

## VanBlargan, Clara

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**From:** jdouthirt@aol.com  
**Sent:** Wednesday, July 26, 2023 11:13 AM  
**To:** rgomez@madeirabeachfl.gov; cvanblargan@madeirabeachfl.gov; jrosteck@madeirabeachfl.gov; rkerr@madeirabeachfl.gov; emcgeehen@madeirabeachfl.gov; abrooks@madeirabeachfl.gov; dtagliarini@madeirabeachfl.gov  
**Cc:** qtmaster2@tampabay.rr.com  
**Subject:** [e] THE CITY SHOULD INVESTAGE  
**Attachments:** RE Gay vs Madeira Beach Town Center (1).pdf; Impact Fees Credit Condo B.pdf; Impact Fees Credit Condo B.pdf; TRASK TOWN CENTER.pdf; CONDO A.pdf

Honorable Mayor and Commissioners,

I've been a part of the Madeira Beach community for many years and have served as commissioner and Vice Mayor of the City. I'm concerned about what I saw at a recent commission meeting. A citizen asked the commissioners if they wanted to investigate the failure of the City to enforce its ordinances as it says in the lawsuit against the developers of Town Center. As I read it, it says that the City didn't get construction estimates so the permit fees couldn't be calculated correctly. The fee the city gets is based on the amount of the certified construction estimate. There is also a claim that the original plan that was approved was changed without Commission approval.

Some people on the dais tried to place the blame on something that happened in 2016...that's only partly true. Mr. Trask said "This happened in 2016 and 2017 when the project was being reviewed. Way before all of us". At that time, in 2016 and 2017, Mr. Trask was city attorney and advised the City when the Town Center development and rezoning was approved in 2017. As you may or may not know, the court ruled that the city failed to follow its ordinances and ruled against the City. The case was dismissed because the parties settled the case. What the judges said was that the City failed to follow its own code in 2017. That didn't change.

This is not "old news" as one commissioner put it. And this is not just about 2017. If you read the lawsuit it is plain that it deals with decisions by the City attorney and planning department for the last 3 years and those decisions continue to be made. Right now a proposed hotel that apparently violates the city codes and recorded agreements is advertised on the internet to be built on the former Brown Boxer site. If you doubt it, please read the lawsuit and look at the website.

During a meeting on June 28 Mr. Trask was asked whether the city should investigate the City's part, if any, in the developer lawsuit. Mr. Trask didn't tell the Commission that he had *already* investigated the issues just the day before. According to an email, on June 27, Mr. Trask met with City employees, Robin Gomez, Jennifer Rowan, Frank DeSantis and Marci Forbes about the developer lawsuit. I believe that Mr. Trask and Mr. Gomez should have told the commission what they discovered and should be transparent with the City and the residents. I hope that the Commission asks Mr. Trask to explain the results of his investigation at the next meeting. I have also made a public records request for the information.

Then, I found something even more disturbing. In the attached email, the City Attorney in response to a request by Jennifer Rowan okayed that "the developer can apply" for almost \$75,000 in impact fee waivers. Impact fees that otherwise would have been paid to the City by the developer. I'm not sure

why the City attorney didn't know that City ordinances require all applications for exemptions or waivers of impact fees to be made before the building permit is issued. Code §92.57(c) states: If an applicant fails to claim a credit prior to applying for a building permit, *the request for credit is automatically waived.*

All of the impact fee waivers were asked for after the permit was issued. One request was made almost two years after the permit was issued. Since the waiver was granted last year, is there a commissioner who's going to say that's "old business" too? And, where are the checks and balances by Mr. Laflin, the City's Treasurer? Is it possible for an outside attorney and an employee to waive \$75,000 in impact fees for a developer without any oversight, if there was any?

By the way, for some time, Mr. Trask and his firm have billed the city his hourly rate for travel time in the county even though his retainer agreement states that only "out of county travel" is billable and, then only for costs, not an hourly fee. It is my understanding that a commissioner in Tarpon Springs also raised that same issue last year with Mr. Trask. Mr. Trask's firm resigned from Tarpon Springs shortly after.

