



**BOARD OF COMMISSIONERS
WORKSHOP MEETING AGENDA
Tuesday, January 06, 2009 at 1:00 PM
Commission Chambers, 300 Municipal Drive,
Madeira Beach, FL 33708**

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

4. AGENDA SETTING

A. Ordinance 1143 - An Ordinance of the City of Madeira Beach, amending the Code of Ordinances of the City of Madeira Beach, Subpart B (Land Development Regulations), Chapter 110 (Zoning), Article III (Nonconformances), Section 110-93 (Intent Concerning Nonconforming Property, Structures and Uses.); by revising the nonconforming use provisions to clarify the grandfather status and termination of such non-conforming uses

B. Solicitation and Handbill Regulations

C. Country Park License Agreement

D. Logo and Slogan Contest

E. Madeira Beach Municipal Marina Ship Store

F. Reconsider Resolution to nominate an elected official to represent the Cities of Madeira Beach, St. Pete Beach, and Treasure Island on the Pinellas Planning Council from January 2009 through December 2010

G. City Manager Miscellaneous Items Update

5. 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 email a written request to cvanblargan@madeirabeachfl.gov.

MADEIRA BEACH BOARD OF COMMISSIONERS

January 6, 2009 - Workshop Report

PREPARED BY: Paula Cohen, Community Development Director 12/1/08

SUBJECT: **ORDINANCE 1143** – An Ordinance of the City of Madeira Beach, amending the Code of Ordinances of the City of Madeira Beach, Subpart B (Land Development Regulations), Chapter 110 (Zoning), Article III (Nonconformances), Section 110-93 (Intent Concerning Nonconforming Property, Structures and Uses.); by revising the nonconforming use provisions to clarify the grandfather status and termination of such non-conforming uses: by providing for reading by title only; by providing for severability; by providing for repeal of ordinances in conflict; and by providing for an effective date.

BACKGROUND: The City desires to amend Section 110-93 to clarify the grandfathering of non-conforming uses and the termination of such uses.

The Board of Commissioners hereby finds that the clarification of grandfather status will be in conformance with the goals, objectives and policies of the City of Madeira Beach Comprehensive Plan.

The Planning Commission serving as the Local Planning Agency reviewed the Ordinance and held a public hearing. The Planning Commission voted to recommend approval of Ordinance 1143 to the Board of Commissioners.

COMMISSION ACTION:

1. Prepare the Ordinance for the January 13, 2009 regular meeting agenda.
2. Other: _____

ATTACHMENT: Draft Ordinance 1143

AGENDA ITEM: 09.xx

ORDINANCE 1143

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH, SUBPART B (LAND DEVELOPMENT REGULATIONS), CHAPTER 110 (ZONING), ARTICLE III (NONCONFORMANCES), SECTION 110-93 (INTENT CONCERNING NONCONFORMING PROPERTY, STRUCTURES AND USES.); BY REVISING THE NONCONFORMING USE PROVISIONS TO CLARIFY THE GRANDFATHER STATUS AND TERMINATION OF SUCH NON-CONFORMING USES: BY PROVIDING FOR READING BY TITLE ONLY; BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to amend Section 110-93 to clarify the grandfathering of non-conforming uses and the termination of such uses; and

WHEREAS, the Board of Commissioners hereby finds that the clarification of grandfather status will be in conformance with the goals, objectives and policies of the City of Madeira Beach Comprehensive Plan.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Madeira Beach, Florida:

Section 1. That the City of Madeira Beach Code of Ordinances, Subpart B (Land Development Regulations), Chapter 110 (Zoning), Article III (Nonconformances), Section 110-93 (Intent concerning nonconforming property, structures and uses be amended as displayed below:

ARTICLE III. NONCONFORMANCES

Sec. 110-93. Intent concerning nonconforming property, structures and uses.

It is the intent of the land development regulations that these nonconformities shall be considered to be incompatible with the permitted uses within the city districts. Such nonconformities shall not be enlarged or extended in any respect.

