



MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 12, 2023
6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on April 12, 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. 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.

4. APPOINTMENT OF VICE MAYOR

The City Attorney read the City Charter, Section 4.4, Vice-Mayor provided in the agenda packet.

Commissioner Tagliarini motioned to appoint Commissioner Kerr to serve as Vice Mayor for a term of one year.

Commissioner McGeehen motioned to appoint Commissioner Brooks to serve as Vice Mayor for a term of one year.

The City Attorney said they could do a ballot vote. The City Clerk provided each commissioner a piece of paper to write their name and selection. She read each ballot into the record and the Commissioners name for each. The votes were as follows:

- Commissioner Brooks voted for herself
- Commissioner McGeehen voted for Commissioner Brooks
- Mayor Rostek voted for Commissioner Kerr
- Commissioner Tagliarini voted for Commissioner Kerr
- Commissioner Kerr voted for himself

The Board voted 3-2 for Commissioner Kerr to serve as Vice Mayor for a term of one year.

5. 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.

6. PROCLAMATIONS

A. 54th Annual Municipal Clerks Week Proclamation; April 30 – May 6, 2023

Mayor Rostek read a proclamation proclaiming April 30 – May 6, 2023, as the 54th Annual Municipal Clerks Week.

7. PRESENTATIONS (limited to 10 minutes each)

A. Appreciation Plaque – Doug Andrews (former Commissioner District 3 and Vice Mayor)

City Manager Robin Gomez presented an appreciation plaque to Doug Andrews on behalf of the citizens of the City of Madeira Beach for serving as the District 3 Commissioner from March 2019 to March 2023 and as Vice Mayor from April 2020 to March 2021, and from April 2022 to March 2023.

B. FY 2022 Audit Presentation – Zach Chalifour, CPA, Partner with James Moore & Company

Mr. Chalifour, CPA, Partner with James Moore & Company, gave a PowerPoint presentation on the results of the fiscal year 2022 external financial audit.

Vice Mayor Kerr asked why the drastic change in the Stormwater Fund being down to \$73,000. Mr. Chalifour explained the debt payments were coming out of Stormwater Fund reserves. The direct operating expenses in that fund relative to stormwater revenues were a net positive. From a debt standpoint where there is debt being paid out of the stormwater fund, the cash generated from the charge was not enough to cover the ongoing operations plus the debt. Finance Director Andrew Laflin said there was a transfer in 2021 but not in 2022, which brought down the net position of the Stormwater Fund. The transfer in 2022 was not needed. They will look at it as part of the budget process and likely budget a transfer from the General Fund to the Stormwater Fund. The stormwater fee is sufficient to meet operations, but not the annual depreciation and the debt service required.

Vice Mayor Kerr asked if there were any concerns or expectations in the next couple of years to find revenue to support the needed upgrades they will do. Mr. Laflin said to do new stormwater projects in the future, they would need to look at a funding source, whether they issue debt or have existing reserves. The Stormwater Fund is not self-supportive in terms of long-term capital improvement projects. The City Manager said the roadway projects were being paid out of the Stormwater Fund. They do look at alternative revenue sources, including state appropriations.

The City Manager said it had been several years since they reviewed the stormwater utility rate. It is currently \$10 per month for a residential unit which is sufficient to maintain the stormwater system expenses but not all expenses. Typically, stormwater repairs, ongoing maintenance, and capital to improve the infrastructure are included in the Stormwater Fund. They incorporated the roadway infrastructure related to flood control. The General Fund has had to contribute to the cost of roadway projects.

The City Manager said the overall financial position of the City is good, and reserves are high. That will be taken into consideration when beginning the budget process for next year.

The Mayor opened to public comment.

Bill Howell, 497 Johns Pass Avenue, said 80% of the presentation was a financial management report that should have been presented by the Finance Director. It was not an audit report. He is worried the entire financial management of the City has been outsourced to two contractors.

8. PUBLIC COMMENT

Kathryn Bowman, 701 Sunset Cove, said a lot of trash cans sit by the road along East Parsley all day, every day, and it looks terrible. She has a lot of yard waste, and the men do not pick it up unless it is Wednesday. It sits by the curb until picked up. She would like to see the City kept clean.

