



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING AUGUST 9, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on August 9, 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 6:01 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

There were no changes made to the agenda.

5. PROCLAMATIONS

There were no proclamations.

6. PRESENTATIONS

There were no presentations.

7. PUBLIC COMMENT

Thomas Whalley, 60 137th Avenue Circle, said the City could reach a bigger pool of attorneys by using the free Florida Bar website. The two bids that were accepted should be rejected and readvertised. There should be a public interview of the final candidates. He called on the Board to immediately act on the insubordination of Attorney Trask with disciplinary consequences. He asked Attorney Trask how many bar complaints he and his firm had. He suggested the City have an in-house attorney to save the City a lot of money.

Nancy Briner, 144th Avenue, expressed concern about the John's Pass Activity Center. She asked Vice Mayor Kerr, Commissioner McGeehen, and Commissioner Brooks what method they used to reach out to their constituents regarding John's Pass Activity Center. She wanted to know about how many people were contacted because she was not. The Mayor said he used email, the phone, knocked on doors and met with people. Vice Mayor Kerr said it was not a question and answer session; if she wanted a response she could fill out a comment card. Commissioner McGeehen said he received her email and responded. He received both yes and no from the people in District Three.

John Hendricks, 569 Normandy Road, said the Trask Daigneault firm does a lot of work for the Florida League of Cities and is a highly respected firm in Florida. He thought the City should stay with Trask Daigneault. In the last meeting, the Mayor read emails from two individuals. He provided a printout of the City's policy to each Commissioner. Emails were read during Covid, but it ended. Part of being a commissioner is to build relationships to help bring funding to the City to make it a better city.

Tom Edwards, District 1 resident, said he previously recommended the bid for an attorney be advertised with the Florida Bar and local Bars. It would not be unusual for them to put the bid out again. He thought they should do their due diligence and hear what other companies have to offer.

Mayor Rostek said he received an email from a previous commissioner, and he would not read it because it did not concern City business.

Donajo Mathis, 420 137th Avenue Circle, said she supported reposting the City Attorney position in order to get a broader spectrum of applicants.

Bob Spaeth, a Madeira Beach resident, said to get rid of any suspicion, the bid should be put out again for rebid.

Commissioner Brooks said the City Attorney works for the Commission not the citizens. The Board works together as a team to give direction. They should come together to move the City forward with a kind and positive tone.

8. CONSENT AGENDA

A. Approval of Minutes

- **2023-06-28, BOC Budget Workshop Meeting Minutes**
- **2023-06-28, BOC Regular Workshop Meeting Minutes**
- **2023-07-12, BOC Regular Meeting Minutes**
- **2023-07-26, BOC Budget Workshop Meeting Minutes**
- **2023-07-26, BOC Regular Workshop Meeting Minutes**

Vice Mayor Kerr asked to add a statement made by Megan Wepfer in the July 26, 2023 BOC Regular Workshop Meeting regarding DemandStar. In the meeting minutes for that meeting on Page 40 of the agenda packet in the fifth paragraph it says, "Megan Wepfer explained how DemandStar works. The software shows the number of broadcasts, the number of downloads, and the number of submittals." He would like to add to the end of that another statement she made, "The software shows the RFQ broadcast to 91 different law firms. Eleven of those law firms downloaded it, and two firms submitted a completed RFQ." He asked that the DemandStar report be available to the Commission.

Vice Mayor Kerr motioned to approve the Consent Agenda as amended. 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.

9. PUBLIC HEARINGS

A. Ordinance 2023-18, Fees & Collection Procedures Manual FY 2023 – 1st Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-08 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.**

Finance Director Andrew Laflin said it was discussed in the last workshop meeting. Staff recommended approval of Ordinance 2023-18.

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

Commissioner Tagliarini motioned to approve Ordinance 2023-18, Fees & Collection Procedures Manual FY 2023, on first reading & public hearing. 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.

A. Ordinance 2023-23, Board of Commissioners Compensation and Health Insurance – 1st 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 Tagliarini asked if there were changes to the salary. The City Attorney said there were no changes to the salary.

Commissioner Brooks asked what the current health insurance cost is for an employee. The City Manager said they budgeted \$20,000 per employee for FY 2024. Commissioner Brooks said voting for it would essentially be voting for a \$20,000 income for a commissioner. Vice Mayor Kerr said it was a good point, but that is the top end that any commissioner could get, and many commissioners are already covered. It would be a great value to some members and would inspire others to run.

An unidentified man asked if there would be a tax implication for the commissioners for it. The City Manager said it is a taxable benefit and would be the same as any other employee.

Commissioner Tagliarini motioned to approve Ordinance 2023-23, Board of Commissioners Compensation and Health Insurance on first 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.

B. Ordinance 2023-24, FRS Reinstatement – 1st 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 said it was discussed at length at a workshop. Reverting back to FRS would be a great benefit for the employees.

Commissioner Tagliarini said FRS is a very safe option.

Commissioner Brooks motioned to approve Ordinance 2023-24, FRS Reinstatement on first reading & public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

C. Ordinance 2023-25, Adjusting Election District Boundaries – 1st 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.

Chuck Dillon, 529 Lillian Drive, asked why they needed four distinct districts. The City is not that big. He wondered how it would affect the election.

Commissioner Tagliarini thought it was important to have people who live in specific areas represent that area. It is important to have the same number of people represented by each commissioner. There is an advantage to having someone represent a specific district.

Vice Mayor Kerr asked if the new district lines would impact the upcoming election. The City Clerk said no, it would impact the election in March 2025.

Vice Mayor Kerr agreed it was important to have one resident from each district.

Commissioner McGeehen agreed with the districts and thought commissioners should reach out to other districts for opinions.

Commissioner Tagliarini motioned to approve Ordinance 2023-25, Adjusting Election District Boundaries on first reading & public hearing. 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.

10. UNFINISHED BUSINESS

A. Tom and Kitty Stuart Park Parking

Mayor Rostek opened to public comment.

Chuck Dillon, 529 Lillian Drive, asked that the two designated parking spots be located beside each other on the south side of the property because signs could easily be installed there.

John Connolly, Normandy Road, suggested they designate the signs to say between 10 and 4 for residential only. That way, they could still make money.

Paul Tilka, North Bayshore Drive, encouraged the Board to vote to give the parking spots back they lost when the City took over the park.

Commissioner Brooks said they agreed at the workshop to give two spots a trial run. She liked the idea of putting the hours on the signs. When the park was changed, there were no designated spots for anyone. She supported doing a trial run but reminded the citizens there are five dedicated spots for residents across the street with a crosswalk to safely cross the street. Commissioner Tagliarini said he reminded residents through email they could park there for free, and it has always been available to them.

Commissioner Tagliarini said he had two emails requesting four spots. He is in favor of two spots, and he likes the idea of putting them both on the same side.

The Mayor said he would like to see four spaces as a trial, two against the beach and two against Gulf Boulevard. It would need to be monitored so they could gauge the success or failure of it. The City Manager said the spots would be well marked, and staff would monitor and enforce it. The Mayor suggested asking Pinellas County Sheriff's Office to assist with parking enforcement.

Vice Mayor Kerr said they do not know how it is going to be monitored, so how would they know the success or failure? If they could monitor it, what would be success? He asked if one of the resident spaces should be for handicapped residents. He suggested raising the rates of all the spots in the park to be comparable to what is being charged across the street as a way to recoup the revenue being lost by the resident spaces. The City Manager said it would need to be done by ordinance.

The Mayor asked where the City stands rate-wise compared to other beach communities. The City Manager said the City has the least expensive public parking. The Mayor suggested raising the rate by 25 cents for all public parking. Vice Mayor Kerr said he is trying not to make parking in Kitty Stuart Park an advantage over the lot across the street.

Commissioner Tagliarini said the measure of their success would be that they can say they have made a commitment to improve the quality of life for the residents.

Commissioner Brooks suggested a trial of two spaces for resident only and two spaces for resident only with limited parking of 10-4. The Mayor said it would confuse people.

Commissioner Brooks asked if there was anything in the development agreement about parking. The City Attorney said the City agreed with the developer at the time it would be first come first serve use of the parking spaces. Signing and designating the spaces may be a violation of the development agreement. Commissioner Brooks suggested tabling the item. The City Attorney said the development agreement may have expired and would look into it. He suggested they move forward with what they want to do and make it contingent upon City Manager and City Attorney review.

Vice Mayor Kerr suggested doing the four spots, one of which is handicapped, contingent on raising the rates of the other spots equal to the lot across the street. Mr. Dillon said they could not take the handicapped spot away from the restaurant or add another handicapped spot because they are wider and they would lose a parking spot. The City Manager said they would not take it away.

The City Manager said the development agreement had expired.

The Mayor clarified they would do a trial period of four months of three regular parking spots and one handicapped spot. Two would be against the beach, and two would be against Gulf Boulevard, with no time parameter or limits on the parking times. They would have Parking Enforcement Supervisor Jamal Yahia collect data for success or failure. The City Manager said they would look to begin marking the spots by September 1st.

Mr. Connolly asked that an email or newsletter about the change be sent to the citizens.

Vice Mayor Kerr asked if they were going to do the rate change or if it had to be done separately. The City Attorney said it would need to be done separately by ordinance. The Mayor suggested waiting until the four-month trial is done. Vice Mayor Kerr said there is an incentive to use the Park versus the lot that was put in across the street. They have had resident push-back about Kitty Stuart Park always being full. The Mayor said his suggestion was to raise all the City parking by 25 cents to make up the difference. It would bring them in line with other beach communities and provide more income to the City.

Bill Karns, 101 150th Avenue, said people can valet park at Caddy's for six dollars. It sounded like they were putting the burden on Caddy's, and he did not think that was fair. The Mayor said it was a very valid point.

Commissioner Tagliarini made a motion to do a trial period of four months of three regular parking spots and one handicapped spot. Two would be against the beach, and two would be against Gulf Boulevard, with no time parameter or limits on the parking times. The City Manager and Mr. Yahia would do the data collection. 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.

Commissioner McGeehen asked if the handicapped spot at the Park is wheelchair accessible to the beach. The City Manager said they could get to the bathroom building and the sand.

B. Fitness Center Public Usage

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

Recreation Director Jay Hatch said he did not receive or find documentation on the grant received for the equipment. The description of the Firefighter Grant Program on the FEMA website reads, "Fire safety grants fund critically needed resources to equip and train emergency personnel and enhance efficiencies and support community resilience."

The City Attorney said he would check the language of the grant to see if it was to be used solely for the firefighters and if there was a recorded restrictive covenant. He will have an answer by the next workshop.

Commissioner Tagliarini motioned to table the item until they found out the answers. The motion died for lack of a second.

Vice Mayor Kerr said he believes the fitness center should be dedicated to the firefighters. He did not see any need to open it to the public and create more of a burden for the Recreation Department. There is a liability for someone getting hurt. He thought it should be voted on and not tabled. It was brought to prior Commissions multiple times and shot down every time.

The Mayor said they talked about it at a workshop, and it appeared everyone was in agreement and they were waiting for the language of the grant. Vice Mayor Kerr did not recall it that way.

Commissioner Brooks said she had a different opinion then because she did not have all the facts. The grant was for the equipment for the Fire Department to use. They should not have to work around anyone to use the gym. She did not think she could vote to open it to the public. There is an expense to get it open and an expense to maintain it. Vice Mayor Kerr guaranteed as soon as they open it, there would be a request for different or additional equipment. It would be an expense that would continue to grow over time.

Commissioner McGeehen thought the public should be allowed to use the gym at the rate they talked about, ten dollars a month.

Commissioner Brooks suggested they talk about the possibility of a rec center-type gym similar to Seminole or St. Pete.

Commissioner Tagliarini motioned to accept staff recommendation to open the gym to residents only for a trial period until December 31, 2023. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 3-2.

11. CONTRACTS/AGREEMENTS

A. Gulf Beaches Public Library Service Contract

The City Manager said it is what the City will pay in FY 2024 for the library services. The Commission already approved the Gulf Beaches Library Budget in a prior meeting.

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

Commissioner Tagliarini motioned to approve the Gulf Beaches Public Library Service Contract for October 1, 2023, through September 30, 2024. 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.

B. Approve Pinellas Public Library Cooperative Renewal Agreement

The City Manager said the Cooperative is asking for approval of the five-year extension. It would allow for sharing of resources, materials, applying for grants, and a variety of different library services. There were no changes to the agreement.

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

Commissioner Brooks motioned to approve the Pinellas Public Library Cooperative Renewal Agreement. Vice Mayor Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

C. Facility Use Contract – The Spring Games, LLC

The City Manager said it is a one-year agreement with The Spring Games, LLC to host the college softball games in February and March 2024 at ROC Park. The City would be reimbursed by Visit St. Pete/Clearwater for the maintenance of the fields.

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

Vice Mayor Kerr motioned to approve the Facility Use Contract with The Spring Games, LLC. 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.

12. NEW BUSINESS

A. Resolution 2023-09, Employer Contribution to Health and Dental Premium

City Attorney Tom Trask read Resolution 2023-09 by title only:

RESOLUTION 2023-09

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, INCREASING THE CITY OF MADEIRA BEACH'S MONTHLY MEDICAL AND DENTAL PREMIUM CONTRIBUTION ON BEHALF OF EMPLOYEES TO INCLUDE CONTRIBUTING FIFTY PERCENT (50%) OF THE HEALTH AND

**DENTAL PREMIUM ASSOCIATED WITH AN EMPLOYEE'S SPOUSE,
CHILD, OR FAMILY; AND PROVIDING FOR AN EFFECTIVE DATE**

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

The Mayor said it is the right thing to do and it is a necessity.

Commissioner Brooks motioned to approve Resolution 2023-09, Employer Contribution to Health and Dental Premium. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Commission – Prior Issues on Developments, Litigation

The City Manager said emails were provided in the agenda packet regarding the item. They will not comment on any items that have pending litigation. The first item regarding representation has pending litigation. Questions could be answered on a one-on-one basis.

The Mayor said the City Attorney sent the Board an email about PD zoning, and he had trouble finding the answer to whether front, side, and rear setbacks could change. The City Attorney said it was in the last line of the email, "Based upon the above analysis, it is my opinion that the statement made by Community Development Director Rowan regarding the BOC's authority and considering the heights of structure/buildings and setbacks in the PD approval process was accurate." The Mayor asked why he was writing his opinion; he was looking for facts. The City Attorney said the facts are in the email. The purpose of a planned development is the flexibility of deciding what they want to build on a piece of property. The City Clerk asked for the date of the email in case she received a request for it.

The City Manager said everything the City does is a public record, and upon request, the City will provide it. The City Clerk does not have every single document but does have access to them. The City is about transparency, accountability, and promoting good government, and it does not hide anything. The City Clerk said they are required to monitor for exemptions. Today's public record may be exempt tomorrow, depending on if it is part of litigation.

Commissioner Brooks said the emails regarding the \$70,000 impact fee waiver given to the developer in 2016 really struck her. The City did not collect impact fees until recently. The impact fees are called Transportation Impact Fees, and they go to the county. It was for improvements to be made on the property by the developer in relation to transportation. The \$70,000 was a "credit"

for improvements that had already been completed on the property. Nobody did anything wrong. They need to be mindful of taking every opinion that comes in email at face value. If they are going to believe the emails without rooting them in fact, then they would create a distrust in the community.

13. STAFF REPORTS

There were no staff reports.

14. AGENDA SETTING – August 23, 2023 BOC Workshop Meeting

- A. Interviews with the two Law Firms that responded to RFQ 23-08 City Attorney – Trask Daigneault, LLP and Weiss Serota Helfman Cole & Bieman, P.L.**
- B. Amendment to ALS First Responder Agreement**
- C. Smoking/Vaping Ban on Sand, Parks, Public Places**
- D. RFI 2023-06 Engineering Continuing Services – Engineers of Record**

Commissioner Tagliarini asked if they could just have the interviews on the agenda because it might be an important and lengthy discussion.

Commissioner Brooks asked if other municipalities advertise RFQs differently than the City did. The City Manager said the main listing is a city's website.

Vice Mayor Kerr asked how many law firms in the area specialize in municipal law. The City Attorney said there are four or five.

Items removed from the workshop agenda:

- 1. Amendment to ALS First Responder Agreement
- 2. Smoking/Vaping Ban on Sand, Parks, Public Places

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

The Board of Commissioners had no report.

B. City Attorney

The City Attorney had no report.

C. City Manager

The City Manager invited everyone to the Holiday Isles Elks for breakfast with the City Manager at 10 a.m. on Saturday. He reminded everyone the next budget work session will be on Wednesday, August 23rd, at 4:00 p.m.

D. City Clerk

The City Clerk said she appreciated the Board allowing her to purchase Laserfiche. A public portal for public records will be available. The program will be monitored for public records exemptions and redactions purposes. She hoped it would be running before the end of the year. It takes a while to build it out. She wanted to put together a presentation workshop to show the Board and the public how to use the public portal when completed.

16. ADJOURNMENT

Mayor Rostek adjourned the meeting at 8:38 p.m.

James “Jim” Rostek, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk