



MINUTES

BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING JUNE 28, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on June 28, 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
Eddie McGeehen, Commissioner District 3
Anne-Marie Brooks, Commissioner District 4

MEMBERS ABSENT: David Tagliarini, Commissioner District 1

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. Commissioner Tagliarini was absent.

3. PUBLIC COMMENT

Darren McClellan, president of Madeira Beach Youth Baseball and Softball, said they completed their spring season, and three of their teams made the state tournament, in which two were runners-up. That qualified them to go to the World Series. The City of Madeira Beach has been their title sponsor and has given money in the past to help with the cost. He hoped that would continue.

The consensus of the Board was to continue to support the league.

Christina Auton, 544 Johns Pass Avenue, said she has approximately 145 signatures in support of a change to the waterfront setback limitations in the Code.

Bill Howell, 497 Johns Pass Avenue, said there were allegations that the City has not followed code requirements for issuing building permits and collecting permit fees. He made the following points regarding a lawsuit filed against the Madeira Beach Town Center developers:

1. A required itemized total cost and certified estimate had never been submitted for the Cambria and two condominiums on 150th Avenue. For every million dollars underestimated, it costs the City \$25,000.
2. Condo B Development, LLC submitted a building permit that did not include a required site plan.
3. Madeira Hotel Investors submitted a purported lease for 35 parking spaces with Triangle Parking, LLC. The lease did not provide the required parking spaces because they were unavailable during the construction of Hotel B and the attached parking garage.

He asked the Board to consider asking the City Manager to investigate the allegations and report to the Commission at the next meeting.

The Mayor asked if they needed to address it. The City Manager said the lawsuit was between private entities. Commissioner Brooks said the City does internal checks and balances within the Building Department, and she does not see the value in going back to 2017. The Mayor asked the City Attorney if he thought the City would get involved in the lawsuit. The City Attorney said no, as of today.

Mr. Howell said the lawsuit referred to an agreement that was reached in February 2022. The City Attorney said the City is not a party to the agreement.

Vice Mayor Kerr said they should review Mr. Howell's comments to see if there is anything they should be concerned about from the City's standpoint.

Peter (? last name), 182 148th Avenue East, said there had been allegations of selective enforcement of code and encouraged the Board to consider looking to see if there was merit to them.

The Mayor asked the City Manager to look into it and report back.

Doug Andrews, 90 141st Avenue E., said they should let the courts or the state decide and then act accordingly. There is no reason the City Manager should look into something that happened five or six years ago. They should spend their time on things that need their attention.

Jason Hoch, Normandy Road, said he could not enjoy his backyard because there is no shade, and he has a setback issue. It is a major issue they need to address from a code perspective.

Bill Howell, 497 Johns Pass Avenue, asked the Board to tie the last two topics together. He refers to it as the preferred resident arrangement in Madeira Beach. He reviewed examples and documentation with the Mayor and City Manager where the City applied ordinances differently between two adjacent neighbors. It is a real issue needing cleaning up.

4. DISCUSSION ITEMS

A. Discuss Liveboard Vessels

Sergeant Ronald Blair, Pinellas County Sheriff's Office, said the biggest problem they have with other city ordinances is that their definition of a liveboard vessel does not match the state definition. Madeira Beach does match. The state defines a liveboard vessel as follows:

1. A vessel used solely as a residence and not for navigation.
2. A vessel for which a declaration of domicile has been filed. Sergeant Blair said he had never seen this.
3. A vessel used as a residence that does not have an effective means of propulsion for safe navigation. Sergeant Blair said it would be a derelict vessel and be handled criminally.

It is difficult to determine if a boat is used solely as a residence and not for navigation.

Mayor Rostek asked if Sec. 78-61(1) of Ordinance 2019-21, all liveboard vessels must be docked in a licensed marina facility located within the C-4 zoning district could be enforced if they can identify it. Sergeant Blair said yes. Currently, the City does not have any liveboard or derelict vessels.

Vice Mayor Kerr asked if there was anything a local ordinance could do about a boat anchoring indefinitely. Sergeant Blair said there was nothing a local ordinance could do until they identified the boat as a liveboard.

Vice Mayor Kerr asked if they had the ability to put a GPS tag on a vessel and be able to revisit it at a later time. Sergeant Blair said they have GPS locations to identify where the boat is, but they would need a search warrant for an active GPS location to see if a boat moved. Vice Mayor Kerr asked how they could help as a community. Sergeant Blair said if they see something they want investigated to call the Sheriff's Office.

Mayor Rostek opened to public questions and comments.

1. Were they citing dingy boats that did not have proper lighting? Sergeant Blair said they were.
2. Did the Board have plans to increase the density of liveboard vessels approved for the Municipal Marina? The City Manager said they could look into it. Brian Crabtree, the Marina Manager, said the Marina is full of what they can take on for liveboards. There is only one dock that can support them. The City Manager said they were not looking to expand the current footprint of the Marina.
3. Liveboards have an environmental impact. How can the sewage be addressed? Sergeant Blair said boats 26 feet and larger are required to have a marine sanitation device, and only the Coast Guard can regulate them. The Sheriff's Office can regulate the vessels that are required to have marine toilets. They can inspect the toilets to make sure they are

functioning properly, and they can inspect a pump-out service if there is one. The deputies must see waste being dumped in the water to enforce it.

4. Is there a way to mandate registrations or insurance requirements? Sergeant Blair said he did not know.
5. Vice Mayor Kerr asked if they passed something a few years ago requiring liveaboards to show receipts or documentation of pump-outs on a regular basis. Sergeant Blair said he did not know if there was anything in the City's ordinance, but there are mooring fields that require pump-out receipts to moor there. The Mayor said Sec. 78-6 (c) in Ordinance 2019-21 addresses it but does not specify if it is just in the Marina. Vice Mayor Kerr said it might be something to look into. Sergeant Blair said he would.

Commissioner Brooks did not think it was a good ordinance because the verbiage did not pertain to the boats that are anchored in the waterway. By definition, the boats out there are not liveaboards and cannot be enforced. Sergeant Blair said the state only allows cities to regulate liveaboards. The ordinance is enforceable but hard to enforce.

B. The City of Madeira Beach Master Plan and Land Development Regulations

The Item was moved from Item I. on the Agenda.

The City Manager said the City's goal is to update the Master Plan this year.

Andrew Morris, Long-Range Planner, gave a presentation on the following:

1. A brief overview of the Madeira Beach Master Plan.
2. Resolution 02.21 – Adopted the concept of the Master Plan.
3. Ordinance 984 – Proposed to amend multiple elements in the Comprehensive Plan to implement the 2002 Master Plan. It was voted down at the second reading.

Jerry Murphy, University of Florida and Planning Consultant to the City, presented how they might move forward with John's Pass Village. They may want to look at the overall community character as redevelopment moves forward. It is important to handle the redevelopment and keep the village working.

Mr. Murphy suggested looking at the Duany Plan, identifying the relevant provisions, and evaluating them. The results should be compiled and quantified during the vision planning process so the land development regulations can be implemented.

Mr. Murphy listed the following timeline considerations:

1. Budget
2. Grant Opportunities
3. Budget Planning and Hearings
4. Community Participation, Summer Vacations, and Absences

5. County, Regional, and State Involvements and Procedural Requirements

Vice Mayor Kerr asked what the first steps would be to move forward with it. Mr. Murphy recommended directing it to the Local Planning Agency as an issue for them to take up. Let them construct a scope to move forward to recommend to the Board. Commissioner Brooks agreed. They need to do something. If they do not, the City will continue to change haphazardly without architectural guidelines.

Vice Mayor Kerr asked how it would be proposed to the Planning Commission. Mr. Murphy said by motion. Then the City Manager would work with the Planning Commission Chairperson and Community Development staff to develop a process.

Mayor Rostek opened to public comment.

Peter (? last name), 182 148th Avenue E., said it is important to get it right. They need to start with a framework. They need a roadmap with guiding principles. They need to commit to the Master Plan as their vision, strategy, and legacy.

Chuck Dillon, 529 Lillian Drive, suggested seeing what has been approved in the Town Center and Marina through a three-dimensional view coming across the bridge and waiting on John's Pass so that what they have and what would be new would be blended.

The consensus of the Board was to have staff discuss and review and bring something back to the July or August Regular Meeting for direction to the Planning Commission.

C. City Dog Park Improvement Discussion

Recreation Director Jay Hatch said they had not committed any funding to the project. They are still in the research phase. He will obtain the true numbers to ensure the right decision is made at the right cost.

Commissioner Brooks said the Board had made it clear they wanted to listen to everyone, which they needed to. They will do due diligence based on community feedback, and when it is done, they will vote.

Vice Mayor Kerr said he had seen a lot of pushback on the price, not the idea of improving the area. Where is it on the priority list when they talk about that kind of money? Could it be done in phases so it is an improvement project over time, not a million-dollar dog park? He asked how often the park is used. The City Manager said daily.

Vice Mayor Kerr said he hoped to have quotes for the different areas come in so they could put the considerations in the discussions. Director Hatch said they would.

Commissioner McGeehen agreed the dog park could be used for special events, and it is not fair for dog owners to use it the way it is now. He said they had talked about a 10-year plan. There are

dog parks that serve beer and wine Friday, Saturday, and Sunday, where all the revenue goes toward the dog park. Money could be generated from advertising banners.

Commissioner Brooks suggested they get the quotes and see where the money can come from.

Mayor Rostek asked how much had been paid to develop the plans. Director Hatch said he did not have the figure in front of him. The Mayor thought they needed to focus on basic upgrades to the dog park. He would like to see them get the money together, get a plan, and then develop the plan with the funds. That way, they would not have to pay to modify a plan. He cannot support something so costly. He agreed with Commissioner Brooks that they should get the numbers, but it needs to be reasonable.

Mayor Rostek opened to public comment.

Greg Sorelle, Johns Pass Ave, agreed with the Mayor. Until the core government functions are efficient, it seems like there are massively misallocated resources. It should be tabled until they take care of what they need to.

Peter (? Last name), 182 148th Avenue E., said it would not become a big attractor to the City. It is a want, not a need. They need to make priorities.

Ron Vigil, 137th Avenue E., asked if they considered approaching the county for a joint venture in a state-of-the-art dog park across from McDonald's at Bicentennial Park. The City Manager said it is worthy of a discussion.

Bill Howell, Johns Pass Avenue, said Vice Mayor Kerr moved them in a good direction. It is a topic on how to prioritize limited resources. The Board needs to provide guidance to the City Manager on where to spend labor resources. The Fire Department will need labor resources which is more important than a dog park. He asked why the City does not pay for benefits for dependents of employees.

Commissioner Brooks said when someone speaks during public comment, they are supposed to speak about the topic, not other topics. She asked the Mayor to remind people when it happens. She did not appreciate someone allowed to talk disparagingly against the City Manager. She felt he does a great job.

Sandra McClernan, no address provided, said she was never informed when the dog park meetings were held. A list of suggestions she had was as follows:

1. They need an email and phone notification system, so all important meetings are out in the open.
2. A better use of funds would be a kiosk where all meeting documents can be easily available for residents. The system is broken, and they need to fix it.
3. They could use the money to fix the failed Boca Ciega project on 137th Ave.
4. They need to ask for donations and doing fundraisers for the dog park.
5. They need more parking spaces available for the meetings.

6. The dog park is too small for benches and would hinder the dogs from running. She suggested a water fountain and round tables with easily removable umbrellas.

Kevin Eggleston, 15400 Gulf Blvd, said the price tag is causing all the negative feedback. He is glad there are ideas and plans that would limit the City's costs and likes that there would be revenue potential. He suggested getting alternative ideas and pricing out to the community.

DonaJo Mathis, 137th Avenue Circle, said she is concerned about the price tag and the Astro Turf. Astro Turf is very hot on dogs' and people's feet. They need to think about how they will clean it. She suggested using sod.

D. Discuss Parcel located on 95th St. N.

The City Manager said the parcel is about three-quarters of a mile from the property the City currently leases. Two appraisals were obtained. The first was \$910,000, and the second was \$950,000. The property owners wanted a third appraisal, but he has not heard back from them. He asked the direction from the Board.

Vice Mayor Kerr said he thought it would be a good investment and thought they should speak to the owner before it goes on the market and someone else buys it. He would like a discussion after the owner gets their appraisal back.

Public Works Director Megan Wepfer said the intent was to stop leasing the 94th Street property. They would house all the sanitation trucks, equipment not used as often on the island, and Recreation Dept. items.

Commissioner Brooks asked if Director Wepfer thought building at the Marina would be something they would ever do. Director Wepfer said there is not enough property at the Marina.

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, asked if it was the property they had tried to purchase a long time ago. The City Manager said it was. Mr. Dillon thought it was a good idea.

The consensus of the Board was to get more information and report back.

E. City of Madeira Beach – Existing Boundaries of Election Districts

City Clerk Clara VanBlargan said a Charter Amendment was approved in March 2019 at the Municipal Election that required the Board of Commissioners every five years by ordinance to either change the existing boundaries of its districts or reaffirm the existing boundaries. Each district should contain the same number of electors as closely as possible. Because district boundaries exceed 15% in registered voters as of the last election, the change in district boundaries must be made within six months preceding the election to be effective for the March 2024 Municipal Election. By September 18, 2023, they have to adopt an ordinance making the change. They could bring something to the July workshop, bring it back for the first reading in August, and

have a second reading in September. They could use the new one for the March election, but if they do not, they would have to use the existing one.

Vice Mayor Kerr asked if it was a requirement or a suggestion. The City Attorney said it was a requirement. Vice Mayor Kerr asked who would propose the new district lines. The City Attorney said it would be a combination of the City Manager, City Clerk, and Planning staff. A recommendation would come back to the Board for consideration.

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

F. Beach Debris and Dune Protection

Community Development Director Jenny Rowan said the Pinellas County Sheriff's Department deputies informed them no provision in the Code allows them to enforce the disturbance of the dune systems, camping near the dunes, or commercial property on the beach. There have been false crawls and disturbances to nesting sea turtles due to commercial property not being put up at night, and they recommend adopting similar language from the St. Pete Beach Land Development Code into the Madeira Beach Code of Ordinances.

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

The consensus of the Board was it sounded reasonable.

G. Density and Intensity Consistency with Forward Pinellas

Director Rowan gave a PowerPoint presentation on the inconsistencies between the Code of Ordinances and the Forward Pinellas Countywide Plan.

To become consistent, they would need to do the following:

1. Clarify and reduce the temporary lodging units per acre and the floor area ratio by right
2. Clarify the requirements for the Alternative Temporary Lodging use standard
3. Clarify the floor area ratio is only for commercial use
4. Amend definitions to be consistent with the Countywide Plan.

Director Rowan said they provided drafts to Forward Pinellas to see if any other inconsistencies need to be changed, and they are awaiting a response. They plan to take it to the Planning Commission in July, and then it will come to the Board for a first reading and public hearing. It would then go to the state for their recommendation and back to the Board for second reading, public hearing, and adoption.

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, suggested doing it in three-dimensional to show what they have and what the potential is. John's Pass could develop after the rest of the City is defined.

H. 2 ½ foot setback to allow vegetation control

Marci Forbes, Community Development Engineer, explained the item and asked for feedback from the Board. She said a lot of residents want to use pervious pavers and artificial turf, but there is not anything in the Code that helps support it. They are trying to figure out how to implement it and be consistent with it. She asked the Board for guidance.

Vice Mayor Kerr asked if the City was looking at the grade when the pervious pavers and artificial turf were put in and if there were any restrictions. He asked where the two and one-half foot restriction came from. Director Rowan said because it is defined as a minor structure. A minor structure relates to an accessory structure, and accessory structures have a two and one-half foot setback.

Vice Mayor Kerr suggested redefining the structure.

Vice Mayor Kerr asked if there was a solution to bring gutters down below grade and back up in different areas if needed. Ms. Forbes said they work with people with newer homes to provide better outlets. Vice Mayor Kerr said it is the homeowner's responsibility to show how they will manage stormwater. Ms. Forbes agreed it falls on the permittee on how it gets installed, and they need to be respectful of the drainage.

Commissioner Brooks said it would be nice if they looked at the definitions and updated them.

Mayor Rostek opened to public comment.

Chuck, 529 Lillian Drive, said people need to be responsible for their property even if they must put a foot-high wall on the edge of their property.

Bill Howell, Johns Pass Avenue, said the issue is enforcement, which they desperately need done in a consistent manner.

David Slosser, 494 Crystal Drive, said the two and one-half feet setback was not intended to help or be associated with drainage. He sent each Commissioner an email and hoped they would read it.

I. The City of Madeira Beach Master Plan and Land Development Regulations

The Item was moved to Item B. on the Agenda.

J. Planned Development

Vice Mayor Kerr asked the following questions:

1. What part of planned development overrides zoning?
2. What parts of zoning cannot be overwritten by planned development?
3. Does zoning go out the window if you get a planned development approved?

Director Rowan said they must still adhere to the Comprehensive Plan's future land use. The setbacks and the heights are defined in the PD section but can be adjusted by the PD process. The units per acre cannot be adjusted.

Director Rowan said the Comprehensive Plan shows the permitted uses, intensity, density, and ISR. Vice Mayor Kerr said the setbacks and the heights are the big pieces that are adjustable.

The Mayor said they needed to get the residents' input and take it seriously. Everyone needs to make concessions.

There was a brief discussion on ways to get meeting notices out to the public.

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

K. FY 2023 Audit Engagement Letter

Finance Director Andrew Laflin said the City selected the audit firm James Moore and Company through an RFP in 2020. The contract provided a three-year audit with two one-year options. This is the first one-year option period, and James Moore and Company provided a proposed engagement letter. He recommended moving forward with year four with the firm.

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

The consensus of the Board was to put it on the agenda for the next regular meeting for formal approval.

L. City Manager's Report for May 2023

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

The City Clerk said the due date for the public bid opening for the RFQ for a City Attorney is Friday, July 7th, at 3:00 p.m. They need to schedule the evaluation review.

The consensus of the Board was to bring the proposals to the July 26th regular workshop and schedule interviews based on their schedules at that time.

The City Attorney said the Appellate Court found in favor of the City and the developer in the Schooner litigation. The appeal was dismissed, and he will provide a written order to the Board. If the plaintiff, Mr. Burke, wishes to pursue a further appeal, there would be one more step.

The City Manager said the county is requesting a response to a letter requesting participation in the Community Development Block Grant Program by July 1st.

The consensus of the Board was to have the City Manager respond to the letter and ratify his action at the July 12th regular meeting.

5. ADJOURNMENT

Mayor Rostek adjourned the meeting at 10:15 p.m.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

DRAFT