



**BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA  
Wednesday, May 10, 2023 at 6:00 PM  
Commission Chambers**

---

The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below. 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**
  - A. National Public Works Week; May 21 - May 27, 2023
  - B. National Safe Boating Week; May 20 - May 26, 2023
- 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. Approval of Minutes**

### **B. W&A Third Amendment for cleaning Services**

## **9. PUBLIC HEARINGS**

### **A. Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications -1st Reading and Public Hearing**

### **B. Ordinance 2023-10, Amendment to Ch. 110 - Alcohol Beverage Permit Application Fee - 1st Reading & Public Hearing**

### **C. Ordinance 2023-12, Amendment to LDR - Definition of Portable Sign - 1st Reading & Public Hearing**

### **D. Ordinance 2023-13, LDC - Rental of Residential Amenities - 1st Reading & Public Hearing**

### **E. Ordinance 2023-15 Comprehensive Plan Activity Center Definition - 1st Reading & Public Hearing**

### **F. Ordinance 2023-17, Amendment to Purchasing Ordinance - 1st Reading & Public Hearing**

### **G. Redevelopment Planning Application RDV 2023-01 - Public Hearing**

### **H. 2COP Alcoholic Beverage License Application # 2023-04, Liliths Sugar Shack LLC - Public Hearing**

## **10. UNFINISHED BUSINESS**

### **A. Resolution 2023-04, Emergency Operations Plan 2023-25**

### **B. Resolution 2023-05, BOC Policy Handbook**

### **C. Special Magistrate Lien at 14033 E. Parsley Drive, Madeira Beach, Case No. 2021.1296 (Murray)**

## **11. CONTRACTS/AGREEMENTS**

## **12. NEW BUSINESS**



- A. Resolution 2023-06, Nominating Redington Beach Mayor David Will as the City's Representative to Forward Pinellas
- B. Appointment to Civil Service Commission
- C. Appointment to Gulf Beaches Public Library Board - Alternate Member
- D. Appointing a Commission Representative to the Tampa Bay Regional Planning Council (TBRPC)

### **13. STAFF REPORTS**

### **14. AGENDA SETTING - May 24, 2023 BOC Workshop Meeting**

- A. Pinellas County Insurance Advocate Presentation
- B. Gulf Beaches Public Library Board discussion including Interlocal Agreement with Pinellas County
- C. Engineering of Record Extension
- D. Densities and Intensities consistent with Forward Pinellas
- E. Land Development Regulations / City Master Plan
- F. Campaign Signs (yard)
- G. City Manager's Monthly Report - April 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 223 or fax a written request to 727-399-1131.*



## National Public Works Week Proclamation May 21–27, 2023 “Connecting the World Through Public Works”

**WHEREAS**, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the City of Madeira Beach, Florida; and,

**WHEREAS**, infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment, and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders, and children in the City of Madeira Beach, Florida, to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2023 marks the 63<sup>rd</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association;

**NOW THEREFORE**, I, James “Jim” Rostek, Mayor of the City of Madeira Beach, Florida do hereby designate the week May 21–27, 2023 as

### National Public Works Week

and urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Madeira Beach, Florida, to be affixed this 10<sup>th</sup> day of May 2023.



\_\_\_\_\_  
James “Jim” Rostek, Mayor  
City of Madeira Beach, Florida



**PROCLAMATION**  
**National Safe Boating Week**  
**May 20 – May 26, 2023**

For nearly 90 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling, and fishing. During National Safe Boating Week, we want to bring special attention to this pastime and remind recreational boaters of a few tips to ensure that they and their loved ones are safe and responsible while exploring our nation's waterways.

Proper planning for a day of boating begins even before leaving home and getting a free vessel safety check, taking a safe boating course at the beginning of the boating season, filing a float plan with a trusted family member or friend, and checking the weather before boating are key steps to enjoy boating. Everyone should always wear a U.S. Coast Guard-approved life jacket while boating. Drowning remains the number one cause of death for recreational boaters each year, and most drowning victims in recreational boating accidents are not wearing a life jacket. Safe and responsible boating includes never operating a boat while under the influence of drugs or alcohol and knowing basic navigation rules.

National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters to have a safer, more fun experience out on the water.

**Whereas**, on average, 700 people die each year in boating-related accidents in the U.S.; approximately three-fourths of these are fatalities caused by drowning. The vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**Whereas**, a significant number of boaters who lose their lives by drowning would be alive today had they worn their life jacket; and

**Whereas**, to combat these statistics, the National Safe Boating Council, in partnership with the U.S. Coast Guard and the National Association of State Boating Law Administrators, will launch the annual North American Safe Boating Campaign during National Safe Boating Week. The Campaign is designed to reach more than 70 million boaters around North America and communicates this year's life-saving message: Boat Smart. Boat Safe. Wear It: and

**Now, Therefore**, I, James "Jim" Rostek, Mayor of the City of Madeira Beach, Florida do hereby support the goals of the North American Safe Boating Campaign and proclaim May 20-26, 2023 as National Safe Boating Week and urge all boaters to Boat Smart, Boat Safe, and Wear it. Proclaimed this 10<sup>th</sup> day of May 2023.

\_\_\_\_\_  
 James "Jim" Rostek, Mayor  
 City of Madeira Beach, Florida



**MINUTES**  
**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**APRIL 12, 2023**  
**6:00 P.M.**

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on April 12, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

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

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Thomas Trask, 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.

**4. APPOINTMENT OF VICE MAYOR**

The City Attorney read the City Charter, Section 4.4, Vice-Mayor provided in the agenda packet.

Commissioner Tagliarini motioned to appoint Commissioner Kerr to serve as Vice Mayor for a term of one year.

Commissioner McGeehen motioned to appoint Commissioner Brooks to serve as Vice Mayor for a term of one year.

The City Attorney said they could do a ballot vote. The City Clerk provided each commissioner a piece of paper to write their name and selection. She read each ballot into the record and the Commissioners name for each. The votes were as follows:

- Commissioner Brooks voted for herself
- Commissioner McGeehen voted for Commissioner Brooks
- Mayor Rostek voted for Commissioner Kerr
- Commissioner Tagliarini voted for Commissioner Kerr
- Commissioner Kerr voted for himself

The Board voted 3-2 for Commissioner Kerr to serve as Vice Mayor for a term of one year.

## 5. APPROVAL OF THE AGENDA

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

### ROLL CALL:

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

The motion carried 5-0.

## 6. PROCLAMATIONS

### A. 54<sup>th</sup> Annual Municipal Clerks Week Proclamation; April 30 – May 6, 2023

Mayor Rostek read a proclamation proclaiming April 30 – May 6, 2023, as the 54<sup>th</sup> Annual Municipal Clerks Week.

## 7. PRESENTATIONS (limited to 10 minutes each)

### A. Appreciation Plaque – Doug Andrews (former Commissioner District 3 and Vice Mayor)

City Manager Robin Gomez presented an appreciation plaque to Doug Andrews on behalf of the citizens of the City of Madeira Beach for serving as the District 3 Commissioner from March 2019 to March 2023 and as Vice Mayor from April 2020 to March 2021, and from April 2022 to March 2023.

### B. FY 2022 Audit Presentation – Zach Chalifour, CPA, Partner with James Moore & Company

Mr. Chalifour, CPA, Partner with James Moore & Company, gave a PowerPoint presentation on the results of the fiscal year 2022 external financial audit.

Vice Mayor Kerr asked why the drastic change in the Stormwater Fund being down to \$73,000. Mr. Chalifour explained the debt payments were coming out of Stormwater Fund reserves. The direct operating expenses in that fund relative to stormwater revenues were a net positive. From a debt standpoint where there is debt being paid out of the stormwater fund, the cash generated from the charge was not enough to cover the ongoing operations plus the debt. Finance Director Andrew Laflin said there was a transfer in 2021 but not in 2022, which brought down the net position of the Stormwater Fund. The transfer in 2022 was not needed. They will look at it as part of the budget process and likely budget a transfer from the General Fund to the Stormwater Fund. The stormwater fee is sufficient to meet operations, but not the annual depreciation and the debt service required.

Vice Mayor Kerr asked if there were any concerns or expectations in the next couple of years to find revenue to support the needed upgrades they will do. Mr. Laflin said to do new stormwater projects in the future, they would need to look at a funding source, whether they issue debt or have existing reserves. The Stormwater Fund is not self-supportive in terms of long-term capital improvement projects. The City Manager said the roadway projects were being paid out of the Stormwater Fund. They do look at alternative revenue sources, including state appropriations.

The City Manager said it had been several years since they reviewed the stormwater utility rate. It is currently \$10 per month for a residential unit which is sufficient to maintain the stormwater system expenses but not all expenses. Typically, stormwater repairs, ongoing maintenance, and capital to improve the infrastructure are included in the Stormwater Fund. They incorporated the roadway infrastructure related to flood control. The General Fund has had to contribute to the cost of roadway projects.

The City Manager said the overall financial position of the City is good, and reserves are high. That will be taken into consideration when beginning the budget process for next year.

The Mayor opened to public comment.

Bill Howell, 497 Johns Pass Avenue, said 80% of the presentation was a financial management report that should have been presented by the Finance Director. It was not an audit report. He is worried the entire financial management of the City has been outsourced to two contractors.

## **8. PUBLIC COMMENT**

Kathryn Bowman, 701 Sunset Cove, said a lot of trash cans sit by the road along East Parsley all day, every day, and it looks terrible. She has a lot of yard waste, and the men do not pick it up unless it is Wednesday. It sits by the curb until picked up. She would like to see the City kept clean.

The Mayor asked the City Manager if there was anything they could do to address her concern. The City Manager said yard waste pick up has always been once a week. They ask the residents to follow what has been in place for some time, but it is not enforced. They could go back to doing what they did before and do a better job making sure everything at the curb is picked up. The deputies tag containers left out after hours.

Chuck Dillon, 529 Lillian Drive, asked how the Crystal Island project got up to \$15 million and if they got reimbursed for the work done for the county.

Public Works Director Megan Wepfer said the Crystal Island project was not \$15 million. They did a \$15 million loan for three areas, Crystal Island, Area 3, and Area 5. Pinellas County reimbursed the City but did not know how much. They did not pay for Pinellas County's upgrades or repairs to their systems.

Joe Jorgensen, 13019 Boca Ciega Avenue, said they had a good sanitation department that did things for the people of the City, and it was taken away from them. The Commission represents the residents. They need to do that when it comes to John's Pass Village Activity Center.

The City Manager said they would continue providing assistance to residents but will not go into someone's backyard to get the containers. Director Wepfer said if they need assistance, to call, and they would get added to the list.

Bill Howell, 497 Johns Pass Avenue, said he was disappointed that Charter Amendment #2 was not on the agenda or listed as a topic for the next workshop. He read two paragraphs from a pre-release newspaper article. He asked the Board to take immediate action on the need for a full-time Finance Director and to appoint a new City Attorney.

Vice Mayor Kerr wanted everyone to realize the workshop was just a workshop, and there is no vote on what action to take. The subject should be on the next workshop agenda, and a special meeting should be scheduled. He stood by his original comments that there are a lot of advantages to having a company provide the financial services. He is researching the duties and scope of what should be expected from a finance director and if they are getting that from an independent contractor.

Doug Andrews, 90 141<sup>st</sup> Avenue, said a Town Hall might be better than a special meeting to address Charter Amendment #2 so everyone could have input. The accounting software would need to be purchased from somewhere, which would come with a cost. The only thing they should worry about is having the best person doing the work, and if they could save money by not giving them benefits, they should look at that option.

Mr. Andrews said the budget for the Crystal Island Project was \$6 million, and the total project cost was \$12.6 million. The City paid a consultant \$200,000 to monitor the project. The county reimbursed the City about \$2 million. It was upsetting having a finance director pontificating about securing a \$15 million loan before putting bids out. That money was supposed to cover three projects, but it only covered one and maybe half of a project.



## 9. CONSENT AGENDA

### A. Approval of Minutes

- **2023-03-08, BOC Regular Meeting Minutes**
- **2023-03-22, BOC Special Meeting Minutes**
- **2023-03-22, BOC Regular Workshop Meeting Minutes**

Vice Mayor Kerr asked to add clarification in the last sentence on page 5 of the March 22, 2023, BOC Regular Workshop Meeting Minutes. It was not referenced where the money they were making was coming from; it was coming from citations. The City Clerk said it would be corrected.

Vice Mayor Kerr motioned to approve the Consent Agenda with the one modification. Commissioner Tagliarini seconded the motion.

### ROLL CALL:

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

The motion carried 5-0.

## 10. PUBLIC HEARINGS

## 11. UNFINISHED BUSINESS

## 12. CONTRACTS/AGREEMENTS

### A. Area 5 – Engineering Scope Approval

Director Wepfer said Area 5 included 131<sup>st</sup> Avenue East and 129<sup>th</sup> Avenue East. They would have a joint participation agreement with Pinellas County to replace a water main line from 129<sup>th</sup> Avenue to Treasure Island. The budget for the engineering services came in at \$52,000, and she has \$1 million budgeted for engineering and construction for FY 2023 for Area 5.

Vice Mayor Kerr asked if there was an hourly rate schedule and what the hourly rate was for reimbursable expenses. Director Wepfer said it should have been with the new contract just approved. She will provide the number to the Board.

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

Vice Mayor Kerr motioned to approve Area 5, engineering scope. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

**B. Area 6A Engineering Scope Approval**

Director Wepfer said Area 6A included Municipal Drive, 153<sup>rd</sup> Avenue, 154<sup>th</sup> Avenue, 155<sup>th</sup> Avenue, 1<sup>st</sup> Street East, 2<sup>nd</sup> Street East, and Harbor Drive. They would be milling and resurfacing, repairing curbs, improving stormwater, and upgrading Pinellas County utilities. They had \$200,000 budgeted for engineering services, and the proposals came in at \$141,500. They received \$1 million in state appropriations from the Florida Department of Transportation for Area 6A.

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, said he thought \$1 million for Area 5 was on the low side. He did not think Area 5 nor Area 6A would come in under \$1 million. He would be happy to donate his time to go through it.

Commissioner Tagliarini asked Director Wepfer to help him understand how she knew that and why it was ok. Director Wepfer said they requested more funding through state appropriation but were told they needed to back down on what they were asking for. They request whatever they can get, and the state matches it. The project will be more than \$2 million, but she could not give construction prices.

Vice Mayor Kerr said it is work that needs to be done, and it is not getting cheaper.

The City Manager said the item was to approve the cost of the engineering services to begin the project. Once they get the total cost, they will bring it back to the Board.

Commissioner Tagliarini motioned to approve Area 6A, engineering scope for \$141,500. Commissioner Brooks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

### **C. Pocket Park Design Proposal**

Director Wepfer said they were requesting approval for design services for five pocket parks in the Boca Ciega neighborhood. The City Manager explained the item and responded to comments and questions from the Board. The pocket park at 133rd Avenue East has been completed, and the five remaining pocket parks are as follows:

- 135<sup>th</sup> Avenue East
- 134<sup>th</sup> Avenue East
- 132<sup>nd</sup> Avenue East – North
- 131<sup>st</sup> Avenue East
- 132<sup>nd</sup> Avenue - South

Director Wepfer said they would get one preliminary design to bring back to the Board for any changes before getting a final one.

Commissioner Tagliarini asked if they were referring to water-permeable pavers. Director Wepfer said yes, and they are looking into Flexi Pave, a rubber-type product with flexibility.

Commissioner Tagliarini asked if it was possible to integrate a community garden in at least one pocket park. Director Wepfer said yes. The City Manager suggested having the engineering architect look at the pocket park at 135<sup>th</sup> Avenue because it is the largest.

The Mayor thanked the City Manager and Director Wepfer for taking the time to walk through the pocket parks with him.

The Mayor said, for the record, the City Manager said they want to work with the residents for an amicable solution for all.

Vice Mayor Kerr said at first glance of the fee breakdown, the \$7,400 for the survey seemed high. But it was only \$1,500 per park, which was reasonable, and everything else looked reasonable.

Vice Mayor Kerr said he was concerned about any residents claiming the use of the parks for a driveway or parking for a business. That was not why the City was investing in the properties. It was for the enjoyment of all residents. He did not feel it was justifiable for a single resident to have great use of public property, and they do not pay taxes on the property. The City Manager said they would not be taking away anything that is currently there.

Vice Mayor Kerr said he would love to see irrigation be put in Tear Drop Park because the new sod that was placed there is burning up. Maybe they could discuss it separately and get an RFP for it. Director Wepfer said they would look to see if the infrastructure was there for the irrigation. If not there, it would probably cost around \$30,000.

Mayor Rostek opened to public comment.

John Hendricks, 569 Normandy Road, said most residents want grass in the pocket parks, and it makes no sense to replace the grass with pavers. The money would be better used to maintain what is already there. There is a park on Island Drive that the City spent a lot of money on that. It is nothing but gravel now, and he would like to see the City clean it up.

Chuck Dillon, 529 Lillian Drive, asked how the pocket parks were picked. He agreed with Mr. Hendricks to table the \$20,000 and see what they could do to improve what is already there.

The Mayor asked how many other parks have not been maintained. Director Wepfer said the previous commission wanted to see the pocket parks upgraded, and they could not upgrade simple grass. When a park gets redesigned or upgraded, it gets engineered. When something is not properly maintained, it cannot be maintained to look better. You have to almost start fresh.

The Mayor asked why the park on Island Drive was not being maintained and who was responsible for maintaining it. Why rip it out when it costs money to put it in. Director Wepfer said they are now properly maintained.

The Mayor asked if they could do some pocket parks and incorporate other areas to where everyone in the City has buy-in. Director Wepfer said they specifically budgeted for the pocket parks and increased the budget amount for the maintenance grounds, which includes all parks in the City.

Mr. Hendricks said he wanted to make it clear that the area of Island Drive and Normandy Road, where the park is located, has never flooded. The Mayor scheduled a time with Mr. Hendricks to walk through the park and to address his concerns in a cost-conservative manner to revitalize the park.

Vice Mayor Kerr said improving the parks would be a great improvement for the residents living in the Boca Ciega neighborhood, and he supported it.

Commissioner Brooks asked if they were agreeing to look at all the other parks in the City in addition to the vote. The landscaping and repairs could be incorporated. The Mayor said yes, it needed to get to a point where they progress with the pocket parks and go out to the other parks in the City.

Commissioner Tagliarini motioned to approve the Pocket Park Design Proposal by Halff Associates, Inc. without the kayak permitting. Vice Mayor Kerr seconded the motion.

#### ROLL CALL:

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

The motion carried 5-0.

Commissioner McGeehen said he would like to see the residents be able to enjoy the public land that overlooks the water on 145<sup>th</sup> Avenue E. again. The Mayor asked Director Wepfer if she could get a bench for that area.

### **13. NEW BUSINESS**

#### **A. Appointment to Planning Commission**

The City Clerk said there were two applicants for the Planning Commission, Mark Patzschke and Housh Ghovae. The Commission could choose one of the two or go back out for more applicants. Each commissioner should vote for one applicant on the ballot provided.

The Mayor asked the applicants to come forward one at a time.

Housh Ghovae, 432 150<sup>th</sup> Avenue Unit 1206, introduced himself and responded to questions from the Board.

The City Manager said the other applicant was not present.

Commissioner Tagliarini asked if they could extend the window for applications. The Mayor asked the City Attorney if it could be extended for 30 days. The City Attorney said they had complete control.

Commissioner Brooks asked how long it was advertised for. The City Clerk said since December. Commissioner Brooks said they should vote. It would be disrespectful to the candidates who applied to say they were going to wait on someone else to apply. The Mayor agreed.

The Mayor asked where it was advertised. The City Clerk said it was in the City Manager's Monthly Report, applications were put at the front desks of the Building Department and City Hall, on the City's website, the bulletin board at City Hall and the bulletin board at the Library.

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, said three of the members would be up for re-vote in September this year, and postponing it would make things tricky.

The City Clerk tallied the ballots and read the results as follows:

- Vice Mayor Kerr voted for Housh Ghovae.
- Commissioner Tagliarini voted for Housh Ghovae.

- Commissioner Brooks voted for Housh Ghovae.
- Commissioner McGeehen voted for Housh Ghovae.
- Mayor Rostek voted for Housh Ghovae.

The Board voted 5-0 for Housh Ghovae to serve as the new member to the Planning Commission.

## **14. STAFF REPORTS**

The City Manager invited everyone to upcoming events in April.

## **AGENDA SETTING**

### **A. April 26, 2023, BOC Workshop Meeting**

- 1. Resolution approving Membership Plan reappointment for Pinellas County MPO – Forward Pinellas**
- 2. BOC Policy Handbook**
- 3. Use of City-owned fitness facility**
- 4. W&A Cleaning Contract -3<sup>rd</sup> and Final Amendment**
- 5. Refuse Truck Modifications and Container Purchase**
- 6. RFP – City Attorney Contract Services**
- 7. RFP – Engineering Contract Services or hire engineering personnel to perform services in-house**
- 8. RFP – IT Contract Services or hire IT personnel to perform services in-house**
- 9. FEMA Community Rating System**
- 10. Increase in Notice Requirement for Development Agreement Applications (Ordinance 2023-09)**
- 11. Amendment to Chapter 110 – Alcohol Beverage Permit Application (Ordinance 2023-10)**
- 12. Amendment to LDR – Definition of Portable Sign (Ordinance 2023-12)**
- 13. LDC – Rental of Residential Amenities (Ordinance 2023-13)**
- 14. City Manager’s Monthly Report – March 2023**

Items added to the workshop agenda:

### Mayor Rostek

1. Discuss possible amendments to Ordinance 2023-08
2. Discuss the finance director position, Charter Amendment #2

Vice Mayor Kerr said he would like a town hall meeting scheduled to discuss the finance director position.

## **15. REPORTS/CORRESPONDENCE**

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

Vice Mayor Kerr asked if there were any updates from the state on the short-term rentals. The City Attorney said he did not have an update but would email and update to the Board in the morning.

Vice Mayor Kerr thanked the Commission for voting on him to serve as Vice Mayor.

#### **B. City Attorney**

The City Attorney had no report.

#### **C. City Manager**

The City Manager thanked staff for their help with the transition of the new Mayor and Commissioners.

#### **D. City Clerk**

The City Clerk said she looked forward to working with the new Commissioners and Mayor and enjoyed working with the outgoing ones. It was a pleasure, and they all did a good job.

The City Clerk said she was working on putting together an in-house ethics class for May. It would cover the required four hours plus expand on other areas of ethics.

### **16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 8:22 p.m.

---

James “Jim” Rostek, Mayor

ATTEST:

---

Clara VanBlargan, MMC, MSM, City Clerk



**MINUTES**  
**BOARD OF COMMISSIONERS**  
**BUDGET WORKSHOP MEETING**  
**APRIL 26, 2023**  
**4:00 P.M.**

The City of Madeira Beach Board of Commissioners held a budget workshop meeting at 4:00 p.m. on April 26, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:**

Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Thomas Trask, City Attorney

**1. CALL TO ORDER**

Mayor Rostek called the meeting to order at 4:00 p.m.

**2. ROLL CALL**

City Clerk Clara VanBlargan called the roll.

**3. PUBLIC COMMENT**

City Manager Robin Gomez said this was the first budget workshop for FY 2024; the next is scheduled for May 24, 2023. The budget workshops will be held monthly until the adoption of the budget in September. They need feedback from the Board of Commissioners on what staff must present and discuss in their budget. A proposed budget will be presented in July based on a proposed millage rate the Board decides.

The City's financial position is good. The revenues and expenditures have been doing quite well. The goal for next year is for expenditures not to exceed the revenues expected to receive. Ad valorem is the largest single source of revenue in the General Fund. That is determined by the millage rate adopted by the Board and the valuation that the Pinellas County Property Appraiser provides on all real and personal property within the corporate limits.



The City Manager explained that the increases in property taxes are due to economic conditions. Some people have been selling their property, and when no longer homesteaded, the property appraiser readjusted the value. When the preliminary valuation is received in May, he will have more definitive data at the next workshop, and the Board can decide the proposed millage rate.

The City Manager responded to questions and comments from the Board. He reviewed the budget material provided in the meeting agenda packet:

- General Fund Revenues Budget vs. Actual – 4-Year Comparison

Vice Mayor Kerr asked to show a year-to-date comparison between 2022 and 2023. Mr. Laflin said he could do that. Vice Mayor Kerr asked about a custom range. Mr. Laflin said they could pull those transactions manually and provide that. They could pick a month and compare 2022 and 2023 for that month.

- General Fund Expenditure Budget vs Actual – 4-Year Comparison
- Millage Rates – MB & Other Cities

Commissioner Tagliarini asked why the Redingtons were not included in the millage rate comparison list. The City Manager said it might be because they are smaller and do not provide the same level of service.

Mayor Rostek explained that he provided a handout to the Board based on Resolution 2019-01 the Board adopted, listing five cities referred to as peer cities to evaluate themselves against. The resolution also listed nine cities referred to as market competitors. The handout shows the millage rate for each of the five peer cities. Their population is similar to Madeira Beach except for the City of Gulfport because their population is a little higher. He spoke to South Pasadena and verified the millage rate because it appeared incorrect on the document in the packet. The 4.96 millage rate shown was for 2023 and not 2022. It was 4.24 for 2022. It was not a big issue. He wanted to make the Board aware that they have peer cities to which they can compare themselves.

The City Manager said the numbers provided for South Pasadena and the City of Dunedin came from the auditors. It is what is on file with the county. If 4.96 is an error, he could confirm that with them. The county website lists all taxing authorities in the county and their millage rate. They could incorporate data from those, including the Redingtons, although they are very small. Their millage rate is low and not comparable to Madeira Beach.

- City of Madeira Beach, Florida, Schedule 6 – Property Tax Rates, Direct and Overlapping Governments per \$1,000 of Assessed Valuation – Last 10 Years
- City of Madeira Beach, Florida, Schedule 8 – Property Tax Levies and Collections – Last 10 Years
- Ad Valorem Analysis – FY 2023

The City Manager explained that the millage rate has remained unchanged for the past three years.

Finance Director Andrew Laflin explained the comparison from 2.75 mills down to 2.50 mills and 2.25 mills. The City Manager said because the millage rate is already fairly low with very high values, it is not a gigantic change in the property tax bill, but a reduction is a reduction.

Commissioner Tagliarini asked if there were specific benchmarks the Board needed to look at. The residents would be happier if the millage rate were lower, but that would decrease revenue. The millage rate has been the same for a while, so he does not understand the need to change it. The City Manager said it was to show what the millage rate would look like if lowered. His recommendation would be to leave it as is. The property values would increase again; they have projects to complete and have received state funding to complete some of them.

Commissioner Tagliarini said City revenue is a benchmark they needed to consider. The City Manager said they also needed to look at what they are doing and looking to do. The millage rate is the largest revenue source but not a gigantic amount. Every year they look to provide salary increases to staff, and the benefits increase yearly, and inflation is still high. They are not the only ones seeing that. Everybody that lives here and owns a business is experiencing the same thing. The benchmark is the revenue they have, but due to the number of activities started, they would like to see those completed. They will still be above their reserves even if there is a change in the millage rate.

Commissioner Brooks understood they would be working on the City's comprehensive plan, and it would show what they needed long-term. The City Manager said the last update was 20 years ago. Beginning next month, he will meet with each commissioner separately to see what to include or not to include in the plan and bring that back at a workshop meeting before having multiple public meetings about it. They could hire a consultant, and that would have a financial impact. Vice Mayor Kerr said he would never want to lose an opportunity to discuss design standards, especially at John's Pass Village.

Following discussion, the consensus of the Board was to continue the 2.75 millage rate.

Mayor Rostek said he would like to see the numbers run to know the results of lowering it by 0.25 and 0.50 mills. Not to decide but to see what kind of position the City would be in and if they could still do the projects. He would think that is what the residents wanted. If not feasible to lower the millage rate, they would have the data to show that. The City Manager said it is in every year's budget, but they will highlight and focus on that at the next workshop.

Commissioner Tagliarini said his understanding is that with the current millage rate, they could continue funding the projects and any short-term projects they may have come up with and continue the services they need to provide.

#### **4. TOPICS FOR DISCUSSION**

##### **A. Budget Workshop Materials**

The City Manager reviewed the budget material provided in the meeting agenda packet:

- Proposed Dependent Coverage Health Insurance – Fiscal Year 2023

The City Manager showed a PowerPoint slide of the document provided in the agenda packet to show the costs if the Board should approve the budget to cover any costs related to dependent health coverage. Ten employees pay for dependent coverage 100%. The City does not contribute to any portion of any dependent care coverage. He does not know if the same ten will request dependent care again next year. The information can be used as a forecast for next year. The slide shows what the costs would be to the City. For dependent coverage, if contributing 25% it would be \$30,000, 50% would be \$61,00, 75% would be \$91,000, and 100% would be just over \$120,000. They do not yet know what, if any, increases would be for next year for benefits and how many employees will opt to add a spouse or dependent coverage next year. Some cities do contribute as much as 60% toward those costs.

Mayor Rostek asked why they were now bringing it up and had not already taken care of the employees and their families. The City Manager said he could only speak for last year. It came up later in the budget season, so they decided to discuss it in this budget season. He does not know why that never happened. It could be, but not sure, that employees are not contributing. The ones in the FRS contribute 3%, and those in a 401k plan do not contribute toward it. The City contributes 100% health insurance coverage to every City employee. The different Boards had different attitudes and different beliefs. The City was lacking, and it did not provide it for whatever reason. A couple of employees and the fire employees are in the FRS retirement plan, and they contribute 3% of their salary toward that.

Commissioner Tagliarini said the City makes all the contributions to the retirement plan but does not contribute anything to their family health care. He asked for documentation to show the comparison to see where they are in relation to peer cities, and other cities their size. He would like to think they are attracting the best possible employees by offering that kind of service to them. The City Manager said he would bring that back to the Board.

Commissioner Brooks asked if other cities pay for their employees' retirement. The City Manager said some do. In cities that have a pension plan, employees contribute to that. Commissioner Brooks said if they look at other cities and how they contribute to the employee's family, she would like to know all they provide. It would be good to see a comparison full circle of all that.

Commissioner Tagliarini said he would love to see comparing apples to apples.

Vice Mayor Kerr said they needed to look at the whole package, including hourly wages. They want to maintain and attract talent and support staff. The City Manager said they adjusted the salary for the lower-paid employees in the current budget. Their minimum wage is up to \$15 an hour because they struggled. Sanitation is up to \$18 an hour and \$19 an hour if you have a CDL. That increased based on the comparisons shown on how they were struggling.

Mr. Laflin showed a PowerPoint how the City's financial information is located on the City's website through the Aclarian financial software. They could see things like budget balances and

actual balances by Fund and department for the current and prior year. Vice Mayor Kerr asked if it would give a year-to-year comparison as of that date. Mr. Laflin explained it could, and he would provide a three-year comparative at the next budget workshop.

Mr. Laflin said the focus of the May workshop would be the five-year capital budget. According to the City charter, the City is responsible for providing and presenting a five-year capital improvement plan within 90 days before the fiscal year, which would be July 1. They want to get started on that now and get feedback from the Board by that date.

Commissioner Brooks agreed to keep the current 2.75 millage rate.

Commissioner McGeehen agreed with the current 2.75 millage rate if they can cover all their projects.

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

## **5. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 5:05 p.m.

---

James “Jim” Rostek, Mayor

ATTEST:

---

Clara VanBlargan, MMC, MSM, City Clerk



**MINUTES**  
**BOARD OF COMMISSIONERS**  
**REGULAR WORKSHOP MEETING**  
**APRIL 26, 2023**  
**6:00 P.M.**

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on April 26, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

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

**MEMBERS ABSENT:**

**CITY STAFF PRESENT:** Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Thomas Trask, 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**

There were no public comments.

**4. DISCUSSION ITEMS**

**A. Board of Commissioners Policy Handbook**

Commissioner Tagliarini requested the Board of Commissioners meetings be moved from Wednesday to Monday. Commissioner Brooks said she was not in favor of moving the meetings to Monday. Vice Mayor Kerr said he was indifferent about it. Commissioner McGeehen said he was flexible and suggested keeping the meetings on Wednesday but at an earlier time. Commissioner Tagliarini said an earlier time would help.

Mayor Rostek asked the City Clerk if she knew from past history if more people would attend an earlier meeting. The City Clerk said more people attended the workshop meetings when they were at 2:00 p.m.

Commissioner Brooks said she was not opposed to having the meetings earlier but did not want to upset the residents who watch from home. Commissioner McGeehen thought 3:00 p.m. was a good time to have a meeting. Vice Mayor Kerr said he typically works until 5:00 p.m., so the earlier the time is, the more of the workday he would lose. He thought the best solution was to keep it the way it was and make a special exception if Commissioner Tagliarini knew his schedule in advance.

The consensus of the Board was to keep the meetings on Wednesdays with the potential to modify the schedule with advance notice.

Mayor Rostek said on page 16, Section 5, Explanation of Order of Business for Regular Meetings, he would like the three-minute comment time limit changed to six minutes. He thought the public comment for each item should be limited to a total of 30 minutes. Commissioner Brooks said six minutes is a very long time and asked the City Attorney if they were allowed to discuss items that were not on the agenda. The City Attorney said they were allowed, but historically it was to get information, and three to five minutes was the standard time amount. Commissioner Brooks thought five minutes was reasonable and did not want to put it in writing that they were expected to answer residents' questions. The City Manager responds to resident complaints. The Mayor said it would open a two-way line of communication, and if they did not have an answer, they would get the contact information and respond accordingly.

Commissioner Brooks agreed that Public Comment was to get information, and it should be up to the Commissioner of the resident's district to follow up with their concern. Creating a dialogue at a meeting could be problematic. Commissioner Tagliarini agreed and suggested three to four minutes to talk and a minute to summarize and ask the resident to include the district they live in during their introduction. He suggested adding wording that included the Commission may or may not reply at the time, but the District Commissioner would follow up with them.

The City Attorney suggested allowing the public to make their comments and the Mayor or City Manager to respond individually after the meeting so there would be no conversation back and forth.

Vice Mayor Kerr said he liked the idea of five minutes and suggested a sign-in where citizens could put their information, and when they speak, it would become part of the minutes. They could figure out which items the City Manager would address and which items would be addressed at a workshop. That way, people would understand they would be taking all the items seriously. Commissioner Brooks said they had comment cards for residents to fill out. She asked the City Attorney if they should put it in the handbook. The City Attorney suggested they leave it out so the Mayor could have more flexibility in running the meeting.

Mayor Rostek opened to public comment.

Jerry Cantrell, 13322 First Street East, recommended the comment cards be on the podium and contain the information of whom they should follow up with.

Vice Mayor Kerr said the Commission did not have administration rights, so the City Manager might be the correct person to respond depending on the issue. The Mayor agreed the comment cards should go to the City Manager.

The City Attorney suggested changing the fifth sentence under the section Comment Cards on page 17, "... comment about what it is that they would like to talk about." to "... comment about what it is that they would like a response on." and striking the requirement about the City Clerk.

The consensus of the Board was to change the public comment time limit from three minutes to five minutes, add language to the Public Comment item on the agenda that specifies if they want a response to fill out a comment card with their contact information, and change the language in the Comment Card section of the handbook.

### **B. Special Magistrate Lien at 14033 E. Parsley Drive, Madeira Beach, Case No. 2021.1296 (Murray)**

The City Attorney explained the item. The Special Magistrate found the property to be in violation of Section 14-70 (General Maintenance) of the City Code and imposed a fine in the amount of \$250 per day that it remained in non-compliance. The property was brought into compliance on March 5, 2023, when it was demolished. The total amount due to the City as of March 31, 2023, was \$25,641.77. The property is up for sale, and the title insurance company asked the mortgage company to enter a short sale instead of foreclosing on it. To do it, there needs to be a resolution with the lien. They originally offered \$1,000, but he and City Staff did not support it and offered to bring a \$5,000 settlement offer to the Board for discussion. It would be brought back to the Board for approval at the next meeting.

Commissioner Brooks asked if accepting the offer was in line with what was done in the past. The City Attorney said each case was considered individually based on the facts and circumstances of each case.

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

The consensus of the Board was to move forward with the \$5,000 settlement offer and put it on the agenda for the next meeting for approval.

### **C. Emergency Operations Plan 2023 – 2025**

The City Manager said they made minor corrections and made sure the contact information was correct. Every department thoroughly reviewed the document. They were looking into finding a more permanent location to evacuate to in case it would be needed. He asked if the Board had anything to add.

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

The consensus of the Board was to bring it back to the May 10<sup>th</sup> regular meeting for approval of the resolution.

#### **D. Ordinance 2023-08, Purchasing Ordinance**

Mayor Rostek reviewed the following changes he would like to make to the Ordinance:

1. Page one of the Ordinance - Strike "CREATING SECTION 2-194 TO PROVIDE FOR CONTRACTS AND ENGAGEMENTS FOR PERSONAL AND PROFESSIONAL SERVICES OF ATTORNEYS AT LAW, FINANCIAL CONSULTANTS, EXPERTS AND OTHER PERSONAL AND PROFESSIONALS SERVICES WITHOUT COMPETITIVE BIDDING; REPEALING ORDINANCE 2021-03"
2. Sec. 2-193 (2) on page 7 of the Ordinance - add "a minimum of three (3)" quotations are received.
3. Add a paragraph on page 7 of the Ordinance - "Any expenditure amount as identified in item number (2) above requires Commission notification on a bi-weekly basis via email. As well as a line-by-line accounting of these expenditures be included in the City Manager's Monthly Report."
4. Sec. 2-193 (3)( c) on page 8 of the Ordinance - delete the entire section.
5. Section 12 and Sec. 2-194 on page 10 of the Ordinance - delete both sections.

Commissioner Tagliarini asked how it would impact the way they work. The Mayor said he did not think it would change very much. Professional services would need to go out to bid so they could get the best at an affordable cost. Commissioner Tagliarini said he wanted to provide more transparency and thought it was a good way to go.

Vice Mayor Kerr said he did not realize RFPs were not being used for attorneys or financial consultants. They did not necessarily need to choose the lowest price. They need to look at the qualifications.

Commissioner Brooks said she was concerned about requiring three quotes for purchases between \$5,000 and \$30,000. It might be difficult to get three formal quotes for \$5,000, and by putting it in writing, they would have to do it. She thought it was micromanaging to put bi-weekly notifications to the Commission in the Ordinance. The communication is good already.

Commissioner Tagliarini said \$5,000 to \$30,000 was a wide range. He asked the City Manager where he thought they should start looking at bids. The City Manager said he had no issue with \$30,000 being the purchasing threshold to get bids, and he was fine with the purchasing thresholds as they are.



Recreation Director Jay Hatch said it used to be \$1,000 to \$15,000, and the reason it changed was because of the log jam of multiple bids. \$15,000 was fairly low for them to be putting out RFPs on a consistent basis based on the time frame. The projects were getting pushed out three or four months because of the RFP process.

The City Manager said they were doing their due diligence to ensure they get the best price and best quality.

Commissioner Tagliarini asked what would happen if they needed to spend \$5,000 and could not get three quotes. The City Manager said they would not be able to proceed with the purchase until they got another quote. Commissioner Brooks said they needed to trust the staff, and the staff was already doing their best to get three quotes. The Mayor said they should leave the language in Sec. 2-193 (2) the way it was. Commissioner Tagliarini suggested raising the \$5,000 so it would make it easier to get three quotes or reword it to “a reasonable attempt.” Commissioner Brooks said the way it was worded holds the staff accountable for getting quote. She did not want to put something in writing that would keep them from moving forward with things that needed to be done.

The Mayor agreed with Commissioner Brooks, but he wanted to see the expenditures included in the City Manager’s Monthly Report so the citizens have transparency. Finance Director Andrew Laflin said the City has a Vendor Portal on the City Website, which automatically feeds into the City’s accounting system. A detailed payment reporting system could be added to the portal for additional transparency to the public. The Mayor said he would like a detailed payment listing extracted from the accounting system software and added to the City Manager’s Monthly Report.

Mayor Rostek opened to public comment.

Jerry Cantrell, 13322 First Street East, said finding multiple sources was a big issue. The responsible person could write a sole source justification letter that would document their efforts to get multiple quotes.

The consensus of the Board was to make the changes the Mayor suggested, except for #2 and #3.

#### **E. Director of Finance/City Treasurer**

Vice Mayor Kerr said it made sense to him to keep what they have, but he wanted to continue the discussion. He was concerned because the citizens voted for an employee to be the Director of Finance. He would like to get an additional comment from the Attorney General.

The City Attorney said it is normally done in a formalized manner by the entire Commission by way of a resolution authorizing the City Attorney to get direction from the Attorney General relative to the referendum.

Commissioner Brooks said the feedback she got from District Four was the people did not understand what they were voting on. There was a lot of communication in the community telling people not to vote for it. A letter from the Attorney General might appease some people, and a Town Hall would be a good idea.

Commissioner Tagliarini said he would support a letter to the Attorney General and a Town Hall Meeting. He asked Mr. Laflin if he supervised the three employees in the Finance Department. Mr. Laflin said yes, he provides the supervision that is needed to help the Finance Department run well. The Assistant Finance Director, Patrick Cade, provides the day-to-day oversight he cannot do because he is onsite one day a week.

The Mayor asked what the yearly cost to run the Finance Department was. The City Manager said Mr. Laflin is paid \$88,800 a year, and the software was \$28,000, totaling about \$120,000. Mr. Laflin said the budget for FY 2023 is \$525,000 for the whole department, and for the three City employees was \$280,000.

The Mayor said he spoke to the people, and they understood what they voted for, and they want an employee to run the Finance Department. He suggested Mr. Laflin's firm bid on the job. The City Manager said the City Charter states the City Manager recommends a Finance Director/City Treasurer, and the recommendation would be confirmed by the Commission. There would be a hiring process.

Commissioner Tagliarini said it was his understanding that they did not need to have the vote. The City Attorney said they did not. The Commission at the time wanted the Charter to reflect what was happening on the ground. Vice Mayor Kerr said the Attorney General's opinion might take liability off the City Attorney's position. The City Attorney said it would not take liability off anything. It would be an opinion from another attorney and would not have any precedential value in court. The only thing that could happen would be that someone could file a lawsuit against the City or a petition for Writ of Mandamus, which would order the City to hire a full-time or part-time Finance Director.

Vice Mayor Kerr asked Mr. Laflin to put together his responsibilities and what services he provides as Finance Director to the City. Commissioner Tagliarini referenced Section 5.5 of the City Charter. Mr. Laflin agreed and referenced his Consultant Agreement. Vice Mayor Kerr said he wanted to make sure Mr. Laflin was providing all services an on-site Finance Director would provide.

Mayor Rostek opened to public comment.

Jeff Brooks, 425 150<sup>th</sup> Avenue, said the disadvantage of hiring a full-time employee would be that it would cost the City more money. People do not realize what they voted for.

John Connolly, 600 Normandy Road, said people do not come to meetings because no one listens to them. They had a vote, and no one is listening.

Jerry Cantrell, 13322 First Street East, read the Charter Amendment and said the people have spoken. The Board is obligated to follow through. He thought they were doing their due diligence by trying to investigate.

The consensus of the Board was to move forward with requesting the Attorney General's opinion and schedule a Town Hall meeting.

#### **F. RFP for City Attorney Professional Legal Services**

Vice Mayor Kerr said he hoped Attorney Trask's firm would participate in the RFP. He wanted to make sure there were not any conflicts of interest. He thought if any firm represented developers, they should not apply.

Commissioner Brooks said the Trask firm is Board Certified in City Government which speaks for something. They come well-prepared and have many highly educated attorneys, and she hoped they would participate in the RFP. She thought they needed a firm qualified in city government, not one attorney.

The City Clerk asked the City Attorney if the Charter Officer was the firm or just one person. The City Attorney said the contract would be with the firm, but the Charter Officer would be one person.

Commissioner Brooks asked the City Attorney if he had other attorneys who could handle things that needed to be done within the City. The City Attorney said yes. They have a number of attorneys representing the City for a number of matters, but they have six Board Certified Local government attorneys and two additional attorneys working for the firm.

Mayor Rostek opened to public comment.

John Hendricks, 569 Normandy Road, complimented the Charter Officers and said Mr. Trask's firm is one of the best around that represents a number of cities in the area. It was up to the City to hire the Charter Officers, and there was nothing in the Charter that said the Commission could not hire Mr. Laflin on a part-time basis as a Charter Officer.

The consensus of the Board was to proceed with the RFP for legal services and include in the qualification of Board Certified in Local Government and a restriction on any potential conflict of interest. The City Manager hoped it would be put together over the next month so they could get responses within six to seven weeks.

#### **G. RFQ Engineering Services**

The City Manager said the City uses engineering services to manage city projects and in-house to review building permits for compliance. They have utilized two engineers of record for a variety of services. One engineer of record was on a three-year contract with two one-year extensions that was renewed earlier this year. The item was put on the agenda to discuss having an internal engineer versus outsourcing. They reclassified the Senior Planner position to an in-house engineer position because the selected employee is a professional engineer. The RFQ would be for all city project-related engineering work.

Public Works Director Megan Wepfer said there was an RFQ put out in 2020 by the previous Public Works Director, which signed on seven engineers of record for multiple disciplines and is still in effect until June 2023. They still have renewals, and she has ongoing projects with some of them. The RFQ would be mostly for the community development side and the project base.

Vice Mayor Kerr said he wanted to make sure there would not be any conflict of interest by having someone in-house. The City Manager said that would not happen because there would be an accountable City employee doing the work of the Senior Planner and the engineer.

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

The consensus of the Board was to proceed with the RFQ for engineering services.

#### **H. RFP – IT Services vs In House**

The City Manager said it should be an RFQ instead of an RFP. The City has had a contract with Network People for several years. He recommended they issue an RFQ to outsource IT services. The total IT budget is about \$200,000 and would not be enough to cover a full-time IT employee. They would need a supervisor/manager, a full-time employee under the Supervisor, and someone who could fill in when one or both were out. The salaries and benefits would be \$250,000 to \$300,000.

Vice Mayor Kerr said he did not understand the salaries & wages and social security for IT in the FY 2023 budget. The City Manager said it was for a part-time internal employee that was doing some of the IT. They are still doing it but not at that salary, and it would be in the City Manager's budget. Next year that number will be zero. The Broadcast and IT Coordinator, Tom Roeder, works in the City Manager's office and is the liaison between the City and Network People.

The Mayor did not think they would need three full-time people to cover IT. The City Manager said they would need at least two.

Commissioner Brooks said an external IT would be more cost-effective, and there would always be a backup.

Vice Mayor Kerr said he liked a contractor for IT for the same reasons he liked a contractor for the Finance Department. There would be a backup, and they would be experts. It is working well the way it is, and they shouldn't change it.

Commissioner Tagliarini said he could not speak on whether it would be cost-effective, but his experience with Network People has been very positive.

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

The consensus of the Board was to issue the RFQ.

#### **I. Refuse Truck Modifications and Container Purchase**

The City Manager said the item was put back on the agenda because of questions the Board may have in response to the change in sanitation. There has been better control and management of the trash collection.

Director Wepfer said they would be adding a fee for a 96-gallon container which would be brought back to the Board in a fee schedule in the next couple of months.

The Mayor asked if the 96-gallon containers would need to be purchased. Director Wepfer said she had them in stock.

The City Manager asked how many vacancies there were in sanitation. Director Wepfer said two. The City Manager said they have not been able to fill them. It is the beginning of a more automated trash collection process. In the future, they would only need a truck with one driver.

Director Wepfer said she has a side loader truck scheduled for 2024. The trucks are kept for seven to eight years, and the oldest truck is from 2017 or 2018.

Vice Mayor Kerr said he was completely against a one-man crew. His recycling bin did not get fully emptied, and pieces were left in his grass. The level of service dropped. Director Wepfer said they would do their best to make it a two-person crew. There were no applicants for the open positions.

The City Manager said they were aware of the issues with the dumpsters in John's Pass Village and may need to utilize different containers. The sanitation department sprays every commercial dumpster in the City two to three times per week.

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

### **J. W&A Third Amendment for Cleaning Services**

Director Wepfer said the City had been contracted with W&A since 2014. In 2020 they did put out a bid, but the Commission at the time directed staff to continue the contract with W&A because of the level of service and their knowledge of the City. The item is the third and final amendment to their contract that expires in 2024 and will be bid out then. Staff recommended approval.

Director Wepfer said the fee changed for the second amendment because they needed to add a third daily cleaning and an extra month to the public restrooms on the beach and John's Pass Village.

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

The consensus of the Board was to support the staff's recommendation.

### **K. Use of City-owned Fitness Facility Discussion**

The City Manager said the item was brought before the Board to get direction on whether to make the fitness facility open to the public.

The Mayor asked if it was being used now and by whom. The City Manager said City Staff and the Fire Department use it.

The Mayor asked how much money in equipment they were talking about. Director Hatch said the equipment was secured by a grant from the Fire Department. The Mayor asked how they would clean it between people using it. It would be a cost that would be part of the facility.

Director Hatch said they would need to look at how people would check-in. Recreation has a waiver process for any participation in events, so it would be similar to that. Decontaminating items would be provided.

The Mayor asked if Director Hatch thought it was a good or bad idea. Director Hatch said it would not be impossible. It depended on the expected use. The Rec Center has the software needed to create memberships and check in people. They would need to make sure the facility would be available for the Fire Department.

Commissioner Brooks asked when the Fire Department uses the facility. Fire Chief Belk said Thursday, Friday, and Saturday mornings, usually before 9:00 a.m. From a safety aspect, they would need to put a time on it; it could not be 24/7.

Commissioner McGeehen was in favor of opening it up to the citizens with a monthly cost.

Commissioner Tagliarini was in favor of opening it up to the citizens with a minimal cost, but they would need to know how to use the equipment.

Commissioner Brooks agreed with Commissioner Tagliarini.

Vice Mayor Kerr said he was against it. It was not a great attraction for residents, and parking could become an issue. The Fire Department should not have to compete to use it.

The City Manager said they would need to come up with policies and procedures before bringing it back to the Board. The Fire Department would be accommodated for its usage.

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

The consensus of the Board was to have the City Manager contact St. Pete Beach for a copy of its policies and procedures and come up with two scenarios; one with a cost to residents and one without.

## **L. Community Rating System (CRS)**

Community Development Director Jenny Rowan gave a PowerPoint presentation explaining the Community Rating System (CRS) and its purpose. She responded to questions and comments from the Board.

Director Rowan said the 5-Year Cycle Review is an extensive review of the entire program and will occur in August 2023. They would want to see what relates to points and if there would be anything the Board would want to trade out or get more points. They would need to go through everything in the CRS and put points towards it, and that is what is given to FEMA.

Vice Mayor Kerr asked why the discount was removed for having an elevated property. Director Rowan said she did not know and suggested having a Pinellas County Insurance Advocate come to the City to answer questions.

Vice Mayor Kerr said FEMA would not allow fill dirt if you were building a new property. Director Rowan said it depended on the community. Madeira Beach would allow fill dirt for grading. Vice Mayor Kerr said he would like Director Rowan to look further into it.

The City Manager asked where the City's rating could be found. Director Rowan said there is an Excel spreadsheet that could be downloaded from FEMA's website that gives every community's rating system. Madeira Beach is class seven. She would provide it to the Board.

The City Manager said they would continue, make necessary improvements, and look into ways to get more points to increase the discount. They would look into alternatives and grant programs. The grant programs could be very complex, and the City participated in one years ago. One is still pending. The City Attorney said it was in 2016, and four are still outstanding. It was a program where the applicant would apply for reimbursement from the City for construction costs; the City would pay the applicant and wait to be reimbursed from FEMA. The City is owed approximately \$375,000 on the four grants. Attorney Eschenfelder has been working on it, and they will be recommending to the Board to file suit against the state to collect the money.

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

### **M. Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications**

Director Rowan explained Ordinance 2023-09 and responded to questions and comments from the Board. Staff supported it.

Mayor Rostek opened the floor for discussion. There were no comments from the Board.

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

The City Manager said it would be heard at the Planning Commission meeting on Monday, May 1, 2023. It would come back to the Board for first reading on May 10, 2023.

**N. Ordinance 2023-10, Amendment to Ch. 110 – Alcohol Beverage Permit Application Fee**

Director Rowan explained Ordinance 2023-10 and responded to questions and comments from the Board.

The City Manager said it would remove the fee from the Code of Ordinances but keep it in the Collection and Fees Manual, which is an appendix to the Code of Ordinances. It would just be in one place.

Mayor Rostek opened the floor for discussion. There were no comments from the Board.

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

The City Manager said it would come back to the Board for first reading on May 10, 2023.

**O. Ordinance 2023-12, Amendment to LDR – Definition of Portable Sign**

Director Rowan explained Ordinance 2023-12 and responded to questions and comments from the Board.

Mayor Rostek opened the floor for discussion. There were no comments from the Board.

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

The City Manager said it would come back to the Board for first reading on May 10, 2023.

**P. Ordinance 2023-13, LDC – Rental of Residential Amenities**

Director Rowan explained Ordinance 2023-13 and responded to questions and comments from the Board.

Mayor Rostek opened the floor for discussion.

The Mayor said he did not see boat lifts on it. Commission Tagliarini agreed.

The City Manager said it was a discussion at a March workshop, and they decided to exclude docks from the language in the ordinance.

Commissioner Brooks asked if it would allow residents to rent their boat docks. The City Manager said it was already happening, and they have not received any concerns or found any negative impacts.

Commissioner Tagliarini said he would like to see docks added to the language of the ordinance. He would not support it if it was not included.



Commissioner Kerr thought boat lifts and docks should be debated on a separate ordinance.

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

The consensus of the Board was to bring back Ordinance 2023-13 for first reading and put the docks and boat lifts on a separate ordinance.

The City Manager said it would be heard at the Planning Commission meeting on Monday, May 1, 2023. It would come back to the Board for first reading on May 10, 2023.

#### **Q. City Manager's Monthly Report – March 2023**

The City Manager reviewed the City Manager's report for March 2023.

### **5. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 10:04 p.m.

---

James "Jim" Rostek, Mayor

ATTEST:

---

Clara VanBlargan, MMC, MSM, City Clerk



## Memorandum

**Meeting Details:** May 10, 2023

**Prepared For:** Mayor & Board of Commissioners

**From:** Megan Wepfer, Public Works Director

**Subject:** W&A Third Amendment for cleaning Services

---

### **Background**

The City of Madeira Beach has utilized W&A Cleaning Services, LLC since 2014 to clean and maintain its various facilities. This contract provides for a service that is currently not provided in-house by City personnel. The Public Works Department would like to exercise the third and final amendment to the contract to continue the level of cleanliness the residents and visitors deserve and expect.

The current monthly fee from October to February is \$10,250 which covers one (1) time a day cleaning for all municipal facilities listed on the attached location and cleaning list. In 2022 staff amended the agreement to add an additional cleaning per day along and extending for an additional month to the public restrooms located at Archibald Park, Tom & Kitty Stuart Park, Johns Pass Park, and Johns Pass Village due to the high volume. Previously the public restrooms were cleaned two (2) times per day from April to September and was changed in the second (2) amendment to three (3) times per day from March through September. With the additional day the public restrooms listed above are cleaned three (3) times per day which has kept a cleaner environment.

Angel & Wanda have gone above and beyond during these past years and are always a phone call away. Examples of going above and beyond are pressuring washing the floors at Archibald Park and Johns Pass Park without being asked because they needed and were done for no additional cost. Always being there to help with traffic control during events if needed. Pressure washing the front porch of city hall.

### **Fiscal Impact**

The fiscal impact will be as follows:

- October to February \$10,250.00 per month (5 Months)
- March to September \$14,170.00 per month (7 Months)
  - Archibald, Tom & Kitty Stuart, Johns Pass Park, and Village cleaned 3 times per day.

Annual cost of \$150,440.000

**Recommendation(s)**

Staff recommends approval of the third amendment to W&A Cleaning contract with the fee breakdown listed above for a total annual cost of \$150,440.00.

**Attachments**

- Third Amendment
- Second Amendment
- First Amendment

**THIRD AMENDMENT TO**  
**W&A CLEANING SERVICES LLC**  
**AGREEMENT & CONTRACT**

THIS THIRD AMENDMENT TO W&A CLEANING SERVICES LLC AGREEMENT & CONTRACT ("Third Amendment") is hereby entered into by and between the **CITY OF MADEIRA BEACH**, a Florida municipal corporation, hereinafter referred to as "City," and **W&A CLEANING SERVICES, LLC**, a Florida limited liability company, hereinafter referred to as "Contractor."

**RECITALS**

WHEREAS, CITY and CONTRACTOR entered into that certain W&A Cleaning Services LLC Agreement & Contract, hereinafter referred to as "Contract," dated April 21, 2015; and

WHEREAS, CITY and CONTRACTOR entered into that certain First Amendment to W&A Cleaning Services LLC Agreement & Contract, hereinafter referred to as "First Amendment," dated May 18, 2021; and

WHEREAS, CITY and CONTRACTOR entered into that certain Second Amendment to W&A Cleaning Services LLC Agreement & Contract, hereinafter referred to as "Second Amendment," dated July 14, 2022; and

WHEREAS, CITY and CONTRACTOR wish to extend the Contract for an additional one (1) year period beginning May 18, 2023 and ending May 17, 2024.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties mutually agree that:

1. The Contract shall be extended for one (1) additional year beginning May 18, 2023 and ending May 17, 2024.

2. Except as expressly set forth herein, all of the terms, covenants and conditions of the Contract, as amended, are hereby ratified and confirmed by CITY and CONTRACTOR, and each, by the execution of this Third Amendment, hereby signifies their intent to be bound thereby.

IN WITNESS WHEREOF the Parties hereto have executed this Third Amendment on the day and year set forth next to their signatures below.

**CITY OF MADEIRA BEACH**  
a Florida municipal corporation

By: \_\_\_\_\_  
Robin Gomez, City Manager

Dated: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Clara VanBlargan, City Clerk

**W&A CLEANING SERVICES LLC**  
a Florida limited liability company

By: \_\_\_\_\_  
Wanda Nieves, President

Dated: \_\_\_\_\_

## **Municipal Facility List**

### **City Hall – Monday - Friday 300 Municipal Dr.**

- Includes entryway, lobby and front desk area, conference rooms (2), commission chamber Multipurpose room, gym, five (5) restrooms, outside stairs, kitchen area, cubicle area, eleven (11) individual offices and interior and exterior windows.
- Building Department addition below City Hall- entryway and lobby area, offices (8), open work area, conference room (1), restrooms (3), and kitchen/break area

### **City Fire Department – Once per week 200 Municipal Dr.**

- Includes only four (4) Showers

### **Recreation Center – Interior Monday – Friday & Exterior Restrooms 7 days a week 200 Rex Place**

- Includes entryway, lobby, front desk area, office areas, 3 rental rooms, indoor restrooms, patio/stage restrooms, concession restrooms and interior and exterior windows.