The Mayor asked the City Manager if there was anything they could do to address her concern. The City Manager said yard waste pick up has always been once a week. They ask the residents to follow what has been in place for some time, but it is not enforced. They could go back to doing what they did before and do a better job making sure everything at the curb is picked up. The deputies tag containers left out after hours.

Chuck Dillon, 529 Lillian Drive, asked how the Crystal Island project got up to \$15 million and if they got reimbursed for the work done for the county.

Public Works Director Megan Wepfer said the Crystal Island project was not \$15 million. They did a \$15 million loan for three areas, Crystal Island, Area 3, and Area 5. Pinellas County reimbursed the City but did not know how much. They did not pay for Pinellas County's upgrades or repairs to their systems.

Joe Jorgensen, 13019 Boca Ciega Avenue, said they had a good sanitation department that did things for the people of the City, and it was taken away from them. The Commission represents the residents. They need to do that when it comes to John's Pass Village Activity Center.

The City Manager said they would continue providing assistance to residents but will not go into someone's backyard to get the containers. Director Wepfer said if they need assistance, to call, and they would get added to the list.

Bill Howell, 497 Johns Pass Avenue, said he was disappointed that Charter Amendment #2 was not on the agenda or listed as a topic for the next workshop. He read two paragraphs from a pre-release newspaper article. He asked the Board to take immediate action on the need for a full-time Finance Director and to appoint a new City Attorney.

Vice Mayor Kerr wanted everyone to realize the workshop was just a workshop, and there is no vote on what action to take. The subject should be on the next workshop agenda, and a special meeting should be scheduled. He stood by his original comments that there are a lot of advantages to having a company provide the financial services. He is researching the duties and scope of what should be expected from a finance director and if they are getting that from an independent contractor.

Doug Andrews, 90 141st Avenue, said a Town Hall might be better than a special meeting to address Charter Amendment #2 so everyone could have input. The accounting software would need to be purchased from somewhere, which would come with a cost. The only thing they should worry about is having the best person doing the work, and if they could save money by not giving them benefits, they should look at that option.

Mr. Andrews said the budget for the Crystal Island Project was \$6 million, and the total project cost was \$12.6 million. The City paid a consultant \$200,000 to monitor the project. The county reimbursed the City about \$2 million. It was upsetting having a finance director pontificating about securing a \$15 million loan before putting bids out. That money was supposed to cover three projects, but it only covered one and maybe half of a project.

9. CONSENT AGENDA

A. Approval of Minutes

- **2023-03-08, BOC Regular Meeting Minutes**
- **2023-03-22, BOC Special Meeting Minutes**
- **2023-03-22, BOC Regular Workshop Meeting Minutes**

Vice Mayor Kerr asked to add clarification in the last sentence on page 5 of the March 22, 2023, BOC Regular Workshop Meeting Minutes. It was not referenced where the money they were making was coming from; it was coming from citations. The City Clerk said it would be corrected.

Vice Mayor Kerr motioned to approve the Consent Agenda with the one modification. 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.

10. PUBLIC HEARINGS

11. UNFINISHED BUSINESS

12. CONTRACTS/AGREEMENTS

A. Area 5 – Engineering Scope Approval

Director Wepfer said Area 5 included 131st Avenue East and 129th Avenue East. They would have a joint participation agreement with Pinellas County to replace a water main line from 129th Avenue to Treasure Island. The budget for the engineering services came in at \$52,000, and she has \$1 million budgeted for engineering and construction for FY 2023 for Area 5.

Vice Mayor Kerr asked if there was an hourly rate schedule and what the hourly rate was for reimbursable expenses. Director Wepfer said it should have been with the new contract just approved. She will provide the number to the Board.

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

Vice Mayor Kerr motioned to approve Area 5, engineering scope. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Area 6A Engineering Scope Approval

Director Wepfer said Area 6A included Municipal Drive, 153rd Avenue, 154th Avenue, 155th Avenue, 1st Street East, 2nd Street East, and Harbor Drive. They would be milling and resurfacing, repairing curbs, improving stormwater, and upgrading Pinellas County utilities. They had \$200,000 budgeted for engineering services, and the proposals came in at \$141,500. They received \$1 million in state appropriations from the Florida Department of Transportation for Area 6A.

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, said he thought \$1 million for Area 5 was on the low side. He did not think Area 5 nor Area 6A would come in under \$1 million. He would be happy to donate his time to go through it.

Commissioner Tagliarini asked Director Wepfer to help him understand how she knew that and why it was ok. Director Wepfer said they requested more funding through state appropriation but were told they needed to back down on what they were asking for. They request whatever they can get, and the state matches it. The project will be more than \$2 million, but she could not give construction prices.

Vice Mayor Kerr said it is work that needs to be done, and it is not getting cheaper.

The City Manager said the item was to approve the cost of the engineering services to begin the project. Once they get the total cost, they will bring it back to the Board.

Commissioner Tagliarini motioned to approve Area 6A, engineering scope for \$141,500. 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.

C. Pocket Park Design Proposal

Director Wepfer said they were requesting approval for design services for five pocket parks in the Boca Ciega neighborhood. The City Manager explained the item and responded to comments and questions from the Board. The pocket park at 133rd Avenue East has been completed, and the five remaining pocket parks are as follows:

- 135th Avenue East
- 134th Avenue East
- 132nd Avenue East – North
- 131st Avenue East
- 132nd Avenue - South

Director Wepfer said they would get one preliminary design to bring back to the Board for any changes before getting a final one.

Commissioner Tagliarini asked if they were referring to water-permeable pavers. Director Wepfer said yes, and they are looking into Flexi Pave, a rubber-type product with flexibility.

Commissioner Tagliarini asked if it was possible to integrate a community garden in at least one pocket park. Director Wepfer said yes. The City Manager suggested having the engineering architect look at the pocket park at 135th Avenue because it is the largest.

The Mayor thanked the City Manager and Director Wepfer for taking the time to walk through the pocket parks with him.

The Mayor said, for the record, the City Manager said they want to work with the residents for an amicable solution for all.

Vice Mayor Kerr said at first glance of the fee breakdown, the \$7,400 for the survey seemed high. But it was only \$1,500 per park, which was reasonable, and everything else looked reasonable.

Vice Mayor Kerr said he was concerned about any residents claiming the use of the parks for a driveway or parking for a business. That was not why the City was investing in the properties. It was for the enjoyment of all residents. He did not feel it was justifiable for a single resident to have great use of public property, and they do not pay taxes on the property. The City Manager said they would not be taking away anything that is currently there.

Vice Mayor Kerr said he would love to see irrigation be put in Tear Drop Park because the new sod that was placed there is burning up. Maybe they could discuss it separately and get an RFP for it. Director Wepfer said they would look to see if the infrastructure was there for the irrigation. If not there, it would probably cost around \$30,000.

Mayor Rostek opened to public comment.

John Hendricks, 569 Normandy Road, said most residents want grass in the pocket parks, and it makes no sense to replace the grass with pavers. The money would be better used to maintain what is already there. There is a park on Island Drive that the City spent a lot of money on that. It is nothing but gravel now, and he would like to see the City clean it up.

Chuck Dillon, 529 Lillian Drive, asked how the pocket parks were picked. He agreed with Mr. Hendricks to table the \$20,000 and see what they could do to improve what is already there.

The Mayor asked how many other parks have not been maintained. Director Wepfer said the previous commission wanted to see the pocket parks upgraded, and they could not upgrade simple grass. When a park gets redesigned or upgraded, it gets engineered. When something is not properly maintained, it cannot be maintained to look better. You have to almost start fresh.

The Mayor asked why the park on Island Drive was not being maintained and who was responsible for maintaining it. Why rip it out when it costs money to put it in. Director Wepfer said they are now properly maintained.

The Mayor asked if they could do some pocket parks and incorporate other areas to where everyone in the City has buy-in. Director Wepfer said they specifically budgeted for the pocket parks and increased the budget amount for the maintenance grounds, which includes all parks in the City.

Mr. Hendricks said he wanted to make it clear that the area of Island Drive and Normandy Road, where the park is located, has never flooded. The Mayor scheduled a time with Mr. Hendricks to walk through the park and to address his concerns in a cost-conservative manner to revitalize the park.

Vice Mayor Kerr said improving the parks would be a great improvement for the residents living in the Boca Ciega neighborhood, and he supported it.

Commissioner Brooks asked if they were agreeing to look at all the other parks in the City in addition to the vote. The landscaping and repairs could be incorporated. The Mayor said yes, it needed to get to a point where they progress with the pocket parks and go out to the other parks in the City.

Commissioner Tagliarini motioned to approve the Pocket Park Design Proposal by Halff Associates, Inc. without the kayak permitting. Vice Mayor Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

Commissioner McGeehen said he would like to see the residents be able to enjoy the public land that overlooks the water on 145th Avenue E. again. The Mayor asked Director Wepfer if she could get a bench for that area.

13. NEW BUSINESS

A. Appointment to Planning Commission

The City Clerk said there were two applicants for the Planning Commission, Mark Patzschke and Housh Ghovae. The Commission could choose one of the two or go back out for more applicants. Each commissioner should vote for one applicant on the ballot provided.

The Mayor asked the applicants to come forward one at a time.

Housh Ghovae, 432 150th Avenue Unit 1206, introduced himself and responded to questions from the Board.

The City Manager said the other applicant was not present.

Commissioner Tagliarini asked if they could extend the window for applications. The Mayor asked the City Attorney if it could be extended for 30 days. The City Attorney said they had complete control.

Commissioner Brooks asked how long it was advertised for. The City Clerk said since December. Commissioner Brooks said they should vote. It would be disrespectful to the candidates who applied to say they were going to wait on someone else to apply. The Mayor agreed.

The Mayor asked where it was advertised. The City Clerk said it was in the City Manager's Monthly Report, applications were put at the front desks of the Building Department and City Hall, on the City's website, the bulletin board at City Hall and the bulletin board at the Library.

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, said three of the members would be up for re-vote in September this year, and postponing it would make things tricky.

The City Clerk tallied the ballots and read the results as follows:

- Vice Mayor Kerr voted for Housh Ghovae.
- Commissioner Tagliarini voted for Housh Ghovae.

- Commissioner Brooks voted for Housh Ghovae.
- Commissioner McGeehen voted for Housh Ghovae.
- Mayor Rostek voted for Housh Ghovae.

The Board voted 5-0 for Housh Ghovae to serve as the new member to the Planning Commission.

14. STAFF REPORTS

The City Manager invited everyone to upcoming events in April.

AGENDA SETTING

A. April 26, 2023, BOC Workshop Meeting

- 1. Resolution approving Membership Plan reappointment for Pinellas County MPO – Forward Pinellas**
- 2. BOC Policy Handbook**
- 3. Use of City-owned fitness facility**
- 4. W&A Cleaning Contract -3rd and Final Amendment**
- 5. Refuse Truck Modifications and Container Purchase**
- 6. RFP – City Attorney Contract Services**
- 7. RFP – Engineering Contract Services or hire engineering personnel to perform services in-house**
- 8. RFP – IT Contract Services or hire IT personnel to perform services in-house**
- 9. FEMA Community Rating System**
- 10. Increase in Notice Requirement for Development Agreement Applications (Ordinance 2023-09)**
- 11. Amendment to Chapter 110 – Alcohol Beverage Permit Application (Ordinance 2023-10)**
- 12. Amendment to LDR – Definition of Portable Sign (Ordinance 2023-12)**
- 13. LDC – Rental of Residential Amenities (Ordinance 2023-13)**
- 14. City Manager’s Monthly Report – March 2023**

Items added to the workshop agenda:

Mayor Rostek

1. Discuss possible amendments to Ordinance 2023-08
2. Discuss the finance director position, Charter Amendment #2

Vice Mayor Kerr said he would like a town hall meeting scheduled to discuss the finance director position.

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

Vice Mayor Kerr asked if there were any updates from the state on the short-term rentals. The City Attorney said he did not have an update but would email and update to the Board in the morning.

Vice Mayor Kerr thanked the Commission for voting on him to serve as Vice Mayor.

B. City Attorney

The City Attorney had no report.

C. City Manager

The City Manager thanked staff for their help with the transition of the new Mayor and Commissioners.

D. City Clerk

The City Clerk said she looked forward to working with the new Commissioners and Mayor and enjoyed working with the outgoing ones. It was a pleasure, and they all did a good job.

The City Clerk said she was working on putting together an in-house ethics class for May. It would cover the required four hours plus expand on other areas of ethics.

16. ADJOURNMENT

Mayor Rostek adjourned the meeting at 8:22 p.m.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk