



## MINUTES

### BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING JULY 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 July 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. Presentation – Selah Freedom – Raising Awareness to End Sex Trafficking**

Cassie Brewer, Selah Freedom Awareness and Development Coordinator, gave a presentation on raising awareness to end sex trafficking. Hilda Arreola, Selah Freedom Prevention Coordinator, responded to questions and comments from the Board.

##### **B. Discuss/Review Commission Meeting Public Comment Section**

Vice Mayor Kerr said he did not feel giving an exact address should be required. He suggested people state whether they are Madeira Beach residents and, if they are, state which district they live in and who they represent. City Attorney Tom Trask said there is no legal reason or requirement for anyone to state their name, address, or where they reside.

The City Attorney said he and the City Manager would draft the wording and bring it back to the Board in the form of a resolution.

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

The consensus of the Board was to change the wording in the BOC Handbook to include Madeira Beach resident, non-resident, business owner, and district.

### **C. Legal/City Attorney RFQ Review**

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

Commissioner Tagliarini recommended sending the RFQ out again as soon as possible and to more platforms.

Vice Mayor Kerr asked if the City was contacted by any firms that were not able to submit in time. Commissioner Tagliarini said he received an email from a lawyer.

Commissioner Brooks said she had a problem putting it back out because the two firms that submitted did their due diligence, and they were not interviewed. She thought they should interview them.

Public Works Director Megan Wepfer explained how DemandStar works. The software shows the number of broadcasts, the number of downloads, and the number of submittals.

The Mayor read two emails received by the Board earlier in the day. The City Manager and City Attorney responded to questions and comments from the Board.

Vice Mayor Kerr asked the City Attorney for estimated hours worked to make a financial comparison. The City Attorney said he would provide the retainer and litigation time.

The consensus of the Board was to conduct a public interview with both candidates at the August 23<sup>rd</sup> workshop and vote at the following regular meeting.

### **D. City of Madeira Beach – Changing Existing Boundaries of Election Districts to Equalize as nearly as possible the number of Electors in each District**

The City Clerk explained the item. The number of voters changes all the time, but the number of voters in the last election is what was used.

The City Clerk asked the City Attorney if the new district maps would be used for the next election or the following election. The City Attorney said it would take effect the following election.

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

The consensus of the Board was to have the City Attorney draft an ordinance for the August 9<sup>th</sup> regular meeting for first reading and public hearing.

#### **E. Health Insurance, Benefits, and Salary Increase for Commissioners**

The City Clerk said changes must be made before six months of swearing in the new commissioners at the next election. If the Board adopts an ordinance in September, it will take effect for the March 2024 election.

Commissioner Tagliarini said they might be able to attract more youthful candidates if they offered health care benefits.

The City Manager said they would budget the same amount they do for employees. Commissioner Brooks said it seemed like a lot of money to spend.

Vice Mayor Kerr asked if there could be an option to forego the salary for the benefits. The Mayor liked the idea. The City Attorney said they would need to draft the ordinance that way.

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

The consensus of the Board was to have the City Attorney draft an ordinance and bring it back to the Board at the next meeting.

#### **F. Tom & Kitty Stuart Park parking and landscaping**

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

The City Manager said he communicated with the contractor for the property to the south of the park, and he was sure the owner would be willing to collaborate on the landscaping. Public Works met with a landscaper to review ideas. He thought a possible solution might be to approach the business to the north and work out a collaboration on a public restroom.

Director Wepfer gave an update on the plans for the landscaping and bathroom trailer.

The Mayor said he would like to do a trial of two resident-only parking spaces in the park to see how it works. Vice Mayor Kerr did not see why they would want to throw away the revenue and was not in favor of it.

The consensus of the Board was to continue the discussion at the next meeting.

#### **G. Fitness Center Public Usage**

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

Recreation Director Jay Hatch explained the item and the estimated costs associated with opening the fitness center to the public. He responded to questions and comments from the Board.

Commissioner Tagliarini recommended a trial period for residents only. Commissioner McGeehen agreed.

Commissioner Brooks asked how it would work when the Fire Department uses it. Director Hatch said there would need to be set hours. The City Manager said the Fire Department would be the priority. Commissioner Brooks said they need to be mindful of the Fire Department; it is there for them. Vice Mayor Kerr agreed and said it would benefit few but would be an expense for all.

Fire Chief Clint Belk said he would ideally like to keep it for City staff and the firefighters. He did not know if anyone would be allowed to use the equipment because it was purchased with a grant. The City Attorney said they would need to look at the grant agreement for provisions.

The consensus of the Board was to have the City Attorney look at the grant agreement and bring it back to another meeting.

#### **H. Facility Use Contract – The Spring Games, LLC**

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

Director Hatch said Madeira Beach has hosted Division 1 college softball tournaments since about 2015. The Spring Games, LLC organizes the tournaments and has expressed interest in utilizing the facility in 2024. The City Attorney and staff put together a contract to continue working with them.

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

#### **I. FY 2023 Update to Fees & Collection Procedures Manual**

Finance Director Andrew Laflin explained that every year each department proposes potential updates to the Fees and Collection Procedures Manual. He listed four major areas with fee updates:

- Development Services
- Parking
- Sanitation
- Marina

If the Board is in agreement with the changes, it would need to be ratified through an ordinance which would be brought back at the August meeting for first reading and public hearing. The new fee would take place October 1<sup>st</sup>.

Vice Mayor Kerr asked why they would want to charge for the conversion of a nonconforming non-habitable area into a habitable area. It is an impact fee, and he is against it. Director Rowan said it was an application that would need to go to the Special Magistrate. If the Special Magistrate granted the application, then a building permit would be required. If the building permit is received, then the impact fee will be charged. It is being added to Article II. Development Services, B. Special Magistrate Hearings in order to make the fee schedule more specific.

Vice Mayor Kerr asked about the \$75 replacement totter fee. Director Wepfer said a lot of totters were stolen and could not be tracked by the serial number, but residents could put their addresses on them.

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

The consensus of the Board was to move forward with the item.

### **J. Frontier Phone Lines**

Vice Mayor Kerr said he understands there are copper phone lines that are no longer serviced and asked for them and the rusted junction boxes to be removed.

Director Wepfer said Frontier is not allowed to work in the City because of damages they caused in 2022. They were stopped in the middle of undergrounding. The City Attorney said he has been working to get the City paid what they are owed for the road repair. He was asked by their attorney if Frontier would be allowed to begin applying for permits for work in the City if the money was paid. He was told by the City Manager they could. He is expecting a check shortly. If they do not get paid, then a meeting will be set up between all parties. If they still do not get paid, then he will ask for authority from the Board to file suit against Frontier.

Director Wepfer said Frontier would want to finish the undergrounding, but she will work with them on cleaning up the lines. The Mayor asked what they would do about the junction boxes that were left in people's yards. Director Wepfer said she did not know if Frontier knew they had left them.

Vice Mayor Kerr asked if residents were using the copper lines. Director Wepfer said when lines are no longer being used, they are left abandoned. The Vice mayor said he would be amenable to them removing the cans and cutting the lines six inches below the ground.

### **K. Election Sign Options**

Vice Mayor Kerr said election signs are an issue during election season and asked if they could incentivize it so candidates sign off on not purchasing yard signs. The City could offer other types of marketing for the candidates.

The City Attorney said people have the legal right to have yard signs as long as they meet the sign code. They could provide direction in the election packet that candidates would agree not to do

certain things. There is a state statute that says the City cannot use City resources or funds to promote a candidate.

## **L. Shade Structures**

Marci Forbes, Community Development Engineer, gave a presentation on what was brought before the Planning Commission regarding shade structures. She listed questions to consider if the City decided to begin permitting shade structures as follows:

- Defining “shade structure” and/or “sun shelter,” with differentiation between shades that are free-standing structures, attached to & extend out from the house or retractable styles.
- What setbacks would be applicable to the structure?
- What is the allowable square footage and height?
- Would construction be limited to four minimally sized posts composed of what type of material?
- The structure would have no walls.
- What roof material would be allowed?
- If other than an official “chickee hut,” what permit design documents would be required?
- How will the allowance of these structures be viewed by FEMA, and what impact could it have on our community Rating System (CRS)?
- Visibility for neighboring properties.
- Potential for more outdoor kitchens.
- What to do with the shade structures that are already built and unpermitted?

Ms. Forbes said permitting would need to take into consideration the maximum area of a lot or parcel to be covered and the site location. Staff asked for direction from the Board.

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

Commissioner Tagliarini asked if there was a complaint that got it started. Director Rowan said there had been multiple complaints. Commissioner Tagliarini asked if a chickee hut was like a tiki hut. Director Rowan said it is very similar but is not subject to Florida Building Code. It must be permitted to meet zoning codes and cannot have power or water. Currently, there is nothing in the Code that allows for a shade structure.

Commissioner Tagliarini said people should be able to have a shade structure. Commissioner McGeehen agreed as long as they were within limits. The Mayor said the setback on the smaller lots does not allow room for them.

Ms. Forbes said they would reach out to the Florida Department of Emergency Management, the State Floodplain Management Office, and the county for feedback before drafting something up.

Mayor Rostek opened to public comment.

Michelle Helms, 546 Johns Pass Avenue, said she was not in favor of it. She explained her experience with the Building Department when she rebuilt her home and now her experience with her neighbor erecting a very large tiki hut in their backyard.

The Mayor suggested having a discussion about concealing the structures with natural landscaping.

An unidentified speaker said she was the neighbor who had the problem. She put in areca palms to block the view of the very large tiki hut, and Ms. Helms also planted palm trees. She is fighting for everyone to have outdoor space.

Vice Mayor Kerr thought someone at the Planning Commission meeting mentioned the view triangle. The idea is the same as putting a dock or boat lift in the center third and having your neighbors sign off on it. Director Rowan said they wanted to research it more.

The consensus of the Board was to have Community Development bring back specifications from other cities for more discussion.

#### **M. Development Agreement Process**

Vice Mayor Kerr said they need to review, approve, or amend the process. The Board needs to become involved in what is proposed early in the design process. Once plans and specs have been approved in a Planned Development, that is what is approved, and staff should not have the authority to change it. The Board needs structure in what they want in return in a Planned Development Agreement.

Director Rowan said they could look at it. She would need direction from the City Attorney because it is a contract. She would rely on the City Attorney for any changes in a Planned Development Agreement.

Commissioner Brooks thought they needed to rely on staff to guide them during the process because they needed to get the most out of the developer. A lot of communication is the key. Vice Mayor Kerr agreed.

Commissioner Tagliarini said some people do not think planned developments are needed, but they should have what the City would want in a chart like Mr. Hudson presented when he was on the Board.

The City Attorney said it is not a free-for-all, and there are things called illegal exactions. You cannot tell a developer to pay for items that do not have anything to do with what is being developed, or the City will get sued. They could probably look at the credit suggestion.

The City Attorney said a planned development and a development agreement are not the same things. A planned development is a development that is being proposed that does not necessarily fit within the zoning category. The changes requested by the developer to fit within the zoning category are done in a site plan. The development agreement includes the site plan and other provisions that would protect the City. Any change or amendment to a development agreement is treated as if it is a new development agreement, and the process would start over.

Mayor Rostek opened to public comment.

Dave Hutson, 15308 Harbor Drive, listed the items he included in his chart when he was on the Board. If the Board would get the development agreement early, the citizens would hear about it sooner, and they would get buy-in earlier, making it easier on everyone.

#### **N. City Manager's June 2023 Report**

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

The City Attorney said the attorney representing the City in the case of Madeira Beach versus Overture Realty received a settlement offer and is requesting a Shade meeting. He would like to set the meeting for August 9<sup>th</sup> at 5:00 p.m. before the workshop meeting and asked the Board for approval. The Commission approved.

Commissioner Brooks spoke in reference to a comment made at the end of the last meeting to the citizens regarding her comment about a select few bullies.

Commissioner Brooks said she was appointed to serve on the Tampa Bay Regional Planning Council, and their first meeting in June was canceled because they did not have a quorum. The next meeting is scheduled for August 14<sup>th</sup>. She applied for and was appointed to the Pinellas County Charter Review Committee, and the first meeting is scheduled for August 16<sup>th</sup>. She will give an update on both meetings at the next workshop.

#### **5. 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