(1) *Nonconforming lots.*

- a. *Use of single, nonconforming lots for residential districts.* Notwithstanding the maximum density requirements of the comprehensive plan, in residential districts, the single-family and customary accessory structures may be erected, reconstructed, occupied and used on separate nonconforming lots of record which are not in continuous frontage with other lots in the same ownership in accord with other requirements applying in the separate districts.
- b. *Use of single, nonconforming lots for nonresidential uses.* In other than residential districts, a nonconforming lot of record which is not

in continuous frontage with other lots in the same ownership, may accommodate uses permitted within that district in accordance with other requirements applying in that district.

c. *Rules concerning combination of contiguous nonconforming lots in same ownership and with continuous frontage.*

1. *Where nonconforming status was created at enactment or amendment of this Code or of the comprehensive plan.*

Where more than one nonconforming lot of record in single ownership and with continuous frontage exists, they shall be combined and considered a single zoning lot. The zoning administrator shall authorize their use only when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full setback requirements shall apply to all of the newly created lots.

2. *Combination not required where nonconformity created by public taking or court order.* Where the nonconforming lots were created by public taking action or as a result of a court order, a combining of the individual lots shall not be required.

(2) *Nonconforming uses.* Nonconforming uses of land shall be brought into conformance as soon as reasonably possible, but may continue provided:

a. There shall be no replacement, enlargement, increase in activity or alterations to ~~the~~ any nonconforming use, permanent structure or both.

~~b. Such nonconforming uses may not be enlarged, extended, altered or replaced, except for a change to a permitted use in the district in which located and as provided in subsection (3) of this section.~~

~~c. A nonconforming use may be extended through portions of a building manifestly arranged or intended for such use, but not otherwise extended, and shall not extend to occupied land outside such building, or any additional building not used for such nonconforming use at the time that the nonconforming use status was established. If the nonconforming uses cease for any reason for more than six months, or is replaced by a conforming use, subsequent use shall conform to the regulations of the district in which such use is located.~~

b ~~d.~~ No such nonconforming use shall be relocated or moved to any portion of the lot other than that occupied at the time that the nonconforming status was created.

c ~~e.~~ When a nonconforming use is changed, modified or diversified to meet requirements of a conforming use, the building or structure in

which the use is located shall conform to the development standards and regulations as set forth in this Code.

- d. If any nonconforming use, or any portion thereof, ceases for any reason for more than six months, the grandfather status of the nonconforming use shall terminate and all subsequent uses shall conform to the regulations of the district in which such use is located.

- (3) *Nonconforming structures.* Where a lawful structure exists at the time of the passage or amendment of the land development regulations which could no longer be built under the terms of the land development regulations by reason of restrictions on area, lot coverage, height, or other characteristics of the structure or location on lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. That any addition, alteration or renovation to the structure shall not increase the degree of nonconformity or result in the conversion of a nonconforming carport, garage, screen enclosure, patio roof, storage area or other nonhabitable area into a habitable area unless specifically approved by the special magistrate. Structural changes which decrease the degree of nonconformity shall be permitted. Structures that are nonconforming due solely to their flood elevation may be altered in accordance with the provisions of chapter 94.
- b. A nonconforming structure or portion thereof, if damaged by fire, natural elements or force to an amount equal to or greater than 50 percent of its current fair market value as of the day immediately preceding such damage, may only be reconstructed in accordance with the provisions of article V of this chapter regarding district regulations for the district in which it is located and the floodplain management regulations established in chapter 94 of this Code or as otherwise provided in section 110-95.
- c. Should the damage be less than 50 percent of its current fair market value, then repairs may be made under the "grandfathered" zoning district regulations, provided that they shall be made within 18 months after such damage. All repairs must be made to comply with current building codes and not be in violation of the provisions of the floodplain management regulations and other applicable codes of the city. In the event that the repairs have not been completed within 18 months, the structure shall not be further repaired or rebuilt, except in conformity with the entire requirements of this Code.

- d. Routine repairs and maintenance of nonconforming structures, fixtures, wiring and plumbing, or the repair or replacement of nonload bearing walls shall be permitted.
- e. Owners of nonconforming residential structures in an R-1 or R-2 zoning district that wish to elevate their existing structure with the lowest habitable floor at or above base flood elevation shall be exempt from the setback provisions of article V of this chapter regarding district regulations, so long as the structure remains within the existing footprint.

- (4) *Nonconforming characteristics of use.* Nonconforming characteristics of use which may include, but not limited to inadequate parking and loading facilities, inappropriate landscaping, lighting, emissions, etc., may continue to operate but shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity.