### **Marina – 7 days a week 503 150<sup>th</sup> Ave.**

- Restrooms
- Laundry Room

### **Causeway Park – 7 days a week 150<sup>th</sup> Ave**

- Includes only restrooms

### **Archibald Park – 7 days a week 15102 Gulf Blvd**

*1 time per day October – February, 3 times per day cleaning March – September*

- Includes only restrooms

### **Tom and Kitty Stuart Park – 7 days a week 14080 Gulf Blvd**

*1 time per day October – February, 3 times per day cleaning March – September*

- Includes only restrooms

### **Johns Pass Village – 7 days a week 12928 Village Blvd**

- *1 time per day October – February, 3 times per day cleaning March – September*
- Includes only restrooms

### **Johns Pass Park – 7 days a week Next to 12901 Gulf Lane**

*1 time per day October – February, 3 times per day cleaning March – September*

- Includes only restrooms

## **Municipal Facility Cleaning Plan**

### **City Hall including Building Department (downstairs)**

#### **Entrance(s), Lobby, Reception Area, Commission Chamber and Multipurpose room**

##### **Daily:**

1. Empty all trash receptacles, replace liners, and remove trash to outside collection point.
2. Thoroughly dust all horizontal and vertical surfaces, including windowsills, ledges, and moldings
3. Vacuum all carpet areas and mats.
4. Spot treat soiled carpets.
5. Dust mop hard surface floors.
6. Damp-mop hard surface floors, taking care to get into corners, along edges, and beneath furniture.
7. Clean coffee area

##### **Monthly:**

1. Thoroughly vacuum all carpeting, taking care to get into corners, along edges, and beneath furniture.
2. Spot wipe walls, light switches, and doors, removing fingerprints, smudges, and spills.
3. Complete all high dusting, including exhaust fans and air ventilators within reach.

##### **Annual Services:**

1. Shampoo all carpeted areas.

#### **General office areas/Kitchen Area**

##### **Daily:**

1. Empty all trash receptacles, replace liners, as needed, and remove trash to outside collection point.
2. Thoroughly dust all horizontal and vertical surfaces, windowsills, ledges, and moldings.
3. Vacuum high-traffic carpet areas.
4. Spot treat soiled carpet areas.
5. Dust mop hard surface floors.
6. Damp-mop hard surface floors, taking care to get into corners, along edges, and beneath furniture.

##### **Monthly:**

1. Thoroughly vacuum all carpeting, taking care to get into corners, along edges and beneath furniture.
2. Spot wipe walls, light switches, and doors removing fingerprints, smudges, and spills.
3. Complete all high dusting, including exhaust fans and air ventilators within reach.

##### **Annual:**

1. Shampoo all carpeted areas.

#### **Conference Rooms - two (2)**

##### **Weekly:**

1. Empty all trash receptacles, replace liners, as needed, and remove trash to outside collection point.
2. Thoroughly dust all horizontal and vertical surfaces, including countertops, windowsills, ledges, moldings, chair bases, telephones, pictures, office furniture and all furnishings.
3. Damp wipe all tables
4. Vacuum high-traffic carpet areas
5. Wipe or vacuum chairs

Monthly:

1. Thoroughly vacuum all carpeting, taking care to get into corners, along edges and beneath furniture
2. Spot wipe walls, light switches, and doors removing fingerprints, smudges, and spills.
3. Complete all high dusting, including exhaust fans and air ventilators within reach.

Quarterly

1. Thoroughly scrub and rinse floors, taking care to get into corners, along edges, and beneath fixtures.

**Restrooms (Upstairs - employee area, lobby, and gym- Building Department employee area and lobby)**

Daily:

1. Empty all trash and replace liners, as needed and wipe receptacles clean. Remove trash to outside collection point.
2. Ensure all supplies including paper products, hand soap, etc. are adequately stocked
3. Air fresheners shall be installed in each restroom and replaced as needed.
4. Toilets to be cleaned and sanitized inside and outside. Polish bright work.
5. Toilet seats to be wiped clean on both sides.
6. Scour and sanitize all basins. Polish bright work.
7. Remove splash marks from walls around basins.
8. Dust horizontal surfaces, including partitions, top of mirrors, and frames. Clean and polish mirrors.
9. Sweep or dust mop hard surface floor.
10. Damp-mop floors as needed
11. Report any restroom repairs needed to the Public Works Department.

Monthly:

1. Spot wipe walls, light switches, and doors, removing fingerprints, smudges, and spills.
2. Complete all high dusting, including exhaust fans and air ventilators within reach.

Quarterly:

1. Thoroughly scrub and rinse floors, taking care to get into corners, along edges, and beneath fixtures.

**Windows**

Monthly:

2. Clean all interior Windows

Quarterly:

3. Clean all exterior windows.



## **Fire Department:**

### **Showers four (4)**

Weekly:

1. 1 Clean and scrub four (4) Showers

## **Recreation Center:**

### **Entrance(s), Lobby, Reception Area, Boca View Hall, Ocean Walk and Starboard Rooms**

Daily:

1. Empty all trash receptacles, replace liners, and remove trash to outside collection point.
2. Thoroughly dust all horizontal and vertical surfaces, including windowsills, ledges, and moldings
3. Vacuum all carpet areas and mats.
4. Spot treat soiled carpets.
5. Dust mop hard surface floors.
6. Damp-mop hard surface floors, taking care to get into corners, along edges, and beneath furniture.
7. Clean coffee area

Monthly:

1. Thoroughly vacuum all carpeting, taking care to get into corners, along edges, and beneath furniture.
2. Thoroughly scrub and rinse floors, taking care to get into corners, along edges, and beneath fixtures.
3. Spot wipe walls, light switches, and doors, removing fingerprints, smudges, and spills.
4. Complete all high dusting, including exhaust fans and air ventilators within reach.

Annual Services:

1. Shampoo all carpeted areas.

### **General office areas/Kitchen Area**

Daily:

1. Empty all trash receptacles, replace liners, as needed, and remove trash to a outside collection point.
2. Thoroughly dust all horizontal and vertical surfaces, including windowsills, ledges, and moldings
3. Vacuum high-traffic carpet areas.
4. Spot treat soiled carpet areas.

Monthly:

1. Thoroughly vacuum all carpeting, taking care to get into corners, along edges and beneath furniture.
2. Thoroughly scrub and rinse floors, taking care to get into corners, along edges, and beneath fixtures.
3. Spot wipe walls, light switches, and doors removing fingerprints, smudges, and spills.
4. Complete all high dusting, including exhaust fans and air ventilators within reach.

Annual:

1. Shampoo all carpeted areas.

### **Windows**

Monthly:

1. Clean all interior Windows

Quarterly:

1. Clean all interior Windows

### **Restrooms - four (4) - Inside, Stage (2) locations, and Concession stand**

Daily:

1. Empty all trash and replace liners, as needed and wipe receptacles clean. Remove trash to outside collection point.
2. Ensure all supplies including paper products, hand soap, etc. are adequately stocked
3. Air fresheners shall be installed in each restroom and replaced as needed.
4. Toilets to be cleaned and sanitized inside and outside. Polish bright work.
5. Toilet seats to be wiped clean on both sides.
6. Scour and sanitize all basins. Polish bright work.
7. Remove splash marks from walls around basins.
8. Dust horizontal surfaces, including partitions, top of mirrors, and frames. Clean and polish mirrors.
9. Sweep or dust mop hard surface floor.
10. Damp-mop floors as needed
11. Report any restroom repairs needed to the Public Works Department.

Monthly:

1. Spot wipe walls, light switches, and doors, removing fingerprints, smudges, and spills.
2. Complete all high dusting, including exhaust fans and air ventilators within reach.

Quarterly:

1. Thoroughly scrub and rinse floors, taking care to get into corners, along edges, and beneath fixtures.

## **Marina**

### **Restrooms and laundry room:**

Daily

1. Empty all trash and replace liners, as needed and wipe receptacles clean. Remove trash to an outdoor collection point.
2. Toilets to be cleaned and sanitized inside and outside. Polish bright work.
3. Toilet seats to be wiped clean on both sides.
4. Scour and sanitize all basins. Polish bright work.
5. Remove splash marks from walls around basins.
6. Dust horizontal surfaces, including partitions, top of mirrors, and frames. Clean and polish mirrors.
7. Sweep or dust mop hard surface floor.
8. Damp-mop floors as needed
9. Report any restroom repairs needed to the Public Works Department.

## Monthly:

1. Spot wipe walls, light switches, and doors, removing fingerprints, smudges, and spills.
2. Complete all high dusting, including exhaust fans and air ventilators within reach.
3. Clean out laundry vents

## Quarterly:

1. Thoroughly scrub and rinse floors, taking care to get into corners, along edges, and beneath fixtures.

**Restroom Facilities: Causeway Park, Archibald Park, Tom and Kitty Stuart Park, Johns Pass Village, Johns Pass Park**

## Daily

1. Empty all trash and replace liners, as needed and wipe receptacles clean. Remove trash to a collection point.
2. Toilets to be cleaned and sanitized inside and outside. Polish bright work.
3. Toilet seats to be wiped clean on both sides.
4. Scour and sanitize all basins. Polish bright work.
5. Remove splash marks from walls around basins.
6. Dust horizontal surfaces, including partitions, top of mirrors, and frames. Clean and polish mirrors.
7. Sweep or dust mop hard surface floor.
8. Damp-mop floors as needed
9. Report any restroom repairs needed to the Public Works Department.

## Monthly:

1. Spot wipe walls, light switches, and doors, removing fingerprints, smudges, and spills.
2. Complete all high dusting, including exhaust fans and air ventilators within reach.

## Quarterly:

1. Thoroughly scrub and rinse floors, taking care to get into corners, along edges, and beneath fixtures.



# Memorandum

**Meeting Details:** May 10, 2023, BOC Regular Meeting

**Prepared For:** Hon. Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications

---

**Background:** Ordinance 2023-09 expands the distance of mailed public notices from 200 feet to 300 feet of the subject property for entering into, amending, or revoking a development agreement. The ordinance also clarifies that the Community Development Department will post and mail the public notice when the Development Agreement goes before the planning commission.

**Discussion:** Changing the public notice for entering into, amending, or revoking a development agreement mailing distance to properties within 300 feet would be the same as the public notice mailing requirements for other public hearing notices (land use and zoning changes, alcohol beverage applications, and variances). The Local Planning Agency (the Planning Commission) voted to support Ordinance 2023-09 moving forward to public hearing for first reading at the May 10, 2023, Board of Commissioners Meeting.

**Fiscal Impact:** Minor increase in mailing postage and staff time preparing extra mailing notices.

**Recommendation(s):** Staff recommends the approval of Ordinance 2023-09.

**Attachments:**

- Ordinance 2023-09
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-09

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

**WHEREAS**, the Planning Department has reviewed the current provisions of Section 86-144 of Article IV (Development Agreements) of Chapter 86 (Administration) of the Code of Ordinances and has recommended that the notice provision therein be increased from 200 feet to 300 feet; and

**WHEREAS**, the recommendations of the Planning Department has been found meritorious by the Board of Commissioners; 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, AS FOLLOWS:**

**Section 1.** That Section 86-144 (Notification) of Article IV (Development Agreements) of Chapter 86 (Administration) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

**Sec. 86-144. – Notification.**

- (a) When and at such time as an application for entering into, amending or revoking a development agreement is made, the ~~city clerk~~ Community Development Department shall post a notice of the time and place at which the planning

commission, local planning agency shall consider the subject matter at a public hearing a minimum of 15 days prior to the hearing. Notice of the intent to consider the application for entering into, amending or revoking a development agreement shall be advertised in a newspaper of general circulation and readership within the city at least seven days before the planning commission, local planning agency public hearing. At least 15 days prior to the planning commission, local planning agency public hearing, notice of intent to consider the application for entering into, amending or revoking a development agreement shall also be mailed by first class United States Mail to all property owners of record on the tax roll of the year within which the case is being heard within ~~200~~300 feet in any direction of the property which is the subject matter of the application. Additionally, the notice of intent shall be posted upon the property itself. All such notices of intent to consider the application for entering into, amending or revoking of the development agreement shall specify the location of the land(s) subject to the application, the development uses proposed on the property(ies), the proposed population densities and the proposed building intensities and height and a statement that provides that the board of commissioners, in approving a development agreement, is authorized, without limitation, to grant relief from any provision of the land development regulations that is otherwise authorized to be waived, varied or granted by the land development regulations. All such notices of intent shall also specify a place where a copy of the proposed development agreement can be obtained. The day, time and place at which the board of commissioners will conduct a second public hearing on the application to enter into, amend or revoke a development agreement shall be announced at the first public hearing held before the planning commission, local planning agency. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding on the application.

- (b) After completion of the first public hearing before the planning commission, local planning agency regarding an application for entering into, amending or revoking a development agreement, the ~~city clerk~~ Community Development Department shall post a notice of the time and place at which the board of commissions shall consider the subject matter at a second public hearing a minimum of 15 days prior to the hearing. Notice of the intent to consider the application for entering into, amending or revoking a development agreement shall be advertised in a newspaper of general circulation and readership within the city at least seven days before the board of commissioners public hearing. Additionally, the notice of intent shall be posted upon the property itself. All such notices of intent to consider the application for entering into, amending or revoking of the development agreement shall specify the location of the land(s) subject to the application, the development uses proposed on the properties, the proposed population densities and the proposed building intensities and height and a statement that provides that the board of commissioners, in approving a development agreement, is authorized, without limitation, to grant relief from any provision of the land development

regulations that is otherwise authorized to be waived, varied or granted by the land development regulations. All such notices of intent shall also specify a place where a copy of the proposed development agreement can be obtained. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding on the application.

**Section 2.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 3.** 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 4.** This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

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

\_\_\_\_\_  
James 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: \_\_\_\_\_





April 7, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher". The signature is written in a cursive, flowing style.

Linda Fisher  
Principal Planner



# Memorandum

**Meeting Details:** May 10, 2023, BOC Regular Meeting

**Prepared For:** Hon. Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-10, Amendment to Ch. 110 - Alcohol Beverage Permit Application Fee

## **Background:**

The proposed Ordinance 2023-10 removes the exact fee amount for alcoholic beverage applications from the Madeira Beach Code of Ordinances. Instead, the City's Fees & Collection Procedure Manual will determine the cost of an alcoholic beverage permit application.

## **Discussion:**

By referencing the City's Fees & Collection Procedure Manual instead of stating the exact fee amount, the alcoholic beverage permit application fee can be adjusted without needing to change the fee amount within the Code. The Local Planning Agency (the Planning Commission) voted to support Ordinance 2023-10 moving forward to public hearing for first reading at the May 10, 2023, Board of Commissioners Meeting.

## **Fiscal Impact:**

The ability to adjust the alcohol beverage permit application without amending the Code will save on staff time and notices to amend the Code and make it easier to adjust costs.

## **Recommendation(s):**

Staff recommends the approval of Ordinance 2023-10.

## **Attachments:**

- Ordinance 2023-10
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-10

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

**WHEREAS**, City Staff is recommending that the Board of Commissioners of the City of Madeira Beach, Florida, amend Sections 110-531, 110-533 and 110-539 of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) to refer to the City's Fees & Collection Procedure Manual for the cost of an alcoholic beverage permit application fee; and

**WHEREAS**, the recommendations of staff have been found meritorious by the Planning Commission and the Board of Commissioners; 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, AS FOLLOWS:**

**Section 1.** That subparagraph (6) of Section 110-531 (Application for Zoning of Lot for Sale of Alcoholic Beverages) of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- (6) Payment of athe non-refundable ~~\$500.00~~-application fee listed in the Fees & Collection Procedure Manual.

**Section 2.** That subparagraph (b) of Section 110-533 (Reconsideration of Alcoholic Beverage Zoning) of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- (b) In the event any applicant shall desire reconsideration under subsection (a) of this section, the applicant shall submit his application for such alcoholic beverage zoning to the city manager or his designate in the usual manner and pay the ~~\$500.00~~ application fee listed in the Fees & Collection Procedure Manual. If, in the judgment of the board of commissioners, substantial changes have occurred, the board of commissioners shall then set the application for public hearing. In the event of a negative finding by the board of commissioners, the application will not be heard.

**Section 3.** That subparagraph (b) of Section 110-539 (Application Processing and Fees) of Article VI (Supplementary District Regulations) of Chapter 110 (Zoning) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- (b) The city manager is authorized to charge ~~an the~~ application fee ~~of \$500.00~~ listed in the Fees & Collection Procedure Manual for processing the application.

**Section 4.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 5.** 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 6.** This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

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

\_\_\_\_\_  
James 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: \_\_\_\_\_



April 7, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher". The signature is written in a cursive, flowing style.

Linda Fisher  
Principal Planner



# Memorandum

**Meeting Details:** May 10, 2023, BOC Regular Meeting

**Prepared For:** Hon. Mayor Rostek and Board of Commissioners

**From:** Andrew Morris, Planner/GIS Technician, Community Development Department

**Subject:** Ordinance 2023-12, Amendment to LDR - Definition of Portable Sign

**Background:** Ordinance 2023-12 updates the definition of portable sign to follow the federal appeals court ruling from *LaCroix v. Town of Fort Myers Beach*. The case ruled that it is a first amendment right for citizens to be able to carry non-commercial speech signs in public areas such as sidewalks and parks.

**Discussion:** Ordinance 2023-12 clarifies that a sign not bearing a commercial message which is carried by a person (whether worn or held by hand) shall not be considered a prohibited portable sign. These signs shall be permitted to be carried in any location such person is otherwise lawfully allowed to be present, including on the City's sidewalks and parks. The Local Planning Agency (the Planning Commission) voted to support Ordinance 2023-12 moving forward to public hearing for first reading at the May 10, 2023, Board of Commissioners Meeting.

**Fiscal Impact:**

N/A

**Recommendation(s):**

Staff recommends the approval of Ordinance 2023-12.

**Attachments:**

- Ordinance 2023-12
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-12

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 82-2 (DEFINITIONS) OF CHAPTER 82 (GENERAL PROVISIONS) OF THE CITY'S LAND DEVELOPMENT CODE TO REVISE THE DEFINITION OF PORTABLE SIGN; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City last amended its current sign code on December 11, 2018 via Ordinance 2018-14; and

**WHEREAS**, the sign code defines "portable sign" as any sign not permanently attached to the ground or other permanent structure, designed to be transported including, but not limited to, signs designed to be transported by means of wheels, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business; and

**WHEREAS**, the City has become aware of the case of *LaCroix v. Town of Fort Myers Beach*, 38 F.4<sup>th</sup> 941 (11<sup>th</sup> Cir. 2022), wherein the federal appeals court determined that a similarly-worded provision had the effect of preventing citizens from carrying signs on their persons in traditional public areas such as sidewalks and parks to engage in their First Amendment rights; and

**WHEREAS**, in adopting similar model code language, the Board of Commiositioners did not, and does not intend to impinge on such rights; and

**WHEREAS**, since adopting its sign code the City has never cited any person for carrying a sign as a means of engaging in First Amendment rights, and the City is committed to never do so; and

**WHEREAS**, the Board of Commissioners has asked the City Attorney to revise the definition of "portable sign" to ensure it cannot be interpreted or applied in the manner described in the *LaCroix* case, and to ensure instead that it will affirm a citizen's right to carry a sign expressing any non-commercial speech the citizen desires to express; and

**WHEREAS**, the Board of Commissioners finds that it is in the interest of the City and its citizens to adopt the code amendment set forth in this Ordinance.

**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.** The definition of Portable Sign, as found under Sign Types within the definition of Sign, in Section 82-2 of the Land Development Code of the City of Madeira Beach is hereby amended to read as follows:



*Portable sign* means any sign not permanently attached to the ground or other permanent structure, designed to be transported including, but not limited to, signs designed to be transported by means of wheels, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business. For purposes of this chapter, a sign not bearing a commercial message which is carried by a person (whether worn or held by hand) shall not be considered a portable sign, and such signs shall be permitted to be carried in any location such person is otherwise lawfully allowed to be present, including on the City's sidewalks and parks.

**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.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the Land Development Code of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** 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 Rostek, Mayor

**ATTEST:**

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk

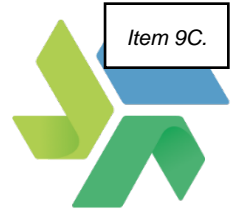
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Thomas J. Trask, City Attorney

PASSED ON FIRST READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_



April 7, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher". The signature is written in a cursive, flowing style.

Linda Fisher  
Principal Planner



# Memorandum

**Meeting Details:** May 10, 2023, BOC Regular Meeting

**Prepared For:** Hon. Mayor Rostek and Board of Commissioners

**From:** Community Development Department

**Subject:** Ordinance 2023-13, LDC - Rental of Residential Amenities

---

**Background:** Home amenity rentals have the potential to create negative impacts on residential neighborhoods by generating additional traffic, noise, and disruptive behavior. Ordinance 2023-13 prohibits the owner or authorized agent of an owner of a residential property from renting or leasing any amenity, feature, or structure other than a dwelling.

**Discussion:** Ordinance 2023-13 defines “Amenity, feature, or structure” as including, but is not limited to, sheds, garages, driveways, rooftops, attics, pools, spas, saunas, putting greens, sports courts, gazebos, or front, rear or side yards. Commercial and other areas in Madeira Beach that currently allow for renting or leasing recreation, or event facilities would not be affected by this ordinance. The Local Planning Agency (the Planning Commission) voted to support Ordinance 2023-13 moving forward to public hearing for first reading at the May 10, 2023, Board of Commissioners Meeting.

**Fiscal Impact:**

N/A

**Recommendation(s):**

Staff recommends the approval of Ordinance 2023-13.

**Attachments:**

- Ordinance 2023-13
- Forward Pinellas Consistency Letter

## ORDINANCE 2023-13

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

**WHEREAS**, Florida municipalities have the constitutional and statutory home rule authority to adopt regulations to advance the health, safety and welfare of their residents and visitors, to preserve and protect the unique characteristics of their communities, and to ensure uses of land are consistent with the intended characteristics of established zoning districts; and

**WHEREAS**, the City of Madeira Beach finds that the recent advent of internet based marketplaces which allow owners of single family residential homes to rent out amenities of homes such as pools, yards, driveways and roofs on a daily or even hourly basis is detrimental to its residential neighborhoods; and

**WHEREAS**, such short term rental activities generate additional and frequent automotive traffic into single family residential neighborhoods from customers of such marketplaces, which traffic undermines the level, frequency and timing of traffic in such neighborhoods which were intended with these zoning districts were established; and

**WHEREAS**, such short term rental activities bring to such residential neighborhoods an increase in persons who do not actually live in or have any connection to the neighborhoods; and

**WHEREAS**, frequent home amenity rentals will have negative impacts on the residential neighborhoods in which they occur, including added automotive traffic, consumption of limited available street parking, increased law enforcement calls to address the noisy parties and other disruptive behavior, including behavior which can last into the night, which will often occur by amenity renters who, by virtue of their lack of connection to the property or neighborhood, will not have a regard for the occupants of neighboring homes; and

**WHEREAS**, the provisions of this Ordinance do not prevent citizens from accessing facilities to swim, conduct marriage ceremonies, engage in sports activities, or to otherwise recreate, as there are already ample businesses and venues within and proximate to the City which are properly zoned, with setbacks and other regulatory measures to ensure negative impacts on surrounding properties is minimized; and

**WHEREAS**, the Board of Commissioners finds that it is in the best interest of the City, its residents, and property owners, to approve the regulatory measures set forth in this Ordinance.

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

**Section 1.** Division 15 of Article VI of Chapter 110 (Zoning) of the Land Development Regulations of the City of Madeira Beach is hereby created as follows:

**DIVISION 15 – REGULATION OF RESIDENTIAL AMENITIES**

**Sec. 110-610. – Residential amenities rentals prohibited.**

- (a) The owner or authorized agent of an owner of a residential property is prohibited from renting or leasing, or listing on any online marketplace for rent or lease, any amenity, feature, or structure, other than a dwelling, detached dwelling, dwelling units or accessory dwellings, appurtenant to or associated with such residential property, regardless of the purpose or length of time of said rental or lease.
- (b) For purposes of this section, the words “amenity, feature, or structure” includes, but is not limited to, sheds, garages, driveways, rooftops, attics, pools, spas, saunas, putting greens, sports courts, gardens, gazebos, or front, rear or side yards.

**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.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the Madeira Beach Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** 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 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: \_\_\_\_\_



April 7, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed code amendments (Ord. Nos. 2023-09, 2023-10, 2023-12, and 2023-13)**

Dear Andrew:

Thank you for forwarding the proposed code amendments, revising provisions for public notice, alcoholic beverage permits, portable signs, and rental of residential amenities. These subjects are not addressed by the Countywide Rules, and therefore the City's amendments do not require a consistency review.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

A handwritten signature in black ink that reads "Linda Fisher". The signature is written in a cursive, flowing style.

Linda Fisher  
Principal Planner





# Memorandum

**Meeting Details:** May 10, 2023, BOC Regular Meeting  
**Prepared For:** Hon. Mayor Rostek and Board of Commissioners  
**Staff Contact:** Jenny Rowan, Community Development Director  
**Subject:** Ordinance 2023-15 Comprehensive Plan Activity Center Definition

---

## **Background**

Ordinance 2023-15 creates the Activity Center future land use category in the Madeira Beach Comprehensive Plan, consistent with the Countywide Rules. No specific property or location is associated with this text change. The amendment adds a category of use the community can choose when updating its plan and map in the future. Adopting the Activity Center designation for a specific property or area requires a separate land use map amendment and the adoption of regulating policies for an Activity Center.

## **Discussion**

In 2022, the city proposed an amendment (Ordinance 2022-03) to the Madeira Beach Comprehensive Plan to add the category of Activity Center. Forward Pinellas reviewed the amendment and provided minor changes to the new land use category which are reflected in Ordinance 2023-15. Second reading occurred before receiving feedback from the Department of Economic Opportunity (DEO). DEO responded to the amendment stating that the city had to rescind the adoption, adopt the Property Rights Element into the Comprehensive Plan prior to any new changes, and to resubmit the amendment after the adoption of the Property Rights Element. After the Property Rights Element was adopted, DEO “identified no adverse impacts” and provided technical assistance as a suggestion. Staff discussed the suggestions with DEO to add more substantive standards (including intensities and densities) once any land was designated Activity Center on the future land use map.

Ordinance 2023-15 is a rewrite of Ordinance 2022-03 with minor changes. The city thought it was best to repeal Ordinance 2022-03 and rewrite the Ordinance with a new number. The Local Planning Agency (the Planning Commission) voted to support Ordinance 2023-15 moving forward to public hearing for first reading at the May 10, 2023, Board of Commissioners Meeting.

## **Fiscal Impact**

The fiscal impact upon the city is anticipated in the adopted budget under personnel, advertising and consulting expenses associated with the requirements of the amendment process.

## **Recommendation(s):**

Staff recommends approval of Ordinance 2023-15.

## **Attachments/Corresponding Documents**

- Ordinance 2023-15 Comprehensive Plan Activity Center Definition
- Forward Pinellas Consistency Letter
- 11\_09\_22 DEO Response to Ord 2022-03
- DEO Activity Center Package 101222

## ORDINANCE 2023-15

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER; REPEALING ORDINANCE 2022-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, City staff has reviewed the future land use element of the City's Comprehensive Plan; and

**WHEREAS**, City staff has recommended that the future land use element be amended to establish a land use category of Activity Center for the potential use of new Activity Centers within the city limits; and

**WHEREAS**, an ordinance establishing the land use category of Activity Center within the city limits (Ordinance 2022-03) was adopted prior to it being reviewed by the Department of Economic Opportunity as required by law; and

**WHEREAS**, the purpose of this ordinance is to repeal Ordinance 2022-03 and provide the Department of Economic Opportunity with the required opportunity to review the amendment to the future land use element that establishes a land use category for Activity Center within the city limits; and

**WHEREAS**, the Department of Economic Opportunity, in its function as the State Land Planning Agency, has reviewed and provided comments on the amendment to the Comprehensive Plan in accordance with Florida Statute 163.3184.

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

**SECTION 1:** That Section 4.0, Future Land Use Element, Policy 4.1.1.2 of the City of Madeira Beach Comprehensive Plan, Policy is hereby amended to add the following paragraph at the end of said policy:

Activity Center – AC, each Activity Center is regulated by a Special Area Plan.

The purpose of this category is to recognize those areas that are identified and planned for in detail based on their unique location, intended use, appropriate density/intensity, and pertinent planning considerations. This category should facilitate infill and redevelopment to create a mix of uses that promotes an aesthetically pleasing and safe built environment that is compatible with the area's character, uses, and transportation facilities.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in a Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved Special Area Plan) are subject to review by and approval of the Countywide Planning Authority upon recommendation of Forward Pinellas pursuant to The Countywide Rules. Each Special Area Plan establishes the density, intensity, and mix of permitted uses, and must include, at a minimum, information addressing the requirements for Special Area Plans or their equivalent as set forth in The Countywide Rules.

**SECTION 2:** That Ordinance 2022-03 is hereby repealed.

**SECTION 3:** 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 4:** 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 5:** That the effective date of this Plan Amendment shall be thirty-one (31) days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a Final Order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If a Final Order of Noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status. A copy of the Resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,

THIS \_\_\_\_ day of \_\_\_\_\_, 2023.

---

JAMES ROSTEK, Mayor

ATTEST:

\_\_\_\_\_  
CLARA VANBLARGAN, MMC, MSM, City Clerk

PASSED ON FIRST  
READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND  
READING: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. TRASK, City Attorney



April 3, 2023

Andrew Morris  
Planner/GIS Technician  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

**RE: Review of proposed amendment to Comprehensive Plan (Ord. No. 2023-15)**

Dear Andrew:

Thank you for forwarding the proposed amendment to the City's Comprehensive Plan, establishing the Activity Center category. The language is consistent with the Countywide Rules.

In addition to this finding, I would make the following recommendations:

- Add a purpose statement for the Activity Center category, similar to what you have for Planned Redevelopment – Mixed Use in the same policy, to avoid confusion since the Special Area Plan language of the two categories is nearly identical. The purpose statement from the Countywide Rules is attached if it would be helpful to use as a reference.
- In the ordinance, the policy reference is "Section 4.0, Future Land Use Element, Policy 1.1.2," but in the comprehensive plan document, the policy is written as "4.1.1.2." I recommend using the latter reference in the ordinance to avoid confusion.

If you have any questions or if there is anything I can assist with, please feel free to call me at 727-424-3351 or email me at [lfisher@forwardpinellas.org](mailto:lfisher@forwardpinellas.org).

Sincerely,

Linda Fisher  
Principal Planner

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

November 9, 2022

The Honorable John Hendricks  
Mayor, City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, Florida 33708

Dear Mayor Hendricks:

The Department of Economic Opportunity ("Department") has reviewed the City of Madeira Beach proposed comprehensive plan amendment (Amendment No. 22-02ESR), received on October 12, 2022, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the City's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

Technical Assistance Comment (Activity Center Land Use): The City should consider revising the amendment to establish meaningful and predictable guidelines and standards to require that any subsequent amendment to designate the "Activity Center" future land use category on the City's Future Land Use Map shall also establish the related land uses, mix of uses and density and intensity of use standards for the property pursuant to the comprehensive plan amendment process of Section 163.3184, F.S., and the requirements of Sections 163.3177(1), 163.3177(6)(a)1., and 163.3177(6)(1)3.h, F.S.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
(850) 245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://www.Facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

November 9, 2022

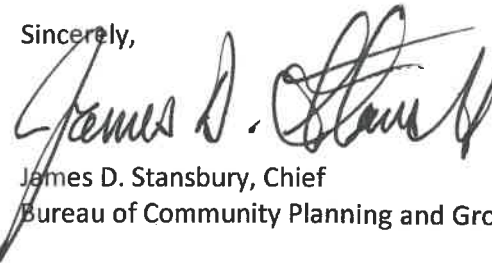
Page 2 of 2

notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Adrian Young, Planning Analyst, by telephone at (850) 717-8515 or by email at [Adrian.Young@DEO.MyFlorida.com](mailto:Adrian.Young@DEO.MyFlorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/ay

Enclosure(s): Procedures for Adoption

cc: Jennifer Rowan, Senior Planner, City of Madeira Beach  
Sean Sullivan, Executive Director, Tampa Bay Regional Planning Council





**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**  
**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldeo.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



300 Municipal Drive  
Madeira Beach, Florida 33708  
(727) 391-9951  
Fax (727) 399-1131  
[www.madeirabeachfl.gov](http://www.madeirabeachfl.gov)

October 12, 2022

D. Ray Eubanks  
Plan Processing Administrator  
Florida Department of Economic Opportunity  
Caldwell Building  
107 East Madison Street  
Tallahassee, Florida 32399

Dear Mr. Eubanks:

The City of Madeira Beach Comprehensive Plan Amendment, Ordinance 2022-03, is hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirement of Section 163.3184(3)(b), Florida Statutes. The amendment, first heard on January 12, 2022, establishes a Land Use Category for Activity Center in the City's Comprehensive Plan. Included in the packet is the letter from the DEO dated March 28, 2022, indicating that Ordinance 2022-03 should be resubmitted after the Property Rights element has been adopted.

If there are additional requirements or if more information is needed, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Rowan".

Jennifer Rowan  
Senior Planner

Encl.: Ordinance 2022-03 and Previous DEO Response Letter

## ORDINANCE 2022-03

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA,  
AMENDING THE FUTURE LAND USE ELEMENT OF THE  
COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO  
ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;  
AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, City staff has reviewed the future land use element of the City's Comprehensive Plan; and

**WHEREAS**, City staff has recommended that the future land use element be updated to establish a land use category of Activity Center for the potential use of new Activity Centers within the city limits; and

**WHEREAS**, the Department of Economic Opportunity, in its function as the State Land Planning Agency, has reviewed and provided comment on the amendment to the Comprehensive Plan in accordance with Florida Statute 163.3184.

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

**SECTION 1:** That Section 4.0, Future Land Use Element, Policy 1.1.2 of the City of Madeira Beach Comprehensive Plan, Policy is hereby amended to read as follows:

**Policy 1.1.2:**

The City of Madeira Beach hereby adopts those land use categories identified and defined in this policy as those which shall govern mixed-use development within the community pursuant to Rule 9J-5.006(3)(c)7, Florida Administrative Code. These land use categories shall be consistent with primary and secondary uses and maximum density and intensity standards listed in the Pinellas Planning Council Countywide Plan Rules, except as specifically modified herein.

**MIXED USE:**

Resort Facilities Medium (RFM), with a residential density of 0 to 18 units per acre and temporary lodging with maximum density and intensity standards as shown in the table below with an approximate percentage distribution of 70 to 100 percent residential, 0 to 20 percent nonresidential, and 0 to 10 percent "other". RFM shall not include residential equivalent uses.

Temporary Lodging Density and Intensity Standards for the RFM land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City's land development regulations.

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	45	1.0	0.85

Between one acre and three acres	60	1.5	0.85
Greater than three acres	75	2.0	0.85

Resort Facilities high (RFH), with a residential density of 0 to 15 dwelling units per acre and temporary lodging with maximum density and intensity standards as shown in the table below, with an approximate percentage distribution of 70 to 100 percent temporary lodging use, 0 to 20 percent tourist-related commercial, and 0 to 10 percent residential. RFH shall not include residential equivalent uses.

All applications for the Resort Facilities high plan category shall require corresponding rezoning to the PD, Planned Development zoning district pursuant to the procedures and requirements of the PD district set forth in the City's land development regulations.

Temporary Lodging Density and intensity Standards for the RFH land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City's land development regulations.

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	75	2.0	0.95
Between one acre and three acres	100	3.0	0.95
Greater than three acres	125	4.0	0.95

Residential/Office/Retail (R/O/R), with a residential density of 0 to 18 units per acre and a temporary lodging density of up to 45 units per acre with a maximum FAR of

1.0 and an ISR of 0.85 and a percentage distribution of 30 to 50 percent residential, 30 to 60 percent nonresidential, and 0 to 20 percent "other". R/O/R shall not include residential equivalent, research/development, and light manufacturing/assembly uses.

Planned Redevelopment – Mixed Use (PR-MU), -The purpose of this category is to depict those areas that are developed with a collection of temporary lodging residential, office, and commercial uses, along corridors, adjacent to neighborhoods or within distinct areas that are interrelated and complimentary. This category should facilitate infill and redevelopment of these areas to create a desirable mix of non-residential and residential uses by promoting aesthetically pleasing, safe environments, and buildings that are compatible with the area's character, uses, and transportation facilities.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in, -

Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved special area plan) shall be subject to review by and approval of the Countywide

Ordinance 2022-03

Page 2

Planning Authority upon recommendation of the Pinellas Planning Council pursuant to the applicable Countywide Plan Rules Each Special Area Plan shall establish the density, intensity, and mix of permitted uses, and shall include, at a minimum, information addressing the requirements for special area plans or their equivalent as set forth in the Countywide Plan Rules.

Activity Center – AC, each activity center is regulated by a Special Area Plan.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in a Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved special area plan) shall be subject to review by and approval of the Countywide Planning Authority upon recommendation of the Pinellas Planning Council pursuant to the applicable Countywide Plan Rules. Each Special Area Plan shall establish the density, intensity, and mix of permitted uses, and shall include, at a minimum, information addressing the requirements for special area plans or their equivalent as set forth in the Countywide Plan Rules.

**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 the effective date of this Plan Amendment shall be thirty-one (31) days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a Final Order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If a Final Order of Noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status. A copy of the Resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY  
OF MADEIRA BEACH,

THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN B. HENDRICKS, Mayor

ATTEST:

\_\_\_\_\_  
CLARA VANBLARGAN, MMC, MSM, City Clerk

PASSED ON FIRST  
READING:

PUBLISHED:  
PASSED ON SECOND  
READING:

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. TRASK, City Attorney



**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

March 28, 2022

Ms. Linda Portal  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, Florida 33708

RE: 2<sup>nd</sup> Reading of Ordinance 2022-03

Dear Ms. Portal:

The Department has received a large-scale amendment adopted by Ordinance No. 2022-03 on February 9, 2022. The amendment package is being returned to the City for the following reasons:

- The Department did not receive the proposed amendment for initial review and therefore, the City did not have the authority to adopt Ordinance No. 2022-03 on February 9, 2022.
- Section 163.3177(6)(i), F.S., precludes local governments from amending their comprehensive plan until the property rights element has been adopted.

The Department is returning the adopted amendment. The City should:

- rescind the ordinance adopting the plan amendment and transmit the proposed amendment following the procedures outlined in Sections 163.3174(4)(a), 163.3184(11), and 163.3184(3), Florida Statutes;
- transmit the proposed property rights element amendment under the expedited state review process under Section 163.3184, Florida Statutes. The City may resubmit the proposed amendment to the Department as part of the proposed property rights element amendment package or after the property rights element has been adopted.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Ms. Linda Portal  
March 28, 2022  
Page Two

If you have any questions concerning this request, please contact Ray Eubanks by email at [ray.eubank@deo.myflorida.com](mailto:ray.eubank@deo.myflorida.com) or by phone at (850) 717-8483.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ray Eubanks".

D. Ray Eubanks  
Plan Processing Administrator

DRE/dh

Are you in favor of passing the proposals for Ordinance 2023-01 and 2023-02 which would designate John's Pass Village up to 133rd Ave. as an Activity Center?				
ID	Start time		Please type your full name	Please type your home address here
1	1/9/23 10:33:05	No	William Gay	423 150th Ave, Madeira Beach
2	1/9/23 10:42:44	No	William E. Howell	497 Johns Pass Avenue
3	1/9/23 10:46:55	No	John Holcomb	572 John's Pass Ave
4	1/9/23 10:56:57	No	DAVID DEMONTMOLLIN	464 137TH AVENUE CIRCLE
5	1/9/23 10:56:24	No	Carol Levine	12901 Gulf Lane Unit 302
6	1/9/23 10:57:17	No	CHASITY DEMONTMOLLIN	464 137TH AVENUE CIR
7	1/9/23 10:57:59	No	COLBY DEMONTMOLLIN	464 137TH AVENUE CIR
8	1/9/23 10:58:12	No	CALI DEMONTMOLLIN	464 137th AVENUE CIR
9	1/9/23 11:17:44	No	Mark manych	12901 gulf lane, Madeira Beach, Fla. 33708
10	1/9/23 11:40:58	No	joseph jorgensen	13021 boca ciega ave
11	1/9/23 11:45:24	Not sure	Matt Cole	12329 3rd St E. Madeira Beach, FL 33708
12	1/9/23 12:06:39	No	Marilyn Hafling	806 Bay Point Dr Madeira Beach. 33708
13	1/9/23 12:12:33	Not sure	Cheryl Mikolaitis	12901 Gulf Ln. (BP#208), Madeira Beach FL. 33708
14	1/9/23 12:15:41	Not sure	Joe Bonfiglio	13290 3rd St. E. Madeira Beach FL 33708 full time resident
15	1/9/23 12:33:44	No	Kathryn Bowman	701 Sunset Cove Madeira Beach, FL 33708
17	1/9/23 13:48:36	No	Carole Hall	115 Boca Ciega Dr
18	1/9/23 13:56:03	No	Jim Black	425 150th Avenue, Apt. 2403
19	1/9/23 13:59:13	No	James Rostek	
20	1/9/23 14:43:02	No	Nancy E Briner	364 144 Ave. Madeira Beach, Fla.
21	1/9/23 14:46:22	No	Jerry Cantrell	13322 1st St E
22	1/9/23 15:20:36	No	Jean Predko Farnan	574 Johns Pass Ave
23	1/9/23 16:02:02	No	Florian C Simala, Jr	15400 Gulf Blvd, #1001, Madeira Beach, FL 33708
24	1/9/23 16:09:19	No	Janushera	12930 Gulf Lane Madeira Beach Fl 33708

25	1/9/23 16:26:39	No	Thomas Edwards	13201 Gulf Lane, Madeira Beach, FL 33708 (Protected Address)
26	1/9/23 16:27:25	No	Cynthia Edwards	13201 Gulf Lane, Madeira Beach, FL 33708 (Protected Address)
27	1/9/23 16:33:32	No	Larry Roelofs	399 150th Ave, Unit 214
28	1/9/23 16:55:11	Yes	Diane Holtman	13290 3rd Street E
29	1/9/23 17:08:10	No	JohnLipa	399 150th Ave, Unit 117C, Madeira Beach, FL 33708
30	1/9/23 17:09:12	No	Bonnie Lipa	399 150th Ave, Unit 117C, Madeira Beach, FL 33708
31	1/9/23 17:29:29	No	James Rostek	480 137th Ave circle
32	1/9/23 17:31:06	Not sure	Cristina Ponte	14093 N Bayshore Dr
33	1/9/23 17:42:10	No	Pete Fluegeman	399 150th Ave c120
34	1/9/23 17:42:06	No	Brenda Roelofs	399 150th Ave. # 214
35	1/9/23 18:05:22	No	Beth Donovan	399 150 th avebA102 Madeira Beach
36	1/9/23 18:06:19	No	Charles Donovan	399 150 th Ave Madeira Beach
37	1/9/23 18:12:10	No	Michelle Beutlich	13315 2nd St East Madeira Beach FL 33708
38	1/9/23 18:29:03	No	Kathleen Hanratty	399 150 Ave. A209
39	1/9/23 18:38:08	No	Steve Poling	15400 Gulf Blvd. #803, Madeira Beach, FL 33708
40	1/9/23 18:40:19	No	Ronald F. Llauget	13231 Gulf Lane
41	1/9/23 18:48:26	No	DonnaPitzer	9915 t1st ave n
42	1/9/23 19:03:24	No	Maria Viveiros	12901 Gulf LN #203 Madeira Beach FL 33708
43	1/9/23 19:14:01	No	Gerald soley	399 150th ave apt 109 Madeira beach FL 33708
44	1/9/23 20:41:40	No	Harry G. Karim	399 150th Ave 305A
45	1/10/23 6:45:45	No	matthew	399 150th
46	1/10/23 7:43:02	No	Joe Martin	423 150th ave unit 1406 Madeira Beach
47	1/10/23 7:43:24	No	DALE ROSKO	399 150 TH AVE MADEIRA BEACH FLA.
48	1/10/23 8:06:01	No	Drake Philbrook	800 Bay Point Dr
49	1/10/23 8:38:36	No	Robert B Burns	399 150th Ave, Suite 201A, Madeira Beach 33708

50	1/10/23 9:07:28 No	Frank Bremer	12901 Gulf Ln unit 402 , Madeira Beach Fl. 33708
51	1/10/23 9:21:51 No	ronald vigil	244 137th ave circle
52	1/10/23 12:01:17 No	Richard Torres	13101 Gulf Blvd 1506 Madeira Beach FL 33708
53	1/10/23 12:19:26 No	Sharon Schneider	13331 1st street e. Madeira Beach Fl
54	1/10/23 12:48:18 No	Mike Cavallaro	348 Boca Ciega Dr
55	1/10/23 12:20:29 No	Joseph Schneider	13331 1st St e. Madeira Beach Fl
56	1/10/23 15:33:06 No	Tiffany Tavarez	13235 Gulf Blvd unit 212
57	1/10/23 15:37:30 No	Yulia Nikiforov	13235 Gulf Blvd, Unit 200, Madeira Beach, FL
58	1/10/23 15:40:27 No	Ernesto Arteta	13101 Gulf Blvd #1504 MADEIRA BEACH, FL 33708
59	1/10/23 15:38:56 No	Silvia Saravo	13235 gulf blvd Madeira Beach unit 311
60	1/10/23 15:43:43 No	Alex Kuprianov	30 Renaissance dr mays landing nj 08330
61	1/10/23 15:42:27 No	Pat Espinosa	13235 Gulf Blvd #406 Maderia Beach, 33708
62	1/10/23 15:45:26 No	matthew warholic	3749 woodridge place, palm harbor, fl 34684
63	1/10/23 15:43:58 No	Haleigh Wilson	13235 Gulf Blvd., Madeira Beach, FL 3370
64	1/10/23 15:56:30 No	Maria Hernandez	13101 Gulf Blvd unit 1508 Madeira Beach
65	1/10/23 15:58:07 No	THOMAS KOBETITSCH	13235 Gulf Blvd. 209 Madeira Beach, Florida
66	1/10/23 16:00:12 No	Randy Jay Butson	1213 Palmetto Street
67	1/10/23 16:00:42 No	Ernestine Butson	1213 Palmetto Street
68	1/10/23 16:02:09 No	Anja Harmon	13235 gulf blvd, Madeira beach FL
69	1/10/23 16:05:10 No	Gregory Budzban	13235 Gulf Blvd. #607, Madeira Beach, FL 33708
70	1/10/23 16:07:51 No	William R Bell	13235 Gulf Blvd. #504
71	1/10/23 16:09:47 No	Sandra K Bell	13245 Gulf Blvd #505
72	1/10/23 16:14:59 No	Val Kleyman	13235 Gulf Blvd, Unit 511, Madeira Beach FL
73	1/10/23 16:21:13 No	Carla Carey	156 131st Avenue East, Madeira Beach, Fl 33708
74	1/10/23 16:26:18 No	Richard Thompson	13101 Gulf Blvd , Madeira Beach
75	1/10/23 16:38:09 No	David Ragheb	13235 unit 414 Gulf Ln, Madeira Beach, FL 33708

76	1/10/23 16:43:13	No	Marcantonio A Giannini	13235 Gulf Blvd #606 Madeira Beach, FL 33708
77	1/10/23 16:47:50	No	Julio Martin	13101 Gulf Blvd Madeira Beach
78	1/10/23 17:06:43	No	Brenda Wilde	108 New City Rd, Stafford Springs, CT 06076
79	1/10/23 17:12:51	No	Marc Carey	13101 Gulf Blvd, Unit 1402, Madeira Beach, FL 33708
80	1/10/23 17:16:33	No	DMITRIY SAPOZHNIKOV	13235 GULF BLVD. #603 MADEIRA BEACH FL 33708
81	1/10/23 17:46:32	No	laura ripans	212 11th Ave N. St Petersburg FL 33701
82	1/10/23 18:05:39	No	Julia Herrick Torres	13101 Gulf Boulevard, Unit 1506, Madeira Beach, FL. 33708
83	1/10/23 18:21:20	No	Bronwyn Callahan	13101 Gulf Blvd, Unit 1507, Madeira Beach, FL 3370
84	1/10/23 18:22:38	No	Bronwyn Pico	13235 Gulf Blvd, Unit 306, Madeira Beach, FL 33708
85	1/10/23 18:23:36	No	Lisa Guarino	3085 Angle Road Orchard Park New York 14127
86	1/10/23 18:32:42	No	Lisa Ray	13315 2nd St E
87	1/10/23 18:33:58	No	George Antonak	13235 Gulf Blvd, Unit 206
88	1/10/23 18:47:25	No	Maxim Pogorelov	13235 Gulf Blvd., Unit 201, Madeira Beach, FL
89	1/10/23 18:48:24	No	Mariya Pogorelova	13235 Gulf Blvd., Unit 201, Madeira Beach, FL
90	1/10/23 18:56:21	No	Alena Zbrozhek	13225 gulf Blvd #603. Madeira beach 33708
91	1/10/23 19:05:56	No	Kathy Weissappel	13235 Gulf Blvd, Unit 302
92	1/10/23 19:07:50	No	Joseph Weissappel	13235 Gulf Blvd, Unit 302, Madeira Beach FL 33708
93	1/10/23 20:09:36	No	Didi Ragheb	13235 Gulf blvd Madeira beach Florida
94	1/10/23 20:30:47	No	Jane mason	2615 Rio Tiber Dr Punta Gorda Fl. 33950
95	1/10/23 20:53:13	No	Suzanne Devore	13235 Gulf Blvd. Madeira Beach
96	1/10/23 20:36:27	No	Kathy Behrmann	225 boca Ciega dr
97	1/10/23 20:57:04	No	Mariya Pogorelova	13235 Gulf Blv unit 201 Madeira beach ,FL
98	1/10/23 21:37:53	No	Anna Nevarez	13101 Gulf Blvd Unit 1604, Madeira Beach, FL 33708

99	1/10/23 22:03:36	No	Jessica Gielow	13101 Gulf Blvd, Unit 1404, Madeira Beach, FL 33708
100	1/10/23 22:18:54	No	Carl Pugh	13105 Boca Ciega Avenue
101	1/10/23 23:06:20	No	Antoinette DiDomenico	2523 Yukon Cliff Dr. Ruskin, FL
102	1/10/23 23:48:37	No	Sondra Elisabeth Stroupe	4579 Summerside Dr., Clover, SC 29710/13235 Gulf Blvd.#605, Madeira Beach, FL 33708
103	1/11/23 0:30:12	No	Lance Chapin	13235 Gulf Blvd Madeira Beach, FL 33708 United States
104	1/11/23 4:39:48	No	Eugenie Margareta Blang	435 New Hampshire Ave. Norfolk, VA 23508
105	1/11/23 7:05:59	Not sure	Taryl hafer	Beach place 14901 gulf blvd
106	1/11/23 7:34:24	No	Joann Klaben	13303 Gulf Lane Madeira Beach
107	1/11/23 7:47:23	No	Gerald Klaben	13303 Gulf Lane Madeira Beach FL
108	1/11/23 7:53:08	No	John hall	115 Boca Ciega dr
109	1/11/23 8:01:43	No	Gary Hartshorn	5930 Bikini Way N. St. Pete Beach FL 33706
110	1/11/23 8:04:30	No	Monte Kuhnert	13101 Gulf Blvd. Madeira Beach, FL Unit 1705
111	1/11/23 8:09:34	No	erin rinner	14001 Miramar Ave
112	1/11/23 8:52:21	No	Harold Combs	10104 Springhurst Garden Circle Louisville, Ky 40241
113	1/11/23 9:54:23	No	ronald vigil	244 137th ave cir
114	1/11/23 10:18:29	No	manuel mina	13000 gulf blvd unit 504
115	1/11/23 10:49:41	No	Michele Quinn Connolly	14064 W. Parsley Dr. Madeira Beach fl. 3370
116	1/11/23 10:50:49	No	Timothy Connolly	14064 W. Parsley Dr Madeira Beach, FL. 33708
117	1/11/23 11:17:41	No	Lisa ammons	11544 47th ave n. Madeira beach fl 33708
118	1/11/23 11:44:06	No	Craig Ray	13315 2nd St E
119	1/11/23 13:35:41	No	Chuck Dillon	529 Lillian Dr
120	1/11/23 11:24:35	No	Bill Suvak	408 Royal Court, Pgh PA 15234 (Owner of Unit 411 Madeira Bay Resort)
121	1/11/23 14:40:09	No	Kathleen C King	13235 Gulf Boulevard #202 Madeira Beach, FL
122	1/11/23 21:09:22	No	Leo kameric	13101 gulf blvd 1709
123	1/12/23 8:52:03	No	Katrina Binstock	13235 Gulf Blvd #204, Madeira Beach, FL 33708

124	1/12/23 8:53:55	No	Aaron Binstock	13235 Gulf Blvd # 204, Madeira Beach, FL 33708
125	1/12/23 8:56:59	No	Lynette Cross	1106 Moon Valley Road, Billings MT
126	1/12/23 9:56:30	No	Lisalyn Chapin	13101 Gulf Blvd, Unit 1708, madeira beach
127	1/12/23 13:17:11	No	Charles Stewart	13235 Gulf Blvd. Madeira Beach, FL 33708
128	1/12/23 18:45:38	No	Alexey Nikiforov	13235 Bulf Blvd, Unit C1/C2, Madeira Beach, FL 33708
129	1/13/23 8:47:25	No	Scott Beutlich	13315 2nd St E
130	1/13/23 9:51:35	No	Lisa Kraft	13101 Gulf Blvd, Unit #1603, Madeira Beach, FL
131	1/13/23 11:50:31	No	Eddy martin	13235 gulf blvd #312
132	1/13/23 11:51:25	No	Madelin martin	13235 gulf blvd #312
133	1/13/23 12:10:15	No	Julie Rau	13101 gulf blvd
134	1/14/23 11:21:13	No	Angelo C. Abramo	13235 Gulf Blvd, Madeira Beach Fl. 33708
135	1/14/23 22:58:57	No	Calli Ghassemi	13101 Gulf Blvd, #1502, Madeira Beach, FL 33708
136	1/16/23 13:01:09	No	David Halenda	13355 1st Street E
137	1/16/23 13:02:19	No	Robin Halenda	13355 1st Street
138	1/16/23 15:50:48	Not sure	Elizabeth G, Robb	273F Rex place Madeira Beach Fl 33708
139	1/18/23 20:26:03	No	Tami Reynolds	12901 Gulf Lane
140	1/20/23 14:07:54	No	Mary Ann Budzban	13235 Gulf Blvd. #607 Madeira Beach
141	1/20/23 17:20:05	No	William Stamp	13101 gulf blvd, Madeira Beach FL 33708
142	1/24/23 9:14:54	No	James Buckler	604-13235 Gulf Blvd, Madeira Beach, FL 33708
143	1/24/23 9:16:46	No	Lynne Buckler	604-13235 Gulf Blvd, Madeira Beach, FL. 33708
144	2/6/23 20:29:32	No	Aaron Kraft	2181 Barnet Ct



# John's Pass Village Activity Center Plan (2)

143

Responses

02:46

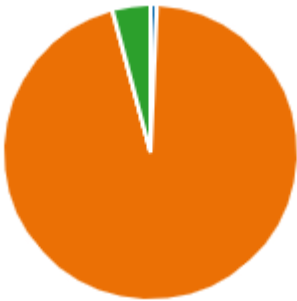
Average time to complete

Active

Status

1. Are you in favor of passing the proposals for Ordinance 2023-01 and 2023-02 which would designate John's Pass Village up to 133rd Ave. as an Activity Center?

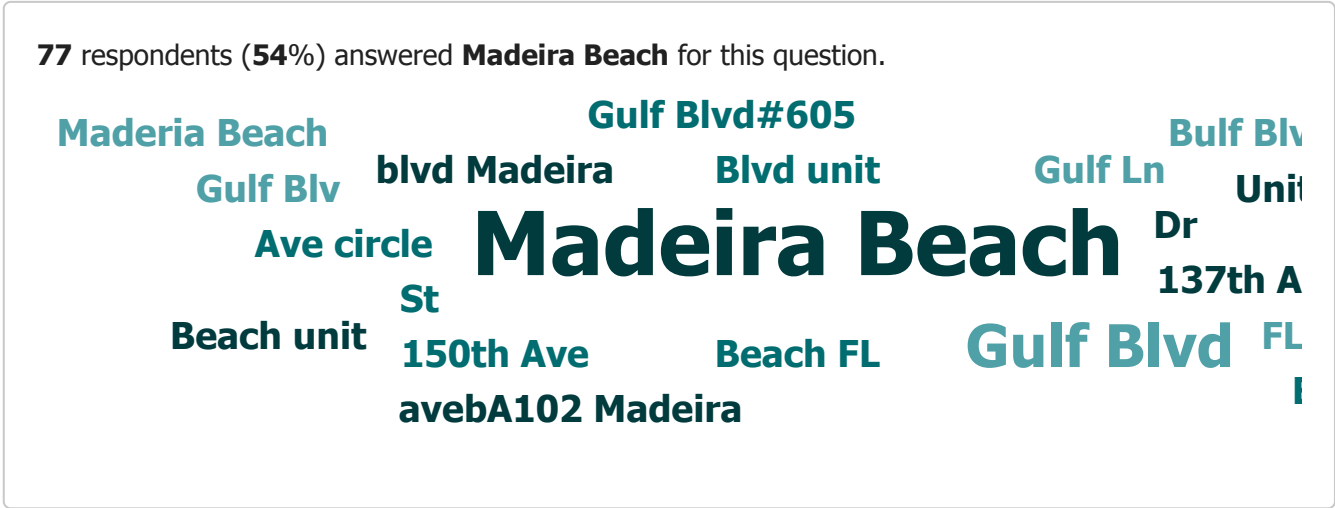
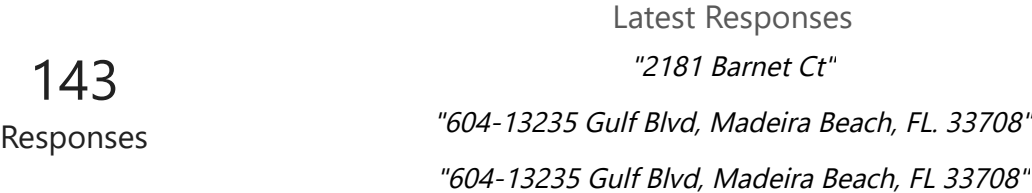
Yes	1
No	136
Not sure	6



2. Please type your full name here



3. Please type your home address here



## ORDINANCE 2023-17

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

**WHEREAS**, the Mayor reviewed the current provisions of Section 2-191, 2-193 and 2-194 and has recommended that certain revisions be made; and

**WHEREAS**, the recommendations of the Mayor have been found meritorious by the Board of Commissioners; 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, AS FOLLOWS:**

**Section 1.** That subparagraph (b) of Section 2-191 of Chapter 2 (Administration) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- (b) Notwithstanding any term in an invitation to bid or any action of any city official to the contrary (including a staff recommendation of a bidder as the lowest responsive, responsible bidder, the issuance of a notice of intent to award, or a vote by the ~~city commission~~ Board of Commissioners to authorize award), only the execution of a contract (including the issuance of a purchase order) by an authorized city official shall constitute acceptance of a bid and the formation of a contract.

**Section 2.** That subparagraph b. of Section 2-193(3) of Chapter 2 (Administration) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby amended to read as follows:

- b. Where the commodities or contractual services are available only from a single source. When the city believes that desired commodities or contractual services are available only from a single source, the city manager or designee shall electronically post a description of the commodities or contractual services sought for a period of at least five business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. Posting shall not be required for desired commodities or contractual services below \$5,000.00. If it is determined in writing by the city manager or designee, after reviewing all relevant information including information received from prospective vendors as a result of a required posting, that the commodities or contractual services are in fact available only from a single source, the city is authorized to enter a sole source purchase contract. In any case where the city seeks to purchase materials for the construction, modification, alteration, or repair of any city-owned facility from a sole source, the ~~city commission~~ Board of Commissioners must first make the written findings required by Florida Statutes § 255.04.

**Section 3.** That subparagraph c. of Section 2-193(3) of Chapter 2 (Administration) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby deleted in its entirety.

**Section 4.** That Section 2-194 (Personal and Professional Services) of Chapter 2 (Administration) of the Code of Ordinances of the City of Madeira Beach, Florida, is hereby deleted in its entirety.

**Section 5.** Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

**Section 6.** 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 7.** This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

**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: \_\_\_\_\_



# Memorandum

**Meeting Details:** May 10, 2023, BOC Regular Meeting  
**Prepared For:** Hon. Mayor Rostek and Board of Commissioners  
**Staff Contact:** Andrew Morris, Long Range Planner  
**Subject:** Redevelopment Planning Application RDV 2023-01

---

**Applicant:** Michael Kamenoff

**Property Owner:** 321 Boca Ciega, LLC

**Property Address:** 321 Boca Ciega Drive Madeira Beach, Florida 33708

**Parcel Number:** 15-31-15-65322-026-0210

**Zoning/Land Use:** R-2, Low Density Multifamily Residential Zoning District/ Residential Medium

**Legal Description:** PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK Z, LOT 21

**Nature of Request:** Redevelopment Planning Application RDV 2023-01 requests authority to replace an existing legally nonconforming duplex with a new duplex. The Redevelopment planning process (Sec. 110-97) allows for property owners to apply to replace an existing legally nonconforming residential structure with a new structure at the same density with an approved Redevelopment Planning Application. RDV 2023-01 is located at 321 Boca Ciega Drive, Madeira Beach, Florida 33708.

## **Background and Discussion:**

There is a legally nonconforming duplex located at 321 Boca Ciega Drive. The existing duplex, built in 1959, does not meet the currently required minimum lot size for a duplex and is considered legally nonconforming since the construction of the duplex predates the establishment of the current zoning requirements. The duplex may be built back to the same density through the approval of a Redevelopment Plan (Sec. 110-97). The Redevelopment Planning Process, as outlined in the Madeira Beach Code of Ordinances, needs to be approved before the demolition of the existing structure. The Redevelopment Plan is heard at the Local Planning Agency (the Planning Commission) and the Board of Commissioners. The Local Planning Agency (the Planning Commission) voted to support RDV 2023-01 moving forward to public hearing at the May 10, 2023, Board of Commissioners Meeting. The Board of Commissioners can approve, approve with conditions, deny, or change a redevelopment plan.

The Redevelopment planning process allows for duplexes on nonconforming lots to be rebuilt to existing density if the new structure complies with required front setback, height, parking requirements, and floodplain regulations effective at the time of building permit application. An approved Redevelopment Plan allows the new structure to be built within the existing side and rear setbacks.

The applicant included conceptual plans of the proposed duplex. The proposed duplex meets the required front and rear setback in the R-2 zoning district and retains the existing five-foot side setbacks. The proposed duplex meets the restrictions related to building surface lot coverage and the impervious surface ratio. The proposed duplex meets the height restrictions in the R-2 Zoning District. The proposed duplex must meet all applicable floodplain regulations. The conceptual plans do not represent what the final site plan will look like for the duplex. The applicants for the proposed duplex will still need to apply for a building permit.

**Fiscal Impact:**

N/A

**Recommendation(s):**

Staff recommends the approval of RDV 2023-01.

**Attachments/Corresponding Documents**

- RDV 2023-01 Application
- RDV 2023-01 Conceptual Plan
- 321 Boca Ciega Drive Property Appraiser Information Unit Verification
- Public Notice Posting and Mailing



# CITY OF MADEIRA BEACH

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



## REDEVELOPMENT PLAN APPLICATION

Application #: RDV 2023-01

Date: 2/27/23

### Applicant:

Michael Kamenoff  
119 S. Clyde Avenue  
Kissimmee, FL 34741

Telephone: 407 832 9500

Email Address: mikekamenoff@yahoo.com

### Property Owner:

321 Boca Ciega, LLC  
119 S. Clyde Avenue  
Kissimmee, FL 34741

Telephone: same

Email Address: same

Application for Property located at  
(Street address or location of  
vacant lot)

321 Boca Ciega Drive  
Madeira Beach, FL 33708  
15 31 15 65322 026 0210

Legal

Description:

<u>Z</u>	<u>21</u>	<u>Mitchell's Beach No. 2</u>
<u>Block</u>	<u>Lot(s)</u>	<u>Subdivision</u>

Approx. Lot Area 4000 sq. ft. Lot width: 40 ft. Lot Depth: 100 ft.

Zoning District: R-2

Present Structure on Property: Duplex 2-story

Present Use of Property: Duplex

**\*FILING FEE\***

☒ Redevelopment Plan

Filing Fee: **\$300.00**

**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.



**\*\*\*PLEASE ATTACH REQUIRED SUPPORTING MATERIALS\*\*\***  
**SITE PLAN, SURVEY, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.**

This application to the Planning Commission/Board of Commissioners is requesting permission to be allowed:

*For complete demolition and to rebuild on the existing R-2 duplex non-conforming lot a 3-story, maintaining the 5' side setbacks that are existing now on the duplex and to maintain existing density.*

A Redevelopment Plan granted by the Board of Commissioners shall be consistent with Section 110-97, Redevelopment Planning Process, pertaining to providing provisions for the redevelopment of existing grandfathered and nonconforming uses (Ordinances 2012-14; Section 110-97, of the Code).	
<b>a.1.</b>	<b>Existing dwelling unit verification.</b> The verification of the number of existing legal dwelling units and their type shall be through the City Manager or designee.
<b>a.2.</b>	<b>Preliminary Site Plan Review of Redevelopment Plan.</b> Preparation by the applicant of a redevelopment site plan for preliminary redevelopment site plan review by the City Manager or designee. It must be demonstrated that the site can adequately accommodate the requested number of units by meeting the rebuilding regulations outlined in the process of this section of the Code. The applicant will meet the existing code to the maximum extent possible. This redevelopment site plan shall comply with the site plan requirements of Chapter 110, Article II, Site Plans, of the Code of Ordinances. In addition to the standard site plan review requirements, all redevelopment site plans shall include the dimensions and floor area in square feet of all rooms and units.
<b>b.1.</b>	<b>Single-Family.</b> May be rebuilt within the same footprint if it complies with all other existing regulatory codes and provisions of the land redevelopment regulations. <i>(Please note that these regulations do not apply to properties located in the R-1, single family, zoning district).</i>
<b>b.2.</b>	<b>Duplexes and triplexes on a Nonconforming Lot.</b> Duplexes [and triplexes] on a nonconforming lot may be rebuilt to existing nonconformity if the new structure complies with required front setback, height, parking requirements, and floodplain regulations effective at the time of building permit application.
<b>b.3.</b>	<b>Multifamily on a Nonconforming Lot.</b> Multifamily in R-1 and R-2, except for those in an R-1 Zoning District, on a nonconforming lot shall be the same as duplexes and triplexes, except they must comply with the parking regulations as contained in their pre-demolition certificate of occupancy.
<b>b.4.</b>	<b>Multifamily, hotel, motel, motor lodges.</b> Multifamily, hotel, motel, and motor lodges may be rebuilt to same density, height, and side setbacks, but must comply with the front setback, the county coast construction control line, floodplain regulations, fire codes, and parking regulations as contained in their certificate of occupancy and any other requirements effective at the time of building permit application.
<b>b.5.</b>	<b>Commercial.</b> Commercial may be rebuilt within the same footprint and having the same parking spaces available at the time a redevelopment plan is sought, but would have to meet minimum FEMA regulations for elevated structures and/or flood proofing to the required height per the National Flood Rate Insurance Map for its commercial location.
<b>b.6.</b>	<b>Business Tax Receipt Required.</b> Failure to be current with respect to full payment of the required annual Business Tax at the time a redevelopment plan is sought will prevent this section from applying to that property.

**CERTIFICATION**

I hereby authorize permission for the Planning Commission, Board of Commissioners, Building Official, and Community Development Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the fact concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing fee of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules, and regulations pertaining to the subject property.

***I have received a copy of the Redevelopment Plan Requirements and Procedures (attached), read and understand the reasons necessary for granting a Redevelopment Plan and the procedure, which will take place at the Public Hearing.***

**Appeals.** (City Code, Sec. 2-109). An aggrieved party, including the local governing authority, may appeal a final administrative order of the Board of Commissioners to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board of Commissioners. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Property Owner's Signature:  Date: 2/27/23

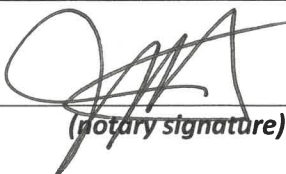
STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, 27 day of February, 2023, appeared in person

Michael Kamen who, being sworn, deposes and says that the forgoing  
(name of property owner)

is true and correct certification and who is ✓ personally known to me or has produced \_\_\_\_\_ as identification.

  
(notary signature)

Commission Expires: \_\_\_\_\_  
Stamp



JOHN C. BILYK, JR.  
Commission # HH 097409  
Expires February 25, 2025  
Bonded Thru Budget Notary Services

**NOTICE:** Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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.

### CERTIFICATION

I hereby authorize permission for the Planning Commission, Board of Commissioners, Building Official, and Community Development Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the fact concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing fee of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules, and regulations pertaining to the subject property.

***I have received a copy of the Redevelopment Plan Requirements and Procedures (attached), read and understand the reasons necessary for granting a Redevelopment Plan and the procedure, which will take place at the Public Hearing.***

**Appeals.** (City Code, Sec. 2-109). An aggrieved party, including the local governing authority, may appeal a final administrative order of the Board of Commissioners to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board of Commissioners. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

3/13/2023

STATE OF FLORIDACOUNTY OF PINEHILLSBefore me, this 13<sup>TH</sup> day of MARCH, 2023, appeared in person

JOHN C. BILYK JR.  
John C. Bilyk Jr.  
 (name of applicant)

who, being sworn, deposes and says that the forgoing

is true and correct certification and who is \_\_\_\_\_ personally know to me or has  
 produced DRIVERS LICENSE as identification. 8420 463 59 247 0

[Signature]  
 (notary signature)

Commission Expires: \_\_\_\_\_

6/26/2025



**NOTICE:** Persons are advised that, if they decide to appeal a decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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 based.

## REDEVELOPMENT PLANNING PROCESS, CODE SECTION 110-97 REQUIREMENTS AND PROCEDURES

### (a) *Purpose and Intent*

- (1) *Existing Dwelling Unit Verification.* The verification of the number of existing legal dwelling units and their type shall be through the City Manager or designee.
- (2) *Preliminary Site Plan Review of Redevelopment Plan.* Preparation by the applicant of a redevelopment site plan for preliminary redevelopment site plan review by the City Manager or designee. It must be demonstrated that the site can adequately accommodate the requested number of units by meeting the rebuilding regulations outlined in the process of this section of the Code. The applicant will meet the existing code to the maximum extent possible. This redevelopment site plan shall comply with the site plan requirements of Chapter 110, Article II, Site Plans, of the Code of Ordinances. In addition to the standard site plan review requirements, all redevelopment site plans shall include the dimensions and floor area in square feet of all rooms and units.
- (3) *Fee.* The application fee shall be the same as the regular site plan review fee found in Article III, Community Development, Section D, Site Plan, Numbers 2 and 3, as adopted in the most recent edition of the City's *Fees and Collection Procedure Manual*.
- (4) *Plan Review.* The review of the Redevelopment Plan shall be through the quasi-judicial public hearing process outlined in Chapter 2, *Administration*, Article 1, *In General*, Division 2, *Quasi-Judicial Proceedings* before the Board of Commissioners. The notification procedure shall follow Sec. 2-503(c) *Notification*, found in Chapter 2, Article VIII, *Special Magistrate*, of the Code.
- (5) *Changes in the Redevelopment Plan.* The redevelopment plan may be amended by mutual consent of the City and applicant, provided the notification and public hearing process of this Article are followed.

### (b) *Rebuilding Regulations for the Redevelopment of Existing Dwelling Units*

- (1) *Single-family.* May be rebuilt within the same footprint if it complies with all other existing regulatory codes and provisions of the land redevelopment regulations. *(Please note that these regulations do not apply to properties located in the R-1, single family, zoning district).*
- (2) *Duplexes and triplexes on a nonconforming lot.* Duplexes [and triplexes] on a nonconforming lot may be rebuilt to existing nonconformity if the new structure complies with required front setback, height, parking requirements, and floodplain regulations effective at the time of building permit application.
- (3) *Multifamily on a nonconforming lot.* Multifamily, hotel, motel, and motor lodges may be rebuilt to same density, height, and side setbacks, but must comply with the front setback, the county coast construction control line, floodplain regulations, fire codes, and parking regulations as contained in their certificate of occupancy and any other requirements effective at the time of building permit application.
- (4) *Multifamily, hotel, motel, motor lodges.* Multifamily, hotel, motel, and motor lodges may be rebuilt to same density, height, and side setbacks, but must comply with the front setback, the county coast construction control line, floodplain regulations, fire codes, and parking regulations as contained in their certificate of occupancy and any other requirements effective at the time of building permit application.
- (5) *Commercial.* Commercial may be rebuilt within the same footprint and having the same parking spaces available at the time a redevelopment plan is sought, but would have to meet minimum FEMA regulations for elevated structures and/or flood proofing to the required height per the National Flood Rate Insurance Map for its commercial location.
- (6) *Business Tax Receipt required.* Failure to be current with respect to full payment of the required annual Business Tax at the time a redevelopment plan is sought will prevent this section from applying to that property.

- (c) **Planning Commission and Board of Commissioners Review.** The Planning Commission shall conduct one public hearing to consider any application to review or change a Redevelopment Plan. The Board of Commissioners shall conduct a second public hearing, the application to review or change a Redevelopment Plan, the recommendations of the City Manager or his/her designee, the recommendations of the Planning Commission and the testimony at the public hearings. The Board of Commissioners shall thereafter approve, approve with conditions, or deny the application to approve or change a Redevelopment Plan.

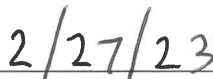
**Appeals.** (City Code, Sec.2-109). An aggrieved party, including the local governing authority, may appeal a final administrative order of the Board of Commissioners to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board of Commissioners. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Is a variance or special exception required with this redevelopment application

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

I have received a copy of the redevelopment requirements and procedures, read and understand the reasons necessary for granting the redevelopment and the procedure, which will take at the Public Hearing.

  
 Signature of Applicant

  
 Date

COPYRIGHT 2023  
LAWRENCE E. POWERS

MAP OF SURVEY  
SUBJECT ADDRESS:  
321 BOCA CIEGA DR  
MADEIRA BEACH, FL 33708

TYPE OF SURVEY: AS-BUILT  
PREPARED FOR: BILYK, JOHN C JR

CERTIFIED TO:  
A) BILYK, JOHN C JR  
B)  
C)

LEGAL DESCRIPTION SUPPLIED:

LOT 21 BLOCK Z PAGE'S REPLAT  
OF MITCHELL'S BEACH NO. 2 AS  
PER MAP OR PLAT THEREOF AS  
RECORDED IN PLAT BOOK 23 PAGE  
66 OF THE PUBLIC RECORDS OF  
PINELLAS COUNTY FLORIDA.

PROJECT #: 321BC  
FIELD SURVEYED: FEB. 10, 2023  
DATE DRAWN: FEB. 10, 2023  
DATE SIGNED: FEB. 13, 2023  
FLOOD ZONE: AE BASE FLOOD ELEV. 10.0'  
FEMA FIRM MAP # 12103C0191H  
DATED AUG. 24, 2021  
PANEL # 0191 SUFFIX H  
COMMUNITY #: 125127

LAT: 27.78912°N LONG: -82.78278°W  
YEAR BUILT: 1959  
SUBD. PLAT DATE: 1946  
FOLIO #: 15-31-15-65322-026-0210  
LOT SIZE: 4000.00 +/- SQFT  
LAND USE: DUPLEX  
SECTION: 15 T31S R15E

BEARING STRUCTURE PER PLAT BOOK  
23 PAGE 66

GENERAL NOTES:  
ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT OTHER THAN  
THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE  
SIGNING PARTY.

RE-USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED  
WITHOUT WRITTEN CONSENT FROM THE ENTITY IN WHICH IT WAS PREPARED  
FOR, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO  
THE SIGNING SURVEYORS OR ITS FIRM.

NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS  
TO ANYONE OTHER THAN THOSE WHOM THE SURVEY WAS PREPARED FOR.

THIS MAP CONSIST OF 2 SHEETS. WHEN MULTIPLE SHEETS COMPRISE THE  
PLAT OR MAP OF SURVEY NO SINGLE SHEET SHALL BE CONSIDERED FULL AND  
COMPLETE WITHOUT THE OTHER/S.

LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS SURVEYOR FOR  
EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES  
NAMED HEREON, THE CERTIFICATION SHOWN HEREON DOES NOT EXTEND TO  
ANY UNNAMED PARTY.

THIS IS AN ABOVE GROUND SURVEY AND LOCATIONS ARE LIMITED TO VISIBLE  
IMPROVEMENTS ONLY. NO IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS  
SHOWN. THERE MAY BE ADDITIONAL ABOVE GROUND AND/OR UNDERGROUND  
UTILITIES / IMPROVEMENTS NOT SHOWN ON THIS SURVEY.

NO ABSTRACT OF TITLE, TITLE COMMITMENT, NOR RESULTS OF TITLE  
SEARCHES WERE FURNISHED TO THIS SURVEYOR. THERE MAY EXIST OTHER  
DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

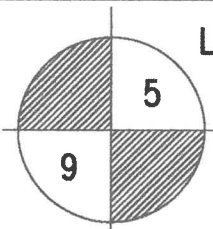
MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS  
THEREOF.

THE EXISTING MONUMENTATION AS SHOWN HEREON HAS BEEN HELD TO DEFINE  
THE PLAT AND RECORD BOUNDARY TITLE DESCRIPTIONS. SAID MONUMENTATION  
HAS BEEN DETERMINED TO BE THE BEST ACCEPTABLE EVIDENCE OF THE  
DEEDING INTENT OF THOSE AREAS INVOLVED. SAID EXISTING MONUMENTATION  
MAY OR MAY NOT HARMONIZE WITH STANDARD SECTIONALIZED LANDS LINES.  
OTHER RECORD PLAT BOUNDARIES OR LIMITS AND OTHER FEE TITLE  
DESCRIPTIONS ADJACENT TO THE AREA SHOWN HEREON.

THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE  
NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC  
RECORDS OF THIS COUNTY.

THE TERM CERTIFIED AS USED ON THIS PLAT, IS UNDERSTOOD TO BE THE  
PROFESSIONAL OPINION OF THIS SURVEYOR WHICH IS FORMULATED ON HIS  
BEST KNOWLEDGE AND INFORMATION, AND AS SUCH, IT DOES NOT CONSTITUTE  
A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. THE SURVEY  
DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

- LEGEND:
- (FM) FIELD MEASURES
  - (D) DEED
  - (P) PLAT
  - (R/W) RIGHT-OF-WAY
  - (NR) NON RADIAL LINE
  - (IP) IRON PIPE
  - (I/R) IRON ROD
  - (CM) CONCRETE MONUMENT
  - E- ELECTRIC LINE
  - (4.53) DENOTES ELEVATION
  - T- TELEPHONE LINE
  - X- FENCE
  - (FH) FIRE HYDRANT
  - ENC ENCROACHMENT
  - (WV) WATER VAVLE
  - (WM) WATER METER
  - (CLF) CHAIN LINK FENCE
  - " SECONDS SYMBOL
  - (WPP) WOOD POWER POLE
  - (CPP) CONCRETE POWER POLE
  - FP&L FLORIDA POWER & LIGHT
  - ESM'T EASEMENT
  - ' MINUTE SYMBOL
  - ° DEGREES SYMBOL
  - W WEST
  - ← GUY ANCHOR
  - E EAST
  - S SOUTH
  - BLDG BUILDING
  - N NORTH
  - (FD) FOUND
  - SET IRON ROD
  - FOUND #5 REBAR
  - SET CONCRETE MONUMENT
  - FOUND CONCRETE MONUMENT
  - (PC) POINT OF CURVATURE
  - (PT) POINT OF TANGENCY
  - A 1 INCH IRON PIPE OR  
5/8 INCH REBAR WITH A  
PLASTIC CAP LABELED LS  
5505 IS SET WHERE SET IS  
INDICATED ON THIS PLAT.



LAWRENCE E. POWERS

P. O. BOX 48026  
ST. PETERSBURG, FL 33743-8026  
P: 727-537-9895  
E: SURVEYINGSTPETE@GMAIL.COM  
WWW.SURVEYINGSTPETE.COM

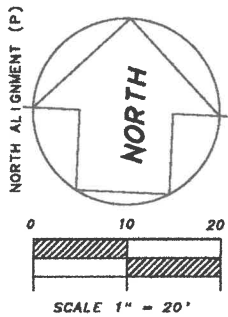
SINCE 4996 MIRAMAR DR # 6207 ST PETERSBURG FL 33708

I THE UNDERSIGNED HEREBY CERTIFY THAT THE FOREGOING IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS IN THE STATE OF FLORIDA AS PER 5J-17, FLORIDA ADMINISTRATIVE CODE. SUBJECT TO ALL NOTES SHOWN HEREON. NOT VALID WITHOUT ELECTRONIC SIGNATURE

LAWRENCE E. POWERS LS # 5505

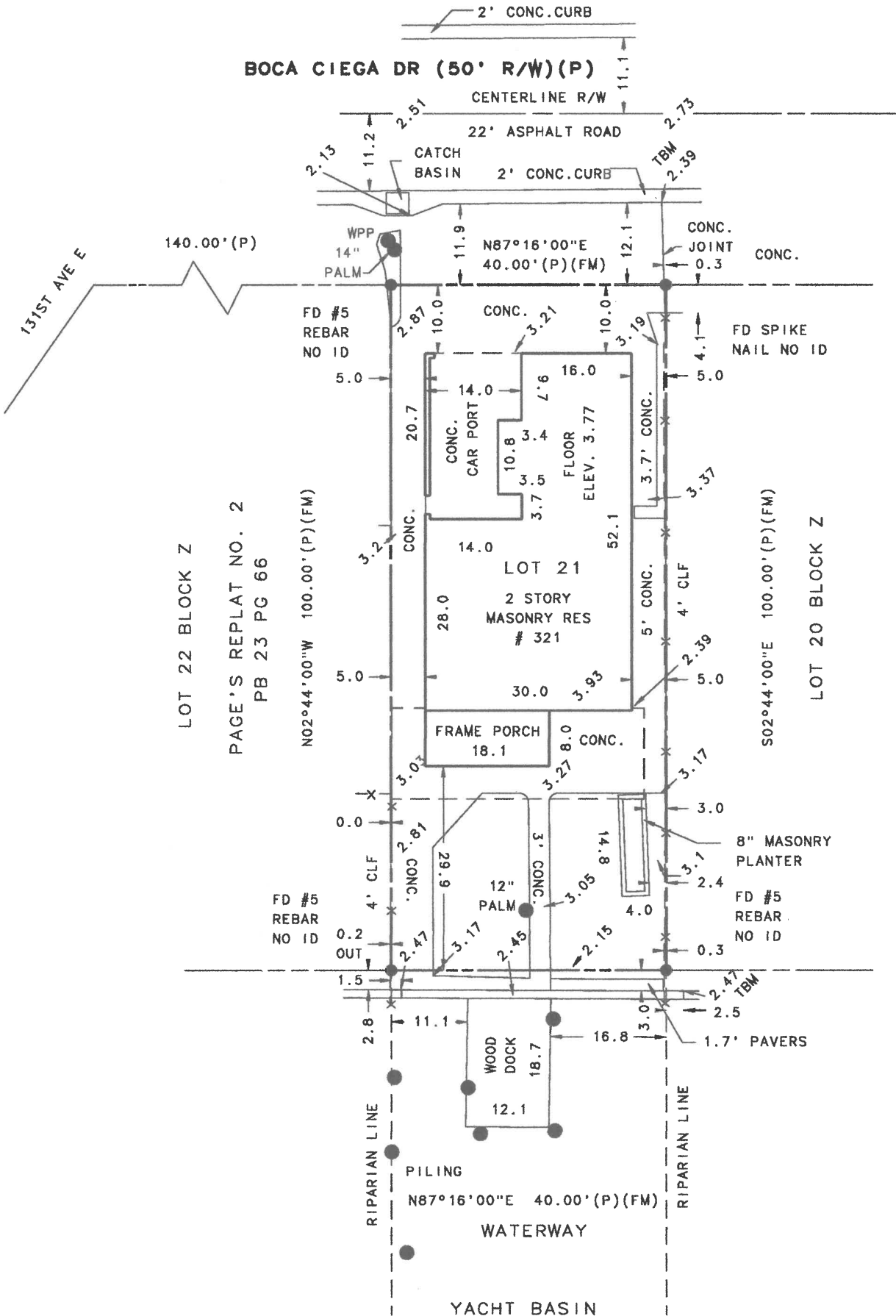
Larry Powers

Digitally signed by Larry Powers  
Date: 2023.02.14 08:06:34 -05'00'



# MAP OF SURVEY

321 BOCA CIEGA DR  
MADEIRA BEACH, FL 33708



0.00 DENOTES ELEVATION IN FEET  
ABOVE MEAN SEA LEVEL NAVD 88  
ORIGIN FDOT FPRN

AS-BUILT SURVEY  
PREPARED BY: LAWRENCE E. POWERS LS # 5505  
PO BOX 48026, ST PETERSBURG, FL 33743  
P: 727-537-9895 E: SURVEYINGSTPETE@GMAIL.COM DATE: FEB. 10, 2023 PROJECT #: 321BC

PAGE 2 OF 2







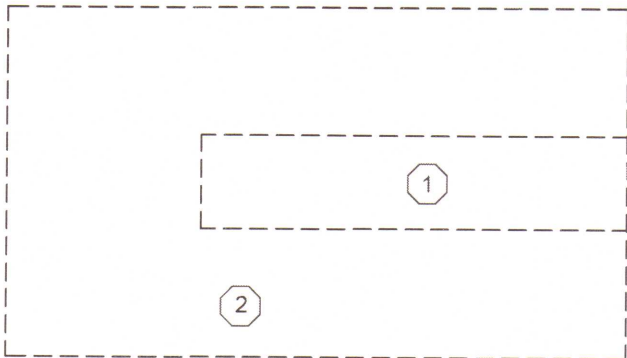
## BUILDING SQUARE FOOTAGE CHART

## Square Footage Breakdown

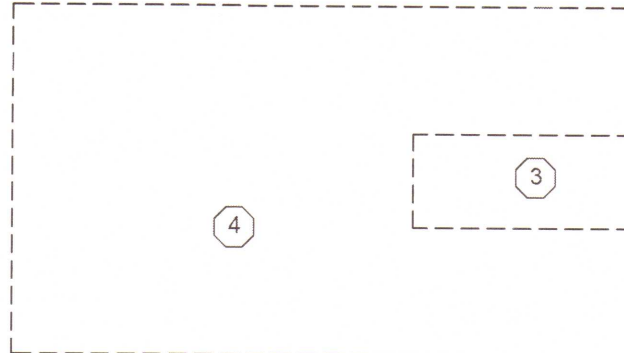
	AC	Non-AC	Subtotals
1 LIVINGSPACE - 1st STORY	293.0 s.f.		
2 GROUND FLOOR GARAGE		1,307.0 s.f.	
BUILDING FOOTPRINT TOTAL SQUARE FOOTAGE			1,600.0 s.f.
3 LIVINGSPACE - 2nd STORY	1,450.0 s.f.		
4 STAIRWELL AND ELEVATOR	150.0 s.f.		
2nd STORY TOTAL SQUARE FOOTAGE			1,600.0 s.f.
5 LIVINGSPACE - 3rd STORY	1,450.0 s.f.		
6 STAIRWELL AND ELEVATOR	150.0 s.f.		
3rd STORY TOTAL SQUARE FOOTAGE			1,600.0 s.f.
TOTAL BUILDING SQUARE FOOTAGE			4,800.0 s.f.

## Building Layout

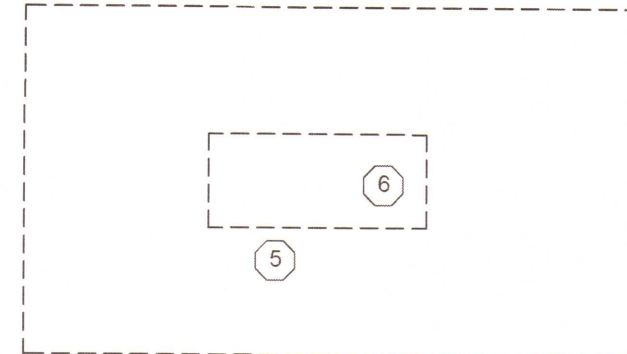
## 1st Story



## 2nd Story



### 3rd Story



## FLOOR AREA RATIO CALCULATION

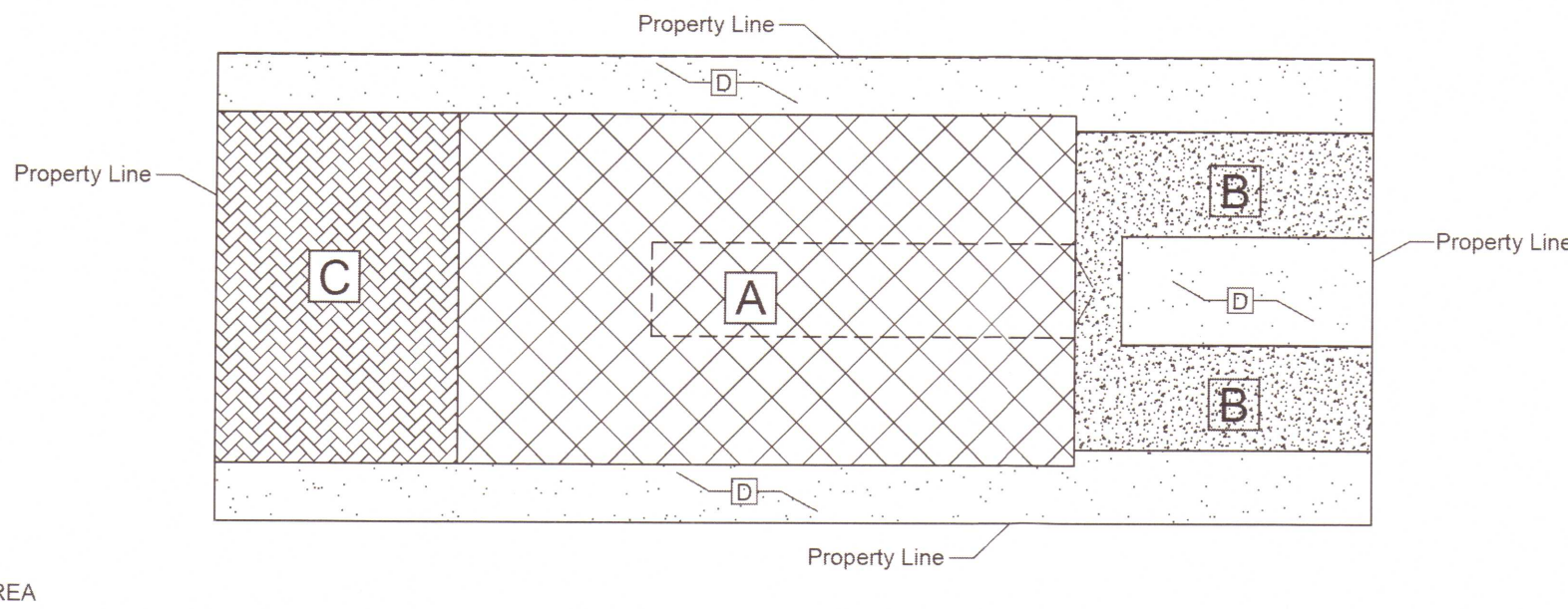
LOT SIZE:	4,000.0	s.f.	
FLOOR AREA RATIO ALLOWED		40	%
BUILDING FOOTPRINT ALLOWED		1,600.0	s.f.

## IMPERVIOUS SURFACE RATIO CALCULATION

LOT SIZE:	4,000.0	s.f.
<b>A</b> BUILDING FOOTPRINT	1,600.0	s.f.
<b>B</b> PARKING AND DRIVE AREA	501.0	s.f.
ACCESS EASEMENTS	N/A	s.f.
<b>C</b> WALKWAYS AND PATIOS	628.0	s.f.
TOTAL IMPERVIOUS SURFACE	2,729.0	s.f.

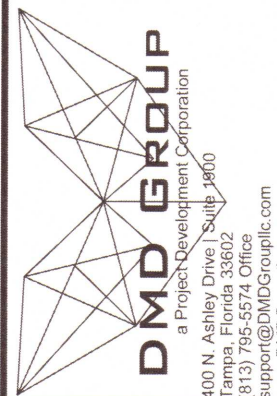
$$\frac{2,729.0}{\text{TOTAL IMPERVIOUS SURFACES}} \text{ divided by } \frac{4,000.0}{\text{LOT AREA}} = \frac{68.2\%}{\text{IMPERVIOUS SURFACE RATIO}}$$

## Property Layout



**D GRASSY AREA**

NO.	REVISIONS	DATE
1.	Schematic Design Concept	03/07/2023
2.	Preliminary Site Plan Concept	03/10/2023
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		



SQUARE FOOTAGE	
Property	4,000.0 s
<hr/>	
Total SQ. FT.	4,000.0 s

New Preliminary Site Plan for:

**Michael Kkamenoff**  
321 Boca Ciega Drive  
Madeira Beach, FL 33708  
Pinellas County  
Madeira Beach Building Dept

Job No: -  
Project No: 18310118-EN-BOCA  
Date: 03/06/2023  
Drawn: MK  
Design: DRH

## Site Plan Charts

C-102





## Parcel Summary (as of 06-Mar-2023)

Parcel Number

**15-31-15-65322-026-0210**

Owner Name

BILYK, JOHN C JR

Property Use

**0820 Duplex-Triplex-Fourplex**

Site Address

321 BOCA CIEGA DR  
MADEIRA BEACH FL 33708

Mailing Address

119 S CLYDE AVE  
KISSIMMEE FL 34741

Legal Description

PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK Z,  
LOT 21

Current Tax District

MADEIRA BEACH (MB)

Year Built

1959

Heated SF	Gross SF	Living Units	Buildings
<b>1,608</b>	<b>2,244</b>	<b>2</b>	<b>1</b>

## Parcel Map



## Exemptions

Year	Homestead	Use %	Status	Property Exemptions & Classifications
2024	No	0%		No Property Exemptions or Classifications found. Please note that Ownership Exemptions (Homestead, Senior, Widow/Widower, Veterans, First Responder, etc... will not display here).
2023	No	0%		
2022	No	0%		

## Miscellaneous Parcel Info

Last Recorded Deed	Sales Comparison	Census Tract	Evacuation Zone	Flood Zone	Elevation Certificate	Plat Bk/Pg
22318/1091		121030278021	<a href="#">A</a>	<a href="#">Current FEMA Maps</a>	<a href="#">Check for EC</a>	23/66

## 2022 Final Values

Year	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2022	\$640,000	\$407,770	\$407,770	\$640,000	\$407,770

## Value History (yellow indicates corrected value)

Year	Homestead Exemption	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2020	Y	\$351,411	\$186,694	\$136,694	\$172,227	\$136,694
2019	Y	\$311,021	\$178,408	\$128,408	\$161,295	\$128,408
2018	Y	\$291,102	\$171,156	\$121,156	\$154,997	\$121,156
2017	Y	\$263,533	\$164,162	\$114,162	\$146,979	\$114,162
2016	Y	\$248,159	\$157,628	\$107,628	\$141,451	\$107,628

## 2022 Tax Information

Item 9G.



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 **Tax Estimator** to estimate taxes under new ownership.

Tax Bill	2022 Millage Rate	Tax District
<a href="#">View 2022 Tax Bill</a>	16.2571	(MB)

## Sales History

Sale Date	Price	Qualified / Unqualified	Vacant / Improved	Grantor	Grantee	Book / Page
12-Jan-2023	\$0	<a href="#">U</a>	I	CUCARO, VICTOR EST	CUCARO CLAUDIO NORBERTO	<a href="#">22315/2029</a>
04-Jan-2023	\$100	<a href="#">U</a>	I	CHIESA NESTOR ARTURO	BILYK JOHN C JR	<a href="#">22318/1050</a>
29-Dec-2022	\$100	<a href="#">U</a>	I	CUCARO CLAUDIO NORBERTO	BILYK JOHN C JR	<a href="#">22318/1091</a>
30-May-1990	\$120,000	<a href="#">Q</a>	I	BILODEAU J RENE	CUCARO, VICTOR	<a href="#">07288/1888</a>
31-Dec-1977	\$40,000	<a href="#">Q</a>				<a href="#">04535/0189</a>

## 2022 Land Information

Land Area: 0.0918 acres   3,999 sf		Frontage and/or View: Canal/River				Seawall: Yes	
Property Use	Land Size	Unit Value	Units	Method	Total Adjustments	Adjusted Value	
Multi-Fam <10 Units	40x100	\$11,000	40.00	FF	1.1500	\$506,000	

# 2022 Building 1 Structural Elements and Sub Area Information

Item 9G.

Structural Elements	
Foundation	Continuous Footing Poured
Floor System	Slab On Grade
Exterior Walls	Concrete Block
Unit Stories	2
Living Units	2
Roof Frame	Flat Shed
Roof Cover	Bu Tar & Gravel Alt
Year Built	1959
Building Type	Duplex - 4-Plex
Quality	Average
Floor Finish	Carpet/ Vinyl/Asphalt
Interior Finish	Drywall/Plaster
Heating	Radiator/Ceiling
Cooling	None
Fixtures	7
Effective Age	45

Sub Area	Heated Area SF	Gross Area SF
Base (BAS)	1,224	1,224
Upper Story (USF)	384	384
Carport (CPF)	0	288
Enclosed Porch (EPF)	0	144
Open Porch Unfinished (OPU)	0	156
Utility (UTF)	0	48
Total Area SF	1,608	2,244

The floor plan diagram illustrates the layout of the building. The main structure is a large rectangle with a smaller section on the right. The main section is divided into several areas: OPU (Open Porch Unfinished) at the top left, EPF (Enclosed Porch) at the top right, BAS (Base) in the center, UTF (Utility) in the bottom left, and CPF (Carport) in the bottom right. Dimensions are provided for each section: OPU (12x13), EPF (10x8), BAS (52x28), UTF (12x12), and CPF (10x24). The main structure has a total width of 16 and a total height of 52. The right section has a width of 16 and a height of 24.

## 2022 Extra Features

Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
BT LFT/DAV	\$3,000.00	1	\$3,000	\$1,200	1959
DOCK	\$44.00	240.0	\$10,560	\$4,224	1959
PORCH	0.00	1	\$0	\$0	1959
SPA/JAC/HT	0.00	1	\$0	\$0	1980

## Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
<a href="#">PER-H-CB258738</a>	ROOF	07/25/2002	\$700



## PUBLIC NOTICE

### BOARD OF COMMISSIONERS MEETING TO CONSIDER REDEVELOPMENT PLANNING APPLICATION RDV 2023-01

The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chamber at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda item listed at the time indicated below.

**6:00 P.M.**

**Wednesday, May 10, 2023**

**Commission Chambers**

**Applicant:** Michael Kamenoff

**Property Owner:** 321 Boca Ciega, LLC

**Property Address:** 321 Boca Ciega Drive Madeira Beach, Florida 33708

**Parcel Number:** 15-31-15-65322-026-0210

**Zoning/Land Use:** R-2, Low Density Multifamily Residential Zoning District/ Residential Medium

**Legal Description:** PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK Z, LOT 21

**Nature of Request:** Redevelopment Planning Application RDV 2023-01 is requesting authority to replace an existing nonconforming duplex with a new duplex. *Sec. 110-97. - Redevelopment planning process* allows for property owners to apply to replace an existing nonconforming residential structure with a new structure at the same density with an approved Redevelopment Planning Application. The application is available for review at <https://madeirabeachfl.gov/plan-review-documents/>. A physical copy of the application is located at the City of Madeira Beach Community Development Department, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida and is available to view from 8:30 a.m. to 4:00 p.m. Monday through Friday.

**Public Notice:** *Sec. 110-97. - Redevelopment planning process* requires the notification of property owners within 300 feet of the property where the redevelopment is proposed. 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 a notice of intent to be a party with the City Community Development Department not less than five days prior to the hearing.

**This Notice was mailed to all property owners within 300 feet of the subject property and posted at City of Madeira Beach City Hall, at Gulf Beaches Public Library, on the City of Madeira Beach Website and at the property referenced above on April 27, 2023.**

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.



Item 9G.

### NOTICE OF INTENT TO BE AN AFFECTED PARTY

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 a notice of intent to be a party with the City Community Development Department not less than five days prior to commencement of the hearing. The completed and signed form may be emailed or submitted in person to the following:

Community Development Department  
300 Municipal Drive  
Madeira Beach, FL 33708

Email: [planning@madeirabeachfl.gov](mailto:planning@madeirabeachfl.gov)  
727-391-9951

### AFFECTED PERSON INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### APPLICATION INFORMATION

Case No(s). or Application No(s)., whichever apply: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affected Person

\_\_\_\_\_  
Date



## AFFIDAVIT OF MAILING

Date: 4-27-23  
 Mailings for Case # RDV 2023-01

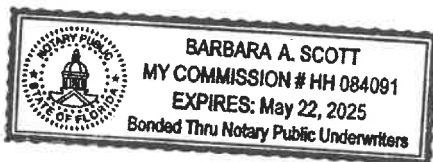
Before me this day Andrew Morris personally appeared. (He) she has mailed public notices to property owners within a 300 foot radius of the subject property.

[Signature]  
 Signature

STATE OF FLORIDA  
 COUNTY OF PINELLAS

Sworn and subscribed before me this 27<sup>th</sup> day of April, 2023.

Personally known or produced \_\_\_\_\_ as identification.



Notary Public Stamp

Barbara A Scott  
 Notary Public  
4/27/23  
 Date

\*Copy of public notice is attached.



## AFFIDAVIT OF POSTING

Date: 4-27-23  
 Postings for: RDV 2023-01

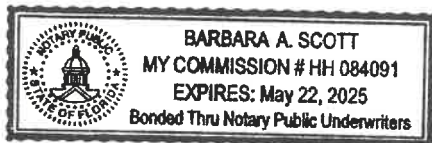
Before me this day Andrew Morris personally appeared. (He) she has posted public notices at the locations indicated in the notice document(s).

[Signature]  
 Signature

STATE OF FLORIDA  
 COUNTY OF PINELLAS

Sworn to and subscribed before me this 27th day of April, 20 23.

Personally known or produced \_\_\_\_\_ as identification.

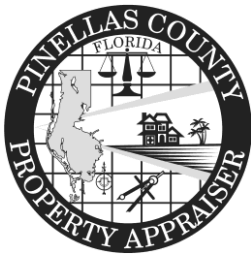


Notary Public Stamp

Barbara A. Scott  
 Notary Public  
4/27/23  
 Date

\*Copy of public notice is attached.





**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**  
[www.pcpao.org](http://www.pcpao.org)      [mike@pcpao.org](mailto:mike@pcpao.org)

Item 9G.

Run Date: 20 Mar 2023

Subject Parcel: 15-31-15-65322-026-0210

Radius: 300 feet

Parcel Count: 49

Note: Parcels with protected address status are not included in this report.

Total pages: 3

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.

COUNTY COURTHOUSE  
315 Court Street - 2nd Floor  
Clearwater, FL 33756

PHONE: (727) 464-3207

NORTH COUNTY  
29269 US Highway 19 N  
Clearwater, FL 33761

FAX: (727) 464-3448    TTY/TDD: (727) 464-3370

MID COUNTY  
13025 Starkey Road  
Largo, FL 33773

MAIL: PO Box 1957, Clearwater, FL 33757

SOUTH COUNTY  
2500 34th Street N - 2nd Floor  
St. Petersburg, FL 33713

DANIELL, MICHAEL J TRE  
DANIELL, MICHAEL J REVOCABLE TRUST  
543 NORMANDY RD  
MADEIRA BEACH FL 33708-2315

KEITH, ALEXANDER L TRE  
21542 DRAYCOTT WAY  
LAND O LAKES FL 34637-7868

HENKEL, GARY  
NELSON, WILLIAM H  
301 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2590

FORTUNATO, MICHAEL DAVID  
13063 BOCA CIEGA AVE  
MADEIRA BEACH FL 33708-2437

MARTIN, ERIC  
13035 BOCA CIEGA AVE  
MADEIRA BEACH FL 33708-2437

RUSSELL, JAMES T JR  
RUSSELL, ELEANOR M  
150 131ST AVENUE CIR  
MADEIRA BEACH FL 33708

EDWARD & KAREN SMITH LLC  
PO BOX 3832  
SEMINOLE FL 33775

NEWBURY, NICHOLAS  
NEWBURY, JAMES  
311 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2455

PRESLEY, CAROL  
13117 4TH ST E  
MADEIRA BEACH FL 33708-2419

CAIN, KIMERLY  
13098 BOCA CIEGA AVE  
MADEIRA BEACH FL 33708-2438

BUCKLEY, MARSHA FARRALL REV LIVING  
TRUST  
BUCKLEY, MARSHA FARRALL TRE  
4517 BECKETT CT  
NORMAN OK 73072-3411

ARMENIA, ROBERT W  
ARMENIA, ERICKA  
10970 TALLY FAWN LOOP  
SAN ANTONIO FL 33576-7278

WEIDINGER, ALOIS  
ELSTON, JULIE  
13065 BOCA CIEGA AVE  
MADEIRA BEACH FL 33708-2437

OBIE, MICHAEL R  
OBIE, MONICA  
13120 4TH ST E  
MADEIRA BEACH FL 33708-2420

CAREY, CARLA S TRE  
CAREY, CARLA S TRUST  
2743 BLUE SPRINGS PL  
WESLEY CHAPEL FL 33544-8746

SPENCE, GARY A  
SPENCE, BETH  
315 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2455

GRAY, RAINY  
GRAY, SHERI  
74 ROSE HILL WAY  
WALTHAM MA 02453-8245

NOBLE, MICHAEL J  
158 131ST AVE E  
MADEIRA BEACH FL 33708-2622

STOCKFISCH, JEROME R  
STOCKFISCH, DARLYN A  
319 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2455

GISTINGER, MICHAEL  
16037 REDINGTON DR  
REDINGTON BEACH FL 33708-1662

359 BOCA CIEGA DRIVE LLC  
140 ALABAMA AVE  
BROOKLYN NY 11207-2912

PUGH, CARL S III  
13105 BOCA CIEGA AVE  
MADEIRA BEACH FL 33708-2439

THOMPSON, MICAH BARRY  
THOMPSON, COURTNEY ANKRUM  
255 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2453

HOLIDAY ISLES MARINE TRAINING  
299 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2453

NELSON, WILLIAM H  
HENKEL, GARY  
301 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2590

HART, HOWARD FRANCES  
336 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2456

LISTER, TERRY W  
LISTER, KATHY B  
338 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2456

HALL, JOHN W  
7512 VERN PL  
ORIENT OH 43146-8201

BLOCK, JOSHUA  
LABARRE, ASHLEY R  
341 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2455

KALISEK, JORDAN LEE  
KALISEK, KATHERINE MARIE  
13027 BOCA CIEGA AVE  
MADEIRA BEACH FL 33708-2437

MEDIA SOCIAL NETWORK LLC  
637 S FAIRFAX AVE UNIT 502  
LOS ANGELES CA 90036-5048

DICK FAMILY IRREVOCABLE TRUST  
FRYC, KATHLEEN A TRE  
2453 TOUAREUNA RD  
AMSTERDAM NY 12010-8537

HOLDEN, GAIL FELICITY  
FRAMPTON, ROGER ROY  
168 131ST AVENUE CIR  
MADEIRA BEACH FL 33708-2622

BARONCINI, DARRYL J  
13031 BOCA CIEGA AVE  
MADEIRA BEACH FL 33708-2437

SUAREZ HOLDINGS LLC  
13650 GULF BLVD UNIT 202  
MADEIRA BEACH FL 33708-2545

CAVALLARO, STEVEN M  
CAVALLARO, SUZANNE M  
348 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2456

BAKER, TRENT  
735 5TH ST N  
ST PETERSBURG FL 33701-2313

SIMMONS, WILLIAM D  
13101 4TH ST E  
MADEIRA BEACH FL 33708-2419

LAPORTE, JOHN  
LAPORTE, ROBERT  
334 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2456

CARNES, SANDRA  
343 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2455

RUSSO, MICHAEL TRE  
RUSSO, MICHAEL REV LIV TRUST  
351 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2455

BRANAM, JOSEPH C TRE  
BRANAM, LEANNE E TRE  
355 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2455

HAPPY HORSE LLC TRE  
MILLS, ROBIN TRUST  
360 CENTRAL AVE STE 800  
ST PETERSBURG FL 33701-3984

ODUM, PAMELA ANN  
ODUM, EDWARD F  
13101 3RD ST E  
MADEIRA BEACH FL 33708-2413

LAPINSKI, ROSE MARIE REVOCABLE TRUST  
LAPINSKI, ROSE MARIE TRE  
637 DUCHESS BLVD  
DUNEDIN FL 34698-2555

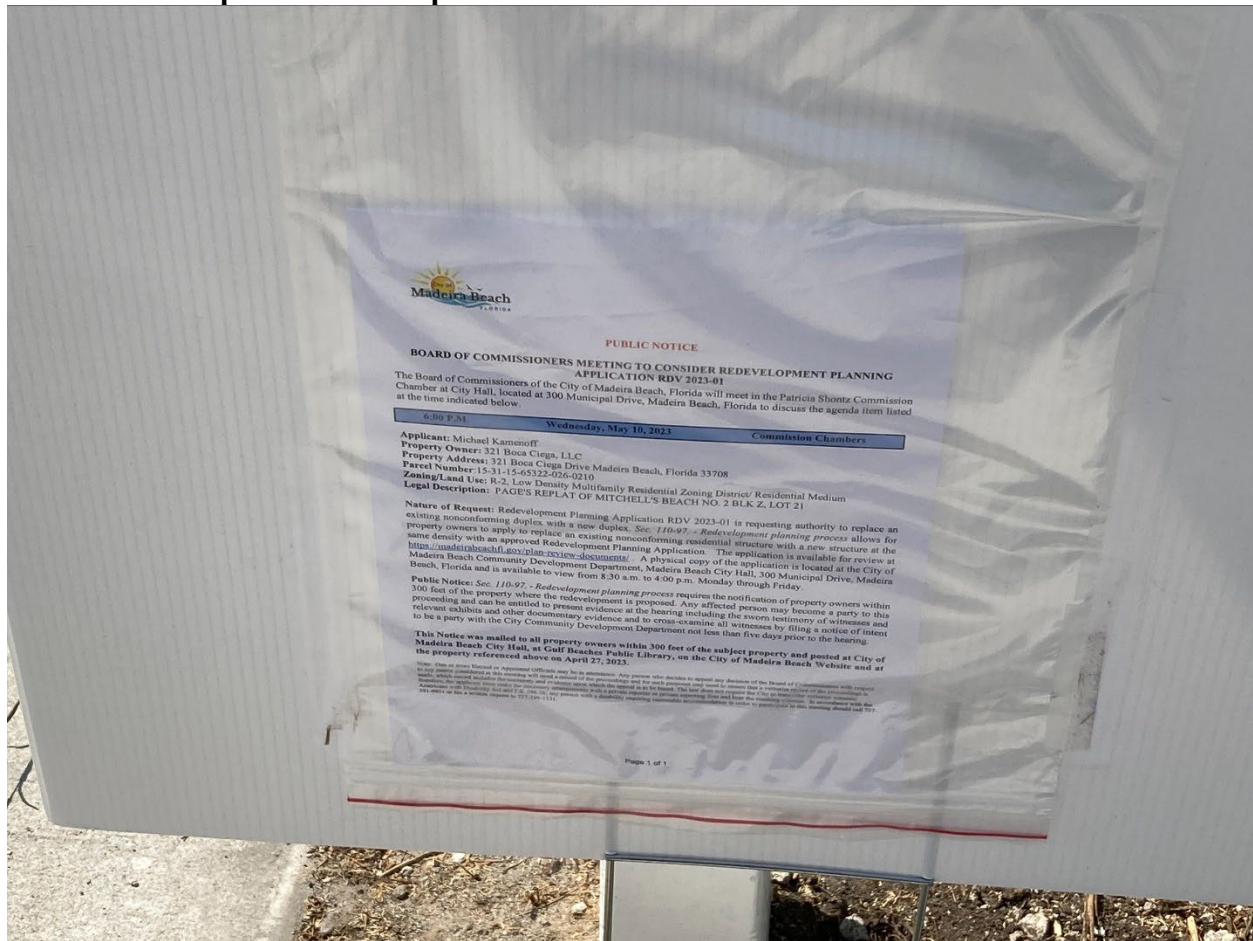
UTIGER, JILLENE  
320 BOCA CIEGA DR  
MADEIRA BEACH FL 33708-2473

EVANS, CLAUDIA M  
20 FORD AVE  
HOPATCONG NJ 07843-1590

NETTERFIELD, THEODORE A  
HERRERO, ANA L  
6325 6TH AVE N  
ST PETERSBURG FL 33710-6905

KEL PROPERTIES LLC  
2288 EDYTHE DR  
DUNEDIN FL 34698-2522

## Location of Proposed Redevelopment



## City Hall

**PLANNING COMMISSION MEETING AGENDA**  
Monday, May 01, 2023 at 6:00 PM  
Commission Chambers - 300 Municipal Drive

and YouTube Streamed on the City's Website.


re addressing the Planning Commission, step to the  
the record. Please limit your comments to three (3)  
the agenda.  
ed when they come up.  
on the agenda, an affected person may become a party  
resent evidence at the hearing including the sworn  
d other documentary evidence and to cross-examine  
party with the Community Development Director, not

itment for Development Agreement Applications  
- Alcohol Beverage Permit Application Fee  
Definition of Portable Sign  
ntial Amenities  
N

23 at 6:00 p.m.

n attendance.

Planning Commission with respect to any matter  
dings and for such purposes may need to ensure  
cord includes the testimony and evidence upon  
ire the minutes to be transcribed verbatim;  
gements with a private reporter or private  
e with the Americans with Disability Act and  
nable accommodation to participate in this  
Director at 727-391-9951, ext. 255 or fax a

  
**PUBLIC NOTICE**  
**BOARD OF COMMISSIONERS MEETING TO CONSIDER REDEVELOPMENT PLANNING APPLICATION RDV 2023-01**  
The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chamber at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda item listed at the time indicated below.

**6:00 P.M. Wednesday, May 10, 2023 Commission Chambers**


**Applicant:** Michael Kamenoff  
**Property Owner:** 321 Boca Ciega, LLC  
**Property Address:** 321 Boca Ciega Drive Madeira Beach, Florida 33708  
**Parcel Number:** 15-31-15-65322-026-0210  
**Zoning/Land Use:** R-2, Low Density Multifamily Residential Zoning District/ Residential Medium  
**Legal Description:** PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK Z, LOT 21

**Nature of Request:** Redevelopment Planning Application RDV 2023-01 is requesting authority to replace an existing nonconforming duplex with a new duplex. *Sec. 110-97. - Redevelopment planning process* allows for the property owners to apply to replace an existing nonconforming residential structure with a new structure at the same density with an approved Redevelopment Planning Application. The application is located at the City of <https://madeirabeachfl.gov/plan-review-documents/>. A physical copy of the application is located at the City of Madeira Beach Community Development Department, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida and is available to view from 8:30 a.m. to 4:00 p.m. Monday through Friday.

**Public Notice:** *Sec. 110-97. - Redevelopment planning process* requires the notification of property owners within 300 feet of the property where the redevelopment is proposed. 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 a notice of intent to be a party with the City Community Development Department not less than five days prior to the hearing.

**This Notice was mailed to all property owners within 300 feet of the subject property and posted at City of Madeira Beach City Hall, at Gulf Beaches Public Library, on the City of Madeira Beach Website and at the property referenced above on April 27, 2023.**

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. 202.26, 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.

  
**NOTICE OF INTENT TO BE AN AFFECTED PARTY**  
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 a notice of intent to be a party with the City Community Development Department not less than five days prior to commencement of the hearing. The completed and signed form may be emailed or submitted in person to the following:

Community Development Department  
300 Municipal Drive  
Madeira Beach, FL 33708

Email: [planning@madeirabeachfl.gov](mailto:planning@madeirabeachfl.gov)  
727-391-9951

**AFFECTED PERSON INFORMATION**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_


**APPLICATION INFORMATION**

Case No(s), or Application No(s), whichever apply: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Applicant's Name: \_\_\_\_\_



## Gulf Beaches Library

**Additional Information:**  
For additional information, please contact City Clerk Clara VanBlargan at 727-391-9951, ext. 231;  
[cvanblargan@madeirabeachfl.gov](mailto:cvanblargan@madeirabeachfl.gov).



**PUBLIC NOTICE**

**BOARD OF COMMISSIONERS MEETING TO CONSIDER REDEVELOPMENT PLANNING APPLICATION RDV 2023-01**

The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chamber at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda item listed at the time indicated below.

<b>6:00 P.M.</b>	<b>Wednesday, May 10, 2023</b>	<b>Commission Chambers</b>
------------------	--------------------------------	----------------------------

**Applicant:** Michael Kamenoff  
**Property Owner:** 321 Boca Ciega, LLC  
**Property Address:** 321 Boca Ciega Drive Madeira Beach, Florida 33708  
**Parcel Number:** 15-31-15-65322-026-0210  
**Zoning/Land Use:** R-2, Low Density Multifamily Residential Zoning District/ Residential Medium  
**Legal Description:** PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK Z, LOT 21

**Nature of Request:** Redevelopment Planning Application RDV 2023-01 is requesting authority to replace an existing nonconforming duplex with a new duplex. *Sec. 110-97. - Redevelopment planning process* allows for property owners to apply to replace an existing nonconforming residential structure with a new structure at the same density with an approved Redevelopment Planning Application. The application is available for review at <https://madeirabeachfl.gov/plan-review-documents/>. A physical copy of the application is located at the City of Madeira Beach Community Development Department, Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida and is available to view from 8:30 a.m. to 4:00 p.m. Monday through Friday.

**Public Notice:** *Sec. 110-97. - Redevelopment planning process* requires the notification of property owners within 100 feet of the property where the redevelopment is proposed. 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 a notice of intent to be a party with the City Community Development Department not less than five days prior to the hearing.

**This Notice was mailed to all property owners within 300 feet of the subject property and posted at City of Madeira Beach City Hall, at Gulf Beaches Public Library, on the City of Madeira Beach Website and at the property referenced above on April 27, 2023.**

If 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. In accordance with the Americans with Disabilities 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 727-391-1311.

City of Madeira Beach Website

## **RDV 2023-01**

[RDV 2023-01 321 Boca Ciega Drive App](#)

[RDV 2023-01 321 Boca Ciega Drive Conceptual Plan](#)

[RDV 2023-01 321 Boca Ciega Drive Property Appraiser Info Unit Verification](#)

[RDV 2023 01 321 Boca Ciega Drive Public Notice BOC 5 10 23](#)

<https://madeirabeachfl.gov/plan-review-documents/>



# Memorandum

**Meeting Details:** May 10, 2023 – BOC Regular Meeting

**Prepared For:** Hon. Mayor Rostek and Board of Commissioners

**From:** Andrew Morris, Long Range Planner, Community Development Department

**Subject:** Public hearing for **2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION ABP 2023-04** with stated intent to sell beer and wine for consumption on premises at Liliths Sugar Shack at 121 129th Ave E, Madeira Beach, Florida 33708.

---

## **Background:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-04 is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with the intent to sell beer and wine for consumption on premises Liliths Sugar Shack at 121 129th Ave E, Madeira Beach, Florida 33708. This establishment is in the C-1, Tourist Commercial Zoning District, and in the Commercial General Future Land Use. As required in Section 110-539, the Notice of Public Hearing was properly sent to all property owners within 300 feet of the subject property 15 days prior to the scheduled consideration by the Board of Commissioners. Such notice has also been posted on the subject property.

## **Discussion:**

When considering the alcoholic beverage 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.**

Liliths Sugar Shack is in the C-1, Tourist Commercial Zoning District. This zoning district's purpose is to recognize the unique commercial, marine, tourist, and historic value of John's Pass Village. A cafe that sells beer and wine is an allowed use in the C-1 Zoning District and fits the character of the existing neighborhood. The previous tenant at this location had a 2COP Alcoholic Beverage License. The



proposed alcoholic beverage license use is compatible with the Zoning District 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.**

The Madeira Beach Code of Ordinances, *Section 110-954. Special parking areas* reduces the parking requirements by 50% for properties within the C-1 Tourist Commercial, Zoning District. The applicant listed three parking spaces and a multi-stall bike rack on the application. Bike racks are equal to three parking credits, this makes the parking spaces count a total of six spaces. The location would serve customers via a walkup window and have seating on property. The proposed alcohol beverage license use will 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. Liliths Sugar Shack is in the C-1 Tourist Commercial, Zoning District, which is a commercial focused district that has a mix of businesses for both residents and visitors. Other nearby businesses sell alcohol within this Zoning District. This location was previously approved for an alcoholic beverage license. The proposed alcohol beverage license use would be compatible with the location.

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

The proposed alcoholic beverage license use would not adversely affect public safety. This location previously had an approved alcoholic beverage license. The proposed alcoholic beverage license would be the same type of alcoholic beverage license as what was previously approved. The proposed alcoholic beverage license use would be a similar level of use to what was previously approved.

**(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 approval of 2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-04 with stated intent to sell beer and wine for consumption on premises at Liliths Sugar Shack with the following conditions:

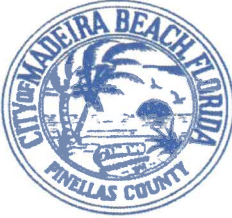
1. Alcohol must be consumed on property.
2. Any alterations of the building requires a building permit.

**Attachments:**

- Application
- Public Notice Mailing and Posting
- Survey from Previous Application for ABP 2023-04 Memorandum

ABP #:

2023-07



## 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](mailto:planning@madeirabeachfl.gov)



### ALCOHOLIC BEVERAGE PERMIT APPLICATION

Applicant's Name: LILITHS SUGAR SHACK LLC, Dustin Griffin as Manager

Type of License Requested: Beer & Wine License 2COP

Name of Partnership, Corporation, LLC (if applicable): LILITHS SUGAR SHACK LLC

Mailing Address: 13246 4th Street East, APT 2

Madeira Beach, FL 33708

Phone(s): 330-608-5532

Email: Dustin@DustinGriffin.com

Type of Ownership: ☐ Individual ☐ Partnership ☐ Corporation ☒ LLC

Name of Business: LILITHS SUGAR SHACK LLC Business Phone: 330-608-5532

Physical Address: 121 129TH AVE E, MADEIRA BEACH, FL 33708

Parcel #: 15-31-15-58320-001-0130

Legal Description: MITCHELL'S BEACH REVISED BLK 1, LOT 13

Number of Seats: Inside: NONE (No plans for indoor seating) Outside: 8

Number of Employees: 1 as of 4/12/2023. Planning to have 1 or 2 employees working at any given time

Zoning District:

☒ C-1 Tourist Commercial

☐ C-2 John's Pass Marine Commercial

☐ C-3 Retail Commercial

☐ C-4 Marine Commercial

☐ R-3 Only Restaurant

☐ PD Planned Development

Classification:

☐ Package store, beer & wine

☐ Retail Store, beer, wine

☐ Package store, beer, wine, liquor

☐ Restaurants

☒ Bar Bar/Cafe with Ice Cream, Coffee, Tea

☐ Club

☐ 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.

ABP #:

2023-07

Number of Parking Spaces: 3\* HC Parking Spaces: None Bike Racks: 1 Bike Rack for 6 or more bikes

Hours of Operation: \*PLEASE NOTE: Parking spaces are for employees only. Handicap employees can park right behind the building and use our handicap ramp to get into the building.

Monday: 7AM - 11PM TBD

Tuesday: 7AM - 11PM TBD

Wednesday: 7AM - 11PM TBD

Thursday: 7AM - 11PM TBD

Friday: 7AM - 11PM TBD

7AM - 11PM TBD

Sunday: 7AM - 11PM TBD

General Description of Business: Cafe/Bar serving ice cream, coffee, tea, smoothies, beer & wine,

Supporting Materials Required:

☒ Property Owner's Written Approval

☐ Property Survey

☒ Site Plan

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

**Answers to  
Questions Attached**

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.

**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.

Questionnaire: Please answer the following questions:

- 1. Q: 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.**

A: The primary intent of the of this application is to serve beer and wine to the customers of Liliths Sugar Shack. John's Pass is a major tourist destination with many businesses that already serve alcohol as well. Liliths Sugar Shack will fit in well with the beach and nautical theme of John's Pass. The location, for which the proposed alcoholic beverage request is being made, is located in the John's Pass Commercial Tourist Area (C-1 Zoning District) and currently (as of today through March 31, 2023) has a beer and wine license that has not adversely affected the character of the existing neighborhood. We have no reason to believe that granting our business, at the same location, an identical 2COP License, will negatively affect the neighborhood in any way. We will continue to be a good neighbor and an active and responsible participant in our community who will continue to promote the beach and nautical theme, character, charm and heritage of John's Pass.

- 2. Q. 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.**

A. Liliths Sugar Shack is focused on serving tasty beverages to locals and tourists visiting John's Pass. We currently have three parking spaces for employees and a bike rack for at least 6 bicycles or more. We also have room for motorcycle and scooter parking. We also have outdoor plugs for customers who wish to charge their electric bikes, scooters and skateboards. Customers can park in the large private parking lots adjacent to the East side of our building off of 129<sup>th</sup> Avenue E or use the City of Madeira Parking and other Private Parking spaces located throughout John's Pass which is very walkable, allowing visitors to participate in multiple attractions and activities in the Pass without having to drive from business to business. Our location is a walk up café, where people walk up and order at the window and enjoy their beverages on our front deck, rear deck or paved area on the West side of our building. There is no drive-though and there has never been any

congestion problems associated with the location for the past 6 years, nor do we anticipate any future problems with traffic and parking.

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


A. The proposed use of the 2COP Beer & Wine License is totally compatible with the existing location since the location's current tenant (as of today through March 31, 2023) has an active beer and wine license. No changes in compatibility are intended or expected due to establishing a new 2COP License for our new business. The business is not located within 300 feet of a school or church.

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

A. The proposed use of the location as a café, that serves ice cream, coffee, tea, beer & wine, will not adversely affect the public safety in any way. The current tenant at the location (As of today through March 31, 2023) has operated the same type of business and usage for the past 6 years with no negative affects to public safety and we anticipate no future problems. All open container alcohol products must be consumed on premises or disposed of before customers returns to the public right of way.

**5. Q. 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.**

A. The business applying for this permit is a brand new business, formed in the State of Florida on March 1, 2023 and currently has no outstanding charges, fees, interest, fines or penalties owed to the City under any section of code.

Signature of Applicant:  Date: April 12, 2023

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

**Fee:** \$800.00 ☐ Check # \_\_\_\_\_ ☐ Cash ☒ Receipt # 1429

Date Received: 4-17-23 Received by: 

ABP# Assigned: 2023-07

BOC Hearing Date: 5-10-23 ☐ Approved ☐ Denied

\_\_\_\_\_  
Community Development Director Date: \_\_\_\_\_

\_\_\_\_\_  
City Manager Date: \_\_\_\_\_

MADEIRA BEACH CITY HALL  
300 MUNICIPAL DR  
MADEIRA BEACH FL 33708  
727-391-9951

Terminal ID: \*\*\*\*\*102

4/14/23 11:48 AM

VTSA - MANU  
CCT # \*\*\*\*\*5813

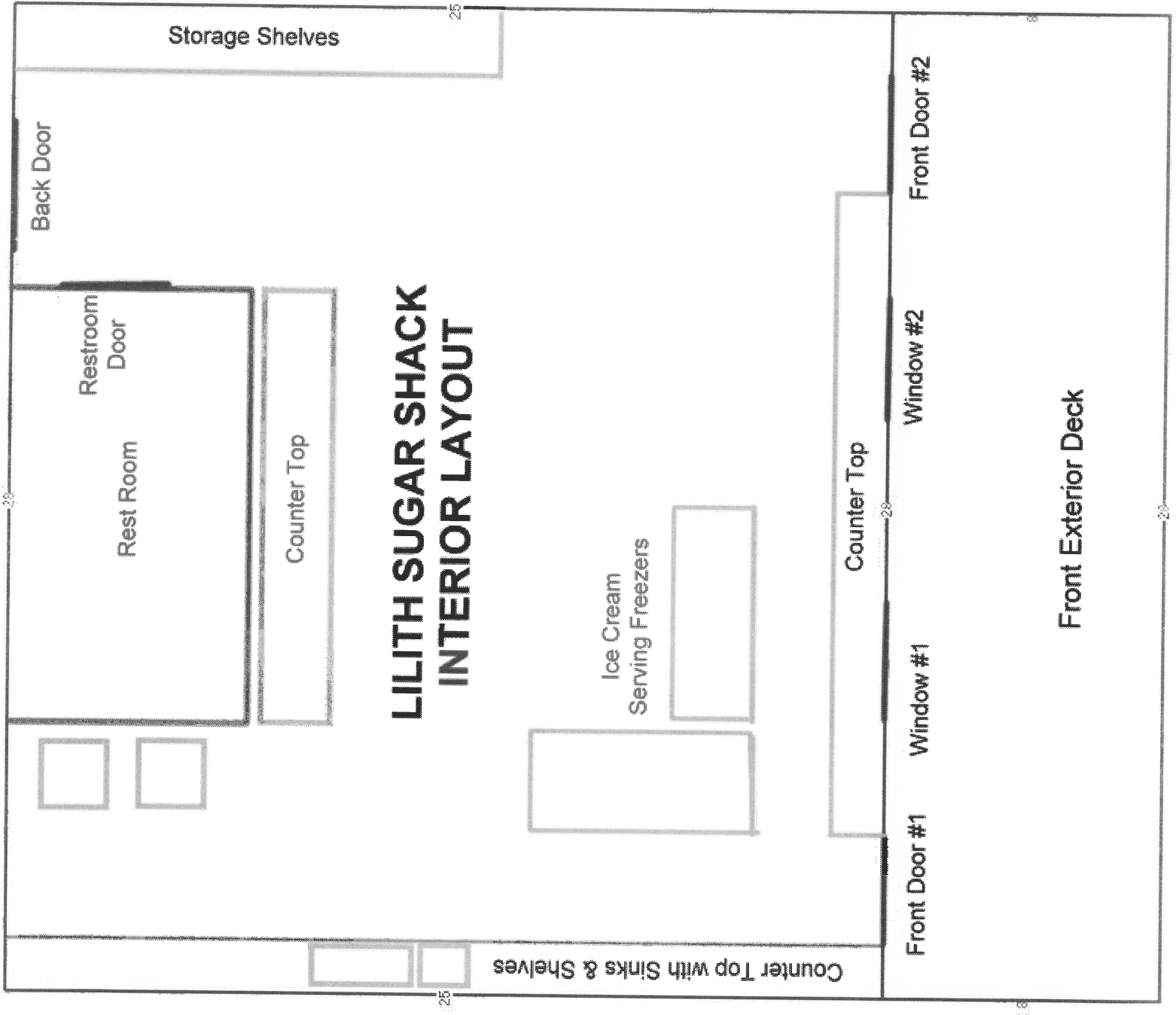
NOTE SALE  
TIME: 318215936666 REF #: 1428  
BATCH #: 370 AUTH #: 026332

AMOUNT \$824.00

APPROVED

CUSTOMER COPY





NJE Properties  
PO Box 14433  
Tallahassee, FL 32317

City of Madeira Beach  
Alcoholic Beverage Permit

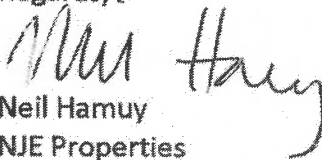
RE: Beer and wine license for 121 E 129<sup>th</sup> Ave, Madeira Beach

March 23, 2023

Dear City of Madeira Beach,

Dustin Griffin and Lilith's Sugar Shack LLC has the permission of NJE Properties, the owner of 121 E 129<sup>th</sup> Ave. Madeira Beach, to obtain a beer and wine license. Thank you.

Regards, .

  
Neil Hamuy  
NJE Properties

**DBPR ABT-6001 – Division of Alcoholic Beverages and Tobacco  
Application for New Alcoholic Beverage License**

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**DBPR Form  
ABT-6001  
Revised 08/2013**

*If you have any questions or need assistance in completing this application, please contact the Division of Alcoholic Beverages & Tobacco's (AB&T) local district office. Please submit your completed application and required fee(s) to your local district office. This application may be submitted by mail, through appointment, or it can be dropped off. A District Office Address and Contact Information Sheet can be found on AB&T's web site at the link provided below:*

Local ABT District Licensing Offices

<b>SECTION 1 - CHECK LICENSE CATEGORY</b>				
License Series Requested COP	Type/Class Requested 2COP	Do you wish to purchase a Temporary License? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Child License Requested	Number of Child Licenses Requested			
<input checked="" type="checkbox"/> Retail Alcoholic Beverages <input type="checkbox"/> Alcoholic Beverage Manufacturer <input type="checkbox"/> Beer/Wine/Liquor Wholesaler <input type="checkbox"/> Passenger Waiting Lounge				
<input checked="" type="checkbox"/> Retail Tobacco Products Dealer Permit (must check one or more of the below) <input checked="" type="checkbox"/> Pipes <input checked="" type="checkbox"/> Over the Counter <input checked="" type="checkbox"/> Vending Machine				
<b>SECTION 2 – LICENSE INFORMATION</b>				
If the applicant is a corporation or other legal entity, enter the name and the document number as registered with the Florida Department of State Division of Corporations on the line below.				
FEIN Number 92-2650225	Business Telephone Number 330-608-5532	E-Mail Address (Optional) DUSTIN@DUSTINGRIFFIN.COM		
Full Name of Applicant(s): (This is the name the license will be issued in) LILITHS SUGAR SHACK LLC			Department of State Document # L23000110590	
Business Name (D/B/A) LILITHS SUGAR SHACK LLC				
Location Address (Street and Number) 121 129TH AVENUE EAST				
City MADEIREA BEACH	County PINELLAS	State FL	Zip Code 33708	
Mailing Address (Street or P.O. Box) 13246 4TH STREET EAST, APT 2				
City MADEIRA BEACH		State FL	Zip Code 33708	
<b>Contact Person - This section is optional, see application instructions for details</b>				
Contact Person DUSTIN GRIFFIN		Telephone Number 330-608-5532      ext.		
E-Mail Address (Optional) DUSTIN@DUSTINGRIFFIN.COM				
Mailing Address (Street or P.O. Box) 13246 4TH STREET EAST, APT 2				
City MADEIRA BEACH		State FL	Zip Code 33708	

**ABT District Office Received Date Stamp**

**SECTION 3 – RELATED PARTY PERSONAL INFORMATION**

**This section must be completed for each person directly connected with the business, unless they are a current licensee.**

1.	Business Name (D/B/A) LILITHS SUGAR SHACK LLC					
2.	Full Name of Individual DUSTIN GRIFFIN					
	Social Security Number* 435-33-6071			Home Telephone Number 330-608-5532		Date of Birth 1/18/1970
	Race WHITE	Sex MALE	Height 6.0	Weight 185	Eye Color HAZEL	Hair Color BROWN
3.	Are you a U.S. citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, immigration card number or passport number:					
4.	Home Address (Street and Number) 13246 4TH STREET EAST, APT 2					
	City MADEIRA BEACH				State FL	Zip Code 33708
5.	Do you currently own or have an interest in any business selling alcoholic beverages, wholesale cigarette or tobacco products, or a bottle club? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below. The location address should include the city and state.					
	Business Name (D/B/A)				License Number	
	Location Address					
6.	Have you had any type of <b>alcoholic beverage</b> , or bottle club license, or cigarette, or tobacco permit refused, revoked or suspended anywhere in the past 15 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below. The location address should include the city and state.					
	Business Name (D/B/A)				Date	
	Location Address					
7.	Have you been convicted of a <b>felony</b> within the past 15 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below and provide a <b>Copy of the Arrest Disposition</b> , as requested in the Application Requirements checklist.					
	Date		Location			
	Type of Offense					
8.	Have you been convicted of an offense involving <b>alcoholic beverages or tobacco products</b> anywhere within the past 5 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below and provide a <b>Copy of the Arrest Disposition</b> , as requested in the Application Requirements checklist.					
	Date		Location			
	Type of Offense					


9.	Have you been arrested or issued a notice to appear in any state of the United States or its territories within the past 15 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide the information requested below and a <b>Copy of the Arrest Disposition</b> . <b>Attach additional sheet if necessary.</b>	
	Date	Location
	Type of Offense	
10.	Do you meet the standards of the moral character rule? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11.	Are you an officer or employee of the Division of Alcoholic Beverages and Tobacco; are you a sheriff or other state, county, or municipal officer, including reserve or auxiliary officers, certified by the state as such, with arrest powers, whose certification is current and active? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**NOTARIZATION STATEMENT**

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that I have fully disclosed any and all parties financially and or contractually interested in this business and that the parties are disclosed in the Disclosure of Interested Parties of this application. I further swear or affirm that the foregoing information is true and correct."

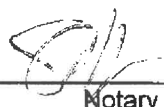
STATE OF Florida


COUNTY OF Pinellas

  
APPLICANT SIGNATURE

The foregoing was (☒ Sworn to and Subscribed OR ( ) Acknowledged Before me this 24 Day of March, 2023, By Dustin Wayne Griffen who is ( ) personally  
(print name of person making statement)

known to me OR (☒ who produced Georgia State Drivers License as identification.

 Notary Public

 Salvador Valles  
Comm.: HH 355573  
Expires: January 30, 2027  
Notary Public - State of Florida

Commission Expires: January 30, 2027

(ATTACH ADDITIONAL COPIES AS NECESSARY)

**\*Social Security Number**

Under the Federal Privacy Act, disclosure of Social Security numbers is voluntary unless a Federal statute specifically requires it or allows states to collect the number. In this instance, disclosure of social security numbers is mandatory pursuant to Title 42 United States Code, Sections 653 and 654; and sections 409.2577, 409.2598, and 559.79, Florida Statutes. Social Security numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations. Social Security numbers must also be recorded on all professional and occupational license applications and are used for licensee identification pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), 104 Pub.L. 193, Sec. 317. The State of Florida is authorized to collect the social security number of licensees pursuant to the Social Security Act, 42 U.S.C. 405(c)(2)(C)(I). This information is used to identify licensees for tax administration purposes. This information is used to identify licensees for tax administration purposes, and the division will redact the information from any public records request.

**SECTION 4 – DESCRIPTION OF PREMISES TO BE LICENSED  
TO BE COMPLETED BY THE APPLICANT**

Business Name (D/B/A)

1.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the proposed premises movable or able to be moved?
2.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is there any access through the premises to any area over which you do not have dominion and control?
3.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the business located within a Specialty Center? If yes, check the applicable statute: <input type="checkbox"/> 561.20(2)(b)1, F.S. or <input type="checkbox"/> 561.20(2)(b)2, F.S.
4.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there any mobile vehicles used to sell or serve alcoholic beverages?
5.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there more than 3 separate rooms or enclosures with permanent bars or counters?

Neatly draw a floor plan of the premises in ink, including sidewalks and other outside areas which are contiguous to the premises, walls, doors, counters, sales areas, storage areas, restrooms, bar locations and any other specific areas which are part of the premises sought to be licensed. A multi-story building where the entire building is to be licensed must show the details of each floor.

See attached layout, drawings, maps and photos of LILITHS SUGAR SHACK location and building.

## SECTION 5 – APPLICATION APPROVALS

Full Name of Applicant: (This is the name the license will be issued in)

LILITHS SUGAR SHACK LLC

Business Name (D/B/A)

LIL SUGAR SHACK

Street Address

121 129TH AVENUE E

City

MADEIRA BEACH

County

PINELLAS

State

FL

Zip Code

33708

## ZONING

## TO BE COMPLETED BY THE ZONING AUTHORITY GOVERNING YOUR BUSINESS LOCATION

- A. The location complies with zoning requirements for the sale of alcoholic beverages or wholesale tobacco products pursuant to this application for a Series: \_\_\_\_\_ Type: \_\_\_\_\_ license.
- B. This approval includes outside areas which are contiguous to the premises which are to be part of the premises sought to be licensed and are identified on the sketch? ☐ Yes ☐ No

Check either: Please do not skip, this is important for license fee sharing

☐ Location is within the city limits or ☐ Location is in the unincorporated county

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ This approval is valid for \_\_\_\_ days.

## SALES TAX

## TO BE COMPLETED BY THE DEPARTMENT OF REVENUE

The named applicant for a license/permit has complied with the Florida Statutes concerning registration for Sales and Use Tax.

1. This is to verify that the current owner as named in this application has filed all returns and that all outstanding billings and returns appear to have been paid through the period ending \_\_\_\_\_ or the liability has been acknowledged and agreed to be paid by the applicant. This verification does not constitute a certificate as contained in Section 213.758 (4), F.S. (Not applicable if no transfer involved).
2. Furthermore, the named applicant for an Alcoholic Beverage License has complied with Florida Statutes concerning registration for Sales and Use Tax, and has paid any applicable taxes due.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_ Department of Revenue Stamp

This approval is valid for \_\_\_\_ days.

## HEALTH

TO BE COMPLETED BY THE DIVISION OF HOTELS AND RESTAURANTS  
OR COUNTY HEALTH AUTHORITY  
OR DEPARTMENT OF HEALTH  
OR DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

The above establishment complies with the requirements of the Florida Sanitary Code.

Signed Barbara J. [Signature] Date 3/10/23Title Reg. Spec. 1 Agency DHPR - [Signature]This approval is valid for 60 days.APPROVED CONTINGENT  
UPON SATISFACTORY  
OPENING INSPECTION

[Signature] x [Signature]

2023 MAR 16

**SECTION 6 – APPLICANT ENTITY FELONY CONVICTION**

Business Name (D/B/A)  
LILITHS SUGAR SHACK LLC

Has the applicant entity been convicted of a felony in this state, any other state, or by the United States in the last 15 years?

☐ Yes ☒ No

If the answer is "Yes," please list all details including the date of conviction, the crime for which the entity was convicted, and the city, county, state and court where the conviction took place.


(Attach additional sheets if necessary)

**SECTION 7 – SPECIAL LICENSE REQUIREMENTS**  
**(DOES NOT APPLY TO BEER AND WINE LICENSES)**

Please check the appropriate box of the license for which you are applying. Fill in the corresponding requirements for the license type sought.

☐ Quota Alcoholic Beverage License    ☐ Specialty Alcoholic Beverage License (e.g. SRX, S, etc)  
☐ Club Alcoholic Beverage License

This license is issued pursuant to \_\_\_\_\_, Florida Statutes or Special Act, and as such we acknowledge the following requirements must be met and maintained:

**NOT APPLICABLE TO BEER AND WINE LICENSES**


Please initial and date:

Applicant's Initials \_\_\_\_\_ Date \_\_\_\_\_



## SECTION 8 – DISCLOSURE OF INTERESTED PARTIES

Note: Failure to disclose an interest, direct or indirect, could result in denial, suspension and/or revocation of your license. Item 9H.  
 You **MUST** list all persons and entities in the entire ownership structure. **To determine which of those persons must submit fingerprints and a Related Party Personal Information, sheet, see the fingerprint section in the application instructions.**

Business Name (D/B/A) **LILITHS SUGAR SHACK LLC**

1. When applicable, complete the appropriate section below. **Attach extra sheets if necessary.**

Title/Position	Name	Stock %
<b>CORPORATION</b> – List all officers, directors, and stockholders		
<b>GENERAL PARTNERSHIP</b> – List all general partners		
<b>LIMITED LIABILITY COMPANY</b> – List all managers (member & non-member), directors, officers, and members		
MANAGER	DUSTIN GRIFFIN	0%
MEMBER	LILITHS CAFE LLC, DUSTIN GRIFFIN AS MEMBER	100%
<b>LIMITED PARTNERSHIP</b> – List all general and limited partners.		
<b>LIMITED LIABILITY PARTNERSHIP</b> – List all partners		

Bar Manager (Fraternal Organizations of National Scope only):

### OTHER INTERESTS

These questions must be answered about this business for every person or entity listed as the applicant

1. Are there any persons or entities not disclosed who have loaned money to the business?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Are there any persons or entities not disclosed that derive revenue from the license solely through a contractual relationship with the licensee, the substance of which is not related to the control of the sale of alcoholic beverages, or is exempt by statute or rule?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Are there any persons or entities not disclosed that have the right to receive revenue based on a contractual relationship related to the control of the sale of alcoholic beverages?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Are there any persons or entities not disclosed who have a right to a percentage payment from the proceeds of the business pursuant to the lease?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Are there any persons or entities not disclosed who have guaranteed the lease or loan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Are there any persons or entities not disclosed who have co-signed the lease or loan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Is there a management contract, franchise agreement, or concession agreement in connection with this business?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Have you or anyone listed on this application, accepted money, equipment or anything of value in connection with this business from any industry member as described in 61A-1.010, Florida Administrative Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**If you answered yes to any of the above questions, a copy of the agreement must be submitted with this application. The terms of the agreement may require the interested persons or parties related to an entity to submit fingerprints and a related party personal information sheet.**

**SECTION 9 - AFFIDAVIT OF APPLICANT  
NOTARIZATION REQUIRED**

Business Name (D/B/A)  
LILITHS SUGAR SHACK LLC

"I, the undersigned individually, or on behalf of a legal entity, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the entire area and premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for the purposes of determining compliance with the beverage and retail tobacco laws."

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license and/or tobacco permit, and all of the above listed persons or entities meet the qualifications necessary to hold an interest in the alcoholic beverage license and/or tobacco permit."

STATE OF Florida


COUNTY OF Pinellas

Dustin Griffin as manager of Liliths Sugar Shack LLC  
APPLICANT/AUTHORIZED REPRESENTATIVE NAME

[Signature] as manager  
APPLICANT/AUTHORIZED REPRESENTATIVE SIGNATURE

The foregoing was ( ☒ ) Sworn to and Subscribed OR ( ) Acknowledged Before me this 24 Day  
of March, 2023, By Dustin Wayne Griffin who is ( ) personally  
(print name(s) of person(s) making statement)

known to me OR ( ☒ ) who produced Georgia State Drivers License as identification.

[Signature]  
Notary Public  Salvador Valles  
Comm.: HH 355573 Commission Expires: January 30, 2027  
Expires: January 30, 2027  
Notary Public - State of Florida

**SECTION 10 - CURRENT LICENSEE UPDATE DATA SHEET**

This section is to be completed for all current alcoholic beverage and/or tobacco license holders listed on the application to ensure the most up to date information is captured.

Business Name (D/B/A)

Last Name  
NOT APPLICABLE

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

Social Security Number\*

Street Address

City

State

Zip Code

Last Name

First

M.I.

Current Alcohol Beverage and/or Tobacco License Permit/Number(s)

Date of Birth

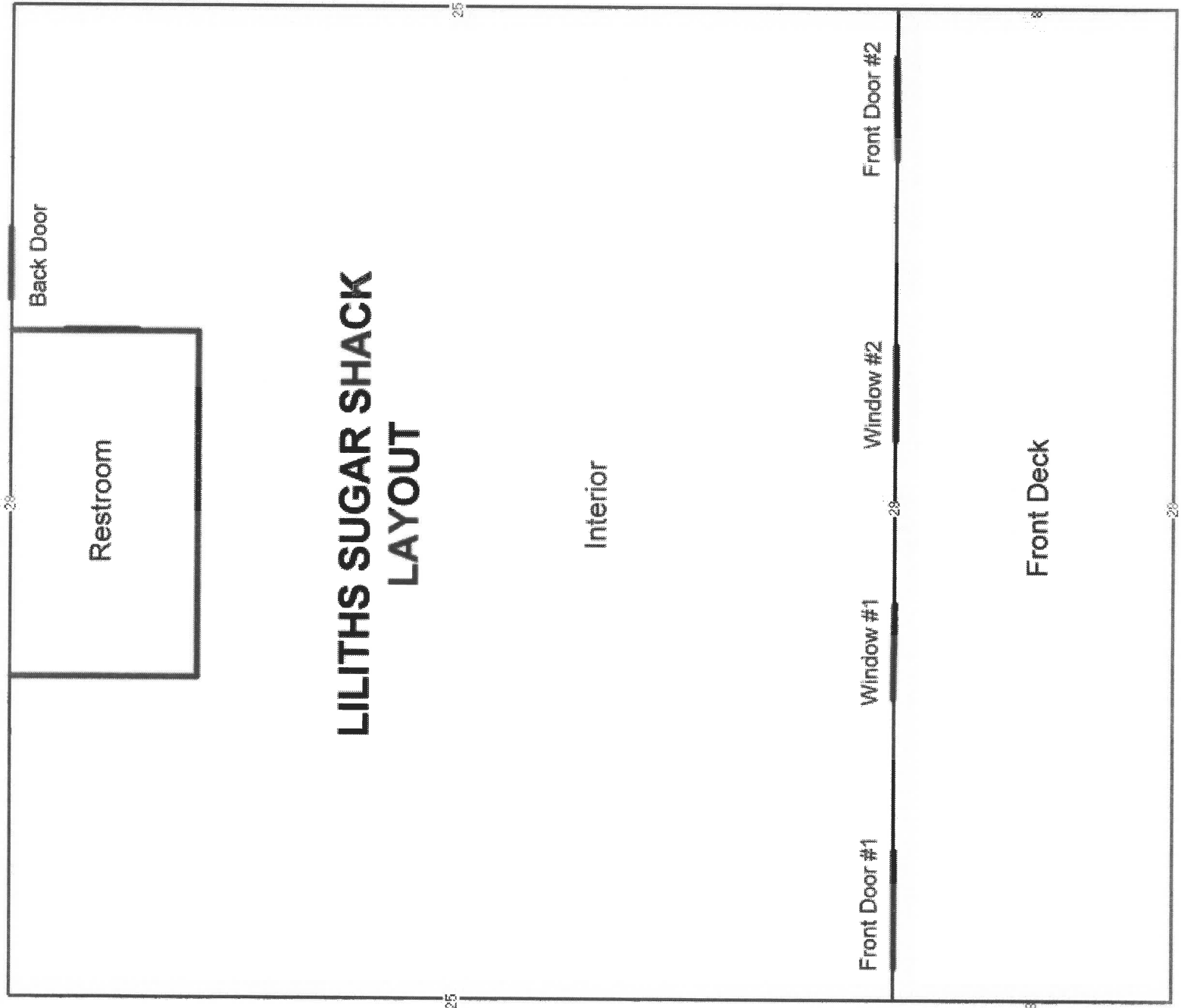
Social Security Number\*

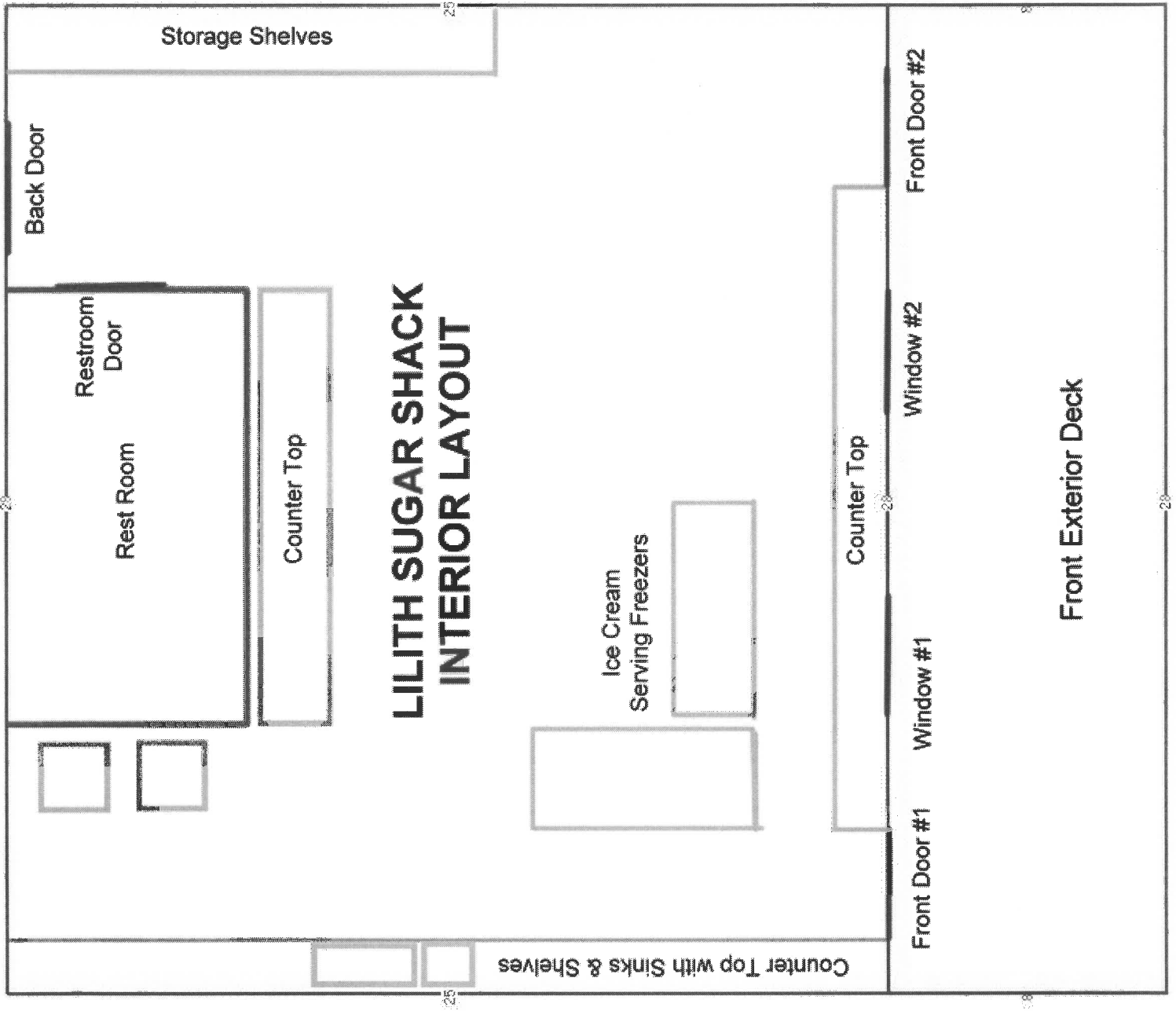
Street Address

City

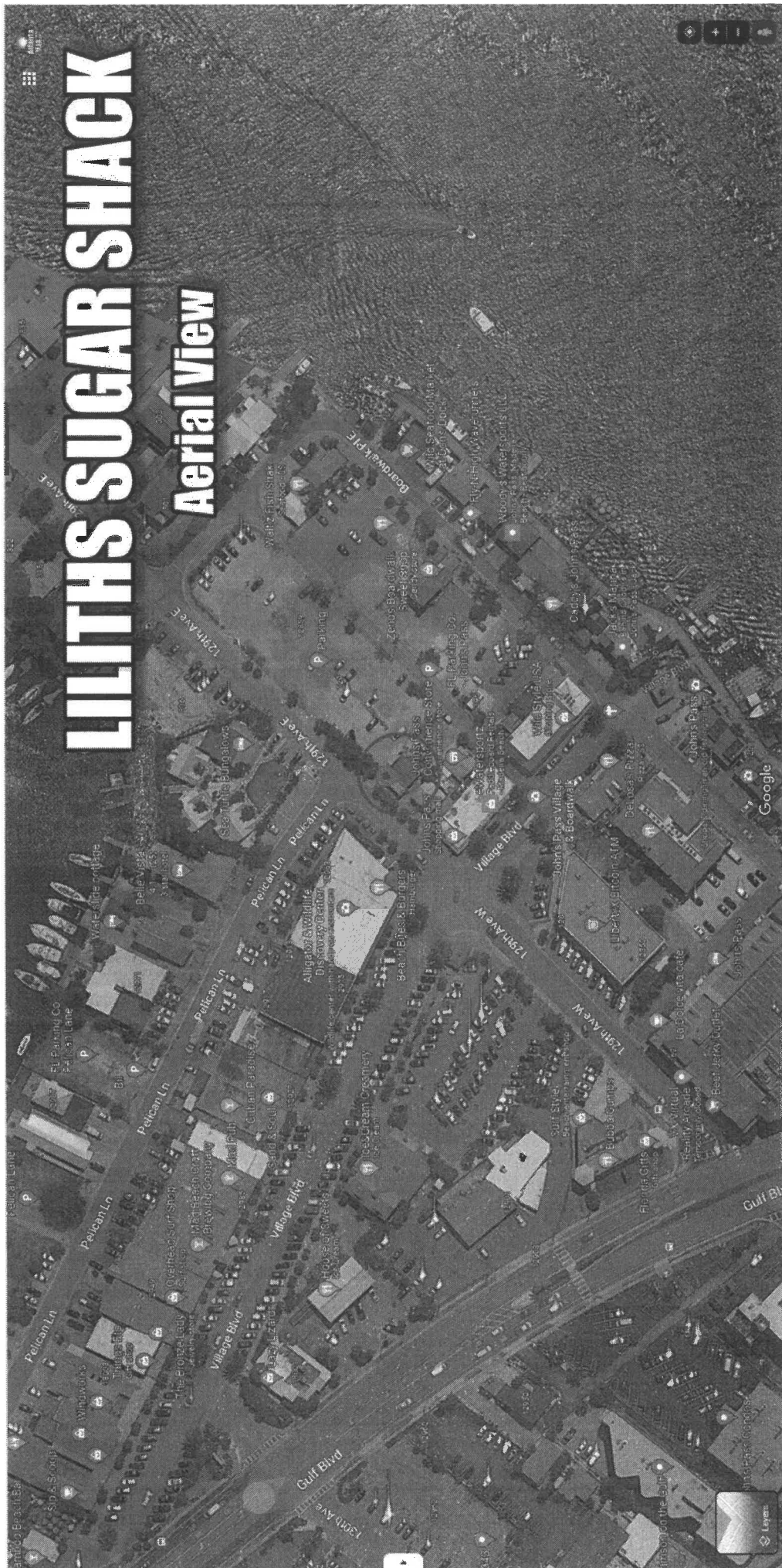
State

Zip Code



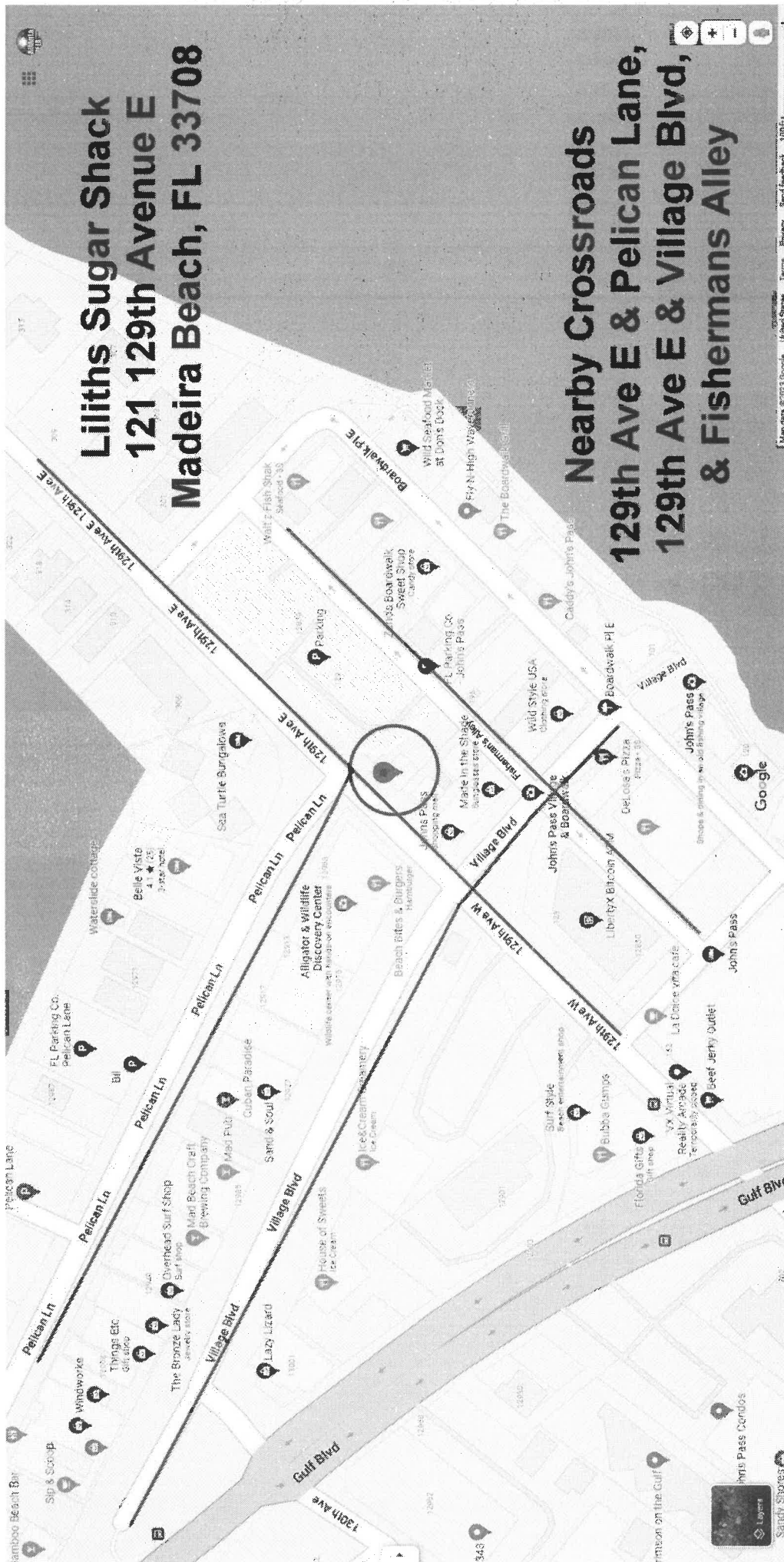


# Aerial View





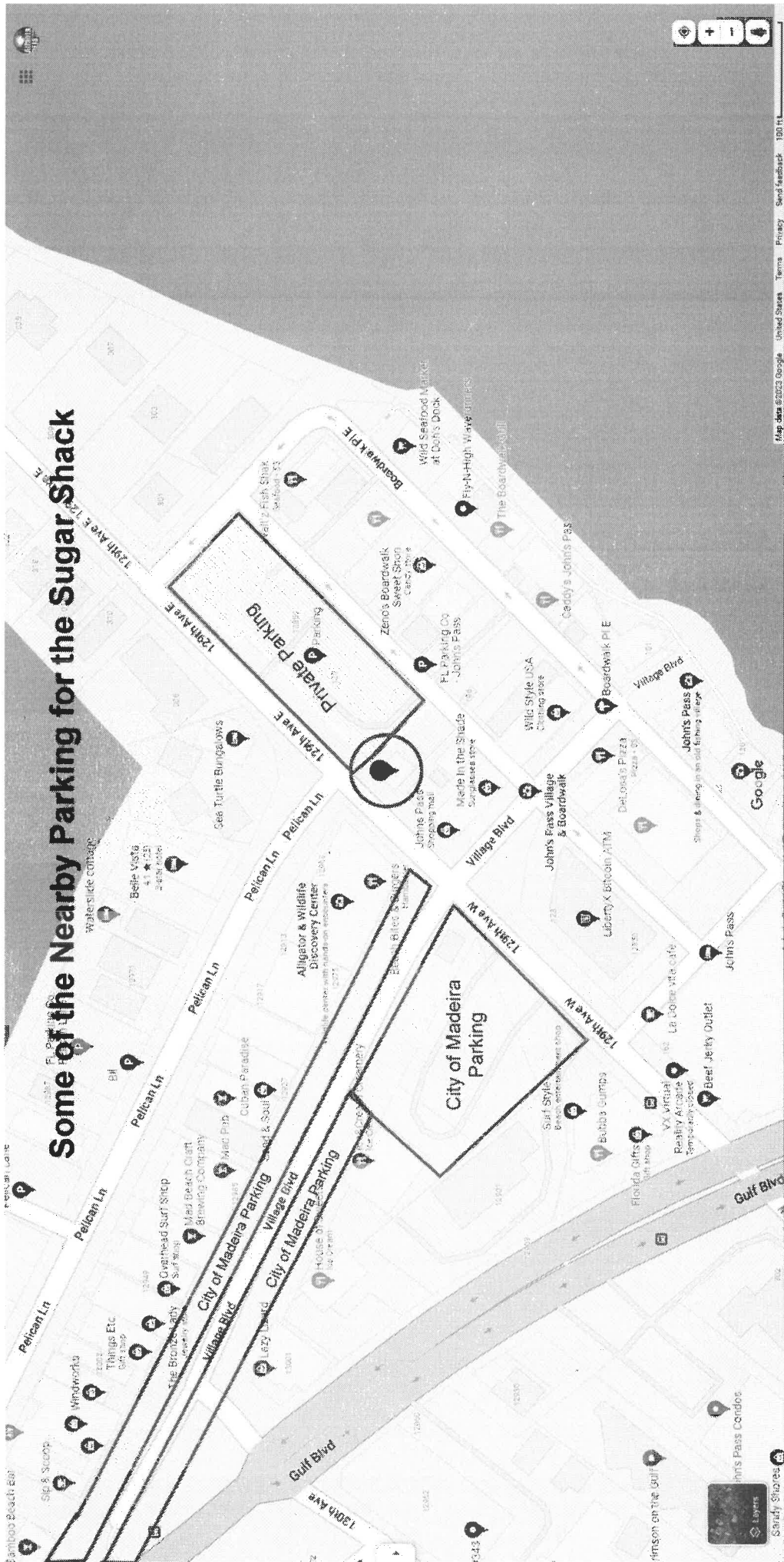




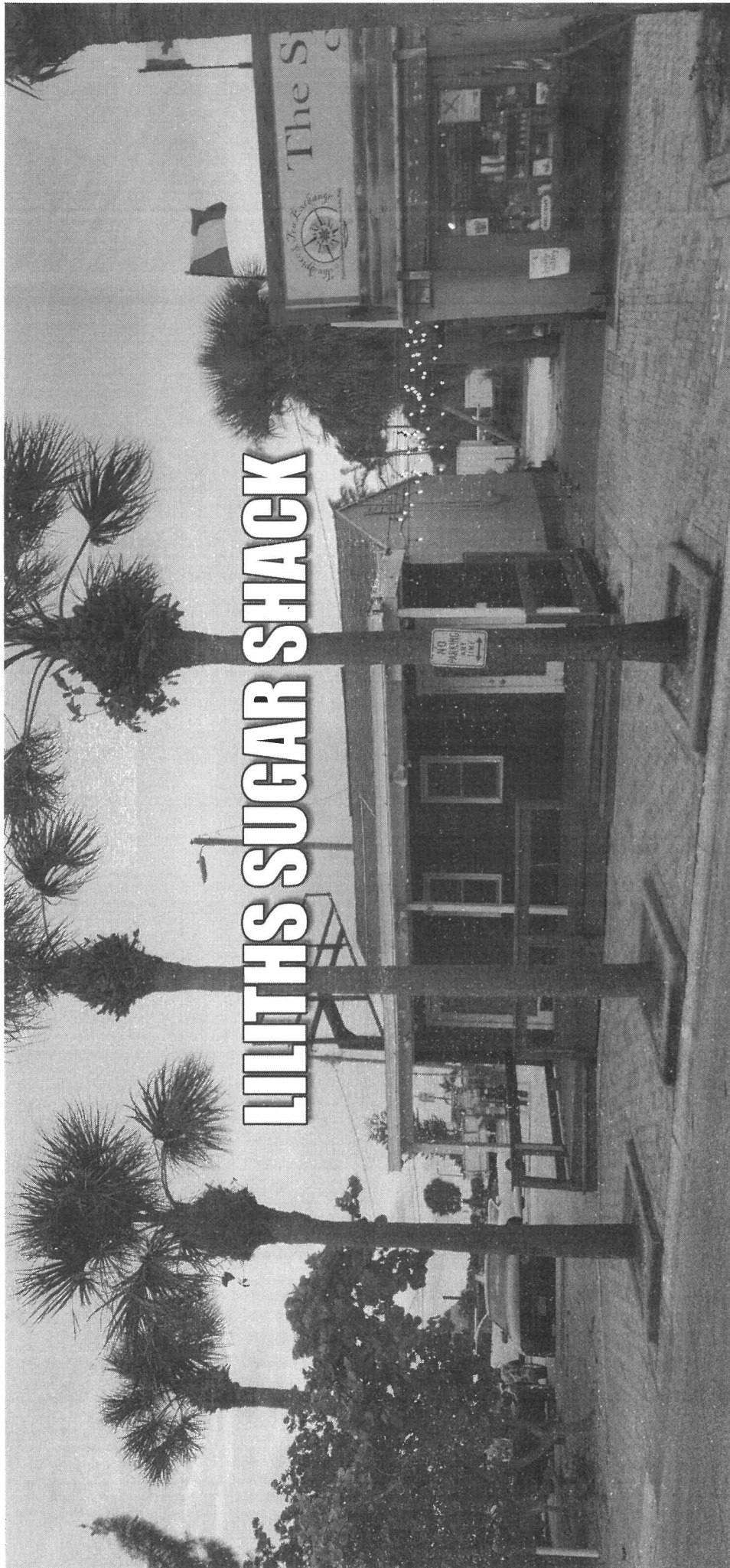
**Liliths Sugar Shack**  
**121 129th Avenue E**  
**Madeira Beach, FL 33708**

**Nearby Crossroads**  
**129th Ave E & Pelican Lane,**  
**129th Ave E & Village Blvd,**  
**& Fishermans Alley**

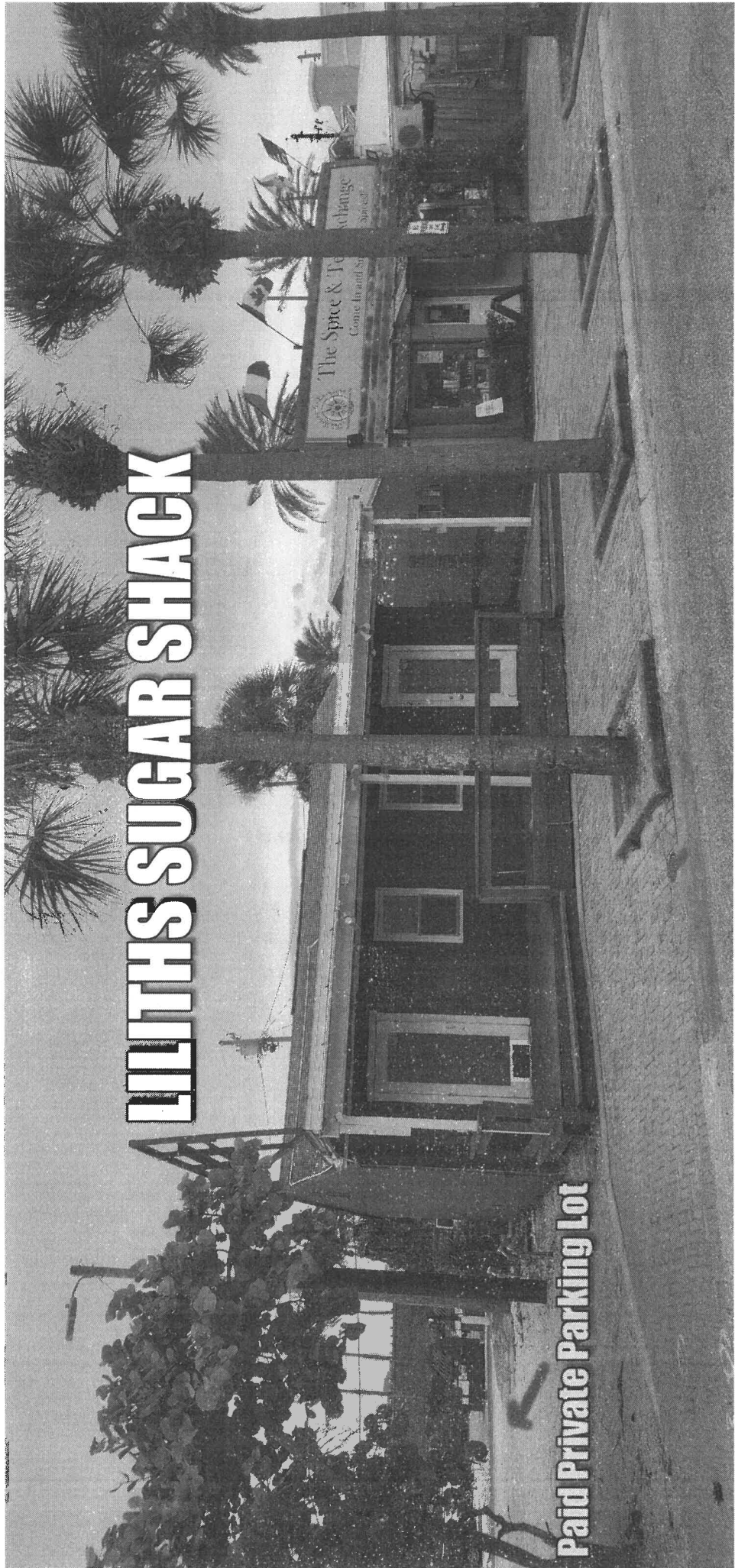




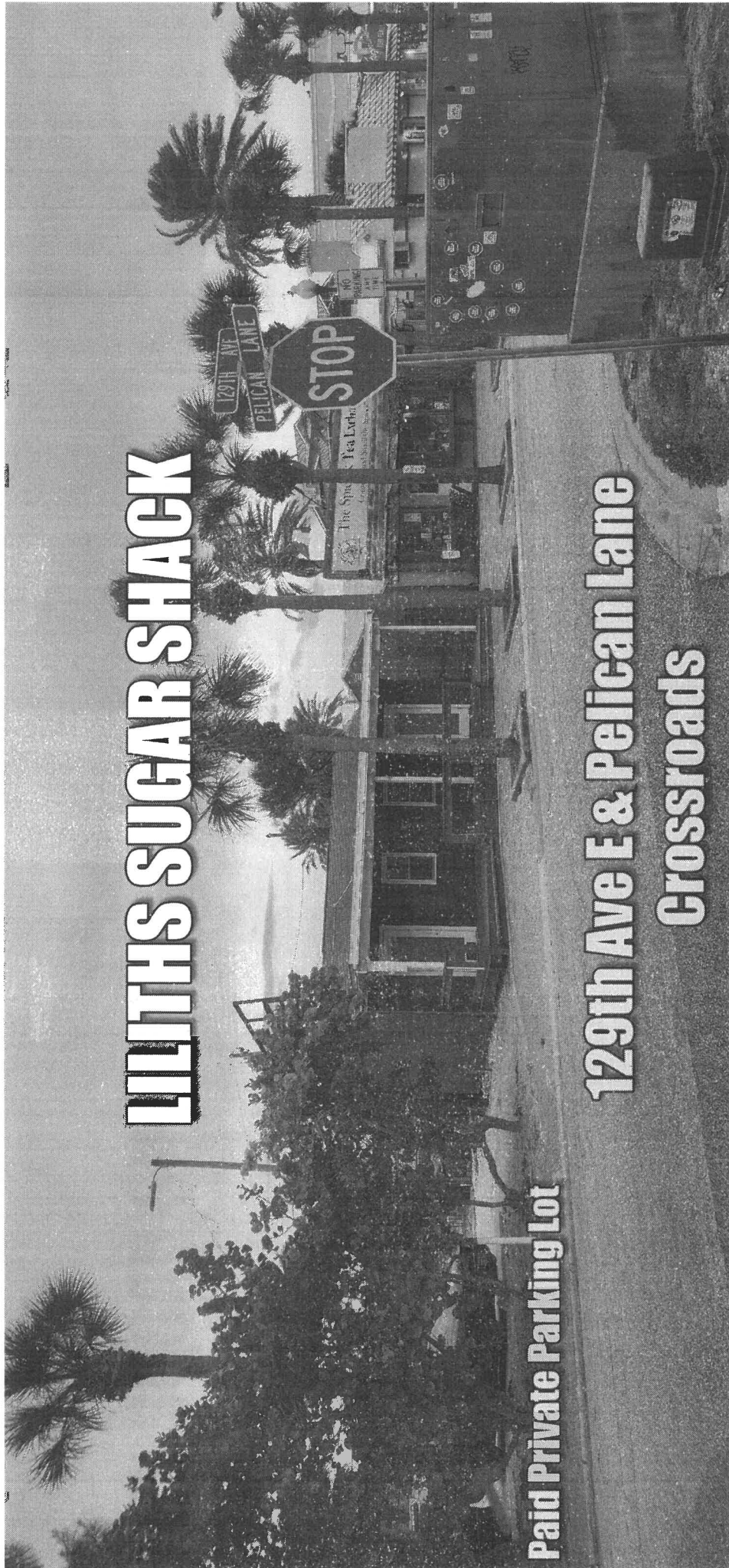
## Some of the Nearby Parking for the Sugar Shack



Item 9H.







