



MINUTES

BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING APRIL 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 April 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. Board of Commissioners Policy Handbook

Commissioner Tagliarini requested the Board of Commissioners meetings be moved from Wednesday to Monday. Commissioner Brooks said she was not in favor of moving the meetings to Monday. Vice Mayor Kerr said he was indifferent about it. Commissioner McGeehen said he was flexible and suggested keeping the meetings on Wednesday but at an earlier time. Commissioner Tagliarini said an earlier time would help.

Mayor Rostek asked the City Clerk if she knew from past history if more people would attend an earlier meeting. The City Clerk said more people attended the workshop meetings when they were at 2:00 p.m.

Commissioner Brooks said she was not opposed to having the meetings earlier but did not want to upset the residents who watch from home. Commissioner McGeehen thought 3:00 p.m. was a good time to have a meeting. Vice Mayor Kerr said he typically works until 5:00 p.m., so the earlier the time is, the more of the workday he would lose. He thought the best solution was to keep it the way it was and make a special exception if Commissioner Tagliarini knew his schedule in advance.

The consensus of the Board was to keep the meetings on Wednesdays with the potential to modify the schedule with advance notice.

Mayor Rostek said on page 16, Section 5, Explanation of Order of Business for Regular Meetings, he would like the three-minute comment time limit changed to six minutes. He thought the public comment for each item should be limited to a total of 30 minutes. Commissioner Brooks said six minutes is a very long time and asked the City Attorney if they were allowed to discuss items that were not on the agenda. The City Attorney said they were allowed, but historically it was to get information, and three to five minutes was the standard time amount. Commissioner Brooks thought five minutes was reasonable and did not want to put it in writing that they were expected to answer residents' questions. The City Manager responds to resident complaints. The Mayor said it would open a two-way line of communication, and if they did not have an answer, they would get the contact information and respond accordingly.

Commissioner Brooks agreed that Public Comment was to get information, and it should be up to the Commissioner of the resident's district to follow up with their concern. Creating a dialogue at a meeting could be problematic. Commissioner Tagliarini agreed and suggested three to four minutes to talk and a minute to summarize and ask the resident to include the district they live in during their introduction. He suggested adding wording that included the Commission may or may not reply at the time, but the District Commissioner would follow up with them.

The City Attorney suggested allowing the public to make their comments and the Mayor or City Manager to respond individually after the meeting so there would be no conversation back and forth.

Vice Mayor Kerr said he liked the idea of five minutes and suggested a sign-in where citizens could put their information, and when they speak, it would become part of the minutes. They could figure out which items the City Manager would address and which items would be addressed at a workshop. That way, people would understand they would be taking all the items seriously. Commissioner Brooks said they had comment cards for residents to fill out. She asked the City Attorney if they should put it in the handbook. The City Attorney suggested they leave it out so the Mayor could have more flexibility in running the meeting.

Mayor Rostek opened to public comment.

Jerry Cantrell, 13322 First Street East, recommended the comment cards be on the podium and contain the information of whom they should follow up with.

Vice Mayor Kerr said the Commission did not have administration rights, so the City Manager might be the correct person to respond depending on the issue. The Mayor agreed the comment cards should go to the City Manager.

The City Attorney suggested changing the fifth sentence under the section Comment Cards on page 17, "... comment about what it is that they would like to talk about." to "... comment about what it is that they would like a response on." and striking the requirement about the City Clerk.

The consensus of the Board was to change the public comment time limit from three minutes to five minutes, add language to the Public Comment item on the agenda that specifies if they want a response to fill out a comment card with their contact information, and change the language in the Comment Card section of the handbook.

B. Special Magistrate Lien at 14033 E. Parsley Drive, Madeira Beach, Case No. 2021.1296 (Murray)

The City Attorney explained the item. The Special Magistrate found the property to be in violation of Section 14-70 (General Maintenance) of the City Code and imposed a fine in the amount of \$250 per day that it remained in non-compliance. The property was brought into compliance on March 5, 2023, when it was demolished. The total amount due to the City as of March 31, 2023, was \$25,641.77. The property is up for sale, and the title insurance company asked the mortgage company to enter a short sale instead of foreclosing on it. To do it, there needs to be a resolution with the lien. They originally offered \$1,000, but he and City Staff did not support it and offered to bring a \$5,000 settlement offer to the Board for discussion. It would be brought back to the Board for approval at the next meeting.

Commissioner Brooks asked if accepting the offer was in line with what was done in the past. The City Attorney said each case was considered individually based on the facts and circumstances of each case.

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

The consensus of the Board was to move forward with the \$5,000 settlement offer and put it on the agenda for the next meeting for approval.

C. Emergency Operations Plan 2023 – 2025

The City Manager said they made minor corrections and made sure the contact information was correct. Every department thoroughly reviewed the document. They were looking into finding a more permanent location to evacuate to in case it would be needed. He asked if the Board had anything to add.

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

The consensus of the Board was to bring it back to the May 10th regular meeting for approval of the resolution.

D. Ordinance 2023-08, Purchasing Ordinance

Mayor Rostek reviewed the following changes he would like to make to the Ordinance:

1. Page one of the Ordinance - Strike “CREATING SECTION 2-194 TO PROVIDE FOR CONTRACTS AND ENGAGEMENTS FOR PERSONAL AND PROFESSIONAL SERVICES OF ATTORNEYS AT LAW, FINANCIAL CONSULTANTS, EXPERTS AND OTHER PERSONAL AND PROFESSIONALS SERVICES WITHOUT COMPETITIVE BIDDING; REPEALING ORDINANCE 2021-03”
2. Sec. 2-193 (2) on page 7 of the Ordinance - add “a minimum of three (3)” quotations are received.
3. Add a paragraph on page 7 of the Ordinance - “Any expenditure amount as identified in item number (2) above requires Commission notification on a bi-weekly basis via email. As well as a line-by-line accounting of these expenditures be included in the City Manager’s Monthly Report.”
4. Sec. 2-193 (3)(c) on page 8 of the Ordinance - delete the entire section.
5. Section 12 and Sec. 2-194 on page 10 of the Ordinance - delete both sections.

Commissioner Tagliarini asked how it would impact the way they work. The Mayor said he did not think it would change very much. Professional services would need to go out to bid so they could get the best at an affordable cost. Commissioner Tagliarini said he wanted to provide more transparency and thought it was a good way to go.

Vice Mayor Kerr said he did not realize RFPs were not being used for attorneys or financial consultants. They did not necessarily need to choose the lowest price. They need to look at the qualifications.

Commissioner Brooks said she was concerned about requiring three quotes for purchases between \$5,000 and \$30,000. It might be difficult to get three formal quotes for \$5,000, and by putting it in writing, they would have to do it. She thought it was micromanaging to put bi-weekly notifications to the Commission in the Ordinance. The communication is good already.

Commissioner Tagliarini said \$5,000 to \$30,000 was a wide range. He asked the City Manager where he thought they should start looking at bids. The City Manager said he had no issue with \$30,000 being the purchasing threshold to get bids, and he was fine with the purchasing thresholds as they are.

Recreation Director Jay Hatch said it used to be \$1,000 to \$15,000, and the reason it changed was because of the log jam of multiple bids. \$15,000 was fairly low for them to be putting out RFPs on a consistent basis based on the time frame. The projects were getting pushed out three or four months because of the RFP process.

The City Manager said they were doing their due diligence to ensure they get the best price and best quality.

Commissioner Tagliarini asked what would happen if they needed to spend \$5,000 and could not get three quotes. The City Manager said they would not be able to proceed with the purchase until they got another quote. Commissioner Brooks said they needed to trust the staff, and the staff was already doing their best to get three quotes. The Mayor said they should leave the language in Sec. 2-193 (2) the way it was. Commissioner Tagliarini suggested raising the \$5,000 so it would make it easier to get three quotes or reword it to “a reasonable attempt.” Commissioner Brooks said the way it was worded holds the staff accountable for getting quote. She did not want to put something in writing that would keep them from moving forward with things that needed to be done.

The Mayor agreed with Commissioner Brooks, but he wanted to see the expenditures included in the City Manager’s Monthly Report so the citizens have transparency. Finance Director Andrew Laflin said the City has a Vendor Portal on the City Website, which automatically feeds into the City’s accounting system. A detailed payment reporting system could be added to the portal for additional transparency to the public. The Mayor said he would like a detailed payment listing extracted from the accounting system software and added to the City Manager’s Monthly Report.

Mayor Rostek opened to public comment.

Jerry Cantrell, 13322 First Street East, said finding multiple sources was a big issue. The responsible person could write a sole source justification letter that would document their efforts to get multiple quotes.

The consensus of the Board was to make the changes the Mayor suggested, except for #2 and #3.

E. Director of Finance/City Treasurer

Vice Mayor Kerr said it made sense to him to keep what they have, but he wanted to continue the discussion. He was concerned because the citizens voted for an employee to be the Director of Finance. He would like to get an additional comment from the Attorney General.

The City Attorney said it is normally done in a formalized manner by the entire Commission by way of a resolution authorizing the City Attorney to get direction from the Attorney General relative to the referendum.

Commissioner Brooks said the feedback she got from District Four was the people did not understand what they were voting on. There was a lot of communication in the community telling people not to vote for it. A letter from the Attorney General might appease some people, and a Town Hall would be a good idea.

Commissioner Tagliarini said he would support a letter to the Attorney General and a Town Hall Meeting. He asked Mr. Laflin if he supervised the three employees in the Finance Department. Mr. Laflin said yes, he provides the supervision that is needed to help the Finance Department run well. The Assistant Finance Director, Patrick Cade, provides the day-to-day oversight he cannot do because he is onsite one day a week.

The Mayor asked what the yearly cost to run the Finance Department was. The City Manager said Mr. Laflin is paid \$88,800 a year, and the software was \$28,000, totaling about \$120,000. Mr. Laflin said the budget for FY 2023 is \$525,000 for the whole department, and for the three City employees was \$280,000.

The Mayor said he spoke to the people, and they understood what they voted for, and they want an employee to run the Finance Department. He suggested Mr. Laflin's firm bid on the job. The City Manager said the City Charter states the City Manager recommends a Finance Director/City Treasurer, and the recommendation would be confirmed by the Commission. There would be a hiring process.

Commissioner Tagliarini said it was his understanding that they did not need to have the vote. The City Attorney said they did not. The Commission at the time wanted the Charter to reflect what was happening on the ground. Vice Mayor Kerr said the Attorney General's opinion might take liability off the City Attorney's position. The City Attorney said it would not take liability off anything. It would be an opinion from another attorney and would not have any precedential value in court. The only thing that could happen would be that someone could file a lawsuit against the City or a petition for Writ of Mandamus, which would order the City to hire a full-time or part-time Finance Director.

Vice Mayor Kerr asked Mr. Laflin to put together his responsibilities and what services he provides as Finance Director to the City. Commissioner Tagliarini referenced Section 5.5 of the City Charter. Mr. Laflin agreed and referenced his Consultant Agreement. Vice Mayor Kerr said he wanted to make sure Mr. Laflin was providing all services an on-site Finance Director would provide.

Mayor Rostek opened to public comment.

Jeff Brooks, 425 150th Avenue, said the disadvantage of hiring a full-time employee would be that it would cost the City more money. People do not realize what they voted for.

John Connolly, 600 Normandy Road, said people do not come to meetings because no one listens to them. They had a vote, and no one is listening.

Jerry Cantrell, 13322 First Street East, read the Charter Amendment and said the people have spoken. The Board is obligated to follow through. He thought they were doing their due diligence by trying to investigate.

The consensus of the Board was to move forward with requesting the Attorney General's opinion and schedule a Town Hall meeting.

F. RFP for City Attorney Professional Legal Services

Vice Mayor Kerr said he hoped Attorney Trask's firm would participate in the RFP. He wanted to make sure there were not any conflicts of interest. He thought if any firm represented developers, they should not apply.

Commissioner Brooks said the Trask firm is Board Certified in City Government which speaks for something. They come well-prepared and have many highly educated attorneys, and she hoped they would participate in the RFP. She thought they needed a firm qualified in city government, not one attorney.

The City Clerk asked the City Attorney if the Charter Officer was the firm or just one person. The City Attorney said the contract would be with the firm, but the Charter Officer would be one person.

Commissioner Brooks asked the City Attorney if he had other attorneys who could handle things that needed to be done within the City. The City Attorney said yes. They have a number of attorneys representing the City for a number of matters, but they have six Board Certified Local government attorneys and two additional attorneys working for the firm.

Mayor Rostek opened to public comment.

John Hendricks, 569 Normandy Road, complimented the Charter Officers and said Mr. Trask's firm is one of the best around that represents a number of cities in the area. It was up to the City to hire the Charter Officers, and there was nothing in the Charter that said the Commission could not hire Mr. Laflin on a part-time basis as a Charter Officer.

The consensus of the Board was to proceed with the RFP for legal services and include in the qualification of Board Certified in Local Government and a restriction on any potential conflict of interest. The City Manager hoped it would be put together over the next month so they could get responses within six to seven weeks.

G. RFQ Engineering Services

The City Manager said the City uses engineering services to manage city projects and in-house to review building permits for compliance. They have utilized two engineers of record for a variety of services. One engineer of record was on a three-year contract with two one-year extensions that was renewed earlier this year. The item was put on the agenda to discuss having an internal engineer versus outsourcing. They reclassified the Senior Planner position to an in-house engineer position because the selected employee is a professional engineer. The RFQ would be for all city project-related engineering work.

Public Works Director Megan Wepfer said there was an RFQ put out in 2020 by the previous Public Works Director, which signed on seven engineers of record for multiple disciplines and is still in effect until June 2023. They still have renewals, and she has ongoing projects with some of them. The RFQ would be mostly for the community development side and the project base.

Vice Mayor Kerr said he wanted to make sure there would not be any conflict of interest by having someone in-house. The City Manager said that would not happen because there would be an accountable City employee doing the work of the Senior Planner and the engineer.

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

The consensus of the Board was to proceed with the RFQ for engineering services.

H. RFP – IT Services vs In House

The City Manager said it should be an RFQ instead of an RFP. The City has had a contract with Network People for several years. He recommended they issue an RFQ to outsource IT services. The total IT budget is about \$200,000 and would not be enough to cover a full-time IT employee. They would need a supervisor/manager, a full-time employee under the Supervisor, and someone who could fill in when one or both were out. The salaries and benefits would be \$250,000 to \$300,000.

Vice Mayor Kerr said he did not understand the salaries & wages and social security for IT in the FY 2023 budget. The City Manager said it was for a part-time internal employee that was doing some of the IT. They are still doing it but not at that salary, and it would be in the City Manager's budget. Next year that number will be zero. The Broadcast and IT Coordinator, Tom Roeder, works in the City Manager's office and is the liaison between the City and Network People.

The Mayor did not think they would need three full-time people to cover IT. The City Manager said they would need at least two.

Commissioner Brooks said an external IT would be more cost-effective, and there would always be a backup.

Vice Mayor Kerr said he liked a contractor for IT for the same reasons he liked a contractor for the Finance Department. There would be a backup, and they would be experts. It is working well the way it is, and they shouldn't change it.

Commissioner Tagliarini said he could not speak on whether it would be cost-effective, but his experience with Network People has been very positive.

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

The consensus of the Board was to issue the RFQ.

I. Refuse Truck Modifications and Container Purchase

The City Manager said the item was put back on the agenda because of questions the Board may have in response to the change in sanitation. There has been better control and management of the trash collection.

Director Wepfer said they would be adding a fee for a 96-gallon container which would be brought back to the Board in a fee schedule in the next couple of months.

The Mayor asked if the 96-gallon containers would need to be purchased. Director Wepfer said she had them in stock.

The City Manager asked how many vacancies there were in sanitation. Director Wepfer said two. The City Manager said they have not been able to fill them. It is the beginning of a more automated trash collection process. In the future, they would only need a truck with one driver.

Director Wepfer said she has a side loader truck scheduled for 2024. The trucks are kept for seven to eight years, and the oldest truck is from 2017 or 2018.

Vice Mayor Kerr said he was completely against a one-man crew. His recycling bin did not get fully emptied, and pieces were left in his grass. The level of service dropped. Director Wepfer said they would do their best to make it a two-person crew. There were no applicants for the open positions.

The City Manager said they were aware of the issues with the dumpsters in John's Pass Village and may need to utilize different containers. The sanitation department sprays every commercial dumpster in the City two to three times per week.

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

J. W&A Third Amendment for Cleaning Services

Director Wepfer said the City had been contracted with W&A since 2014. In 2020 they did put out a bid, but the Commission at the time directed staff to continue the contract with W&A because of the level of service and their knowledge of the City. The item is the third and final amendment to their contract that expires in 2024 and will be bid out then. Staff recommended approval.

Director Wepfer said the fee changed for the second amendment because they needed to add a third daily cleaning and an extra month to the public restrooms on the beach and John's Pass Village.

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

The consensus of the Board was to support the staff's recommendation.

K. Use of City-owned Fitness Facility Discussion

The City Manager said the item was brought before the Board to get direction on whether to make the fitness facility open to the public.

The Mayor asked if it was being used now and by whom. The City Manager said City Staff and the Fire Department use it.

The Mayor asked how much money in equipment they were talking about. Director Hatch said the equipment was secured by a grant from the Fire Department. The Mayor asked how they would clean it between people using it. It would be a cost that would be part of the facility.

Director Hatch said they would need to look at how people would check-in. Recreation has a waiver process for any participation in events, so it would be similar to that. Decontaminating items would be provided.

The Mayor asked if Director Hatch thought it was a good or bad idea. Director Hatch said it would not be impossible. It depended on the expected use. The Rec Center has the software needed to create memberships and check in people. They would need to make sure the facility would be available for the Fire Department.

Commissioner Brooks asked when the Fire Department uses the facility. Fire Chief Belk said Thursday, Friday, and Saturday mornings, usually before 9:00 a.m. From a safety aspect, they would need to put a time on it; it could not be 24/7.

Commissioner McGeehen was in favor of opening it up to the citizens with a monthly cost.

Commissioner Tagliarini was in favor of opening it up to the citizens with a minimal cost, but they would need to know how to use the equipment.

Commissioner Brooks agreed with Commissioner Tagliarini.

Vice Mayor Kerr said he was against it. It was not a great attraction for residents, and parking could become an issue. The Fire Department should not have to compete to use it.

The City Manager said they would need to come up with policies and procedures before bringing it back to the Board. The Fire Department would be accommodated for its usage.

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

The consensus of the Board was to have the City Manager contact St. Pete Beach for a copy of its policies and procedures and come up with two scenarios; one with a cost to residents and one without.

L. Community Rating System (CRS)

Community Development Director Jenny Rowan gave a PowerPoint presentation explaining the Community Rating System (CRS) and its purpose. She responded to questions and comments from the Board.

Director Rowan said the 5-Year Cycle Review is an extensive review of the entire program and will occur in August 2023. They would want to see what relates to points and if there would be anything the Board would want to trade out or get more points. They would need to go through everything in the CRS and put points towards it, and that is what is given to FEMA.

Vice Mayor Kerr asked why the discount was removed for having an elevated property. Director Rowan said she did not know and suggested having a Pinellas County Insurance Advocate come to the City to answer questions.

Vice Mayor Kerr said FEMA would not allow fill dirt if you were building a new property. Director Rowan said it depended on the community. Madeira Beach would allow fill dirt for grading. Vice Mayor Kerr said he would like Director Rowan to look further into it.

The City Manager asked where the City's rating could be found. Director Rowan said there is an Excel spreadsheet that could be downloaded from FEMA's website that gives every community's rating system. Madeira Beach is class seven. She would provide it to the Board.

The City Manager said they would continue, make necessary improvements, and look into ways to get more points to increase the discount. They would look into alternatives and grant programs. The grant programs could be very complex, and the City participated in one years ago. One is still pending. The City Attorney said it was in 2016, and four are still outstanding. It was a program where the applicant would apply for reimbursement from the City for construction costs; the City would pay the applicant and wait to be reimbursed from FEMA. The City is owed approximately \$375,000 on the four grants. Attorney Eschenfelder has been working on it, and they will be recommending to the Board to file suit against the state to collect the money.

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

M. Ordinance 2023-09, Increase in Notice Requirement for Development Agreement Applications

Director Rowan explained Ordinance 2023-09 and responded to questions and comments from the Board. Staff supported it.

Mayor Rostek opened the floor for discussion. There were no comments from the Board.

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

The City Manager said it would be heard at the Planning Commission meeting on Monday, May 1, 2023. It would come back to the Board for first reading on May 10, 2023.

N. Ordinance 2023-10, Amendment to Ch. 110 – Alcohol Beverage Permit Application Fee

Director Rowan explained Ordinance 2023-10 and responded to questions and comments from the Board.

The City Manager said it would remove the fee from the Code of Ordinances but keep it in the Collection and Fees Manual, which is an appendix to the Code of Ordinances. It would just be in one place.

Mayor Rostek opened the floor for discussion. There were no comments from the Board.

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

The City Manager said it would come back to the Board for first reading on May 10, 2023.

O. Ordinance 2023-12, Amendment to LDR – Definition of Portable Sign

Director Rowan explained Ordinance 2023-12 and responded to questions and comments from the Board.

Mayor Rostek opened the floor for discussion. There were no comments from the Board.

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

The City Manager said it would come back to the Board for first reading on May 10, 2023.

P. Ordinance 2023-13, LDC – Rental of Residential Amenities

Director Rowan explained Ordinance 2023-13 and responded to questions and comments from the Board.

Mayor Rostek opened the floor for discussion.

The Mayor said he did not see boat lifts on it. Commission Tagliarini agreed.

The City Manager said it was a discussion at a March workshop, and they decided to exclude docks from the language in the ordinance.

Commissioner Brooks asked if it would allow residents to rent their boat docks. The City Manager said it was already happening, and they have not received any concerns or found any negative impacts.

Commissioner Tagliarini said he would like to see docks added to the language of the ordinance. He would not support it if it was not included.

Commissioner Kerr thought boat lifts and docks should be debated on a separate ordinance.

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

The consensus of the Board was to bring back Ordinance 2023-13 for first reading and put the docks and boat lifts on a separate ordinance.

The City Manager said it would be heard at the Planning Commission meeting on Monday, May 1, 2023. It would come back to the Board for first reading on May 10, 2023.

Q. City Manager's Monthly Report – March 2023

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

5. ADJOURNMENT

Mayor Rostek adjourned the meeting at 10:04 p.m.

James "Jim" Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk