



## **MINUTES**

### **BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING JANUARY 24, 2024 6:00 P.M.**

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on January 24, 2024, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

#### **MEMBERS PRESENT:**

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

#### **MEMBERS ABSENT:**

#### **CITY STAFF PRESENT:**

Robin Gomez, City Manager  
Clara VanBlargan, City Clerk  
Andrew Laflin, Finance Director/City Treasurer  
Thomas Trask, City Attorney

### **1. CALL TO ORDER**

Mayor Rostek called the meeting to order at 6:00 p.m.

### **2. ROLL CALL**

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

### **3. PUBLIC COMMENT**

There were no public comments.

### **4. PRESENTATIONS**

#### **A. Fire Crew of the Year**

Fire Chief Clint Belk recognized Madeira Beach Fire Department A shift as the first Fire Crew of the Year for 2023.

- Lt. George Hill
- Lt. John Sleppy

- Driver/Engineer Jamie McGaughey
- Firefighter/Paramedic Nick Lucas

#### **B. Reclassification of Fire Inspector Perez to Fire Marshall**

Chief Belk recognized the promotion of Fire Inspector Raul Perez to Fire Marshall. He would be the first ever in Madeira Beach history.

#### **C. Promotion -Lt. Sleppy**

Chief Belk recognized the promotion of Firefighter John Sleppy to Lieutenant. He has taken over the role of Training Officer and has been with the Fire Department for ten years.

#### **D. Introduction of New Hires**

Chief Belk introduced the following new members of the Madeira Beach Fire Department:

- Chase Halfast, Firefighter/EMT
- Kyle Watts, Firefighter/EMT
- John Mortellitte, Firefighter/Paramedic
- Mario Barbara, Firefighter/Paramedic

#### **E. Brian Lowack, President/CEO, Visit St. Pete/Clearwater**

Mr. Lowack explained the purpose of Visit St. Pete/Clearwater and the activities and events they do for the community.

The City Manager said the presentation will be made part of the Minutes and on the website.

### **5. BOARD OF COMMISSIONERS**

#### **A. Discuss/Review Boats – Live-aboards and Anchoring**

Mayor Rostek opened to public comment.

John Garcia, 15334 Harbor Drive, stressed his concern for the safety and environmental impact on the area.

Brian Gonser, Seminole resident and owner of a Madeira Beach short-term rental, stressed environmental and safety concerns.

Belinda Gonser, Seminole resident, stressed concern about issues she encountered with the live-aboards.

Phil Secord, a Palmetto resident, said he was the regional Southwest Florida Marine Industries Association Manager. Some environmentalists are very concerned about derelict boats. His job is

to promote good, clean, and safe boating and anchoring in the counties he is involved in. Their position is to improve the boating industry and help it prosper.

Mayor Rostek reported on his research and gave a PowerPoint presentation. He focused on the improper use of Marine Sanitation Devices (MSDs).

The City Manager said Florida Statute 327.60 defines a live-aboard. Anchored or moored boats are not considered live-aboards. The people who live on them must adhere to the laws and regulations.

Mayor Rostek said there are 1.5 million vessels with MSDs boating in U.S. waters, generating 3.5 billion gallons of sewage, and there is no way of knowing how much is illegally discharged. They need to start protecting the waterways within the City limits. There are three "No Discharge Zones (NDZ)" in Florida where boaters cannot even discharge treated sewage. The Madeira Beach Marina offers boaters a free pumpout service, and he would like anchored or moored boaters to pump out every ten days. He wants boaters to show proof of an MSD pumpout with a date and time-stamped receipt. He is hoping for possible future municipal regulations and enforcement.

John Connolly, resident, did not think the pumpout should be limited to the boats within Madeira Beach.

Mayor Rostek said they could only regulate within the Madeira Beach boundary map. He would take it to the Big C.

John Garcia, 15334 Harbor Drive, said he was concerned about the illegal docking. It is a fairness issue. Residents pay property taxes to dock their boats, and the moored boats get to do it for free.

Mayor Rostek said they do not have enough acreage on the water to provide a mooring field. The City Manager said the Florida Statutes do not allow them to do it.

The City Manager said he would meet with Sergeant Blair from the Marine Unit and Captain Leiner, who oversees the City's agreement with the Sheriff's Office, and provide the information to the anchored boats in Madeira Beach.

Commissioner Brooks said a solution to save the waterways would be to get a pumpout boat and go to the anchored boats every eight or ten days and offer to pump them out.

The City Attorney said Florida Statute 327.60 is very specific as to the vessels the City can regulate. Section 4. A. states a vessel over 26 feet with an enclosed cabin with berthing facilities and houseboats can be required to show proof of sewage disposal within one of three no-discharge zones. Mayor Rostek said the three no-discharge zones are not located near this area. The City Attorney said Section 4. A. would not apply.

The City Attorney said Section 4.D. of the Statute states live-aboards, floating structures, and commercial vessels can only be regulated. He could prepare a code provision, but it would need

to be approved by the Florida Fish and Wildlife Conservation Commission before the Board could adopt it. The boats anchored in Madeira Beach waters do not meet any criteria.

Vice Mayor Kerr said their best alternative is to work with the Southwest Florida Marine Industries Association. It is a State issue, and the City needs to be given control. The City Attorney said the City of Clearwater is pursuing anchoring limitation areas where boundaries are set within City limits, and anchored boats must move every 45 days. It does not specify where or how far they need to move. It would not be a good option for the City.

Mayor Rostek asked if there was any way they could force the MSD pumpouts. The City Attorney said no. The Mayor asked if they could enforce the Clean Water Act, which requires boats to pump out three miles off-shore. The City Attorney it would need to be enforced federally since it is a federal law.

Commissioner Brooks said the pumpout boat is a wonderful option. At one time, there was a grant to assist in purchasing one. Marina Manager Brian Crabtree said a grant was obtained, but the Board of Commissioners at the time rejected it because they thought it would be too expensive to operate and maintain. The pumpout boat was kept at the Lighthouse Point Marina and is not in operation. He called to see what happened to it and has not received a response. The grants are selected for a body of water, and the boat must cover a certain amount of square footage. It would be a possibility to purchase the boat.

Vice Mayor Kerr asked if a pumpout boat would attract more boaters to anchor in their waters. He suggested taking it to the Big C and moving forward as a collective body.

Commissioner McGeehen said he would like to have more testing of the waters so they have more ammunition to take to the State.

Commissioner McGeehen said Florida Statute 327.44 states anchoring or mooring under bridges or adjacent to heavily traveled channels constitutes interference if unreasonable under the circumstances. He thought they should enforce the vessels obstructing the waterways more.

## **B. FEMA/City Participation in Mitigation Restoration/Flooding Prevention Program**

The City Manager gave a brief background on the item. He asked for direction from the Board on whether or not to proceed with the Grant programs that allow property owners to participate in the housing grant programs that FEMA provides. If they proceed, they would need a dedicated consultant to manage it because of unresolved issues in the past.

Marci Forbes, Community Development Engineer, reported the grants have to be sponsored by the City of Madeira Beach. There would be nothing the county could do.

Commissioner Tagliarini asked if the person monitoring it would be an existing employee or if it would be a new position. The City Manager said it would be a new position. Commissioner Tagliarini asked if the grant would cover it. The City Manager said he thought it would cover the

majority of it. Ms. Forbes said the grant gets spread out over various components, not just the construction of a property.

Vice Mayor Kerr said he had multiple conversations with residents who went through the process, and it is very restrictive. Most said they wished they would not have done it. He thought if they implemented it again, they would need to find a way to have the funds directly issued to the applicant. Ms. Forbes said they are managed as a pass-through system, which is mandated. She has not heard of any program that deviates from the pass-through process. Vice Mayor Kerr said FEMA was not a good steward. Once everything was approved, they should not have come back and said it was not approved.

Commissioner Brooks asked if they could not collect it from the property owner if they could not comply with FEMA's request for \$92,000.00. The City Attorney said they have an agreement with the property owner in addition to the grant agreement, and they are legally obligated to comply. But, if the statute of limitations has run out, the property owner may owe the money, but they have no legal obligation to pay.

Vice Mayor Kerr asked if a lien provision could be written in the contract. The City Attorney said only if FEMA and the Federal Division of Emergency Management allow it. Vice Mayor Kerr said they would need to have security on the money.

## **6. CITY CLERK**

### **A. Board of Commissioners to schedule a Special Meeting in March following the March 19, 2024, Municipal Election and Certification of Election Results: Reporting the Election Results of the Charter Amendment and Induction into Office – Ray Kerr and David Tagliarini to serve a new two-year term as District Commissioner.**

City Clerk Clara VanBlargan said the Municipal Election is on March 19, 2024. The incumbents, David Tagliarini and Ray Kerr, who qualified during the qualifying period, their names would not be on the ballot. They had no opposition. Only the charter amendment would be on the ballot. She will report the certified final election results at the meeting when Commissioner Tagliarini and Commissioner Kerr are sworn into office.

The Board scheduled a special meeting at 5:30 p.m. on Wednesday, March 27, 2024, to read the final election results and to swear David Tagliarini and Ray Kerr into office to serve a new two-year term as District Commissioner.

## **7. COMMUNITY DEVELOPMENT**

### **A. John's Pass Village Activity Center Zoning**

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

Community Development Director Jenny Rowan said two public workshops were held, and a third one will be held on Saturday, January 27. She reviewed what was discussed at the meetings. Staff

would meet after the next public workshop to review the input and present it to the Board and the Planning Commission.

Director Rowan said the six character districts would be turned into six separate new zoning districts. The Special Area Plan is tied to the Comprehensive Plan, which guides the entire process. The Comprehensive Plan supports the unique character of John's Pass Village. When they start thinking about zoning, certain standards in the Countywide Strategies Plan need to be addressed.

Director Rowan said the county will meet on February 20 to establish the Activity Center on the Countywide Plan Map and the Land Use Strategy Map. It will come back to the Board of Commissioners at the March 13<sup>th</sup> regular meeting.

Commissioner Tagliarini asked for the response to the first two public workshop meetings. Director Rowan said there were more questions at the second meeting. Andrew Morris, Long Range Planner, said most of the discussion was about whether planned development rezoning should be allowed there and ensuring the Land Development Regulations keep the character.

Commissioner Tagliarini asked if the county requires them to offer a bonus option in a development agreement. Director Rowan said no. Commissioner Tagliarini asked how the City would benefit from offering the option. Mr. Morris said it allows for mitigating the impact of new development on the community. The City Manager said it allowed for negotiating.

After a brief discussion about density lodging with a development agreement, the Board asked the presenters to identify and include the structures with high densities in John's Pass Village in their next presentation.

## **8. MARINA DEPARTMENT**

### **A. RFP 2023-11 Digital Information Sign**

Marina Manager Brian Crabtree explained that RFP 2023-11 was for a digital sign at the Marina entrance on the south side of 150<sup>th</sup> at Tom Stewart Causeway. The purpose would be to get information out to visitors and residents. Two bids were received, and the low bid from I2 Visual, based in Fort Myers, was for \$45,313.

Vice Mayor Kerr asked if it was a two-sided sign. Manager Crabtree said yes. Vice Mayor Kerr asked if they could put marketing information on it. Manager Crabtree said as long as it was general information. Vice Mayor Kerr asked if he reached out to Brian Lowack with Visit St. Pete/Clearwater to see if they would contribute to it. Manager Crabtree said no, but he will. It was budgeted in the Marina Fund.

Mayor Rostek asked if electricity was there. Manager Crabtree said yes, and the cost to trench for electric was removed from the quote.

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

## **9. PARKING DIVISION**

### **A. Kitty Stuart Park Parking Lot Overview: Financial Status, Increased Utilization, and User Engagement**

Parking Enforcement Supervisor Jamal Yahia gave an overview of what they observed during the three-month trial period of three resident spaces and an additional handicapped space in Tom and Kitty Stuart Park. There was a decrease in sales for October, November, and December. He asked for direction from the Board if they would like to keep the spaces. He responded to questions and comments from the Board.

Vice Mayor Kerr said he is for the handicapped parking, but the three added residential spaces would cost the City \$25,000 in potential revenue. The City Manager said it was a slower time of year, and the lots would fill up for longer periods of the day in January, February, and March.

Commissioner Brooks agreed with Vice Mayor Kerr. She was concerned about the long-term effects. Looking at how much money they were down in the off-season, what would the amount of revenue lost be during the in-season?

Commissioner Tagliarini said he would like to continue the trial. It is not always about revenues; sometimes, the returns are in the residents' quality of life.

The Consensus of the Board was to continue with the trial.

## **10. PUBLIC WORKS DEPARTMENT**

### **A. Refuse Collection Contracted Service Analysis**

Finance Director Andrew Laflin reviewed his cost analysis for insourcing versus outsourcing the garbage collection. Outsourcing costs were hypothetical based on the recent bid results from the City of Belleair Beach. It would yield a fiscal savings of about \$150,000 annually.

Commissioner Brooks asked if the Belleair Beach bid included two weekly trash pick-ups and one-yard waste pick-up. Director Wepfer said she would have to read the bid, but if they would contract out, it would include all of it. The Belleair Beach bid would not have included any of the parks, the village, the beach, or any location with public cans.

Commissioner Brooks said she does not support outsourcing based on the feedback from the residents. It would be costly and time-consuming, and the residents would not want it.

Commissioner McGeehen agreed with Commissioner Brooks. He would hate to see the level of service drop for the amount of money they are looking at.

Mayor Rostek asked about the number of employees sanitation is down. Director Wepfer said one, but she had five interviews this week. The Mayor asked how much turnover there was in the last two years. Director Wepfer could not give an exact number.

Vice Mayor Kerr said he did not want to outsource but did not want the sidearm loader on the trucks. The sidearm beats up the totes and would be an added expense for repair.

Director Wepfer said she spoke to Jacksonville Beach about their issues with the sidearm loader. They had issues because it is a contracted service. Madeira Beach has a Broyhill with a sidearm, and it is programmed to meet the needs of the totes the City has. They always had one person on the ground and one in the truck.

The City Manager said they would try it. Director Wepfer said the truck is on a lease, and if they do not like it, they can return it and go back to a rear loader. The City Manager said it gives the City 100% control of the collection.

Commissioner Tagliarini said he is in favor of sacrificing the \$150,000 for the well-being of the customers.

Director Wepfer said the entire crew goes out after a storm to clean up the City, which is not a level of service they would get from a contracted service. It would be an additional cost to the City.

The Consensus of the Board was not to outsource the garbage collection.

## **11. RECREATION DEPARTMENT**

### **A. Fitness Center**

Recreation Director Jay Hatch gave an overview of the preliminary numbers for the three-month trial open registration of the fitness center. He asked for direction from the Board and responded to questions and comments.

Director Hatch said they faced many challenges, and if they decide to move forward, he would need to look at more equipment and technology. He reviewed the fiscal impact it would have.

Vice Mayor Kerr said he is still opposed to it. It should be dedicated to staff, and the City should not be in the business of having this type of facility. Commissioner Brooks agreed. It was not a gym that was intended for the public; it was meant for the Fire Department. The grant for the equipment was for them.

Commissioner McGeehen disagreed. He has only heard positive feedback and wants to keep it for the residents.

Commissioner Tagliarini said he is sympathetic to the problems but wants to leave it as it is. Mayor Rostek agreed.

The consensus of the Board was to bring back the yearly cost to continue with the open registration.

### **B. City Sponsored Fireworks**



Director Hatch said last year's fireworks contract from the RFP was for one year with two one-year option renewals. He would like to renew the contract for an additional year. He listed the following dates for the 2024 fireworks:

- March 16<sup>th</sup> - Rotary Carnival
- May 4<sup>th</sup> - Grouper Gala
- July 3<sup>rd</sup> - Independence Day
- November 11<sup>th</sup> – Veterans Day

Commissioner Brooks said the two concerns she heard from residents were returning to the Fourth of July and getting the barge back. Director Hatch said the barge is more expensive and difficult to obtain, but the goal is to get one this year. The July 3<sup>rd</sup> date is more affordable and easier to obtain a barge. The company utilizes a company for barges. Having the fireworks on July 3 would make it easier to get a barge and easier to get the police. The fireworks would be more affordable, and they would not have to pay overtime for staff.

The consensus of the Board was to bring a contract with proposed dates back to the next regular meeting for approval.

Commissioner Tagliarini announced he attended the Institute for Municipal Elected Officials I (IMEO I) in Gainesville the past weekend. It was very informative. Commissioner Brooks said she and Commissioner McGeehen completed IMEO I and II. They should do an ordinance making it a requirement for newly elected officials to attend the training.

## **12. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 9:48 p.m.

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James “Jim” Rostek, Mayor

ATTEST:

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Clara VanBlargan, MMC, MSM, City Clerk