# LILITHS SUGAR SHACK

129th Ave E & Pelican Lane  
Crossroads

Paid Private Parking Lot

# LILITHS SUGAR SHACK

Paid Private Parking Lot

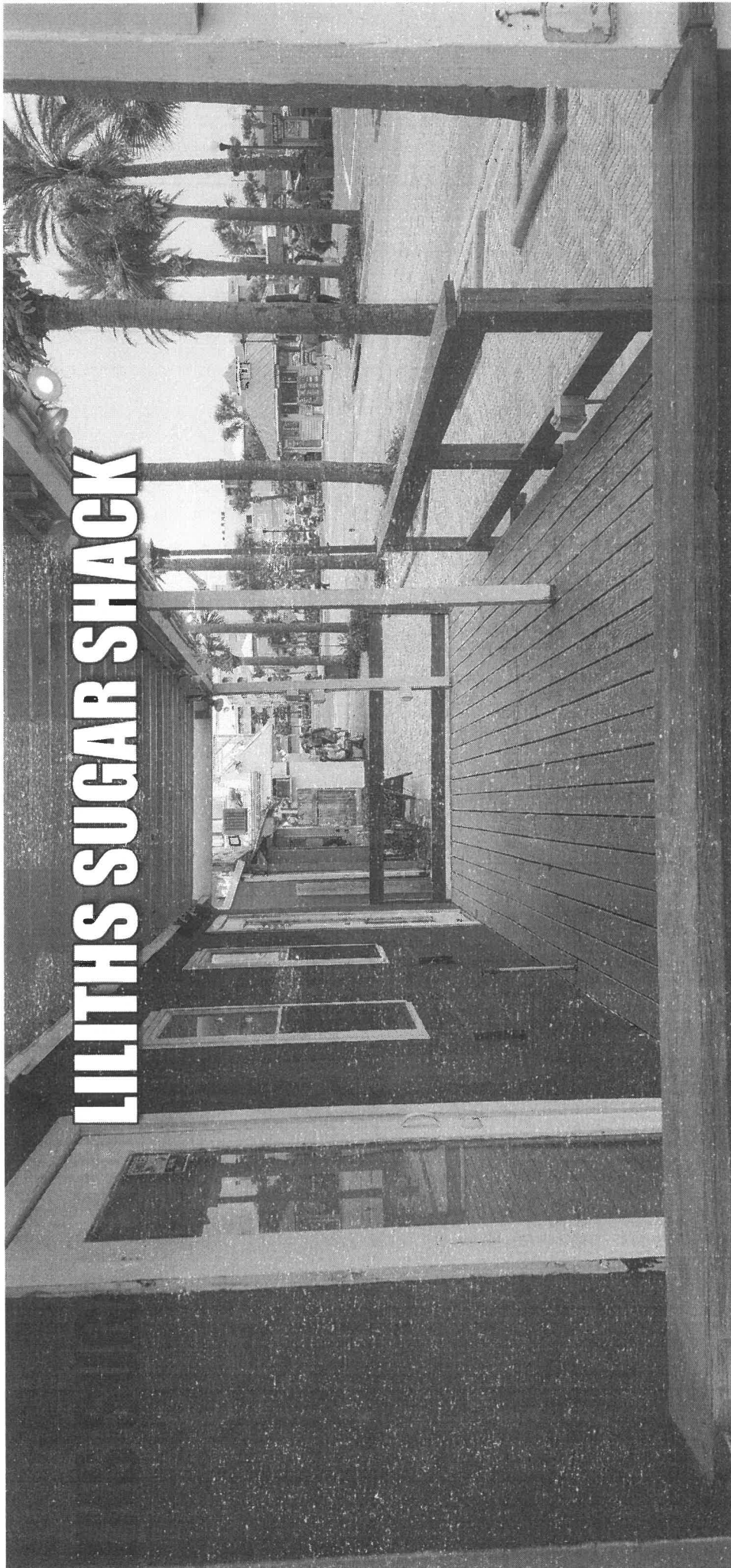
Item 9H.

# LILITHS SUGAR SHACK

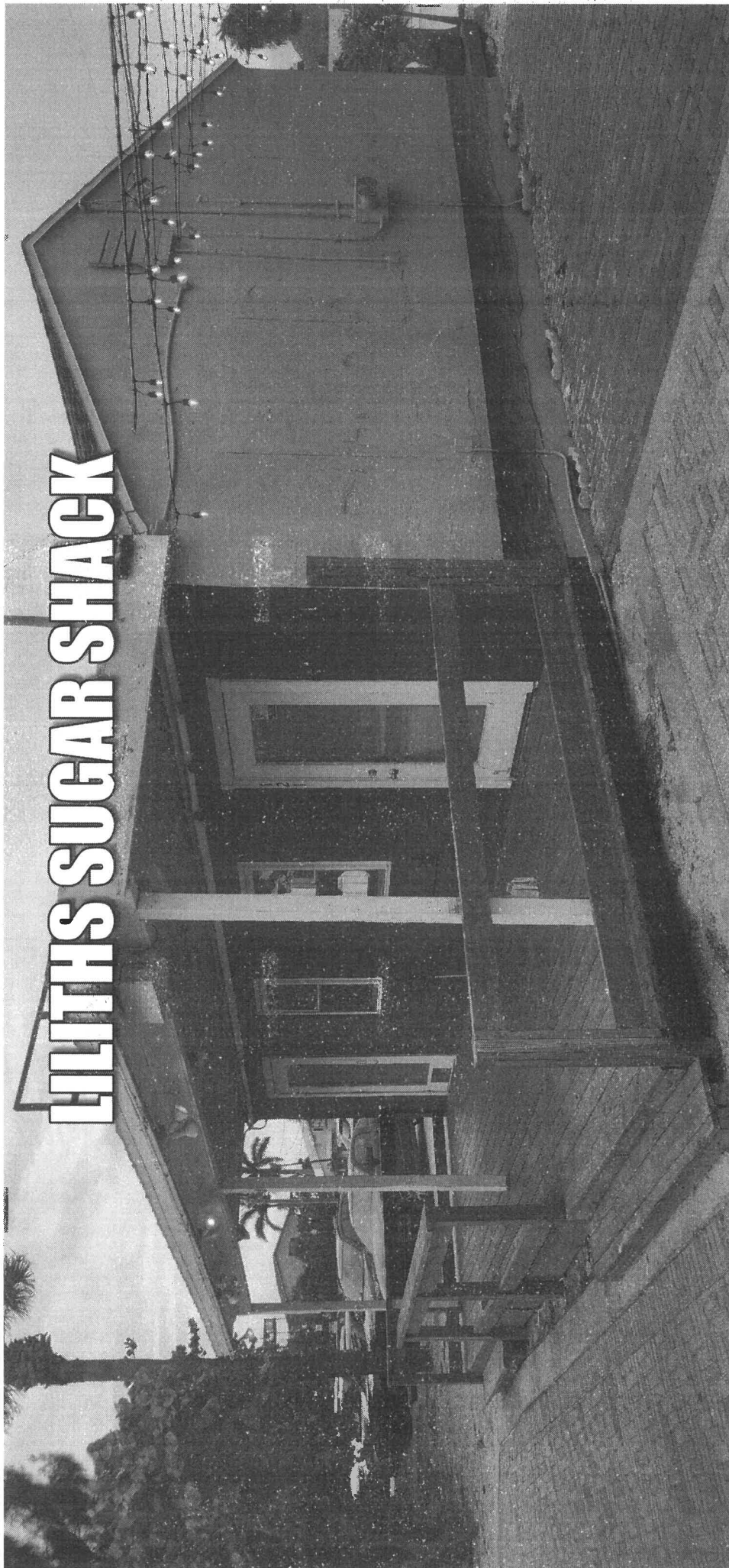
Paid Private Parking Lot

Item 9H.





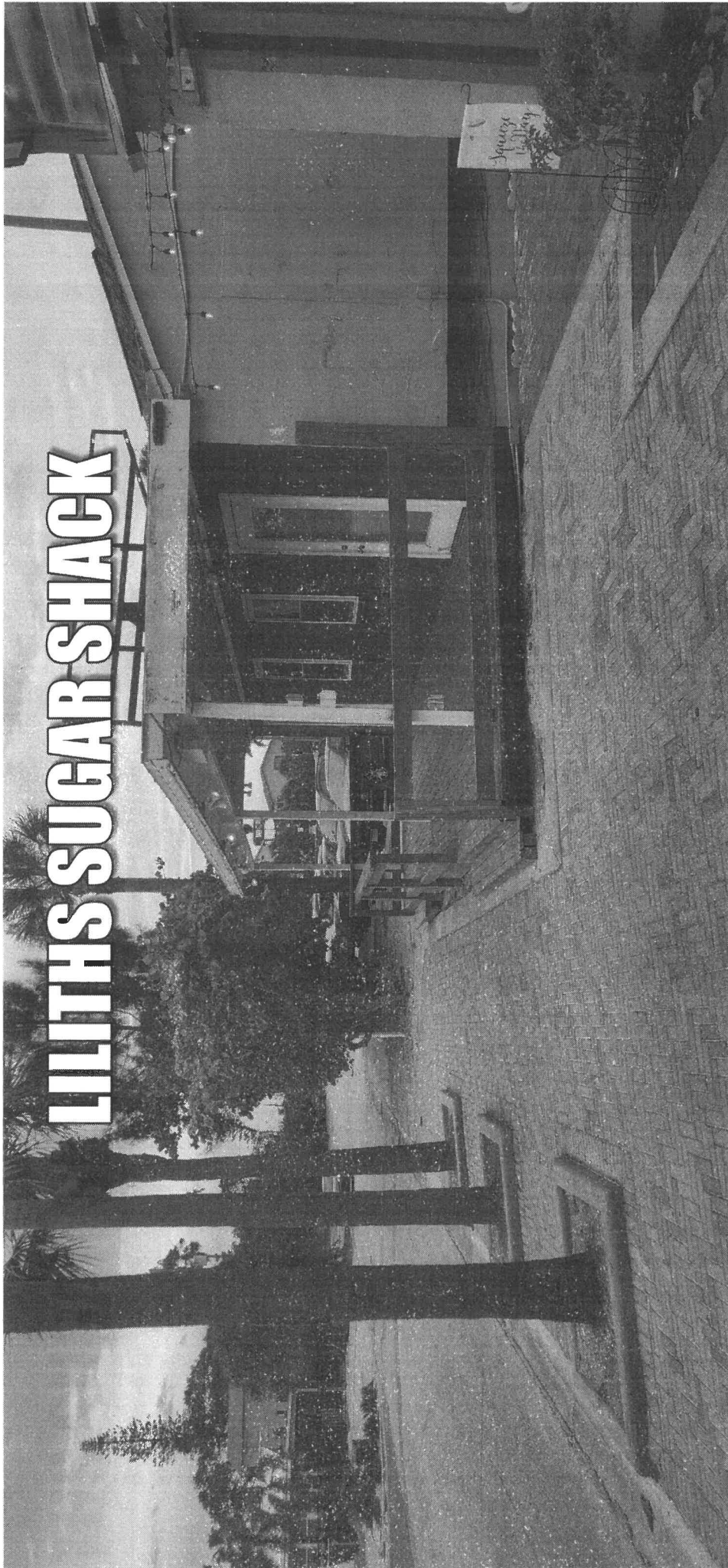
# LILITHS SUGAR SHACK



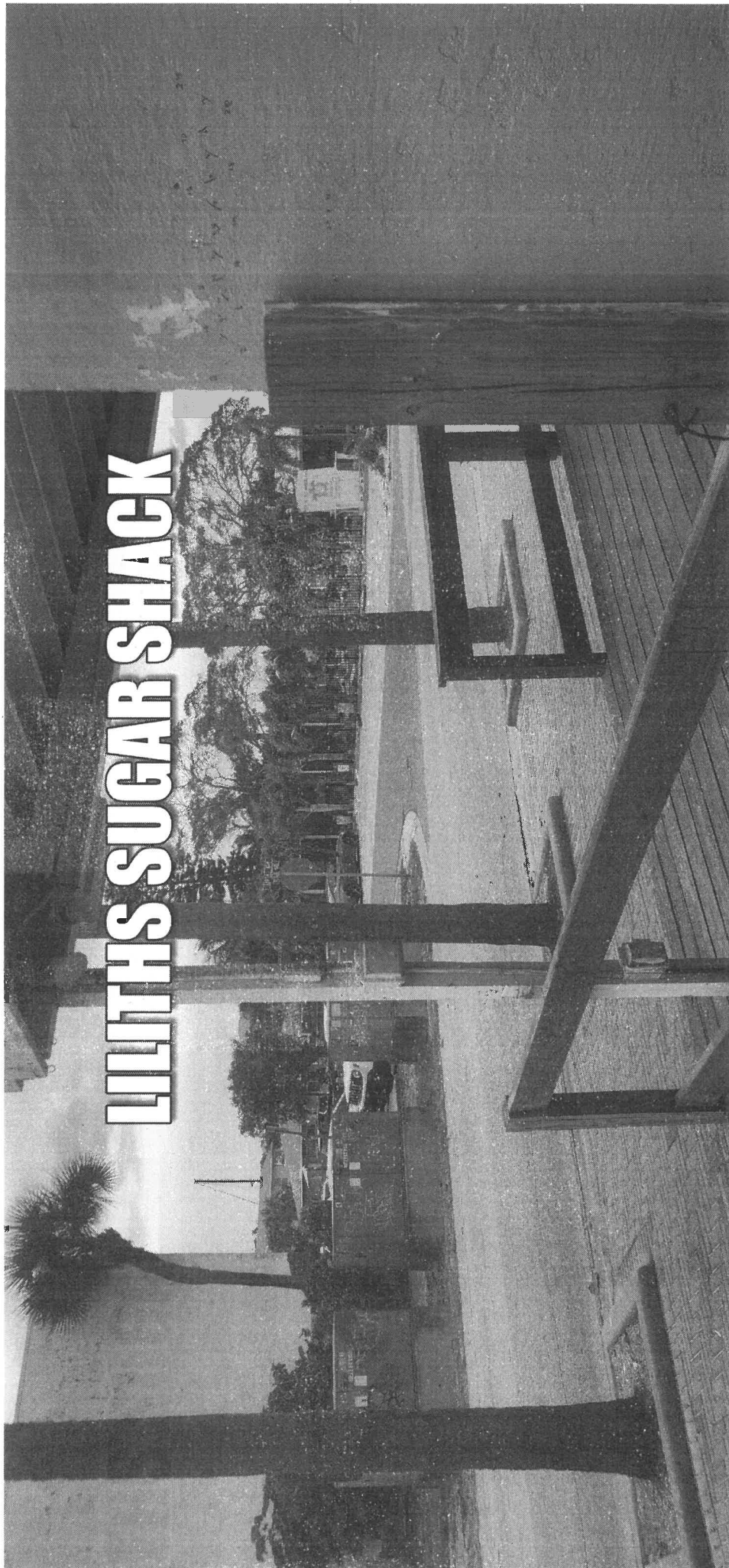
Item 9H.



# LILITHS SUGAR SHACK



Item 9H.



Item 9H.



## MEMORANDUM

### PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **May 10, 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 of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Liliths Sugar Shack LLC, 121 129th Ave E, Madeira Beach, Florida 33708.

---

### 2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-04

**Applicant:** Liliths Sugar Shack LLC, Dustin Griffin as Manager

**Business Location:** 121 129th Ave E, Madeira Beach, Florida 33708

**Business:** Liliths Sugar Shack LLC

**Application Request:**

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-04, is requesting authorization from the Board of Commissioners for the approval of a (2COP) alcoholic beverage license with stated intent to sell beer and wine for consumption on premises at Lilith's Sugar Shack LLC located at 121 129th Ave E, Madeira Beach, Florida 33708. This establishment is in the C-1, Tourist Commercial Zoning District and has the Future Land Use of Commercial General.

**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 8:30 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](mailto: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:**

April 24, 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](mailto:planning@madeirabeachfl.gov).







Item 9H.

### NOTICE OF INTENT TO BE AN AFFECTED PARTY

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 a notice of intent to be a party with the City Community Development Department not less than five days prior to commencement of the hearing. The completed and signed form may be emailed or submitted in person to the following:

Community Development Department  
300 Municipal Drive  
Madeira Beach, FL 33708

Email: [planning@madeirabeachfl.gov](mailto:planning@madeirabeachfl.gov)  
727-391-9951

### AFFECTED PERSON INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### APPLICATION INFORMATION

Case No(s). or Application No(s)., whichever apply: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affected Person

\_\_\_\_\_  
Date



## AFFIDAVIT OF MAILING

Date: 4/24/2023

Mailings for Case # ABP 2023-07

Before me this day Andrew Morris personally appeared. He/she has mailed public notices to property owners within a 300 foot radius of the subject property.

[Signature]  
Signature

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn and subscribed before me this 24<sup>th</sup> day of April, 2023.

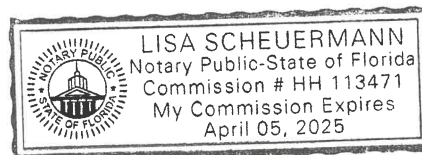
Personally known or produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public

4/24/23  
Date

Notary Public Stamp

\*Copy of public notice is attached.






## AFFIDAVIT OF POSTING

Date: 4/24/2023  
 Postings for: ABP2023-07

Before me this day Andrew Morris personally appeared. He/she has posted public notices at the locations indicated in the notice document(s).

  
 Signature

STATE OF FLORIDA  
 COUNTY OF PINELLAS

Sworn to and subscribed before me this 24<sup>th</sup> day of April, 20 23.

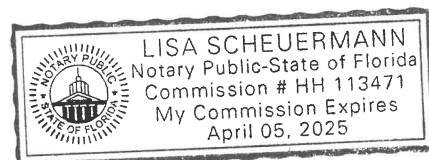
Personally known or produced \_\_\_\_\_ as identification.

  
 Notary Public

4/24/23  
 Date

Notary Public Stamp

\*Copy of public notice is attached.




## Property Site







## Gulf Beaches Public Library



### MEMORANDUM

**PUBLIC NOTICE**

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on **May 10, 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 of a (CCOP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Liliths Sugar Shack LLC, 121 129th Ave E, Madeira Beach, Florida 33708.

---

**2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-04**

**Applicant:** Liliths Sugar Shack LLC, Dustin Griffin as Manager

**Business Location:** 121 129th Ave E, Madeira Beach, Florida 33708

**Business:** Liliths Sugar Shack LLC

**Application Request:**


Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-04, is requesting authorization from the Board of Commissioners for the approval of a (CCOP) alcoholic beverage license with stated intent to sell beer and wine for consumption on premises at Lilith's Sugar Shack LLC located at 121 129th Ave E, Madeira Beach, Florida 33708. This establishment is in the C-1, Tourist Commercial Zoning District and has the Future Land Use of Commercial General.

**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 8:30 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 2023-04 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  
300 Municipal Drive  
Madeira Beach, FL 33708


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

**Posted:**

April 24, 2023 @ Property Site, Gulf Beaches Public Library, City Hall, City of Madeira Beach, and Website Posting Locations.

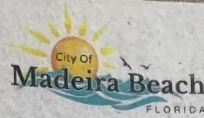
**Note:** One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record 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.

ABP 2023-04 Page 2





## City Hall



## MEMORANDUM

## PUBLIC NOTICE

The Board of Commissioners of the City of Madeira Beach will hold a Public Hearing on May 10, 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 of a (2COP) Alcoholic Beverage License with stated intent to sell beer and wine for consumption on premises at Liliths Sugar Shack LLC, 121 129th Ave E, Madeira Beach, Florida 33708.

## 2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION # 2023-04

**Applicant:** Liliths Sugar Shack LLC, Dustin Griffin as Manager

**Business Location:** 121 129th Ave E, Madeira Beach, Florida 33708

**Business:** Liliths Sugar Shack LLC

## Application Request:

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-04, is requesting authorization from the Board of Commissioners for the approval of a (2COP) alcoholic beverage license with stated intent to sell beer and wine for consumption on premises at Lilith's Sugar Shack LLC located at 121 129th Ave E, Madeira Beach, Florida 33708. This establishment is in the C-1, Tourist Commercial Zoning District and has the Future Land Use of Commercial General.

## 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 8:30 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:

April 24, 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.



Meetings will be televised on

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT

Public participation is encouraged. Public comment on agenda items should be filed at the podium and state your name, address, and phone number. Minutes and do not include

Public comment on agenda items should be filed at the podium and state your name, address, and phone number. Minutes and do not include

For any quasi-judicial hearing to this proceeding and cross-examination of witnesses and all witnesses by filing a notice of intent to be a party not less than five days prior to the hearing.

4. APPROVAL OF MINUTES

A. April 4, 2023 - MINUTES

5. NEW BUSINESS

A. Ordinance 2023-09,

B. Ordinance 2023-10,

C. Ordinance 2023-12,

D. Ordinance 2023-13,

6. OLD BUSINESS

7. ADMINISTRATIVE/STAFF REPORTS

A. Sunshine Law Training

8. PLANNING COMMISSION

9. NEXT MEETING

Next meeting is scheduled for May 10, 2023 at 6:00 p.m.

10. INFORMATIONAL

11. 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 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.

City Website

# Plan Review Documents

## ABP 2023-04 Liliths Sugar Shack

[ABP 2023 04 Liliths Sugar Shack LLC App For 5 10 23 BOC](#)



**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**

[www.pcpao.gov](http://www.pcpao.gov)

[mike@pcpao.gov](mailto:mike@pcpao.gov)

Run Date: 18 Apr 2023

Subject Parcel: 15-31-15-58320-001-0130

Radius: 300 feet

Parcel Count: 48

Note: Parcels with protected address status are not included in this report.

Total pages: 3

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.

EINY, MORDECHAY  
EINY, SHOSHANA  
C/O KRAFT, STEVEN  
7050 W PALMETTO PARK RD STE15-277  
BOCA RATON, FL 33433-3426

R N J MADEIRA BEACH INC  
C/O IURILLO, CAMILLE  
1017 GRAND CT  
HIGHLAND BEACH, FL 33487-5306

R N J MADEIRA BEACH INC  
C/O IURILLO, CAMILLE  
1017 GRAND CT  
HIGHLAND BEACH, FL 33487-5306

FL INT IMP FUND TRE  
CRITELLI FAMILY LIVING TRUST  
8162 TERRACE GARDEN DR N UNIT 102  
ST PETERSBURG, FL 33709-1055

FL INT IMP FUND TRE  
C/O GARDNER PROPERTIES INC  
555 SE ST LUCIE BLVD  
STUART, FL 34996-1320

N J E PROPERTIES INC  
C/O HAMUY  
PO BOX 14433  
TALLAHASSEE, FL 32317-4433

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

MERMAID HOLDINGS LLC  
12831 VILLAGE BLVD  
MADEIRA BEACH, FL 33708-2654

JPV RESTAURANT PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

CRITELLI FAMILY LIVING TRUST  
8162 TERRACE GARDEN DR N UNIT 102  
ST PETERSBURG, FL 33709-1055

FISHRUNNER LLC  
14041 E PARSLEY DR  
MADEIRA BEACH, FL 33708-2301

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

PERSHING ENTERPRISES LLC  
19817 GULF BLVD UNIT 608  
INDIAN SHORES, FL 33785-2397

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

MENNA'S LANDING OWNER'S ASSN INC  
9334 SILVERTHORN RD  
SEMINOLE, FL 33777-3163

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

ESTATE BROTHERS LLC  
149 OAK KNOLL TER  
HIGHLAND PARK, IL 60035-5320

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JOHN'S PASS PLAZA LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

PELICAN BAY APARTMENTS & MARINA LLC  
12971 PELICAN LN  
MADEIRA BEACH, FL 33708-2782

DE LOSAS PIZZA & RESTAURANT  
12800 VILLAGE BLVD  
MADEIRA BEACH, FL 33708-2653

LKN2 SAGE GROUP LLC  
15905 CAPRI DR  
JERSEY VILLAGE, TX 77040-1202

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

PELICAN BAY APTS & MARINA LLC  
12971 PELICAN LN  
MADEIRA BEACH, FL 33708-2782

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

BOARDWALK PLACE PROPERTIES LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

MADEIRA BEACH, CITY OF  
300 MUNICIPAL DR  
MADEIRA BEACH, FL 33708-1916

LUPER REAL ESTATE INC  
7262 SAWGRASS POINT DR N  
PINELLAS PARK, FL 33782-4202

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

PELICAN BAY APARTMENTS & MARINA LLC  
12971 PELICAN LN  
MADEIRA BEACH, FL 33708-2782

MERMAID HOLDINGS LLC  
12831 VILLAGE BLVD  
MADEIRA BEACH, FL 33708-2654

PAIRODOCS LLC 310 SERIES  
149 OAK KNOLL TER  
HIGHLAND PARK, IL 60035-5320

J W B M B HOLDINGS LLC  
429 BOCA CIEGA DR  
MADEIRA BEACH, FL 33708-2457

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

JPV HOTEL PROPERTY LLC  
410 150TH AVE STE H  
MADEIRA BEACH, FL 33708-2000

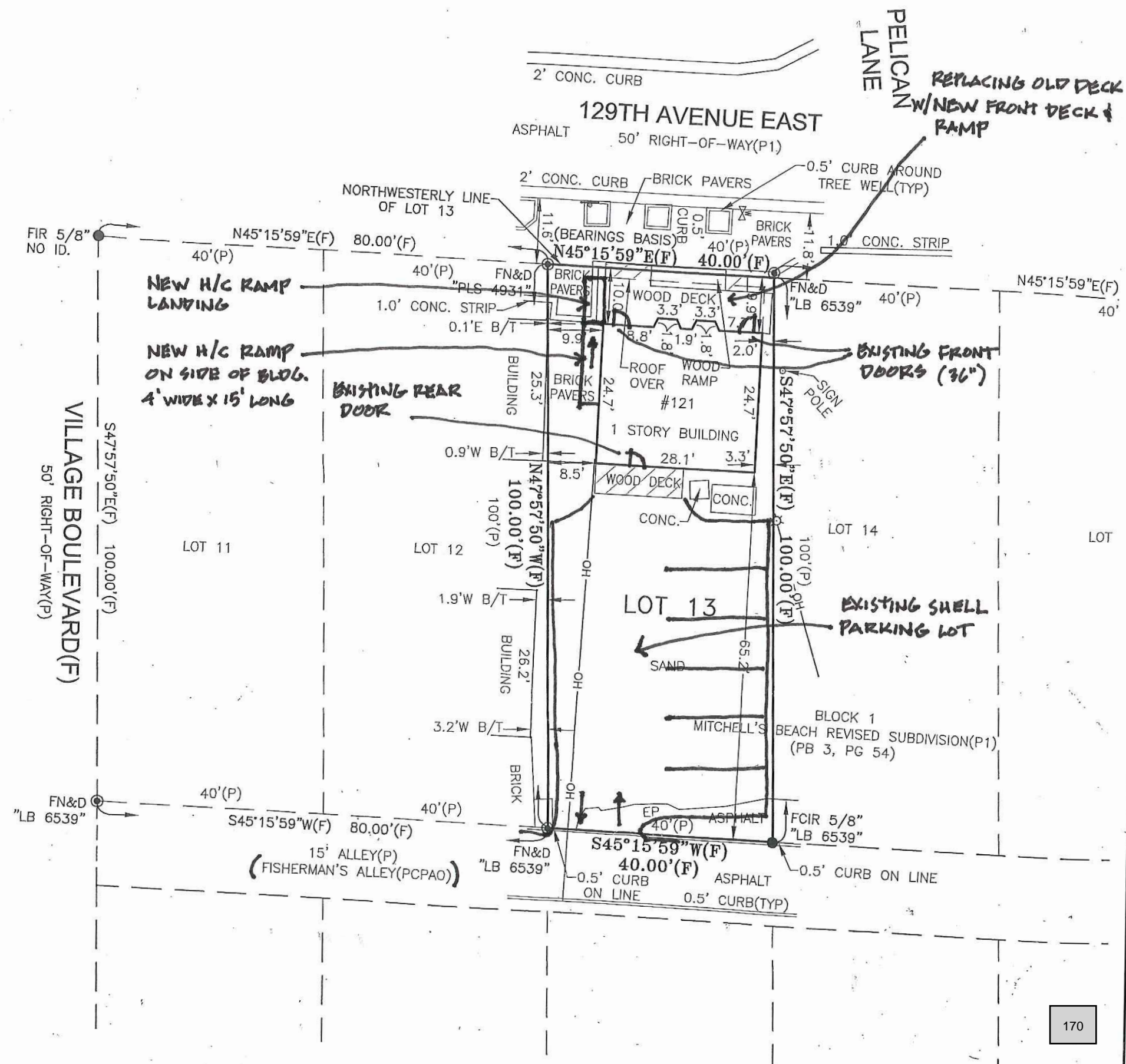
2DS HOLDINGS LLC  
12901 PELICAN LN  
MADEIRA BEACH, FL 33708-4600

DE LOSAS PIZZA & RESTAURANT  
12800 VILLAGE BLVD  
MADEIRA BEACH, FL 33708-2653

111 BOARDWALK LLC  
10225 ULMERTON RD STE 12A  
LARGO, FL 33771-3520

J E H INVESTMENTS LLC  
4200 4TH ST N STE 3  
ST PETERSBURG, FL 33703-4735









## MEMORANDUM

TO: Hon. Mayor and Board of Commissioners

THROUGH: Robin Gomez, City Manager

FROM: Clint Belk, Fire Chief

DATE: May 10, 2023

RE: Resolution 2023-04, Emergency Operations Plan 2023-25

---

### **Background**

Every year, prior to the start of hurricane season City staff reviews and revises the Emergency Operations Plan for the City of Madeira Beach and Redington Communities.

### **Fiscal Impact**

There is no financial impact.

### **Recommendation**

It is recommended that the Board of Commissioners adopt Resolution 2023-04, Emergency Operations Plan 2023-25

### **Attachment(s):**

- Resolution 2023 - 04
- Emergency Operations Plan 2023 - 2025



**RESOLUTION 2023-04**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, PROVIDING FOR THE ADOPTION OF THE CITY OF MADEIRA BEACH EMERGENCY OPERATIONS PLAN DATED MAY 10, 2023; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff has reviewed the current Emergency Operations Plan and desires to amend the same; and

**WHEREAS**, the Board of Commissioners has reviewed the revised Emergency Operations Plan dated May 10, 2023 and wishes to adopt the same.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA THAT:

**Section 1.** The City of Madeira Beach Emergency Operations Plan dated May 10, 2023 attached hereto as an exhibit to this resolution is hereby adopted.

**Section 2.** This resolution shall take effect upon its passage and adoption.

**INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
James Rostek, Mayor

ATTEST:

\_\_\_\_\_  
Clara VanBlargan, MMC, MSM, City Clerk



**City of Madeira Beach  
and the Redington Communities**

**EMERGENCY OPERATIONS PLAN**

**2023 / 2025**

**(May 10, 2023)**

**The City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 32708  
(727) 391-9951**

# TABLE OF CONTENTS

## EMERGENCY OPERATIONS PLAN..... 3

INTRODUCTION.....	3
PURPOSE.....	3
GOAL.....	3
PREPAREDNESS.....	3
LEGAL AUTHORITY.....	4
ORGANIZATION.....	5
COMMUNICATIONS.....	6
TRANSPORTATION.....	6
OTHER AFFILIATIONS.....	7
EVACUATION.....	7
RECOVERY.....	7

## EMERGENCY ACCESS PERMIT..... 8

## LEVELS OF POTENTIAL OR ACTUAL DISASTER..... 9

LEVEL I.....	9
LEVEL II.....	9
LEVEL III.....	10

## DEPARTMENT RESPONSIBILITIES..... 11

CITY MANAGER.....	11
FIRE RESCUE.....	11
CITY CLERK.....	12
FINANCE DEPARTMENT.....	12
COMMUNITY DEVELOPMENT DEPARTMENT/BUILDING DEPARTMENT.....	13
PUBLIC WORKS DEPARTMENT.....	13
MARINA.....	13
RECREATION DEPARTMENT.....	14

## CONTACT NUMBERS..... 15

## STANDARD OPERATING PROCEDURES..... 17

CITY MANAGER: LEVEL I ACTIVATION (TO INCLUDE A HURRICANE WATCH).....	17
CITY MANAGER: LEVEL II ACTIVATION (TO INCLUDE A HURRICANE WARNING).....	17
CITY MANAGER: LEVEL III ACTIVATION (TO INCLUDE A HURRICANE EVACUATION).....	18
CITY MANAGER: RECOVERY PHASE.....	18
FIRE DEPARTMENT: LEVEL I ACTIVATION (TO INCLUDE A HURRICANE WATCH).....	18
FIRE DEPARTMENT: LEVEL II ACTIVATION (TO INCLUDE A HURRICANE WARNING).....	19
FIRE DEPARTMENT: LEVEL III ACTIVATION (TO INCLUDE A HURRICANE EVACUATION).....	20
FIRE DEPARTMENT: RECOVERY PHASE.....	20
CITY CLERK: LEVEL I ACTIVATION (TO INCLUDE A HURRICANE WATCH).....	21

CITY CLERK: LEVEL II ACTIVATION (TO INCLUDE A HURRICANE WARNING).....	21
CITY CLERK: LEVEL III ACTIVATION (TO INCLUDE A HURRICANE EVALUATION).....	21
CITY CLERK: RECOVERY PHASE.....	21
FINANCE DEPARTMENT: LEVEL I ACTIVATION (TO INCLUDE A HURRICANE WATCH).....	22
FINANCE DEPARTMENT: LEVEL II ACTIVATION (TO INCLUDE A HURRICANE WARNING).....	22
FINANCE DEPARTMENT: LEVEL III ACTIVATION (TO INCLUDE A HURRICANE EVACUATION).....	22
FINANCE DEPARTMENT: RECOVERY PHASE.....	22
COMMUNITY DEVELOP/BUILDING: LEVEL I ACT. (TO INCLUDE A HURRICANE WATCH).....	24
COMMUNITY DEVELOP/BUILDING: LEVEL II ACT. (TO INCLUDE A HURRICANE WARNING).....	24
COMMUNITY DEVELOP/BUILDING: LEVEL III ACT. (TO INCLUDE A HURRICANE EVACUATION).....	24
COMMUNITY DEVELOP/BUILDING: RECOVERY PHASE.....	24
PUBLIC WORKS/MARINA: LEVEL I ACTIVATION (TO INCLUDE A HURRICANE WATCH).....	25
PUBLIC WORKS/MARINA: LEVEL II ACTIVATION (TO INCLUDE A HURRICANE WARNING).....	25
PUBLIC WORKS/MARINA: LEVEL III ACTIVATION (TO INCLUDE A HURRICANE EVACUATION).....	26
PUBLIC WORKS/MARINA: RECOVERY PHASE.....	26
MARINA: LEVEL I ACTIVATION (TO INCLUDE A HURRICANE WATCH).....	26
MARINA: LEVEL II ACTIVATION (TO INCLUDE A HURRICANE WARNING).....	27
MARINA: LEVEL III ACTIVATION (TO INCLUDE A HURRICANE EVACUATION).....	27
MARINA: RECOVERY PHASE.....	27
RECREATION DEPARTMENT: LEVEL I ACTIVATION (TO INCLUDE A HURRICANE WATCH).....	28
RECREATION DEPARTMENT: LEVEL II ACTIVATION (TO INCLUDE A HURRICANE WARNING).....	28
RECREATION DEPARTMENT: LEVEL III ACTIVATION (TO INCLUDE A HURRICANE EVACUATION).....	28
RECREATION DEPARTMENT: RECOVERY PHASE.....	28

## **EMERGENCY OPERATIONS CENTER..... 30**

## **SHELTERS IN PINELLAS COUNTY..... 30**

## **APPENDIX..... 31**

APPENDIX A.....	31
APPENDIX B.....	32
APPENDIX C.....	33
APPENDIX D.....	37

## EMERGENCY OPERATIONS PLAN – IN GENERAL

### Introduction

The preservation of life and property is an inherent responsibility of all levels of government. Since disasters in many devastating forms may strike at any time, the City of Madeira Beach Emergency Operations Plan must provide safeguards, which will save lives and minimize property damage through prior planning, preparedness measures and training. Sound emergency plans carried out by knowledgeable and well-trained personnel can and will minimize losses from any disasters that may occur.

Each department within the organization with a role in the implementation of the Emergency Operations Plan needs to be familiar with this plan to ensure efficient and effective execution of emergency responsibilities. Each department must develop and maintain related departmental emergency plans and/or standard operating procedures.

This Emergency Operation Plan will continue to be evaluated, updated, and refined to meet the City's changing needs.

### Purpose

The City of Madeira Beach Emergency Operations Plan establishes planned response to extraordinary emergency situations associated with natural disasters. It establishes procedures and an emergency management organization and assigns roles and responsibilities to ensure the effective management of emergency operations within the City of Madeira Beach. The plan was created by a collaboration of City departments and adopted by the City of Madeira Beach Board of Commissioners.

The term “disaster” refers to a calamitous event, especially one occurring suddenly and causing great loss of life, damage, or hardship, as a flood, freeze, windstorm, hurricane, tornado, major fires, and explosions and other catastrophes resulting, or likely to result, in loss of life and/or significant property damage.

### Goal

The overall goal of the Emergency Operations Plan is to ensure life safety, property protection, response and recovery capabilities, and continuity of City operations.

### Preparedness

Planning makes it possible to manage the entire life cycle of a potential crises and determine capability requirements. It ensures that the organization has complied with the preventive measures; is in a state of readiness to contain the effects of a forecasted disastrous event to minimize loss of life, injury, and damage to property; can provide rescue, relief, rehabilitation, and other services in the aftermath of the disaster; and has the capability and resources to continue to sustain its essential functions without being overwhelmed by the demand placed on them.

## Legal Authority

In accordance with Florida Statutes, Chapter 252, a state of emergency shall be declared by executive order or proclamation of the Governor if determined that an emergency has occurred or that the occurrence or the threat thereof is imminent. The state of emergency shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist or the Governor terminates the state of emergency by executive order or proclamation, but no state of emergency declared pursuant to the Florida Emergency Management Act may continue for longer than 60 days unless renewed by the Governor.

It is within the discretionary powers conferred upon the Governor by Chapter 252, Florida Statutes to direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he or she deems this action necessary for the preservation of life or other emergency mitigation, response or recovery. Chapter 252, Florida Statutes together with Executive Order 80-29 authorizes local governments to order or direct the evacuation of its citizens when threatened by a disaster in the absence of a directive from the Governor. Nothing in the Order prevents local jurisdictions from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary in the absence of the Governor's directive.

The same power to order evacuation from an approaching hurricane conferred upon the Governor by statute is delegated to the governing body of each political subdivision of the State by Executive Order 80-29. The term "political subdivision" is defined under the statute as "any county or municipality created pursuant to laws." This delegation of authority by Executive Order empowers the chief elected official of Pinellas County (Chairman of the Board of County Commissioners) and the 24 municipalities (Mayor) to order evacuation from an approaching hurricane or other threatening phenomenon.

The City of Madeira Beach Code of Ordinances, Chapter 38, Section 38-1, adopts the National Fire Code (NFPA), 2015 edition, which state that the Fire Chief or his designee shall enforce these Codes.

The City Manager or his designee shall have the authority to determine what constitutes an immediate hazard of life and/or property, the authority to take any action he/she deems necessary while coordinating with the City's Building Official and the Sheriff's Office.

The City Manager or his designee shall have the authority to place personnel on standby.

The Emergency Operations Plan is adopted by reference (Sec. 22-46) and is continually in effect. It is on file in the City Clerk's Office.



## Organization

- A. The City Manager may take command and govern the City by resolution under the direction of the Board of Commissioners during the times of grave public danger or emergency. The Board of Commissioners shall be the judge of what constitutes “grave public danger or emergency”, in accordance with the City of Madeira Beach City Charter.

The Board of Commissioners may adopt an ordinance enacting an emergency management ordinance during a state of local emergency to establish a curfew and declare certain areas off limits; establish regulations of use of water; establish a prohibition of price gouging and over charging; and establish restriction on sale of alcohol, firearms, explosives, and combustibles. The ordinance authorizes the Mayor and, in the absence of the Mayor, the line of succession to declare a State of Local Emergency. Should the Mayor be unavailable or become incapacitated, the authority and responsibilities of the Mayor, under this Emergency Operations Plan shall be passed first to the Vice-Mayor and thereafter to the District Commissioners in numerical order (Commissioner of Districts 1, 2, 3 and 4).

The City Manager shall continue as Chief Administrative Official and shall manage the Departments of the City for the accomplishment of the above stated purpose. The City Manager’s Officer or designees shall act as the official spokespersons for the City, providing all information to the media pertaining to the disaster. The City Manager will assign a designee who shall be responsible for operation and answering City’s telephones.

The assignments of responsibility made to the City Manager and the Department Directors for the management of the City during normal times will be preserved during an emergency or disaster. <https://library.municode.com/>

- B. The Pinellas County Sheriff’s Office, under the terms of its contract with the City of Madeira Beach, shall be responsible for law enforcement, as well as special traffic control, crowd control, and aiding in evacuation.
- C. The Fire Department shall be responsible for firefighting and rescue service as well as for evacuation and initial disaster assessment.
- D. The Public Works Director and PCSO Deputies shall be responsible for the maintenance of City property and securing same against the possibility of physical damage due to wind, water, vandalism, or looting. It shall aid in evacuation, when requested. It shall also be responsible for preservation and/or restoration of public areas and services before, during and after a disaster. It shall also provide barricades to block off hazardous roads and to assist in identifying the evacuation routes when instructed by the law enforcement agency.
- E. The City Clerk shall coordinate with all Department Directors to ensure all records will be safe and sheltered in place. It may be necessary that some records be stored in the City’s off-site records center, a contracted service. Records will be backed up electronically.

- F. The Building Official shall be responsible for establishing communication with the Building Department.
- G. The Marina Manager shall be responsible for notification of boat owners moored at the City Marina, so they may secure their property.
- H. Each Department Director will ensure in advance that all assigned employees understand that it may be mandatory to report to their department.
- I. The City Manager or his designee shall be responsible for public education on:
  - 1. Hurricane preparedness
  - 2. Local emergencies
  - 3. Communications with the public
- J. Annually, the City Manager and Fire Chief (Emergency Management Coordinator) shall conduct a minimum of one full scale (city-wide) emergency exercise, prior to June 1st (except for moving furniture), followed by a critique, recommendations, and corrective action.

## Communications

The City Manager and Fire Chief shall maintain communication with Pinellas County Emergency Management by radio (see Appendix A), by telephone 727-464-3800 and/or by e-mail

[ema@co.pinellas.fl.us](mailto:ema@co.pinellas.fl.us)

## Transportation

- A. Each resident is expected to provide his or her own transportation out of the city. Persons who cannot comply with this expectation should contact Pinellas County Emergency Management at 727-464-3800 or the Madeira Beach Fire Department at 727-391-3400 to be placed on a Special Needs list <http://www.pinellascounty.org/emergency/specialneeds.htm> for evacuation assistance that is maintained by the Fire Department and Pinellas County.
- B. Evacuation traffic will follow marked evacuation routes.
- C. City vehicles, capable of operating on flooded streets, and their operators shall remain on duty until completion of evacuation. Other City vehicles may be moved to the parking garage of Cambria Hotel or other location set by partnership with neighboring mainland cities.
- D. City employees will park private vehicles nose to nose at the Fire Station and/or parking garage of the Cambria Hotel and will report to the location assigned.

## Other Affiliations

- A. The City Manager or designee may contract with public agencies or private contractors for the exclusive use of equipment and supplies to aid during the recovery phase of a disaster. Equipment suppliers shall be under the direction of the Public Works Director while working in Madeira Beach.
- B. The EOC will be occupied, when necessary, by Fire Chief, City Manager as well as essential staff of Public Works, Finance, and Building as well as the representative of the PC Sheriff's Office.

## Evacuation

- A. All residents shall leave the City immediately when an evacuation is ordered.
- B. Evacuation orders shall be announced by City staff and/or local law enforcement and provided to all major media outlets.
- C. Pinellas County Emergency Management will alert the media (radio and television). For a local emergency, the Commission will be informed, and the City Manager or designee will alert the media (radio and television) as necessary.
- D. The City will provide all media outlets with information to broadcast over its existing cablevision system to notify residents of evacuation or other emergency information as necessary. Contact Bay News 9 Assignment Desk 727-329-2400.

## Recovery

- A. When re-entry to the City is authorized after a disaster, the first activity of the Fire Department and Sheriff's Office shall be search and rescue operations. The Fire Chief will coordinate this effort.
- B. After completing the initial search and rescue operation, and clearing the immediate life-threatening hazards, all Departments will concentrate upon restoring normal services to the City.
- C. As soon as it is practical after re-entering the City, damage survey teams will inspect and report damage to public and private property. The damage survey team will also decide whether to apply to the State (Chapter 252, F.S.) and Federal (Public Law 93-288, Sect. 404) governments for disaster relief for private property owners. This will be coordinated with Pinellas County Emergency Management.

Upon determining the area is safe for residents, the City will be re-opened to pre-designated business employees and the citizens of Madeira Beach, all must present Emergency Access Permit at the point of entry set by PCSO. Employers who have employees that are not Madeira Beach residents may obtain the Emergency Access Permit to ensure they have access to assist with their specific business recovery operation. These passes will be made

available at the City Hall or through Pinellas County Sheriff Office  
visit: <https://pcsoweb.com/emergency-access-permit>

## EMERGENCY ACCESS PERMIT

### *Available for Madeira Beach Residents and Business Employees*

Under disaster conditions and the following recovery operations, access to Madeira Beach will be restricted to persons with identification showing they are a resident or property owner. This is to prevent sightseers and other unauthorized people from hindering emergency operations and provide safety/security for our resident's property.

Pinellas County Sheriff's Office's Emergency Access Permit tags will be issued to residents (owners and tenants) and business owners/property management companies year-round. This program offers 2 tags per household and up to 15 to local businesses. These tags are for Madeira Beach addresses, locations in surrounding barrier islands must be obtained in the specific municipality. Residents and business owners of Madeira Beach may obtain their tags at City Hall or visit PCSO website. Once a mandatory evacuation order has been lifted, the tags will be required to re-enter the evacuated area. There are nine points to barrier islands, access will be limited based on the closest entry point of one's residence/business. PCSO will be posted at city entrances will scan the barcode of the permit which is required to be displayed by hanging from a vehicle's rearview mirror. This is a Pinellas County Sheriff's Office program, all rules/mandates associated with the tags are regulated by PCSO. To register visit <https://pcsoweb.com/emergency-access-permit>

**Anyone without the emergency access pass will be denied entry.**



**Sample Publication not for Official Use.**

## LEVELS OF POTENTIAL OR ACTUAL DISASTER

### Level I

- A. Activated to inform City Administration and Board of Commissioners of emergency events potentially impacting the City.
- B. Emergency procedures may be initiated for situations to include, but not limited to, hurricanes, tropical storms, flooding, significant fire, storm surge, hazardous material (Haz-Mat) incidents, Etc.
- C. Notification will be via text message, cell phone or other means as deemed appropriate (see phone list). The City will comply with all public records laws concerning the distribution of information.
- D. Upon notification, a call back to City Hall may be required by the following people: City Manager, Emergency Management Coordinator, City Clerk, and Department Directors.
  - 1. If activation is informational, a briefing can be done by telephone. If decision making is necessary, a briefing will be held in City Hall or other appropriate means.
- E. Upon Level I activation, all Department Directors will:
  - 1. Notify their personnel, via phone or other means as deemed appropriate, early so they can secure and prepare their homes first.
  - 2. Activate individual Department Level I Standard Operating Procedures to include:
    - a. Check vehicles, equipment, communication procedures.
    - b. Cancel all leaves based on the potential and severity of the event.
    - c. Place all personnel on standby. (Note: When notified about standby status, the employee must make sure to leave a contact number if they will be unavailable by phone for activation.) Department Directors to provide a list of essential employees/list in order of primary essential/secondary (in case primary not available for emergency reasons)
    - d. Take immediate steps to secure personal property and family safety.
    - e. Identify and prepare all essential records and office equipment for transport to Fire Station.

### Level II

- A. Activated for more serious situations: hurricane warning, tornado, manmade disaster, immediate life threatening conditions/situations.
- B. Upon notification, a call back to City Hall, with an estimated time of arrival (ETA), is required where a briefing will take place to include the following people: City Manager, City Clerk and Department Directors.

C. Subsequent briefings will take place at six (6) hour intervals or as deemed appropriate.

D. Upon Level II activation, all Department Directors will:

1. Notify their essential personnel via text message, phone or other means as deemed appropriate. Primary personnel is to report to duty as soon as possible, in uniform, and to bring enough clothing & supplies for an extended stay (up to 72 hours).
2. Brief their personnel with EOC Incident Action Plan.
3. Remove all non-essential vehicles to parking garage of Cambria Hotel or other location determined by partnership with surrounding municipalities, they are to include: Any vehicle not designated to operate in water over one foot and employee's private vehicles. Parking should be nose-to-nose, or in a manner to protect the engine compartment.
4. Implement each department's Level II Standard Operating Procedures (SOP).

NOTE: Any outside work may require a minimum of a safety hat, goggles, gloves, and personal floatation device, depending on the severity and type of the event.

### Level III

A. Activated for major incidents and/or evacuation.

B. Notification will be via text message, phone or other means as deemed appropriate (see phone list).

C. Upon notification, if not already on duty, a call back to City Hall, with an estimated time of arrival (ETA), a briefing will take place and include the following people: City Manager, City Clerk, and Department Directors.

D. Subsequent briefings will take place at two (2) to four (4) hour intervals or as deemed appropriate.

E. Upon Level III activation, all Department Directors will:

1. Brief their personnel with EOC Incident Action Plan.
2. Aid in evacuation of residents where needed.
3. Evacuate when ordered.

**Note: The Board of Commissioners will be briefed by the Emergency Management team throughout the emergency activation process.**

## **DEPARTMENT RESPONSIBILITIES**

Prior, during and after a potential or actual disaster, Department responsibilities are listed below:

### **A. CITY MANAGER**

1. Continue all City business within the parameters of the disaster.
2. Monitor the conditions and keep City Commission advised.
3. Coordinate City Departments in Disaster Operations.
4. Inform the public and media on the City's emergency response tactics and strategies.
5. In conjunction with the Fire Department, conduct emergency preparedness exercises.
6. Secure essential records and equipment. All equipment removed from the primary EOC will be tested and ready to operate at the remote location, if necessary. If available, the Network People, a contracted IT service, will perform this task.

### **B. FIRE RESCUE**

1. Notify and or recall necessary personnel.
2. Continue all firefighting and EMS activities within the parameters of the disaster.
3. Oversee and aid the evacuation of residents, who are unable to do so on their own (Special Needs).
4. Monitor the disaster and alert/mobilize the appropriate City personnel.
5. Activate and operate the Emergency Operation Center.
6. Obtain and maintain equipment for extended work cycles for all Fire Department employees.
7. Re-enter and establish essential Fire/EMS operations and search/rescue.
8. Educate the public for disaster preparedness.
9. Organize and conduct damage assessment (tracking, etc.)



10. Compile damage reports and present to Finance.
11. In conjunction with the City Manager, conduct a city-wide emergency preparedness exercise.
12. Coordinate with Pinellas County to determine if bridges have been inspected and opened again for vehicle traffic.
13. Coordinate with Pinellas County the review and maintenance of traffic signals within City limits.
14. Coordinate with Duke Energy power issues, downed power poles, and electrical plans.

### **C. CITY CLERK**

The City Clerk shall coordinate with all Department Directors to ensure that all records will be safe and sheltered in place during a disaster. It may be necessary that some records be stored in the City's off-site records center, a contracted service. The Network People, a contracted service, confirmed that all electronic public records stored on the City's server is backed up on an hourly basis.

1. Assist in the activation and operation of the EOC.
2. Prepare to aid the City at the City Hall.
3. If a special meeting of the Board of Commissioners is called during a state of emergency, the City Clerk's office shall notice the meeting and take the minutes.

### **D. FINANCE DEPARTMENT**

1. The Finance Director will be responsible for all finance functions during an emergency. In the absence of the Finance Director, the Accounting Manager will assume this responsibility.
2. The Finance Director, in conjunction with each Department, will compile and submit the necessary information to FEMA.
3. Obtain and maintain equipment for extended work cycles for all Finance Department employees.
4. Submit reports for FEMA reimbursement.

**E. COMMUNITY DEVELOPMENT DEPARTMENT/BUILDING DEPARTMENT**

1. Secure essential records and equipment.
2. Coordinate/Install flood panels for lower lever of City Hall/Building Dept.
3. Test City Hall generator and check fuel levels.
4. Maintain normal operations and implement emergency repair procedure post disaster.
5. Obtain and maintain equipment for extended work cycles for all Community Development/Building Department employees.
6. Assist with loading & transporting of records and equipment.
7. Assist in City-wide damage assessment, post incident.
8. Inform all active permit holders of City disaster response and require contractors and residents to secure all construction sites.

**F. PUBLIC WORKS DEPARTMENT**

1. Secure all City property, including City Hall.
2. Secure essential department records and bring them to City Hall.
3. Transport all equipment to parking garage of the Cambria Hotel other location determined by partnership with surrounding municipalities.
4. Aid in evacuation, when needed.
5. All non-essential vehicles and private vehicles will be the parking garage of the Cambria Hotel or secondary location set in partnership with surrounding municipalities on mainland.
6. Maintain the City roads in passable condition if possible, prior to evacuation.
7. Inspect and clean out all stormwater outfalls to maximize potential flood control during event.
8. Open roads as soon as possible on re-entry.
9. Secure contracts with outside suppliers for heavy and other essential equipment for maintenance and re-entry to the City before hurricane season.
10. Aid the Sheriff's Department in evacuation.

11. Maintain and store necessary equipment for emergency deployment, and other related equipment.
12. Maintain and store necessary supplies to secure City property.
13. Stage necessary equipment and operators at locations to provide First Push operations.
14. Obtain and maintain equipment for extended work cycles for all Public Work's/Marina employees.
15. Manage and coordinate debris management and debris monitoring contractors.

#### **G. MARINA**

- 1) Notify all owners of boats and recreational vehicles so they may properly secure their property.
- 2) Secure essential records and equipment.
- 3) Maintain and store necessary supplies to secure City property.
- 4) Maintain normal operations.
- 5) Obtain and maintain equipment for extended work cycles for all Marina employees.
- 6) Report to Manager for re-assignment.
- 7) Supply fuel to City and County equipment used during an emergency. Department Director must confirm with Finance Director that purchasing limits for fuel will be removed during the lifetime of the disaster.

#### **H. RECREATION DEPARTMENT**

1. Secure all essential records.
2. Suspend all recreational activities and inform the public of such actions.
3. Secure outside facilities to minimize damage.
4. Staff the City buses, as required.
5. Report to the City Manager for re-assignment.

## Departmental Standard Operating Procedures (SOP's) in the Event of a Potential or Actual Disaster.

Standard Operating Procedures (SOP's) for each department on following pages.

### Contact Numbers City of Madeira Beach

TITLE	NAME	WORK	CELL	OTHER
City Manager	Robin Gomez	x 227	727-580-8014	
City Clerk	Clara VanBlargan	x 231	727-401-1792	
Finance Director	Andrew Laflin	x 230	813-784-3140	
Assistant Finance Director	Patrick Cade	x 237	727-343-2433	
Building Official	Frank DeSantis	x242	727-409-6088	
Community Development Director	Jenny Rowan	x255	727-804-0178	
Fire Chief	Clint Belk	x248	727-313-1850	
Public Works Director	Megan Wepfer		727-543-8154	
Recreation Director	Jay Hatch	x 505	727-270-5794	
PCSO; Community Officer	Deputy Cory Snyder Deputy Pat Krager		727-773-7146 727-580-2525	PCSO
Marina Manager	Brian Crabtree		727-409-0584	
Mayor	Jim Rostek		727-439-5562	
Commissioner 1	David Tagliarini		727-486-9779	
Commissioner 2	Ray Kerr		727-486-9996	
Commissioner 3	Eddie McGeehan		727-851-7266	
Commissioner 4	Anne-Marie Brooks		727-418-7878	

### Important Numbers

PCSO	727-582-6200		
Duke Energy Community Relations Manager Jeff Baker	727-409-0580	Jeff.Baker3@duke-energy.com	
Animal Control	727-582-2600		
Pinellas County Utilities	727-464-4000		

**Town of Redington Beach Emergency Phone Numbers**

Job Title	Name	Home #	Cell #
Mayor	David Will		323-744-9455

**Town of N. Redington Beach Emergency Phone Numbers**

Job Title	Name	Home #	Cell #
Mayor	William Queen		727-560-1678

**Town of Redington Shores Emergency Phone Numbers**

Job Title	Name	Home #	Cell #
Mayor	MaryBeth Henderson	599-4038	727-492-6495

## STANDARD OPERATING PROCEDURES

### City Manager: Level I Activation (to include a Hurricane Watch)

1. Maintain normal operations. In the absence of the City Manager, the Chain of Command will be in the following order: Fire Chief, Public Works Director, Finance Director, Community Development Director, Building Official, Recreation Director, Marina Manager.
2. Notify Board of Commissioners and Department Directors of Level I activation.
3. Notify all departments and personnel of Level I activation.
4. Cancel all leave based on potential severity of the event.
5. Personnel shall take immediate steps to secure personal belongings and family safety.
6. Maintain communications between City Hall Information Center.
7. Prepare all essential records and office equipment for transport to a safe area in event of a Level II activation.
8. Coordinate EOC Meetings.
9. Begin FEMA forms and gather back up documentation.

### City Manager: Level II Activation (to include a Hurricane Warning)

1. Maintain essential operations.
2. Assist in setting up the City Hall as a center for public information and operation.
3. Notify Board of Commissioners of Level II activation.
4. Prepare to implement Level II.
5. The Network People, a contracted service, confirmed that all electronic data stored on the City's servers are backed up on an hourly basis.
6. Coordinate EOC Meetings.

**City Manager: Level III Activation (to include a Hurricane Evacuation)**

1. Maintain communications between Board of Commissioners.
2. Maintain communications with Department Heads.
3. Monitor news sources and weather bulletins; make any necessary media responses.
4. Evacuate the City Hall.
5. Coordinate EOC Meetings.
6. Continue FEMA forms and gather back up documentation.

**City Manager: Recovery Phase**

1. Prepare for special meeting of the Board of Commissioners.
2. When a safe headquarters has been established, return essential records and resume normal operations.
3. Establish work cycles allowing employees to check their personal property and families.
4. Continue FEMA forms and gather back up documentation.

**Fire Department: Level I Activation (to include a Hurricane Watch)**

1. Maintain normal operations. In the absence of the Fire Chief Clint Belk, the Chain of Command will be in the following order: Lt/PM. Childers, Lt/PM. Hill, Lt/PM McClave
2. Notify City Manager of Level I Activation.
3. Notify all Fire Department personnel of a Level I Activation:
  - a. Cancel all leave based on potential severity of the event.
  - b. Place all personnel on standby. Note: If unavailable by personal phone for longer than 20 minutes, personnel must call the station with a contact number where they can be reached.
  - c. Personnel shall take immediate steps to secure personal belongings and family safety.
4. Activate EOC and maintain continuous incident information.
5. In conjunction with City Manager, prepare appropriate informational message for residents of Madeira Beach.



- a. Determine appropriate message with necessary information and inform switchboard personnel.
6. Start evacuation preparations. Evacuation process:
  - a. Contact and verify evacuation need of residents on the “Special Needs List”.
7. Check all emergency equipment: test (i.e.: radios, flashlights, power tools, etc.)
8. Re-check and issue all emergency safety equipment and gear Fire Department: Level II Activation (to include a Hurricane Warning)
9. Begin FEMA forms and gather back up documentation

### **Fire Department: Level II Activation (to include a Hurricane Warning)**

1. Develop Incident Action Plan (I.A.P.) for the next operating period.
2. Maintain essential Fire/EMS operations. When involved with outside operations, all personnel should wear a minimum of helmet, gloves, and personal floating device when required.
3. Notify City Manager, Board of Commissioners and Department Directors of Level II activation via text message, cell phone or other means as deemed appropriate.
4. Prepare station for increased personnel (IE, beds/cots, quiet zone, etc.)
5. Pre-deploy an engine company to Redington Beach area (Commission Chamber @ North Redington Beach Town Hall).
6. Recall off-duty personnel for maximum efficiency in staffing as follows:
  - a. Personnel will report to duty as soon as possible.
  - b. Personnel will bring all necessary supplies in preparation for extended stay; prepare for 72 hours.
7. The Fire Chief, in conjunction with City Manager and Pinellas County E.O.C. prepare appropriate message for residents of Madeira Beach. Message to public: Message given by switchboard operators and possibly local cable television. (Note: If a Hurricane Warning is in place, include recommendation to non-residents to leave the city).
8. Monitor water and prepare for final Fire Department stand down.
9. Be prepared on order to immediately begin evacuation operations:
  - a. Complete notification of Special Needs “Evacuation List.” City auditorium may be a staging area for evacuees waiting for bus.

10. Remove all non-essential vehicles to parking garage of the Cambria Hotel other location determined by partnership with surrounding municipalities. Non-essential vehicles: Any vehicle that will not handle water more than 1 foot deep to include employee's vehicles.
11. Continue FEMA forms and gather back up documentation.

### **Fire Department: Level III Activation (to include a Hurricane Evacuation)**

1. Develop I.A.P. for the next operating period.
2. Maintain essential Fire/EMS operations.
  - a. At Lieutenant's discretion, ground ladder operations will be discontinued.
  - b. At sustained winds of 35 mph, aerial operations will discontinue.
  - c. At sustained winds of 50 mph only critical operations will be conducted and only T-25 and/or E-25 will respond.
  - d. At sustained winds of 60 mph, all equipment will be sheltered.
  - e. All personnel will wear bunker gear when involved in outside operations.
3. Notify City Manager and Department Directors of Level III activation via text message, cell phones or other means as deemed appropriate.
4. Message to public. In conjunction with City Manager and Pinellas County E.O.C., prepare appropriate message to be delivered by switchboard, cable television, radio, mobile P.A. systems or other means as deemed necessary.
5. Await County briefing results for determination of when to set up EOC communications and/or phone lines.
6. Begin evacuation process: utilize mobile P.A. systems using S.O. & F.D. as needed.
7. Evacuate non-essential employees and establish time and location for recovery operations.
8. Continue FEMA forms and gather back up documentation.

### **Fire Department: Recovery Phase**

1. Develop an I.A.P. with maps for the next 24-hour period.
2. In conjunction with Pinellas County Emergency Management, begin a citywide initial damage assessment.
3. Begin search and recovery operations.
4. Mitigate hazards in preparation for re-occupation by general citizenry.

5. Maintain normal Fire/EMS Operations.
6. Assess personnel for signs of fatigue.
7. Establish work cycles allowing employees to check their personal property and families.
8. Continue FEMA forms and gather back up documentation.

### **City Clerk: Level I Activation (to include a Hurricane Watch)**

1. Take immediate steps to secure personal belongs and ensure family safety.
2. Maintain normal operations. In the absence of the City Clerk, a City Clerk employee will assume responsibilities for the City Clerk's Office.
3. Begin FEMA forms and gather back up documentation

### **City Clerk: Level II Activation (to include a Hurricane Warning)**

1. Assist in the setting up of the City Hall as the center for public information and operation.
2. Prepare to implement Level III.
3. Prepare for a special Board of Commissioners meeting if necessary.
4. Continue FEMA forms and gather back up documentation.

### **City Clerk: Level III Activation (to include a Hurricane Evacuation)**

1. Prepare for a special meeting of the Board of Commissioners if necessary.

### **City Clerk: Recovery Phase**

1. When a safe headquarters has been established, return essential records and resume normal operations.
2. Establish work cycles allowing employees to check their personal property and families.
3. Continue FEMA forms and gather back up documentation.

**Finance Department: Level I Activation (to include a Hurricane Watch)**

1. Maintain normal operations. In the absence of the Finance Director the Chain of Command will be in the following order: Accounting Manager and HR/Financial Coordinator.
2. Notify department personnel of the possible need to report via the other means as deemed appropriate and depending upon the actual circumstances.
3. Once notified, employees shall take immediate steps to secure personal belongings and ensure family safety.
4. Determine procedure for emergency disbursement of City funds (i.e. payroll, resource procurement, etc.).
5. Make sure all data on finance computers is backed up/secured in the "Cloud."
6. Begin FEMA forms and gather back up documentation.

**Finance Department: Level II Activation (to include a Hurricane Warning)**

1. Notify essential/primary personnel of the need to report to duty; report to primary EOC.
2. Continue FEMA forms and gather back up documentation.

**Finance Department: Level III Activation (to include a Hurricane Evacuation)**

1. Follow Level II response procedures; await briefing results from the Finance Director for determination of when to set up necessary finance functions.
2. Continue FEMA forms and gather back up documentation.

**Finance Department: Recovery Phase**

1. Monitor communications.
2. Establish work cycles allowing employees to check their personal property and families.
3. Continue FEMA forms and gather back up documentation.

**Items not available for quick retrieval from the “Cloud” must be available on hand prior to storm.**

### **Essential City Finance Records**

1. Personnel Records (present and past) – coordinate with City Clerk’s office
2. Purchase Order copies.
3. Insurance Policies

### **Essential Items to Have on Hand**

1. Cash drawers.
2. Payroll and General Fund checks.
3. Fax machine.
4. Stationary – envelopes, pens, pencils, notebooks.
5. Workers’ Compensation Notice of Injury Report forms, wage reports.
6. Flashlights and batteries.
7. Phone list for City Hall.

### **Emergency Personnel Contacts**

Workers’ Compensation Office  
Governmental Insurance Trust  
Policy #001000000023099  
P.O. Box 16-6005  
Altamonte Springs, FL 32716  
800-237-6617 phone  
407-682-6850 fax  
First Notice of Injury – 800-275-4646

### **Health Insurance**

Blue Cross Blue Shield of FL Preferred  
1-800-352-2583

### **Community Development/Building Department: Level I Activation (to include a Hurricane Watch)**

1. On notification, take immediate steps to secure personal belongings and family safety. In the absence of the Planning and Zoning Director and Building Official, the remaining Chain of Command will be in the following order: Planning and Zoning Coordinator, Building Supervisor, Building code compliance, Permit Technician.
2. Cancel all annual leave requests based on potential & severity of the event.
3. Secure essential records and equipment.
4. Maintain normal operations.
5. Begin FEMA forms and gather back up documentation.

### **Community Development/Building Department: Level II Activation (to include a Hurricane Warning)**

1. Recall off-duty personnel.
2. Maintain essential operations.
3. Continue FEMA forms and gather back up documentation.

### **Community Development/Building Department: Level III Activation (to include a Hurricane Evacuation)**

1. Standby to evacuate.
2. Evacuate when released.
3. Begin FEMA forms and gather back up documentation.

### **Community Development/Building Department: Recovery Phase**

1. Begin damage survey of all property in the city with Building Department.
2. Establish work cycles allowing employees to check their personal property and families.
3. Assess employees for signs of fatigue.
4. Coordinate reimbursement efforts.
5. Public and Implement emergency repair permitting process and fee schedule.

6. Publish and implement all adopted post disaster redevelopment plans.
7. Continue FEMA forms and gather back up documentation.

### **Public Works: Level I Activation (to include a Hurricane Watch)**

1. Maintain normal operations. In the absence of the Public Works Director, the command will fall upon the Stormwater Supervisor.
2. On notification, take immediate steps to secure personal belongings and family to safety.
3. Cancel all time-off leaves based on potential and severity of the event.
4. Notify and Identify Primary personnel.
5. Check all emergency equipment, supplies; and fuel.
6. Public Works Director shall prepare to direct additional manpower.
7. Begin FEMA forms and gather back up documentation.

### **Public Works: Level II Activation (to include a Hurricane Warning)**

1. Recall off-duty personnel.
2. Maintain essential operations.
3. Prepare to set up evacuation routes.
4. Secure fences by removing signs; secure other potential flying objects on City property.
5. Fuel and prepare all City vehicles.
6. Secure City facilities and property.
7. Activate Debris Management and Debris Monitoring Contracts for pre-event prep.
8. Continue FEMA forms and gather back up documentation.



**Public Works: Level III Activation (to include a Hurricane Evacuation)**

1. Standby to evacuate.
2. Evacuate to EOC.
3. Continue FEMA forms and gather back up documentation.

**Public Works: Recovery Phase**

1. Establish headquarters.
2. In conjunction with the Fire Department, begin opening roads for search and recovery operations.
3. Implement Debris Management contractors, activate Debris sites through County requirements.
4. Establish a Debris Management Incident Command with the Debris Monitoring Contractor.
5. Begin damage survey of City owned property, lift stations, and other facilities.
6. Establish work cycles allowing employees to check their personal property and families.
7. Assess employees for signs of fatigue.
8. Use established safety procedures.
9. Continue FEMA forms and gather back up documentation.

**Marina: Level I Activation (to include a Hurricane Watch)**

1. On notification, take immediate steps to secure personal belongings and family safety. In the absence of the Marina Manager (the Chain of Command will be in the following order: Marina Manager Assistant.
2. Cancel all annual leave requests based on potential & severity of the event.
3. Notify all owners of moored boats at City facilities, so they may properly secure their property. (See detailed Marina operations).
4. Seal fuel tanks.
5. Begin FEMA forms and gather back up documentation.

**Marina: Level II Activation (to include a Hurricane Warning)**

1. Complete securing of equipment and records.
2. Recall off-duty personnel.
3. Maintain essential operations.
4. Complete removal of equipment to City Hall.
5. Continue FEMA forms and gather back up documentation.
6. Maintain information on owners of boats at City facilities. (See detailed marina operations – Appendix E).

**Marina: Level III Activation (to include a Hurricane Evacuation)**

1. Seal fuel tanks (See detailed marina operations).
2. Secure all equipment at marina.
3. Standby to evacuate.
4. Evacuate.
5. Continue FEMA forms and gather back up documentation.

**Marina: Recovery Phase**

1. Establish headquarters.
2. Begin damage survey of City owned property (ships store, docks, etc.).
3. Establish work cycles allowing employees to check their personal property and families.
4. Assess employees for signs of fatigue.
5. Refill fuel tanks for use by Marina patrons and City staff as quickly as possible.
6. Use established safety measures.
7. Continue FEMA forms and gather back up documentation.

**Recreation Department: Level I Activation (to include a Hurricane Watch)**

1. On notification, take immediate steps to secure personal belongings and family safety. In the absence of Parks and Recreation Director (Jay Hatch) the Chain of Command will be in the following order: Rec Leader III (Max Michalski), Rec Leader II (Chris Mecko), Rec Leader III (Carol Kepics).
2. Cancel all annual leave requests based on potential & severity of the event.
3. Notify all families of cancellation of recreation program before, during and after the storm event.
4. Continue FEMA forms and gather back up documentation.

**Recreation Department: Level II Activation (to include a Hurricane Warning)**

1. Complete securing of equipment and records.
2. Recall off-duty personnel.
3. Maintain essential operations.
4. Maintain information on all recreation program participants.
5. Continue FEMA forms and gather back up documentation.

**Recreation Department: Level III Activation (to include a Hurricane Evacuation)**

1. Secure all equipment.
2. Standby to evacuate
3. Evacuate.
4. Continue FEMA forms and gather back up documentation.

**Recreation Department: Recovery Phase**

1. Establish headquarters.
2. Begin damage survey of City owned property.
3. Establish work cycles allowing employees to check their personal property and families.
4. Assess employees for signs of fatigue.

5. Use established safety measures.
6. Continue FEMA forms and gather back up documentation.

## EMERGENCY OPERATIONS CENTERS

	STAFF
Pinellas County Sheriff's Office 10750 Ulmerton Road Largo, FL 34648 727-582-6200	One Representative from the Board of Commissioners

## SHELTERS IN PINELLAS COUNTY

To locate a current list of shelters refer to Pinellas County Emergency Management website

**Shelter Options**      <http://www.pinellascounty.org/emergency/shelteroptions.htm>

**Public Shelter List**      <http://www.pinellascounty.org/emergency/shelters.htm>

By Telephone      (727) 464-3800

TDD      (727) 464-3009

# APPENDIX A

## ZONE / TALKGROUP LIST

ZONE-A		ZONE-B		ZONE-C		ZONE-D		ZONE-E		
1	2-1	FIRE-DISP	5-1	MED-DIR-A	3-1	F-LP-A	4-1	SS-A	1-2	PCW-1
2	2-2	TAC-B	5-2	MED-DIR-B	3-2	F-LP-B	4-2	SS-B	1-3	PCW-2
3	2-3	TAC-C	5-3	MED-DIR-C	3-3	F-LP-C	4-3	SS-C	1-10	FD-PD1
4	2-4	TAC-D	5-4	MED-D	3-4	F-LP-D	4-4	SS-D	1-11	FD-PD2
5	2-5	TAC-E	5-5	MED-E	3-5	F-LP-E	4-5	SS-E	1-4	EOC-A
6	2-6	TAC-F	5-6	MED-F	3-6	F-LP-F	4-6	SS-F	1-5	EOC-B
7	2-7	TAC-G	5-7	MED-G	3-7	F-LP-G	4-7	SS-G	1-8	EOC-C
8	2-8	TAC-H	5-8	MED-H	3-8	F-LP-H	4-8	SS-H		
9	2-9	TAC-I	5-9	MED-I	3-9	F-LP-I				
10	2-10	BAYFLT	5-10	MED-J	3-10	F-LP-J				
11	2-11	ADMIN	5-11	MED-K	11-1	PTRL-1				
12			5-12	MED-L	11-2	PTRL-2				
13			5-13	MED-M	11-3	PTRL-3				
14										
15										
16	C01	FD-TA	C01	FD-TA	C01	FD-TA	C01	FD-TA	C01	FD-TA

ZONE-F		ZONE-G		ZONE-H		ZONE-I		ZONE-J	
1	C03	FL-MA	23-1	TR1-FD1	24-1	TR2-FD4			
2	C04	SCALL-90	23-2	TR1-FD2	24-2	TR2-FD5			
3	C05	STAC-91	23-3	TR1-FD3	24-3	TR2-FD6			
4	C06	STAC-92	23-4	TR1-EMS1	24-4	TR2-EMS3			
5	C07	STAC-93	23-5	TR1-EMS2	24-5	TR2-EMS4			
6	C08	STAC-94	23-6	TR1-PD1	24-6	TR2-PD5			
7	C09	FL-MA2	23-7	TR1-PD2	24-7	TR2-PD6			
8	C10	MA-CALL	23-8	TR1-PD3	24-8	TR2-PD7			
9	C11	MA-TAC1	23-9	TR1-PD4	24-9	TR2-PD8			
10	C12	MA-TAC2							
11	C13	MA-TAC3							
12	C14	MA-TAC4							
13									
14									
15									
16	C01	FD-TA	C01	FD-TA	C01	FD-TA			

Item 10A.

APPENDIX B

UNIT LOG		1. Incident Name	2. Date Prepared	3. Time Prepared
4. Unit Name/Designators		5. Unit Leader (Name and Position)		6. Operational Period
7. Personnel Roster Assigned				
Name	ICS Position		Home Base	
8. Activity Log				
Time	Major Events			
9. Prepared by (Name and Position)				

ICS 214

Page 32 of 38

205

[illegible]

## APPENDIX C

### Detailed Marina Emergency Operations Plan - Madeira Beach Municipal Marina

Madeira Beach Municipal Marina is both a dry storage and wet slip marina with 7 live-aboards. If a hurricane threatens the Pinellas coastline, Madeira Beach Municipal Marina will operate according to the following three- stage plan.

#### Level 1

1. Maintain normal operations. In the absence of the Marina Manager the Chain of Command will be in the following order: Marina Supervisor
2. Notify all Marina personnel of a Level 1 activation:
  - a. Cancel all leave based on severity
  - b. Place personnel on notice and obtain current contact information/numbers
  - c. All personnel should secure their personal belongings and provide for their family's safety, should the condition worsen.
3. Meet with the Finance Director for information report.
4. Post status report and information to boat owners of potential and current status.
5. Check emergency equipment.

#### Level 2

Level 2 will go into effect in the event a hurricane watch is issued by the national Hurricane Center. All employees will report to the Marina Supervisor as soon as possible. The Marina Manager will:

1. Have the employees inform any customers that the Marina Manager is in charge of all operations at the marina including all boat movements. Boat owners are also to be informed that there is the possibility that an evacuation may be ordered.
2. Not allow any boats to be placed in the water from dry storage except for boat owners who wish to weather the storm at another location.
3. Direct the employees to remove any loose equipment that may be on the docks or on the uplands and store the equipment in the storage building.

Should wind velocity reach or exceed sustained 40 mph during the securing of the marina, the employees are to wear life vests when going onto the boat ramp, fixed docking or floating docks.



Also, any customers or live-aboards who are removing their boats by water from the marina are to wear life vests.

### **Level 3**

Level 3 will go into effect when an evacuation of Madeira Beach is ordered or when a hurricane watch is upgraded to a hurricane warning. The Marina Manager and his employees will inform all owners, live-aboards, and customers that may be at the marina that they must begin evacuation. The Marina Supervisor will direct the employees to disconnect all fuel pumps from the fuel storage tanks and will have the water mains and the electric turned off. The Marina Supervisor will release his employees in time for them to safely secure their homes and evacuate their families and will lock all valuables in the safe and secure the premises. The Public Works/ and Marina Manager shall determine a minimum fuel amount for the fuel tanks, recommended at 3,000 gallons prior to event.

### **Preparations Prior to Hurricane Season**

Always make sure that your boat is in good repair.

1. Examine the structural condition of your vessel and repair as needed.
2. Check all through hull fittings, shafts, props, stuffing boxes etc. In the event of a storm, everything except the bilge outlets and the cockpit drains should be securely closed.
3. Make sure your vessel has proper grounding for lightning protection.
4. Disconnect antennas from electronics before the storm.
5. Make sure bilge pumps are in working order and batteries are properly charged.
6. Prepare a checklist of equipment needed to secure the vessel before the storm and store the equipment in a readily accessible location.
7. Purchase any supplies or equipment well in advance. Stock additional lengths of mooring lines, fenders, fender boards, chafing gear and anchors with chain. Limited supplies will run out quickly once a storm warning is announced.
8. Make an inventory sheet of things to be removed from your vessel.

### **Available Options**

1. You may simply plan to better secure the vessel when a storm is threatening.
2. You may consider an alternate and “safer” dockage site.

3. You may relocate to a “hurricane anchorage” which is a more reasonable alternative for larger vessels.

Regardless of the chosen alternative, prepare a written plan for what you are going to do when a hurricane is threatening. Also have another person ready to follow up with your plan in case you are absent. Rehearse your plan with your family. Try to think through what you will need to adequately secure your boat for a hurricane and how much time to allow.

### **Choose Your Option**

If you plan to secure your boat at the Madeira Beach Municipal Marina:

1. Make plans to double your dock lines before a storm.
2. The second set should be one size larger.
3. The dock lines should be nylon to allow for stretch. Chafing is the main cause of line failure. Make sure you install chafe protection, such as leather or old garden hose; anywhere a line might touch the boat, dock or another line.
4. Place fenders at appropriate locations.
5. Strip the boat decks of all sails, including roller furling jibs.
6. Remove any booms, moveable deck equipment, bimini tops, ventilators, anchors, and any other loose gear. Reduce wind age on your boat to reduce the strain on your lines and the docking system.
7. Secure all hatches and tape shut.
8. Turn off all electricity (except for the bilge pumps) and disconnect power cables and hoses from the dock. Safely stow hoses and cables.
9. Shut off the power to your dock and boat lift

If you plan to move to a safer dock site, make sure:

1. You have extra dock lines, chafing gear and fenders, and take all precautions noted above.
2. You allow ample time to get to the dock and to evacuate the area. Remember you may be fighting wind and rain.

If you plan to move to a hurricane anchorage:

1. Select possible sites well in advance (before hurricane season) and make a trial run to your site.

2. Verify water depth, size of anchor, chain and anchor scope required. Sufficient anchor chain and line for at least six times the normal (7:1) scope should be carried laying out the anchors. At least two anchors of the proper size for the vessel should be used.
3. Verify time required to get to the site.
4. Determine how to get off the boat and get to a car.

Things to remember:

1. The marina staff will be busy taking care of the marina property in the event of a storm. They will not have time to secure your boat.
2. The boat owner will be responsible for any damage caused by his boat if it should break loose. Make sure that it is properly secured.
3. If the presence of any boat in the marina should present a hazard to any other boat or marina equipment, the Marina Manager will notify the owner that the boat must leave the marina and if the owner is not available or fails to comply, the marina may take any action necessary without liability to the marina or its representatives.
4. No one will be allowed to remain on his or her boat during a hurricane.
5. Lifejackets must be worn when walking on the docks when the wind velocities are in excess of 40 mph.
6. Extreme caution should be exercised in all outdoor activities. In the event of an injury, outside help may not be immediately available.
7. Any request for assistance must be made to the Marina Manager.
8. The marina staff will be released at least 12 hours before the storm's estimated time of arrival to secure their homes and families. Everyone must evacuate the marina at the order of the Marina Manager.

For your protection, we recommend stocking last year's cooler with emergency provisions and placing it in a readily accessible location. Consider purchasing a cigarette lighter plug and emergency antenna for your VHF marine radio. This will give you weather bulletins and telephone capability. Do not forget a broadcast radio, flashlight, fire extinguisher, water and water purification tablets, food and utensils, medical supplies and sanitary facilities.

Again, careful planning, preparation and rehearsal will go a long way toward preventing damage or injury because of a hurricane, and the exercise will come in handy the next time you ride out a tropical storm.

# APPENDIX D

## Master List of City Vehicles

Department Make and Model	Vin/ID/Serial	Title No.	City No.	Tag No.	Employee
Updated 02/22/2023					
<b>125-5240 BUILDING/ ZONING &amp; CODE ENFORCEMENT</b>					
2015 FORD F150 4X2 Pickup	1FTEW1CG8FFA90197	118345896	103	XD8806	DeSantis
2022 Ford Mustang Mach-E	3FMTK1RM1NMA32071	147430697	99	CJ7594	Roby
<b>110-9910 ARCHIBALD</b>					
2022 Scag V Ride II 52" deck, 37HP lawn mower - O	SVRII52V-37BVEFI	S4400265	30	No Tag	
2023 7x12 Enclosed Trailer for the Scag Mower	50ZBE1222PP040459	43779	T30	XJ6056	
2018 CHEVY 1500 4X4	1GCVKNEH1JZ126263	128810319	112	XF2894	Schimmer
2019 Chevy 1500 - LEASED	3GCNWAEH6KG163050		36		
2022 Barber Surf Rake/600hd - O	NO VIN	61882	108		
2023 Dump Trailer - Down to Earth 14000lbs	1XNBD1424P3097668	97668	T14	XJ5817	Dump Trailer
2023 6X16 Trailer -Open	1XNBU1621P1136287	70820	T15	XJ5818	Open Trailer
2023 7X14 Enclosed Trailer- Diamond Crown 7000LBS	53NBE1421P1103173	103173	T16		
<b>3000 / 3100 - PUBLIC WORKS ADMINISTRATION</b>					
1990 Trailer/#4 Gen. MGSI	16MG10915LD017115	61258141	T4	CY 104032	
1987 John Deere/ 016608-JD410LDER - O	L02355F608088	6891	43	No Tag	Forklift
1999 Trailer/#3 Mod T2218 Quickload Cust. Built	42022202971T09687		T3	CY 137249	
2004 FORD F550 4X4 Bucket Truck	1FDAF57PX4EB72138	89892907	19	CY 22635	Bucket Truck
2009 FORD Truck F350 Pickup 4X4 Dump Truck	1FDWF37549EA47457	102279586	40	CY XB8270	Dump Truck
2018 Caterpillar 416F backhoe - O	0HWP01739		44	No tag	Backhoe
2016 John Deere 825IS4 GATOR XUV - O	1M0825GFCGM111224		109	No Tag	
2021 US Jetting Trailer	1U9FS1626MA044679	148387733	T10	XJ6050	High Pressure Jetting Unit
2021 ASV Skid Steer - O	ASVRT025CNDS01503		56	NO TAG	
2021 Kubota M6-091HDC-1 Tractor - O	KBUM4DDCAK8F55730	55730	9	NO TAG	
2022 K&K Systems Digital Message Board Trailer	1K9BM8010NT244345		T11	XI1223	
2022 K&K Systems Digital Message Board Trailer	1K9BM8012NT244346		T12	XK0930	
2022 K&K Systems Digital Message Board Trailer	1K9BM8014NT244347		T13	XK0931	

<b>4000 - FIRE</b>					
1998 LMTV High Water Military Vehicle Agreement	AT008722BDCG	145227905	B-25	CS32918	Brush/Highwater
2004 Pierce/Pumper (Red/White)	4P1CT02A34A003993	92280618	E-25	CY224798	back-up Fire Truck
2014 Ford Explorer	1FM5K8B81EGC49838	115459971	U-25	CVR XD5408	Utility
2014 Polaris Off-Highway Vehicle - O	4XARH76A9EE237676	114641864	SR-25	XD5408	Special Rescue
2017 Ford Utility Truck	1FM5K8D89HGE25522	129523840	MB100	XF2896	Fire Chief
2017 Rosenbauer Aerial Truck	54F2CC619HWM11703	127937661	T-25 (1)	XF2890	Ladder Truck
2022 Rosenbauer Aerial Truck	54F2FCCL0MWM13105	148572467	T-25	XI1224	Ladder Truck
2022 Toyota Tacoma	3TMCZ5ZN8NM464880	148158820	MB400	XI1225	Fire Inspector / Marshal
2022 Zodiac Defender Pro 650DP - O	XCDF65AHJ122	144655949	M-25	FL4628TC	Rescue Boat
2022 Zodiac Defender Pro 650DP Boat Trailer	47GBD2118MB005020		M-25 Trailer	XJ1580	Trailer for Rescue Boat
<b>5000 - RECREATION</b>					
2010 BLUB (Bluebird) BUS Hp 43 6cyls	1BAKGCPA8AF271515	103744954	55	XC1448	
2017 F-E350 Minibus	1FDFF4FS4HDC07549	126515835	50	XF5172	
2019 Chevy Truck - LEASED	2GCVKNEC2K1171288	1089397989	20	XH2871	
2019 Ford Van - Transit Pass 350 Cargo XL - LEASED	1FBZX2CMXKKA19938		97	XH2880	
2020 Big Tex Trailer	16VAX121XL3067868	1133695822	T1	XH8215	
2023 Bluebird Bus	IBAKGCSA3PF391142	147156136	52	XJ4883	
2023 Scap Tiger Cat Mower - O	STC1152V-28VEFI		53		
<b>6000 - PARKING ENFORCEMENT</b>					
2019 Chevy Equinox - LEASED	3GNAXHEV8KS612047	135099852	96	CY XG8410	Parking Emp.
<b>7000 - PUBLIC WORKS / SANITATION</b>					
2013 RUSH PETERBILT CLAW TRUCK	2NP3JM8X7EM212741	111730189	18	CY XD0738	Claw Truck
2016 PTRB Truck	2NP3LJ0X5GM325465	118606204	33	CY XE3518	Garbage Truck
2017 PTRB Truck	3BPZL70X1HF173267	126563688	37	CY XB0705	Garbage Truck
2019 CHEVY Truck - LEASED	2GCVKNEC9K1172390		5	CY XG8409	
2019 CHEVY Truck - LEASED	2GCVKNEC8K1171148		24	CY CKP0229	Steve
2019 F250 Truck	1FTBF2B62KEF19917	92452186	3	CY224802	3YD Easy Dump
2019 F250 Truck	1FTBF2B62KEF19918	135984748	68		3YD Easy Dump
2020 Kenworth Packer	1NKZLJ0X5LJ430170	139098421	26		Garbage Truck
2020 Kenworth Packer	1NKZLJ0X9LJ7410505		29	XH4377	T880 Garbage Truck
2021 Broyhill Load & Pack	BMC-LPTD3.6-2101220-5.13		21		
2023 Kenworth Packer T880	1NKZLJ0X5PJ251648	148386975	23	XJ5856	Garbage Truck

<b>9200 - PUBLIC WORKS STORMWATER UTILITY</b>					
2016 CHEVY Truck	<b>1GC2KUEG1GZ321499</b>	123862360	<b>110</b>	XE1038	
2016 CHEVY Truck	<b>1GC2KUEG5GZ319481</b>	8783	<b>111</b>	XE1037	
2019 ELGIN Street Sweeper Whirlwind	<b>1FVACXFC9KHKE3560</b>	131925389	<b>77</b>	XG2503	Sweeper
2021 Ford F-250 Truck	<b>1FTBF2A69MED54324</b>	146955593	<b>70</b>	XC4690	Zangara
<b>9300 - MARINA</b>					
2015 DODGE RAM 4X4 DJ7L92	<b>3C6UR5HL9FG577902</b>	117734450	<b>107</b>	XD8803	Marina
** - O idicates Off-Road					
<b>SURPLUS</b>					
1991 Trailer/ #5 Husk (Green)	<b>NO VIN</b>	82203601	<b>T-5</b>	CT104043	
1999 SPTN/Fire Apparatus Pumper	<b>4S7CT8194XC031727</b>	82762964	<b>P-25</b>	CY137237	
2001 Bobcat Skid-Steer Loader, Model 553F	<b>516313133</b>		<b>56</b>	NO TAG	Sold
2001 Trailer/#8 Bob Cat - SOLD 2-7-2023	<b>NO VIN</b>	200162543	<b>T8</b>	CY 137250	Scraped
2010 John Deere Tractor 5085M	<b>LV5085M260403</b>		<b>9</b>	NO TAG	Sold
2011 FORD F350 4X2 SOLD 2-7-2023	<b>1FDRF3G64BEC11835</b>	105997138	<b>70</b>	XC4690	Sold
2012 KARA - surplusd parts 2023	<b>1M5BA1318C1E71880</b>	596000366	<b>WC1</b>	CYXD5887	
2012 KARA - surplusd parts 2023	<b>1M5BA1311CAE71879</b>	596000366	<b>WC2</b>	CY XD5888	
2012 Peterbilt Truck	<b>2NP3LN0X2CM141070</b>	10645415	<b>26</b>		
2015 Beach Rake					Traded in with new surfrake
2015 YAMA VS - sold 2023	<b>YAMA4166B515</b>	118529368	<b>WC1</b>		
2015 YAMA VS - sold 2023	<b>YAMA4200B515</b>	118529510	<b>WC2</b>		



## MEMORANDUM

TO: Hon. Mayor and Board of Commissioners  
VIA: Robin Gomez, City Manager  
FROM: Clara VanBlargan, City Clerk  
DATE: May 2, 2023  
RE: **Resolution 2023-05 – BOC Policy Handbook**

---

### **Background:**

The Board of Commissioners discussed the BOC Policy Handbook and made changes at the April 26, 2023 BOC Workshop. The city attorney made the changes and prepared the document and resolution for adoption at the May 10, 2023 BOC Regular Meeting. Before adoption at the meeting, the Board is allowed to make additional changes to its handbook.

In accordance with the City Charter, Section 4.5, Rules of procedure; meetings, the Board of Commissioners must determine its own rules and order of business within 90 days following each election. Each commission member is asked to review the current BOC Policy Handbook, decide what changes you want made, and be prepared to discuss those changes at the BOC Workshop Meeting on April 26. The final document is scheduled for adoption by resolution at the BOC Regular Meeting on May 10.

Suppose the Board should change the meeting date for its regular and workshop meetings. In that case, the agenda packet publishing deadline will be changed to accommodate the new meeting date (publish at least 6 or 7 days before the scheduled meeting or sooner). The publishing deadline allows sufficient time for the Board of Commissioners to receive their agenda packet, review the packet materials, and to obtain additional information on the agenda items from the City Manager, City Clerk, City staff, or other entities, if necessary, to be more knowledgeable in preparation of the meeting and for voting purposes. In the past, the regular meeting was held at 6:00 p.m. on the second Tuesday of each month, and the workshop meeting was held at 2:00 p.m. on the fourth Tuesday of each month. More people seemed to attend a workshop meeting held earlier in the day. They were able to stay longer at the meeting to make comment on items important to them.

All changes to the BOC policy handbook are for the Board to make.

**City Charter, Section 4.5 Rules of procedure; quorum; meetings.**

- (A) *Meetings.* The Board of Commissioners shall meet regularly at such times and places as determined by the Board of Commissioners. The Board of Commissioners may schedule other regular meetings as it deems necessary in accordance with its established rules of procedure. Special meetings may be held at the call of the Mayor, by a majority of the Commission members, with no less than twenty-four (24) hours' notice in writing to each member and the public. Any such notice shall state the subject to be considered at the special meeting which shall be restricted to the items specified in the notice.
- (B) *Rules.* The Board of Commissioners shall determine its own rules and order of business, within 90 days following each election.
- (C) *Voting.* Unless otherwise expressly provided by this Charter, Ordinances, Resolutions, and other actions requiring a vote of the Board of Commissioners shall require three (3) affirmative votes for passage, and shall be by roll call vote upon request of any member of the Board of Commissioners. A super-majority vote of four members of the Board of Commissioners for any Planned Development Rezoning or Special Area Plan shall be required for approval. The City Clerk shall record all votes of all Commission members in the journal. A simple majority of the Board of Commissioners shall constitute a quorum, and a quorum shall be necessary to conduct the business of the Board of Commissioners.

(Ord. No. 1003, 12-9-03; Ord. No. 2018-09 , § 1, 8-20-2018; Ord. No. 2018-16 , § 1, 1-8-2019)

**Attachment(s):**

Resolution 2023-05

Exhibit A – BOC Policy Handbook

City Attorney Memorandum



## RESOLUTION 2023-05

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE BOARD OF COMMISSIONERS POLICY HANDBOOK; REPEALING RESOLUTION 2022-05; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Charter Section 4.5 (B) authorizes the Board of Commissioners to determine its own rules for the order of business by resolution at a regular meeting of the Board of Commissioners within ninety (90) days following the municipal election.

**WHEREAS**, the Board of Commissioners desires to consider, update, amend, restate and adopt the recommended changes proposed by Commission members and City staff.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THAT:**

1. The City of Madeira Beach Board of Commissioners Policy Handbook shall hereby be reviewed, updated, amended and restated.
2. The **“City of Madeira Beach Board of Commissioners Policy Handbook”** attached hereto as Exhibit “A” is hereby adopted.
3. A copy of this Resolution and the Board of Commissioners Policy Handbook will be provided to all Commission members, City staff, and posted on the City’s website.
4. Resolution 2022-05 is hereby repealed.
5. This resolution shall become effective immediately upon its adoption.

**INTRODUCED 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



## BOARD OF COMMISSIONERS POLICY HANDBOOK

Resolution ~~2022-05~~ 2023-05

### INDEX

#### ARTICLE I

#### OFFICIAL COMMUNICATIONS AND REPRESENTATION OF THE CITY PROTOCOL

<b>I.</b>	<b>OVERVIEW OF ROLES &amp; RESPONSIBILITIES .....</b>	<b>1</b>
1.	Mayor (City Charter, Section 4.3) .....	1
2.	Vice-Mayor (City Charter, Section 4.4) .....	1
3.	Board of Commissioners (City Charter, Article IV) .....	1
<b>II.</b>	<b>GUIDELINES RELATED TO COMMISSION COMMUNICATIONS .....</b>	<b>2</b>
1.	Ceremonial Events (City Charter, Section 4.3) .....	2
2.	Official Correspondence .....	2
3.	Public Communications .....	3
<b>III.</b>	<b>COMMISSION CONDUCT WITH CITY STAFF .....</b>	<b>3</b>
1.	Do not get involved in administrative functions (City Charter, Section 4.6. C.) .....	3
2.	Check with City staff on correspondence before taking action .....	4
3.	Do not attend meetings with City staff unless requested by a department director through the City Manager .....	4
4.	Limit requests for staff support .....	4
5.	Do not solicit political support from staff .....	5
<b>IV.</b>	<b>COMMISSION CONDUCT WITH THE PUBLIC .....</b>	<b>5</b>
1.	In Public Meetings .....	5
2.	In Unofficial Settings .....	7
3.	In Official Forms of Media .....	7

4. Monthly City Manager’s Report .....	7
5. Website.....	7
6. Government Access Channel or alternative measure .....	8
7. Video Live Streaming .....	8
<b>V. COMMISSION CONDUCT WITH OTHER PUBLIC AGENCIES .....</b>	<b>8</b>
1. Be clear about representing the City or personal interests .....	8
2. Correspondence shall be equally clear about representation.....	8
<b>VI. COMMISSION CONDUCT WITH BOARDS AND COMMITTEES .....</b>	<b>9</b>
1. If attending a Board or Committee meeting, be careful to avoid influencing the Board or Committee’s consideration or prejudicing the Board of Commissioners eventual consideration .....	9
2. Limit contact with Board of Committee members to questions of Clarification .....	9
3. Be respectful of diverse opinions.....	10
4. Keep political support away from public forums .....	10
<b>VII. BOARD MEMBERS ATTENDING MEETINGS OR SERVING AS MEMBERS OF ANOTHER PUBLIC BOARD .....</b>	<b>10</b>
1. Board members attending meetings of another public board .....	10
2. Board members serving as members of another public board .....	11
<b>VIII. COMMISSION CONTACT WITH THE MEDIA.....</b>	<b>11</b>
1. Legal Issues... ..	11
2. Use a designated spokesperson for the City’s position on controversial issues.....	11
3. In the absence of designation, Board of Commissioners shall be clear for the record .....	12
4. Guidelines for Media Contacts .....	12
5. Guidelines for Email, Texts, and Social Media.....	12

## ARTICLE II

### RULES OF PROCEDURE FOR BOARD OF COMMISSIONER MEETINGS

<b>I. POLICY .....</b>	<b>13</b>
------------------------	-----------

1. General Rules.....	13
2. Types of Meetings [City Charter, Section 4.5 – Rules of procedure; quorum; meetings] .....	14
3. Presiding Officer and Duties.....	14
4. Order of Business for BOC Regular Meetings.....	15
5. Explanation of Order of Business for BOC Regular Meetings.....	16
6. Agenda Preparation .....	19

### ARTICLE III

#### SUSPENSION AND AMENDMENT OF RULES

I. SUSPENSION AND AMENDMENT OF THESE RULES.....	20
1. Suspension of Rules .....	20
2. Amendment of Rules .....	20

## ARTICLE I

### OFFICIAL COMMUNICATIONS AND REPRESENTATION OF THE CITY PROTOCOL

The City Charter provides information on the roles and responsibilities of the Board of City Commissioners. In accordance with City Charter, Sec. 4.5 (B), the Board of Commissioners shall determine its own rules and order of business by resolution within 90 days following each election. Once adopted by resolution, the legislation must be adhered to until any modifications thereof are made. The Board of Commissioners hereby adopt these policy guidelines describing the protocol for various official communications and representations on behalf of the City of Madeira Beach.

#### I. OVERVIEW OF ROLES & RESPONSIBILITIES

The roles and responsibilities of elected officials can be found in the City Charter, City Code as well as established past practices.

#### CITY CHARTER DUTIES

##### 1. Mayor (City Charter, Section 4.3)

- Presides at all meetings of the Board of Commissioners.
- Have a voice and vote in the proceedings of the Commission.
- Recognized as the official head of the City of Madeira Beach, Florida, government for all ceremonial purposes and may issue Proclamations and award the Key to the City.
- Official for service of process (receives lawsuits and other documents on behalf of the City of Madeira Beach).
- Official designated to represent the City of Madeira Beach, Florida, in all agreements with other entities or certifications to other government entities but shall have no administrative duties except as required to carry out the responsibilities herein.

##### 2. Vice-Mayor (City Charter, Section 4.4)

- Appointed by the Board of Commissioners at the first regular or special meeting, which shall be held on or before the last day of the month in which the election was held to serve as Vice-Mayor for a one (1) year term.
- Act as Mayor during the absence or disability of the Mayor. Should the Vice-Mayor be required to act as Mayor for a period in excess of thirty (30) days, he/she shall receive the compensation of the Mayor retroactive to the date upon which he/she assumed the Mayoral duties.

##### 3. Board of Commissioners (City Charter, Article IV)

All members of the Board of Commissioners have equal votes. No Commission member has more authority than any other Commission member. Each Commission member shall fully participate in the Board of Commissioners' meetings and may represent the City at ceremonial and/or formal functions at the request of the Mayor or District Commissioners.

## II. GUIDELINES RELATED TO COMMISSION COMMUNICATIONS

### 1. Ceremonial Events

- Requests for City representative(s) at ceremonial events will be handled by the City Manager's Office. The Mayor serves as the designated City representative for ceremonial purposes. If the Mayor is unavailable to attend, the Vice-Mayor will be asked to represent the City, and if the Vice-Mayor is unavailable, another Commission member will be asked to represent the City. District Commissioners can also represent the City at ceremonial events if requested.
- Invitations received at City Hall by mail or email are presumed to be for official City representation. Invitations addressed to Commission members at their homes are presumed to be unofficial, personal invitations.
- All Commissioners are encouraged to show up and positively represent the City without violating the Sunshine Law.

### 2. Official Correspondence

- Each Commission member may prepare and send correspondence under their signature on City letterhead, but City letterhead shall not be used for personal or election or campaign correspondence. However, before sending correspondence, the Commission member shall check with the City Manager or the City Clerk to see if an official City response has already been sent or is in progress. A signed copy of the correspondence shall be given to the City Clerk to be filed as part of the public record and may be placed on the City Website.
- No written commitment or position shall be made by any individual member of the Board of Commissioners on behalf of the City without first having obtained a majority direction from the Board of Commissioners. A copy of all correspondence shall be given to the City Clerk to be filed as part of the public record and may be placed on the City Website.
- All official and legal correspondence of the City, including contracts, agreements and ordinances, shall be signed by the Mayor or as otherwise provided within the correspondence. In the absence of the Mayor, the Vice-Mayor shall sign on behalf of the City. A copy of all official and legal correspondence of the City shall be given to the City Clerk to be filed as part of the public record.
- All correspondence received at City Hall for the Mayor and Commissioners is considered official mail, excluding anonymous mail, and shall be opened by the City Clerk. Originals shall be filed as part of the public record and a copy of the mail shall be placed in the mailbox of the Commission member to whom the mail was addressed to. Although, anonymous mail is considered a public record it is not considered official mail and will be treated accordingly depending on the nature of its contents.

### 3. Public Communications

- The Board of Commissioners will endeavor to inform and interact with the public in meaningful and respectful ways that convey accurate information, using the following guidelines:
- Commission members frequently are asked to explain an action made by the Board or to give their opinion about an issue as they meet and talk with constituents in the community. Commission members may give a brief overview of a decision made by the Board or City policy and to refer to City staff for further information.
- Commission members may not overtly or implicitly promise Board of Commissioners action, or to promise City staff will do something specific (i.e., fix a pothole, void a parking ticket, plant new flowers in the median, etc.). Commission members shall make no promises on behalf of the Board of Commissioners.
- Commission members may not make any personal comments, verbal or nonverbal, about other Commission members.
- Commission members may publicly disagree about an issue, but one should refrain from making derogatory and/or inflammatory comments, verbal or nonverbal, about other Commission members, based on their opinions, and actions.
- A Commission member may have the City Manager inform and interact with the public on their behalf.
- Commission members should not give any opinions on issues to be decided by the Board of Commissioners.

### III. COMMISSION CONDUCT WITH CITY STAFF

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implements and administers the policies of the Board of Commissioners. Therefore, every effort shall be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

#### 1. Do not get involved in administrative functions. (City Charter, Section 4.6. C.)

- Board of Commissioners shall not interfere with Administration.

Language as written in City Charter, Section 4.6., B. “*Appointments and removals.*” Neither the Board of Commissioners nor any of its members shall in any manner dictate the *appointment or removal* of any City administrative officer or *employees whom the City Manager or any of his/her subordinates are empowered to appoint*, but the Board of Commissioners may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.”

Language as written in City Charter, Section 4.6., C. *“Interference with administration. Except for the purpose of inquiries and investigation, the Board of Commissioners or its members shall deal with the City officers and its employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Board of Commissioners or its members shall give orders to any such officers or employee, neither publicly nor privately, except as provided under the emergency powers section of this Charter. The Board of Commissioners or any of its committees or members, individually or collectively, shall not direct or request the appointment of any person or his/her removal from, office by the City Manager or any of his/her subordinates or in any manner, directly or indirectly, take part in the appointment or removal of any officers or employees or members of Boards in the Administrative Service of the City of Madeira Beach, Florida. The Board of Commissioners nor any member thereof shall give orders to any subordinate or Officer of said City, either publicly or privately, directly or indirectly.”*

- It is permissible for a Commission member to ask questions of or request information from a City officer or its employees for clarification of an item listed on the agenda in preparation of a meeting, as long as the request is through the City Manager.
- Language as written in City Charter, Section 4.9. Investigations. “The Board of Commissioners may make investigations into the affairs of the City by appointing a Charter Officer to investigate internal affairs of the City and report their findings to the Board of Commissioners.”

**2. Check with City staff on correspondence before taking action.**

Often, the City Manager or City Clerk will be aware of a response already provided on behalf of the City that can be useful to the Board of Commissioners in understanding the status of projects, complaints and other inquiries.

**3. Do not attend meetings with City staff unless requested by a department director through the City Manager.**

Even if a Commission member does not say anything, his/her presence implies support, shows partiality, intimidates staff, and hampers staff’s ability to do their job objectively.

**4. Limit requests for staff support.**

Routine secretarial support will be provided to the Board of Commissioners by the City Clerk’s Office. All mail for the Mayor and Commissioners is opened and a copy retained by the City Clerk. Mail addressed to the Mayor that may need immediate response or action may be reviewed first by the City Manager who may note suggested action and/or follow-up items. Depending on the nature of the contents of anonymous mail, the City Attorney will first review it.

Requests for staff support - even in high priority or emergency situations -- shall be made to the City Manager who is responsible for allocating City resources to maintain a professional, well-run City government.



## 5. Do not solicit political support from staff.

Board of Commissioners shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates and engage in other political activities, but all such activities shall be done away from the workplace. City staff in uniform shall not be asked to pose with candidates for office nor shall City equipment, letterhead, logos, paper, envelopes or other city materials be used in, or to create, political campaign advertisements.

## IV. COMMISSION CONDUCT WITH THE PUBLIC

The Board of Commissioners are held to the highest standards of ethics and shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their official position or authority improperly or for personal gain.

### 1. In Public Meetings

- The Board of Commissioners will only use city issued electronic devices on the dais and/or in a public meeting and refrain from the use of personal electronic devices on the dais and/or in a public meeting, unless authorized by the Board of Commissioners.
- The Board of Commissioners shall make the public feel welcome, which is an important part of the democratic process. No signs of partiality, prejudice or disrespect shall be evident on the part of individual Commission members toward an individual participating in a public forum. Every effort shall be made to be fair and impartial in listening to public testimony. Commission members should be fair and impartial in listening to the public during public comment.
- The public will be given a reasonable opportunity to be heard on a proposition before a board or commission.

Section 286.0114(3), F.S., states that the public's "opportunity to be heard" does not apply to:

- 1) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
- 2) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- 3) A meeting that is exempt from s. 286.011; or
- 4) A meeting during which the board or commission is acting in a quasi-judicial capacity. See AGO 17-01 (s. 286.0114, F.S., does not require that members of the public be given a reasonable opportunity to be heard at quasi-judicial code enforcement hearings held by a special magistrate pursuant to authority delegated from the county code enforcement board).

The statute does not prohibit a board or commission from “maintaining orderly conduct or proper decorum in a public meeting.” Section 286.0114(2), F.S. In addition, the opportunity to be heard is “subject to rules or policies adopted by the board or commission” as provided in s. 286.0114(4), F.S. These rules or policies are limited to those that:

- 1) Provide guidelines regarding the amount of time an individual must address the board or commission;
  - 2) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
  - 3) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
  - 4) Designate a specified period of time for public comment.
- If a board or commission adopts such rules or policies and thereafter complies with them, it is deemed to be acting in compliance with the statute.
- 1) The Board of Commissioners adopted a “Pledge of Civility” and a “Mission and Vision Statement” in 2018 to maintain orderly conduct and proper decorum in the public meetings:

**PLEDGE OF CIVILITY** (Resolution 2018-10; 08/14/2018)

- We will always show respect to one another.
- We will direct all comments to the issue before us.
- We will refrain from personal attacks.

2) **MISSION AND VISION STATEMENT** (segments of Resolution 2018-08)

- **Public Trust** – We believe that honesty and integrity are the foundation of all constructive relationships and the basis of public trust. We will ensure that there is thorough ethical behavior and decision making.
- **Transparency** – We will protect and preserve open and honest governance to maintain the public’s trust and confidence.
- **Teamwork** – We are committed to working together, embracing diversity and inclusion to best serve one another and the public.
- **Accountability** – We define accountability as taking ownership and responsibility for the outcomes of our decisions, actions, and management of our resources.

- **Professionalism** – Professionalism is dedication to excellence through integrity, requiring careful analysis of issues, free of personal biases, with a commitment to the organization and the community.
- **Respect** – We value all viewpoints and opinions and treat each other with courtesy and respect.

## 2. In Unofficial Settings

Board of Commissioners are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as role models for the City. Honesty, integrity and respect for the dignity of each individual shall be reflected in every word and action taken by Commission members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Board of Commissioners shall keep in mind that to the public they are first and foremost an elected official and that distinction makes the City Commissioner different from other residents, electors or citizens. All Commission members shall guard against any actions or words that would give even the appearance of bullying or misuse of their position.

## 3. In Official Forms of Media

Communication through media is an integral part of any governmental agency. All forms of media (television, newsletter, web site, etc.) play an important role in getting messages out to our community. The Board of Commissioners recognize a responsibility to make available accurate information to the public in a timely manner; understanding that people form opinions about the City based on what they read, hear and see. The objective of the City's media communications is to ensure public opinions are formed upon the basis of accurate information. To that purpose, the Board of Commissioners has established multiple media for proactively communicating with the community. The Commission members may ask that the City Manager speak on their behalf.

## 4. Monthly City Manager's Report

The City Manager shall put out a monthly report for purpose of conveying City news, events and project status reports to the community. Monthly reports include more detailed information when necessary.

## 5. Website

The City maintains a website, [www.madeirabeachfl.gov](http://www.madeirabeachfl.gov), for the benefit of residents and visitors. The website is intended to provide access to City contact information, services, requests for bids and proposals, general announcements and meeting notices, agendas and results as well as maps, among other features. The website also provides a means for the public to access published reports, such as the Certified Annual Financial Report (CAFR), the Annual Budget and the State of the City Address without coming to City Hall or paying for public records. These reports are generally too lengthy for publication in the monthly City Manager's Report or through the government access channel. While the information at the City's website can be accessed in "real time," it is maintained by City staff on a time available basis and updated as frequently as possible to remain current and accurate.

## **6. Government Access Channel or alternative measure**

The City maintains a government access channel, currently Channel 640 – Madeira Beach TV (MB-TV) through the local cable television franchise provider for the benefit of residents and visitors. MB-TV is available within the corporate limits of Madeira Beach and is programmed from City Hall. The MB-TV channel is used to broadcast. This service provides residents and interested persons with a first-hand account of the City's conduct of business. The goal is to use Closed Captioning in order to comply with ADA Recommendations.

## **7. Video Live Streaming**

The City video Live Streams its Board of Commissioners (BOC) meetings to allow for more transparency to its citizens. BOC meetings can be watched live through You Tube Streaming on the City's website or accessed anytime following the meeting. The State retention requirement for Live Streaming videos is two anniversary years after adoption of the official minutes or certification of transcript. Commission members shall make every effort to use the microphone when speaking so that their words can be heard on Live Streams and recordings.

Candidate Forums will be video live streamed on the government access channel even if it involves City personnel.

## **V. COMMISSION CONDUCT WITH OTHER PUBLIC AGENCIES**

### **1. Be clear about representing the City or personal interests.**

If a Commission member appears before another governmental agency or organization to give a statement on an issue, they shall clearly state:

- If his or her statement reflects personal opinion or is the official stance of the City taken by the Board of Commissioners at a noticed meeting;
- Whether this is unanimous or the majority or minority opinion of the Board of Commissioners;
- If a Commission member is representing the City in an official or liaison capacity, they should speak or state the official City position on an issue, not a personal viewpoint. If the Commission member is representing another organization whose position is different from the City, they shall state that during their comments. Commission members shall be clear about when they represent the City and when they are speaking in an individual or other capacity.

### **2. Correspondence shall be equally clear about representation.**

City letterhead may be used when a Commission member is representing the City and the City's official position. A copy of official correspondence shall be given to the City Clerk to be filed in the Clerk's Office as part of the public record and placed on the website. It is best that City letterhead is not used for correspondence of City Commissioners representing a personal point of view, or a dissenting point of view from an official Board of

Commissioners position. City letterhead should only be used for official City business and shall not be used for personal correspondence or for any election or campaign correspondence. The City Clerk or the City Manager shall approve that letter to be sent out.

## VI. COMMISSION CONDUCT WITH BOARDS AND COMMITTEES

The City has established various appointed Boards and Committees as a means of gathering recommendations after providing more public opportunities for more community input. Citizens who serve on Boards and Committees become more involved in government and serve as advisors to the Board of Commissioners. They are a valuable resource to the City's leadership and shall be treated with appreciation and respect.

### 1. **If attending a Board or Committee meeting, be careful to avoid influencing the Board or Committee's consideration or prejudicing the Board of Commissioners eventual consideration.**

- Commission members may attend any Board or Committee meeting, which are always open to any member of the public. However, they shall be sensitive to the way in which their presence may be viewed as unfairly affecting the process, especially if Commission members attend as a formal liaison on behalf of the Board of Commissioners. Commission members shall remember that attendance at a quasi-judicial hearing before a Board may place him/her in a position to be asked to disclose their attendance and any written or oral ex parte communications, or even recuse him/herself if there is evidence of prejudice or bias when the quasi-judicial matter is brought to the Board of Commissioners.
- Any public comments by a Commission member at an advisory Board or Committee meeting shall be clearly made as individual opinion and not a representation of the Board of Commissioners. The Board of Commissioners appoint Boards and Committees at large to provide independent recommendations to the Board of Commissioners and/or the City Manager. Commission members should be careful when suggesting a course of action or recommendation to an advisory Board or Committee because this could interfere with the independent judgment of the advisory Board or Committee contrary to the purpose and intent of the system.

### 2. **Limit contact with Board and Committee members to questions of clarification.**

- Remember that the Board of Commissioners appoint Boards and Committees to serve the community, not individual Commission members.
- It is prohibited for a Commission member to contact a Board or Committee member to lobby on behalf of an individual, business, or developer or to suggest or recommend an action be taken. Board and Committee members are appointed to take public comment and make independent recommendations to the Board of Commissioners and/or the City Manager, not vice versa (i.e., not to follow recommendations that may be desired by an individual Commission member). It is prohibited for advisory Board members and/or Committee members to contact Board of Commissioners to influence or to communicate a perspective counter to the official actions of the Board or Committee actions. All positions of an advisory Board or Committee shall be reduced

to a written recommendation that is voted upon and, if desired, the written recommendation(s) may contain majority, minority or individual comments or concerns.

- The Board of Commissioners appoint individuals to serve on Boards and Committees, and it is the responsibility of Boards and Committees to follow policy established by the Board of Commissioners. Board and Committee members do not report to individual Commission members, nor shall Commission members feel they have the power or right to threaten Board and Committee members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Committee shall be based on such criteria as expertise, ability to work with staff and the public and commitment to fulfilling official duties. A Board or Committee appointment shall not be used as a political "reward" for assistance in any campaign activities.

### **3. Be respectful of diverse opinions.**

A primary role of Boards and Committees is to represent many points of view in the community and to provide the Board of Commissioners with advice based on a full spectrum of concerns and perspectives. Commission members may have a closer working relationship with some individuals serving on Boards and Committees but shall be fair, balanced and respectful of all citizens serving on Boards and Committees.

### **4. Keep political support away from public forums.**

Board and Committee members may offer political support to a Commission member, but not in a public forum while conducting official duties. Conversely, Board of Commissioners may support Board and Committee members who are running for office, but not in an official forum in their capacity as a Commissioner.

## **VII. BOARD MEMBERS ATTENDING MEETINGS OR SERVING AS MEMBERS OF ANOTHER PUBLIC BOARD**

### **1. Board members attending meetings of another public board.**

~~2020-2022~~ Government in the Sunshine Manual, Page 20 & 21:

“Several Attorney General Opinions have considered whether one or more members of a board may attend or participate in a meeting of another public board. For example, in AGO 99-55, the Attorney General’s Office said that a school board member could attend and participate in the meeting of an advisory committee appointed by the school board without prior notice of his or her attendance. However, the opinion cautioned that “if it is known that two or more members of the school board are planning to attend and participate, it would be advisable to note their attendance in the advisory committee meeting notice.”

“Moreover, while recognizing that commissioners may attend meetings of a second public board and comment on agenda items that may subsequently come before the commission for final action, the Attorney General Opinions have also advised that if more than one “commissioner is in attendance at such a meeting, no discussion or debate may take place among the commissioners on those issues.” AGO 00-68. *Accord* AGO 98-79 (city commissioner may attend a public community development board meeting held to consider a proposed city ordinance and express his or her views on the proposed ordinance even

though other city commissioners may be in attendance; however, the city commissioners in attendance may not engage in a discussion or debate among themselves because “the city commission’s discussions and deliberations on the proposed ordinance must occur at a duly noticed city commission meeting”). *See also* AGOs 05-59 and 77-138.”

## **2. Board members serving as members of another public board.**

~~2020-2022~~ Government in the Sunshine Manual, Page 21:

“Board members who also serve on a second public board may participate in the public meetings of the second board held in accordance with s. 286.011, F.S., and express their opinions without violating the Sunshine Law. AGO 07-13. In other words, “when two county commissioners are presently serving on [a regional planning] council this does not turn a meeting of the planning council into a county commission meeting, and the Sunshine Law does not require any additional or different notice of planning council meetings because of the presence of these county commission members.” *Id.* “Similarly, AGO 98-14 concluded that membership of three city council members on the metropolitan planning organization did not turn a council meeting into a metropolitan planning organization meeting that required separate notice. Because, however, the discussion of metropolitan planning organization matters was planned for the council meeting, the city council had properly included mention of such items in its notice of the council meeting.”

“Similarly, in AGO 91-95, the Attorney General’s Office concluded that a county commissioner may attend and participate in the discussion at a public meeting held by the governing board of a county board on which another commissioner serves. However, “in an effort to satisfy the spirit of the Sunshine Law,” the opinion also recommended that the published notice of the county board “include mention of the anticipated attendance and participation of county commission members in board proceedings.” *Id.*”

## **VIII. COMMISSION CONTACT WITH THE MEDIA**

Board of Commissioners are frequently contacted by the media for background, quotes and interviews. Whenever possible, Commission members, as the City's policy makers, shall be the first contact with the media. The City Manager is also a frequent contact and shall manage the staff's contact and communications with the media. Following are the Board of Commissioners general policies for conduct with the media:

### **1. Legal Issues.**

Media inquiries relating to any existing or potential liability or suit against the City shall immediately be referred to the City Attorney. In the absence of the City Attorney, the City Manager may respond or direct the media to special counsel contacts on legal issues. The City Attorney has sole discretion as to whether or not to comment, and the substance of any comments, on any legal issues or litigation in the press.

### **2. Use a designated spokesperson for the City’s position on controversial issues.**

When sensitive or controversial issues arise, it is essential that a central focal point for information be established. The City Manager may be designated for such contact. The City can best ensure a clear and consistent message by limiting involvement to a designated or limited number of contacts.



**3. In the absence of designation, Board of Commissioners shall be clear for the record.**

If an individual Commission member is contacted by the media, they shall be clear about whether their comments represent the official City position or a personal viewpoint. Commission members are urged to avoid instigative or preemptive contact directly with the media or through others for purposes espousing a position contrary to that of the majority of the Board of Commissioners or in the absence of an official position by the City.

**4. Guidelines for Media Contacts:**

What to Say:

Make sure the information released is factual, accurate, timely and consistent. Strive to provide full and honest disclosure and stay within legal limits by not making any slanderous or libelous statements. Choose words carefully and cautiously to avoid being taken out of context.

**5. Guidelines for Email, Texts, and Social Media:**

All email, text messages, and social media postings (for example: twitter, Facebook, snapchat, Instagram, etc..) regarding any issue that may come before the Board of Commissioners is official business and a public record, must be retained, shall not be deleted and should be forwarded to your official City email address for record retention and search purposes. Appointed and elected City officials *shall not* make anonymous postings on any electronic media with regard to any issue that may come before the City as official business.



## ARTICLE II.

### RULES OF PROCEDURE FOR BOARD OF COMMISSIONER MEETINGS

Pursuant to the Madeira Beach City Charter, Section 4.5, the Board of Commissioners shall determine its own rules and order of business, by resolution, within 90 days in which the election is held.

#### I. POLICY

##### 1. General Rules

- **Meetings to be Public.** All meetings of the Board of Commissioners shall be noticed and open to the public, except for such meetings as are exempt by general law. Any meeting of two or more Commission members, in which City business is discussed is prohibited without the appropriate notice as specified in Florida State Statues.
- **Quorum.** A simple majority of the members of the Board of Commissioners shall, free of voting conflict, constitute a quorum and be necessary to conduct business of the Board of Commissioners. If a quorum is not present, those in attendance will be named and they shall adjourn.
- **Minutes of Proceedings.** Meeting minutes of the Board of Commissioners shall be kept by the City Clerk, except for such meetings as are exempt by general law.
- **Voting.** As set forth in the Charter, ordinances, resolutions and other action requiring a vote of the Board of Commissioners shall require three (3) affirmative votes for passage and shall be by roll call vote upon request of any member of the Board of Commissioners. A super-majority vote of four members of the Board of Commissioners for any Planned Development Rezoning or Special Area Plan shall be required for approval. The City Clerk shall record the vote of all Commission members.

In the event one or more members are absent and any motion for a final decision fails to achieve the affirmative vote of three (3) Commission members, and no further action by the Board of Commissioners to achieve three (3) affirmative votes can be obtained, then such ordinance, resolution or other action shall be automatically continued to the next regularly scheduled meeting or a special meeting scheduled for that purpose. No ordinance, resolution or other action shall be automatically continued more than once and if upon one continuance it does not obtain three (3) affirmative votes the matter shall fail.

- **City Manager.** The City Manager is expected to attend the meetings of the Board of Commissioners and shall have the right to take part in all discussions.
- **City Attorney.** The City Attorney or their designated substitute counsel is expected to attend the meetings of the Board of Commissioners and provide guidance and opinions on questions of law. Under Staff Reports on each BOC regular meeting agenda, the City Attorney shall provide a monthly staff report to the Board regarding the status of any ongoing litigation.

- **City Clerk.** The City Clerk or their designee shall attend the meetings of Board of Commissioners and record all votes and keep the official minutes of the proceedings.
- **Administrative Staff.** The Administrative staff shall attend meetings and workshops when required.
- **Rules of Order.** The current addition of Robert's Rules of Order shall be the rules of order; in addition to the rules of procedure stated in this policy handbook.

## 2. Types of Meetings [City Charter, Section 4.5 – Rules of procedure; quorum; meetings]

- **Regular Meetings.** The Board of Commissioners shall meet in the Commission Chambers or another designated place within the City boundaries, for regular meetings. Regular Meetings shall commence at 6:00 p.m. or as amended from time to time, on the second Wednesday of each month, or as otherwise determined by the City Manager if the regular meeting falls on a Holiday, City Election or other event that warrants rescheduling the meeting. The Board of Commissioners may schedule other regular meetings as it deems necessary in accordance with its established rules of procedure to address items that require official action before the next regularly scheduled meeting. The Board of Commissioners and/or City Manager shall determine date and time of meeting.
- **Special Meetings.** Special meetings may be called by the Mayor by a majority of the Commission with appropriate notice with no less than twenty-four (24) hours' notice in writing to each member and the public (language stated in City Charter). Special meetings may also be called and noticed in a manner similar to regular meetings for special or specific purposes where formal action of the Board of Commissioners may be necessary or desirable. Special meeting notices shall encompass a minimum of one non-holiday weekday.
- **Workshop Meetings.** The Board of Commissioners may meet in the Commission Chambers for Workshop meetings. Workshop meetings shall commence at 6:00 p.m. on the fourth Wednesday of each month, or as otherwise determined by the City Manager and/ or the Board of Commissioners. Workshop meetings are informal legislative sessions, but to allow the Board of Commissioners to informally discuss topics and gain a better understanding of topics prior to formal consideration. To allow some understanding of the status of discussion of items, a verbal consensus may be ascertained to determine an appropriate next step, but such consensus is *not binding* on the Board of Commissioners.

## 3. Presiding Officer and Duties

- **Presiding Officer.** The Mayor shall preside at all meetings of the Board of Commissioners. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the City Clerk for appointing a temporary presiding officer.
- **Parliamentarian.** The City Attorney shall act as the parliamentarian to the Board of Commissioners by advising the Mayor regarding matters of procedure. The Board could choose one of its members who is knowledgeable about the procedures to act as

the parliamentarian. Each Commission member must understand the parliamentary procedures, or it will be impossible to conduct its meeting properly.

- **Preservation of Order.** The Presiding Officer shall preserve order and decorum; prevent attacks on personalities or the impugning of members' or motives, and confine members in debate to the question under discussion.
- **Point of Order.** The Presiding Officer shall determine point of order. Point of order shall not be entertained from the audience.
- **Recognition of Speakers.** The Presiding Officer shall recognize speakers from the public in keeping with the procedures established herein but shall do so in a way that remains constructive without being repetitive. In instances where large contingencies are represented, the Presiding Officer may ask for a limited number of representatives to represent the overall sentiments of the group. However, in no instance shall anyone be precluded from addressing the Board of Commissioners.
- **Recognition of Commission Members wishing to Speak.** The Presiding Officer shall allow an opportunity for Board of Commissioners to comment on items but shall not solicit comment from each member on every item but shall recognize those Commission members wishing to speak.

#### 4. Order of Business for BOC Regular Meetings

- **Order of Business.** The general rule as to the order of business in Board of Commissioners (BOC) regular meetings, with the exception of the Agenda Setting Meeting, shall be as follows:
  1. Call to Order
  2. Invocation and Pledge of Allegiance
  3. Roll Call
  4. Approval of the Agenda
  5. Proclamations/Presentations
    - 5.1. Proclamations
    - 5.2. Presentations
  6. Public Comment
  7. Consent Agenda
  8. Public Hearings
  9. Unfinished Business
  10. Contracts/Agreements
  11. New Business
  12. Staff Reports
  13. Agenda Setting Meeting
  14. Reports/Correspondence
    - A. City Commission
    - B. City Attorney
    - C. City Manager
    - D. City Clerk
  15. Adjournment

- **Order of Business for the Regular or Special Meeting following the Election.** When newly elected officials are sworn into office, the meeting agenda may be formatted differently to allow for the ceremonial portion of the meeting to take place before any official business listed on the agenda.

## 5. Explanation of Order of Business for Regular Meetings

- **Agenda.** The order of business of each meeting shall be as contained in the Agenda. The Agenda is a listing by order of business of topics to be considered by the Board of Commissioners. Additional guidance is provided below as to the purpose of the agenda sections.

**1. Call to Order.** The Mayor shall preside at all meetings of the Board of Commissioners. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the City Clerk for appointing a temporary presiding officer.

**2. Invocation and Pledge of Allegiance.**

**3. Roll Call** – The City Clerk calls the roll.

**4. Approval of the Agenda** – Approval of the Agenda consists of all items listed on the meeting agenda.

**5. Proclamations/Presentations.**

**5.1. Proclamations.** This section is provided for presentation of Proclamations to be read in full and presented by the Mayor, City Clerk or City Manager. The intent is to list and read only those proclamations that will be formally presented and received by a representative of the requesting agency or organization at the Board of Commissioners Meeting. Otherwise, proclamations may be issued at the Mayor's discretion and forwarded through the City Clerk's Office.

**5.2. Presentations.** This section is provided for any additional presentations held during City meetings. Presentations can be added during Agenda Setting Meetings and can be requested by the Board as a consensus or requested by an individual Commission member. The City Manager also has the authority to add a presentation to the agenda under his own discretion. Speaker's presentation shall be limited to 10 minutes.

**6. Public Comment.** This section is reserved for public participation on matters of concern pertaining to City business; and which are not on the agenda. Public comment is made in person and not represented by emails, tweets, or other types of information, unless there is a declared State of Local Emergency requiring virtual meetings of the Board of Commissioners. Public Comment is subject to the following protocol.

**Manner of Addressing the Board of Commissioners.** Each person addressing the Board of Commissioners shall step up to the microphone, give his or her name and address and the organization or group they represent, if

any, in an audible tone of voice for the record and shall limit their address to ~~three (3)~~ five (5) minutes unless extended by the Mayor, more time may be granted to applicants and affected persons with legal standing in quasi-judicial hearings. Yielding of time for an additional ~~three~~five-minute period is allowed. If no time is yielded, the person speaking can ask for additional time to speak. If the additional time is appropriate, the Presiding Officer can offer the Commissioners the opportunity to consent to an extension.

**Comment Cards.** Comments cards may be completed by individuals from the audience, whether it is a public forum question or an agenda item. The comment cards shall be available at the back table in the Commission Chambers, and the individual shall write their name, address, and a brief comment about what it is that they would like a response on. ~~to talk about. The City Clerk shall keep the cards and will identify the individual to come forward and speak.~~ It is not mandatory that a speaker complete a comment card.

**Reading of Protests.** Interested persons, or their authorized representatives, may address the Board of Commissioners for the reading of protests, petitions, or communications relating to any matter over which the Board of Commissioners has jurisdiction.

7. **Consent Agenda.** The Consent Agenda shall be used to handle routine matters on the agenda expeditiously. Examples of Consent Agenda items are minutes, waivers for special events, bid or purchase awards for equipment, goods or services already approved within the budget, invoices, and budget transfers. There is no separate discussion of these items unless a Commission member requests an item be removed for consideration in its normal sequence on the agenda. Members of the public do not have discretion to remove items from the Consent Agenda, yet the Mayor, as Presiding Officer, may acknowledge any such request and remove an item on their behalf. The approval of the Consent Agenda shall be handled in one motion, i.e. "I move that the Consent Agenda, (items "x" through "z") be approved; or if items are to be removed, a typical motion might be, "I move that we approve Consent Agenda items "x" through "z" with the exception of item "y" for discussion."
8. **Public Hearings.** The section is for items requiring a public hearing required by law. Certain public hearings are quasi-judicial in nature. A quasi-judicial proceeding requires the Board of Commissioners to act in a quasi-judicial, rather than legislative, capacity. At a quasi-judicial hearing, it is not the Board's function to make law but rather to apply law that has already been established. In a quasi-judicial hearing the Board is required by law to make findings of fact based upon the evidence presented at the hearing and apply those findings of fact to previously established criteria contained in the code of ordinances in order to make a legal decision regarding the application before it. The Board may only consider evidence at this hearing that the law considers competent, substantial and relevant to the issues. If the competent, substantial and relevant evidence at the hearing demonstrates that the applicant has met the criteria established in the code of ordinances, then the Board must find in

favor of the applicant . By the same token, if the competent, substantial and relevant evidence at the hearing demonstrates that the applicant has failed to meet the criteria established in the code of ordinances then the Board is required by law to find against the applicant. The established procedure which will be followed by the Board is set forth in Chapter 2, Article I, Division 2 of the Code of Ordinances.

9. **Unfinished Business.** The section is provided to allow completion of matters already under discussion by the Board of Commissioners from a previous meeting, excluding public hearings required by Law. Citizen input may be heard once a motion is made by the Board of Commissioners on items of unfinished business. Citizen input shall be limited to ~~three (3)~~ five (5) minutes.
10. **Contracts/Agreements.** This section is provided to allow more careful consideration of complex contracts and agreements that require individual approval. Citizen input may be heard once a motion is made by the Board of Commissioners on items of contract/agreements and shall be limited ~~three (3)~~ five (5) minutes.
11. **New Business.** This section contains all remaining agenda items for consideration by the Board of Commissioners, excluding public hearings, as required by law. Citizen input may be heard once a motion is made by the Board of Commissioners on items of new business. Citizen input shall be limited to ~~three (3)~~ five (5) minutes.
12. **Staff Reports.** Non-workshop items. This section is set aside for staff reports regarding items such as monthly financial reports, special event updates, project updates, governmental and non-governmental project updates, litigation status report; and other updates on matters that do not get workshopped. Each staff report is limited to five (5) minutes.
13. **Agenda Setting Meeting.** This section is for the purpose of setting the Workshop Agenda for the Workshop to be held on the fourth Wednesday of the month. Items to be added to the agenda may be requested by the Board of Commissioners, City Manager, and City staff. Not all items need to be workshopped. The City Manager shall determine the form and manner of how the item will be addressed. The City Manager will read back the requested items to be workshopped for clarification purposes if necessary.
14. **Reports/Correspondence.** This section is set aside for standing reports from Commission members to provide a status report based upon their attendance or representation of the City at various governmental boards and agencies. This section is limited to ~~three (3)~~ five (5) minutes.

The Reports section also provides for the City Manager, City Attorney, and City Clerk to make announcements and report on current topics. This section is limited to ~~three (3)~~ five (5) minutes.

**Outstanding Lien Settlements.** This section will also allow for any updates on Outstanding Lien Settlements for liens over \$5,000.00. If the City Attorney

is approached by a property owner to settle an outstanding lien, the Commission must be able to review the details of a case at a Workshop followed by final approval or rejection of the proposed settlement during a Regular BOC Meeting. This section is limited to ~~three (3)~~ five (5) minutes.

## 6. Agenda Preparation

- **Notice.** The final agenda for regular, special, and workshop meetings shall serve as the public notice for each respective meeting. Agendas and public notices shall be posted at City Hall, Gulf Beaches Public Library, if possible, and the City's website by no later than 3:00 p.m. on the Thursday prior to the meeting.
- **Packets.** Agenda packets shall be published by the Office of the City Manager or City Clerk when needed, following approval of the agenda and packet materials by the City Manager's Office, and copies placed in the Commission boxes by Wednesday afternoon, and if necessary to allow for any emergency items to be included in packet, no later than 12:00 p.m. (noon) on the Thursday, the week before the scheduled meeting. All agenda items to be included in the agenda packet must be submitted no later than 3:00 p.m., on the Monday of the same week the agenda packet is to be distributed. The City Manager shall place all agenda items received past the deadline on a future agenda. The distribution deadline allows sufficient time for the Board of Commissioners to receive their agenda packet, review the packet materials, and to obtain additional information on the agenda items from the City Manager, City staff, or other entities, if necessary, to be more knowledgeable in preparation of the meeting and for voting purposes. For workshop meetings and regular meetings that are not held on a regularly scheduled meeting date, a similar lead time schedule for agenda and packet materials shall be followed, unless otherwise determined by the City Clerk.



### ARTICLE III

#### SUSPENSION AND AMENDMENT OF RULES

#### I. SUSPENSION AND AMENDMENT OF THESE RULES

- 1. Suspension of Rules.** Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Board of Commissioners.
- 2. Amendment of Rules** This policy shall be reviewed annually and adopted by resolution within 90 days following each election. The policy may be amended, or new provisions made by a majority vote of all members of the Commission. Each year following the regular election, any modifications previously made by motion will be formalized in the resolution, City Charter, Section 4.5 (B).



**Distribution of Individual Commissioner Materials in Advance of Meetings**

This memorandum is to address a complex issue of Sunshine Law - Commissioner distribution of materials prior to BOC Meetings and Workshops that should be handled carefully to avoid inadvertent Sunshine Law violations by Commissioners.

The safest way is to send the materials to the City Clerk who can then distribute materials at the noticed public meeting or agenda packets prepared in advance of noticed meetings that comply with Florida's Sunshine Law.

**A response to a memorandum sent by any Commissioner could result in a sunshine law violation by both the commissioner who is the sender of the original memo and the commissioner who sends a response to the memo.**

A number of previous AGO opinions are summarized in the Fla Sunshine Law Manual 2019 p. 22-25<sup>1</sup> provide direction on how materials can be distributed.

Please keep in mind the following with regard to Sunshine Law on the distribution of materials:

**1. E-mail, text messages, and other written communications between board members are prohibited by Florida's Sunshine Law.**

The Sunshine Law requires boards to meet in public; boards may not take action on or engage in private discussions of board business via written correspondence, e-mails, text messages, or other electronic communications. City commissioners may not use an electronic newsletter to communicate among themselves on issues that foreseeably may come before the commission. Inf. Op. to Syrkus, October 31, 2000. And see AGO 09-19 (members of a city board or commission may not engage on the city's Facebook page in an exchange or discussion of matters that foreseeably will come before the board or commission for official action); and Inf. Op. to Martelli, July 20, 2009 (authority should discuss business at publicly noticed meetings "rather than in a series of letters between authority members"). The members of an advisory committee created to make recommendations to the superintendent on school attendance boundaries violated the Sunshine Law when they exchanged private electronic communications (emails and Facebook messages) relating to committee business. Linares v. District School Board of Pasco County, No. 17-00230 (Fla. 6th Cir. Ct. January 10, 2018). See also AGO 89-39 (members of a public board may not use computers to conduct private discussions among themselves about board business).

**2. Distribution of a memorandum to solicit comments from other board members or the circulation of responsive memoranda by other board members would violate the Sunshine Law, in AGO 96-35**

The Attorney General's Office stated that while it is not a "direct violation" of the Sunshine Law for members to circulate their own written position papers on the same subject as long as the board members avoid any discussion or debate among themselves except at an open public meeting, this practice is "**strongly discourage[d]**." AGO 07-35. "Such action would be

<sup>1</sup> <http://myfloridalegal.com/pages.nsf/Main/dd177569f8fb0f1a85256cc6007b70ad>

equivalent to private meetings discussing the public business through the use of memoranda without allowing an opportunity for public input.” AGO 96-35. City council’s discussions and deliberations on matters coming before the council must occur at a duly noticed city council meeting and the circulation of position statements must not be used to circumvent the requirements of the statute AGO 01-21; AGO 08-07 (city commissioner may post comment regarding city business on blog or message board; however, any subsequent postings by other commissioners on the subject of the initial posting could be construed as a response in violation of the Sunshine Law); and Inf. Op. to Jove, January 22, 2009 (posting of anticipated vote on blog).

3. **A commissioner may send a written report to other commissioners on a subject that will be discussed at a public meeting without violating the Sunshine Law, if prior to the meeting, there is no interaction related to the report among the commissioners.**

**Further, the report must be maintained as a public record, should not being used as a substitute for action or discussion at a public meeting.**

AGO 89-23. And see AGO 01-20 (e-mail communication of information from one council member to another is a public record but does not constitute a meeting subject to the Sunshine Law when it does not result in the exchange of council members’ comments or responses on subjects involving foreseeable action by the council). Cf. Inf. Op. to Kessler, November 14, 2007 (procedural rule requiring county commissioner to make a written request to commission chair to withdraw an item from the consent agenda does not violate the Sunshine Law). If, on the other hand, the report is circulated among board members for comments with such comments being provided to other members, there is interaction among the board members which is subject to s. 286.011, F.S. AGO 90-03.

4. **A procedure whereby a board takes official action by circulating a memorandum for each board member to rank or short-list selections violates the Sunshine Law.**

Inf. Op. to Blair, May 29, 1973. And see *Leach-Wells v. City of Bradenton*, 734 So. 2d 1168, 1171 (Fla. 2d DCA 1999) (selection committee created by city council to evaluate proposals violated the Sunshine Law when the city clerk ranked the proposals based on the committee members’ individual written evaluations; the court held that “the **short-listing was formal action that was required to be taken at a public meeting**”); *Schweickert v. Citrus County Port Authority*, No. 12-CA-1339 (Fla. 5th Cir. Ct. September 30, 2013) (ad hoc committee appointed by board violated the Sunshine Law when the members submitted individual written evaluations of the proposals to the staff, which then compiled the scores and ranked the proposals for submission to the board; the committee should have ranked the proposals at a public meeting); and AGO 93-90 (board not authorized to use employee evaluation procedure whereby individual board members send their individual written comments to the board chair for compilation and subsequent private discussion with the employee). Compare *Carlson v. Department of Revenue*, 227 So. 3d 1261 (Fla. 1st DCA 2017) (state agency “evaluation team” members who individually evaluated competing proposals, individually assigned scores, and individually submitted their scores for consideration by others, did not take “formal action” and thus were not obligated to conduct a meeting subject to the Sunshine Law).



THOMAS J. TRASK, B.C.S.\*  
 JAY DAIGNEAULT, B.C.S.\*  
 ERICA F. AUGELLO, B.C.S.\*  
 RANDY D. MORA, B.C.S.\*  
 ROBERT ESCHENFELDER, B.C.S.\*  
 NANCY S. MEYER, B.C.S.\*  
 JEREMY SIMON  
 MEGAN R. HAMISEVICZ


*\* Board Certified by the Florida Bar in  
 City, County and Local Government Law*

## MEMORANDUM

DATE: March 28, 2023

TO: Mayor James "Jim" Rostek  
 Commissioner David Tagliarini  
 Commissioner Ray Kerr  
 Commissioner Eddie McGeehen  
 Commissioner Ann-Marie Brooks

CC: Robin Gomez, City Manager

FROM: Thomas J. Trask, City Attorney 

RE: Special Magistrate Lien at 14033 E. Parsley Drive, Madeira Beach  
 Case No. 2021.1296 (Murray)

The purpose of this memorandum is to obtain your authorization to accept a \$5,000.00 settlement offer from Rebecca "Becky" Giles, the Closing Manager for Title Mark, on behalf of Brian Murray, the current owner and seller of the subject property, in exchange for a Release of the Special Magistrate Lien.

### BACKGROUND

On October 28, 2022, the Special Magistrate found the subject property in violation of Section 14-70 (General Maintenance) of the city code and an Order Imposing Fine was executed by the Special Magistrate which imposed a fine in the amount of \$250.00 per day (plus interest) for this lien against the owner. The property was thereafter brought into compliance, by demolition, on March 5, 2023. Recently Ms. Giles contacted me by e-mail and made a settlement offer on the seller's behalf in the amount of \$5,000.00 in exchange for a release of the Special Magistrate lien. The violation resulted in fines of \$25,500.00 plus interest and recording costs for a total amount due the City, as of March 31, 2023, in the amount of \$25,641.77.

### RECOMMENDATION

Based upon the facts of this case and to avoid incurring additional attorney's fees, it is my recommendation that the Board of Commissioners accept this settlement offer of \$5,000.00 in exchange for a Release of the Special Magistrate lien.

Respectfully submitted.

TJT/kt

Attachments: Special Magistrate Lien  
Payoff  
Settlement Offer

cc: Clara VanBlargan, City Clerk  
Holden Pinkard, Building Operations Coordinator  
Frank DeSantis, Building Official

CODE ENFORCEMENT SPECIAL MAGISTRATE  
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2020.1296

Petitioner,

vs.

BRIAN MURRAY,  
14033 E. Parsley Dr.  
Madeira Beach, FL 33708,

Respondent.

**FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER IMPOSING FINE**

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on October 24, 2022, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

**Findings of Fact:**

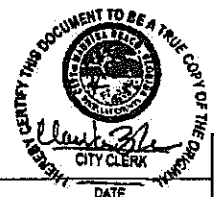
1. The City was represented by the City Attorney, and Holden Pinkard, Frank Desantis and Jenny Rowan provided testimony on behalf of the City.
2. Lori Souza appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 14033 E. Parsley Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

BAY POINT ESTATES BLK 1, LOT 3

5. Proper notice was served upon the Respondent via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, Florida Statutes.
6. The Respondent was notified that Respondent was in violation of the following section of the Code of Ordinances of the City of Madeira Beach to wit:

**Sec. 14-70.- Same- General Maintenance.**

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation



and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

7. The violation set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violation and bringing the Property into compliance is thirty (30) days from the date of the Hearing.

**BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

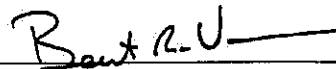
1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 14-70 of the Code of Ordinances of the City of Madeira Beach.

2. The Respondent shall correct the above stated violation on or before November 23, 2022, by taking the remedial action as set forth, and stated on the record at the hearing, which is to demolish the home.

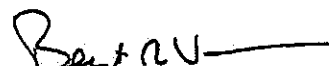
3. If the Respondent fails to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after November 23, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

4. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 28<sup>th</sup> day of October, 2022.

  
Bart R. Valdes  
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: Brian Murray, 14033 E. Parsley Dr., Madeira Beach, FL 33708; by electronic mail to Thomas Trask, Esq. (tom@cityattorneys.legal); and by U.S. Mail and e-mail transmission to the City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708, on this 28<sup>th</sup> day of October, 2022.

  
Bart R. Valdes

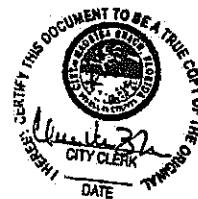


---

### APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Ss. 162-11.

---



**SPECIAL MAGISTRATE LIEN****MADEIRA BEACH**

Brian Murray

14033 E. Parsley Drive

Case No. 2021.1296

as of: March 7, 2023

**IN COMPLIANCE**

Fine Start	11/24/2022	
Fine Stop	3/5/2023	102 days
Rate	\$250.00 /day	
<b>Principal</b>	<b>\$25,500.00</b>	

**Admin**

<b>Recording</b>	<b>\$41.50</b>
------------------	----------------

<b>SUB TOTAL</b>	<b>\$25,541.50</b>
------------------	--------------------

Interest Rate 0.000151233 (5.52% per annum)

**Interest on Principal** **\$3.86 /day**

Interest Start 3/6/2023

Today's Date 3/31/2023

26 days

<b>Interest</b>	<b>\$100.27</b>
-----------------	-----------------

<b>TOTAL</b>	<b>\$25,641.77</b>
--------------	--------------------



**Thomas Trask**

---

**From:** Rebecca Giles <bgiles@titlemark.net>  
**Sent:** Monday, March 27, 2023 1:15 PM  
**To:** Thomas Trask; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez  
**Cc:** Titlemark Receptionist  
**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

The owner is accepting of the \$5K settlement offer. Please present that so we can get a formal letter for the short sale lender should they need it.

Thank you,

*Rebecca "Becky" Giles*  
Closing Manager  
[BGiles@TitleMark.net](mailto:BGiles@TitleMark.net)



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606  
813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | [www.TitleMark.net](http://www.TitleMark.net)  
**Insurance | Closings | Escrow**

***All funds required for closing must be in the form of a wire transfer. We cannot accept personal checks, cashier's checks, credit cards, or ACH transfers.***

**WARNING:**

**Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an email containing wire transfer instructions, DO NOT RESPOND TO THE EMAIL! Instead, call your closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. TitleMark will never change wire instructions via email. Always call to verify BEFORE sending funds.**



Trusted &amp; Verified™

By Secure Insight

The information contained in this message and its attachments is intended only for the recipient(s) named above. This information may be privileged and confidential in nature and protected by law. If the reader of this message is not the intended recipient, any further review, dissemination, distribution or copying of this information is strictly prohibited. If you received this communication in error, please delete the message with its attachments and notify the sender immediately.

**From:** Thomas Trask <tom@cityattorneys.legal>

**Sent:** Thursday, March 23, 2023 9:52 AM

**To:** Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>

**Cc:** Titlemark Receptionist <receptionist@titlemark.net>

**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Becky,

I have reviewed the \$1,000 settlement offer with the City. City staff and I cannot support that offer. City staff and I could support a settlement of \$5,000.00 for the outstanding \$25,641.77 lien. Let me know if that is acceptable to Mr. Murray. If so, I will need to obtain approval from the Board of Commissioners at their next BOC meeting on April 12, 2023. Tom

**From:** Rebecca Giles <bgiles@titlemark.net>

**Sent:** Tuesday, March 21, 2023 2:07 PM

**To:** Thomas Trask <tom@cityattorneys.legal>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>

**Cc:** Titlemark Receptionist <receptionist@titlemark.net>

**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Good Afternoon,

Attached is the letter from Mr. Murray for consideration.

Thank you,

*Rebecca "Becky" Giles*

Closing Manager

[BGiles@TitleMark.net](mailto:BGiles@TitleMark.net)



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606  
 813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | [www.TitleMark.net](http://www.TitleMark.net)  
**Insurance | Closings | Escrow**

***All funds required for closing must be in the form of a wire transfer. We cannot accept personal checks, cashier's checks, credit cards, or ACH transfers.***

### **WARNING:**

Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an email containing wire transfer instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. TitleMark will never change wire instructions via email. Always call to verify **BEFORE** sending funds.



The information contained in this message and its attachments is intended only for the recipient(s) named above. This information may be privileged and confidential in nature and protected by law. If the reader of this message is not the intended recipient, any further review, dissemination, distribution or copying of this information is strictly prohibited. If you received this communication in error, please delete the message with its attachments and notify the sender immediately.

**From:** Thomas Trask <[tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)>  
**Sent:** Thursday, March 16, 2023 2:50 PM  
**To:** Rebecca Giles <[bgiles@titlemark.net](mailto:bgiles@titlemark.net)>; [buildingdept@madeirabeachfl.gov](mailto:buildingdept@madeirabeachfl.gov); [lroby@madeirabeachfl.gov](mailto:lroby@madeirabeachfl.gov); [fdesantis@madeirabeachfl.gov](mailto:fdesantis@madeirabeachfl.gov); [hpinkard@madeirabeachfl.gov](mailto:hpinkard@madeirabeachfl.gov); Robin Gomez <[RGomez@madeirabeachfl.gov](mailto:RGomez@madeirabeachfl.gov)>  
**Cc:** Titlemark Receptionist <[receptionist@titlemark.net](mailto:receptionist@titlemark.net)>  
**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Becky,

The letter should be in the form of a settlement offer (with a dollar figure) not a request to reduce the fine. Tom

**From:** Rebecca Giles <[bgiles@titlemark.net](mailto:bgiles@titlemark.net)>  
**Sent:** Thursday, March 16, 2023 1:43 PM  
**To:** Thomas Trask <[tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)>; [buildingdept@madeirabeachfl.gov](mailto:buildingdept@madeirabeachfl.gov); [lroby@madeirabeachfl.gov](mailto:lroby@madeirabeachfl.gov); [fdesantis@madeirabeachfl.gov](mailto:fdesantis@madeirabeachfl.gov); [hpinkard@madeirabeachfl.gov](mailto:hpinkard@madeirabeachfl.gov); Robin Gomez <[RGomez@madeirabeachfl.gov](mailto:RGomez@madeirabeachfl.gov)>  
**Cc:** Titlemark Receptionist <[receptionist@titlemark.net](mailto:receptionist@titlemark.net)>  
**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Thank you for this payoff. I am having the owner put together a reduction request letter so I can send that to you. The outstanding liens exceed the value of the property so we are having to request a short sale for the mortgage.

I will be in touch once I get that back from him.

Thank you,

*Rebecca "Becky" Giles*

Closing Manager

[BGiles@TitleMark.net](mailto:BGiles@TitleMark.net)



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606  
 813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | [www.TitleMark.net](http://www.TitleMark.net)  
**Insurance | Closings | Escrow**

***All funds required for closing must be in the form of a wire transfer. We cannot accept personal checks, cashier's checks, credit cards, or ACH transfers.***

### **WARNING:**

Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an email containing wire transfer instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. TitleMark will never change wire instructions via email.  
**Always call to verify BEFORE sending funds.**



The information contained in this message and its attachments is intended only for the recipient(s) named above. This information may be privileged and confidential in nature and protected by law. If the reader of this message is not the intended recipient, any further review, dissemination, distribution or

**From:** Thomas Trask <tom@cityattorneys.legal>  
**Sent:** Tuesday, March 07, 2023 4:23 PM  
**To:** Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>  
**Cc:** Titlemark Receptionist <receptionist@titlemark.net>  
**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

The Board of Commissioners has one regular Commission meeting each month. Settlement offers are handled at those meetings. Therefore, depending on when the settlement offer comes in it could be 4 to 6 weeks before it will be considered by the BOC. Tom

**From:** Rebecca Giles <bgiles@titlemark.net>  
**Sent:** Tuesday, March 7, 2023 4:07 PM  
**To:** Thomas Trask <tom@cityattorneys.legal>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>  
**Cc:** Titlemark Receptionist <receptionist@titlemark.net>  
**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Thank you. I will be in touch once we know how the parties wish to proceed. What would the time frame be on a review of a reduction request if that is what is needed?

Thank you,

*Rebecca "Becky" Giles*  
Closing Manager  
[BGiles@TitleMark.net](mailto:BGiles@TitleMark.net)



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606  
813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | [www.TitleMark.net](http://www.TitleMark.net)  
**Insurance | Closings | Escrow**

***All funds required for closing must be in the form of a wire transfer. We cannot accept personal checks, cashier's checks, credit cards, or ACH transfers.***

**WARNING:**

Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow closing transaction with us and you receive an email containing wire transfer instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. TitleMark will never change wire instructions via email. **Always call to verify BEFORE sending funds.**



The information contained in this message and its attachments is intended only for the recipient(s) named above. This information may be privileged and confidential in nature and protected by law. If the reader of this message is not the intended recipient, any further review, dissemination, distribution or copying of this information is strictly prohibited. If you received this communication in error, please delete the message with its attachments and notify the sender immediately.

**From:** Thomas Trask <tom@cityattorneys.legal>

**Sent:** Tuesday, March 07, 2023 3:07 PM

**To:** Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>

**Cc:** Titlemark Receptionist <receptionist@titlemark.net>

**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Becky,

The payoff for lien through March 31, 2023, is:

#### **SPECIAL MAGISTRATE LIEN**

#### **MADEIRA BEACH**

Brian Murray  
14033 E. Parsley  
Drive

Case No. 2021.1296

as of: March 7, 2023

#### **IN COMPLIANCE**

Fine Start	11/24/2022	
Fine Stop	3/5/2023	102 days
Rate	\$250.00	/day
Principal	\$25,500.00	

Admin

Recording \$41.50

SUB TOTAL	\$25,541.50
-----------	-------------

Interest Rate	0.000151233	(5.52% per annum)	
Interest on Principal	\$3.86	/day	
Interest Start	3/6/2023		
Today's Date	3/31/2023	26 days	
Interest	\$100.27		
TOTAL	\$25,641.77		



**Thomas J. Trask, Esquire**  
 Board Certified in City, County and Local Government Law  
 AV Preeminent® Rated Attorney  
**TRASK DAIGNEAULT, LLP**  
 Harbor Oaks Professional Center  
 1001 South Ft. Harrison Avenue, Suite 201  
 Clearwater, FL 33756  
 Phone: (727) 733-0494 (Ext. 103)  
 Fax: (727) 733-2991  
 E-Mail: [tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)

**CONFIDENTIALITY, DISCLOSURE, AND WIRING INSTRUCTION NOTICES**

**Confidentiality and Disclosure Notices.** The information and all attachments contained in this electronic communication are legally privileged and confidential information, subject to the attorney-client privilege and intended only for the use of the intended recipients. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately of the error by return e-mail and please permanently remove any copies of this message from your system and do not retain any copies, whether in electronic or physical form or otherwise. Additionally, the information contained herein may become subject to disclosure as a public record under Chapter 119, Fla. Stat.

**Wiring Instruction Notice.** FURTHER, WE DO NOT ACCEPT OR REQUEST CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FACSIMILE, PLEASE CALL TO VERIFY. IF YOU RECEIVE AN EMAIL CONTAINING WIRE TRANSFER INSTRUCTIONS, CALL OUR OFFICE IMMEDIATELY TO VERIFY THE INFORMATION PRIOR TO SENDING FUNDS.

**From:** Rebecca Giles <[bgiles@titlemark.net](mailto:bgiles@titlemark.net)>  
**Sent:** Monday, March 6, 2023 12:09 PM  
**To:** Thomas Trask <[tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)>; [buildingdept@madeirabeachfl.gov](mailto:buildingdept@madeirabeachfl.gov); [lroby@madeirabeachfl.gov](mailto:lroby@madeirabeachfl.gov); [fdesantis@madeirabeachfl.gov](mailto:fdesantis@madeirabeachfl.gov); [hpinkard@madeirabeachfl.gov](mailto:hpinkard@madeirabeachfl.gov); Robin Gomez <[RGomez@madeirabeachfl.gov](mailto:RGomez@madeirabeachfl.gov)>  
**Cc:** Titlemark Receptionist <[receptionist@titlemark.net](mailto:receptionist@titlemark.net)>  
**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Thank you very much for your responses. I will await your reply regarding the payoff. We would request that those figures be good through the end of this month.

Thank you,

*Rebecca "Becky" Giles*



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606  
813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | [www.TitleMark.net](http://www.TitleMark.net)  
**Insurance | Closings | Escrow**

***All funds required for closing must be in the form of a wire transfer. We cannot accept personal checks, cashier's checks, credit cards, or ACH transfers.***

**WARNING:**

**Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an email containing wire transfer instructions, DO NOT RESPOND TO THE EMAIL! Instead, call your closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. TitleMark will never change wire instructions via email.**

**Always call to verify BEFORE sending funds.**



The information contained in this message and its attachments is intended only for the recipient(s) named above. This information may be privileged and confidential in nature and protected by law. If the reader of this message is not the intended recipient, any further review, dissemination, distribution or copying of this information is strictly prohibited. If you received this communication in error, please delete the message with its attachments and notify the sender immediately.

**From:** Thomas Trask <[tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)>

**Sent:** Monday, March 06, 2023 11:57 AM

**To:** Rebecca Giles <[bgiles@titlemark.net](mailto:bgiles@titlemark.net)>; [buildingdept@madeirabeachfl.gov](mailto:buildingdept@madeirabeachfl.gov); [lroby@madeirabeachfl.gov](mailto:lroby@madeirabeachfl.gov); [fdesantis@madeirabeachfl.gov](mailto:fdesantis@madeirabeachfl.gov); [hpinkard@madeirabeachfl.gov](mailto:hpinkard@madeirabeachfl.gov); Robin Gomez <[RGomez@madeirabeachfl.gov](mailto:RGomez@madeirabeachfl.gov)>

**Cc:** Titlemark Receptionist <[receptionist@titlemark.net](mailto:receptionist@titlemark.net)>

**Subject:** RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley



Becky,

I am the City Attorney for the City of Madeira Beach. See my responses to your questions below. Tom



**Thomas J. Trask, Esquire**

Board Certified in City, County and Local Government Law

AV Preeminent® Rated Attorney

**TRASK DAIGNEAULT, LLP**

Harbor Oaks Professional Center

1001 South Ft. Harrison Avenue, Suite 201

Clearwater, FL 33756

Phone: (727) 733-0494 (Ext. 103)

Fax: (727) 733-2991

**E-Mail:** [tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)

**CONFIDENTIALITY, DISCLOSURE, AND WIRING INSTRUCTION NOTICES**

**Confidentiality and Disclosure Notices.** The information and all attachments contained in this electronic communication are legally privileged and confidential information, subject to the attorney-client privilege and intended only for the use of the intended recipients. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately of the error by return e-mail and please permanently remove any copies of this message from your system and do not retain any copies, whether in electronic or physical form or otherwise. Additionally, the information contained herein may become subject to disclosure as a public record under Chapter 119, Fla. Stat.

**Wiring Instruction Notice.** FURTHER, WE DO NOT ACCEPT OR REQUEST CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FACSIMILE, PLEASE CALL TO VERIFY. IF YOU RECEIVE AN EMAIL CONTAINING WIRE TRANSFER INSTRUCTIONS, CALL OUR OFFICE IMMEDIATELY TO VERIFY THE INFORMATION PRIOR TO SENDING FUNDS.

**From:** Rebecca Giles <[bgiles@titlemark.net](mailto:bgiles@titlemark.net)>

**Sent:** Monday, March 6, 2023 11:30 AM

**To:** Thomas Trask <[tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)>; [buildingdept@madeirabeachfl.gov](mailto:buildingdept@madeirabeachfl.gov); [lroby@madeirabeachfl.gov](mailto:lroby@madeirabeachfl.gov); [fdesantis@madeirabeachfl.gov](mailto:fdesantis@madeirabeachfl.gov); [hpinkard@madeirabeachfl.gov](mailto:hpinkard@madeirabeachfl.gov)

**Cc:** Titlemark Receptionist <[receptionist@titlemark.net](mailto:receptionist@titlemark.net)>

**Subject:** 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

**Importance:** High

Good Afternoon,

The lien recorded for Case No. 2022.3431 references the property address of 50 154<sup>th</sup> Avenue, however the legal description is for the property at 14033 E. Parsley Drive. I am trying to confirm that this lien does in fact pertain to the property at 50 154<sup>th</sup> Avenue and not 14033 E. Parsley Drive. Please advise. The Findings of Fact, Conclusion of Law and Order Imposing Fine in case 2022.3431 issued by the Special Magistrate on October 28, 2022, has the correct address but the wrong legal description. It will need to be amended. That lien does NOT pertain to 14033 E. Parsley Drive.

I would also like to request that a corrective lien be recorded or a release recorded to clear this from the legal description for Parsley. Would you please review and advise or direct me to the appropriate party to handle this request? It will be addressed.

Also, I am looking to find out if the property at 14033 E. Parsley is now showing in compliance since the demolition took place last week. Please confirm and provide a payoff letter for the lien. I have reached out to

the City to see if the final inspection has been done and whether the property is in compliance. I will prepay payoff once I have received that information. Tom

Item 10C.

Thank you so much for your assistance with this matter.

Thank you,

**Rebecca "Becky" Giles**

Closing Manager

[BGiles@TitleMark.net](mailto:BGiles@TitleMark.net)



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606  
813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | [www.TitleMark.net](http://www.TitleMark.net)  
**Insurance | Closings | Escrow**

***All funds required for closing must be in the form of a wire transfer. We cannot accept personal checks, cashier's checks, credit cards, or ACH transfers.***

### **WARNING:**

Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an email containing wire transfer instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. TitleMark will never change wire instructions via email.

**Always call to verify BEFORE sending funds.**



The information contained in this message and its attachments is intended only for the recipient(s) named above. This information may be privileged and confidential in nature and protected by law. If the reader of this message is not the intended recipient, any further review, dissemination, distribution or copying of this information is strictly prohibited. If you received this communication in error, please delete the message with its attachments and notify the sender immediately.

Thomas J. Trask, Esquire  
TRASK DAIGNEAULT, LLP  
Harbor Oaks Professional Center  
1001 South Ft. Harrison Avenue, Suite 201  
Clearwater, FL 33756  
E-Mail: [tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)

RE: 14033 E. Parsley Drive, Madeira Beach, FL 33708

Dear Attorney Trask,

I am requesting a reduction in the payoff for the code enforcement case of 2021.1296. I am offering a settlement amount of \$1,000.00 to be considered as satisfaction in full for this case.

The amounts due to satisfy the liens on this property exceeds the value. We are in the process of requesting a short sale from the mortgage holder at this time, and would ask that the City consider this settlement amount to be paid at the time of closing. We would anticipate the closing to take place on or before the end of May, 2023.

The following parties are assisting with getting this transaction closed and are authorized to discuss this on my behalf:

Karen Bolden (Caretaker) – 727-485-7529 – [kbolden12@yahoo.com](mailto:kbolden12@yahoo.com)  
Rebecca Giles/TitleMark, LLC (Title Company) – 813-871-9200 – [bgiles@titlemark.net](mailto:bgiles@titlemark.net)  
Brian Lancaster (Real Estate Agent) – (813) 629-2323 – [brian@tailwindsrealty.com](mailto:brian@tailwindsrealty.com)

Thank you for your consideration.

Brian Murray      3-16-2023  
Brian Murray      Date

**RESOLUTION 2023-06**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE CITY OF MADEIRA BEACH, FLORIDA, NOMINATING  
REDINGTON BEACH MAYOR DAVID WILL AS THE  
CITY'S REPRESENTATIVE TO FORWARD PINELLAS; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Forward Pinellas is governed by a 13-member board of elected officials. These officials represent municipal governments, the Board of County Commissioners, and the Pinellas Suncoast Transit Authority. The composition of the Forward Pinellas Board is determined by Chapter 339.175, Florida Statutes. Several of the board positions rotate on a two-year basis. Each individual agency is responsible for selecting its membership on the Board; and

**WHEREAS**, Forward Pinellas serves as the planning council and metropolitan planning organization for Pinellas County; and

**WHEREAS**, as one of the 10 barrier island communities that share a representative on the board, the City of Madeira Beach is being asked to participate in the member appointment process developed by the Barrier Islands Governmental Council (BIG-C); and

**WHEREAS**, each BIG-C municipality (excluding Clearwater) shall take formal action to either nominate one of its own elected officials, support the nomination of an elected official from another community or the reappointment of the current representative; and

**WHEREAS**, the current representative is eligible for up to three additional two-year terms.

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

**Section 1.** Redington Beach Mayor David Will is hereby nominated as the City's representative to Forward Pinellas, which term will expire April 30, 2027.

**Section 2.** A copy of this Resolution shall be forwarded to Mary Beth Henderson, President of the BIG-C, c/o Town of Redington Shores, 17425 Gulf Blvd., Redington Shores, FL 33708.

**Section 3.** That this Resolution shall become effective immediately upon passage and adoption.

**INTRODUCED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023,  
BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,  
FLORIDA.**

\_\_\_\_\_  
**James "Jim" Rostek, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Clara VanBlargan, MMC, MSM, City Clerk**



## MEMORANDUM

TO: Honorable Mayor and Board of Commissioners

VIA: Robin Gomez, City Manager

FROM: Clara VanBlargan, City Clerk

DATE: May 1, 2023

**RE: Appointment to Civil Service Commission**

---

### **Background**

The Civil Service Commission consists of five members. A vacancy exists due to the expiring term of a member. The vacancy has been advertised since October 2022, and one application was received. The appointment is for the May 10, 2023 BOC Regular Meeting. The application deadline for this meeting was on May 1, 2023. The applicant plans to attend the meeting.

The term of the new member will expire on October 30, 2025. 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>
Gene Embler, Chair	10/30/2023
Judithanne McLauchlan	10/30/2023
Paul Tilka	10/30/2024
Cristina Ponte, Vice Chair	10/30/2024
Vacancy	10/30/2025

One application was received for appointment on the Civil Service Commission:

- Jerry J. Cantrell

### **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 appoint the applicant, Jerry J. Cantrell for a term expiring on October 30, 2025

**Attachments**

Application – Jerry J. Cantrell

City Charter, Section 5-7. Personnel Systems; Civil Service Commission

Code of Ordinances – Chapter 2 – Division 4 – Civil Service Commission



# CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708

TELEPHONE: 727-391-9951

## APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:

- ☒ Civil Service Commission  
☐ 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: David Tagliarini  
Relationship: Better half

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 possess over 20 years in leadership positions. These include positions in the military, major medical corporations, and education. The combined experiences from the leadership positions translates effectively within the scope of the Civil Service Commission.**

Name: **Jerry Cantrell**

Phone: **770.833.7771**

Address: **13322 1<sup>st</sup> St E, Madeira Beach, FL 33708**

E-Mail: **cantrell33708@gmail.com**

Present Occupation: **Educator**

If retired, what was your last occupation? **Biomedical Engineer**

Please list any experience, special education, skills or talents that would be beneficial to the appointment you are seeking:

- **Manager of Capital Equipment Acquisition for BayCare Health System**
- **Director of Customer Support for Medical Education Technologies, Inc.**

- **Senior Manager of Field Engineering for Siemens Medical Solutions**
- **Program Manager of Radiological Services – Biomedical Engineering**
- **In Charge of Satellite Health Services for DD Eisenhower Army Medical Center**

Educational Background:

**USF - M.S. Environmental Science, Policy, and Geography**

**Southern Polytechnic State University - B.S. Electrical Engineering**

**Please see qualifications brief.**

Experience:

- **Youth Education Committee Chair for the Florida Section of the American Water Works Association**
- **FL DOE Certification in Engineering and Technology #1117853**
- **FL DEP License as Advanced Reclamation Wastewater Plant Operator**
- **Please reference qualification brief**

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.



Signature

Date: April 20, 2023

Revised: April 2023



**EDUCATION*****St. Petersburg College / University of Samper (Salamanca, Spain)***

Spanish III 2022

***University of South Florida, St. Petersburg, Florida***

M.S. Environmental Science, Policy, and Geography 2017

Thesis: [The Role that the Quantity of Sampling Wells has on the Groundwater Quality Analysis at the Savannah River Site \(SRS\)](#)***Southern Polytechnic State University, Marietta, Georgia***

B.S. Electrical Engineering 2003

***Southern Polytechnic State University, Marietta, Georgia***

Associate of Science 1997

***United States Army, Non-Commissioned Officer Academy, Ft. Benning, Georgia***

NCO Primary Leadership Development 1989

***United States Army Military Academy Preparatory School, Ft. Monmouth, New Jersey***

West Point Preparatory 1987

**CERTIFICATION*****State of Florida – Department of Education***

Chemistry, Grades 6 – 12 2018 – 2028

Physics, Grades 6 – 12 2018 – 2028

Engineering and Technology Education, Grades 6 – 12 2021 – 2028

***State of Florida – Department of Environmental Protection***

Wastewater Treatment Plant Class C License 2021

***Federal Aviation Administration***

UAS Pilot Certification 2021

**TEACHING APPOINTMENTS*****Pinellas County Schools***

Seminole High School – Physics, Chemistry, AVID, Engineering 2016 – Present

Tyrone Middle School – Mathematics 2016 – 2016

***University of South Florida – St Petersburg***

Graduate Teaching Assistant – Chemistry Lab Instructor 2013 – 2016

**EMPLOYMENT AND LEADERSHIP EXPERIENCE*****Pinellas County Schools***

Seminole High School – Science, AVID, and Engineering Teacher 2016 – Present

- 2023 Pinellas County Schools Top 10 Teacher of the Year
- 2021 Florida Section of the American Water Works Association Convention – [From High School to Hired.](#)
- Lead educator for planning and implementation of secondary STEAM program at SHS, including STEM Explorers activities, and the Sustainable Engineering Academy (SEA).
- Developed community STEAM and Summer Career Acceleration Program (SCAP) partnerships with local and state community organizations.
- Collaborated with internal and external personnel to obtain over \$2,100,000 in grants, gifts, CAPE funds, and in-kind contributions.
- Created opportunity for Wastewater Plant Operator D and Water Plant Operator D Licensing tests to be added to the FL CAPE funding list.

Tyrone Middle School – Mathematics Teacher

2016 -2016

**University of South Florida – St Petersburg**

Graduate Teaching Assistant

2013 – 2016

- 2014 South Carolina Water Resources Conference - [Geochemical Spatial Analysis of the Groundwater System at the Savannah River Site \(SRS\)](#).
- Prepare, present, review, and recapture lessons for General Chemistry students.
- Assist other Graduate Assistants in understanding assignments and laboratory exercises.
- Responsible for preparing necessary materials for all sections general chemistry laboratories.

**BayCare Health System**

Manager of Capital Equipment Planning

2009 – 2012

- Analyzed health organization needs and provided recommendations and direction to increase staff efficiency, minimize life-cycle capital costs, and standardize acquisition of medical equipment.
- Administration and oversight of the medical equipment management database for 13 hospitals for compliance with JCAHO and corporately set goals and objectives.
- Compiled and presented quantitative and qualitative reports for Executive level with respect to operational and capital needs using Six Sigma continuous improvement process to establish life cycle cost analysis and control of existing medical equipment.

**Medical Education Technologies, Inc.**

Director of Customer Support

2007 – 2009

- Directed worldwide Customer Support activities – Reviewed, analyzed, established, and implemented productivity and efficiency goals and objects for international representation, domestic staff, and managers, as well as distributor affiliates.
- Administered worldwide business plan, management, and development strategies to achieve all aspects of established business objectives and goals. Implemented Customer Relationship Management software for worldwide use within organization.
- Research and investigate new or improved business and management practices to improve business processes and operations.
- Management guidance and development including hiring and developing staff and managing business activities to meet business objectives.

**Siemens Medical Solutions**

Senior Manager of Field Engineering

2003 – 2007

- Directed staff activities based on customer needs, managed business objectives, and business growth opportunities.
- Increased gross business revenue by 233% over a 3-year period.
- Compile and present reports to customers – including efficiency reports, analysis historical and current efficiency data, and compliance with established business goals and objectives.
- Conduct coaching sessions to observe and improve staff performance using a process improvement plan.

**WellStar Health System**

Program Manager of Radiological Services – Biomedical Engineering

1996 – 2003

**Dunwoody Medical Center**

Sr. Biomedical Engineer

1995 – 1996

**GE Anesthesia (Ohmeda)**

Sr. Field Service Engineer

1990 – 1995

**United States Army**

Biomedical Engineering Technologist

1986 – 2000

## § 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

## § 7.3

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 COMMISSION<sup>1</sup>***

**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.

---

<sup>1</sup>Charter 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

TO: Honorable Mayor and Board of Commissioners  
VIA: Robin Gomez, City Manager  
FROM: Clara VanBlargan, City Clerk  
DATE: May 2, 2023  
RE: **Appointment to Gulf Beaches Public Library Board – Alternate Member**

---

### **Background**

Per Section 5 a. and 5 b. of the Interlocal Agreement for the continued funding of the Gulf Beaches Public Library, Inc., the Board consists of five voting members and five alternate members. The alternate member from each municipality would vote only when the municipality's member is absent. Alternate members are also mentioned in the Gulf Beaches Public Library, Inc. Bylaws., Sec. 1: Classes of Trustees.

This appointment is for an alternate member. Two applications were received for appointment on the Gulf Beaches Public Library Board:

- John B. Hendricks
- Jerry Cantrell

Members must be a resident and qualified City of Madeira Beach voter. Districts do not apply.

Members are not required to file an annual Form 1, Statement of Financial Interests, with the Florida Commission on Ethics.

### **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 appoint one of the two applicants to serve on the Gulf Beaches Public Library Board as the alternate member or appoint a Commissioner to serve as the alternate.



## **Attachments**

- Application – John B. Hendricks
- Application – Jerry Cantrell
- Gulf Beaches Public Library, Inc. Interlocal Agreement
- Gulf Beaches Public Library, Inc. Bylaws



# CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33706

TELEPHONE: 727-391-9951



## APPLICATION FOR APPOINTMENT TO BOARD

Please indicate your preference of board:

☐ Civil Service Commission

☐ Planning Commission

☒ Other LIBRARY

Are you a Madeira Beach Resident?

☒ Yes

☐ No

Are you a qualified registered voter of Madeira Beach?

☒ Yes

☐ No

Are you available for:

Daytime meetings

☒ Yes

☐ No

Evening meetings

☒ Yes

☐ No

Name: JOHN B. HENDRICKS

Phone: 727-394-8877

Address: 569 NORMANDY ROAD

Email: JBH569@YAHOO.COM

Present Occupation: RETIRED

If retired, what was your last occupation?: MAYOR

Please list any experience, special education, skills, or talents that would be beneficial to the appointment you are seeking:

### Educational Background

FJC, A/B MANAGEMENT

### Experience

MAYOR, CHAIRMAN OF CIVIL SERVICE, BID COMMITTEE  
BUDGET COMMITTEE, CHARTER COMMITTEE, ARCHIBALD  
BEAUTIFICATION COMMITTEE. NEGOTIATED LIBRARY  
INTER LOCAL AGREEMENT W/ 4 OTHER CITIES  
 Why would you like to be considered as a candidate for service on this Board?

EXPERIENCE! I WANT TO CONTINUE TO  
BE INVOLVED IN MY COMMUNITY

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, the Code of Ethics for Public Officers per the Florida Commission on Ethics, and 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 LIBRARY Committee I will be required to comply with financial reporting regulations.

Signature

Date

For Office Use Only - District \_\_\_\_\_

Revised 03/22/2022



## CITY OF MADEIRA BEACH, FLORIDA

300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33706

TELEPHONE: 727-391-9951



Item 12C.

### APPLICATION FOR APPOINTMENT TO BOARD OR COMMITTEE

Please indicate your preference of board or committee:

☐ Civil Service Commission

☒ Gulf Beaches Library Board of Trustees

☐ Planning Commission

☐ Other \_\_\_\_\_

Are you a Madeira Beach Resident?

☒ Yes

☐ No

Are you a qualified registered voter of Madeira Beach?

☒ Yes

☐ No

Are you available for:

Daytime meetings

☒ Yes

☒ No

Evening meetings

☒ Yes

☐ No

Name: **Jerry Cantrell**

Phone: **770.833.7771**

Address: **13322 1st St E, Madeira Beach, FL 33708**

Email: **cantrell33708@gmail.com**

Present Occupation: **Educator**

If retired, what was your last occupation?: **Biomedical Engineer**

Please list any experience, special education, skills, or talents that would be beneficial to the appointment you are seeking:

#### Educational Background

**USF - M.S. Environmental Science, Policy, and Geography**

**Southern Polytechnic State University - B.S. Electrical Engineering**

**Please see qualifications brief.**

#### Experience

**I have over 20 years experience in corporate leadership and approximately 11 years experience in education. In these**

**30+ years, I have reviewed key performance indicators (KPI), business viability and threats, negotiated contracts,**

**explored and found opportunity to responsibly and ethically grow opportunity. Please see qualifications brief for more.**

**Why would you like to be considered as a candidate for service on this Board?**

**As an educator in Florida, we are required to maintain our classroom libraries in a updated and accurate manner.**

**These libraries are available for public review. Additionally, I understand the inherent importance of access to**

**information: written, electronic, visual, auditory, etc. My experiences in maintaining a library with respect to**

**State requirements is an asset in understanding the role of a community library and its affiliation to a broader**


**network of information sources.**

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, the Code of Ethics for Public Officers per the Florida Commission on Ethics, and 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 **Library** Committee I will be required to comply with financial reporting regulations.

  
 \_\_\_\_\_  
 Signature

**May 8, 2023**  
 \_\_\_\_\_

Date

For Office Use Only - District \_\_\_\_\_

Revised 08/14/2020

**EDUCATION*****St. Petersburg College / University of Samper (Salamanca, Spain)***

Spanish III 2022

***University of South Florida, St. Petersburg, Florida***

M.S. Environmental Science, Policy, and Geography 2017

Thesis: [The Role that the Quantity of Sampling Wells has on the Groundwater Quality Analysis at the Savannah River Site \(SRS\)](#)***Southern Polytechnic State University, Marietta, Georgia***

B.S. Electrical Engineering 2003

***Southern Polytechnic State University, Marietta, Georgia***

Associate of Science 1997

***United States Army, Non-Commissioned Officer Academy, Ft. Benning, Georgia***

NCO Primary Leadership Development 1989

***United States Army Military Academy Preparatory School, Ft. Monmouth, New Jersey***

West Point Preparatory 1987

**CERTIFICATION*****State of Florida – Department of Education***

Chemistry, Grades 6 – 12 2018 – 2028

Physics, Grades 6 – 12 2018 – 2028

Engineering and Technology Education, Grades 6 – 12 2021 – 2028

***State of Florida – Department of Environmental Protection***

Wastewater Treatment Plant Class C License 2021

***Federal Aviation Administration***

UAS Pilot Certification 2021

**TEACHING APPOINTMENTS*****Pinellas County Schools***

Seminole High School – Physics, Chemistry, AVID, Engineering 2016 – Present

Tyrone Middle School – Mathematics 2016 – 2016

***University of South Florida – St Petersburg***

Graduate Teaching Assistant – Chemistry Lab Instructor 2013 – 2016

**EMPLOYMENT AND LEADERSHIP EXPERIENCE*****Pinellas County Schools***

Seminole High School – Science, AVID, and Engineering Teacher 2016 – Present

- 2023 Pinellas County Schools Top 10 Teacher of the Year
- 2021 Florida Section of the American Water Works Association Convention – [From High School to Hired.](#)
- Lead educator for planning and implementation of secondary STEAM program at SHS, including STEM Explorers activities, and the Sustainable Engineering Academy (SEA).
- Developed community STEAM and Summer Career Acceleration Program (SCAP) partnerships with local and state community organizations.
- Collaborated with internal and external personnel to obtain over \$2,100,000 in grants, gifts, CAPE funds, and in-kind contributions.
- Created opportunity for Wastewater Plant Operator D and Water Plant Operator D Licensing tests to be added to the FL CAPE funding list.

Tyrone Middle School – Mathematics Teacher

2016 -2016

**University of South Florida – St Petersburg**

Graduate Teaching Assistant

2013 – 2016

- 2014 South Carolina Water Resources Conference - [Geochemical Spatial Analysis of the Groundwater System at the Savannah River Site \(SRS\)](#).
- Prepare, present, review, and recapture lessons for General Chemistry students.
- Assist other Graduate Assistants in understanding assignments and laboratory exercises.
- Responsible for preparing necessary materials for all sections general chemistry laboratories.

**BayCare Health System**

Manager of Capital Equipment Planning

2009 – 2012

- Analyzed health organization needs and provided recommendations and direction to increase staff efficiency, minimize life-cycle capital costs, and standardize acquisition of medical equipment.
- Administration and oversight of the medical equipment management database for 13 hospitals for compliance with JCAHO and corporately set goals and objectives.
- Compiled and presented quantitative and qualitative reports for Executive level with respect to operational and capital needs using Six Sigma continuous improvement process to establish life cycle cost analysis and control of existing medical equipment.

**Medical Education Technologies, Inc.**

Director of Customer Support

2007 – 2009

- Directed worldwide Customer Support activities – Reviewed, analyzed, established, and implemented productivity and efficiency goals and objects for international representation, domestic staff, and managers, as well as distributor affiliates.
- Administred worldwide business plan, management, and development strategies to achieve all aspects of established business objectives and goals. Implemented Customer Relationship Management software for worldwide use within organization.
- Research and investigate new or improved business and management practices to improve business processes and operations.
- Management guidance and development including hiring and developing staff and managing business activities to meet business objectives.

**Siemens Medical Solutions**

Senior Manager of Field Engineering

2003 – 2007

- Directed staff activities based on customer needs, managed business objectives, and business growth opportunities.
- Increased gross business revenue by 233% over a 3-year period.
- Compile and present reports to customers – including efficiency reports, analysis historical and current efficiency data, and compliance with established business goals and objectives.
- Conduct coaching sessions to observe and improve staff performance using a process improvement plan.

**WellStar Health System**

Program Manager of Radiological Services – Biomedical Engineering

1996 – 2003

**Dunwoody Medical Center**

Sr. Biomedical Engineer

1995 – 1996

**GE Anesthesia (Ohmeda)**

Sr. Field Service Engineer

1990 – 1995

**United States Army**

Biomedical Engineering Technologist

1986 – 2000

Original

BOC Approved Oct. 13, 2021

Item 12C.

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

**THIS INTERLOCAL AGREEMENT** is made and entered into this 1st day of October, 2021, by and between the Town of Redington Shores, the Town of North Redington Beach, the Town of Redington Beach, the City of Treasure Island and the City of Madeira Beach, all municipal corporations of the State of Florida (hereinafter referred to as the "Municipalities") for the continued funding of the Gulf Beaches Public Library, being operated by Gulf Beaches Public Library, Inc. (hereinafter referred to as the "Library").

**RECITALS**

**WHEREAS**, the Municipalities organized and created a non-profit corporation known as the Library under the laws of the State of Florida on September 11, 1969; and

**WHEREAS**, the Library's articles of incorporation provide that Library administer and conduct a public library for the promotion of education and entertainment for the citizens of the Municipalities and others desiring to use the Library; and

**WHEREAS**, the business affairs of the Library shall be managed by a Board of Trustees (the "Board"), who are appointed by the Municipalities; and

**WHEREAS**, the Municipalities desire that the Board amend the Library's articles of incorporation and bylaws to address several concerns of the Municipalities; and

**WHEREAS**, the Library's articles of incorporation provide that the articles of incorporation may be amended at any regular or special meeting called for such purpose by a majority vote of the members of the Board and ratified by each of the contributing Municipalities. Written notice of such meetings held for such purpose shall be given to each of the contributing Municipalities; and

**WHEREAS**, the Municipalities wish to urge the Library's Board to call for a regular or special meeting for the purpose of amending the Library's articles of incorporation as described in this Interlocal Agreement; and

**WHEREAS**, the Library's articles of incorporation provide that contributions for maintenance and support shall be fairly and equitably determined and shall be set forth in written agreement between the contributing Municipalities; and

**WHEREAS**, Section 163.01, Florida Statutes, known as the Florida Interlocal Cooperation Act of 1969, provides for the creation of agreements between governmental organizations; and

**WHEREAS**, on June 21, 2012, the Municipalities entered into an Interlocal Agreement for the Continued Funding of the Gulf Beaches Public Library ("2012 Interlocal"); and

**WHEREAS**, the Municipalities desire to amend and supersede the 2012 Interlocal with this Interlocal Agreement as of the effective date; and

KEN BURKE, CLERK OF COURT  
AND COMPTROLLER PINELLAS COUNTY, FL  
INST# 2022094007 03/24/2022 03:16 PM  
OFF REC BK: 21880 PG: 2286-2306  
DocType: AGM RECORDING: \$96.00



**WHEREAS**, the Library is an important cultural institution, the maintenance and continued funding of which benefits the tourists, residents of the Municipalities and the public at large.

**NOW, THEREFORE**, in fidelity to agreements each municipality entered into in creating the Library, in consideration of the mutual covenants herein contained and the benefits to be derived by the parties to this Interlocal Agreement and other good and valuable consideration hereby acknowledged, the Municipalities do agree as follows:

**SECTION 1 – PURPOSE.** This Interlocal Agreement establishes the manner for fairly and equitably determining the funding and financial support each municipality shall provide to the Library.

**SECTION 2 – TERM.** This Interlocal Agreement shall be for a term of five (5) years beginning October 1, 2021 and ending September 30, 2026, unless terminated as set forth in Section 4 below.

**SECTION 3 – RECOMMENDATIONS.** The Municipalities agree that they jointly desire and direct the Board to make the necessary changes to its articles of incorporation and bylaws to effectuate the following:

**Section 3.1.** The Municipalities agree that they will direct their Library Board appointees to have the Library's Board to create an annual proposed budget for its operation and sustainment by April 1st, for the next following fiscal year, which begins October 1 and ends September 30. The Library shall then determine the amount proposed to be due (hereinafter referred to as "proposed proportional share") from each municipality apportioned as to their populations using the most recent population data from the Bureau of Economic and Business Research of the University of Florida, or its successors. The annual proposed budget and the proposed proportional share shall be provided to the Municipalities no later than April 15<sup>th</sup>, for the upcoming fiscal year 2022-2023, for each municipality to consider and act upon by no later than July 31st. For each fiscal year thereafter, the annual proposed budget and proposed proportional share shall be provided to the Municipalities no later than April 15<sup>th</sup>, for the upcoming fiscal year, for each municipality to consider and act upon by no later than June 30th.

**Section 3.2.** Once the Municipalities accept their proposed proportional shares the Library will prepare an annual service agreement for each municipality which shall specify each municipality's proportional share for the upcoming fiscal year and deliver it to each municipality before August 31st.

**Section 3.3.** The Municipalities shall then consider the service agreements and accept or reject them prior to October 1st. If accepted, the service agreement becomes an annual financial obligation of the municipality with payments due to the Library quarterly during the fiscal year. The quarterly payments shall be made no later than October 1, January 1, April 1 and July 1.

#### **SECTION 4 – TERMINATION.**

**Section 4.1.** If any municipality rejects the service agreement or otherwise fails to fund or insufficiently funds the Library, then that municipality shall immediately notify the other Municipalities and the Library of that occurrence and this Interlocal Agreement shall terminate as it relates to said municipality at the end of the current fiscal year. Termination shall be without

penalty or expense to any other municipality for any time up until the date of termination of the terminating municipality. The terminating municipality shall remain liable for annual payments due pursuant to this Interlocal Agreement and its current service agreement.

**Section 4.2.** A municipality may, for any reason, terminate its inclusion in this Interlocal Agreement and therefore its membership in the Library, effective at the end of the current fiscal year, currently September 30, by providing advance written notice given by certified mail to the other Municipalities by June 30<sup>th</sup> of the current fiscal year. By terminating, the terminating municipality agrees that the municipality no longer will be a Trustee on the Board. Within 90 days from the date of the notice of termination, the Board shall meet to determine whether to dissolve the Library or appoint another board member and amend the Library's articles of incorporation and bylaws to reflect the change in the membership and voting trustees of the Board.

**Section 4.3.** If any municipality terminates its inclusion in this Interlocal Agreement and therefore its membership in the Library, then the residents of that municipality shall be considered non-resident and may lose library privileges which may include any interlibrary lending agreements the Library may be a party to. All items out on loan to the residents shall be immediately returned, a list of which will be given to the municipality. The municipality shall make every effort to cause the return of loaned items to the Library. The terminating municipality shall be responsible for working with Pinellas Public Library Cooperative directly to determine how library service will be provided to its residents.

**Section 4.4.** A terminating municipality may reinstate its participation in the Library upon approval of the Board and any necessary revisions to its article of incorporation and bylaws and the execution of a new interlocal agreement and service agreement identifying its annual financial responsibility, provided the remaining Municipalities agree.

**Section 4.5.** To the extent there is any inconsistency between this section 4 Termination provision and the Library's articles of incorporation and bylaws, the Municipalities agree and jointly direct the Board to make the necessary changes to its articles of incorporation and bylaws to be consistent with this Interlocal Agreement.

**SECTION 5 – REORGANIZATION OF GULF BEACHES PUBLIC LIBRARY, INC.** The Municipalities agree that it is necessary to demand changes to the corporate structure of Gulf Beaches Public Library, Inc. before any contributions are made beginning October 1, 2022. Those changes are:

That the Library shall revise the make-up of its Board as follows:

- a) The Board shall be reduced to five (5) voting members. These members shall consist of one (1) member from each of the Municipalities. It is the preference of the Municipalities that the member be an elected official of the municipality.
- b) That the Board have an alternate member from each municipality that would vote only when the municipality's member was absent.
- c) That the Board shall have one (1) non-voting ex-officio members consisting of the library director.

**Section 5.1. OTHER LIBRARY BOARD ACTIONS.** The Municipalities agree that the Library's Board should take the following actions:

- a) The Library maintain its current building footprint and not budget or expend Library monies toward expansion of the Library's building.
- b) The Library budget in the fiscal year 2021-2022 budget to use the Certificates of Deposit (approximately \$430,000), Chase Building Fund (approximately \$118,000), the Chase Money Market Account (approximately \$91,000) and the Chase Operating Account (approximately \$350,000) to immediately upgrade the Library's technology and to modernize the interior of the Library building.
- c) The Library adopt a policy directing undesignated fund balance reserves shall not exceed ten (10) percent of its total undesignated fund balance.

**SECTION 6 – DISSOLUTION.** In the event of the dissolution of Gulf Beaches Public Library, Inc., the Municipalities agree that the value of the remaining intangible assets of the Library, not otherwise governed by private agreement of a donor to the Library, should be returned to the Municipalities and the Pinellas Public Library Cooperative in proportion to the proportional share contributed in the fiscal year when the dissolution occurs. The building and land that the Library leased from the City of Madeira Beach shall remain the property of the City of Madeira Beach and shall not be distributed as an asset in dissolution. The Municipalities agree that the remaining tangible assets shall be offered for donation to the Pinellas Public Library Cooperative. If the Pinellas Public Library Cooperative opts not to accept any of the tangible assets, then the rejected tangible assets shall be sold, and the funds received distributed to the Municipalities and the Pinellas Public Library Cooperative in proportion to the proportional share contributed in the fiscal year when the dissolution occurs.

**SECTION 7 – AMENDMENTS.** Amendments to this Interlocal Agreement may be proposed by any municipality that is a party to this Interlocal Agreement but must be accepted by all of the Municipalities that are parties to this Interlocal Agreement before the beginning of a new fiscal year for such proposed amendments to take effect.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

**For the TOWN OF REDINGTON SHORES:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Mary Palmer, Clerk

\_\_\_\_\_  
James Denhardt, Attorney

**For the TOWN OF NORTH REDINGTON BEACH:**

\_\_\_\_\_  
William Queen, Mayor

\_\_\_\_\_  
Mari Campbell, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney


**For the TOWN OF REDINGTON BEACH:**


\_\_\_\_\_  
David Will, Mayor

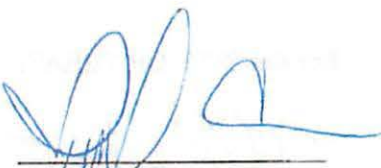
\_\_\_\_\_  
Melissa Clark, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the CITY OF TREASURE ISLAND:**

  
\_\_\_\_\_  
Tyler Payne, Mayor

  
\_\_\_\_\_  
Ruth Nickerson, Clerk

  
\_\_\_\_\_  
Jennifer Cowan, Attorney

**For the CITY OF MADEIRA BEACH:**

  
\_\_\_\_\_  
John Hendricks, Mayor

  
\_\_\_\_\_  
Clara VanBlargan, Clerk

  
\_\_\_\_\_  
Thomas J. Trask, Attorney



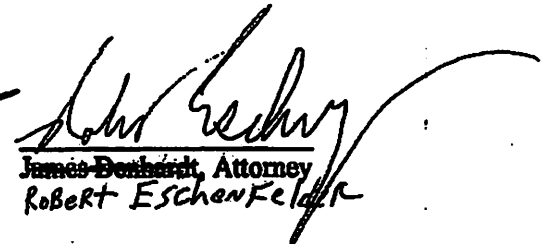
**For the Gulf Beaches Public Library:**

\_\_\_\_\_, Board of Trustees Chairman \_\_\_\_\_ Library Director \_\_\_\_\_, Attorney

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

**IN WITNESS WHEREOF**, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

**For the TOWN OF REDINGTON SHORES:**

 Mary Beth Henderson, Mayor	 Mary Palmer, Clerk	 James Donahut, Attorney Robert Eschenfelder
---	---	---

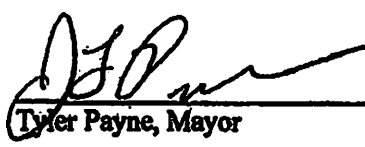

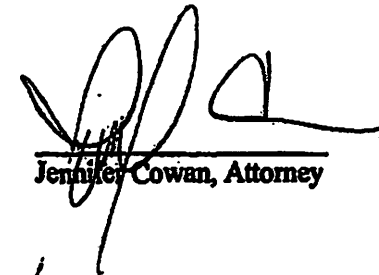
**For the TOWN OF NORTH REDINGTON BEACH:**

_____ William Queen, Mayor	_____ Mari Campbell, Clerk	_____ Jay Daigneault, Attorney
-------------------------------	-------------------------------	-----------------------------------

**For the TOWN OF REDINGTON BEACH:**

_____ David Will, Mayor	_____ Melissa Clark, Clerk	_____ Jay Daigneault, Attorney
----------------------------	-------------------------------	-----------------------------------

**For the CITY OF TREASURE ISLAND:**

 Tyler Payne, Mayor	 Ruth Nickerson, Clerk	 Jennifer Cowan, Attorney
---	--	--

**For the CITY OF MADEIRA BEACH:**

_____ John Hendricks, Mayor	_____ Clara VanBlargan, Clerk	_____ Thomas J. Trask, Attorney
--------------------------------	----------------------------------	------------------------------------

**For the Gulf Beaches Public Library:**

_____, Board of Trustees Chairman	_____, Library Director	_____, Attorney
-----------------------------------	-------------------------	-----------------

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

**IN WITNESS WHEREOF**, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

**For the TOWN OF REDINGTON SHORES:**

\_\_\_\_\_  
Mary Beth Henderson, Mayor

\_\_\_\_\_  
Mary Palmer, Clerk

\_\_\_\_\_  
James Denhardt, Attorney

**For the TOWN OF NORTH REDINGTON BEACH:**

\_\_\_\_\_  
William Queen, Mayor

\_\_\_\_\_  
Mari Campbell, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the TOWN OF REDINGTON BEACH:**

\_\_\_\_\_  
David Will, Mayor

\_\_\_\_\_  
Melissa Clark, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the CITY OF TREASURE ISLAND:**

\_\_\_\_\_  
Tyler Payne, Mayor

\_\_\_\_\_  
Ruth Nickerson, Clerk

\_\_\_\_\_  
Jennifer Cowan, Attorney

**For the CITY OF MADEIRA BEACH:**

\_\_\_\_\_  
John Hendricks, Mayor

\_\_\_\_\_  
Clara VanBlargan, Clerk

\_\_\_\_\_  
Thomas J. Trask, Attorney


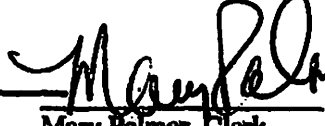
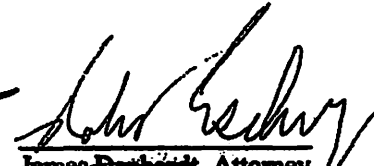

**For the Gulf Beaches Public Library:**

\_\_\_\_\_, Board of Trustees Chairman \_\_\_\_\_ Library Director \_\_\_\_\_, Attorney

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

**For the TOWN OF REDINGTON SHORES:**

 Mary Beth Henderson, Mayor	 Mary Palmer, Clerk	 James Denhardt, Attorney
		 Robert Eschenfelder

**For the TOWN OF NORTH REDINGTON BEACH:**

\_\_\_\_\_  
William Queen, Mayor

\_\_\_\_\_  
Mari Campbell, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the TOWN OF REDINGTON BEACH:**

\_\_\_\_\_  
David Will, Mayor


\_\_\_\_\_  
Melissa Clark, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the CITY OF TREASURE ISLAND:**

  
Tyler Payne, Mayor

  
Rath Nickerson, Clerk

  
Jennifer Cowan, Attorney

**For the CITY OF MADEIRA BEACH:**

\_\_\_\_\_  
John Hendricks, Mayor

\_\_\_\_\_  
Clara VanBlargan, Clerk

\_\_\_\_\_  
Thomas J. Trask, Attorney

**For the Gulf Beaches Public Library:**

\_\_\_\_\_, Board of Trustees Chairman \_\_\_\_\_ Library Director \_\_\_\_\_ Attorney

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

**IN WITNESS WHEREOF**, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

**For the TOWN OF REDINGTON SHORES:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Mary Palmer, Clerk

\_\_\_\_\_  
James Denhardt, Attorney

**For the TOWN OF NORTH REDINGTON BEACH:**

\_\_\_\_\_  
William Queen, Mayor

\_\_\_\_\_  
Mari Campbell, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney


**For the TOWN OF REDINGTON BEACH:**


  
\_\_\_\_\_  
David Allen, Mayor

  
\_\_\_\_\_  
Melissa Clarke, Clerk

  
\_\_\_\_\_  
Robert Eschenfelder, Attorney

**For the CITY OF TREASURE ISLAND:**

  
\_\_\_\_\_  
Tyler Payne, Mayor

  
\_\_\_\_\_  
Roth Nickerson, Clerk

  
\_\_\_\_\_  
Jennifer Cowan, Attorney

**For the CITY OF MADEIRA BEACH:**

\_\_\_\_\_  
John Hendricks, Mayor

\_\_\_\_\_  
Clara VanBlargan, Clerk

\_\_\_\_\_  
Thomas J. Trask, Attorney

**For the Gulf Beaches Public Library:**

\_\_\_\_\_  
Board of Trustees Chairman

\_\_\_\_\_  
Library Director

\_\_\_\_\_  
Attorney



**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

**For the TOWN OF REDINGTON SHORES:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Mary Palmer, Clerk

\_\_\_\_\_  
James Denhardt, Attorney

**For the TOWN OF NORTH REDINGTON BEACH:**

\_\_\_\_\_  
William Queen, Mayor

\_\_\_\_\_  
Mari Campbell, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the TOWN OF REDINGTON BEACH:**

\_\_\_\_\_  
David Will, Mayor

\_\_\_\_\_  
Melissa Clark, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the CITY OF TREASURE ISLAND:**

\_\_\_\_\_  
Tyler Payne, Mayor

\_\_\_\_\_  
Ruth Nickerson, Clerk

\_\_\_\_\_  
Jennifer Cowan, Attorney

**For the CITY OF MADEIRA BEACH:**

\_\_\_\_\_  
John Hendricks, Mayor

\_\_\_\_\_  
Clara VanBlargan, Clerk

\_\_\_\_\_  
Thomas J. Trask, Attorney

**For the Gulf Beaches Public Library:**

\_\_\_\_\_, Board of Trustees Chairman

\_\_\_\_\_, Library Director

\_\_\_\_\_, Attorney

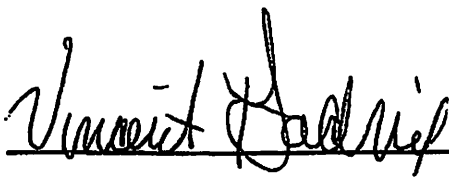
**INTERLOCAL AGREEMENT FOR CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

**The Library Board and the Library Director have agreed to implement the AGREEMENT for the  
uses and purposes therein expressed on December 1, 2021.**

**For the Gulf Beaches Public Library, Inc.:**



**Richard L. Bennett, EdD  
Board of Trustees Chairman**



**Vince Gadrix  
Library Director**

with a view to the future of the world.

It is a very important question, and one which is of great interest to all of us.

It is a question which is of great importance to all of us, and one which is of great interest to all of us.



THOMAS J. TRASK, B.C.S.\*  
 JAY DAIGNEAULT, B.C.S.\*  
 ERICA F. AUGELLO, B.C.S.\*  
 RANDY D. MORA, B.C.S.\*  
 ROBERT ESCHENFELDER, B.C.S.\*  
 NANCY S. MEYER  
 DAVID E. PLATTE  
 JEREMY SIMON

*\* Board Certified by the Florida Bar in  
 City, County and Local Government Law*

April 14, 2021

Board of Commissioners of the  
 City of Madeira Beach  
 300 Municipal Drive  
 Madeira Beach, FL 33708

***Re: Gulf Beaches Public Library Interlocal Agreement***

Dear Mayor, Vice Mayor, and Commissioners:

As you are aware, the Towns of Redington Shores, North Redington Beach, Redington Beach, and the Cities of Treasure Island and Madeira Beach, have been engaged in the negotiation and drafting of a new interlocal agreement for the continued funding of the Gulf Beaches Public Library, Inc. The purpose of this letter is to address any potential conflicts of interest arising out of this law firm's representation of three parties to such interlocal agreement, the Town of Redington Beach, the Town of North Redington Beach, and the City of Madeira Beach.

**POTENTIAL CONFLICTS OF INTEREST**

In addition to representing the City of Madeira Beach, the Firm also represents two other parties to the proposed interlocal agreement. I have reviewed the applicability of Rule 4-1.7 of the Rules regulating The Florida Bar ("Rule 4-1.7"). Rule 4-1.7 prohibits the Firm from representing the City of Madeira Beach and the Town of Redington Beach and the Town of North Redington Beach if our exercise of independent professional judgment in the representation may be materially limited by the lawyer's responsibilities to another client, to a third person, or by the lawyer's own interest.

Rule 4-1.7 further directs that a lawyer shall not represent a client if representation of that client will be directly adverse to the interests of another client. This is the case unless: (i) the lawyer reasonably believes the representation will not adversely affect the lawyer's responsibilities to the relationship with the other client, and (ii) each client consents after consultation.

In the instant matter, I do not believe that the Firm's representation of the Town of Redington Beach and the Town of North Redington Beach will be materially limited by its responsibilities to the City of Madeira Beach, nor would the representation be limited by the Firm's own interests.

Nevertheless, in a dual representation situation, Rule 4-1.7 requires the parties to consent to such representation, after an explanation of the conflict. The explanation must include explanation of the implications of the common representation and the advantages and risks involved. This letter is intended to explain the potential conflict for this representation with respect to the proposed interlocal agreement. I therefore request your consent for the Firm to provide representation to the City of Madeira Beach and the Town of Redington Beach and the Town of North Redington Beach in this matter.

If additional facts are discovered during the course of the Firm's representation which causes my assessment to change in a manner where I do not believe that the Firm can represent the City of Madeira Beach and the Towns of Redington Beach and North Redington Beach simultaneously, the Firm will withdraw from representing the City of Madeira Beach or the other Towns and may request that you consent to the Firm's continued representation of the City of Madeira Beach or the other Towns in this matter, as compelled by the nature of such facts.

The City of Madeira Beach has the right to obtain alternative counsel of its choice if it does not consent to this Firm acting as its counsel in this matter.

I appreciate the opportunity to clarify further the potential conflicts of interest with dual representation. If you agree to continue with this Firm as counsel in this matter and the waiver of conflicts meets with your approval, please execute this document and return it to me.

Sincerely,

TRASK DAIGNEAULT, LLP



Thomas J. Trask, Esquire

I, the undersigned, hereby accept representation by Trask Daigneault, LLP as outlined above and hereby consent and waive any conflicts of interest by virtue of Trask Daigneault, LLP's dual representation of the other municipalities and agree that if a conflict of interest should arise, I hereby consent to Trask Daigneault, LLP's continued representation of the City of Madeira Beach, the Town of Redington Beach and the Town of North Redington Beach.

CITY OF MADEIRA BEACH

By: 

Print Name: Robert Daniels

Title: City Manager

Dated: 5/72/2021



**GULF BEACHES PUBLIC LIBRARY, INC.**  
**(a non-profit corporation)**

**BYLAWS**

**ARTICLE I: OFFICES**

The principal office of the corporation shall be located at 200 Municipal Drive, Madeira Beach, County of Pinellas, Florida.

The corporation shall have and continuously maintain in the State of Florida a registered office and agent whose office is identical with such registered office. The registered office may, but need not be, identical with the principal office in the State of Florida, and the address of the registered office may be changed from time to time by the Board of Trustees.

The general purpose and intent of this Corporation is to:

- Establish and operate the Library in order to improve library services to residents of the five municipalities and beyond
- Do all things toward enhancing the quality and performance of the Library
- Make the library services envisioned available to the public in the most fair and administratively successful means possible
- Undertake, assist, create and provide direction in the acquisition of funds that are available

In addition to the foregoing and not intended to be limited thereby to do any and all things provided for and consistent with Chapter 617 of the Florida Statutes relating to not-for-profit corporations and Chapter 257 relating to public libraries and state archives.

**ARTICLE II: TRUSTEES**

**SECTION 1: CLASSES OF TRUSTEES:** The Corporation shall have two (2) classes of Trustees. The designation of each such class and the qualifications and rights of the Trustees of each class shall be as follows:

- A. Voting Trustees shall be one (1) Trustee from each of the municipalities of Redington Shores, North Redington Beach, Redington Beach, Madeira Beach and Treasure Island. Each municipality shall appoint an Alternate Trustee, who can vote only if the Voting Trustee is absent.
- B. The Library Director shall be a non-voting, ex-officio member of the Board of Trustees.

**SECTION 2: VOTING RIGHTS:** Each Trustee shall have one (1) vote on each matter submitted to a vote of the Trustees. Ex-officio Trustee shall not be entitled to vote, however, shall have a voice in matters pertaining to the operation of the Library.

**SECTION 3: APPOINTMENT OF TRUSTEES:** The contributing municipalities will determine how any of its Trustees shall be appointed, and shall appoint the Voting Trustees and Alternate Trustees.

**SECTION 4: TERMINATION OF MEMBERSHIP:** The Board of Trustees, by an affirmative vote of two-thirds of all of the members of the Board, may suspend or expel a member For Cause after an appropriate hearing, after ten (10) day's notice to the sponsoring municipality.

**Commented [HAP1]:** Shall we attempt to define For Cause? Ex: "For Cause shall include any act of fraud, dishonesty or conviction of any criminal act (except for minor traffic infractions).

**SECTION 5: RESIGNATION:** Any Voting or Alternate Trustee may resign by filing: (a) a written resignation with the Mayor of the municipality represented; and (b) a letter to the Chairperson of the Board of Trustees. If a Voting Trustee resigns, the Alternate Trustee will then fill the vacancy. Municipalities have the opportunity and obligation to fill any Board vacancies.

**SECTION 6: TRANSFER OF MEMBERSHIP:** Membership in this corporation is not transferable or assignable.

### ARTICLE III: BOARD OF TRUSTEES

**SECTION 1: GENERAL POWERS:** The affairs of the corporation shall be managed by its Board of Trustees. Trustees must be residents of the municipalities that appointed them.

#### SECTION 2: DUTIES:

- A. The Board of Trustees, at a duly organized meeting, shall establish such policies for the corporation as necessary to make its purpose, approve and review the annual budget of the corporation and any other business necessary to the corporation. The duties shall include, but not be limited to: establishing administrative policy, adopting the Bylaws, overseeing the affairs of the Library, investing Library funds, employing and directing a Director, conducting public meetings and establishing the operating budget and overseeing its execution, including approving expenditures for Library operations.
- B. A Trustee has a fiduciary responsibility to the stakeholders (residents of the communities of Redington Shores, North Redington Beach, Redington Beach, Madeira Beach and Treasure Island) to:
  - Make decisions for the corporation (duty of care)
  - Act in the best interest of the corporation (duty of loyalty)
  - Act in accordance with the corporation's mission statement (duty of obedience)
  - Stand aside when there is a conflict of interest (recusal)

**SECTION 3: NUMBER, TENURE AND QUALIFICATIONS:** The number of Trustees shall consist of the five (5) voting Trustees, appointed by the contributing municipality. The term of each Trustee is to be determined by each contributing municipality.

**Commented [HAP2]:** This is where we left off at last meeting.

### ARTICLE IV: MEETINGS OF THE BOARD OF TRUSTEES

**SECTION 1: ANNUAL MEETING:** An annual meeting of the Board of Trustees shall be held at the offices of the corporation in October of each year, for the transaction of all such business as may come before the meeting.

**SECTION 2: REGULAR MEETINGS:** A regular meeting of the Board of Trustees shall be held at a time and place to be determined by the Trustees. The Board of Trustees may provide by resolution the time and place.

**SECTION 3: SPECIAL MEETINGS:** Special meetings of the Trustees may be called by the Chairperson of the Board, or in his/her absence, by the Vice Chairperson, or by not less than a quorum of the voting Trustees. Such notice shall be given at least two (2) days in advance by telephone, mail or email. The attendance of a Trustee at any meeting shall constitute a waiver of notice of such meeting except where a Trustee attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened. The purpose for which the meeting was called shall be stated in the notice.

**SECTION 4: NOTICE OF MEETINGS:** Written or printed notice stating the place, agenda topics, date and hour of all Board of Trustee meetings shall be mailed or emailed to each Trustee not less than three (3) days before the date of each meeting. Public notices of all meetings shall be posted on the Library website and bulletin board.

**SECTION 5: QUORUM:** A majority of the voting Trustees shall constitute a quorum at any meeting of the Trustees for the transaction of business of any meeting of the Board; but if less than a majority of the Trustees are present at the said meeting, the Trustees must adjourn the meeting without further notice.

**SECTION 6: VOTING:** The voting Trustees may vote only in person and no voting Trustee shall be entitled to vote by proxy, mail, or teleconference.

**SECTION 7: PARLIAMENTARY PROCEDURE:** On questions of parliamentary procedure not covered by these Bylaws, "Roberts Rules of Order" shall prevail.

**SECTION 8: CHAIRPERSON:** The chief presiding officer of the Board of Trustees shall be a Chairperson who shall be elected by the Board of Trustees from its own number by a majority vote for a term of one (1) year beginning with the first annual meeting of the corporation. The Chairperson shall preside at meetings of the Board of Trustees and shall be a voting member of all committees.

**SECTION 9: COMPENSATION:** Trustees shall not receive any compensation or salaries for their services.

## ARTICLE V: OFFICERS

**SECTION 1: OFFICERS:** The officers of the corporation shall be a Chairperson, Vice Chairperson, Secretary and Treasurer.

**Commented [HAP3]:** Richard suggested we add another title: Director of Library Upgrades.

**SECTION 2: ELECTION AND TERM OF OFFICE:** The officers of the corporation shall be elected annually by the Board of Trustees at the regular September meeting of the Board and assume office the first day of October. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as convenient. New offices may be created and filled by the Board of Trustees. Each officer shall hold office until his successor shall have been duly elected and shall have qualified.



**SECTION 3: REMOVAL:** The Board may remove any officer elected or appointed by the Board of Trustees whenever in its judgment the best interests of the corporation would be served.

**SECTION 4: VACANCIES:** A vacancy in any office because of death, resignation, removal or otherwise, may be filled by the Board of Trustees for the remainder of the term.

**SECTION 5: CHAIRPERSON:** The Chairperson shall be the principal executive officer of the corporation and shall supervise and control all of the business affairs of the corporation. He/she shall also act as chief presiding officer of the Board of Trustees and shall be elected by them as provided in Article IV, Section 8 and serve for a period of one (1) year. He/she shall preside at all meetings of the Board of Trustees. He/she shall sign, together with the Secretary or any other member of the Executive Committee, any deeds, mortgages, bonds, contracts or other instruments which the Board of Trustees have authorized to be executed, and in general, shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Board of Trustees.

**SECTION 6: VICE CHAIRPERSON:** The Vice Chairperson shall perform all the functions and duties of the Chairperson in his/her absence.

**SECTION 7: TREASURER:** The Treasurer shall be responsible for reviewing the financial health of the corporation with the authority to investigate any area he/she deems necessary and report any findings to the Board of Trustees. The Treasurer will monitor and safeguard the financial condition of the Library and its investment accounts. He/she shall also perform such other duties as may be assigned by the Chairperson.

**SECTION 8: SECRETARY:** The Secretary shall keep the minutes of all meetings of the Board of Trustees and shall see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law. He/she shall see that the Seal of the corporation is affixed to all documents as necessary. He/she shall also keep a register of the address of each member and in general, perform any other duties that may be assigned by the Chairperson or the Board. Each of the officers shall be a voting member of the corporation, elected by the Trustees.

**SECTION 9: LIBRARY DIRECTOR:** The Library Director and/or his/her designee shall be responsible for making purchases for the Library in accordance with State law and under the direction of the Board of Trustees, and for the daily business management of the corporation. He/she shall also receive and give receipts for monies due and payable to the corporation from any source whatsoever, make deposits and keep all records and accountings of Library receipts and expenditures, in conjunction with the Library's accountant and which shall be available for inspection by the Board of Trustees and the contributing municipalities. Other duties shall be as outlined in the Library Director's Job Description.

**Commented [HAP4]:** Insert duties of fifth position. Richard suggests: "Director of Library Upgrades: This Board member will coordinate Library remodeling and upgrades."

**SECTION 10: SPECIAL PERSONS:** The Board of Trustees shall have the authority to hire any person for specific needs, such as accountant, attorney and others as deemed necessary.

**ARTICLE VI: COMMITTEES**

**Commented [HAP5]:** Do we need this Article? We did not adhere to Section 2 this year.

**SECTION 1: COMMITTEES OF TRUSTEES:** The Board of Trustees may designate one or more committees, each of which shall consist of two or more Trustees, to serve under the Board of Trustees for whatever purpose necessary. No committee shall have other than advisory powers.

**SECTION 2: NOMINATING COMMITTEE:** A nominating committee shall be appointed by the Board of Trustees consisting of three of its own members, and on or before thirty days prior to the September meeting of the Board of Trustees, shall nominate a voting member of the corporation for each of the elective offices to be filled.

**SECTION 3: AD HOC COMMITTEES:** For the study of special circumstances or issues, an ad hoc committee shall be appointed by the Chairperson with the approval of the Board until a final report is done.

**ARTICLE VII: CONTRACTS, FUNDS**

**SECTION 1: CONTRACTS:** The Board of Trustees may authorize any officer of the corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, such authority may be general or confined to specific instances.

**SECTION 2: FUNDING OF THE LIBRARY:** The funding of the corporation shall be primarily as follows:

- A. Contributions from the municipalities, the county and the state
- B. Memberships
- C. Conference room rentals
- D. Fund raising drives
- E. Donations from private sources
- F. Revenue from public copy machine/printer

Contributions for the maintenance and support of the corporation shall be fairly and equitably determined and shall be set forth in written agreement between the contributing municipalities.

**ARTICLE VIII: FISCAL YEAR**

The fiscal year of the corporation shall begin on the first day of October and end on the last day of September of each year.

**ARTICLE IX: SEAL**

The Board of Trustees shall provide a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the name of the corporation and the words "Gulf Beaches Public Library Corporate Seal 1969 Florida."

**ARTICLE X: WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the Non-Profit Corporation Act of the State of Florida or under the provisions of the Articles of Incorporation or the Bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**ARTICLE XI: AMENDMENTS TO BYLAWS**

The Board of Trustees shall review these Bylaw every five (5) years. These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a majority of the Trustees present at any regular meeting or at any special meeting, if at least fifteen (15) days 'written notice is given of intention to alter, amend, repeal or adopt new Bylaws at such meeting.

**REVISED JANUARY 24, 2022**



# Memorandum

**Meeting Details:** May 10, 2023, BOC Regular Meeting  
**Prepared For:** Hon. Mayor Rostek and Board of Commissioners  
**Staff Contact:** Community Development Department  
**Subject:** Appointing a Commission Representative to the Tampa Bay Regional Planning Council (TBRPC)

---

**Background:** The Tampa Bay Regional Planning Council (TBRPC) is an association of local governments and gubernatorial representatives that coordinate Regional Planning in the Tampa Bay Metro Area. TBRPC's specific duties include maintaining Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region, environmental management, water quality and emergency preparedness planning, protection and restoration of the Tampa Bay estuary, economic analysis, coastal zone management, housing and infrastructure analysis, hurricane evacuation and recovery planning, development of regional impact review, local government comprehensive plan review, cross acceptance, dispute resolution, and review of transportation plans.

**Discussion:** The City of Madeira Beach is a member government of the Tampa Bay Regional Planning Council (TBRPC). The Council's Bylaws require an elected City Commissioner to serve as a member of the Council. The Madeira Beach Board of Commissioners will need to appoint a Commission Representative. The Commissioner that is appointed will need to attend Council Meetings. Attached to the memo is the schedule for upcoming TBRPC Council meetings.

**Fiscal Impact:** Annual Dues.

**Recommendation(s):** The City of Madeira Beach Board of Commissioners appoints a Commission Representative to the Tampa Bay Regional Planning Council.

**Attachments/Corresponding Documents:**

- Council Meeting Materials and Calendar
- General Information
- About TBRPC
- Laws Referencing RPCs



- COUNCIL ▾
- COMMITTEES ▾
- PROGRAMS ▾
- EVENTS ▾
- NEWS ▾
- RESOURCES ▾
- Q

# Council Meeting Materials

## Next Council Meetings:

### JUNE 2023



#### Executive Budget Meeting

📅 Jun 12 2023 09:00am - 10:00am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States



#### Council Meeting

📅 Jun 12 2023 10:00am - 11:30am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States



AUGUST 2023



## Executive Budget Meeting

📅 Aug 14 2023 09:00am - 10:00am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States





## Council Meeting

📅 Aug 14 2023 10:00am - 11:30am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States





## Resiliency Coalition Steering Committee Meeting

📅 Aug 14 2023 11:30am - 12:30pm UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States



OCTOBER 2023



## Executive Budget Meeting

📅 Oct 9 2023 09:00am - 10:00am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States





## Council Meeting

📅 Oct 9 2023 10:00am - 11:30am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States





## Resiliency Coalition Steering Committee Meeting

📅 Oct 9 2023 11:30am - 12:30pm UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States



DECEMBER 2023



## Executive Budget Meeting

📅 Dec 11 2023 09:00am - 10:00am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States





## Council Meeting

📅 Dec 11 2023 10:00am - 11:30am UTC/GMT -4 📍 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States





# Resiliency Coalition Steering Committee Meeting

Dec 11 2023 11:30am - 12:30pm UTC/GMT -4 Council Chambers, 4000 Gateway Centre Blvd Ste 100, Pinellas Park, United States



Click the links below to download meeting materials.

– 2023 Council Meetings

February 13, 2023	Agenda	–	–	–Presentations
April 10, 2023	Agenda			
June 12 , 2023				
August 14, 2023				
October 9, 2023				
December 11, 2023				

+ 2022 Council Meetings

+ 2021 Council Meetings

+ 2020 Council Meetings

+ **2019 Council Meetings**

+ **2018 Council Meetings**

Please contact our office to request meeting materials from previous years.

CONTACT US



**Council Members & Committees**



**Member Governments**

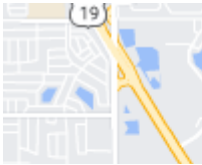
CONTACT US

**Email**  
info@tbrpc.org

**Phone**  
727-570-5151

**Address**  
4000 Gateway  
Centre Blvd., STE  
100

TBRPC OFFICE



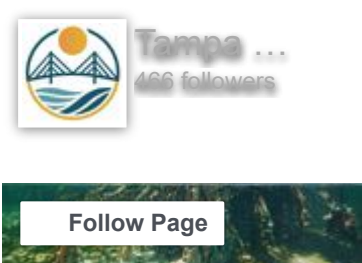
QUICK LINKS

> Council Meeting Materials

> Directions

> Site Map

FIND US ON FACEBOOK



2022 ALL-  
HAZARDS



Pinellas Park,  
Florida 33782

DISASTER  
PLANNING  
GUIDE

Item 12D.



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by calling (727) 570-5151 or in writing to 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida 33782. © 2018-2021 Tampa Bay Regional Planning Council. All Rights Reserved.



(727) 570-5151 | [info@tbrpc.org](mailto:info@tbrpc.org)



**TBRPC**  
Tulsa Board of Regional  
Public Council

**COUNCIL** ▾

**COMMITTEES** ▾

**PROGRAMS** ▾

**EVENTS** ▾

**NEWS** ▾

**RESOURCES** ▾



# General Information

## Regular & Special Meetings

The Council's regular monthly meetings are held on the second Monday of each month, Conference Rooms A & B, 10:00 a.m. at the Tampa Bay Regional Planning Council, 4000 Gateway Centre, Blvd., Suite 100, Pinellas Park, Florida 33782. Most meetings adjourn by Noon. Special meetings of the Regional Planning Council may be called by the Chair provided ample notice is given to all members. The Annual Meeting is held the second Monday in December. All regular, Executive/Budget, Committees and special meetings are open to the general public and are noticed according to Florida State Sunshine Laws.

**General Dress Code for Council Meetings: Business/Professional Attire.**

## Executive/Budget Committee & other Council Committee Meetings

Committee Meetings are held on the second Monday of the month prior to, or after the regularly scheduled meeting of the Tampa Bay Regional Planning Council. Meeting times and dates are subject to change. Please call for current information or visit the [website's homepage](#) for an announcement.

## Meeting Cancellation Policy during a Tropical Storm or Hurricane-Related Event

According to the Tampa Bay Regional Planning Council policy our meetings will be cancelled if the National Hurricane Center issues a Tropical Storm Warning, Hurricane Watch or Hurricane Warning at or after the 8:00 a.m. intermediate advisory on the day of business. This policy will apply if any or all of our six county region (Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties) have been placed under these advisory conditions. Please check your advisory during these storm-related events prior to attending a scheduled TBRPC meeting.

## Quorum and Voting

A quorum consists of a simple majority of the total number of representatives. A quorum shall be required for the conduct of all official business. Each representative present shall vote on each question presented to the Council except in the event that a representative reports a voting conflict. No one individual shall cast more than one vote on any question. Any appointed representative may send an alternate to represent him/her at any meeting of the Council provided the alternate is duly appointed to the same member government governing body.

**Weighted Vote:** Prior to a vote and upon the call of three representatives, a weighted vote shall be taken by roll call. The total weighted vote shall consist of the member governments' vote and the Governor appointees' vote. The member governments' vote shall be two-thirds of the total vote and shall be apportioned among the member government representatives in the same proportion as the member governments' population bears to the total population of the region; provided, however, that no portion of the population shall be represented by more than one member government.

The Governor's appointees' vote shall be one-third of the total vote and shall be apportioned among the Governor's appointed representatives and in the same proportion as the appointed representative's county of residence's population bears to the total population of the region.

## Agendas

Meeting Agendas are sent to each Council Member ten days prior to the Council meeting. Agendas are posted to the Council's [Meeting Materials](#) page when the agenda packet is mailed. Past agendas are also archived on the Council [Meeting Materials](#) page.

## Chapter 286, F.S. Sunshine & Public Records Law

Florida's open government provisions are applicable to all government and public agencies in the State. The Sunshine Law established a basic right of access to the public for most meeting of boards, commissions and other governing bodies of state and local governmental agencies and authorities. The law requires that meetings of boards and commissions be open to the public; that reasonable notice of such meetings be given, and minutes of the meetings to be taken. The law applies to all discussions or deliberations as well as formal actions taken by a board or a commission. In addition, the law is applicable to any gathering, whether formal or casual, of two or more members of the same board or commission. The law is intended to prevent members from discussing matters which will be considered by the public board or commission. Member of a public board are not prohibited under Sunshine Law from meeting together socially, provided that matters, which may come before the board, are not discussed at such gatherings.

The sunshine Law also includes a limited number of exemptions which would allow a public agency to close a meeting. These include, but are not limited to, certain discussions with board's attorney over pending litigation and portions of collective bargaining sessions. In addition, specific portions of meetings of some agencies may be closed when those agencies are making probable cause determinations or considering confidential records.

Open government principles apply to public records as well as meetings. They are not limited to traditional written documents. Tapes, photographs, films and sound recordings are also considered public records subject to inspection unless a statutory exemption exists. As soon as a document is received by a public agency, it becomes a public record, unless there is a legislatively created exemption which makes it confidential and not subject to disclosure.

## CONTACT US

## TBRPC OFFICE

## QUICK LINKS

FIND US ON  
FACEBOOK**Email**

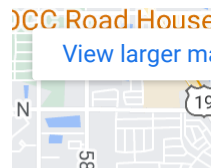
info@tbrpc.org

**Phone**

727-570-5151

**Address**

4000 Gateway  
Centre Blvd., STE  
100  
Pinellas Park,  
Florida 33782



> Council  
Meeting  
Materials

> Directions

> Site Map



Tampa ...  
466 followers

Follow Page

2022 ALL-  
HAZARDS  
DISASTER  
PLANNING  
GUIDE



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by calling (727) 570-5151 or in writing to 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida 33782. © 2018-2021 Tampa Bay Regional Planning Council. All Rights Reserved.



[COUNCIL](#) ▾[COMMITTEES](#) ▾[PROGRAMS](#) ▾[EVENTS](#) ▾[NEWS](#) ▾[RESOURCES](#) ▾

# About the TBRPC

## About the Tampa Bay Regional Planning Council



### Our Mission

To serve our citizens and member governments by providing a forum to foster communication, coordination, and collaboration in identifying and addressing issues and needs regionally.



### Our Name

TBRPC stands for Tampa Bay Regional Planning Council, an association of local governments and gubernatorial representatives.



## Objective

TBRPC brings together governments to coordinate planning for the community's future and provide an opportunity for sharing solutions among the local government jurisdictions in the six-county Tampa Bay region.



## History

TBRPC was established as Florida's first regional planning council in 1962 when representatives from St. Petersburg, Clearwater, and Tampa recognized the need for regional coordination. They believed growth and community issues extend beyond county and municipal boundaries, a concept that still defines the Council's purpose today. TBRPC is one of ten regional planning councils in Florida. Visit our [historical timeline](#) page.



## Areas Covered

The region's six counties, Citrus, Hernando, Hillsborough, Manatee, Pasco and Pinellas are required by law to exercise regional cooperation through membership on the Council. Other municipal members are Bradenton, Clearwater, Dade City, Dunedin, Gulfport, Largo, Madeira Beach, New Port Richey, Oldsmar, Palmetto, Pinellas Park, Plant City, Safety Harbor, Seminole, South Pasadena, St. Pete Beach, St. Petersburg, Tampa, Tarpon Springs, Temple Terrace and Treasure Island. These governments are represented on the Council by elected officials appointed by their local boards. They comprise two thirds of the Council's membership. The Governor appoints additional members, making up the remaining third of the Council. There are also four ex-officio members representing the Southwest Florida Water Management District, the Florida Department of Transportation and Environmental Protection, and Enterprise Florida.



## Duties

TBRPC's specific duties include maintaining Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region, environmental management, water

quality and emergency preparedness planning, protection and restoration of the Tampa Bay estuary, economic analysis, coastal zone management, housing and infrastructure analysis, hurricane evacuation and recovery planning, development of regional impact review, local government comprehensive plan review, cross acceptance, dispute resolution, and review of transportation plans.

## Programs, Services & Products

- ✓ Economic Modeling and Analysis
- ✓ Economic Development District
- ✓ 3D Visualization and Design
- ✓ Spatial Growth Modeling
- ✓ Hurricane and Hazard Preparedness Planning
- ✓ Annual Disaster Planning Guide
- ✓ GIS Mapping Services
- ✓ Tampa Bay Regional Resiliency Coalition
- ✓ LEPC: Hazardous Materials
- ✓ Technical Assistance to Local Governments
- ✓ Agency on Bay Management



- ✓ Bay Soundings Environmental Journal
- ✓ Regional Information Center
- ✓ Future of the Region Awards

CONTACT US

Email

info@tbrpc.org

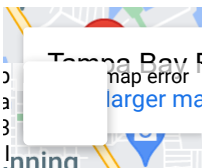
Phone

727-570-5151

Address

4000 Gateway  
Centre Blvd., STE  
100  
Pinellas Park,  
Florida 33782

TBRPC OFFICE



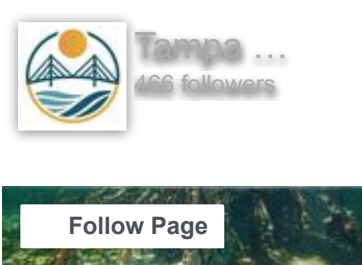
> Council  
Meeting  
Materials

> Directions

> Site Map

QUICK LINKS

FIND US ON  
FACEBOOK



2022 ALL-  
HAZARDS  
DISASTER  
PLANNING  
GUIDE



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by calling (727) 570-5151 or in writing to 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida 33782. © 2018-2021 Tampa Bay Regional Planning Council. All Rights Reserved.



[COUNCIL](#) ▾[COMMITTEES](#) ▾[PROGRAMS](#) ▾[EVENTS](#) ▾[NEWS](#) ▾[RESOURCES](#) ▾

# Laws Referencing Regional Planning Councils

## What Regional Planning Councils Do

Florida's regional planning councils are referenced in a number of state and federal laws. This list summarizes legal references to the Council. Following the list are copies of specific agreements, statutes and rules applying to the Tampa Bay Regional Planning Council.

### CHAPTER 160, F.S.

The Tampa Bay Regional Planning Council was established in 1962 under chapter 160 and by interlocal agreement. The Council elected to comply with Chapter 163 in 1985.



**CHAPTER 163, F.S.**

The legislation which provides for the duties of Regional Planning Councils.

- CHAPTER 163.3167 (4), (7) and CHAPTER 163.3184 (2), (8)b, F.S. Regional Planning Councils review local government comprehensive plans for consistency with the state plan and strategic regional policy plans.
- CHAPTER 163.3177 (d) Provides for coordination of all development activities and services among local, state, regional and federal agencies.
- „CHAPTER 163.3204, F.S. Provides that all state and regional agencies cooperate with units of local government in the preparation of local government comprehensive plan.

**CHAPTER 186, F.S.**

The legislation which provides for the duties of Regional Planning Councils.

- CHAPTER 186.502 (3), F.S. Provides that Regional Planning Councils must address problems and plan solutions for issues and matter of greater than local concern or scope
- CHAPTER 186.502, F.S. Regional Planning Councils plan for and coordinate intergovernmental solutions to growth-related problems on greater than local issues and provide technical assistance, but shall not act as a permitting or regulatory entity.
- CHAPTER 186.502, (2), (3) and CHAPTER 186.007 (7), F.S. Regional Planning Councils provide input to state policy development and in continuous review for updating the state plan and state agency functional plans.
- CHAPTER 186.503, F.S. Defines “cross acceptance” as it relates to a determination of consistency with the strategic regional policy plan.
- CHAPTER 183.504, F.S. Expanded membership to include ex officio nonvoting members from Florida Department of Transportation, Department of Environmental Protection, Enterprise Florida and Southwest Florida Water Management District. The Governor may also appoint ex-officio nonvoting members from MPOs and regional water supply authorities.
- CHAPTER 186.505, F.S. AND S. 252.34 (3) Revised powers to include:
  - fPerform coordination among other regional entities;
  - fEstablish and conduct cross-acceptance negotiation;
  - fCoordinate land development and transportation policies that foster a region-wide transportation system; and
  - Review plans of independent transportation authorities and MPOs to identify inconsistencies with local government plans.,,
- CHAPTER 186.507, F.S. Regional Planning Councils must adopt a strategic regional policy plan that must address the following:
  - fAffordable Housing
  - Economic Development



- fEmergency Preparedness
- f• Natural Resources or regional significance
- f• Regional transportation,,
- CHAPTER 186.508, F.S. Provides guidelines for adoption of strategic regional policy plans and compliance with the state plan.
- CHAPTER 186.509, F.S. Regional Planning Councils shall establish by rule, a dispute resolution process.
- CHAPTER 186.511, F.S. Provides the process for Regional Planning Councils to evaluate the strategic regional policy plan.
- CHAPTER 186.513, F.S. Regional Planning Councils provide an annual report to the Department of Community Affairs.
- CHAPTER 186.515, F.S. Recognizes the duties of Regional Planning Councils as established under CHAPTER 163, F.S.

### **CHAPTER 380, M F.S.**

Regional Planning Councils provide review and comment on applications for development approval and development orders for development of regional impact and Florida Quality Development proposals.

- CHAPTER 380.065, F.S. Provides that Regional Planning Councils will review development orders issued by local governments certified pursuant to Chapter 380.065.
- CHAPTER 380.05, F.S. Regional Planning Councils conduct review and make recommendations on Areas of Critical State Concern.
- CHAPTER 380.21, F.S., Florida Coastal Zone Management Plan Regional Planning Councils carry out review and coordination functions for coastal zone management.

### **CHAPTER 339.155 (3) and CHAPTER 163.805 (6), F.S.**

Regional Planning Councils develop transportation policy under the Transportation Planning Act and the Metropolitan Transportation Authority Act.

### **CHAPTER 341, F.S.**

Provides for Regional Planning Councils to have input into Florida high speed rail plans.

### **CHAPTER 373.0395, F.S.**

Regional Planning Councils review ground water basin availability inventories.

### **CHAPTER 377, F.S.**

Regional Planning Councils assist in state review of Outer Continental Shelf proposals.

### **CHAPTER 403, F.S.**

Regional Planning Councils complete the Regional Hazardous Waste Needs Assessment as

designated in the Water Quality Assurance Act and Hazardous Waste Facilities Permit Variance Review.

### **CHAPTER 403.705, F.S.**

Provides that Regional Planning Councils participate in the development of solid waste management programs and hazardous waste.

## **OTHER REFERENCES:**

### **Governor's Executive Order 83-150 and Presidential executive Order 12372**

Provides that Regional Planning Councils review application for federal and state grants and act as the regional clearinghouse for Federal Administrative District VIII to review and provide regional comment on permit application under consideration of FDER and the U.S. Army Corp of Engineers.

### **Florida Administrative Code, 22E-2**

Regional Planning Councils provide review and serve as a depository for 10 year power plant siting plans.

### **Clean Water Act, S.208, Public Law 92-500 and Title 40**

Regional Planning Councils participate in the completion and update of Area-wide Water Quality Management Plans, ensure public participation and serve as a depository of information on the substate planning agencies.

### **Emergency Planning and Community Right-to-Know Act**

Regional Planning Councils provide coordination and staff for district-wide Local Emergency Planning Committees and serve as the public repository for hazardous materials inventories under the SARA Title III Community Right-to-Know provision.

### **Federal Home Loan Disclosure**

Regional Planning Councils serve as a depository for federal home loan disclosure forms.

### **U.S. Bureau of the Census**

Provides that Regional Planning Councils may serve as Census Data Affiliates for the provision of U.S. Census data.

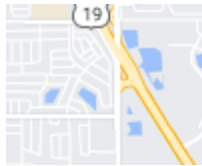


**Email**[info@tbrpc.org](mailto:info@tbrpc.org)**Phone**

727-570-5151

**Address**

4000 Gateway  
Centre Blvd., STE  
100  
Pinellas Park,  
Florida 33782



> Council  
Meeting  
Materials

> Directions

> Site Map

FIND US ON  
FACEBOOK



Tampa ...  
466 followers

Item 12D.

2022 ALL-  
HAZARDS  
DISASTER  
PLANNING  
GUIDE



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by calling (727) 570-5151 or in writing to 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida 33782. © 2018-2021 Tampa Bay Regional Planning Council. All Rights Reserved.

