



## MINUTES

### BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING SEPTEMBER 27, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on September 27, 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  
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. Commissioner Tagliarini was absent.

#### 3. PUBLIC COMMENT

There were no public comments.

#### 4. DISCUSSION ITEMS

##### A. FY 24 Pinellas County Sheriff's Office Contract for Law Enforcement Services

City Manager Robin Gomez said there were no changes in the level of service or personnel the City would receive. However, an almost eight percent increase is reflected in the agreement due to rising costs.

Captain Mike Leiner, Pinellas County Sheriff's Office, introduced himself and said he works as a liaison between ten cities that contract with the Sheriff's Office. There has always been a good working relationship with Madeira Beach. He offered to answer any questions from the Board.

Vice Mayor Kerr said it was a win-win. They would have all the resources available from Pinellas County as needed. The cost of living adjustments and equipment could be expected to go up, and that is realistic. He thought it was a great relationship.

Commissioner Brooks agreed and said her interactions with the deputies have been positive.

Commissioner McGeehen thanked Captain Leiner and his fellow deputies for their service.

Mayor Rostek said they have whatever they need, and it is a great relationship.

Captain Leiner said he enjoyed working with the City.

The City Manager said the agreement would be brought back to the October 11<sup>th</sup> meeting for a vote to adopt it. It was approved earlier tonight in the Fiscal Year 2024 budget.

#### **B. Special Magistrate Lein – 15350 Gulf Boulevard**

The Item was added to the agenda.

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

City Attorney Thomas Trask said the property is owned by Victoria Cardona and gave the background on the case. It was a code enforcement case from November 2018 on a complaint the property was not being maintained. She failed to bring the property into compliance. He sent a demand letter to obtain compliance to Ms. Cardona. She spoke to the City Manager, who allowed her until July 31<sup>st</sup> to bring the property into compliance. He included the email exchange he had with Ms. Cardona and photographs in the agenda packet. He said he would be asking at the October 11<sup>th</sup> regular meeting for the Board's authority to file a Complaint for Injunctive Relief in the Circuit Court. In the Complaint, they would be asking for a Mandatory Injunction. The judge would give a certain time frame for the work to be completed, and if it is not, there could be sanctions. The Building Official and City Staff recommended the filing of the Complaint for Injunctive Relief.

The Mayor asked if the property was vacant or occupied. The City Attorney said it is occupied by the property owner. The Mayor asked if there were life safety issues that would evict the person. The City Attorney said it had not gotten to the point where the Building Official would issue the type of order. The Mayor asked what the total of the fine was. The City Attorney said it was \$250 per day since May 22, 2019. It was more than the unit was valued at. Once the property is brought into compliance, the fine would stop, and she could come to an agreement with the City for a reduced fine amount.

Vice Mayor Kerr said it had been one month shy of five years, and they would be negligent not to give the authority to file a complaint.

Commissioner McGeehen said the home looks like a perfect home for possums, rats, snakes, and raccoons. They need to worry about the neighbors that live next to it.

Commissioner Brooks asked if the owner had been to the City to have conversations. The City Manager said they spoke with her and a neighbor several months ago. The neighbor offered to help, but the owner later said she did not want the help. The owner assured them she would get it corrected. Commissioner Brooks agreed with Vice Mayor Kerr that they needed to do something.

Vice Mayor Kerr asked if she was claiming financial hardship. The City Attorney and the City Manager said it was never brought up. Vice Mayor Kerr suggested they give the authority at the next meeting.

The consensus of the Board was to vote on it at the October 11, 2023, regular meeting.

### **C. Madeira Beach Market Agreement**

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

Recreation Director Jay Hatch said the contract is with Tampa Bay Markets for the Wednesday Morning Market on Madeira Way. He has worked with them for the past four or five years and had no issues. They added a caveat to the agreement stating if anything would disrupt Madeira Way, the City would work with them to find an alternative location.

Vice Mayor Kerr asked if there would be any major changes. Director Hatch said no, the City drops off cones in the morning and picks them up in the afternoon. They provide their insurance, vendors, and entertainment. The City Manager said the City collects \$50 per market day and a \$1000 damage deposit.

The consensus of the Board was to bring the agreement to the October 11<sup>th</sup> meeting for approval.

### **D. Recreation Center Solar – RFP**

Director Hatch explained the item and gave the background on it. Staff contracted with Wilson Girgenti Engineering to obtain drawings and plans for solar to be placed on the roof of the Recreation Center. They are looking to put the proposed project out for RFP. They have \$100,000 budgeted for it next year. He was hoping to utilize the \$383,544 in BP oil spill funds that have not been expended.

The Mayor thought it was an excellent idea. He asked how many panels would be needed, how much electricity it would generate, and how many years it would take to recoup their money. Director Hatch said 110 panels were proposed, and the simulation produced 72,920 kilowatt hours.

Vice Mayor Kerr asked if the state, county, or federal governments were contacted for grants. Director Hatch said his research found it is a tax break which would not help the City. He would continue to research for grants. Vice Mayor Kerr asked if it was on the lobbyist's list. The City

Manager said the lobbyist would be at the October workshop meeting, and solar panels were not at the top of the list.

Vice Mayor Kerr asked if the power that was created could be maintained in the batteries to use in any other part of the complex. Director Hatch said the design did not have a battery.

Commissioner Brooks asked if they looked at the Florida League of Cities grant portal. The City Manager said they were more for multi-structure usage. They would look into it if they would do a next phase of multiple structures.

Commissioner McGeehen said he thought it was a great idea.

#### **E. Aclarian Consulting Agreement FY 2024**

The City Manager said the item was to provide an update on the Finance Director/City Treasurer position. They have not received an opinion from the Attorney General on the letter the City Attorney wrote. He asked for direction from the Board.

The City Manager said Mr. Laflin prepared an agreement for October 1, 2023, to September 30, 2024. It gives either side a 30-day termination notice. If they hired a full-time Finance Director/City Treasurer, the total cost would be about \$175,000. The current contract with Aclarian is \$7,400 per month, and the proposed increase is \$7,800 per month.

Vice Mayor Kerr thought they should continue with the month-to-month. A full-time Finance Director was never a part of the change in the Charter. He would like to put out a part-time Finance Director/City Treasurer RFP to see what is out there. If they do not get any responses, the question will be answered.

Commissioner Brooks said they were going to wait for an opinion from the State before they made a decision. They do not need a full-time person, and they have a Finance Director who is doing a very good job. She did not want to get them in a position where they ended up taking somebody just because they could get them as an employee.

Vice Mayor Kerr agreed with Commissioner Brooks. They need to make sure they comply and make the best decisions. He would like to see the Attorney General's opinion on it and continue to talk with other cities.

Mayor Rostek said he thought they needed a full-time Finance Director because he was worried about the work-life balance for the employees who work a lot of overtime. Commissioner Brooks said maybe the City Manager or Mr. Laflin could provide more information about the department so they could discuss it more.

Mayor Rostek opened to public comment.

Doug Andrews, 90 141<sup>st</sup> Ave., said their job is to do what is in the best interest of the City. They are tasked with managing a balanced budget. They are spending money without any new

corresponding revenue to offset it. It has been proven they do not need a full-time Finance Director. Everything is working perfectly, and it should be left alone.

#### **F. Rules of Reading Emails into the Record**

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

Commissioner Brooks said she asked for the item to be on the agenda. She is against reading emails and speaking in dialogue with residents when they come up to the podium. It shows favoritism to read one email and not all emails and to get in a dialogue with one resident but not everyone. They need to have some rules.

Vice Mayor Kerr agreed with Commissioner Brooks and thought it was a bad precedent.

The City Attorney read the Public Comment section from the Board of Commissioners Policy Handbook on page 16 of 20. (Resolution 2021-01; April 14, 2021)

Commissioner Brooks said they are serving the residents of Madeira Beach, not a single person, and doing what is best for the City. They should all be informed of the facts.

#### **G. Update on Ethics Complaint Against Former Vice Mayor Doug Andrews**

Commissioner Brooks asked for the item to be on the agenda because she would like the outcome on record so the residents understand where the City Manager and former Vice Mayor Andrews stand in the situation.

The City Manager said on June 14, 2023, the State of Florida Commission on Ethics filed a Public Report and Order dismissing the complaint for failure to constitute a legally sufficient complaint. The complaint failed to indicate a violation of the Florida Constitution. There appears to have been a subsequent complaint filed against the former Vice Mayor that appears to have been dismissed for lack of evidence.

Doug Andrews, 90 141<sup>st</sup> Ave., said he was the affected party. He is a resident and a town businessman, and protecting his reputation is of the utmost importance. He said he was owed an apology.

#### **H. Ordinance 2023-07, Whistleblower Ordinance**

The City Attorney said it was prepared by his Senior Associate, Rob Eschenfelder, a couple of years ago. It has been on hold because the Civil Service Commission was working on the Rules and Procedures. It is on the agenda for discussion and to ultimately get on the Commission agenda for consideration and approval. The ordinance does the following:

- It creates a process for investigating employee complaints against the City Manager. The complaint would go to the Mayor, who would have certain processes that he would go through.

- It creates a process to receive information from an employee, an independent contractor for the City, or an employee of an independent contractor. It allows an individual to make or disclose certain information that must fit into one of the following categories:
  - Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee, agent, or independent contractor of the City which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
  - Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of the City or independent contractor of the City.
- It prohibits retaliation. The City cannot retaliate against persons who have made disclosures.
- It provides a section relative to the persons protected by the disclosure.
- It addresses the confidentiality of the person. The identity of the person remains confidential during the complete investigation.

Commissioner Brooks questioned why the ordinance assigns the Mayor to make the decisions independently when they are a collective body that makes decisions collectively, and the Commission would not become involved until the investigation is complete. The City Attorney said they would not want too many people doing the investigating and not be able to come to a collective conclusion. The idea would be to have a point person with the help of the City Attorney's office when a complaint comes in. If the ordinance were adopted, the Mayor would be the point person. Commissioner Brooks agreed with it.

The consensus of the Board was to bring it back for 1<sup>st</sup> Reading and public hearing at the October 11<sup>th</sup> meeting.

### **I. Local Mitigation Strategy (LMS) Program**

The City Manager said the purpose was to go over the preparation work during and after Hurricane Idalia. The gulf water pushing up and over the sand caused some minor and major damage to approximately 100 structures. The County Administrator conferred with the County Emergency Operations Staff and the County offices and issued the evacuation order. Neither the Commission nor himself can give the order to evacuate or when to lift the evacuation. There was approximately a 75% evacuation rate in the City.

The City Manager said there were about 35 calls the Fire Department responded to. The two Emergency Operations Centers were City Hall and the Fire Department. The cameras installed last year were very helpful in seeing where the rising water was. At about 3:15 a.m., the Sheriff's Office gave the order to evacuate all deputies from the barrier island, and that is when he left. On

several occasions, the high-water vehicles rescued individuals and took them to the Publix shopping plaza. What to do after rescuing them was not coordinated. Fortunately, the storm did not have significant wind, and the First Responder Operations were not suspended.

The City Manager said the power outages affected the area between the Madeira Beach School just to the north of 150<sup>th</sup> Ave. to John's Pass. He returned to the island about 5:30 a.m., and the deputies returned between 6:00 a.m. and 6:15 a.m. The area of Gulf Boulevard and 141<sup>st</sup> Ave. appeared to be the most impacted by water. There was a significant amount of sand on Gulf Blvd. from 142<sup>nd</sup> Ave. to 137<sup>th</sup> Ave. The process to remove the sand began about 2:00 p.m. The County lifted the evacuation order effective at 5:00 p.m., but Madeira Beach was not quite ready for the residents to return, and there was a lot of traffic backup.

The City Manager said FEMA has been present since the day after the storm, and throughout the 11-county region for disaster recovery, \$58 million was approved for assistance to 29,400 households.

The City Manager said the City has been part of the Local Mitigation Strategy (LMS) Program, which allows property owners to flood-prone their homes either directly through FEMA or through a grant that went through the City. Marci Forbes, Development Engineer, said the City's participation in LMS is a way of saying the City is here to help the community become resilient. By participating in the program, it qualifies the City to receive grants.

Ms. Forbes said the Home Hazard Mitigation Grant Program is a post-disaster program, and the projects are predetermined by the jurisdiction and are always infrastructure-related. The FEMA is a pre-disaster grant program, and it allows for acquisition, elevation of an existing structure, or demolition reconstruction. They have a lot of limitations.

The City Manager said there would be more discussion at the October workshop meeting.

