



MINUTES

BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING OCTOBER 25, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on October 25, 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
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

Bob Bello, 13301 Gulf Lane, thanked the City for doing a great job.

4. DISCUSSION ITEMS

A. City Lobbyist Presentation

RJ Myers, Government Affairs Consultant with Shumaker Advisors, introduced himself and gave a high-level overview of the budget from the last legislative session, the timeline of the process, and some wins for the City. He responded to questions and comments from the Board.

Vice Mayor Kerr made the following three comments:

- He would rather see the resources allocated from Duke Energy be combined with a state grant to underground the power lines to become more resilient.
- He would like to move the road projects up as quickly as possible.
- He asked if the ballot initiative could be packaged with the yearly tax value increases being lowered to two percent so it would pass in the legislature. People are raising their homes because they would not be reassessed.

Mr. Myers responded with the following:

- He said he was not aware of any undergrounding grants that exist, but he would look into it and have a conversation with the legislators.
- Raising the roads would have to be a stand-alone project, and there is nothing like that this year.
- There were conversations on how to make raising a home more accessible to residents. He has not seen anything, but it would need to be a ballot initiative.

Mayor Rostek said he wished they could speed up the process of clearing up the FEMA red tape. The City would not participate because it is so difficult to get any forward movement, and everyone gets frustrated. It would be nice to have a streamlined process to get the projects done. Mr. Myers said there were people who were looking at it.

Vice Mayor Kerr asked if there was anything positive for the City in the upcoming term. The City Manager said they are looking at mitigating the flooding, replacing some of the seawalls, and the road projects. Vice Mayor Kerr said they need the grants for the road projects so they can get the engineering done. The City Manager said there is usually a two-year time period for the funding allocation.

B. FY24 Fire Salaries Increases

The City Manager said they are starting the third year of a three-year agreement. The purpose of the item was to make sure they stay competitive, and they are offering the best packages.

Fire Chief Clint Belk said the intent is to be proactive and get in front of the recruitment and retention issue. There started to become a big gap in pay wages compared to other fire departments.

The City Manager said the starting salary is currently \$50,400, and they would like to bring that closer to what other districts are starting at, which would be \$58,000. The budget can support it.

The Mayor asked why each firefighter needed two sets of bunker gear. The Chief said it is NFPA compliance from the cancer initiative.

Commissioner Tagliarini said he was disappointed to hear they were not competitive with other cities. He was in favor of the increase.

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

Commissioner Brooks said she was shocked to see how low the firefighters are on the pay scale. Employee retention is important for the City, and she would hate to see any firefighter choose to leave over salary. She supported a fifteen percent increase for them.

Commissioner McGeehen said he thought a fifteen percent increase was a great investment.

Vice Mayor Kerr said they need to support the firefighters.

The consensus of the Board was to accept the salary increases.

The Chief said it would be a wage increase as opposed to a wage re-opener. He thanked the Commission.

C. Florida Firefighter Cancer Decontamination Equipment Grant

The Chief said Governor DeSantis just added many types of cancers to the list of fire-related cancers. The grant is from the State Fire Marshall's Office. It would be for a Wards Decontamination System installed on the truck and would filter out 94-97% of all carcinogens in the diesel smoke and exhaust. They are maintenance-free. The City would be responsible for 25% of the purchase amount.

Commissioner Brooks asked if the system was for one truck. Chief Belk said it was for the two ladder trucks.

Vice Mayor Kerr asked if it was an unfunded mandate. The Chief said no.

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

D. A Request to Change the Candidate Qualifying Period

The City Manager said the Charter stipulates the first two full weeks of December as the qualifying period for candidates running for a seat on the Commission. The purpose of the item was to discuss the possibility of changing it to one week, which is what most cities do.

City Clerk Clara VanBlargan said they got it decreased from four weeks to two weeks, and the petitions were decreased from one hundred to twenty-five.

Commissioner Tagliarini asked the Clerk what needed to be accomplished during the two weeks. The City Clerk explained the various forms to be filed. The DS-DE 9, appointing their campaign treasurer and designating the campaign depository had to be filed before they can begin circulating petitions for signature. Commissioner Tagliarini asked if it was enough time to approve the documents. The City Clerk said they are usually approved the same day or within a couple of days. Commissioner Tagliarini asked if everything could be done in advance, including the signatures. The City Clerk said there is a Florida Statute that says qualifying papers can be filed with the qualifying officer during the 14 days before the start of qualifying. It was mentioned at the June

City Clerk's conference, but she would have to verify to see if it applied to municipalities. The packet would be available online with the links to the Division of Elections.

The City Clerk said if they decide to change it, she will advertise more, and the packets would be available earlier than December 1st online, by email and in the City Clerk's Office. Once the DS-DE 9 is filed, they can open a campaign account. Some banks started requiring the candidates to get an EIN number before opening a campaign account. Commissioner Brooks said she was able to open the account using her social security number.

Commissioner Tagliarini asked what the advantage would be to changing it to one week. The City Manager said it would cut down on politicizing.

Mayor Rostek opened to public comment.

A citizen [no name given] asked if someone new coming in who does not know how the system works, would one week be enough time.

Commissioner Tagliarini said the City Clerk is very helpful in the process, and they can start early. The City Clerk said most candidates file their forms within a day or two. You do not need to be the only one getting signatures; you can have several people out getting signatures for you.

Commissioner McGeehen said a lot of people have full-time jobs and families and can only get out a certain amount of time. He thought two weeks was fair because of getting the signatures, and it gives time for the people to get to know the candidates in their district.

Dave Hutson, 15308 Harbor Drive, said it is nine days. It is from noon on Monday until noon the following Friday. He suggested if they were going to change it, make it from Thursday until Wednesday so the weekend is included. He thought it was a bad idea to change it.

Commissioner Brooks said they would actually have three weeks to get the packets in. She thought if they communicate it, it would be a greater opportunity, and it would limit the time spent by the City Clerk's office. Since the packets would be available online, it makes it easier if you are working.

Commissioner Brooks asked if it would be for this year. The City Clerk said it would be for next year. The deadline to submit ballot language for this year is December 19th, so the first reading of the ordinance would need to be in November and the second reading in December if they decide to do it.

Commissioner Kerr asked if the Clerk's office was committed to having all the paperwork available two weeks prior to the qualifying period. The City Clerk said yes. She would get more information on the pre-qualifying period and include it the staff memo with the ordinance.

The City Attorney asked direction from the Board because he would need to prepare an ordinance. He would not include the language subject to the City Clerk having everything available 14 days in advance because that is just practice.

The consensus of the Board was to have the City Attorney prepare the ordinance to read the first full week of December.

E. Discuss/Review Possible Smoking/Vaping Ban on Parks and Beach

The City Manager said House Bill 105 allows cities and counties to restrict smoking at public beaches and parks with the exception of unfiltered cigars. Multiple cities in the area put an ordinance in place adopting it. A lot of education would be provided to the public with additional signage. He asked direction from the Board.

Mayor Rostek opened to public comment.

Bob Bello, 13301 Gulf Lane, recommended including parking lots in the ordinance. There had been a trash can fire two times in the parking lot in front of his house he believed were started by cigarettes.

Commissioner Tagliarini said the Students Working Against Tobacco (SWAT) would help provide signage for public access and hotels. He would prefer not to allow smoking in parking lots either.

Vice Mayor Kerr supported the ban 100% because of environmental reasons.

Commissioner McGeehen said he is 100% for banning smoking and vaping on the beach but is on the fence about restricting the parking lots. He said he is all for compromise.

Commissioner Brooks agreed with the ban but is concerned about the enforcement. She thought it would be good to have the hotels have literature on the ban at their front desks, in their emails, and in their rooms.

Mayor Rostek agreed with the ban, and if people want to smoke in parking lots, they should do it in their vehicles.

Vice Mayor Kerr asked for the status of the common ordinance the Big C communities were going to put together. The City Manager said it lost traction with the changes in members. The surrounding cities started adopting their own ordinance, but they are all similar.

The City Attorney said the ordinance would be in regard to public beaches and parks owned and controlled by the City. Commissioner Brooks asked if they could define the specific areas that would be protected. The City Attorney said they could include a diagram or sketch, but he would leave it to the City staff.

The consensus of the Board was to move forward and have the City Attorney prepare an ordinance.

F. Proposed Parking

The City Manager reviewed the changes in parking permit fees and requirements that were made since 2022. With the proposed changes, they would be going electronic. The most efficient way to

enforce would be to use the current handhelds the staff uses and go through the license plate of each vehicle.

The City Manager reviewed the following proposed changes and asked for direction from the Board:

- 1. Resident Parking Permit** – free to residents living within the Madeira Beach corporate city limits for at least six months and a day upon providing a valid FL driver’s license with a Madeira Beach address (within City limits) and a valid vehicle registration; only change allows for the option of an online process with digital parking permits enforced through each vehicle’s license plate. Limit of three passes per address may park in all City lots, and no overnight parking. Moving to an online Resident Parking Permit application system offers several advantages, including faster processing times, improved user experience, increased transparency, and a positive environmental impact. These benefits collectively contribute to a more efficient and modern permit operation for the community's use.
- 2. Business Employees Permit** - \$40/month mainly for John’s Pass Village/Boardwalk employees to park at various lots – only change allows for the option of an online process with digital parking permits enforced through each vehicle’s license plate.

Proposed New Parking Categories (all only available online with digital parking permits enforced through each vehicle’s license plate):

- 3. MB Property Owner, not a resident Parking permit:** those not residing in Madeira Beach for at least six months and a day may purchase a monthly parking pass for \$100.00 - \$300.00/month.
- 4. Visitors, overnight guests Parking Permit:** \$150.00-\$250.00/weekly, \$300.00-\$400.00/monthly; will be available for anyone, but mainly designed (in response to) out-of-town visitors staying from a few nights to a few weeks with limited parking at a property/resort.
- 5. Pinellas County OR smaller designated geographic area (possibly various zip codes) resident Parking Permit** –only to visit John's Pass Village & Boardwalk, only valid at specific lots/streets; must register to participate – rate will be \$1.00/hour.

The Mayor said many residents are upset. The first thing he addressed is the flyer at the front desk that states who is eligible. Those who are eligible are residents living in Madeira Beach for at least six months of a year and property owners who do not rent their property short or long-term for any part of the year. He said Section 66-73 of the Code spells it out, and the flyer conflicts with the Code. The City Manager said it does not define seasonal. The Mayor said it identifies full-time or seasonal. The Canadians cannot stay for six months and a day, and the property owners who rent their property and use it for a week or two still pay property taxes. They should have a ceremonial pass. Maybe there could be a way the passes could be assigned to the property for the renters.

Commissioner Brooks said the requirements for parking passes and parking have not been enforced in the past. Now, they are enforcing what has always been the rule, and people are not used to it.

Commissioner Tagliarini asked where the parking passes West Events has would fall into the hierarchy of parking. The City Manager said the streets around West Events were turned into resident parking only because there was nowhere for residents to park. West Events called the City, saying they had nowhere to park, so the City provided permits mainly for the vendors of West Events, so they do not block the streets. Free parking permits are also provided to other businesses who inquire.

Commissioner Tagliarini said he feels that a property owner, not just a resident, should be entitled to a couple of parking passes. The City Manager said the permit needs to be attached to a license plate; otherwise, they could not enforce it.

Vice Mayor Kerr said he thought it was written well, and he is comfortable with the way it is. Commissioner Brooks said the property would need to be tied to a vehicle that is registered to the property owner. The property owner could not get three stickers if they do not have three vehicles. They could not get an extra sticker to give away. The City Manager said that is why they would eliminate the stickers. Vice Mayor Kerr said they would need to wordsmith the ordinance.

Commissioner Brooks said it was fair. The owner of a property should be able to have a parking pass for as many vehicles as they own, but no more than three. She thought two passes were enough.

The City Manager said if a renter shows a lease for at least six months, a Florida driver's license, and a Florida vehicle registration, they are considered a resident and they can get a pass. Residents do not have to own property.

Mayor Rostek opened to public comment.

A citizen [no name given] said she is Canadian, is not homesteaded, cannot vote, and is limited by the sticker where she can park. In the 11 years she has lived there, she has not had any issues getting a sticker. She does not give her renters stickers; they should pay for parking.