(Code 1983, § 20-611(C); Ord. No. 918, § 6, 12-7-99; Ord. No. 1051, § 1, 8-9-05; Ord. No. 1071, § 3, 2-28-06; Ord. 1143, 01/27/09)

SECTION 2. That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

SECTION 3. That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall become effective in the manner provided by law.

LOCAL PLANNING AGENCY PUBLIC HEARING the 10th day of November, 2008. (City Charter 12.4 C.).

BOARD OF COMMISSIONERS WORKSHOP the 6th day of January, 2009.

PUBLISHED THE 11th day of January, 2009. (CITY CHARTER 7.3.b-at least 14 days prior to second reading).

PASSED ON FIRST READING at a meeting of the Board of Commissioners of the City of Madeira Beach, Florida, held on the 13th day of January, 2009.

ADOPTED ON SECOND READING AND PUBLIC HEARING this 27th day of January, 2009.

AYES: ()
 NAYS: ()
 ABSENT: ()
 ABSTAIN: ()

APPROVED AS TO FORM

Michael A. Connolly
City Attorney

Patricia J. Shontz
Mayor

ATTEST:

Denise M. Schlegel
City Clerk

MADEIRA BEACH BOARD OF COMMISSIONERS

January 6, 2009 - Workshop Report

PREPARED BY: Paula Cohen, Community Development Director 12/22/08

SUBJECT: Solicitation and Handbill Regulations

BACKGROUND: The City Attorney prepared Ordinance 1146 to address a potential first amendment challenge to the existing verbiage of Section 46-1.

At the December 9, 2008 meeting several business owners from the Johns Pass Village discussed the problems associated with the solicitation of tourists and guests along the Boardwalk. Additionally others from the public commented on the amount of handbills and advertisements being left at their home. During the meeting City Attorney Connolly described the challenges of enforcing these two Ordinances.

The City Commission asked to discuss the issue of solicitation and handbills at the January workshop.

CONSENSUS: Options:

1. Concur with revised draft Ordinance 1146 for January 13, 2009
2. Draft a new Ordinance for a future meeting agenda.
3. Other: _____

ATTACHMENTS:

1. Revised draft Ordinance 1146 – including amendments to Section 46-1 as a result of the 12/9/08 meeting
2. Existing verbiage of Chapter 46, Canvassers and Solicitors
3. Excerpts from Chapter, 34 pertaining to Handbills and Advertisements

AGENDA ITEM: III.B.

ORDINANCE 1146

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH CODE OF ORDINANCES, SUBPART A (GENERAL ORDINANCES), CHAPTER 46 (CANVASSERS AND SOLICITORS), ARTICLE I (IN GENERAL), BY AMENDING SECTION 46-1 (PUBLIC SOLICITATION) TO REGULATE THE TIME, PLACE, AND MANNER OF COMMERCIAL SPEECH; BY PROVIDING FOR READING BY TITLE ONLY; BY PROVIDING FOR SEVERABILITY AND REPEALER; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 1124, adopted on December 11, 2007, prohibited public solicitation; and

WHEREAS, an employee of a tenant was cited for a violation of Section 46-1; and that citation is pending before the County Court. The attorneys have filed a motion asking the County Court to find Section 46-1 unconstitutional, in violation of the First Amendment; and

WHEREAS, the city can regulate the time, place and manner of commercial speech. However, such regulations cannot be any broader than necessary to accomplish the city's public health, safety and welfare goals. The pending motion asserts the current 46-1 is too broad and thus in violation of the First Amendment. The current 46-1 prohibits any public solicitation, even if it was passive, i.e. resulted from the citizen asking to be solicited; and

WHEREAS, the revision to Section 46-1 would:

- Still protect the city's health, safety and welfare concerns.
- Not prohibit an employee from responding to someone's request to be solicited.
- Prohibit public solicitation if the citizen solicited has a negative response to the solicitation or if the solicitation has the effect of impeding the passage and movement of the public.
- Still prohibit the temporary carts, kiosks, etc. on public sidewalks, rights of way, etc.

WHEREAS, the City of Madeira Beach Board of Commissioners believe these changes will be in the best public interest and allow for better enforcement.

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

SECTION 1: That Chapter 46 (Canvassers and Solicitors), Article I (In General), Section 46-1 (Public Solicitation), Be Amended to read as follows:

Chapter 46 CANVASSERS AND SOLICITORS*

*County code reference--Peddlers and solicitors, § 42-201 et seq.

Cross reference(s)--Businesses, ch. 18; streets, sidewalks and other public places, ch. 58.

State law reference(s)--Home solicitation sales, F.S. § 501.021 et seq.

ARTICLE I. IN GENERAL

Sec. 46-1. Public solicitation.

- (a) Public solicitation for the purpose of this section is defined as any attempt, contact or attempted contact occurring outside of a permanent enclosed structure or in the open air, ~~with passersby, visitors or other members of the public in an attempt~~ to sell or ~~otherwise~~ offer for sale merchandise, goods or wares of every kind and nature or to solicit orders for or offer services to be performed or to sell or ~~otherwise~~ offer for sale real estate or any interest in real estate or to canvass for orders for goods, wares, merchandise or services of any character or description, or to canvass for customers to purchase real or personal property or any interest in such real or personal property or for the purpose of offering to give or to furnish or the giving of or furnishing of any goods, wares, merchandise or services in order to induce or invite such orders. The act of public solicitation may include verbally ~~contacting passersby, visitors or other members of the public or oral~~ solicitation or the passing out of hand bills, cards or other advertising literature.
- (b) Within the municipal limits of the City, ~~public solicitation is prohibited. It~~ it shall be unlawful for any person to ~~sell, solicit or peddle goods, wares, merchandise or services of any character or description unless in a duly permitted permanent structure located in a zone district which allows commercial activity.~~ engage in public solicitation by:

- (1) ~~While being located within a permitted permanent structure,~~
Endeavoring to maintain and continue verbal contact for solicitation with the solicited person who is on public property such as a sidewalk, boardwalk, parking lot or right of way after the solicited person has made a negative response to an initial solicitation; or
 - (2) Any act impeding, attempting to impede, or having the effect of impeding the passage or free movement of the solicited person or other members of the public who are on public property such as a sidewalk, boardwalk, parking lot or right of way.
 - (3) Any act of public solicitation occurring while the solicitor is on public property, including, but not limited to sidewalks, boardwalks, parking lots, and rights of way.
 - (4) Any act of public solicitation using any device to amplify the human voice.
 - (5) Any act of public solicitation occurring within a permanent permitted structure that is located in a zone district which does not permit commercial activity.
 - (6) Any act of a musician or entertainer who carries out their performance on public property, including, but not limited to sidewalks, boardwalks, parking lots and rights of way in order to receive tips, gratuities, or payment for the services / performance they offer to the public.
- (c) No ~~existing~~ booths, kiosks, stands ~~temporary structures~~, carts, canopies, tents, desks, tables, counters, or similar temporary structures may be placed on public sidewalks, boardwalks, or rights-of-way, or in any area properly designated for parking of motor vehicles, or in any area where such placement would impede the normal flow of lawful pedestrian or vehicular traffic. ~~etc. shall be grandfathered for public solicitation uses. All booths, kiosks, temporary structures, carts,~~

~~canopies, tents, etc. which do not meet the criteria established for an accessory structure shall be removed on or before February 28, 2008.~~

- (d) The Board of Commissioners may grant exemptions from the public solicitation prohibitions found in this Section 46-1 for special events approved pursuant to Chapter 42.

(Ord 1146-01/13/09; 1124-12/11/07, Code 1983, § 12-119)

SECTION 2: That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

SECTION 3. That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall become effective in the manner provided by law.

WORKSHOP THE 2nd day of December 2008.

PASSED ON FIRST READING at a meeting of the Board of Commissioners of the City of Madeira Beach, Florida, held on the 9th day of December, 2008.

PUBLISHED THE 28th day of December, 2008. (CITY CHARTER 7.3.b-at least 14 days prior to second reading).

WORKSHOP THE 6th day of January 2009.

SECOND READING AND PUBLIC HEARING this 13th day of January, 2009.

AYES: ()

NAYS: ()

ABSENT: ()

ABSTAIN: ()

APPROVED AS TO FORM

Michael A. Connolly
City Attorney

Patricia J. Shontz
Mayor

ATTEST:

Denise M. Schlegel
City Clerk

MADEIRA BEACH BOARD OF COMMISSIONERS

January 6, 2009 - Workshop Report

PREPARED BY: Monica Mitchell, Finance Director 12/22/08

SUBJECT: County Park License Agreement

BACKGROUND: In 1983 the City entered into an Interlocal Agreement with Pinellas County regarding the operational and financial aspects of the County Park property located at 14400 Gulf Blvd. The City Attorney reviewed the Agreement in May 2008 in the context of discussions to extend resident parking permits to all of the metered parking lots in the City. While the City Attorney did not find anything in the Agreement to prohibit residents from using their parking permits at County Park, he found outdated and objectionable sovereign immunity and indemnification language. The City Attorney prepared an amendment to the Agreement.

While awaiting a response to the amendment, City staff was approached by Pinellas County relative to entering into a new Interlocal Agreement. In addition to making all of its interlocal agreements for park properties consistent, the County is interested in a flat-rate lease payment, rather than the time consuming profit-share calculation currently in use. County staff met with City staff on September 3, 2008, at which time City staff presented the City Attorney's amendment language again and insisted that it be incorporated into the new agreement.

On November 20, 2008, the County forwarded a proposed License Agreement to the City, which was reviewed by the Finance Director, City Manager and City Attorney. There were 5 points of negotiation, 2 of which relate to the objectionable sovereign immunity and indemnification language that the City Attorney was trying to remove from the current 1983 Agreement. If we are unable to negotiate the removal of this language in its entirety, City staff will need direction as to how to proceed.

CONSENSUS: The Board of Commissioners will need to direct staff as to whether to remain in the existing agreement, or enter into a new agreement, which contains language that could expose the City to unlimited liability, or to terminate the existing agreement and not enter into another agreement regarding the County Park property.

ATTACHMENT: Proposed License Agreement

AGENDA ITEM: III.C.

MADEIRA BEACH BOARD OF COMMISSIONERS

January 6, 2009 - Workshop Report

PREPARED BY: Denise M. Schlegel, City Clerk 12/30/08

SUBJECT: Logo and Slogan Contest

BACKGROUND: On August 5, 2008, the City decided to hold a Logo and Slogan Contest with an entry deadline of November 21, 2008.

On December 2, 2008, the logo created by Kimberly Haara, a Madeira Beach resident, won the contest and her artwork will become the new City logo. The ARTIST acknowledges that she will accept One Hundred Dollars (\$100.00) as full payment for her logo design; and releases any and all rights to ownership, reproduction and/or use and will not sue or otherwise bring any claim against CITY for its public display of the logo designed by ARTIST or of any modified or altered versions of the logo.

Prior to the January 13th Regular meeting when the Commission will approve the agreement with the new logo I just wanted you to see the final artwork.

The Commission agreed to select artwork #4 with the font used in artwork 3, minus the words Pinellas County.

However, not to make things more confusing, but I wanted to bring to your attention that the majority of you liked artwork #3 better.

CONSENSUS: Options:

1. Keep artwork #4 as discussed as modified at the December 2 Workshop.
2. Use artwork #3.

ATTACHMENTS:

1. Artwork #3 and Artwork #4 as originally submitted.
2. Talley Sheet showing the results
3. City Logo Agreement
4. Artwork #4 with Artwork #3 font, minus Pinellas County
5. Alternative Logo – Artwork #3

AGENDA ITEM: III.D.

LOGO AND SLOGAN CONTEST

December 2, 2008 Workshop Talley Sheet

In each category, under your title, please identify your top two selections.

Identify your top choice with a 2 and your second choice with a 1.