#### **J. Request for Qualifications for Urban Design Services to Create and Implement a City Master Plan**

Community Development Director Jenny Rowan said it would be the first step in redoing the City Master Plan.

Vice Mayor Kerr asked for the following change on page 78 of the agenda packet:

#### **IV. EXPERIENCE**

Interested firms must demonstrate:

1. Extensive experience in the field of planning, especially focused on the creation and implementation of Master plans for beach communities.

Director Rowan said they would make the change.

Vice Mayor Kerr asked how they planned on advertising the RFQ. Director Rowan said they have not gotten that far yet. The City Manager said it would be posted on the website, DemandStar, and sent to the American Planning Association and other professional organizations.

Vice Mayor Kerr said it is important for applicants to include a section on the history of Madeira Beach to make sure they understand where they have been so they can understand where they are going.

Vice Mayor Kerr would like an understanding of the beach economy to be included; where is the money spent, and where do they get the money? They need to understand it and be able to present it. Director Rowan said the history and the beach economy could be included in the RFQ under the Scope of Work on page 77 of the agenda packet.

Commissioner Brooks asked what step two would be. Director Rowan said the next step would be advertising. Her team has been focused on John's Pass Village and other issues they will present at the October workshop. She would like to get that finished and then focus on the RFQ. She thought it might go out to bid in December or January, so the Board would not see anything until February.

#### **K. Forward Pinellas Alternative Compromise for the John's Pass Village Activity Center Plan**

Director Rowan said John's Pass Village Activity Center would protect the Village and make sure they had compatible redevelopment in the area. They need to be consistent with the County-wide Plan, and they are being proactive in the planning. She reviewed the history of the item. Staff recommended the Board approve the alternative compromise recommendation for the John's Pass Village Activity Center Plan.

Director Rowan said text changes to the Land Development regulations will fix the inconsistencies on Gulf Blvd., and it will be presented at the next meeting. They want to make sure they are protecting John's Pass, the areas that are non-conforming, and make sure they have compatible redevelopment.

Director Rowan gave the following reasons why the boundary goes to 133<sup>rd</sup> Ave.:

- Closer to John's Pass Village are larger developments, and farther north on Gulf Blvd are more residential structures.
- The boundary in the Master Plan goes farther north than 133<sup>rd</sup> Ave., and they did not feel it was appropriate. They wanted to protect the residential areas.
- There are inconsistencies with the future land use and what is currently developed.

Director Rowan said they submitted their application to Forward Pinellas, and they responded with a recommendation for an alternate compromise. The application was submitted with a Community Center Level, and they are recommending the lower standards of a Neighborhood Center Level. They requested the residential units per acre and the Floor Area Ratio be reduced in a few of the character districts. Forward Pinellas provided the option of Alternative Temporary Lodging Use



Standards. A Development Agreement is required and must include requirements related to design standards, concurrency management standards, hurricane evacuation plans, and mobility management.

Director Rowan said it would be brought back to the October 11<sup>th</sup> meeting to vote on the alternative compromise.

Vice Mayor Kerr asked if a condo was commercial or residential. Director Rowan said they are residential, and they have the same density standards as vacation rentals. Andrew Morris, Long Range Planner, said he included in the agenda packet a list of 2019 Activity Centers in Pinellas County based on their subcategories. The neighborhood Centers are a more restrictive and smaller category and would protect what is already there. It is a very reasonable compromise.

Commissioner Brooks asked why the City applied for the Community Center Level instead of the Neighborhood Level because of the acreage. It does not appear they hold fast to the number. Director Rowan agreed.

Commissioner Brooks asked if there were to be a catastrophic event in John's Pass under the Neighborhood Center Level, would it be able to be rebuilt as it is? Director Rowan said yes.

Dave Hutson, 15308 Harbor Drive, said John's Pass Activity Center passed a year ago on 1<sup>st</sup> Reading. If they bring it back, would that be the 2<sup>nd</sup> Reading? Mr. Morris said it should be the 2<sup>nd</sup> Reading because Forward Pinellas and the State have reviewed it, and once it goes through the County Commission meeting, it would come back for 2<sup>nd</sup> Reading.

## 5. ADJOURNMENT

Mayor Rostek adjourned the meeting at 8:46 p.m.

ATTEST:

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James "Jim" Rostek, Mayor

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Clara VanBlargan, MMC, MSM, City Clerk