Bob Bello, 13301 Gulf Lane, said he agreed. A property owner who is paying taxes should get the benefit. He did not believe short-term rentals should get a parking pass under any circumstance. The parking enforcement supervisor, Jamal Yahia, is doing a great job and has things under control, and maybe together, they can figure out a solution. He suggested designating four parking spots in front of the dog park for residents who use it, so when there is an event, they would not have to park so far away.

The City Manager said they could consider adding one or two resident parking spaces for the dog park. Permits are not issued to short-term renters because they are not property owners, and most do not have a Florida driver's license or registration.

Commissioner Tagliarini said they would support businesses more if they allowed them to have three stickers if they owned the property. The Mayor said the ordinance says dwelling unit, which implies residential.

Commissioner Brooks said she would support two parking spaces in front of the dog park that says, “Dog Park Only Parking.” If no one is in the park with a dog, the vehicle should be ticketed.

The City Manager said they propose adding \$5 per day for special events. The signage would be portable and electronic. It would include 191 spaces at City Hall, Rex Place, and the Library. It would generate approximately \$50,000 per year, and the expense would be the signage equipment at \$5,000 with maintenance costs. It would be enforced, and residents would not be required to pay.

Vice Mayor Kerr asked if they could work out a shared revenue system with Winn Dixie. The City Manager said they would need to bring back a lease to the Board.

A citizen [no name given] asked if they would get a sticker. The City Manager said they would not be issuing stickers for 2024. Everything would be electronic. She asked if the plate could be from Ontario, and the City Manager said yes.

The consensus of the Board was to wordsmith the ordinance to include property owners and designate a couple of parking spaces in front of the dog park. The Board wanted to keep the overnight parking passes and was not in favor of designating certain spots in John’s Pass Village at \$1.00 per hour.

G. John’s Pass Village Alternative Compromise

Community Development Director Jenny Rowan gave a PowerPoint presentation and responded to questions and comments from the Board. A land use change in John’s Pass Village is needed for the following reasons:

- To protect the Village
- To create a compatible redevelopment
- To be consistent with the Countywide Plan
- To take a proactive instead of reactive planning approach

Director Rowan explained the relationship with local land regulations between the Countywide Plan, the Madeira Beach Comprehensive Plan, and the Madeira Beach Code of Ordinances. What they adopt in the Comprehensive Plan and Zoning cannot exceed the County’s maximums. Every parcel of land in Madeira Beach has three designations; one at the County level, one with the Comprehensive Plan, and one with zoning. They are looking at amending the Countywide Plan map and the Future Land Use. After it is adopted, the zoning will be amended.

Director Rowan gave the background on the Item. In 2023, the City submitted the Activity Center application to Forward Pinellas for the land use change locally. They submitted an application to the county. They reviewed it and voted unanimously for the alternative compromise. The City

applied for the Community Center subcategory in the Activity Center category. The county thought it should be an Activity Center but a Neighborhood Center subcategory instead of a Community Center subcategory. The Neighborhood Center subcategory is less dense and intense.

Director Rowan said they can use the alternative temporary lodging standard being used along Gulf Boulevard. It was adopted incorrectly, and they are cleaning it up with other ordinances going for a second reading in December. Staff revised the alternative temporary lodging numbers to fit within the Neighborhood Center. To use the standard, they must have a development agreement that needs to include the following:

- Design Standards
- Concurrency Management Standards
- Hurricane Evacuation Plans
- Mobility Management

Vice Mayor Kerr asked if they could build back in the Traditional Village what they have existing at a 2.0 Floor Area Ratio. Director Rowan said yes. They did not use the alternative temporary lodging new standards in the Traditional Village area because they wanted to keep the commercial main street feel that it is.

Director Rowan reviewed the Special Area Plan and the proposed changes to the document.

Director Rowan said it would come back to the next workshop meeting in November and then to the Board in December for a vote. At that time, the Board can make suggestions and change the numbers.

Commissioner Brooks asked if it followed what they got back from Forward Pinellas. Director Rowan said yes. They forwarded the revised numbers to them and were on board with it.

Vice Mayor Kerr asked if there would be any more public meetings. Director Rowan said no, only at the November workshop and the December regular meeting. The zoning meetings would start in January.

