



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING SEPTEMBER 13, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on September 13, 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 (absent)  
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. INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney Tom Trask gave the Invocation and led the Pledge of Allegiance.

#### 3. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

#### 4. APPROVAL OF THE AGENDA

Vice Mayor Kerr motioned to approve the agenda as written. Commissioner Brooks seconded the motion.

ROLL CALL:

Vice Mayor Kerr	"YES"
Commissioner Brooks	"YES"

Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

## **5. PROCLAMATIONS**

There were no proclamations.

## **6. PRESENTATIONS**

There were no presentations.

## **7. PUBLIC COMMENT**

There were no public comments.

## **8. CONSENT AGENDA**

### **A. Approval of Minutes**

- **2023-08-09, BOC Special Meeting Minutes**
- **2023-08-09, BOC Regular Meeting Minutes**
- **2023-08-23, BOC Budget Workshop Meeting Minutes**
- **2013-08-23, BOC Regular Workshop Meeting Minutes**
- **2023-08-28, BOC State of Local Emergency Meeting Minutes**

### **B. Request for Information (RFI) Continuing Engineering Consultants and Urban Design Services Contract Approval**

### **C. Approval of 2023, Emergency Medical Services, ALS First Responder Agreement**

Vice Mayor Kerr motioned to approve the Consent Agenda as written. Commissioner Brooks seconded the motion.

#### **ROLL CALL:**

Vice Mayor Kerr	"YES"
Commissioner Brooks	"YES"
Commissioner McGeehen	"YES"
Commissioner Tagliarini	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**9. PUBLIC HEARINGS**

**A. Ordinance 2023-18, Fees & Collection Procedures Manual FY 2023 – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-18 by title only:

**ORDINANCE 2023-18**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FEES AND COLLECTIONS PROCEDURES MANUAL THAT WAS AMENDED BY ORDINANCE 2023-05, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

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

Commissioner Tagliarini motioned to adopt Ordinance 2023-18, Fees & Collection Procedures Manual FY 2023, after second reading & public hearing. Commissioner McGeehen seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Brooks	"YES"
Vice Mayor Kerr	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**B. Ordinance 2023-23, Board of Commissioners Compensation and Health Insurance – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-23 by title only:

**ORDINANCE 2023-23**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ESTABLISHING THE ANNUAL SALARY OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH; PROVIDING THE OPTION TO WAIVE THE SALARY AND OBTAIN THE SAME HEALTH INSURANCE AS CITY EMPLOYEES AT THE SAME RATE THAT CITY EMPLOYEES ENJOY; PROVIDING FOR THE EFFECTIVE DATE OF THE NEW SALARIES; PROVIDING FOR THE REPEAL OF ANY ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY;**

**AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Brooks restated her opposition to the ordinance. She reminded everyone the Commissioners make \$7,500 a year, and the Mayor makes \$10,000. They are voting to essentially raise salaries to \$20,000 per Commissioner. Running for office should not be rooted in health insurance. She thought it was wrong to do it in order to get people to run.

Commissioner Tagliarini motioned to adopt Ordinance 2023-23, Board of Commissioners Compensation and Health Insurance after second reading & public hearing. Vice Mayor Kerr seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	"YES"
Vice Mayor Kerr	"YES"
Commissioner McGeehen	"YES"
Commissioner Brooks	"NO"
Mayor Rostek	"YES"

The motion carried 4-1.

**C. Ordinance 2023-24, FRS Reinstatement – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-24 by title only:

**ORDINANCE 2023-24**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REINSTATING THE CITY'S MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Vice Mayor Kerr motioned to adopt Ordinance 2023-24, FRS Reinstatement after second reading & public hearing. Commissioner Tagliarini seconded the motion.

