AND DISCLOSED BY THAT SURVEY PREPARED BY DEUEL & ASSOCIATES, DATED NOVEMBER 9, 2018, UNDER JOB NO. 2015-128:
A. ENCROACHMENT OF ROOF OVER CONCRETE PATIO INTO ADJACENT PARCEL ALONG NORTH BOUNDARY LINE
B. ENCROACHMENT OF CONCRETE SLAP OVER NORTH BOUNDARY LINE NEAR NORTHEAST CORNER INTO ADJACENT PARCEL
C. ENCROACHMENT OF IMPROVED PARKING SPACES ACROSS THE NORTH AND EAST BOUNDARY LINES INTO ADJACENT PARCELS
D. ENCROACHMENT OF A ONE (1) STORY COMMERCIAL BUILDING ACROSS THE EAST BOUNDARY FROM ADJACENT PARCEL
E. ENCROACHMENT OF BOAT LAUNCH ACROSS NORTH BOUNDARY NEAR NORTHWEST CORNER FROM ADJACENT PARCEL
F. OVERHEAD LINES RUN THROUGH PROPERTY WITHOUT APPARENT BENEFIT OF RECORDED EASEMENT
G. ENCROACHMENT OF CONCRETE WALK OVER SOUTH PROPERTY LINE NEAR SOUTHEAST CORNER

EASEMENT NOTES

- 1-2, 3B-D, 4, 5, 7, 8 - ARE NOT SURVEY ITEMS
3A, 6, 10-15, & 17-19 - PLOTTED AND SHOWN HEREON
9 - AFFECTS PROPERTY - NOTHING TO PLOT
16 - AFFECTS PROPERTY - BLANKET IN NATURE - UNABLE TO PLOT

REVISIONS

15015 MADEIRA WAY
MADEIRA BEACH, FLORIDA 33708

ALTA/NSPS
LAND TITLE SURVEY

MOHAMMAD B. FAR
8131 MEADOWVIEW PLACE
TRINITY, FLORIDA 34655
PHONE: (727) 375-1740 FAX: (727) 375-1741
E-MAIL: MOHAMMADBFAR@AOL.COM

JOB NO: 15015

FIELD DATE: 06/24/2022

DRAWN BY: C.D.A.

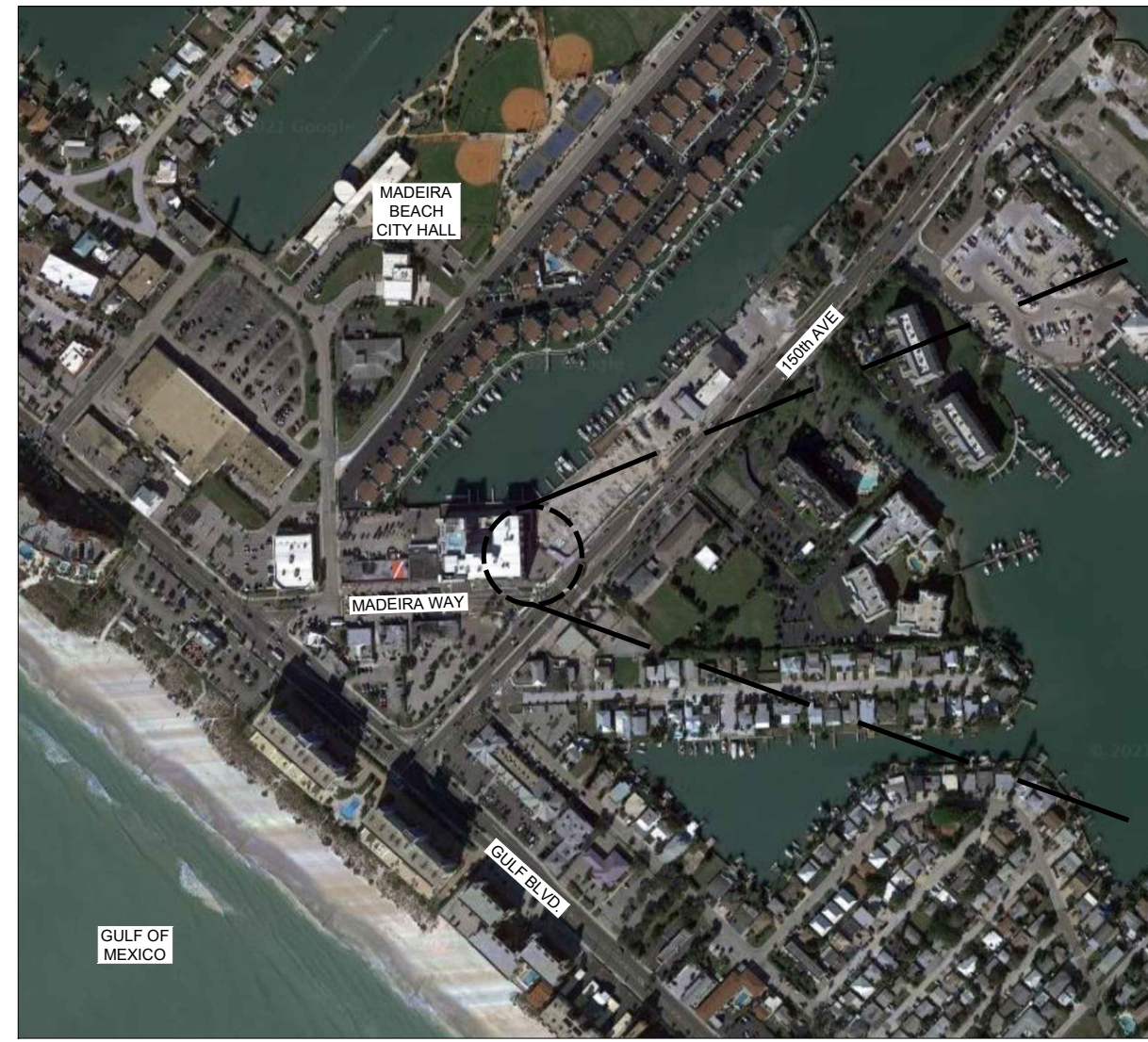
CHECKED BY: M.B.F.

SCALE: 1"=20'

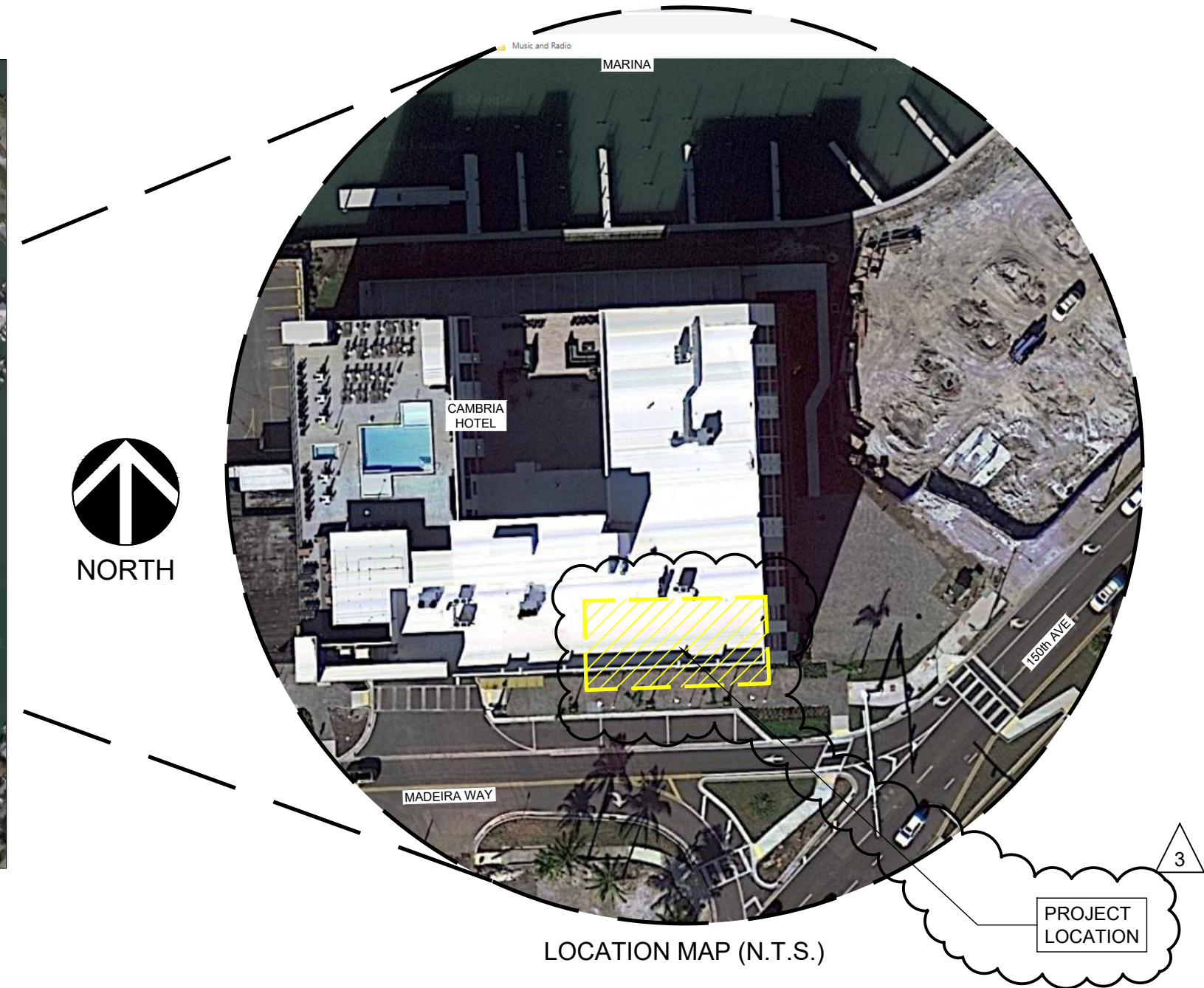
PG 1 of 1

PROPOSED PROJECT FOR:

DON THE BEACHCOMBER
(RESTAURANT)
 15015 MADEIRA WAY
 MADEIRA BEACH, FLORIDA 33708



VICINITY MAP (N.T.S.)



LOCATION MAP (N.T.S.)

PROJECT LOCATION

SCOPE OF WORK

INTERIOR BUILD OUT OF 4,919.95 SQUARE FOOT EXISTING RESTAURANT SPACE INCLUDING CUSTOMER AREA, KITCHEN AND FOOD PREP AREAS.
 ALL INTERIOR AND EXTERIOR AREAS WILL BE FIRE SPRINKLED AND CODE COMPLIANT.

INDEX OF DRAWINGS

SHEET #	DESCRIPTION
CO	COVER SHEET
RE	REMOVED
G-1	ABBREVIATIONS & SYMBOLS
D-1.0	DEMOLITION PLAN
A-0.1	OCCUPANT LOAD PLAN
A-1.10	REMOVED
A-1.10A	REMOVED
A-1.11	OVERALL GROUND FLOOR PLAN
A-1.12	ENLARGED INTERIOR FLOOR PLAN
A-1.21	NEW RESTAURANT - REFLECTED CEILING PLAN
A-1.22	REMOVED
A-2.01	REMOVED
A-3.01	REMOVED
A-5.01	REMOVED
A-5.02	REMOVED
A-6.0	FINISH SCHEDULE
A-6.1	FINISH SCHEDULE
A-6.2	FINISH SCHEDULE
LS-1.0	LIFE SAFETY PLAN
M-1.0	MECHANICAL PLAN GF LEVEL
M-2.0	MECHANICAL PLAN - PARTIAL 2ND LEVEL
M-2.1	MECHANICAL PLAN - PARTIAL ROOF LEVEL
M-3.0	MECHANICAL SCHEDULE, NOTES AND DETAILS
M-4.0	HOOD DRAWINGS
M-5.0	HOOD DRAWINGS
M-6.0	HOOD DRAWINGS
M-7.0	HOOD DRAWINGS
M-8.0	HOOD DRAWINGS
M-9.0	HOOD DRAWINGS
P-1.0	PLUMBING SITE PLAN
P-2.0	PLUMBING FLOOR PLAN
P-2.0A	REMOVED
P-3.0	PLUMBING SANITARY RISER & GAS PIPING DIAGRAM
P-4.0	PLUMBING WATER PIPING DIAGRAM
P-5.0	PLUMBING SCHEDULES
E-1.0	ELECTRICAL GENERAL NOTES
E-2.0	ELECTRICAL POWER PLAN MAIN AREA
E-3.0	REMOVED
E-4.0	ELECTRICAL LIGHTING PLAN MAIN AREA
E-5.0	REMOVED
E-6.0	PARTIAL SECOND FLOOR PLAN & ROOF PLAN
E-7.0	KITCHEN EQUIPMENT SCHEDULE
E-8.0	ELECTRICAL PANEL SCHEDULE
E-9.0	ELECTRICAL LIGHTING SCHEDULE

COMMERCIAL PROJECTS:

BUILDING DATA:

OCCUPANCY: ASSEMBLY BUSINESS EDUCATIONAL MERCANTILE HAZARDOUS
 FACTORY-INDUSTRIAL INSTITUTIONAL RESIDENTIAL (R-3) UTILITY/MISCELLANEOUS

MIXED OCCUPANCY: YES NO SEPARATION: 2-HOUR FLOOR-CEILING FLOOR SEPARATION PER U.L. DETAIL 901
 2-HOUR FLOOR-CEILING FLOOR SEPARATION PER U.L. DETAIL 901

CONSTRUCTION TYPE: I (A) I (B) II (A) II (B) III (A) III (B) IV (H.T.) V (A) V (B)

MIXED CONSTRUCTION: YES NO

BUILDING HEIGHT: 23'-0" ABOVE GRADE
 BASE FLOOD ELEVATION: ZONE AE / (EL. 11)

MEZZANINE: YES NO
 HIGH RISE: YES NO
 FIRE SPRINKLED: YES NO
 FIRE ALARM: YES NO
 ZONING DISTRICT: PD

(E) TOTAL SITE AREA: 15,468 S.F. (0.36 ACRES)

A/C AREA	
GROUND FLOOR A/C AREA	4,919.95 S.F.
TOTAL A/C AREA	4,919.95 S.F.

LIFE SAFETY SYSTEM:
 EMERGENCY LIGHTING AND EXIT SIGNAGE YES NO
 FIRE ALARM YES NO
 SMOKE DETECTION SYSTEMS YES NO
 PANIC HARDWARE YES NO

APPLICABLE CODES:

7TH EDITION (2020) FLORIDA BUILDING CODE
 7TH EDITION (2020) FLORIDA BUILDING CODE (MECHANICAL)
 7TH EDITION (2020) FLORIDA BUILDING CODE (PLUMBING)
 7TH EDITION (2020) FLORIDA BUILDING CODE (ACCESSIBILITY)
 7TH EDITION (2020) FLORIDA BUILDING CODE (ENERGY)
 7TH EDITION (2017) FLORIDA FIRE PREVENTION CODE
 NFPA 707 NATIONAL ELECTRICAL CODE (NEC 2017)

WINDS:

WINDS APPLIED PER ASCE7-10, BUILDINGS OF ALL HEIGHTS
 ANALYTICAL METHOD

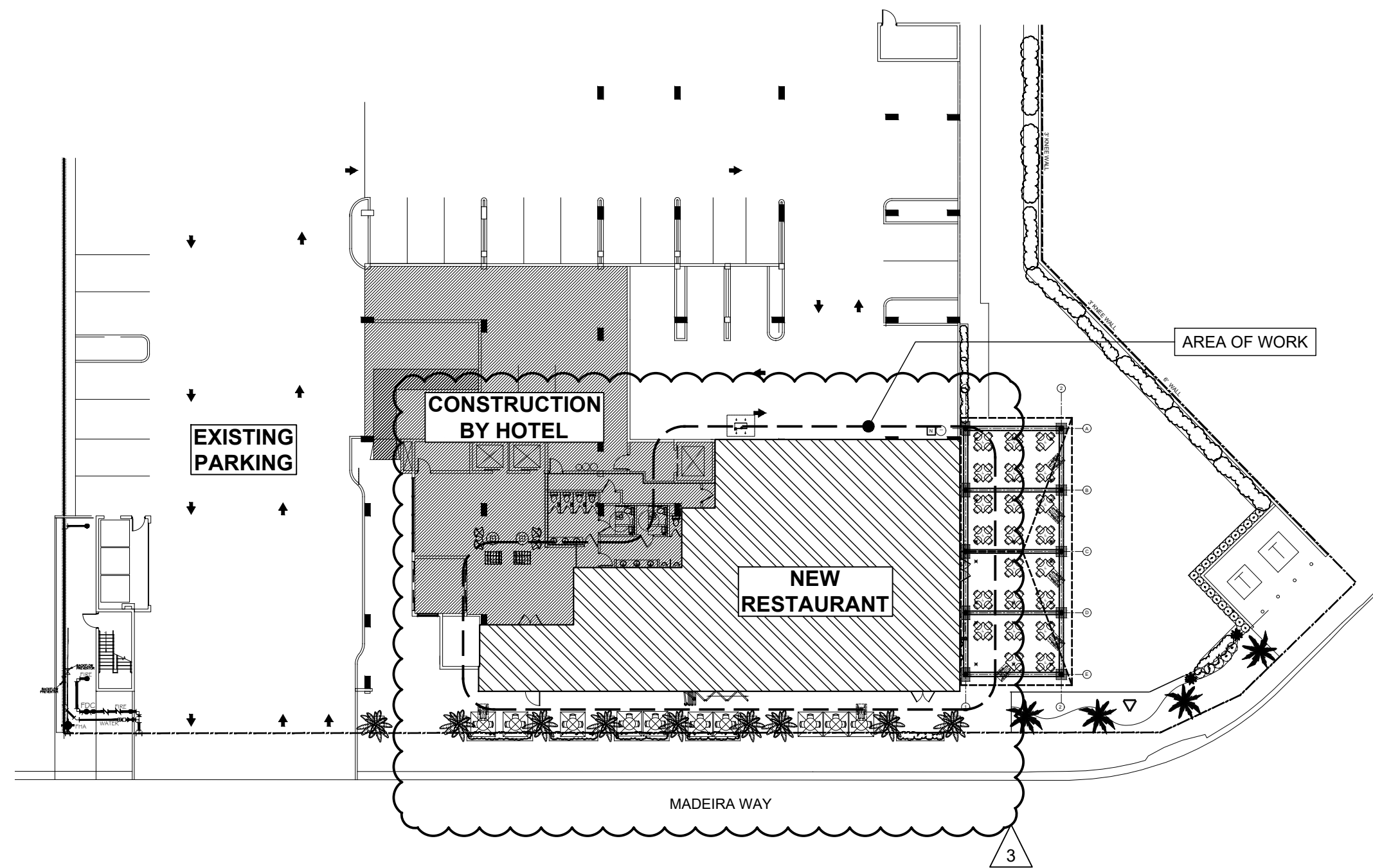
BASIC WIND SPEED: 150 MPH
 BUILDING RISK CATEGORY: II
 WIND EXPOSURE: D
 APPLICABLE INTERNAL PRESSURE COEFFICIENT: +/- .18 (ENCLOSED)

COMPONENTS AND CLADDING
 SEE STRUCTURAL SHEET FOR ALL DESIGN PRESSURES

NOTE: FOLLOW MANUFACTURERS INSTRUCTIONS FOR NUMBER OF JAMB CLIPS, SPACING AND ANCHOR SIZES.

FLORIDA PRODUCT APPROVALS

ITEM	MANUFACTURER	FLORIDA APPROVAL #
SINGLE ALUMINUM STOREFRONT DOOR	YKK AP AMERICA	16554.1
BIFOLD ALUMINUM DOOR SYSTEM	EURO-WALL SYSTEMS, LLC	17838.1



1 CO EXISTING SITE PLAN AT CAMBRIA HOTEL
 SCALE: 1" = 30'-0" NORTH

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND COORDINATE ALL FIELD CONDITIONS. ALL DISCREPANCIES AND COMMENTS SHALL BE REPORTED TO THE ARCHITECT IN WRITING PRIOR TO PROCEEDING OR CONTINUING WITH CONSTRUCTION. UNREPORTED DISCREPANCIES AND COMMENTS SHALL REMAIN THE RESPONSIBILITY OF THE CONTRACTOR.

JOHN A. BODZIAK
 ARCHITECT AIA, PA
 ARCHITECTURE, DESIGN, AND CONSTRUCTION MANAGEMENT
 FLORIDA REGISTRATION NO. AR0005065
 EMAIL: JACK@JOBODZIAK.COM
 743 49th STREET N. SAINT PETERSBURG, FLORIDA 33710
 TEL: (727) 327-1966 FAX: (727) 826-0968

REVISIONS PER CITY COMMENTS

NO.	DATE	REVISIONS PER CITY COMMENTS
1	03/01/2023	
2	05/19/2023	
3	06/15/2023	

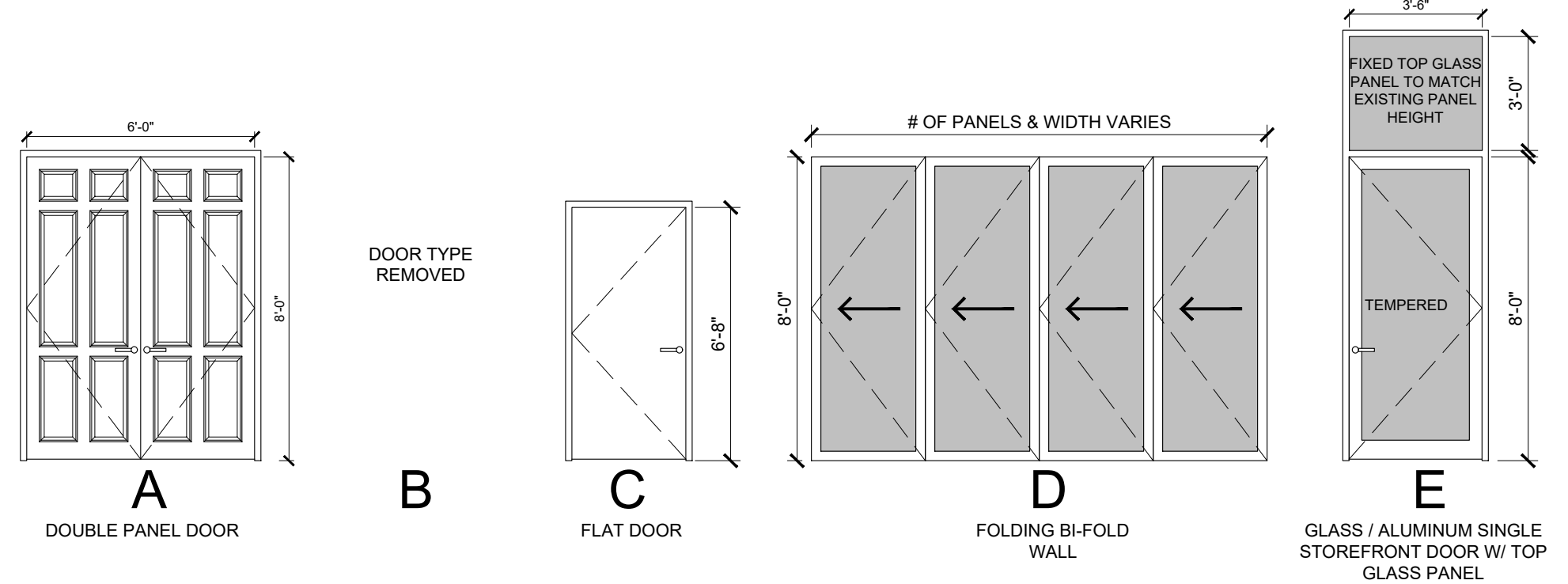
COVER SHEET

CS / JR
 Jun. 15, 23
 JAN - 2022
 2020-053
 88

DOOR SCHEDULE (ALL EXTERIOR DOORS TO BE IMPACT)									
DOOR #	SIZE W x H x 1 3/4"	DOOR TYPE	MATERIAL	FRAME TYPE	MANUFACTURER	FLORIDA APPROVAL	DESIGN PRESSURE	REMARKS	
1	6'-0" x 8'-0"	DOUBLE DOOR	A	S.C. WOOD	WOOD	INTERIOR	-	-	STYLE BY OWNER. 1-HR FIRE RATED DOOR. PANIC HARDWARE & SELF CLOSER.
2	REMOVED	-	-	-	-	-	-	-	-
3	3'-0" x 6'-8"	SINGLE DOOR	C	S.C. WOOD	WOOD	INTERIOR	-	-	STYLE BY OWNER. SELF CLOSER
4	3'-0" x 6'-8"	SINGLE DOOR	C	H.C. WOOD	WOOD	INTERIOR	-	-	STYLE BY OWNER.
5	3'-0" x 6'-8"	SINGLE DOOR	C	METAL	METAL	INTERIOR	-	-	STYLE BY OWNER. SELF CLOSER
6	3'-6" x 8'-0"	SINGLE STOREFRONT DOOR	E	ALUMINUM	ALUMINUM	YKK AP AMERICA	FL16554.2	+70 -90	STYLE TO MATCH EXISTING EXTERIOR DOORS. EXISTING GLASS PANEL TO BE MODIFIED BY ADDING SINGLE DOOR. TOP GLASS PANEL TO MATCH EXISTING PANELS. PANIC HARDWARE & SELF CLOSER.
7	2'-8" x 8'-0"	BIFOLD	D	METAL	METAL	EURO-WALL SYSTEMS	FL17638.1	+180 -180	STYLE BY OWNER.
8	8'-0" x 9'-0"	BIFOLD	D	METAL	METAL	EURO-WALL SYSTEMS	FL17838.1	+100 -100	STYLE BY OWNER.
E1	-	-	-	-	-	-	-	-	EXISTING DOOR TO REMAIN
E2	-	-	-	-	-	-	-	-	EXISTING DOOR TO BE RECONFIGURED WITHIN STOREFRONT SYSTEM
	-	-	-	-	-	-	-	-	EXISTING DOOR TO BE RELOCATED TO RECONFIGURED STOREFRONT SYSTEM

WINDOW SCHEDULE (ALL EXTERIOR WINDOWS TO BE IMPACT)									
WINDOW #	SIZE W x H	MATERIAL	TYPE	GLAZING	MANUFACTURER	FLORIDA APPROVAL	DESIGN PRESSURE	REMARKS	
A	REMOVED	-	-	-	-	-	-	-	-
B	REMOVED	-	-	-	-	-	-	-	-
C	REMOVED	-	-	-	-	-	-	-	-
E	-	-	-	-	-	-	-	-	EXISTING WINDOW TO REMAIN
E1	-	-	-	-	-	-	-	-	EXISTING STOREFRONTS TO BE MODIFIED

DOOR TYPES

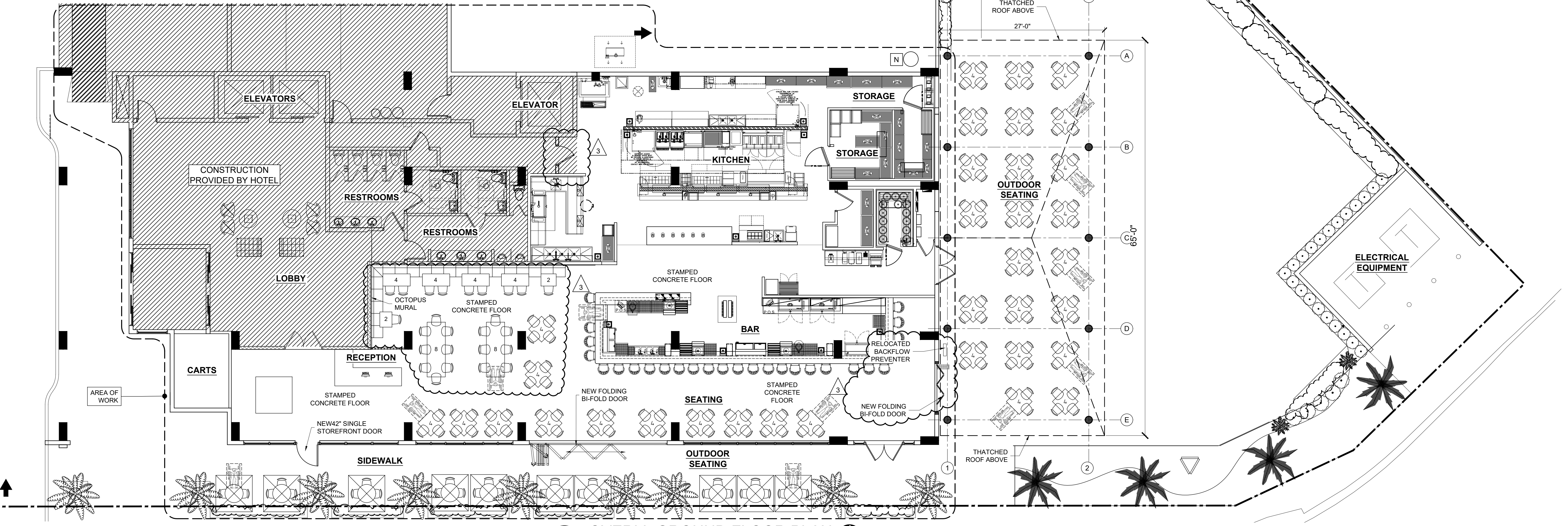


UL DETAIL U419 - 2HR FIRE RATED WALL

SCALE: N.T.S.

REQUIRED WHEELCHAIR LOCATIONS			
LOCATION	SEATS	REQUIRED ADA SEATS	PROPOSED ADA SEATS
RESTAURANT	129	4	4
SOUTH OUTDOOR SEATING AREA	30	2	2
SEATING UNDER TIKI HUT	88	5	5
TOTAL ADA SEATS PROVIDED		11	

2



1 **OVERLL GROUND FLOOR PLAN**
SCALE: 1/8" = 1'-0" NORTH

PROFESSIONAL STATEMENT TO THE BEST OF HIS ARCHITECT'S KNOWLEDGE, ENGAGED IN THIS PROJECT AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE MINIMUM FIRE SAFETY STANDARDS AS DETERMINED IN ACCORDANCE WITH CHAPTERS 55 AND 62, LAWS OF FLORIDA.

REVISIONS

NO.	DATE	REVISIONS PER CITY COMMENTS
1	03/01/2023	
2	05/19/2023	
3	06/15/2023	

UL U419
Interior Partition - Steel Stud (Non-Load Bearing)
Fire Rating: 2 hours
System ETC
System Thickness: 6.05 in.

Assembly Construction

- Layer 1 - Gypsum Panel: 1 layer 5/8" (15.9 mm) Sheetrock® Gypsum Panel (UL Type SCO)
- Layer 2 - Gypsum Panel: 1 layer 5/8" (15.9 mm) Sheetrock® Gypsum Panel (UL Type SCO)
- Layer 3 - Steel Studs: 1 layer 3-5/8" (92 mm) steel studs, EQ20 (D-OW), 16" (406 mm) O.C.
- Layer 4 - Insulation: 1 layer 3-1/2" (89 mm) Fiberglas® Insulation
- Layer 5 - Gypsum Panel: 1 layer 5/8" (15.9 mm) Sheetrock® Gypsum Panel (UL Type SCO)
- Layer 6 - Gypsum Panel: 1 layer 5/8" (15.9 mm) Sheetrock® Gypsum Panel (UL Type SCO)

NOTES

- For the most up-to-date details, including construction variations, refer to the published assembly in the U.S. Product Catalog or UL Design Manual.
- Stud size and insulation thickness are minimum unless otherwise noted in the published assembly.
- Stud and bracing spacings may vary unless otherwise specified in the published assembly.
- Panel orientation shall be as specified in the published assembly.
- Seals to adjacent walls and floors shall be as shown and shall comply with the published assembly.
- Where applicable, performance is provided in an abbreviated table; the values are based on laboratory test data of similarly constructed assemblies.
- Where design includes "yes", the fire ratings based on laboratory test data of the referenced assembly are provided.

DON THE BEACHCOMBER - RESTAURANT
15015 MADEIRA WAY, MADEIRA BEACH, FLORIDA 33708

JOHN A. BODZIAK
ARCHITECT AIA, PA
ARCHITECTURE, DESIGN, AND CONSTRUCTION MANAGEMENT
FLORIDA REGISTRATION NO. AR0005065
EMAIL: JACK@BODZIAK.COM
743 49th STREET N. SAINT PETERSBURG, FLORIDA 33710
TEL: (727) 327-1966 FAX: (727) 826-0968

DRAWN BY: CS / JR
UPDATED ON: Jun. 15, 23
DATE: JAN - 2022
JOB PROJECT #: 2020-053
SHEET #: A-1.11



MEMORANDUM

PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **November 8, 2023, at 6:00 p.m.**, or as soon thereafter as the matter may be heard, at the Patricia Shontz Commission Chambers at 300 Municipal Drive, Madeira Beach, Florida 33708 to review an application for approval by the Board of Commissioners for 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.

Special Food Service Establishment (4COP SFS) ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-07

Applicant(s): Marc Brown

Name of Partnership, Corporation, LLC: Tiki Docks Madeira, LLC

Business Location: 15015 Madeira Way, Ste 100, Madeira Beach, Florida, 33708

Business: Don the Beachcomber

Application Request:

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. The property is zoned PD, Planned Development and has a Future Land Use designation of Planned Redevelopment-Mixed Use, PR-MU.

Note:

You have received this notice, pursuant to City Code Section 110-539, because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application.

A copy of the application is available for inspection in the Community Development Department between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the application, please contact Andrew Morris, Long Range Planner at 727-391-9951, ext. 296 or amorris@madeirabeachfl.gov.



Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing the attached Notice of Intent to be a party with the Community Development Department not less than five days prior to commencement of the hearing. The completed form may be emailed or submitted in person to the following:

Community Development Department
300 Municipal Drive
Madeira Beach, FL 33708

Andrew Morris, Long Range Planner
amorris@madeirabeachfl.gov
727-391-9951, ext. 296

Posted:

October 20, 2023 @ Property Site, Gulf Beaches Public Library, City Hall, City of Madeira Beach, and Website Posting Locations.

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the affected party must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting must contact Community Development Director, Jenny Rowan no later than 48 hours prior to the meeting: (727) 391-9951, Ext. 255 or 244 or send a written request to planning@madeirabeachfl.gov.





Item 9D.

NOTICE OF INTENT TO BE AN AFFECTED PARTY

AFFECTED PERSON INFORMATION

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

APPLICATION INFORMATION

Case No or Application No., whichever applies: _____

Applicant's Name: _____

Signature of Affected Person

Date

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.



AFFIDAVIT OF MAILING

Date: 10/20/2023

Mailings for Case # 2023-07

Before me this day LISA Scheuermann personally appeared. He (S) she has mailed public notices to property owners within a 300 foot radius of the subject property.

Lisa Scheuermann
Signature

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn and subscribed before me this 20TH day of OCTOBER, 20 23.

Personally known or produced _____ as identification.



[Signature]
Notary Public

10/20/2023
Date

*Copy of public notice is attached.



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser

www.pcpao.gov

mike@pcpao.gov

Run Date: 18 Oct 2023

Subject Parcel: 09-31-15-54180-000-0020

Radius: 300 feet

Parcel Count: 358

Total pages: 13

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

VINDING, SANNAH
COLBY, NICOLA
C/O COLBY, NICOLA
8376 QUEEN ST
SEMINOLE, FL 33772-3921

WILLMS, ADAM
WILLMS, GWEN
126 CHAUTAUGUA RD
ARNOLD, MD 21012-2514

STIKE, BRIAN
CAMPBELL, LAUREN
1606 3RD AVE
ASBURY PARK, NJ 07712

OSPINA, GILMA REV TRUST
OSPINA, GILMA TRE
2460 PEACHTREE RD NW APT 1008
ATLANTA, GA 30305-4199

PASTAR, MARIN
PASTAR, NATALIE C
226 BALTRAY CT
BALLWIN, MO 63021-7941

240 MEDALLION LAND TRUST
BONGARZONE, FRANK TRE
222 DONATO DR
BELLEAIR BEACH, FL 33786

CAPTIVA INVESTMENTS LLC TRE
273G MADERIA BEACH YACHT CLUB LAND
TRUST
2840 WEST BAY DR BOX 370
BELLEAIR BLUFFS, FL 33770-2620

DORRIS, JASON
DORRIS, TAMMY
525 CUMBERLAND RIDGE WAY
BOWLING GREEN, KY 42103-6002

ARMOUR, FRANK
ARMOUR, ROSE
22929 GOLDEN PLOVER PL
BRAMBLETON, VA 20148-6977

KING, DIANE N TRUST
KING, DIANE N TRE
118 SHERYL LYNN DR
BRANDON, FL 33510-2126

FARRA, MATTHEW G
FARRA, NICOLE L
14 VENTRES WAY
BURLINGTON, CT 06013-1904

ABACO FAMILY TRUST
ABACO, ODETTE TRE
32 PATTERSON MEWS SW
CALGARY AB T3H 2C7,
CANADA

SCUTT, BARRY
16 CHRISTINE DR
GUELPH ON N1E 0N5,
CANADA

175 MEDALLION LLC
96 SHEPHEARDS LANDING RD
MAHONE BAY NS B0J 2E0,
CANADA

SLATTERY, JAMES J
207 LOCHELAND CRES
NEPEAN ON K2G 6H8,
CANADA

RICO, ADDOLORATA
134 RIVERVIEW AVE
OAKVILLE ON L6L 5P7,
CANADA

MAJOR, ADRIAN
12 CHESTNUT PL
ST JOHNS NL A1B 2T2,
CANADA

BINCE, RYAN
24 FILTON RD
CALEDON EAST ON L7C 1R5,
CANADA

FEKONJA, PETER
3100 KIRWIN AVE UNIT 708
MISSISSAUGA, ON L5A 3S6,
CANADA

HORNE, ROBERT
5869 COUNTY ROAD 86
ANISS ON N0B 1C2,
CANADA

MCFADDEN, JUDY
1002-475 THE WEST MALL
ETOBICOKE ON M9C 4Z3,
CANADA

1900049 ONTARIO INC
68 MAPLE DR
DUNDAS ON L9H 4W4,
CANADA

DERMONT, MICHAEL S
DIAZ, DEBRA A
1104 BARTHOLDI CT
CAROL STREAM, IL 60188-1305

FRIED, PHILIP LAWRENCE
FRIED, MARIA ADELAIDA
108 PECKSKILL CT
CARY, NC 27519-8376

MALLON, JAMES
MALLON, LYNDA
2580 EDGEWOOD PK
CAVAN ON L0A 1C0,
CANADA

ROMANO, JOSEPH J
ROMANO, DARLENE
106 LEAVITT RD
CENTER OSSIPPEE, NH 03814-6310

PATEL, VIPULKUMAR V
PATEL, MONAL
2222 E REDWOOD DR
CHANDLER, AZ 85286-2755

PATEL, VIPULKUMAR V
PATEL, MONAL
2222 E REDWOOD DR
CHANDLER, AZ 85286-2755

DUKE ENERGY FLORIDA, INC
C/O PROPERTY TAX DEPARTMENT
PO BOX 37996
CHARLOTTE, NC 28237-7996

DUKE ENERGY FLORIDA, INC
C/O PROPERTY TAX DEPARTMENT
PO BOX 37996
CHARLOTTE, NC 28237-7996

DUKE ENERGY FLORIDA, INC
C/O PROPERTY TAX DEPARTMENT
PO BOX 37996
CHARLOTTE, NC 28237-7996

STODDARD, KIM TRE
STODDARD, JAMES TRE
PO BOX 9327
CHESAPEAKE, VA 23321-9327

LACO, PETER
LACO, JOSEPHINE
3231 S UNION AVE
CHICAGO, IL 60616-3409

KACZMARSKI, SCOTT
SHEA, KIM
172 BEMIS AVE
CHICOPEE, MA 01020-1708

PINELLAS COUNTY
ATTN: WATER DEPT
315 COURT ST
CLEARWATER, FL 33756-5165

SHEAHAN, BRIAN THOMAS
SHEAHAN, JOELL BETH
12509 CITRUS GROVE RD
CLERMONT, FL 34715-9612

DEEVERS, PETER HOWARD
DEEVERS, SUSAN LYNN
5726 DEER PINES DR
CLINTON, OH 44216-8629

STELICK, ROBERT C
STELICK, MICHELLE L
1218 N WALNUT ST
COLORADO SPRINGS, CO 80905-1060

PEREZ, FRANK A
PEREZ, LUCY M
1025 E JEFFERSON ST
COLORADO SPRINGS, CO 80907-7124

VIAMONTE, BRANDON
YOUNG, KRISTINA
8674 DOUBLETREE DR S
CROWN POINT, IN 46307-9381

DAVIES FAMILY TRUST
DAVIES, KIM WILLIAM TRE
PO BOX 1823
DUNNELLON, FL 34430-1823

DAW, JOHN
DAW, BRENDA
2537 LAKESHORE RD
DUNNVILLE ON N1A 2W8,
CANADA

TREBAT, WENDY P TRE
TREBAT, WENDY P 2018 REV TRUST
3669 PEREGRINE WAY
ELGIN, IL 60124-7863

GOULART, PAULO
GOULART, BERTHA
338 FRANKLIN ST
ELIZABETH, NJ 07206-1603

BARRINS, MARY TRUST
BARRINS, EUGENE B TRE
85-04 55TH AVE
ELMHURST, NY 11373-4337

BERNARD, ROBERT M
BERNARD, SANDRA L
5964 HERZMAN DR
EVERGREEN, CO 80439-5407

BINCE, JAMES G
BINCE, KAREN
184 LAKESHORE BLVD
FLESHERTON ON N0C 1E0,
CANADA

ROMEY, DARWIN E
ROMEY, JANICE K
6223 GREENOCK PL
FORT WAYNE, IN 46835-4780

ARCABA, SLOBODAN
ARCABA, DESA
8253 S 27TH ST
FRANKLIN, WI 53132-9310

WEST, JEFFREY DON
WEST, LAURA LEIGH
17 TREVOR CT
GETTYSBURG, PA 17325-6640

PALMER, BARBARA H
PALMER, RAYMOND D
4425 HAPPY HOLLOW
GRANDVILLE, MI 49418-9623

BAETENS, BRYAN A
BAETENS, KIMBERLY J
742 MIDDLESEX RD
GROSSE POINTE PARK, MI 48230-1742

VULTAGGIO, JENNIFER C
HOLDSWORTH, HEATHER
2920 53RD ST S
GULFPORT, FL 33707-5648

DUARTE, STEVEN
DUARTE, EDUARDO
2 HEMLOCK CT
HACKETTSTOWN, NJ 07840-4149

HANGES, PERRY S
HANGES, KRISTINA T
837 OCEAN BLVD
HAMPTON, NH 03842-2514

ROGERS, DONALD
MACKEY, CHRISTINE E
371 ERIE AIRE BEACH RD
HARROW ON N0R 1G0,
CANADA

SORENSEN, STEVEN J
SORENSEN, ANNA
495 HILLSIDE DR
HIGHLAND PARK, IL 60035-4825

O'DELL, STEPHEN
O'DELL, REGINA
4675 E VIEW TOP LN
INVERNESS, FL 34452-9084

TUTTY, MARK
GROVE GARDENS UPPER ROAD
ADGESTONE SANDOWN
ISLE OF WIGHT PO360ET,

GREENE, KEVIN
GREENE, TATIANA
24 CHESTNUT ST
ISLIP, NY 11751-3507

MONSELL, DAVID
MONSELL, CAROLINE
69 MAPLE CRES
JANETVILLE ON LOB 1K0,
CANADA

MATUSZAK, ROBERT
MATUSZAK, JANELLE
9545 ST CHRISTINE CT
KITCHENER ONT
SYLVANIA, OH 43560-9920

RESTUCCIA, RICHARD F TRE
RESTUCCIA, RICHARD F FAMILY TRUST
371 S SPAULDING CV
LAKE MARY, FL 32746

COCHRAN, WILLIAM J
COCHRAN, SHARIE K
1864 SUSAN RD
LAKE OZARK, MO 65049-6116

LAWSON, JAMES
LAWSON, JANE
18 AUGUSTA DR
LEARNINGTON ON N8H 0C7,
CANADA

GARGANO, SALVATORE F
GARGANO, PAULA J
13622 BIRCH CT
LEMONT, IL 60439-9776

DANEK, THOMAS L
DANEK, BETHANY C
8058 HANNA POINTE PL
LINCOLN, NE 68516-3839

COX, PETER
COX, CAROL
REDINGTON
LONDON RD ENGLEFIELD GREEN
SURREY TW20 0BP,

FULLERTON, BRADLEY
FULLERTON, CORNELIA
PO BOX 180
LONGFORD MILLS ON L0K 1L0,
CANADA

MESSINGER, CHERYL
MESSINGER, LANCE
9900 YELLOWSTONE RD
LONGMONT, CO 80504-6755

COUTSOUMPOS, ALEXANDROS
RAMOS, VALERIA
1044 EDMISTON PL
LONGWOOD, FL 32779-2774

WADSWORTH, JOHN
HARRIS, JESSE
179 MEDALLION BLVD UNIT F
MADEIRA BEACH, FL 33708

POLK, DOROTHY V TRUST OF 2007
POLK, DOROTHY V TRE
151 MEDALLION BLVD APT F
MADEIRA BEACH, FL 33708-1921

SNEERINGER, JOSEPH WILLIAM
SNEERINGER, REGINA ANN
165 MEDALLION BLVD UNIT B
MADEIRA BEACH, FL 33708-1925

O'CONNOR, JOSEPH
O'CONNOR, CHRISTINE
267 REX PL UNIT E
MADEIRA BEACH, FL 33708-1926

DALESSANDRO, LORAINÉ
DALESSANDRO, JOSEPH
273 REX PL APT H
MADEIRA BEACH, FL 33708-1927

FARRA, GERARD J
FARRA, CLAIRE P
323 REX PL UNIT B
MADEIRA BEACH, FL 33708-1928

PATEL, VIPULKUMAR V
GO KOOL LLC
201 MEDALLION BLVD APT C
MADEIRA BEACH, FL 33708-1930

MONTERO, ERICA
MONTERO, OMAR
201 MEDALLION BLVD UNIT F
MADEIRA BEACH, FL 33708-1930

IBBITSON, JOHN H JR
IBBITSON, JEAN M
343 REX PL UNIT G
MADEIRA BEACH, FL 33708-1931

GREENSTEIN, NEIL S
CONRAD, LAUREL A
357 REX PL APT E
MADEIRA BEACH, FL 33708-1932

RZEZINSKI, KONRAD
RZEZINSKI, RENATA
247 REX PL APT H
MADEIRA BEACH, FL 33708-1934

WINTERS, ROBERT J
WINTERS, ELISABETH A
247 REX PL UNIT A
MADEIRA BEACH, FL 33708-1934

ARBOLEDA, ERIK P
SARMIENTO, MONICA A
253 REX PL APT F
MADEIRA BEACH, FL 33708-1936

MYNSTER, JOHN S
MYNSTER, MAYRA L
303 REX PL APT A
MADEIRA BEACH, FL 33708-1937

NGUYEN, GARY
PGM22 GROUP LLC
315 MEDALLION BLVD UNIT F
MADEIRA BEACH, FL 33708-1939

PARROTT, CYNTHIA A
PARROTT, WILLIAM C
329 MEDALLION BLVD UNIT H
MADEIRA BEACH, FL 33708-1940

329 MEDALLION BLVD APT F
MADEIRA BEACH, FL 33708-1940

RANNI, JOAN M
RANNI, DAVID A
250 MEDALLION BLVD APT B
MADEIRA BEACH, FL 33708-1946

CAIN, DAVID
CAIN, BARBARA
159 MEDALLION BLVD UNIT E
MADEIRA BEACH, FL 33708-1948

MCFARLAND, RYAN TIMOTHY
MCFARLAND, JULIA
159 MEDALLION BLVD UNIT H
MADEIRA BEACH, FL 33708-1948

TRINH, ANN KIM TRE
TRINH, ANN KIM REV LIV TRUST
161 MEDALLION BLVD APT E
MADEIRA BEACH, FL 33708-1949

NEWBERRY, BRADLEY W
NEWBERRY, VICKY L
169 MEDALLION BLVD UNIT D
MADEIRA BEACH, FL 33708-1950

WALLACE, GARY C
WALLACE, JEANNE
169 MEDALLION BLVD APT H
MADEIRA BEACH, FL 33708-1950

NASH, JEFFREY A
NASH, CHRISTINE ANN
171 MEDALLION BLVD UNIT F
MADEIRA BEACH, FL 33708-1951

CHMIELEWSKI, THOMAS R TRE
RUSSELL, SHARON L TRE
240 MEDALLION BLVD APT H
MADEIRA BEACH, FL 33708-1952

HARRIS, TIM J
HARRIS, DEBORAH F
215 MEDALLION BLVD APT A
MADEIRA BEACH, FL 33708-1955

KEMPF, KEVIN R
KEMPF, DEBRA L
215 MEDALLION BLVD UNIT E
MADEIRA BEACH, FL 33708-1955

FERNOW, LYNDA A TRUST
FERNOW, LYNDA A TRE
215 MEDALLION BLVD UNIT B
MADEIRA BEACH, FL 33708-1955

COYLE, GEORGE W
COYLE, CAROLE A
301 MEDALLION BLVD APT A
MADEIRA BEACH, FL 33708-1956

CATER, DAVID E TRE
CATER, MARY JANE TRE
229 MEDALLION BLVD APT D
MADEIRA BEACH, FL 33708-1957

COSTELLO, CARYN
COSTELLO, JOHN A REVOCABLE LIVING TRUST
229 MEDALLION BLVD APT H
MADEIRA BEACH, FL 33708-1957

VAN ZANT, JERRY
VAN ZANT, DEBORAH M
229 MEDALLION BLVD APT B
MADEIRA BEACH, FL 33708-1957

VANZANT, JERRY Y
VANZANT, DEBORAH MAE
229 MEDALLION BLVD APT B
MADEIRA BEACH, FL 33708-1957

KARACHANSKY, HEIDI TRUST
KARACHANSKY, HEIDI TRE
229 MEDALLION BLVD APT I
MADEIRA BEACH, FL 33708-1957

SCOTT, EVA GRAZIOLI
SCOTT, STEPHEN CRAIG
230 MEDALLION BLVD APT G
MADEIRA BEACH, FL 33708-1958

NICCOLAI, NANCY
DE SANTIS JOHN MITCHELL
245 MEDALLION BLVD APT D
MADEIRA BEACH, FL 33708-1960

SANDER, THOMAS J
SANDER, PAMELA J
261 MEDALLION BLVD APT H
MADEIRA BEACH, FL 33708-1964

HARTMAN, JENNIFER LYNN
HARTMAN, RICHARD ALLAN
359 MEDALLION BLVD APT B
MADEIRA BEACH, FL 33708-1967

MAZEIKA, DAVID P
MAZEIKA, BARBARA N
359 MEDALLION BLVD APT A
MADEIRA BEACH, FL 33708-1967

ROBERTS, ANITA L LIV TRUST
ROBERTS, ANITA L TRE
359 MEDALLION BLVD APT D
MADEIRA BEACH, FL 33708-1967

MESSINGER, CHERYL
MESSINGER, LANCE
300 150TH AVE UNIT 305
MADEIRA BEACH, FL 33708-2223

DOUGLAS, KEITH
DOUGLAS, CAROL
300 150TH AVE UNIT 307
MADEIRA BEACH, FL 33708-2223

RILLMAN, ERNEST
GIOVANNETTI, CAROLINA
300 150TH AVE UNIT 300
MADEIRA BEACH, FL 33708-2223

MCNEICE, SCOTT G TRE
MCNEICE, SCOTT G REV TRUST
300 150TH AVE UNIT 302
MADEIRA BEACH, FL 33708-2223

STEFFEN, CRAIG
STEFFEN, MICHELLE V
300 150TH AVE UNIT 309
MADEIRA BEACH, FL 33708-2223

BENNER, DOUGLAS
MILLER, MARYE
300 150TH AVE UNIT 201
MADEIRA BEACH, FL 33708-2223

HEIDMAN, LEA ANNE TRE
HEIDMAN, LEA TRUST
300 150TH AVE UNIT 304
MADEIRA BEACH, FL 33708-2223

PAPP, BENJAMIN
PAPP, ASHLEY
300 150TH AVE UNIT 308
MADEIRA BEACH, FL 33708-2223

BUTERA, ANGELO MICHAEL
BUTERA, CYNTHIA ANN
300 150TH AVE UNIT 203
MADEIRA BEACH, FL 33708-2223

COLANDREA, CHRISTOPHER
COLANDREA, CAMERAN
504 LILLIAN DR
MADEIRA BEACH, FL 33708-2332

COLANDREA, CHRISTOPHER
COLANDREA, CAMERAN
504 LILLIAN DR
MADEIRA BEACH, FL 33708-2332

JOBIN, SCOTT TRE
CIGARETTE FAMILY TRUST
518 JOHNS PASS AVE
MADEIRA BEACH, FL 33708-2366

SCIUTO, THOMAS D
SCIUTO, KAZUKO M
300 150TH AVE UNIT 410
MADEIRA BEACH, FL 33708-2375

HEIDMAN, LEA ANNE TRE
HEIDMAN, LEA TRUST
300 150TH AVE UNIT 407
MADEIRA BEACH, FL 33708-2375

RABE, RAPHAEL
SPECTOR, MARNI
300 150TH AVE UNIT 402
MADEIRA BEACH, FL 33708-2375

DIEDRICK, ROBERTA J TRE
DIEDRICK, ROBERTA J TRUST
300 150TH AVE UNIT 400
MADEIRA BEACH, FL 33708-2375

UBBEN, JUDY L
GENZMAN, GREGORY A
56 B ST
MADEIRA BEACH, FL 33708-2381

DELOACH, DIANE WILCOX TRE
DELOACH REVOCABLE TRUST
300 150TH AVE UNIT 500
MADEIRA BEACH, FL 33708-2646

BARLOW-VERMAN, LINDA K TRE
BARLOW-VERMAN, LINDA K TRUST
300 150TH AVE UNIT 505
MADEIRA BEACH, FL 33708-2646

TROTT, PETER
VERNA, SHIRLEY
300 150TH AVE UNIT 501
MADEIRA BEACH, FL 33708-2646

ANDERSON, GAIL
ANDERSON, JAMES
1018 CHIPPEWA AVE NE
MANDAN, ND 58554-3606

CARTER, EZRA W
CARTER, JUDITH L
160 LLOYD DR
MARIETTA, GA 30066-3422

HARRIS, PATRICK V JR
HARRIS, KAREN L
527 RIDGEWATER DR
MARIETTA, GA 30068-4073

HARRIS, KAREN LUNSFORD
HARRIS, PATRICK VINSON JR
527 RIDGEWATER DR
MARIETTA, GA 30068-4073

MARANA, DON G TRE
MARANA, JANICE D TRE
375 ALGER ST
MARQUETTE, MI 49855-3310

PRENTICE, ANDREW
PRENTICE, SCOTT
10 ANTOINETTE ST
MASSENA, NY 13662-4301

MOODY, JAMES
MOODY, SUSAN
7 MEADOWVIEW LN
MEDFORD, NJ 08055-9003

HOPE, ERIC R TRE
HOPE, ROSANNA TRE
43 WINGATE AVE
METHUEN, MA 01844-6403

SOBECKI, DAVID L TRE
SOBECKI, SANDRA A TRE
102 GOLFOVIEW RD
MICHIGAN CITY, IN 46360-3108

FREEL, PAUL E
FREEL, CYNTHIA I
2940 HOLLYWOOD AVE
MICHIGAN CITY, IN 46360-6324

CARRITTE, MICHAEL
ROBERTS-CARRITTE, DONNA MARIE
36 VILLAGE RD UNIT 211
MIDDLETON, MA 01949-1218

DAVIS, GARY L
DAVIS, KRISTI L
40 RIDGE WOOD DR
MONROE, OH 45050-1092

LEIPS, JEFFERY WAYNE
D'SOUZA, THERESA
1206 LONGBOW RD
MOUNT AIRY, MD 21771-5678

FOLLETT, JOHN
FOLLETT, CYNTHIA
305-760 CHAPMAN MILLS DR
NEPEAN ON K2J 3V2,
CANADA

TURNER, DUANE
TURNER, DEBBIE
16850 GULF BLVD UNIT 7
NORTH REDINGTON BEACH, FL 33708-1455

VANDERMEER, ARIE
VANDERMEER, MARTHA
7942 36/37 SIDEROAD NOTTAWASAGA
NOTTAWA ON L0M 1P0,
CANADA

BOOCOCK, DOUGLAS W
BOOCOCK, SHEILA M
2089 THORNLEA DR
OAKVILLE ON L6L1K5,
CANADA

CERESOLI, HEATHER LANG
CERESOLI, ANTHONY DOMINICK III
19713 CYPRESS BRIDGE DR
ODESSA, FL 33556-4439

WAISMAN, CYNTHIA I TRE
CIW LIVING TRUST
357 BAY ARBOR BLVD
OLDSMAR, FL 34677-4617

TUNBRIDGE, WAYNE TRE
SHAYDA, JULIANA TRE
911 BLACK CHERRY DR
OSHAWA ON L1K 0P6,
CANADA

KILPATRICK, BARBARA
KILPATRICK, WILLIAM G
961 RIDGEMOUNT BLVD
OSHAWA ON L1K 2M1,
CANADA

PAVLATOS, GLORIA TRE
PAVLATOS, GLORIA LIVING TRUST
35 S BAYBROOK DR UNIT 203
PALATINE, IL 60074-6449

CURRY, KEVIN
CURRY, RISANN
198 LAGOON DR
PALM HARBOR, FL 34683-5468

MOORE, ROBERT P TRUST
MOORE, ROBERT P TRE
975 VALLEY VIEW CIR
PALM HARBOR, FL 34684-4468

HILL, DAVID
HILL, PAMELA J
888 MODLIN RD
PICKERING ON L1W 1V7,
CANADA

BROOMFIELD, ALEX D
BROOMFIELD, RUTH L
714 FOSTER CT
PICKERING ON L1W 3L3,
CANADA

HALT, JANET L
FRIEDMAN, JUDY G
912 LOVINGSTON DR
PITTSBURGH, PA 15216-1710

WETHERINGTON, C DENNIS
WETHERINGTON, CARRIE SUE
4718 LONESOME OAKS CT
PLANT CITY, FL 33565-5631

THOMPSON, MARY J
THOMPSON, REGINALD D
PO BOX 29
PORT ELGIN ON N0H 2C0,
CANADA

GILMAN FAMILY TRUST
GILMAN, STANELY M TRE
1035 PICKET CT
PRESCOTT, AZ 86301-6747

ZUCCONI, ARLENE TRE
ZUCCONI, ARLENE TRUST
4 162ND AVE
REDINGTON BEACH, FL 33708-1620

ZUCCONI, ARLENE TRE
ZUCCONI, ARLENE TRUST
4 162ND AVE
REDINGTON BEACH, FL 33708-1620

NICHOLAS, PAUL
NICHOLAS, SHERRIE
17509 187TH PL SE
RENTON, WA 98058-0724

GIOVANNOLI, ANTHONY
GIOVANNOLI, LAURA
56 YANKEE HILL RD
RIDGEFIELD, CT 06877-3631

LETINIC, IVAN
LETINIC, NEVENKA
509 FAIRVIEW TER
RIDGEFIELD, NJ 07657

LAMB, JAMES M
LAMB, KATHLEEN P
80 KNOLLWOOD DR
ROCHESTER, NY 14618-3513

SKLARSKI, LOUIS C TRE
SKLARSKI, PATRICIA L TRE
23323 ROBERT JOHN ST
SAINT CLAIR SHORES, MI 48080-2632

LEVASSEUR, SCOTT DAVID
LEVASSEUR, VICKI MARIE
4054 N FRANCIS SHORES
SANFORD, MI 48657-9354

PO BOX 24
SCARSDALE, NY 10530-0024

MEFFORD, THOMAS MICHAEL
MEFFORD, ANGELIQUE BERNADETTE
1800 MURPHY LN
SEDALIA, MO 65301-8991

GONSER, BALINDA
GONSER, BRIAN
9346 117TH ST N
SEMINOLE, FL 33772-2713

HAM, LEWIS HINCHMAN III
ORSINI, REBECCA L
11582 SHELLY CIR UNIT H
SEMINOLE, FL 33772-6142

KELLY, CHRISTOPHER T
KELLY, MARCIA LYNN
13896 DOMINICA DR
SEMINOLE, FL 33776-1316

BURG, ROBERT & BILLIE REV TRUST
BURG, ROBERT D TRE
9009 BAYWOOD PARK DR
SEMINOLE, FL 33777-4630

JOHN, SHAJAN
JOHN, SHEEBA SHAJAN
7204 N CENTRAL PARK
SHELBY TOWNSHIP, MI 48317-2388

BALDWIN, DOUGLAS B
BALDWIN, STEPHANIE R
506 MATTERHORN DR
SHELBYVILLE, KY 40065-8513

COLOMBO, MICHAEL
COLOMBO, PATRICIA
8 ATHENS AVE
SOUTH AMBOY, NJ 08879-2468

JOHNSON, LINDA B TRE
JOHNSON, LINDA B LIV TRUST
11117 TILBURG ST
SPRING HILL, FL 34608-2951

KOMIN, KEVIN A
KOMIN, LOIS A
1951 N FOUNTAIN BLVD
SPRINGFIELD, OH 45504-1170

BATTEN, TONY F
BATTEN, BERNICE M
10 RENDELL PL
ST JOHN'S NL A1B 1L3,
CANADA

WIESE, MIKE STEVEN
WIESE, PAMELA KAREN
200 S BRENTWOOD BLVD APT 6C
ST LOUIS, MO 63105-1633

ANGIN, FLIZ Z
KOLLER, ZEYNEP
9525 BLIND PASS RD APT 403
ST PETE BEACH, FL 33706-1342

AMBER, TULIH
FAHY, ALLISON GINA
5426 VENETIAN BLVD NE
ST PETERSBURG, FL 33703-1836

AGOSTO, RAYMOND C
AGOSTO, MICHAEL R
329 MEDALLION BLVD APT G
ST PETERSBURG, FL 33708-1940

TREVINO, DAVID ALLAN
ANDRES, AMELIA ANDAYA
3913 71 ST N
ST PETERSBURG, FL 33709-4639

DARRYL, BERGER
BERGER, JANET
22 TULIP CRES
STRATFORD PE C1B 4E4,
CANADA

ROBINSON, JAMES RUSSELL
ROBINSON, CAROLYN PARSONS
216 S GUNLOCK AVE
TAMPA, FL 33609-2932

HARVEY, KEITH ADAM TRE
HARVEY, KEITH ADAM TRUST
1307 W FLETCHER AVE
TAMPA, FL 33612-3310

MENDOZA, STEPHEN KARL TRE
MENDOZA, STEPHEN KARL TRUST
10308 CARROLL SHORES PL
TAMPA, FL 33612-6511

KLINGEL, ELIZABETH A TRE
SANTORINI PARTNERSHIP TRUST
10713 ASHFORD OAKS DR
TAMPA, FL 33625-3760

BROWN, CABOT
BROWN, JENNA
11234 MOULTRIE PL
TAMPA, FL 33625-4958

SCULL, HEATHER MARIE
SCULL, WILLIAM H III
11942 ROYCE WATERFORD CIR
TAMPA, FL 33626-3312

NGUYEN, GARY
215 PPP LLC
12615 STANWYCK CIR
TAMPA, FL 33626-4462

STEIN, CAROLINE
AHMED, YAQUB
2516 W WATROUS AVE
TAMPA, FL 33629-5345

REGALDO, CARLOS A
MONDACA, ASTRID
4312 W SAN LUIS ST
TAMPA, FL 33629-7720

STANFIELD, STEPHANIE
STANFIELD, ADAM
3906 W CORONA ST
TAMPA, FL 33629-8642

WOOD, ALBERT A LIVING TRUST
WOOD, ALBERT A TRE
373 WINDRUSH LOOP
TARPON SPRINGS, FL 34689-1216

HANSON, RICHARD G
HANSON, HUA S
PO BOX 276
TERRA CEIA, FL 34250-0276

MUMM, TINA M REVOCABLE TRUST
MUMM, TINA M TRE
7911 BLACK RD
THURMONT, MD 21788-1012

MUMM, TINA MREVOC TRUST
MUMM, TINA M TRE
7911 BLACK RD
THURMONT, MD 21788-1012

MUMM, TINA M REV TRUST
MUMM, TINA M TRE
7911 BLACK RD
THURMONT, MD 21788-1012

MUMM, TINA M REVOCABLE TRUST
MUMM, TINA M TRE
7911 BLACK RD
THURMONT, MD 21788-1012

MUMM, TINA M REVOCABLE TRUST
MUMM, TINA M TRE
7911 BLACK RD
THURMONT, MD 21788-1012

GUEVARA, CHRISTINE MARIE
GUEVARA, JAMES EDWARD
340 MILLBROOK CT
VACAVILLE, CA 95687-5925

CHIANO, GERALD E
CHIANO, EDITH
77 NOTTINGHAM AVE
VALLEY STREAM, NY 11580-3048

KRIVOPISHCHENKO, GENNADIY
KRIVOPISHCHENKO, OKSANA
2906 WINDING TRAILING DR
VALRICO, FL 33596-7918

SCHULTZ, SUZANNE M
SCHULTZ, BRADLEY
803 ROSELYN DR
VICTORIA, MN 55386-2101

NEFF, JOHN W
NEFF, MARY E
320 STEWART AVE
WAUKEGAN, IL 60085-2062

NICKELS, RICHARD & BARBARA LIV TRUST
NICKELS, RICHARD A TRE
4043 STILLWATER CIR
WAUKESHA, WI 53189-6854

DE ROLLER, CHARLES L
DE ROLLER, THERESA L
691 GASBERRY LN
WEBSTER, NY 14580-2619

FORD-WHITTINGTON, JOHN
FORD-WHITTINGTON, KATHERINE
24644 DOWNIE LINE
WEST LORNE ON N0L 2P0,
CANADA

SALOW, MATTHEW DELBERT
HARPER-SALOW, WENDY SUE
8932 COOLEY LAKE RD
WHITE LAKE, MI 48386-4027

ANDERSON, MATTHEW
ANDERSON, ADRIANA
2502 TRANSOM PL
WOODBURIDGE, VA 22191-6043

PETERSON, STEVEN JOSEPH
PETERSON, JESSICA KAY SAND
2280 QUEENS DR
WOODBURY, MN 55125-4027

WILLMS, BERNARD
WILLMS, VALERIE
100 N PARK RD UNIT 106
WYOMISSING, PA 19610-3044

AVILDSSEN, ASHLEY
GRODE, ANGELENE
PO BOX 1891
ZEPHYR COVE, NV 89448-1891

O'NEAL, DERRYL B
323 REX PL APT A
MADEIRA BEACH, FL 33708-1928

LAROSA, WILLIAM
132-25 14TH RD
COLLEGE POINT, NY 11356-2013

DLC RENTAL GROUP LLC
315 MEDALLION BLVD APT E
MADEIRA BEACH, FL 33708-1939

TOPALSKI, MIROSLAV
7811 W ARGYLE ST
NORRIDGE, IL 60706-3205

ROHDE, RICHARD C
301 MEDALLION BLVD UNIT G
MADIERA BEACH, FL 33708-1956

MILLWARD, ALLISON W
229 MEDALLION BLVD APT G
MADEIRA BEACH, FL 33708-1957

KOCH, HUBERT
821 GARDEN DR
FRANKLIN SQ, NY 11010-3924

DE BOY CARRIE D
8459 MEADO9W LN
PASADENA, MD 21122-2917

ELZIND, NABILA
5 NW HEATHERSTONE DR
LAWTON, OK 73505-9535

MADEIRA BEACH YACHT CLUB CONDO ASSN
INC
210 MEDALLION BLVD
MADEIRA BEACH, FL 33708-1904

BARSS LLC
9684 LAKE SEMINOLE DR E
LARGO, FL 33773-4515

HERLEIN, CLINTON L
1637 CAMBRIDGE DR
CLEARWATER, FL 33756-1805

T D P 201 LLC
205 150TH AVE
MADEIRA BEACH, FL 33708-2007

PATNODE, KENNETH L
159 MEDALLION BLVD APT G
MADEIRA BEACH, FL 33708-1948

PALLADENO, TRAVIS
267 REX PL APT B
MADEIRA BEACH, FL 33708-1926

GO KOOL LLC
2323 TOPAZ ISLE LN
APOPKA, FL 32712-4867

BAXTER, ROGER D
3250 DUNMORE AVE NW
CANTON, OH 44708-1077

14466926 US LLC
300 150TH AVE UNIT 403
MADEIRA BEACH, FL 33708-2375

SMITH, THOMAS R
8N389 BARRON RD
MAPLE PARK, IL 60151-9402

BHE PROPERTIES LLC
8011 COPELAND RD
ODESSA, FL 33556-3282

BINGHAM, MATTHEW PAUL
380 MEDALLION BLVD UNIT G
MADEIRA BEACH, FL 33708-1943

GROZINGER, OTTO NICHOLAS
9693 CATAWBA DR
SHREVEPORT, LA 71115-4617

MCDONAGH, LENA H
275 MEDALLION BLVD APT C
MADEIRA BEACH, FL 33708-1965

FERANEC, VICTORIA MITALOVICH
273 REX PL APT A
MADEIRA BEACH, FL 33708-1927

MCENTEE, TIMOTHY A
611 CARROLL RD APT B
FT WAYNE, IN 46845-9778

WASKIEWICZ, MARYELLEN
230 MEDALLION BLVD APT D
MADEIRA BEACH, FL 33708-1958

SUNSET HOLDINGS LLC
703 SUNSET BEACH RD
SUAMICO, WI 54173-8244

TODARO, CASSANDRA
175 MEDALLION BLVD APT E
MADEIRA BEACH, FL 33708-1953

MOORE, ROBERT P TRUST
975 VALLEY VIEW CIR
PALM HARBOR, FL 34684-4468

ELZIND, NABILA H
5 NW HEATHERSTONE DR
LAWTON, OK 73505-9535

MCNELIS, ANNA
267 REX PL APT G
MADEIRA BEACH, FL 33708-1926

NKP PROPERTIES LLC
68936 SILVER FOX LN
TOWNSHIP, MI 48095-1050

MAD BEACH VACATION RENTALS LLC
323 RUSTIC OAKS DR
WENTZVILLE, MO 63385-3092

FL BEACH CENTRE CONDO ASSN
150TH AVE
MADEIRA BEACH, FL 33708

DOMINICI, PETER
380 MEDALLION BLVD UNIT D
MADEIRA BEACH, FL 33708-1943

FALKENBERG, MELISSA D
1080 VAN VELSEN ST
SCHENECTADY, NY 12303-1849

HAVERKAMP, SIMONE
4914 VAN WALBEEK PL
ANNANDALE, VA 22003-6024

MISKIN, MARY
337 REX PL UNIT E
MADEIRA BEACH, FL 33708-1929

SCHROLL, STEVEN K
400 EAGLE RIDGE DR
CHATHAM, IL 62629-2003

SOTOMAYOR, RON
101 S EOLA DR UNIT 709
ORLANDO, FL 32801-6609

FITZGERALD, MARK THOMAS
23475 RIVER RD
LEXINGTON PARK, MD 20653-3325

MOY, DOROTHY ANN
8204 BREEZE COVE LN
ORLANDO, FL 32819-5077

PREFERRED4PROPERTIES LLC
1068 ENISWOOD PKWY
PALM HARBOR, FL 34683

MOZZELLI PROPERTIES LLC
15326 HARBOR DR
MADEIRA BEACH, FL 33708-1821

GUNSHANAN, MARGARET
4040 LAKE MIRA DR
ORLANDO, FL 32817-1642

BERRY, ROGER W
2868 21ST AVE N
ST PETERSBURG, FL 33713-4204

HOWARD, KRISTINE
3422 N ALEXANDER ST
PLANT CITY, FL 33565-2491

MADEIRA BEACH GARAGE 3 LLC
17000 GULF BLVD 4B
NORTH REDINGTON BEACH, FL 33708-1568

HARBOR AT TOWN CENTER CONDO ASSN INC
410 150TH AVE STE H
MADEIRA BEACH, FL 33708-2000

BLONIARZ, JOHN
410 161ST AVE
REDINGTON BEACH, FL 33708-1657

GULF BEACH INVESTMENT HOLDINGS INC
203 150TH AVE
MADEIRA BEACH, FL 33708-2007

GULF BEACH INVESTMENT HOLDINGS INC
203 150TH AVE
MADEIRA BEACH, FL 33708-2007

MADEIRA TRIANGLE PROPERTIES LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2005

MADEIRA TRIANGLE PROPERTIES LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2005

HUNTINGTON HOTEL CORP
643 DE SOTO DR
TIERRA VERDE, FL 33715-2018

MADEIRA TRIANGLE PROPERTIES LL
101 150TH AVE
ST PETERSBURG, FL 33708-2005

Item 9D.

SPINDLE, JUDITH A
380 MEDALLION BLVD APT H
MADEIRA BEACH, FL 33708-1943

MAD BEACH PROPERTIES LLC
535 LILLIAN DR
MADEIRA BEACH, FL 33708-2369

CASEY, WILLIAM
331 MEDALLION BLVD UNIT D
MADEIRA BEACH, FL 33708-1966

PROFESSIONAL RESIDENTAL SERVICES INC
2494 JETT FERRY RD STE 202
DUNWOODY, GA 30338-3090

VIDA SALGADA INC
3198 EDGEMOOR DR
PALM HARBOR, FL 34685

SHELBELL LLC
733 W HAPPFIELD DR
ARLINGTON HEIGHTS, IL 60004-7139

POLLEI, JEFFREY A
230 MEDALLION BLVD UNIT F
MADEIRA BEACH, FL 33708-1958

FAT PROPERTIES LLC
4301 GAINESBOROUGH CT
TAMPA, FL 33624-2601

DIRTY DUCK MBYC LLC
16004 GULF BLVD
REDINGTON BEACH, FL 33708-1661

CARTER, GLENN D
267 REX PL APT A
MADEIRA BEACH, FL 33708-1926

GREEN, BRYAN
151 MEDALLION BLVD APT C
MADEIRA BEACH, FL 33708-1921

MADEIRA BEACH GARAGE 1 LLC
17000 GULF BLVD 4B
NORTH REDINGTON BEACH, FL 33708-1568

14466926 US LLC
300 150TH AVE UNIT 405
MADEIRA BEACH, FL 33708-2375

T D P 201 LLC
205 150TH AVE
MADIERA BEACH, FL 33708-2007

MADEIRA TRIANGLE PROPERTIES LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2005

BENZSCHAWEL, JAMES MICHAEL
215 MEDALLION BLVD APT F
ST PETERSBURG, FL 33708-1955

BEREZHANSKAYA, VALENTINA
380 MEDALLION BLVD APT A
MADEIRA BEACH, FL 33708-1943

MCCLOSKEY, VERONICA J LLC
119 OCEAN AVE
BAY SHORE, NY 11706-8717

DUPONT, JOSEPH
12 DUVAL ST
REHOBOTH, MA 02769-2567

MCDANIEL, PATRICK
1453 12TH ST
WYANDOTTE, MI 48192-3333

HOUGH, RAYMOND R TRE
55 HARRISTOWN RD STE 306
GLEN ROCK, NJ 07452-3303

MADEIRA TRIANGLE PROPERTIES LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2005

T T L PROPERTY HOLDINGS LLC
8190 66TH ST N
PINELLAS PARK, FL 33781-2109

BEVINS, DALE
380 MEDALLION BLVD APT B
MADIERA BEACH, FL 33708-1943

343 MAD BEACH LAND TRUST
343 REX PL APT B
MADEIRA BEACH, FL 33708-1931

EAST MEDALLION LLC
2800 66TH ST N
ST PETERSBURG, FL 33710-3127

EIGENMANN, MARIAN P
275 MEDALLION BLVD APT H
MADEIRA BEACH, FL 33708-1965

GABEL, STACY LYNN
7237 PERIWINKLE DR
MACUNGIE, PA 18062-8961

RATHMELL, RICHARD K JR
19902 ALDERWOOD CIR
BEND, OR 97702-2060

WELLINGER, SONIA
260 MEDALLION BLVD UNIT G
MADEIRA BEACH, FL 33708

RON & AMY PROPERTIES LLC
5935 COUNTY ROAD 109
MOUNT GILEAD, OH 43338-9305

MCCARTHY OF ST PETERSBURG LLC
5801 ULMERTON RD STE 200
CLEARWATER, FL 33760-3951

KRUMANOCKER, WILLIAM F
245 MEDALLION BLVD APT G
MADEIRA BEACH, FL 33708-1960

TREVELINO, MARY
240 MEDALLION BLVD APT D
MADEIRA BEACH, FL 33708-1952

BEATTY, CHRISTINE
2102 N COLDSRING RD
ARLINGTON HEIGHTS, IL 60004-7292

C7 STRUCTURES LLC
851 STATE ROUTE 13
HORSEHEADS, NY 14845-7297

VARNER, CHARLES W
250 MEDALLION BLVD APT C
MADEIRA BEACH, FL 33708-1946

PROFESSIONAL RESIDENTIAL SERVICES INC
2498 JETT FERRY RD STE 201
DUNWOODY, GA 30338-3062

BERRY, ROGER W
2868 21ST AVE N
ST PETERSBURG, FL 33713-4204

TREASURE HUNT ENTERPRISES INC
9931 RIVERVIEW DR
RIVERVIEW, FL 33578-5040

ALLEN, CAROL A
267 REX PL APT F
MADEIRA BEACH, FL 33708-1926

WELLINGER, GRANT S
151 MEDALLION BLVD UNIT A
MADEIRA BEACH, FL 33708-1921

MZM OF BELLEAIR LLC
300 150TH AVE UNIT 503
MADEIRA BEACH, FL 33708-2646

TRAN, TRANG NGOC
5921 42ND AVE N
ST PETERSBURG, FL 33709-5225

T D P 201 LLC
205 150TH AVE
MADEIRA BEACH, FL 33708-2007

MADEIRA TRIANGLE PROPERTIES LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2005

HUNTINGTON HOTEL CORP
643 DE SOTO DR
TIERRA VERDE, FL 33715-2018

MADEIRA TRIANGLE PROPERTIES LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2005

BOWDENS MARINA LLC
4729 RUE BORDEAUX
LUTZ, FL 33558-5368

MEDALLION BLVD LLC
1407 8TH AVE S
EDMONDS, WA 98020-6632

MBAR VENTURES LLC
13426 EUDORA PL
TAMPA, FL 33626-2962

JC PROPERTIES 1 LLC
6592 DEVONHURST DR
SAINT LOUIS, MO 63129-3322

REMMERT, CHRISTOPHER
331 MEDALLION BLVD UNIT B
ST PETERSBURG, FL 33708-1966

COSBY, LARRY C
232 SHADY OAKS CIR
LAKE MARY, FL 32746-3686

GREEN, MELISSA
26914 MONDON HILL RD
BROOKSVILLE, FL 34601-7136

S&K MBYCC 259B LLC
1435 CLEMENTA AVE SW
BUFFALO, MN 55313-4909

KING, MICHELLE
1538 FISHBONE DR
JOHNS ISLAND, SC 29455-8434

BEATTY, CHRISTINE
2102 N COLDSRING RD
ARLINGTON HEIGHTS, IL 60004-7292

MCFALL, BRIAN
831 100TH AVE N
ST PETERSBURG, FL 33702-2205

CASSAR, VINCENT C TRE UTD 10/15
175 MEDALLION BLVD APT H
MADEIRA BEACH, FL 33708-1953

Item 9D.

CARTER, SCOTT MICHAEL
10433 50TH AVE CIR N
ST PETERSBURG, FL 33708-3303

AVERY, SAMANTHA
300 150TH AVE UNIT 504
MADEIRA BEACH, FL 33708-2646

POLITIS, ALEXANDER C
10114 TARPON DR
TREASURE ISLAND, FL 33706-3123

T D P 201 LLC
205 150TH AVE
MADEIRA BEACH, FL 33708-2007

MADEIRA TRIANGLE PROPERTIES LLC
101 150TH AVE
ST PETERSBURG, FL 33708-2005

HENDERSON, JEAN C
363 MEDALLION BLVD APT B
MADEIRA BEACH, FL 33708-1968

NOREN, CONNIE K
363 MEDALLION BLVD APT A
MADEIRA BEACH, FL 33708-1968

WHITAKER, LORRAINE R
345 MEDALLION BLVD APT C
MADEIRA BEACH, FL 33708-1944

FABER, PHYLLIS
10908 N 52ND ST
TAMPA, FL 33617-2802

RAIMONDO, ANNETTE G
15602 REDINGTON DR
REDINGTON BEACH, FL 33708-1700

MBAR VENTURES LLC
13426 EUDORA PL
TAMPA, FL 33626-2962

GREEN, MELISSA
230 MEDALLION BLVD APT C
MADEIRA BEACH, FL 33708-1958

165 A MEDALLION LLC
1077 COVENTRY DR
LAKE FOREST, IL 60045-2727

SUNNY MOUNTAIN ENTERPRISES LLC
13881 EVANS CT
RAPID CITY, SD 57702-7365

MADEIRA BEACH, CITY OF
300 MUNICIPAL DR
MADEIRA BEACH, FL 33708-1916

WALTON, DOUGLAS E SR TRE
14377 YACHT CLUB BLVD
SEMINOLE, FL 33776-1104

CLARKE, JOAN
301 MEDALLION BLVD
MADEIRA BEACH, FL 33708-1956

GOSNELL, JAN T
3118 FEATHERWOOD CT
CLEARWATER, FL 33759-4412

SEMLIES, LAURA
60 10TH AVE
SEA CLIFF, NY 11579-1128

WILKS, SKYLAR HAMLETT
5685 35TH AVE N
ST PETERSBURG, FL 33710-1911

MIDLAND TRUST COMPANY CDN
210 DENT DR
NAPLES, FL 34112-5255

WELLINGER, GRANT
155 MEDALLION BLVD UNIT C
MADEIRA BEACH, FL 33708-1947

EQUITY TRUST CO CDN
9608 WOODBAY DR
TAMPA, FL 33626-2421

ZIND, NABILA EL
5 HEATHERSTONE DR
LAWTON, OK 73505-9535

GIL, NANCY M
806 VALLEY HILL CT
BRANDON, FL 33510-3546



AFFIDAVIT OF POSTING

Date: 10/20/23
Postings for: AAP 2023-07

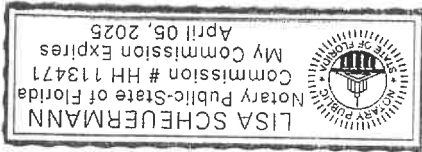
Before me this day Andrew Morris personally appeared. (H) He/she has posted public notices at the locations indicated in the notice document(s).

[Signature]
Signature

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this 20 day of October, 20 23.

(Personally known or produced) as identification.



[Signature]
Notary Public

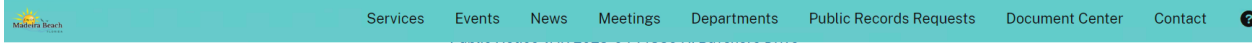
10/20/23
Date

Notary Public Stamp

*Copy of public notice is attached.

ABP 2023-07 Don the Beachcomber Posting Pictures

City Website




 (727) 391-9951 x244

VAR 2023-05 352 145th Ave E


 planning@madeirabeachfl.gov

[VAR 2023-05 352 145th Ave E Application](#)

[Public Notice VAR 2023-05 352 145th Ave E Public Notice](#)

 300 Municipal Drive

VAR 2023-06 14097 E Parsley Dr

 Monday -Friday
8:00 am -4:00 pm

[VAR 2023-06 14097 E Parsley Dr Variance Application](#)

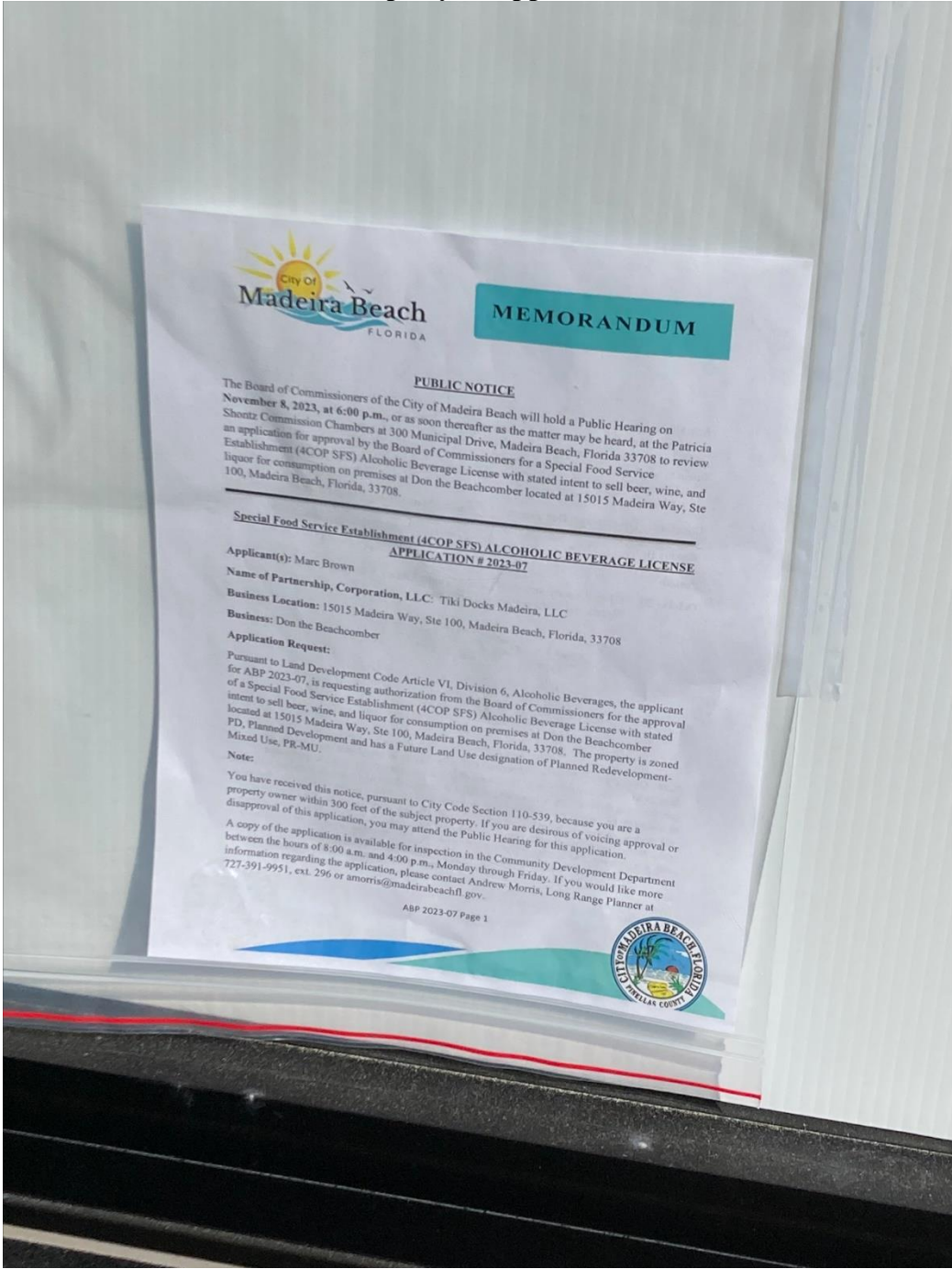
[Public Notice VAR 2023-06 14097 E Parsley Dr](#)

ABP 2023-07 Don the Beachcomber

[ABP 2023-07 Don the Beachcomber Application](#)

[ABP 2023-07 Don The Beachcomber Public Notice](#)

Property of Applicant



MEMORANDUM

PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **November 8, 2023, at 6:00 p.m.**, or as soon thereafter as the matter may be heard, at the Patricia Shontz Commission Chambers at 300 Municipal Drive, Madeira Beach, Florida 33708 to review an application for approval by the Board of Commissioners for 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.

Special Food Service Establishment (4COP SFS) ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-07

Applicant(s): Marc Brown
Name of Partnership, Corporation, LLC: Tiki Docks Madeira, LLC
Business Location: 15015 Madeira Way, Ste 100, Madeira Beach, Florida, 33708
Business: Don the Beachcomber

Application Request:
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. The property is zoned PD, Planned Development and has a Future Land Use designation of Planned Redevelopment-Mixed Use, PR-MU.

Note:
You have received this notice, pursuant to City Code Section 110-539, because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application. A copy of the application is available for inspection in the Community Development Department between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the application, please contact Andrew Morris, Long Range Planner at 727-391-9951, ext. 296 or amorris@madeirabeachfl.gov.



Library



MEMORANDUM

PUBLIC NOTICE

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Applicant(s): Marc Brown

Name of Partnership, Corporation, LLC: Tiki Docks Madeira, LLC

Business Location: 15015 Madeira Way, Ste 100, Madeira Beach, Florida, 33708

Business: Don the Beachcomber

Application Request:

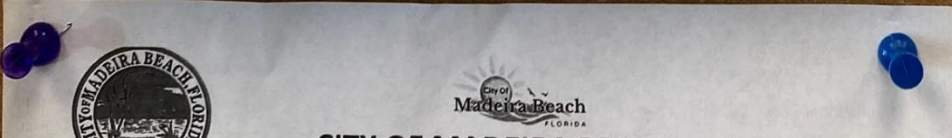
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Note:

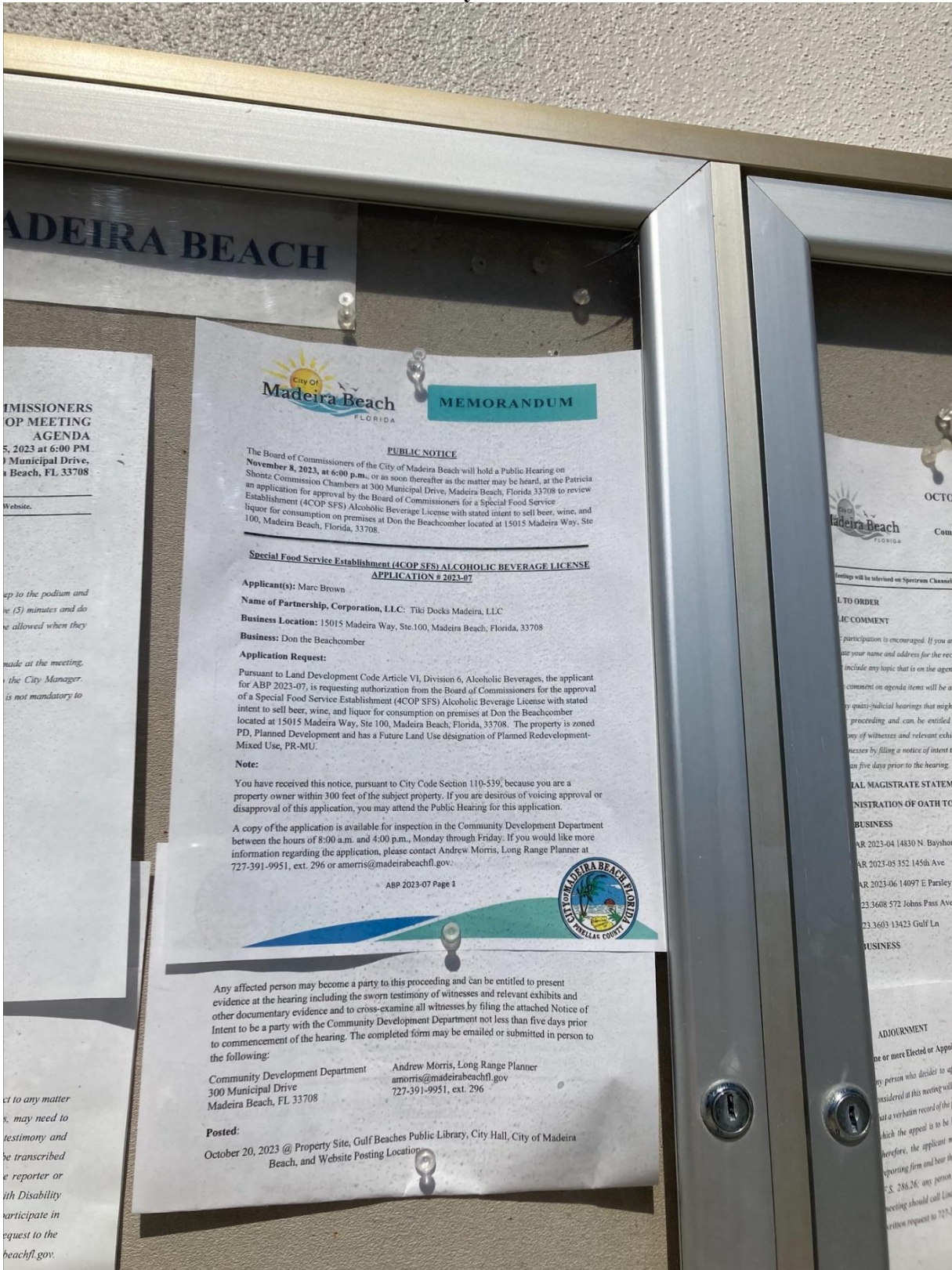
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ABP 2023-07 Page 1



City Hall



MADEIRA BEACH



MEMORANDUM

PUBLIC NOTICE

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Special Food Service Establishment (4COP SFS) ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-07

Applicant(s): Marc Brown
Name of Partnership, Corporation, LLC: Tiki Dock's Madeira, LLC
Business Location: 15015 Madeira Way, Ste.100, Madeira Beach, Florida, 33708
Business: Don the Beachcomber

Application Request:
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Note:
 You have received this notice, pursuant to City Code Section 110-539, because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Public Hearing for this application.

A copy of the application is available for inspection in the Community Development Department between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the application, please contact Andrew Morris, Long Range Planner at 727-391-9951, ext. 296 or amorris@madeirabeachfl.gov.

ABP 2023-07 Page 1



Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing the attached Notice of Intent to be a party with the Community Development Department not less than five days prior to commencement of the hearing. The completed form may be emailed or submitted in person to the following:

Community Development Department Andrew Morris, Long Range Planner
 300 Municipal Drive amorris@madeirabeachfl.gov
 Madeira Beach, FL 33708 727-391-9951, ext. 296

Posted:
 October 20, 2023 @ Property Site, Gulf Beaches Public Library, City Hall, City of Madeira Beach, and Website Posting Location

COMMISSIONERS
 OP MEETING
 AGENDA
 5, 2023 at 6:00 PM
) Municipal Drive,
 Beach, FL 33708

Website.

ep to the podium and
 ve (5) minutes and do
 e allowed when they

made at the meeting,
 the City Manager.
 is not mandatory to

ct to any matter
 s, may need to
 testimony and
 be transcribed
 e reporter or
 ith Disability
 participate in
 equest to the
 beachfl.gov.



OCTO

Com

etings will be televised on Spectrum Channel

TO ORDER
 LIC COMMENT

participation is encouraged. If you ar
 ate your name and address for the rec
 include any topic that is on the agend
 comment on agenda items will be al
 y quasi-judicial hearings that might
 proceeding and can be entitled
 any of witnesses and relevant exhib
 nesses by filing a notice of intent to
 an five days prior to the hearing.

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BUSINESS
 AR 2023-04 14830 N. Bayshore
 AR 2023-05 352 145th Ave
 AR 2023-06 14097 E Parsley
 23-3608 572 Johns Pass Ave
 23-3603 13423 Gulf Ln
 BUSINESS

ADJOURNMENT

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 person who decides to app
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 S. 286.26, any person
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MEMORANDUM

TO: Honorable Mayor and Board of Commissioners
VIA: Robin Gomez, City Manager
FROM: Jay Hatch, Recreation Director
DATE: October 23, 2023
RE: **Madeira Beach Wednesday Market - Contract**

Background

The City of Madeira Beach and Tampa Bay Markets, Inc have partnered for numerous years to provide the Madeira Beach Wednesday Market. Tampa Bay Markets has expressed interest in continuing to operate the Madeira Beach Wednesday Market. The Market season would run from November 1 – June 1. Staff worked with the City Attorney and has put together an agreement for the future operation of the Market.

Fiscal Impact

Tampa Bay Markets would be responsible for a payment of staff time for each Market occurrence as well as a security deposit which would cover any incidental damage to the property due to operation of the Market.

Recommendation

Staff Recommends moving forward with negotiating the proposed contract with Tampa Bay Markets, Inc.

Attachments

Tampa Bay Markets, Inc Proposed Contract

**CITY OF MADEIRA BEACH
REVOCABLE LICENSE AGREEMENT
MADEIRA BEACH MARKET**

Item 11A.

THIS AGREEMENT, made and entered into this ____ day of _____, 2023 by and between the CITY OF MADEIRA BEACH, a municipal corporation of the State of Florida (hereinafter the “City”) and TAMPA BAY MARKETS, INC, a Florida corporation (hereinafter the “Market Manager”, for itself and as an agent for the individual Vendors participating in the event authorized hereunder.

For and in consideration of the mutual covenants herein made and agreed to be kept and in consideration of other good and valuable considerations the sufficiency and receipt of which is hereby acknowledge, the parties do hereby agree as follows:

1. The City does hereby grant and the Market Manager does by these presents accept a revocable license for itself and as agent for the individual Vendors referred to herein for the temporary use of public land identified as ‘Madeira Way’ and as described in Exhibit A hereinafter referred to as “Event Space” or “Space” for the use of the Market Manager and the Vendors participating in the event for the purpose of the Vendors’ sublicensing from the Market Manager vending space on a one time or multi-week basis for the sale of fruits, vegetables, food, plants, flowers, crafts and other products or items directly related to the preparation of food as is mutually found acceptable to the Market Manager and the City.

The term “Event” refers to each use of the Madeira Beach Market location by the Market Manager pursuant to the terms of this Revocable License Agreement.

The Market Manager shall act as spokesperson for the Market and shall have the right to recruit and assign spaces to Vendors for individual days of operation orally or by written agreement, but such Vendors shall not be granted any rights of use or possession not specifically allowed herein and such Vendors shall have their right of use revoked immediately in the event that this Agreement is revoked or terminated. No other use or occupancy shall be made of said public land and such display space shall only be used within the dates and limes as are specifically set forth herein and at no other date or time.

The Market Manager shall not disparage or criticize the City, the Mayor, Vice Mayor, City Commissioners, Charter Officials, City staff or the Madeira Beach Market in any way, including but not limited to, verbally, in writing or by Facebook, Twitter or other electronic media.

2. The term “Vendor” shall be defined as those persons or entities acting under the approval and assignment of a Vendor space by the Market Manager for use as a Vendors' space only. Vendor count to be determined and approved by the Market Manager and shall be reviewed and approved by the appropriate public health and safety officials. The City may limit the number of Vendors if it concludes in its sole and unlimited discretion that the public health and safety would be served by a greater limitation of the number of Vendors

**CITY OF MADEIRA BEACH
REVOCABLE LICENSE AGREEMENT
MADEIRA BEACH MARKET**

Item 11A.

participating. Madeira Beach residents shall receive first consideration as Vendors, if products, quality and reliability are equal. The Market Manager shall establish a Vendor waiting list. The City retains the absolute right at any time to cancel this Agreement with the Market Manager upon five (5) days written notice in the event that it determines in its sole discretion that the public good is not served by continuation of this Agreement. Only with the approval of the Market Manager will any Vendor use gas or other flammable materials as a part of its display or sales activities and there shall be no sale of alcohol by any Vendor.

3. This Revocable License Agreement grants only the temporary and revocable right of use in the form of a temporary license and shall not be deemed to establish a landlord/tenant relationship between the parties or any other right in real property that is cognizable under the terms of Chapter 83, Florida Statutes, or any other right of use or of occupancy or of possession except as is otherwise specifically set forth herein. Any other right of use or occupancy, which is not specified herein, shall not arise in any other manner from the license herein granted
4. The Market Manager shall have a right to have Vendors occupy and use the Event Space for the purposes of sales during the "Season". Event hours will initially be 10 am - 2 pm and, if necessary, will be adjusted as required. The days of the "Season" must be mutually agreed upon between the Market Manager and the City. Request for dates shall be included in a completed Special Events Application, which will be provided to the Market Manager by the City. Such time periods are hereinafter referred to as the "Season" ; such Season shall be computed on the City's fiscal year, October 1 - September 30. The agreed upon days and hours shall be solely for the purposes of active sales of products and the Vendors shall have the right to use and occupy the said space for an hour before such time period and for one hour after the foregoing hours of active sales for the purposes of assembling and disassembling the sales space and its Vendor displays. The Event Space shall be occupied and used at no other dates and times.
5. The Market Manager and Vendors of the Market Manager shall not be considered agents or employees of the City of Madeira Beach for any purpose whatsoever. The Market Manager and his sub-licensed Vendors shall be responsible for all permits and licenses necessary for the conduct of sales activities in the Event Space including all Pinellas County Health Department and the Florida Department of Agricultural or other regulatory agency approvals. Any violation of the licensing requirements, health requirements or of any other requirements of other regulatory or law enforcement agencies shall be deemed to be sufficient cause for the immediate revocation of this License Agreement and the removal of the Market Manager and the sub-licensees from the Space.
6. The Market Manager shall be responsible for providing the assembly and the removal of all sub-licensed Vendor tables and displays and other items of personal property used to conduct sales activities. No tables or chairs or other items will be placed on public sidewalks. The Market Manager shall be responsible for cleaning up the Event Space and

**CITY OF MADEIRA BEACH
REVOCABLE LICENSE AGREEMENT
MADEIRA BEACH MARKET**

Item 11A.

the area in its immediate vicinity of all trash, litter and garbage and emptying trash cans plus removal of all tables, trash cans, chairs, cones, and all other equipment used by the Madeira Beach Market after each event.

7. The Market Manager shall compensate the City of Madeira Beach for use of the event site, public land identified in Paragraph 1 above during the agreed upon dates and times referenced in Paragraph 4 as follows:
 - a. \$1,000 damage and clean-up deposit.
 - b. \$50.00 per event charge for each scheduled market date. (Fee represents 2 x \$25 for each hour of staffing utilized for setup and breakdown of the market and the hourly rate for staffing fee shall remain consistent with the City of Madeira Beach Fee's and Collections Manual.

The deposit in the amount of \$1,000 is payable to the City by the Market Manager not less than fourteen (14) days prior to the first event date of the Season. The damage and clean-up deposit shall be refunded in whole or in part upon satisfaction by the City that the event site as determined by the City has been properly cleaned up and any damages have been accounted for and repaired. If damage fees are less than \$1,000, the remainder of the damage deposit, at the discretion of the City, may be returned to the Market Manager.

The Market Manager shall make payment to the City on the last day of the month for all events taking place during that month.

8. The Market Manager and sub-licensed Vendors hereby indemnify and save the City of Madeira Beach harmless from any and all costs, judgments, fees, penalties, attorney fees and any and all charges whatsoever arising from the Market Manager's and Vendors sub-licensees' use of the Event Space and such indemnification shall include the agents, officers, elected officials and employees of the City. As a condition precedent to the Market Manager conducting sales activities within the Event Site, the Market Manager shall deliver to the City a policy of liability insurance for personal injury and product liability in the amount of \$1,000,000 in the form as is otherwise established by regulations issued by the City Manager or as is suitable to the City Attorney. The City of Madeira Beach will be named as an additional insured on such insurance policies from the issuing insurance company. The lapse, cancellation or non-delivery of such insurance policies shall immediately cancel all rights of the Market Manager under this Agreement without any further notice or action on the part of the City. The insurance policy will provide that before lapse, cancellation or change in the insurance policy that the City of Madeira Beach is notified of such lapse, cancellation or change. The required policy shall be delivered to the City not less than fourteen (14) days prior to the use of the site.

**CITY OF MADEIRA BEACH
REVOCABLE LICENSE AGREEMENT
MADEIRA BEACH MARKET**

Item 11A.

9. No vehicles shall be parked within the Event Space except for the purpose of assembly or dismantling displays or other items placed within the Event Space for sales activities unless special permission is granted by the City of Madeira Beach. The Market Manager shall not make any modifications to the ground or improvements thereon in order to conduct sales activities or secure displays. Any damage outside of normal wear and tear done to the improvements on the Event Spaces, including the asphalt paving, landscaping, grass, sod, curb stops or any and all improvements agreed to or allowed by the Market Manager shall be corrected or repaired by the Market Manager.

10. This Agreement and the license rights granted hereunder shall not be assignable by the Market Manager to any other person, firm or corporation and shall be entirely personal to the Market Manager. No other persons, except Vendors, shall be allowed to occupy or use the Event Space for commercial activities. No other sales activities may be conducted on or other use made of the Event Space except as is specifically identified as Vendor lessee's space. The City shall retain the absolute right to cancel this license as is above set forth and to allow the use of the Event Space by other persons for any reason or purpose that it deems to be in the public interest without liability whatsoever to the Market Manager or Vendors for any lost profits or other damages that may be sustained by the Market Manager or sub-licensee because of the cancellation or reassignment of rights for the Event Space.

11. The Market Manager may approve broadcasting of music or other production of sound incident to the conduct of sales activities within the Event Space appropriate to the Market and in accordance with City Ordinances, as approved by City employees or other persons placed in control or authority over the Event Space by the City.

12. At all times, the City shall have the absolute right to disapprove the sale of any item that it deems inappropriate to be sold from City-owned property. The Market Manager and Vendors do hereby waive any and all claims for damages, lost profits, or any other economic loss or cost arising from a decision of the City to disapprove the sale of any item or material, including materials enjoying protection of the First Amendment of the Constitution of the United States.

13. The City shall retain the right at all times during the term of this Agreement to preempt use, cancel or recapture any sales day or group of sale days for the purpose or public use of the Event Space licensed hereunto, or for the use of such Event Space by any other person or group for an event approved by the City, or for the purpose of eliminating sales activities for any reason deemed appropriate by the City, or for the purpose of eliminating sales activities for any reason deemed appropriate by the City in the public good. Such right of preemption, cancellation or recapture shall be within the sole and absolute discretion of the City and shall not give rise to any claim for damages or lost profits by the Market Manager or Vendors. Every attempt will be made to notify the Market Manager at least 6 weeks in advance and any cancellation of the Market will be a last resort.

**CITY OF MADEIRA BEACH
REVOCABLE LICENSE AGREEMENT
MADEIRA BEACH MARKET**

Item 11A.

14. The City Manager or his/her designee may adopt and issue regulations regarding the conduct of sales activities in the Event Space or any other matters material to this Agreement and such regulations, upon issuance by the City Manager or his/her designee, shall become a part of this Agreement and the Market Manager and Vendors shall be bound by the terms thereof. The Market Manager at all times will obey all laws of the Federal, State, County and City and their administrative agencies while conducting this event on City property. Failure to abide by the terms or conditions of this Agreement shall result in a minimum \$1,000 penalty fee payable to the City by the Market Manager.
15. In the event Madeira Way, the event area, or adjacent property come under construction during the duration of this agreement, the City and Market Manager shall work together to find a mutually agreed upon alternative location for the event to operate.
16. The term of this Agreement shall be for a period of five years commencing on the date of approval, and shall end on the 31st day of September 2028. The Agreement may be renewed for one additional five (5) year period by mutual agreement between the Market Manager and the City.
17. Time is of the essence in all aspects of this Agreement and failure to comply with any of the terms or conditions of this Agreement shall be deemed to be a material breach hereof.
18. Any and all previous agreements, oral or written, shall be void and of no further force and effect. No modifications shall be made in this Agreement between the parties unless such modification is in written form and executed with the same format as this Agreement.
19. The City will require payment from TAMPA BAY MARKET, INC for the event when the event takes place except when cancelled due to adverse weather conditions (wind/rain) or serve weather (hurricane/lightning). The City will determine, in its sole discretion, if payment will be due.
20. This Agreement shall not be recorded in the Public Records of Pinellas County, Florida.

**CITY OF MADEIRA BEACH
REVOCABLE LICENSE AGREEMENT
MADEIRA BEACH MARKET**

Item 11A.

IN WITNESS WHEREOF, the parties hereto have set their hand and seals on the day and year first above written.

TAMPA BAY MARKETS, LLC

By: _____

Name: _____

Title: _____

Date: _____

CITY
City Of Madeira Beach

By: _____

Jim Rostek, Mayor

By: _____

Robin Gomez, City Manager

APPROVED AS TO FORM:

By: _____

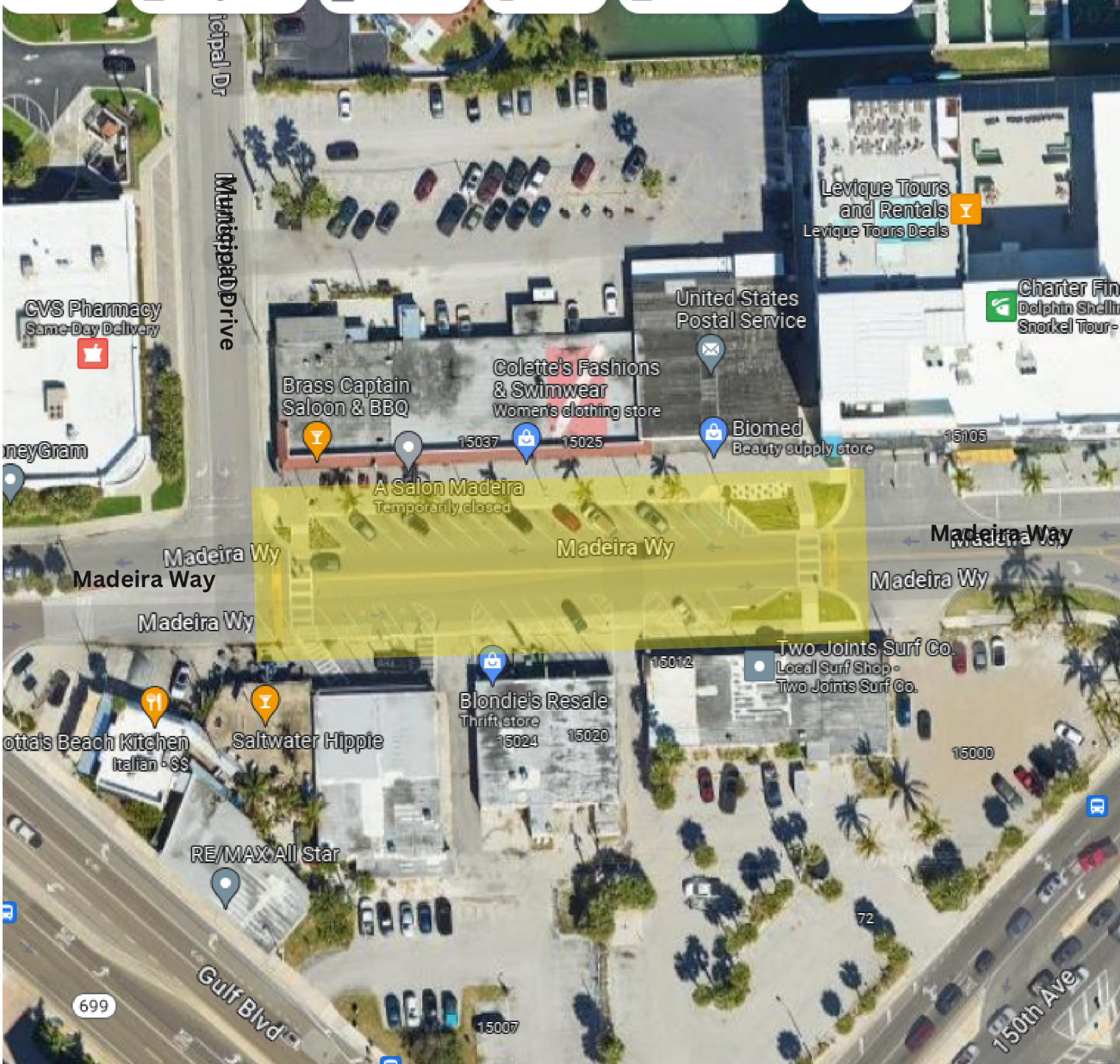
Thomas J. Trask, City Attorney, B.C.S.

ATTEST:

By: _____

Clara Vanblargen, City Clerk

Exhibit A





MEMORANDUM

TO: Hon. Mayor and Board of Commissioners
THROUGH:
FROM: Robin Gomez, City Manager
DATE: September 27, 2023
RE: Aclarian Consulting Agreement FY 2024

Background

Aclarian has provided outsourced Finance Director services for the City since July 2020. Aclarian’s contractual services agreement expires at the end of fiscal year 2023 and continues on a month-to-month basis unless terminated by either party with thirty (30) days written notice or extended by a separate agreement.

Discussion

Under the proposed Consultant Agreement for FY 2024, Aclarian will appoint Andrew Laflin to be responsible for assuming the duties of the Director of Finance and City Treasurer, as described in Article V, Section 5.5, of the City’s Charter. Mr. Laflin has assumed this position since the inception of Aclarian’s services to the City in June 2020.

Fiscal Impact

The Consultant Agreement stipulates a fixed monthly fee of \$7,800 per month for Finance Director services, which equates to \$93,600. This is a 5.4% increase from the prior year’s annual cost of \$88,800. The annual cost for Aclarian’s consulting services in FY 2021 was \$86,400. Alternatively, the City’s annual cost to hire a full time, including payroll taxes and benefits, could range between \$130,000 and \$160,000 annually. See 2023 salary survey results for a full-time Finance Director within this agenda item.

Recommendation

Staff recommends approval of the Aclarian Consultant Agreement effective for fiscal year 2024.

Attachment(s):

- Aclarian Consultant Agreement
- 2023 Salary Survey Results – Finance Director



2023 PEPIE SALARY SURVEY

March 2023

Fphra.org

Finance Director/Chief Financial Officer

Organization	County	Your Title	Actual Salary	Comments
Palm Beach County Sheriff's Office	Palm Beach	Chief Operating Officer	\$288,636	
Broward County Board of County Commissioners	Broward	Chief Financial Officer	\$299,854	
Miami-Dade County	Miami-Dade	Deputy Dir., Finance Dept	\$275,620	Life Imput, Car, Cellphone, Executive Benefits
City of Miami Beach	Miami-Dade	Chief Financial Officer	\$267,702	
City of Jacksonville	Duval	DIRECTOR OF FINANCE & ADMINISTRATION/CHIEF FINANCIAL OFFICER	\$221,708	
City of Lakeland	Polk	Finance Director	\$192,906	
Hillsborough County	Hillsborough	Chief Financial Administrator	\$227,365	
City of Miami	Miami-Dade	Director, Finance	\$197,961	
Charlotte County Board of County Commissioners	Charlotte	Director, Budget & Administrative Svc	\$156,416	Dept Includes: Fiscal, Fleet, Transit, Purchasing, Records Mgmt, Risk Mgt, Real Estate Svcs, & I.T.
School District of Palm Beach County	Palm Beach	Chief Financial Officer	\$199,134	Over multiple Fin Depts
Town of Palm Beach	Palm Beach	Deputy Town Manager of Finance and Administration	\$190,000	
City of Boca Raton	Palm Beach	Financial Services Director	\$208,485	
City of Deerfield Beach	Broward	Director of Financial Services/CFO	\$153,530	
Town of Jupiter	Palm Beach	Finance Director	\$132,029	
Volusia County	Volusia	Chief Financial Officer	\$181,033	Total Budget for Finance Department. For the Office of the CFO only - 656,894
City of Pompano Beach	Broward	FINANCE DIRECTOR	\$157,538	
City of Coconut Creek	Broward	Finance & Admin Services Director	\$194,605	

Finance Director/Chief Financial Officer

Organization	County	Your Title	Actual Salary	Comments
City of West Palm Beach	Palm Beach	Chief Financial Officer	\$184,944	
City of Palm Beach Gardens	Palm Beach	Finance Administrator	\$195,771	
City of Clearwater	Pinellas	Finance Director	\$164,789	
City of Cape Coral	Lee	Financial Services Director	\$162,718	
Town of Davie	Broward	Budget & Finance Director	\$192,282	
City of Hollywood	Broward	Director of Financial Services	\$193,019	Car and cell phone allowance
Fort Myers Beach Fire Control District	Lee	Director of Finance	\$150,750	
Town of Bay Harbor Islands	Miami-Dade	Finance Director	\$168,383	
City of Oaklad Park	Broward	Chief Financial Officer	\$180,353	
City of Tamarac	Boward	Director of Financial Services	\$154,397	Car allowance - monthly
City of Sarasota	Sarasota	Director, Finance	\$161,877	
City of Boynton Beach	Palm Beach	Director of Financial Services	\$179,776	n/a
Children's Services Council of PBC	Palm Beach	Chief Financial Officer	\$166,182	
Village of Pinecrest	Miami-Dade	Finance Director	\$154,187	cell/vehicle allowance
City of Delray Beach	Palm Beach	Chief Financial Officer	\$165,006	
City of Daytona Beach	Volusia	Chief Financial Officer	\$193,681	
Brevard County Board of County Commissioners	Brevard	Budget Director	\$158,135	

Finance Director/Chief Financial Officer

Organization	County	Your Title	Actual Salary	Comments
City of Coral Springs	Broward	Director of Financial Services	\$166,621	
City of Pembroke Pines	Broward	FINANCE DIRECTOR	\$175,386	
City of Oviedo	Seminole	Finance Director	\$152,594	
City of Venice	Volusia	Finance Director	\$168,160	
Village of Tequesta	Palm Beach	Finance Director	\$151,010	
City of Port St. Lucie	St. Lucie	Finance Director	\$152,110	
City of Lake Worth Beach	Palm Beach	DIRECTOR OF FINANCE	\$150,000	Bi-weekly car & phone allowance
Manatee County Sheriff's Office	Manatee	COMPTROLLER	\$150,592	
City of Miramar	Broward	Director of Financial Services	\$160,062	
Town of Longboat Key	Sarasota-Man	Finance Director	\$134,222	Defined Contribution 16% Town Contribution
Village of Wellington	Palm Beach	DIRECTOR, ADMIN & FINANCL SVCS	\$136,011	
City of North Port	Sarasota	Finance Director	\$159,825	
City of Margate	Broward	Director of Finance	\$160,883	
City of Dania Beach	Broward	Chief Financial Officer	\$175,232	
Seacoast Utility Authority	Palm Beach	Chief Financial Officer	\$175,178	
City of Parkland	Broward	Finance Director	\$133,508	
Alachua County BoCC	Alachua	Asistant County Manager for Budget & Fiscal Services	\$174,699	Oversee other budgets: \$18,687,906; 117 total (99 filled and 18 vacant)-Fiscal Services;OMB;Procurement; Risk Mgmt.; Facilities Management & Critical Facilities
Islamorada, Village of Islands	Monroe	Finance Director	\$160,698	

Finance Director/Chief Financial Officer

Organization	County	Your Title	Actual Salary	Comments
City of Naples	Collier	Finance Director	\$185,000	Also Deputy City Manager
Village of Royal Palm Beach	Palm Beach	Finance Director	\$163,349	
Clerk of the Circuit Court & Comptroller, Palm Beach County	Palm Beach	Chief Operating Officer- Finance	\$146,000	
Indian River County BoCC	Indian River	Director of Office Mgmt & Budget	\$142,960	
City of Marco Island	Collier	Finance Director	\$156,769	
Town of Lantana	Palm Beach	Finance Director	\$165,886	
City of Oldsmar	Pinellas	Director of Administrative Services	\$129,170	
Pinellas County Government	Pinellas	Chief Deputy Director Finance Division	\$174,886	Broadband
Town of Miami Lakes	Miami-Dade	Chief Financial Officer	\$136,500	
City of Haines City	Polk	Finance Director	\$132,467	
Palm Beach County Property Appraiser	Palm Beach	Finance Director	\$141,421	
City of Lauderdale Lakes	Broward	Director of Financial Services	\$137,917	
City of Plant City	Hillsborough	Chief Financial Officer	\$161,886	
City of Greenacres	Palm Beach	Finance Director	\$107,374	
Village of Palmetto Bay	Miami-Dade	Finance Director	\$159,146	Position oversees IT Division and Risk Management
City of Kissimmee	Osceola	Finance Director	\$158,995	500 a month car allowance
City of Largo	Pinellas	Finance Director	\$139,230	\$75.00 Auto Allowance (Biweekly).
Palm Beach State College	Palm Beach	Controller	\$130,881	
City of Casselberry	Seminole	Finance Director	\$139,756	
City of Mascotte	Lake	Finance Director/Deputy Manager	\$116,168	

Finance Director/Chief Financial Officer

Organization	County	Your Title	Actual Salary	Comments
City of Treasure Island	Pinellas	Finance Director	\$97,140	
City of Ocoee	Orange	Finance Director	\$144,117	
Southwest Florida Water Management District	Hernando	Bureau Chief, Finance	\$121,130	
City of Dunedin	Pinellas	Dir of Finance	\$144,495	
Town of Juno Beach	Palm Beach	Finance Director	\$147,586	Cell phone
City of Indian Harbour Beach	Brevard	Comptroller	\$104,153	
Hardee County BOCC	Hardee	Budget & Finance Director	\$92,000	Phone allowance * last annual salary - vacant position
Hernando County Clerk of Circuit Court & Comptroller	Hernando	Financial Services Director	\$117,291	
City of Stuart	Martin	Financial Services Director	\$140,649	Cell Stipend
Town of Pembroke Park	Broward	Finance and Budget Director	\$121,540	
City of St. Augustine Beach	St. Johns	Chief Financial Officer	\$78,055	
Orange County	Orange	Financial Administrator	\$90,126	
City of Fellsmere	Indian River	Finance & Accounting Director	\$96,239	
City of Fort Meade	Polk	Comptroller	\$65,458	
Broward County Sheriff's Office	Broward	Director of Finance	\$172,241	
City of Daytona Beach Shores	Volusia	Finance Director	\$115,003	
City of Lauderhill	Broward	Finance Director/DeputyCity Manager	\$300,130	
City of St. Augustine	St. Johns	same	\$134,448	
City of West Miami	Miami-Dade	Finance Director	\$123,718	

CONSULTANT AGREEMENT

This Consultant Agreement (“Agreement”) is made effective as of October 1, 2023, by and between the City of Madeira Beach, Florida (City), 300 Municipal Drive, Madeira Beach, Florida, 33708, and Aclarian LLC (Contractor) 4240 W. Morrison Ave, Tampa, FL 33629.

DESCRIPTION OF SERVICES – FINANCE & ACCOUNTING

Beginning on October 1, 2023, the Contractor will appoint Andrew Laflin to be responsible for assuming the duties of the Director of Finance and City Treasurer as described in Article V, Section 5.5, of the Charter of the City of Madeira Beach, Florida. Contractor, through Andrew Laflin, will provide the following services:

- Plan, manage, and direct the operations of the Finance department, including personnel and equipment of finance, accounting, cashiering, licensing, billing and collecting sums due the City and related financial accounting and systems operations.
- Maintain current and accurate accounting records of City activities, in accordance with accepted municipal accounting practices and governing city laws.
- Coordinate the annual budgeting process, assist in preparing the annual operating and capital budget, and provide other financial reporting throughout the fiscal year, both internally among City employees and externally to the Board of Commissioners and public at large, such as showing comparison of revenue and expenditures to anticipated revenues and appropriation expenditures.
- Advise the City Manager and Board of Commissioners on significant financial matters.
- Maintain responsibility for adequate safeguards for City assets, including cash, inventories, equipment and pertinent records concerning the same, as well as records of all receivables and liabilities of the City.
- Oversee the annual financial statement audit of the City and the issuance of the Comprehensive Annual Financial Report.
- Ensure prompt deposits of all receipts in designated bank accounts as well as prompt payment of current bills and obligations against the City, when approved.
- Meet all compliance requirements under applicable laws and regulations, including but not limited to reporting deadlines under state law, agenda document submission deadlines for BOC meetings, and other external and internal regulatory requirements
- Perform other related services as mutually agreed upon.

RESOURCES PROVIDED BY THE CITY.

The following resources shall be provided by the City:

ON SITE

- Access to a workspace with desktop and secure internet connection
- Access to applicable software needed to conduct City business

OFF SITE

- Access to City-owned laptop and applicable software

PAYMENT FOR SERVICES.

The City will pay compensation to Contractor for the Services based on a fixed monthly amount of \$7,800.00 for finance and accounting services.

No travel or per diem reimbursement expenses will apply to this agreement; unless expressly approved by the City in advance. All bills for any travel expenses that are authorized shall be submitted and paid in accordance with the rates specified in Section 112.061, Florida Statutes, and in compliance with the City’s policy for travel expenses.

The Contractor shall submit invoices for work performed. All payments shall be made in accordance with the Local Government Prompt Payment Act, Florida Statute § 218.70 et.seq., which states the Contracting Party's rights and the City's responsibilities concerning interest, penalties and time limits for payment of invoices.

TERM.

The Term shall begin on October 1, 2023 and be effective until September 30, 2024.

At the end of the term, this agreement may be extended for successive monthly terms, on an as needed basis, or such other renewal terms agreed to by the parties. Renewal contracts will not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the City and subject to the availability of funds. The decision to renew this Agreement rests solely with the City.

MODIFICATION OF TERMS.

This agreement contains all the terms and conditions agreed upon by the parties, which terms and conditions shall govern all transactions between the City and the Contractor and any communications, promises, representations or agreements, not included in writing in this contract, shall not be binding upon any party. This Agreement may only be modified or amended upon mutual written agreement of the City and the Contractor. No oral agreements or representations shall be valid or binding upon the City or the Contractor. No alteration or modification of the Contract terms, including substitution of product, shall be valid or binding against the City.

RELATIONSHIP OF PARTIES.

It is understood by the parties that Contractor will be an independent contractor, and not the agent or servant of the City and will not be entitled to any benefits granted to employees of the City. The City will not provide fringe benefits, including health insurance benefits, paid vacations, or any other employee benefit to the Contractor. Each party agrees to assume complete responsibility for its own employees with regard to federal or state employers' liability and withholding tax, worker's compensation, social security, unemployment insurance, and Occupational Safety and Health Administration requirements and other federal, state and local laws.

CONFIDENTIALITY.

Contractor will not at any time or in any manner, either directly or indirectly, use for the personal benefit of Contractor, or divulge, disclose or communicate in any manner any information that is proprietary to the City, except as provided for by law. Contractor will protect such information and treat it as strictly confidential, except as provided by law. This provision shall continue to be effective after the termination of this Agreement. Upon termination of this Agreement, Contractor will return to the City all records, notes, documentation and other items that were used, created or controlled by Contractor during the term of this Agreement.

SUBCONTRACTORS:

The Contractor shall perform this Agreement. Additional assignment or subcontracting shall be allowed with the prior approval of the City Manager.

SECURITY.

All employees, agents, and authorized subcontractors to the Contractor ("Contractor's Agents") with access to City computer networks and systems in the performance of this Agreement must be approved by the City and must abide by all applicable terms and conditions of this Agreement.

INDEMNITY PROVISION.

Contractor shall indemnify, pay the City's costs of defense with counsel of the City's choosing, including attorney's fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any damages sustained by any person or entity as a result of the negligence or misconduct of the Contractor, except only to the extent such damages were occasioned by the wrongful acts of the City. The first ten dollars (\$10.00) of compensation received by the Contractor represents specific consideration for this indemnification obligation.

INSURANCE PROVISIONS

Contractor shall be required to maintain insurance coverage meeting the City's requirements for the term of this Agreement. Such requirements will include commercial general liability insurance with limits of \$500,000 for each occurrence and \$1,000,000 in the aggregate, as well as professional liability insurance with limits of \$1,000,000 per each claim or occurrence.

PUBLIC RECORDS.

Contractor acknowledges that information and data it manages as part of the services may be public records in accordance with Chapter 119, Florida Statutes and the City's public records policies. Contractor agrees that prior to providing services it will implement policies and procedures to maintain, produce, secure, and retain public records in accordance with applicable laws, regulations, and City policies, including but not limited to the Section 119.0701, Florida Statutes. Notwithstanding any other provision of this Agreement relating to compensation, the Contractor agrees to charge the City, and/or any third parties requesting public records only such fees allowed by Section 119.07, Florida Statutes, and City policy for locating and producing public records during the term of this Agreement. A Contractor who fails to provide the public records to the public agency within a reasonable time may be subject to penalties under s. 119.10.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS, CITY CLERK, AT 300 MUNICIPAL DRIVE, MADEIRA BEACH, FLORIDA, 33708. Phone: (727) 391-9951, ext. 231 / Email: cvanblargan@madeirabeachfl.gov

TERMINATION.

The City and the Contractor both reserve the right to terminate this Agreement, without cause by giving thirty (30) days prior written notice to the other party of the intention to terminate, or with cause if at any time the either party fails to fulfill/abide by any of the terms or conditions specified.

PARTIES TO THE CONTRACT:

This Agreement creates no rights or privileges that are enforceable by anyone not a party to this Agreement. Nothing set forth in this Agreement is intended to create, or will create, any benefits, rights, or responsibilities to any third parties.

SEVERABILITY.

If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed and enforced as so limited.

GOVERNING LAW.

All matters, whether sounding in tort or contract, relating to the validity, construction, interpretation, performance and enforcement of this Agreement shall be determined by the laws of the State of Florida. The exclusive venue of any legal or equitable action that arises out of or relates to this Agreement shall be the Circuit Court in and for Pinellas County, Florida. In any such action, Florida law shall apply.

ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement, whether oral or written.

WARRANTY OF AUTHORITY.

Each person signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to this Agreement.

IN WITNESS THEREOF, the Parties hereto have caused this Agreement, which includes any referenced attachments, to be executed by their undersigned officials as duly authorized. This Agreement is not valid until signed and dated by both Parties.

ACLARIAN LLC

City of Madeira Beach, Florida

Andrew Laflin, President

Robin Gomez, City Manager

DATE

DATE



Memorandum

Meeting Details: November 8, 2023

Prepared For: Mayor & Board of Commissioners

From: Megan Wepfer, Public Works Director

Subject: Purchase of Sparkling Bin SB2 Dual Bin Trailer

Background

The public works department is requesting approval to purchase a dual sparkling bin cleaner that is trailer mounted. This capital equipment has been discussed at FY24 budget workshops and approved with the final adoption of the FY24 budget for \$80,000. The purpose of this equipment is to clean and sanitize all toters (trash cans) that are located within city property. Staff have had several complaints about the smell and cleanliness of the cans that are located within Johns Pass Village and the beach, and this trailer will allow staff to clean all trash cans on site rather than swapping out the cans and cleaning off site. This is a one-person operation and will allow for less odor in city parks.

Quotes have been received from Sparkling Bins, Bin Wash Systems, and Bin Blasters. Sparkling Bins provides equipment for Miami Dade and is based in Florida, Bin Wash Systems has a build your own system with a la carte options, and Bin Blasters has a single cart cleaner starting at \$50K and then provided quotes for two (2) used trailers. Staff are recommending we purchase a brand-new system from Sparkling Bins for \$69,995.00 because they built quality equipment that is tolerant of our weather elements and has excellent customer service and reviews. Staff does not want to purchase used equipment that is unknown how it has been used and maintained and the purchase price from Bin Blasters is less than \$10,000 on savings. Staff does not want to buy individual parts and try to put together a system that is unknown how it will work with what we are trying to achieve.

Fiscal Impact

Staff has budgeted \$80,000 in FY24 budget and the cost of the trailer from Sparkling Bins SB2 Model is \$69,995.00.

Recommendation(s)

Staff recommends approval for the purchase of the Sparkling Bin SB2 Model for the amount of \$69,995.00.

Attachments

- Sparkling Bin Quote
- Bin Blasters Single cleaner quote
- Bin Blasters Used 2020 328 Hour Quote
- Bin Blasters Used 2020 600 Hour Quote

Sparkling Bins Business LLC

8511 NW 56th St Ste C
Doral, FL 33166
maria@sparklingbins.com
www.sparklingbinsbusiness.com

Item 11C.



Estimate

ADDRESS	SHIP TO	ESTIMATE	5258
City of Madeira Beach	City of Madeira Beach	DATE	10/20/2023

DATE	ITEM/DESCRIPTION	QTY	RATE	AMOUNT
	SB2 - BASE MODEL <ul style="list-style-type: none">•Dual bin system - trailer 12ft x 7ft galvanized steel frame – aluminum planks & side panels 8ft x 4ft Universal dual grabber•Tandem torsion axle 11,000 lbs - 4 wheels with aluminum rims & spare tire - electric brakes•525 gallons clean water tank & 475 gallons holding tank•Spring loaded 25ft hose reel with 18” trigger gun and 25ft hose for exterior cleaning of bins•Stainless steel hose reel with 100ft hose, trigger gun & 48” lance for pressure washing•Winterize system•Pro Magnum Series Honda GX690 electric start 3500 PSI @ 8GPM - stainless steel frame (lifetime warranty) with 3000 watt on-board generator, 120-Volt - hot water burner•Optima deep cycle battery for hydraulic pump-direct connect to on-board battery charger-circuit breakers master and kill switch•Two 053 Bolondi Spinning Heads @ 1,500 PSI	1	69,995.00 0	69,995.00

		SUBTOTAL		69,995.00
		TAX		0.00

		TOTAL		\$69,995.00

Accepted By

Accepted Date

BIN WASH TRAILERS

\$50,000 PACKAGE WHAT'S INCLUDED?

- Brand new 14' double axle trailer
- Professionally fabricated aluminum cleaning hopper.
- Hydraulic lifter w/remote
- 5 gpm, 3500 psi hot water pressure washer
- 225 Gal-Clean & dirty water tanks
- Trailer hitch power source
- Bolondi 360° spray head
- 25' retractable hose reel w/hose & wand
- Spare tire for trailer
- 4x8ft side walls added
- Complete wrap design & install.
*You provide logo

- Built in Southern Utah
- 45-60 day typical turnaround
- Logo design/Branding package add on-\$1000
- Financing options available w/20% down

STEVE TERRY

435-229-8445

STEVE@BINBLASTERS.COM





Bin Blasters HQ

1404 West 1600 North | Mapleton, Utah 84664
801-658-6007 | info@binblasters.com | www.binblasters.com

Item 11C.

RECIPIENT:

City of Madeira Beach
505 150th Avenue
Madeira Beach, Florida 33708

Quote #14	
Sent on	Oct 25, 2023
Total	\$65,000.00

Product/Service	Description	Qty.	Unit Price	Total
Bin Cleaning Trailer	Used 2020 Dual Bin Rhino Trailer 328 hours 5.5 gallons per minute 200 gallon water tank 150 gallon dirty water tank	1	\$65,000.00	\$65,000.00

Total **\$65,000.00**

This quote is valid for the next 30 days, after which values may be subject to change.



Bin Blasters HQ

1404 West 1600 North | Mapleton, Utah 84664
801-658-6007 | info@binblasters.com | www.binblasters.com

Item 11C.

RECIPIENT:

City of Madeira Beach
505 150th Avenue
Madeira Beach, Florida 33708

Quote #15	
Sent on	Oct 25, 2023
Total	\$60,000.00

Product/Service	Description	Qty.	Unit Price	Total
Bin Cleaning Trailer	Used 2020 Dual Bin Perkins Trailer 600 hours 5.5 gallons per minute 525 gallon water tank 250 gallon dirty water tank 100 ft hose	1	\$60,000.00	\$60,000.00

Total **\$60,000.00**

This quote is valid for the next 30 days, after which values may be subject to change.

Buy together & SAVE!

**Equipment
Package Deal**

Item 11C.



Bolondi 360
cleaning head
included



**Pkg. Price
\$26,650**



RAMTEQ model BW1800-01

Bin Wash System + RAMTEQ Pressure Washer 5.2 GPM

pricing in us dollars

Choosing a Pressure Washer

When choosing a pressure washer, PSI and GPM are both equally important. The PSI refers to the amount of pressure produced; GPM refers to the amount of water flow. Ramteq pressure washers are designed to have the correct combination of PSI and GPM to have the most effective cleaning power.

Think of the PSI being a “stripping” action to blast off grime with force on the surface you’re cleaning and GPM as the “flow” to move and rinse the dirt and grime off the surface.

- PSI (Pounds per Square Inch) refers to the amount of cleaning pressure the machine can produce.
- GPM (Gallons per Minute) is the amount of water that is coming from the machine.

Bolondi Cleaning Head Info: Min GPM 4 Max PSI 2900 Max Temp 194 F

The ideal pressure washer PSI & GPM depends on the job being performed. The most powerful unit isn’t necessarily the one you need. For trash bin cleaning 2500-2900 PSI and 5-8 GPM is ideal. For most people the Ramteq 5.2 GPM 2900 PSI is the best choice, it is a nice blend of cleaning power while still being efficient with your water usage. For those that would prefer a higher GPM we offer the Ramteq 8 GPM 2900 PSI machine.

Buy together & SAVE!

**Equipment
Package - 8 GPM**



Bolondi 360
cleaning head
included



**Pkg. Price
\$27,700**



RAMTEQ model BW2300-01

Bin Wash System + RAMTEQ Pressure Washer 8 GPM

pricing in us dollars

RAMTEQ 1800 SERIES Model: BW1800-01

The 1800 Series is a versatile machine that can be truck or trailer mounted.

5.2 GPM

PSI 2900

Engine: Vanguard 18 HP

Pump: General

Weight: 495 lbs.

Dimensions: 42.2"L, 31"W, 43.5"H

Ramteq Warranty: 1 Year

Engine Warranty: 3 Years

Pump Warranty: 5 Years



1800 Series Skid Mounted Hot Water Pressure Washer

- Vanguard 18 HP engine with electric start. Smooth running twin cylinder commercial-grade gas engine.
- 12 Volt Diesel Beckett Burner Water Heater, high capacity 1/2" Schedule 80 coil. Stainless Steel insulated coil wrap.
- Stainless steel fuel tank securement with large 10 gallon gas and diesel tanks for long run times without refuelling.
- Rugged textured powder coated steel frame.
- Belt drive 5.2 GPM general triplex plunger pump, low RPM runs cooler & quieter; lasts longer.
- External bypass loop keeps pump running cool.
- Adjustable thermostat.
- Includes downstream soap injector.

Included Accessories

- 50' high pressure hose
- Gun and wand assembly
- QC spray nozzles



RAMTEQ 2300 SERIES

Model: BW2300-01

The 2300 Series is a versatile machine that can be truck or trailer mounted.

8 GPM

PSI 2900

Engine: Vanguard 23 HP

Pump: General

Weight: 505 lbs.

Dimensions: 42.2"L, 31"W, 43.5"H

Ramteq Warranty: 1 Year

Engine Warranty: 3 Years

Pump Warranty: 5 Years



2300 Series Skid Mounted Hot Water Pressure Washer

- Vanguard 23 HP engine with electric start. Smooth running twin cylinder commercial-grade gas engine.
- 12 Volt Diesel Beckett Burner Water Heater, high capacity 1/2" Schedule 80 coil. Stainless Steel insulated coil wrap.
- Stainless steel fuel tank securement with large 10 gallon gas and diesel tanks for long run times without refuelling.
- Rugged textured powder coated steel frame.
- Belt drive 8 GPM general triplex plunger pump, low RPM runs cooler & quieter; lasts longer.
- External bypass loop keeps pump running cool.
- Adjustable thermostat.
- Includes downstream soap injector.

Included Accessories

- 50' high pressure hose
- Gun and wand assembly
- QC spray nozzles





Affordable - Versatile - Reliable

\$19,899



Patent Pending

Cleaning Head: 360 high speed Bolondi cleaning head.



Dimensions: 39"L x 40" W x 44" H

Electrical: 12 Volt

Weight: 360 lbs.

Warranty

Bin Wash System: Our Fabrication 10 years.
Manufacturer Warranty Other Parts: 1 Year.

The Low Cost Solution for Cleaning Trash Bins

Putting together your own bin cleaner is a simple and practical do it yourself project.

- **Easy Installation:** Can be truck or trailer mounted. The mounting height from the ground to the bottom of the Wash Bay is 42".
- **Easy Hookup:** 1. High pressure water line in 2. Wastewater line out. 3. 12-volt hookup.
- **Single Bin Lifter:** Hydraulic Universal Grabber Style Bin Lifter. Lifts any shape or size residential bin.
- **Simple Operation:** 4 button hydraulic controller, 2 water valves (cleaning head & hand wand), pump switch.
- **Fast Cleaning Time:** Bolondi 360 Cleaning Head is the industry standard. Cleans maintenance bins in 7-10 seconds.
- **Quality Construction:** Wash Bay is Aluminum. Bin Lifter is Stainless Steel.
- **Wastewater Pump:** 12 volt pump quickly moves water from the Wash Bay into your water tank.
- **Spray Wand:** conveniently located for washing the outside of bins.

Optional Items

Hose Connection Kit: \$379 - All the hoses and electrical cables you need to connect all your equipment.

Filter System: \$495 - Only needed for a one water tank set up. A great way to save space for a compact set up.

Full Color Powder Coat: \$799 - Make your Bin Wash System unique. 14 colors to choose from!



Memorandum

Meeting Details: November 8, 2023

Prepared For: Mayor & Board of Commissioners

From: Megan Wepfer, Public Works Director

Subject: Purchase 2023 Ford F-150 Supercab XL 4X2

Background

The public works department is requesting approval to purchase a 2023 Ford F-150 Supercab XL 4X2 that has been discussed during budget workshops and approved in the final FY24 budget. The truck has been budgeted in the Archibald Department for \$60,000. Duval Ford is on the Bradford County Sheriffs Contract BCSO 22-27-1.0. A Ford F-250 was originally planned but the F-150 is on the lot and available immediately after receiving a purchase order. Once the truck is received staff will install a liftgate which helps in the field for lifting heavy items and safety lights that are used so we are seen while stopping in various places.

Fiscal Impact

\$60,000 has been budgeted in FY24 and the truck price is \$40,250.18. Staff will have a liftgate and safety lights installed on the truck after it is received but will still be significantly underbudget.

Recommendation(s)

Staff recommends the approval of the 2023 Ford F-150 from Duval Ford for \$40,250.18.

Attachments

-Duval Ford Quote



CITY OF MADEIRA BEACH

Prepared for:	Contract Holder	11/1/23
CITY OF MADEIRA BEACH MEGAN WEPFER 727-543-8154 mwepfer@madeirabeachfl.gov	Duval Ford Bambi Darr (Work) 904-381-6596 Bambi.Darr@duvalmotor.com 405 Lane Ave N Jacksonville, FL 32254	

Pricing through Bradford County Sheriff's Contract BCSO 22-27-1.0. Please note any items in red as they may require additional customer information or clarification. When submitting purchase order, please note billing address, delivery address, and any titling instructions. Thank you!

		Code	Equipment	OEM Price Level:	BCSO Contract Price		
Labor Hours. \$90/ Hr	Parts Quantity	2023 X1C	2023 Ford F-150 SuperCab XL 4x2,145"	\$ 36,954.00	\$ 34,763.74		
		OEM freight	Factory Destination	\$ 1,795.00	\$ 1,824.62		
		Exterior Paint	Oxford White	\$ -	\$ -		
		Interior	Dark Medium Slate, vinyl; 40/20/40	\$ -	\$ -		
		99B/44G	3.3L V6/10-spd auto	\$ -	\$ -		
		101A	Equipment Group: XL	\$ -	\$ -		
		Incl	Power windows & door locks	\$ -	\$ -		
		53A	Trailer Tow Package	\$ 1,206.00	\$ 1,225.90		
		942	Daytime running lamps	\$ 41.00	\$ 41.68		
		18B	Factory Running Boards	\$ 228.00	\$ 231.76		
			Discount	Government Concession reflected in Base Vehicle Price			
			Ceiling Markup	Primary Awardee Ceiling Markup		1.65%	
			Ceiling Percentage Markup: Accessories			29%	
		0	1		Weather Tech floor liners, front and rear	\$ 155.00	\$ 199.95
		0	1		Dealer trailer tow accessories to include heavy-duty bar, ball, pin and clip	\$ 132.00	\$ 170.28
		0	1		Line-X spray-in bedliner	\$ 450.00	\$ 580.50
		0	1		Window tint on all windows, incl windshield strip	\$ 250.00	\$ 322.50
		0	1		Additional remote key	\$ 225.00	\$ 290.25
		Final Delivery					
0		Labor	Total Labor Hours for installation of parts	\$ -	\$ -		
		Freight	Freight on Parts	\$ -	\$ -		
	213	33708	Destination & Fuel to end user zip code (calculated from DSS to EU zip Code)	\$ 2.00	\$ 426.00		
		Tag	New FL State Tag, processing and handling by dealer	\$ 173.00	\$ 173.00		
		Warranty	Extended Warranty excluded	\$ -	\$ -		
		NOTE	Truck is scheduled to arrive in Decmber: PKF72249				

Section One: VEHICLE

Section 4: FINAL DELIVERY

UNIT COST		\$	40,250.18
TOTAL QUANTITY	1	TOTAL PURCHASE	\$ 40,250.18



MEMORANDUM

TO: Honorable Mayor and Board of Commissioners

VIA: Robin Gomez, City Manager

FROM: Clara VanBlargan, City Clerk

DATE: October 30, 2023

RE: Appointment to Civil Service Commission

Background

The Civil Service Commission consists of five members. Two vacancies exists due to the expiring terms of members. The vacancies have been advertised, and one application was received. Judithanne McLauchlan applied for reappointment and was invited to attend the BOC Regular Meeting on November 8, 2023.

Advertisement will continue until the second vacancy is filled.

The new term expires on October 30, 2026. Members must be a resident and qualified City of Madeira Beach voter. Districts do not apply.

Appointments are made on experience and qualifications in Human Resources when possible. Civil Service Commission members are not required to file an annual Form 1, Statement of Financial Interests, with the Florida Commission on Ethics.

Current Members

<u>Current Members</u>	<u>Term expiring (3-Year Terms)</u>
Vacancy	10/30/2023
Vacancy	10/30/2023
Paul Tilka	10/30/2024
Cristina Ponte, Vice Chair	10/30/2024
Jerry Cantrell	10/30/2025

Fiscal Impact

Advisory board members serve without compensation but may be reimbursed for travel, mileage, and per diem expenses as authorized by the Board of Commissioners or as otherwise provided by law.

Recommendation

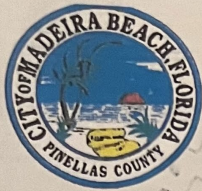
The recommendation is for the Board of Commissioners to re-appoint Judithanne McLauchlan to serve on the Civil Service Commission for a term expiring on October 30, 2026

Attachments

Application – Judithanne McLauchlan
City Charter, Section 5-7. Personnel Systems; Civil Service Commission
Code of Ordinances – Chapter 2 – Division 4 – Civil Service Commission

From: [redacted]
To: [redacted]
Subject: [redacted]
Date: [redacted]
Please confirm that you received this... and please let me know if you need anything else from me.
I am just noticing I left my email blank.
Please use jasoncfield@yahoo.com
Thanks so much

Disclaimer: Under Florida law (Florida Statute 688.007), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department division.



CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708
CITY CLERK'S OFFICE
TELEPHONE: 727-391-9951, EXT 231 or 232

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- Civil Service Commission
- Gulf Beaches Public Library Board
- Planning Commission
- Other _____

Are you a Madeira Beach Resident? Yes No

Are you an elector (qualified voter) of the City of Madeira Beach? Yes No

Are you related to a City of Madeira Beach employee or elected official? If yes, please state the name of employee or elected official and relationship: Yes No

Name: _____
Relationship: _____

Are you available for:
Daytime meetings Yes No
Evening meetings Yes No

Why would you like to be considered as a candidate for service on this Board?

I have enjoyed my service 1st term. I would like to continue to see the HR manual project to completion

Name: Judithanne McLauchlan Phone: 727-744-8266
Address: 218 148 Ave, Madeira Beach 33708
E-Mail: _____
Present Occupation: College professor
If retired, what was your last occupation? _____

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking: spent many years working in government supervising employees, a training/hiring (e.g. worked at the White House and was Director of Volunteer Program; director of internship program for Correspondence) also worked US Senate US Supreme Court, US Dept of Justice & hired & supervised

hundreds of candidates staff

Educational Background:

PhD Political Science, Rutgers University
MA Political Science, Rutgers University
BA Political Science, Rider University

Experience:

professor of political science and director of Center for Civic Engagement @ USF; expert in civics education incorporating civic engagement in the curriculum; many decades of work in government

In compliance with Section 760.80, Florida Statutes, the City of Madeira Beach is required to report annually to the Secretary of State the number of minority and non-minority and the number of physically disabled appointments to a board, committee, or commission.

GENDER Male Female

PHYSICALLY DISABLED Yes No

RACE African-American

Native-American

Asian-American

Caucasian

Hispanic-American

Should I be appointed to serve on a board or committee, I agree to comply with the State of Florida's Sunshine Laws, Public Record Laws and the Code of Ethics for Public Officers, and will uphold the City's Charter and Code of Ordinances. I understand that I will have to take an Oath of Office should I be appointed to a quasi-judicial board. I understand that if I am appointed to the Planning Commission I will be required to file a Form 1 – Limited Financial Disclosure form.

Joseph Fauch
Signature

11 October 2023
Date

Interested persons must submit an application to the City Clerk to be considered for appointment by the Board of Commissioners. Appointments will be made only when there are vacancies or expiring terms.

Applications may also be obtained at City Hall, downloaded on the City's website at <https://madeirabeachfl.gov/advisory-boards/> or obtained from the City Clerk.

Submit completed and signed applications to:

City Clerk
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708
evanblarigan@madeirabeachfl.gov
727-391-9951, ext. 231

§ 5.8

MADEIRA BEACH CODE

the Manager. With the consent of the Board of Commissioners, the Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.
(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 5.7 Personnel systems; Civil Service Commission.

A. Merit principal. All appointments and promotions of City employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

B. Civil Service Commission; Membership. There shall be a Civil Service Commission of the City of Madeira Beach, Florida, which Commission shall be composed of five citizens of said City. The Civil Service Commission shall be appointed by the Board of Commissioners of the City of Madeira Beach, Florida. The term of office for each member shall be three years and shall be staggered so that not more than two terms expire within any one year. Three Commissioners shall constitute a quorum. Members of the Civil Service Commission shall hold no remunerative office or employment under the City of Madeira Beach, Florida. The Board of Commissioners of the City of Madeira Beach, Florida, shall have the authority to remove for cause any and/or all Civil Service Commissioners.

C. Personnel Rules. The Civil Service Commission shall prepare personnel rules. When concurred by the City Manager, the rules shall be proposed to the Board of Commissioners, and the Board of Commissioners may by Ordinance adopt them with or without amendment. These rules shall include, but are not limited to:

1. The classification of all classified City positions, based upon the duties, authority and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances;
2. A pay plan for all classified City positions;

3. Methods for determining the merits and fitness of candidates for appointment or promotions;
4. The policies and procedures regulating reduction in force, demotion, suspension and removal of employees;
5. The hours of work, attendance regulation and provisions for sick and vacation leave;
6. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths;
7. Other practices and procedures necessary to the administration of the City personnel system;
8. In connection with the aforementioned personnel rules, the Civil Service Commission shall inquire into the implementation of such personnel rules as considered necessary to ensure compliance therewith.

D. Duties and powers of the Civil Service Commission. All duties, powers, reservations of power, and funding for the Civil Service Commission may be provided for by Ordinance duly passed by the Board of Commissioners of the City of Madeira Beach, Florida.

E. Powers to collectively bargain recognized. Nothing contained in this Charter shall limit the power of the Board of Commissioners of the City of Madeira Beach, Florida, acting through its Manager from entering into collective bargaining negotiations with any officers, employees, or group of employees for the purpose of establishing by contract conditions of employment, rules or compensation of said officers, employees, or groups of employees. For the purposes of this

Charter, ARTICLE I, Section 6, of the Constitution of the State of Florida is specifically recognized.
(Ord. No. 446, 1-28-1975; Ord. No. 664, 8-14-1984/11-7-1984; Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

ARTICLE VI. RESERVED*

ARTICLE VII. ORDINANCES AND RESOLUTIONS†

Section 7.1 [Power of Board of Commissioners to make ordinances and resolutions.]

The Board of Commissioners of the City of Madeira Beach shall have the power to make ordinances and resolutions and establish for the government of said City, such ordinances or resolutions in writing not inconsistent with the Charter, Constitution and laws of the State of Florida, or the United States, as they may deem necessary. Said ordinances to be passed and become effective as hereinafter provided.
(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 7.2 Definitions.

A. As used in this Charter the following terms and words shall have the following meanings unless some other meaning is plainly indicated:

Code. Any published compilation of rules and regulations which have been prepared by various technical trade associations and shall include specifically, but shall not be limited to, building codes; plumbing codes; electrical wiring codes; health or sanitation codes; fire prevention codes; inflammable liquid codes; codes for the processing and sale of food stuffs for human consumption, together with any other code which embraces rules and regulations pertinent to a subject matter which is a proper municipal legislative matter.

*Editor's note—See editor's note, Art. V.

†State law reference—Uniform minimum mandatory procedure for the adoption of ordinances, Florida Statutes § 166.041.

Ordinance. An official, legislative action of the Board of Commissioners, which action is a regulation of a general and permanent nature and enforceable as local law.

Public Record. Any City, State of Florida or Federal Statute, ordinance, rule or regulation adopted prior to the exercise by City of Madeira Beach of the authority to adopt or incorporate by reference as herein granted.

Published. Printed, or otherwise reproduced.

Resolution. An expression of the Board of Commissioners concerning matters of administration, expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Board of Commissioners.
(Ord. No. 2018-09, § 1(Exh. A), 8-20-2018)

Section 7.3 Procedure for the enactment of ordinances and resolutions.

A. Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, sub-section or paragraph of a section or subsection.

B. A proposed ordinance may be read by title, or in full, on at least two separate days and shall, at least fourteen (14) days prior to the adoption, be noticed once in a newspaper of general circulation in Madeira Beach, Florida. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances and the place or places within the City of Madeira Beach, where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

C. The Board of Commissioners with a two-thirds (2/3) vote may enact an emergency ordinance without complying with the requirements of paragraph (B) of this section.

DIVISION 4. CIVIL SERVICE COMMISSION¹

Sec. 2-126. Intent.

- (a) The intent of this division is to create a civil service commission in order to review, prepare, and recommend rules for the city's personnel policies and procedures with regard to classified employees.
- (b) The civil service commission shall hear grievance for classified employees who believe they have a grievance arising from their employment and render recommendations as provided in the Charter § 6.6C.6.
- (c) The civil service commission members also recommend cost of living increases and employee pay adjustments to the board of commissioners for consideration.

(Code 1983, § 2-502)

Sec. 2-127. Organization.

- (a) The civil service commission membership and appointment shall be as provided in Charter § 6.6B. The term of each person appointed shall be staggered so that not more than two terms expire within any one year. Any civil service commission member may be reappointed by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Members of the civil service commission shall be residents of the city at the time of their appointment and throughout the term of office. Any member who is no longer a resident of the city shall be automatically removed, and that vacancy filled as provided in this division.
- (c) Members of the civil service commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member of the civil service commission being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.
- (d) The failure of any member of the civil service commission to attend two of three successive meetings without cause and without prior approval of the chairman, the civil service commission shall then declare the member's seat vacant and the board of commissioners shall promptly fill such vacancy. The failure of any individual civil service commission member to attend four meetings of the civil service commission in any contiguous 12-month period shall be cause for removal.
- (e) Appointments shall be made, consistent with the Charter on the basis of demonstrated experience or interest in the subject matter.

¹Charter reference(s)—Civil service commission, § 6.6.

Cross reference(s)—Personnel, ch. 50.

- (f) The members of the civil service commission shall, in November of each year, elect a chairman and a vice-chairman from among its members who shall be voting members.
- (g) Members of the civil service commission shall meet quarterly, and when grievances are filed. Any other meetings will be at the behest of staff, in collaboration with the chair of the civil service board.
- (1) The city manager shall coordinate with the civil service commission chairperson and the human resources coordinator to choose and set meeting dates and time before a meeting is noticed; and
 - (2) The city manager and the chairperson of the civil service commission shall coordinate and agree on all agenda items prior to the civil service commission meetings.
 - (3) Human resources staff or the city manager's designee shall serve as staff person(s) for the civil service commission and attend meetings of the civil service board.
 - (4) The city attorney or an employment lawyer for the city may attend civil service commission meetings as may be necessary or desired.
 - (5) As set forth in the Charter, the civil service commission is an advisory board that makes non-binding advisory recommendation to the city manager.
- (h) Civil service commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.

(Code 1983, § 2-503; Ord. No. 1028, § 2, 8-24-04; Ord. No. 1075, § 1, 4-25-06; Ord. No. 2019-03, § 1, 3-19-19)

Charter reference(s)—Civil service commission membership, § 6.6B.

Sec. 2-128. Conduct a meeting/hearing.

- (a) *Notification.* When and at such time a meeting is scheduled the city administration shall post a notice of the time and place when the civil service commission shall meet and the topics on their agenda.
- (b) *Meetings/public hearing.* At the hearing of the civil service commission any interested person may be heard upon the subject matter.
- (c) *Recommendations.* The civil service commission, by majority vote, shall conclude recommendations.
- (d) *Written records.* Minutes shall be kept of all meetings and hearings by the civil service commission, and all hearings shall be open to the public. The board of commissioners shall provide clerical and administrative personnel as may be reasonably required by the civil service commission for the proper performance of its duties. The written record shall include the vote of each member of the civil service commission upon each question, or if absent or failing to vote, indicating such fact. The minutes of all proceedings, decisions and/or recommendations of the civil service commission shall be made public record on file in the office of the city clerk.

(Code 1983, § 2-504)

Sec. 2-129. Powers.

The civil service commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of this Code.

(Code 1983, § 2-505)

Secs. 2-130—2-150. Reserved.



Memorandum

Meeting Details: November 8, 2023

Prepared For: Hon. Mayor Rostek & Board of Commissioners

Staff Contact: Andrew Laflin, Finance Director

Subject: Proposed FY 2023 Budget Amendment #3

Background

The Charter of the City of Madeira Beach, Article X – *Financial Procedures* allows for amendments to the FY 2023 annual operating budget through the adoption of a Resolution. Resolution No. 2020-20 clarified the guidance from the City’s Charter as it relates to the budget amendment process and established procedures relating to initiation, approval, and processing of requested budget transfers and budget amendments. Article X, Section 10.4 and Section 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. Intra-fund transfers are interpreted to include any needed increases to the overall budget of a department within a fund or a division within a department that is separately reported in the City’s annual adopted budget.

Budget adjustments are needed within the General Fund, Parking Fund, and Sanitation Fund. The primary reason for these adjustments is higher than expected cost for services and a reallocation of budgeted contingency balances within departments in the General Fund. The purpose of increasing the budgets for each fund and department is described in Exhibit A, and Exhibit A also includes a comparison of budgeted revenues and budgeted expenses and other outflows by fund and department.

Fiscal Impact

Adoption of this Resolution would result in preparing a budgetary entry only and has no direct fiscal impact to the City.

Recommendation(s)

Staff recommends approval of Resolution 2023-12.

Attachments

- Resolution 2023-12
- Exhibit A – FY 2023 Budget Amendment #3 Details

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

WHEREAS, the Board of Commissioners of the City of Madeira Beach adopted an annual budget for the Fiscal Year 2023; and

WHEREAS, the Board of Commissioners of the City of Madeira Beach desires to adopt an amendment to the Fiscal Year 2023 Budget; and

WHEREAS, Section 10.5 of the City Charter of the City of Madeira Beach authorizes the Board of Commissioners to amend the adopted budget by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. The Board of Commissioners authorizes the Budget for Fiscal Year 2023 to hereby be amended to reflect an increase in appropriations for expenditure within the General Fund, Sanitation Fund, and Parking Fund, as set forth in Exhibit A.

SECTION 2. The Board of Commissioners authorizes Director of Finance/City Treasurer to allocate the budget amendment pursuant to the account level detailed provided as set forth in Exhibit A.

SECTION 3. This Resolution shall become effective immediately upon final passage and adoption by the Board of Commissioners.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS ____ DAY OF _____, 2023.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

FY 2023 BUDGET AMENDMENT #3

Fund/Department	Account Number	Account Description	Current Budget Amount	Increase (Decrease)	Revised Budget Amount
Parking Fund - Parking Management	407.6500.549001	Bank Service Charges	-	40,000	40,000
Total Budgeted Outflow Increase:				40,000	
Parking Fund - Parking Management	407.6500.354001	Parking Fines	-	40,000	40,000
Total Budgeted Inflow Increase:				40,000	

Purpose:
 Transaction processing fees from parking vendors exceeded budgeted estimates due to higher than expected transaction volume. Overall, parking revenues for FY 2023 have exceed budget by apporximately \$590,000, or 120%.

Fund/Department	Account Number	Account Description	Current Budget Amount	Increase (Decrease)	Revised Budget Amount
General Fund - City Manager	001.1000.531000	Professional Services	5,000	35,000	40,000
Total Budgeted Outflow Increase:				35,000	
General Fund - Non-Departmental	001.1400.361100	Interest Earnings	250,000	35,000	285,000
Total Budgeted Inflow Increase:				35,000	

Purpose:
 Expenses associated with state public affairs consulting services were higher than initially budgeted. Increase in budgeted expenditures is offset by higher than anticipated investment earnings due to favorable interest rate environment.

Fund/Department	Account Number	Account Description	Current Budget Amount	Increase (Decrease)	Revised Amount
Sanitation Fund - Sanitation	402.7000.514000	Overtime	50,000	15,000	65,000
Sanitation Fund - Sanitation	402.7000.534010	Temporary Services	40,000	15,000	55,000
Sanitation Fund - Sanitation	402.7000.552000	Departmental Supplies	190,000	15,000	205,000
Total Budgeted Outflow Increase:				45,000	
Sanitation Fund - Sanitation	402.7000.343400	Sanitation Charges	1,600,000	45,000	1,645,000
Total Budgeted Inflow Increase:				45,000	

Purpose:
 Staff overtime, temporary labor services, and operating supplies for department staff were higher than initially budgeted. Increase in budgeted expenditures is offset by higher than anticipated revenues relating to sanitation services charges, which were approximately \$154k greater than budget for FY 2023.

Fund/Department	Account Number	Account Description	Current Budget Amount	Increase (Decrease)	Revised Budget Amount
General Fund - City Manager	001.1000.599002	Budgeted Contingency	-	25,000	25,000
General Fund - Community Development	001.1050.599002	Budgeted Contingency	-	25,000	25,000
General Fund - Finance	001.1100.599002	Budgeted Contingency	-	40,000	40,000
General Fund - Fire	001.4000.599002	Budgeted Contingency	-	35,000	35,000
General Fund - Information Technology	001.1010.599002	Budgeted Contingency	-	15,000	15,000
General Fund - Recreation	001.5000.599002	Budgeted Contingency	-	30,000	30,000
Total Budgeted Outflow Increase:				170,000	
General Fund - Non-Departmental	001.1400.599002	Budgeted Contingency	170,000	(170,000)	-
Total Budgeted Outflow Decrease:				(170,000)	

Purpose:
 Reallocation of budgeted contingency among departments within the General Fund.

Budget Vs Actual - Revenue Comparison by Fund & Department

Fund Name	Department Name	Original Budget	Amended Budget	Actual Balance	% Used
Archibald Park Fund	Archibald	991,500	991,500	779,441	79%
Building Fund	Building Services	1,322,500	1,360,290	846,332	62%
Debt Service Fund	Debt Service	285,000	285,000	317,955	112%
Gas Tax Fund	Gas Tax	102,500	102,500	104,376	102%
General Fund	City Manager	-	-	2,682	0%
	Community Development	134,500	134,500	102,518	76%
	Fire/Ems	844,200	844,200	892,840	106%
	John's Pass Village	1,556,000	1,556,000	37,052	2% *
	Non-Departmental	10,843,528	13,541,500	13,465,482	99%
	Recreation	305,000	305,000	372,202	122%
	Special Projects	610,000	610,000	747,602	123%
Local Option Sales Tax Fund					
Marina Fund	Marina	1,886,620	1,886,620	1,508,791	80%
Parking Fund	Parking Management	2,845,000	2,946,150	3,545,657	120%
Sanitation Fund	Sanitation	1,660,000	1,660,000	1,854,884	112%
Stormwater Fund	Stormwater	2,240,000	2,367,500	818,841	35% ***
Impact Fee Fund	Fire/Ems	-	-	4,789	0% **
	Public Works Streets	-	-	11,972	0% **
	Recreation	-	-	94,976	0% **

* John's Pass North Shoreline Dredging Project still in progress - \$1.556m award; \$37k spent in FY '23

** Collection impact fees whose revenues were unbudgeted

*** \$1.49m budgeted transfer from General Fund not yet recorded in FY 2023

Budget Vs Actual - Expense Comparison by Fund & Department

Fund Name	Department Name	Original Budget	Amended Budget	Actual Balance	% Used
Archibald Park Fund	Archibald	5,057,094	5,057,094	858,387	17%
Building Fund	Building Services	1,220,585	1,262,995	847,807	67%
Debt Service Fund	Debt Service	305,000	305,000	297,950	98%
Gas Tax Fund	Gas Tax	141,000	141,000	120,087	85%
General Fund	Board Of Commissioners	74,800	74,800	54,725	73%
	City Clerk	444,647	448,647	342,971	76%
	City Manager	596,355	666,345	670,646	101% *
	Community Development	688,776	688,776	668,058	97% *
	Finance	525,046	525,046	529,984	101% *
	Fire/Ems	2,068,570	2,078,570	2,038,799	98% *
	Human Resources	118,421	118,421	52,999	45%
	Information Technology	255,904	220,652	209,111	95% *
	John's Pass Village	1,913,000	1,943,000	301,210	16%
	Law Enforcement	1,552,600	1,552,600	1,463,039	94%
	Legal Services	214,000	214,000	177,875	83%
	Non-Departmental	4,222,500	4,418,908	894,917	20%
	Parks	117,000	117,000	58,054	50%
	Public Works Administration	3,180,538	5,475,424	3,793,406	69%
	Recreation	1,156,943	1,284,883	1,258,324	98% *
	Local Option Sales Tax Fund	John's Pass Village	-	-	-
Public Works Administration		700,000	700,000	-	0%
Recreation		606,500	606,500	77,627	13%
Special Projects		-	-	-	0%
Marina Fund	Marina	957,432	957,432	734,393	77%
Parking Fund	Parking Management	2,256,586	2,357,736	2,425,539	103% *
Sanitation Fund	Sanitation	1,776,387	1,776,387	1,737,079	98% *
Stormwater Fund	Stormwater	7,838,850	7,966,350	2,163,652	27%
Grand Total		37,988,535	41,060,566	21,851,972	53%

* See FY 2023 Proposed Budget Amendment #3