Commissioner Tagliarini said he felt he had a better grasp on it but would like to give more opportunities for residents to ask questions. He suggested making it a topic at the Happy Hour with the City Manager or Breakfast with the City Manager.

Vice Mayor Kerr asked how the RFQ for the Master Plan was coming along. Director Rowan said it was almost ready, and they plan to get it out in December and end in January.

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

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

H. 2.5 ft. Setback

Community Development Engineer Marci Forbes explained walkways, sidewalks, and parking areas are currently in the Structure definition in the Code, and they will possibly redefine them as Hardscape. In the meantime, they could immediately lift requirement number (13) in Section 110-427. Yard Regulations - Open Sky Requirements which states the following:

(13) Walkways and paths may encroach into the minimum yard requirement so long as they stay within the ISR requirements.

Ms. Forbes said they would not enforce the two-and-a-half feet and continue researching how to redefine the walkways, sidewalks, and parking.

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

Commissioner Tagliarini asked to clarify they were not to exceed the Impervious Surface Ratio. Ms. Forbes said it was correct. They would also include non-vegetative pervious surface materials such as turf in the ordinance.

I. Shade Structures

Ms. Forbes said they have a good idea of which direction they would like to head and felt the Board would want some options. Ms. Forbes and Director Rowan discussed the following suggested changes to the Code in zones R-1, R-2, and R-3:

- Using square footage limitations instead of dimension limitations
- Defining enclosed versus open accessory structures

They thought it would allow the option of having an enclosed and open accessory structure that would be properly sized and located on a property.

Ms. Forbes explained a visibility triangle as one idea for the possibility of a structure's location. A second possibility would be to keep the side yard setbacks the same and apply the rear yard setback used for pools because it takes into account the tiebacks associated with the sea wall.

Ms. Forbes said shade structures other than the official Cheeky Hut must meet the Florida Building Code requirements. There are no prefabricated ones that would withstand 150 per mile wind, but she would research what is available prefabricated versus what needs to be designed.

Director Rowan said the visibility triangle would be difficult to read and permit. She suggested using the second possibility, which is more of a rectangle.

Vice Mayor Kerr said he thought they were going down the right path.

Commissioner Tagliarini asked if it was more restrictive or less restrictive for the residents. Director Rowan said it was less restrictive.

Mayor Rostek asked how soon it would be for a finished product. Director Rowan said they would take it to the next Planning Commission meeting in November for their comments. It would probably come back to the Board after the first of the year.

Ms. Forbes said they would come up with a plan for what has already been built.

Director Rowan said they feel comfortable with the residential areas but would like to get more feedback on the commercial areas because they are more of a gray area.

Mayor Rostek opened to public comment.

Michelle Helms, 546 Johns Pass Ave., asked what determined where the height starts. She was concerned because some residents do not have their sea wall lifted, but others do. They need to find a common zone. She had concerns because some of the existing structures were denied permits that were built anyway, and the Board had not done anything. The City made her comply when she was building her home.

Commissioner Brooks said currently, a resident can have shade in their backyard, like an umbrella or retractable shade, but they cannot build a structure and put a kitchen, ceiling fan, or TV in it. Director Rowan said correct. Commissioner Brooks said she did not know how to deal with the people who did things wrong. She did not understand how someone built something in the City that a resident filed a complaint on, and nobody stopped it. The City is in a better place now.

Commissioner Brooks asked if it would define a shade structure as no walls. Ms. Forbes said it was the goal to have zero enclosure. Commissioner Brooks asked if electricity could be something that could be permitted. Ms. Forbes said FEMA does not have defined rules for it. The City typically looks for shut-off valves for water, gas, electricity, and quick disconnects. Outdoor kitchens would be something they will need to address.

Ms. Helms said she had no problem with it, only that nothing was done. She had no problem with future structures, except people need to comply. Her biggest problem was that nobody in the City stood behind her or responded to what she needed.

The City Manager said the item was scheduled in front of the Special Magistrate several times. It was pulled from there until a resolution was found. It would go in front of the Special Magistrate next month with the Code violation.

5. ADJOURNMENT

Mayor Rostek adjourned the meeting at 9:10 p.m.

James "Jim" Rostek, Mayor

ATTEST:

DRAFT