**ROLL CALL:**

Vice Mayor Kerr	"YES"
Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Commissioner Brooks	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**D. Ordinance 2023-25, Adjusting Election District Boundaries – 2<sup>nd</sup> Reading & Public Hearing**

City Attorney Tom Trask read Ordinance 2023-25 by title only:

**ORDINANCE 2023-25**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADJUSTING THE EXISTING BOUNDARIES OF ELECTION DISTRICTS WITHIN THE CITY OF MADEIRA BEACH, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Vice Mayor Kerr motioned to adopt Ordinance 2023-25, Adjusting Election District Boundaries after second reading & public hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Vice Mayor Kerr	"YES"
Commissioner Brooks	"YES"
Commissioner Tagliarini	"YES"
Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**10. UNFINISHED BUSINESS**

**A. City Attorney Discussion/Selection**

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, said the Commission had a very tough decision to make.

Vice Mayor Kerr thought they would be represented well by either one of the two firms that responded to the RFQ.

Commissioner Brooks said they had two good interviews. She was asked the following three questions by a citizen:

1. What is the relationship she felt she has with the City Attorney? She found him to be responsive to anything she needed.
2. What does the City staff think of him? She heard all favorable information.
3. What did it mean to them with everything going on in the City? If they go along with the small number of people against the current attorney, what would they do if they do not like the next attorney? Would they be doing it again?

She said they have a current attorney who is “A” rated, and the things he is being accused of are not factual.

Commissioner McGeehen agreed with Commissioner Brooks. He thought the Trask law firm would be the best vote as they move forward.

Mayor Rostek said he knew 72 residents who would like to see it go back out to bid. Commissioner Brooks said she did not get that kind of feedback. She would not vote to send it back out to bid because they followed their own guidelines. They could change it going forward.

Vice Mayor Kerr said they have two qualified firms, and they need to move forward. Commissioner McGeehen agreed. Commissioner Tagliarini said he was not in favor of putting it out to bid.

The consensus of the Board was to choose one of the two firms that applied.

Vice Mayor Kerr summarized Attorney Sarah Johnston’s portfolio.

Vice Mayor Kerr obtained backup information from 2017 when City Attorney Trask decided not to renew his contract. It was important to know that he did not allow the City to be without representation. After reading the information sent to him, he could not find where he did not do what the City asked him to do. He did not see any reason why he should not be the permanent City Attorney.

Commissioner Brooks and Commissioner McGeehen agreed with Vice Mayor Kerr.

Vice Mayor Kerr motioned to retain Trask Daigneault LLP as the City Attorney. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Vice Mayor Kerr	"YES"
Commissioner Brooks	"YES"
Commissioner McGeehen	"YES"
Commissioner Tagliarini	"YES"
Mayor Rostek	"NO"

The motion carried 4-1.

Vice Mayor Kerr said they appreciated Attorney Johnston for being in attendance and would like to have an open dialogue in the future.

## **B. Amendment of Board of Commissioners Meeting Schedule**

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

The City Clerk said she had a meeting to add to the schedule. The Civil Service Commission is asking for a joint meeting with the Board.

The consensus of the Board was to add a joint meeting with the Civil Service Commission to the calendar on Wednesday, October 25, 2023, at 3:30 p.m.

Commissioner Tagliarini motioned to change the December 13<sup>th</sup> meeting time from 6:00 p.m. to 2:00 p.m. and schedule a joint meeting with the Civil Service Commission on October 25<sup>th</sup> at 3:30 p.m. Commissioner Brooks seconded the motion.

### **ROLL CALL:**

Commissioner Tagliarini	"YES"
Commissioner Brooks	"YES"
Vice Mayor Kerr	"YES"
Commissioner McGeehen	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

## **11. CONTRACTS/AGREEMENTS**

## **12. NEW BUSINESS**

### **A. Appointments – Planning Commission**

The City Clerk said three seats are expiring on September 30<sup>th</sup> and two Commissioners applied for reappointment. The Board could accept them, or she could keep advertising until the all three seats are filled.

Mayor Rostek opened to public comment.

Mike Wyckoff, 161 131<sup>st</sup> Avenue East, introduced himself to the Board as the current Chair. He said he reapplied and would like to be considered to continue.

John Hendricks, 569 Normandy Road, said a new state law passed on financial disclosure that would also affect the Planning Commission. The City Clerk said it becomes effective January 1, 2024. The City Attorney confirmed it was Form 6.

Vice Mayor Kerr said the Planning Commission has been doing a great job, and he would endorse both applicants.

The Mayor asked where the position was advertised. The City Clerk said the Assistant to the City Manager, Megan Powers, put it on a social media site, the applications were put at the desk downstairs, and an ad in the newspaper would go out next Wednesday.

Commissioner Tagliarini motioned to reappoint Chuck Dillon and Michael Wyckoff to the Planning Commission for a new three-year term expiring on September 30, 2026. Commissioner Brooks seconded the motion.

**ROLL CALL:**

Commissioner Tagliarini	"YES"
Commissioner Brooks	"YES"
Commissioner McGeehen	"YES"
Vice Mayor Kerr	"YES"
Mayor Rostek	"YES"

The motion carried 5-0.

**13. STAFF REPORTS**

There were no staff reports.

**14. AGENDA SETTING – September 27, 2023 BOC Workshop Meeting**

- A. Smoking/Vaping Ban on Sand, Parks, Public Places**
- B. Special Events Parking at Library, City Hall, Rex Place**
- C. RFP – Master Plan**

**15. REPORTS/CORRESPONDENCE**

**A. Board of Commissioners**

The Board had no report.

**B. City Attorney**

The City Attorney thanked the Commission for the opportunity to represent them as the City Attorney. He would be happy to make any changes necessary to better represent them.

**C. City Manager**

**D. City Clerk**



The City Clerk had no report. She congratulated City Attorney Trask.

Chuck Dillon, 529 Lillian Drive, said the number of voters in the districts does not add up. 787, 787, 792, and 790 are 3156, not 3153, so there are three extra people. The City Clerk said the number of registered voters could change every day. The Mayor said the City Clerk would look at it and amend the numbers as needed. The City Clerk said they would notify the public of the changes in the districts now that it was approved.

Commissioner McGeehen said 144<sup>th</sup> Avenue experienced bad flooding during the hurricane. His girlfriend called the Cambria and asked if they could park in the parking garage, and they said no, it was \$129 per night to park there. His friends parked in John's Pass Parking Garage for \$60 per night. He asked if the Commission could get together with the Cambria and John's Pass and make it more fair for the residents that live here to park during a hurricane.

Fire Chief Clint Belk said they entered into an agreement with the Cambria in the Emergency Operations Plan one or two years ago. It was only for City vehicles when they ran out of room at the fire station.

The Mayor said maybe they need to meet with some of the local businesses that have the type of parking available and cut a deal for the residents.

The Fire Chief said he explained the call volume during the hurricane for four communities at the Redington Shores Commission meeting earlier. Redington Shores had three calls for service because they stressed evacuation. He considered that success.

Mike Meyer, 15342 Gulf Boulevard, said he was able to park at the Double Tree in Redington Beach for free, and they should be applauded for helping people. He asked if they had any plans to restore the Madeira Beach beaches. The Mayor said the beach groins did what they were supposed to do. The problem was the dunes were damaged. Recently, all the beach communities met with the Army Core, and they will not provide assistance unless 100% of the people sign off on the easements. In the end, Pinellas County would take care of them.

Commissioner Brooks asked if Director Wepfer could give an update on the permitting. Director Wepfer said they were not included in the beach renourishment because of the groin system. They do have a grant to do the restoration. Every year, Pinellas County does a sea oat availability and will calculate the amount of sea oats that can be planted. As far as restoring the dunes, anything that is seaward of the Coastal Construction Control line needs a permit through the Department of Environmental Protection.

The Mayor said he talked to Barry Burton about what happened to the beach, and he said the City Manager needed to get in touch with him because they could possibly be included in the permit process to repair the dunes.

## **16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 6:48 p.m.

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James "Jim" Rostek, Mayor

ATTEST:

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Clara VanBlargan, MMC, MSM, City Clerk

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