I'm not sure the Commission knows that Mr. Trask and his firm are representing Mr. Hendricks, Mr. Andrews and Ms. Hodges in the Sunshine case resulting from Mr. Trask having private interviews with the Commissioners at City expense, even though the city's insurance company is paying for an attorney to represent them at no cost to the City. Please ask Mr. Trask whether they will have to pay the city back for the thousands of dollars Mr. Trask's firm has been paid by the taxpayers if they lose the case. If the Commission chooses to continue to pay Mr. Trask's firm to continue representation, it can still select another City Attorney while Mr. Trask's firm continues to represent Hendricks, Andrews and Hodges.

Finally, I hope that all of the interviews for City Attorney are done in public as they always were before Mr. Trask was appointed without a public interview.

I've been where you are. It's tough up there. And I was at the losing end of a 4-1 vote a lot. In fact, I was on the losing end of the 4-1 vote when Mr. Trask was appointed interim City Attorney. I included a memo to the file which I wrote before that vote.

The last thing we elected officials want to find out is that something is wrong with our City because we're all proud of it and our dedicated employees. I wrote this email hoping that it will make a difference. The residents and I will be watching.

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**From:** Jenny Rowan Jrowan@madeirabeachfl.gov  
**Subject:** RE: Gay vs. Madeira Beach Town Center

**Date:** June 20, 2023 at 11:33 AM

**To:** Marci Forbes MForbes@madeirabeachfl.gov, Tom Trask tom@cityattorneys.legal, DeSantis, Frank fdesantis@madeirabeachfl.gov  
**Cc:** Robin Gomez RGomez@madeirabeachfl.gov, Kathy Tokos Kathy@cityattorneys.legal



I am available the 27<sup>th</sup> at 10am.

**Jenny Rowan, CFM**  
Community Development Director  
City of Madeira Beach  
(727)391-9951 x 255

**From:** Marci Forbes <MForbes@madeirabeachfl.gov>  
**Sent:** Tuesday, June 20, 2023 11:24 AM  
**To:** Tom Trask <tom@cityattorneys.legal>; Jenny Rowan <Jrowan@madeirabeachfl.gov>; DeSantis, Frank <fdesantis@madeirabeachfl.gov>  
**Cc:** Robin Gomez <RGomez@madeirabeachfl.gov>; Kathy Tokos <Kathy@cityattorneys.legal>  
**Subject:** RE: Gay vs. Madeira Beach Town Center

Yes, I can make the date and time.

Marci L. Forbes, PE, CFM

**From:** Thomas Trask <tom@cityattorneys.legal>  
**Sent:** Tuesday, June 20, 2023 11:15 AM  
**To:** Jenny Rowan <Jrowan@madeirabeachfl.gov>; Marci Forbes <MForbes@madeirabeachfl.gov>; DeSantis, Frank <fdesantis@madeirabeachfl.gov>  
**Cc:** Robin Gomez <RGomez@madeirabeachfl.gov>; Kathy Tokos <Kathy@cityattorneys.legal>  
**Subject:** [e] Gay vs. Madeira Beach Town Center

Jenny, Marci and Frank,  
I have attached a Complaint that was filed against Madeira Beach Town Center by Mr. Gay. The City is NOT a party to that lawsuit. I'd like you to review the Complaint and meet with me during my office hours on June 27th to discuss it. Please let me know if all of you can meet at 10:00. 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)

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## Application

### Impact Fees for Prior Development of Property

Project: Condo B

Prior development type: Retail

Area of prior development: 13,426 square feet\*

Credit calculation: \$3.396 per square foot for Retail\*\*

Credits awarded: \$45,594.70\*\*\*

Impact fee for development as determined in the Development Agreement: \$47,424.00\*\*\*\*

Amount due for impact fees: \$1,829.30

Applicant Name: Town Center Condo B Development LLC

Applicant Signature: [Signature]

William Karns  
Manager

Date: 10/21/22

City Staff Name: Jennifer Rowan

City Staff Signature: [Signature]

Date: 10/24/22

\*Area determined by demolition permit

\*\*Credit per square foot determined by section 13.0 in Development Agreement

\*\*\*13,426 square feet multiplied by \$3.396 is \$45,594.70

\*\*\*\*Section 13.0 Impact Fees in Development Agreement for Condo B is \$54,912.00 divided by original number of units (44) is \$1,248.00 per unit. Permit indicates 38 condo units. 38 units multiplied by \$1,248.00 is \$47,424.00



## Application Impact Fees for Prior Development of Property

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Manager

Date: 10/21/22

City Staff Name: Jennifer Rowan

City Staff Signature: [Signature]

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**From:** <MAILER-DAEMON >  
**Subject:** FW: [e] Town Center impact fee credits  
**Date:** July 26, 2022 at 4:49 PM  
**To:** Portal, Sue SPortal@madeirabeachfl.gov



M

**Jenny Rowan, MA, CFM**  
Senior Planner  
City of Madeira Beach



**From:** Thomas Trask <tom@cityattorneys.legal>  
**Sent:** Tuesday, July 26, 2022 4:47 PM  
**To:** Portal, Linda <lportal@madeirabeachfl.gov>  
**Cc:** Jenny Rowan <jrowan@madeirabeachfl.gov>; Robin Gomez <RGomez@madeirabeachfl.gov>  
**Subject:** RE: [e] Town Center impact fee credits

Linda,

I have read 13.0 of the DA. It is my opinion that the developer can apply for credits for development previously permitted on the property. You can confirm the numbers by reviewing the calculations that were done when the DA was being negotiated. I'm sure there is something in the Planning Department files. You can also have IT search for emails between me and the Planning Department as I believe I was the one drafting the DA and that information would have been discussed in detail. When I left the City Atty position in June 2017 I dropped off all my files at City Hall for retention. Therefore I cannot search my file to confirm the calculations. Tom

Thomas J. Trask, Esquire  
Board Certified in City, County and Local Government Law  
AV Preeminent® Rated Attorney  
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TRASK DAIGNEAULT, LLP  
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1001 South Fort Harrison Avenue, Suite 201  
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**From:** Portal, Linda <[lportal@madeirabeachfl.gov](mailto:lportal@madeirabeachfl.gov)>

**Sent:** Monday, July 25, 2022 3:15 PM

**To:** Thomas Trask <[tom@cityattorneys.legal](mailto:tom@cityattorneys.legal)>; Jenny Rowan <[jrowan@madeirabeachfl.gov](mailto:jrowan@madeirabeachfl.gov)>; Robin Gomez <[RGomez@madeirabeachfl.gov](mailto:RGomez@madeirabeachfl.gov)>

**Subject:** Town Center impact fee credits

It is time to collect the impact fees for Condo A and Condo B will come soon. Although Condo B was built first, the regulations at the time of permitting required the project to pay fees prior to issuance of the CO. Since April, the requirements are for impact fees to be paid prior to the issuance of the building permit and so Condo A is asking for direction on the amount owed now that the building is being reviewed. The question has risen as to the interpretation of Section 13.0 of the development agreement that states as follows:

13.0 Impact fees. The City has estimated the impact fees that the Developer shall pay to the City as follows, subject to credits issued for prior development of property:

The property owner thinks the statement indicates that the following list of charges already includes consideration of credits for prior development, while the developer thinks the phrase indicates he can apply for credits for development previously permitted on the property, including any square footage demolished to make way for the new development. What is your interpretation?

Let me know as soon as possible as the developer is anxious to secure the building permit.

Thank you.

**Linda Portal, MPA, CFM**

Community Development Director - Madeira Beach

300 Municipal Drive,  
Madeira Beach, Florida 33708

Office: (727) 391-9951, Ext. 255

Email: [lportal@madeirabeachfl.gov](mailto:lportal@madeirabeachfl.gov)

Website: [Madeirabeachfl.gov](http://Madeirabeachfl.gov)



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**Linda Portal, MPA, CFM**

Community Development Director - Madeira Beach

300 Municipal Drive,  
Madeira Beach, Florida 33708

Office: (727) 391-9951, Ext. 255  
Email: [lportal@madeirabeachfl.gov](mailto:lportal@madeirabeachfl.gov)  
Website: [Madeirabeachfl.gov](http://Madeirabeachfl.gov)



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## Application

### Impact Fees for Prior Development of Property

**Project:** Condo A

**Prior development type:** Retail

**Area of prior development:** 8,032 square feet

**Credit calculation:** \$3.396 per square foot for Retail\*

**Credits awarded:** \$27,276.67\*\*

**Impact fee for development as determined in the Development Agreement:** \$33,696\*\*\*

**Amount due for impact fees:** \$6,419.33

Applicant Name: Willie

Applicant Signature: [Signature] Date: 8-3-22

City Staff Name: Jenny Rowan

City Staff Signature: [Signature] Date: 8/3/22

\*Credit per square foot determined by section 13.0 in Development Agreement

\*\*8,736 square feet multiplied by \$3.396 is \$27,711.36

\*\*\*Section 13.0 Impact Fees in Development Agreement for Condo A is \$44,928.00 divided by original number of units (36) is \$1,248 per unit. Permit indicates 27 condo units. 27 units multiplied by \$1,248 is \$33,696.

[Properties Map and Map Panel](#)[Sales View](#)[History View / Reports](#)[View Search](#)[View Collection / Home Page](#)[Contact Us](#)**09-31-15-00000-140-2000**

Compact Property Record Card

[Tax Estimator](#)**Updated August 3, 2022**[Email Print](#)[Radius Search](#)[FEMA/WLM](#)**Ownership/Mailing Address** [Change Mailing Address](#)CONDO A COMPANY LLC  
410 150TH AVE STE H  
MADEIRA BEACH FL 33708-2000**Site Address (First Building)**394 150TH AVE  
MADEIRA BEACH

Jump to building (1) 394 150TH AVE ▾

[Property Use](#) 1121 (Strip Store - (2 or more stores))

Current Tax District: MADEIRA BEACH (MB)

Total Heated SF: 8,224 Total Gross SF: 8,736

[\[click here to hide\] Legal Description](#)

PART OF SEC 09-31-15 DESC AS FROM NW COR OF TRACT B MADEIRA BEACH COMMERCIAL CENTER TH N88D04'07"E 169.4FT TH N88D04'07"E 88.6FT TH S01D55'53"E 200 FT TH N88D04'07"E 268.46FT TH N62D54'59"E 21.34FT TH N43D51'28"E 160.76FT TH CUR RT RAD 505FT ARC 68.1FT CB N47D43'17"E 68.05FT TH CUR LT RAD 495 FT ARC 66.76FT CB N47D43'17"E 66.71FT TH N43D51'28"E 98.95FT FOR POB TH N43D51'28"E 300.64 FT TH N46D08'32"W 127.52FT TH S55D32'50"E 8.58FT TH S45D37'39"W 140.68FT TH S20D04'46"W 13.78FT TH S43D53'18"W 28.43FT TH S89D52'12"W 37.81FT TH S48D07'11"W 84.5FT TH S46D08'32"E 156.64FT TO POB

[File for Homestead Exemption](#)**2022 Parcel Use**

Exemption	2022	2023	
Homestead	No	No	Homestead Use Percentage: 0.00%
Government	No	No	Non-Homestead Use Percentage: 100.00%
Institutional	No	No	Classified Agricultural No
Historic	No	No	

**Parcel Information** [Latest Notice of Proposed Property Taxes \(TRIM Notice\)](#)

Most Recent Recording	<a href="#">Sales Comparison</a>	<a href="#">Census Tract</a>	Evacuation Zone	Flood Zone	Plat Book/Page
21418/0810	<a href="#">Sales Query</a>	121030278011	(NOT the same as a FEMA Flood Zone) A	(NOT the same as your evacuation zone) Current FEMA Maps	

**2022 Preliminary Value Information**

Year	<a href="#">Just Market Value</a>	<a href="#">Assessed Value / Non-HX Cap</a>	<a href="#">County Taxable Value</a>	<a href="#">School Taxable Value</a>	<a href="#">Municipal Taxable Value</a>
2022	\$2,311,600	\$2,311,600	\$2,311,600	\$2,311,600	\$2,311,600

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

Year	<a href="#">Homestead Exemption</a>	<a href="#">Just Market Value</a>	<a href="#">Assessed Value</a>	<a href="#">County Taxable Value</a>	<a href="#">School Taxable Value</a>	<a href="#">Municipal Taxable Value</a>
2021	No	\$1,398,400	\$1,398,400	\$1,398,400	\$1,398,400	\$1,398,400

**2021 Tax Information**

2021 Tax Bill	Tax District: MB
2021 Final Millage Rate	17.1166

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

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

Sale Date	Book/Page	Price	Q/U	V/I
01 Mar 2021	21418 / 0810	\$2,525,000	U	I
18 Aug 2016	19312 / 1609	\$8,150,000	M	I
31 Dec 1996	09583 / 0127	\$2,300,000	U	I

**2022 Land Information**

Seawall: No

Frontage:

View: None

<a href="#">Land Use</a>	<a href="#">Land Size</a>	<a href="#">Unit Value</a>	<a href="#">Units</a>	<a href="#">Total Adjustments</a>	<a href="#">Adjusted Value</a>	<a href="#">Method</a>
Stores, 1 Story (11)	96 1x140	65.00	40832.0000	1.0000	\$2,654,080	SF

[\[click here to hide\] 2022 Building 1 Structural Elements](#) [Back to Top](#)

Site Address: 394 150TH AVE

[Compact Property Record Card](#)

Building Type: Shopping Centers

Quality: Average

Foundation: Continuous Footing

Floor System: Slab On Grade

Exterior Wall: Concrete Block

Roof Frame: Wood Frame/Truss

Roof Cover: Built Up/Composition

Stories: 1

Living units: 0

Floor Finish: Carpet Combination

Interior Finish: Plaster Ed Direct

Fixtures: 16

Year Built: 1956

Effective Age: 66



Cooling: Heat &amp; Cooling Pkg

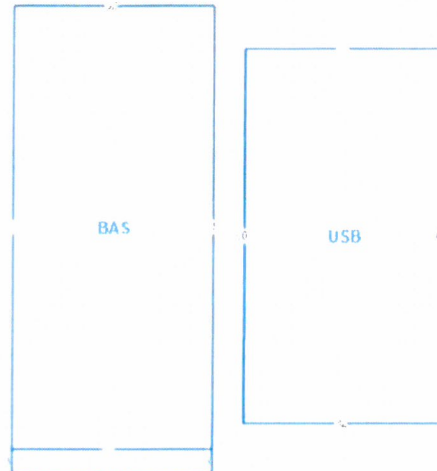
## Building 1 Sub Area Information

Description	Building Heated SF	Gross Area SF
Utility Unfinished (UTU)	192	192
Canopy (only or loading platform) (CAN)	0	384
Base (BAS)	3,840	3,840
Total Building Heated SF: 4,032		Total Gross SF: 4,416

[click here to hide] 2022 Building 2 Structural Elements [Back to Top](#)

Site Address: 388 150TH AVE

Building Type: **Offices**  
 Quality: **Average**  
 Foundation: **Continuous Footing**  
 Floor System: **Slab On Grade**  
 Exterior Wall: **Concrete Block**  
 Roof Frame: **Gable Or Hip**  
 Roof Cover: **Rolled Roofing**  
 Stories: 2  
 Living units: 0  
 Floor Finish: **Carpet Combination**  
 Interior Finish: **Plastered Furred**  
 Fixtures: 10  
 Year Built: 1959  
 Effective Age: 63  
 Cooling: Heat & Cooling Pkg

[Open plot in New Window](#)[Compact Property Record Card](#)

## Building 2 Sub Area Information

Description	Building Heated SF	Gross Area SF
Upper Story (USB)	1,920	1,920
Open Porch (OPE)	0	128
Base (BAS)	2,272	2,272
Total Building Heated SF: 4,192		Total Gross SF: 4,320

[click here to hide] 2022 Extra Features

Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
CONC PAVE	\$0.00	704.00	\$0.00	\$0.00	0
ASPHALT	\$0.00	31,700.00	\$0.00	\$0.00	0

[click here to hide] 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
BC20220315	NEW IMPROVEMENT	15 Apr 2022	\$482,000
DEMO20220254	DEMOLITION	30 Mar 2022	\$2,240
P5050	PLUMBING	05 Oct 2020	\$700
DEMO4278	DOCK	12 Dec 2019	\$0
2079	TPP USE	14 Nov 2017	\$436
BC2018	MISCELLANEOUS	20 Oct 2017	\$3,000
PER-H-CB205315	ADDITION/REMODEL/RENOVATION	21 Oct 1999	\$37,500
98105	CANOPY	23 Mar 1998	\$9,661





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