	Dist 1	Dist 2	Dist 3	Dist 4	Mayor	Total
#1 Over the bridge where the sand meets the sea <i>or</i> Over the bridge where the sun meets the sea Renee Alfonso ralfonso@tampabay.rr.com			1		2	3
#2 Over the bridge where the sand meets the sea <i>or</i> Over the bridge where the sun meets the sea Renee Alfonso ralfonso@tampabay.rr.com						
#3 Sun-Star and waves CMB PC, FL Kimberly Haara kimhaara@gmail.com 14201 Marguerite Drive, Apt 4 Madeira Beach, FL 33708 (727) 421-1397	2	2		2		6
#4 Sun-star sunset and waves CMB PC, FL Kimberly Haara kimhaara@gmail.com 14201 Marguerite Drive, Apt 4 Madeira Beach, FL 33708 (727) 421-1397	1	1	2 w/#3 script	1	1	6
#5 Madeira Beach Sunset <i>(Picture)</i> Pristine Beach and Wild Sunsets Joanne Drake ddrake03@tampabay.rr.com 11005 Seminole Drive North St. Petersburg, FL 33708-4031 (727) 395-0677						
#6 Palm Tree and Sun <i>(Picture)</i> Where Beauty Meets the Eye! Joanne Drake ddrake03@tampabay.rr.com 11005 Seminole Drive North St. Petersburg, FL 33708-4031 (727) 395-0677						
#7 Sunshine Surf, Sand, So Much to See Mary Hunter (727) 623-1594						
#8 Sunshine, Seashores, and Surf Christopher Hunter (727) 623-1594						
#9 Madeira Beach where timeless spirits of pirates and fisherman still roam John's Pass Durelle M. Jones 15446 Second Street East Madeira Beach, FL 33708 Cell (727) 424-4829 Home (727) 393-7226 and Jennifer Brannick 14827 North Bayshore Drive Madeira Beach, FL 33708						

MADEIRA BEACH BOARD OF COMMISSIONERS

January 6, 2009 - Workshop Report

PREPARED BY: W. D. Higginbotham, Jr., City Manager 12/31/08

SUBJECT: Madeira Beach Municipal Marina Ship Store

BACKGROUND: The Master Plan for the Marina waterside, upland, and overall site plan requirements is presently being reworked to include the removal of the Public Works facility from the marina site. The City's focus in removing the Public Works facility from the site is two-fold; first to offer a pleasant location for boaters/patrons to enjoy the marina without the industrial appearance of the Public Works facility. Second, is to utilize the available land, previously intended for Public Works, to generate additional revenue for the marina.

Further, contracts have been awarded for the installation of new fuel storage and supply facilities and the work is in process.

With the completion of the new fuel facilities we believe it imperative to move forward with the demolition of the existing Marina Ship Store and the placement of the temporary facility.

Our Marina Director, Dave Marsicano and I plan to discuss the recommendations with the Mayor and Commissioners at the workshop.

CONSENSUS: A consensus from the Commission that staff should move forward with recommendations.

ATTACHMENTS: To be distributed at the workshop.

AGENDA ITEM: III.E.

MADEIRA BEACH BOARD OF COMMISSIONERS

January 6, 2009 - Workshop Report

PREPARED BY: W. D. Higginbotham, Jr., City Manager 12/30/08

SUBJECT: **Reconsider Resolution to nominate an elected official to represent the Cities of Madeira Beach, St. Pete Beach, and Treasure Island on the Pinellas Planning Council from January 2009 through December 2010**

BACKGROUND: Treasure Island Mayor Mary Maloof was appointed to serve as a Member of the Pinellas Planning Council (PPC) for the term of January 2007 through December 2008.

The PPC requested the Cities of Madeira Beach, Treasure Island, and St. Pete Beach nominate a single candidate to represent the three communities on the PPC from January 2009 through December 2010. Robert Minning, Vice Mayor of Treasure Island, was nominated by Treasure Island.

On October 28, 2008 Madeira Beach adopted Resolution 08.13 nominating Robert Minning to the PPC.

Subsequently, the City of St. Pete Beach has noted the appointed member should have rotated to Madeira Beach and then to St. Pete Beach before another member is selected from Treasure Island. As such, St. Pete Beach has requested Madeira Beach re-visit the nomination and nominate Mayor Patricia J. Shontz.

CONSENSUS: Options:

1. Adopt Resolution nominating Mayor Patricia J. Shontz to represent Madeira Beach, St. Pete Beach, and Treasure Island on the PPC.
2. Take no action

ATTACHMENT: Resolution 08.13

AGENDA ITEM: III.F.

MADEIRA BEACH BOARD OF COMMISSIONERS

January 6, 2009 - Workshop Report

PREPARED BY: W. D. Higginbotham, Jr., City Manager 12/30/08

SUBJECT: **Miscellaneous**

BACKGROUND: I will provide the Commission an oral update and discussion on the following:

1. Budget Workshop(s) for Fiscal Year 2009 – 2010.
2. Produce Market.
3. City Hall Security.
4. Gulf Beaches Public Library Update

CONSENSUS: To Be Determined.

ATTACHMENT: To Be Determined

AGENDA ITEM: III.H.