



MINUTES

BOARD OF COMMISSIONERS REGULAR WORKSHOP MEETING FEBRUARY 22, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular workshop meeting at 6:00 p.m. on February 22, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT:

John B. Hendricks, Mayor
Doug Andrews, Vice Mayor/Commissioner District 3
David Tagliarini, Commissioner District 1
Ray Kerr, Commissioner District 2
Dave Hutson, 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 Hendricks called the meeting to order at 6:00 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll.

3. PUBLIC COMMENT

Jim Rostek, protected address, said he was embarrassed for the City residents because the City will face media notoriety for alleged illegal and immoral acts of a Commissioner, the City Manager, and a City employee regarding a public information request. There has been an intentional violation of his rights as a retired fire service veteran.

4. CITY MANAGER'S MONTHLY REPORT – JANUARY 2023

City Manager Robin Gomez reviewed the City Manager's Report for January 2023.

Mayor Hendricks opened to public comments. There were no public comments.

5. TOPICS FOR DISCUSSION

A. Fund & Account Financial Analysis Report – Current Year Actual, Prior Year actual, and Current Year Budget

City Manager Robin Gomez said they would provide a quarterly update of the City's finances by Fund. Finance Director Andrew Laflin reviewed the item and gave the following highlights:

- Ad Valorem Taxes – They would meet or exceed the budget.
- Administrative Service Allocation – The journal entry is made at the end of the fiscal year. It would be what the different funds owe the General Fund for administrative overhead.

Commissioner Hutson asked if they had normal quarterly taxes or quarterly tax payments; it seemed like they were collecting more quickly. Mr. Laflin said it was based on seasonality. High-frequency collections would be in October and November when homeowners take advantage of the four percent discount making the distributions more frequent. Commissioner Hutson asked if commercial properties pay at the same time. The City Manager said that varies. Mayor Hendricks said he thought the Tax Collector's office collected residential and commercial properties the same way.

Vice Mayor Andrews said it was a great report. Mr. Laflin said the revenue side could be misleading depending on when the collection came in, and it got recorded. The City Manager said the report would give them the opportunity to research if something did not look correct.

Commissioner Kerr asked why the Ad Valorem was so low in the Fiscal Year 2022 year-to-date compared to the Fiscal Year 2023 year-to-date. Mr. Laflin said the Fiscal Year 2022 year-to-date was a calculation, and what is in the current year is what was actually collected. Commissioner Kerr asked if that would change at this time next year. Mr. Laflin said it would be a calculation.

Commissioner Kerr said it looked like most of the totals were in a deficit because the Budget Outflows were more than the Budget Inflows. He asked if they should be concerned about the budget numbers. Vice Mayor Andrews said the Inflows and Outflows occur at different times during the year, and he looks at the year-to-date actual figure. Mr. Laflin said they have very healthy reserves in the General Fund that could be used when revenues do not cover expenditures. He could provide a Department and Fund Summary for future presentation.

Mayor Hendricks said he received an email announcing the City of Madeira Beach was awarded a Certificate of Achievement for Excellence in Financial Reporting and congratulated Mr. Laflin and his team.

Mr. Laflin said they have a financial transparency site within the City website that is constantly updated.

Commissioner Hutson asked what the Unassigned Fund balance was. Mr. Laflin said it was \$10,753,573.00 and should go up.

Commissioner Hutson asked if the Parking Inflows fluctuated because of the weather and if they were at the maximum. The City Manager said there were variables but they were not at the maximum. The past year was the highest that was collected. Commissioner Hutson said the year-to-date numbers were lower than in 2022. The City Manager said parking was divided into the Parking Fund and the Archibald Park Fund, but it was reported as a total in the Manager's Report. The Parking Fund records all revenues except for Archibald. Commissioner Hutson asked how they judged how well they were doing to make the right decision on raising the cost. It was based on historical revenues. There were significant increases in monthly parking revenue in 2022, which will continue to increase through 2023.

Vice Mayor Andrews said he expected the numbers to worsen because of the weather. They are heading into the season and will be doubling revenues by July.

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

B. Update on rework of Ordinance 2020-05, Slow Speed-Minimum Wake Zone

The City Manager said the data requested by the Florida Fish and Wildlife Conservation Commission was not provided after the ordinance was adopted. He requested detail on the data received from Pinellas County Sheriff's Office Marine Unit but did not get a response. The Statute required more specific evidence. He did not think the ordinance needed to be reworded.

Commissioner Kerr said they were asking for speeding violations in an area with no speed limit. Since there were no substantial deaths or accidents, it cannot be deemed unsafe. He asked what they could do as a community to make them see it was a safety issue.

Mayor Hendricks said the boats were tearing up the seagrass beds lying between the seawall and the main channel. It might be another way to approach the problem; to protect the seagrass beds. The City Manager said it would be under the National Oceanic Atmospheric Association (NOAA). A current seagrass study was needed for dredging John's Pass, so he will follow up with NOAA and mention it to Florida Fish and Wildlife.

Commissioner Kerr asked if there was something Shumaker could do. The City Manager said he would see if the lobbyist would speak with Fish and Wildlife.

Mayor Hendricks opened to public comment.

Patrice Boone, 571 Johns Pass Avenue, said communities within 20 miles have minimum wake off the seawalls and outside the intercoastal waterways due to "Save the Manatee." She thought they should go through "Save the Manatee." The ten-year study to redo their signage is coming up.

John Lipa, 399 150th Avenue, said he is a kayaker, and it is an issue. He hoped they could do something about it.

The Mayor said maybe the better route to go would be environmental.

The consensus of the Board was to have the City Manager go through the lobbyist, ask the legislative delegation for assistance, and follow up with the environmental regulatory organizations.

C. Building Department Software Update

Building Official Frank DeSantis gave an update on the new software for the Building Department and responded to questions and comments from the Board.

Mayor Hendricks asked if he thought it was good for the City. Mr. DeSantis said yes, and everything would be online.

Commissioner Tagliarini asked if someone could apply for a permit online. Mr. DeSantis said yes. The goal is to be paperless and more efficient in the Permitting Department.

Commissioner Hutson asked if the Help Screens would be online and how much historical data would be inputted. Mr. DeSantis said it would be online, and five years of historical data would be on a Cloud Server.

Commissioner Kerr asked if the data on the current system could be uploaded to the new system. Mr. DeSantis said yes. Commissioner Kerr asked if the new system would help when there was a question if a permit was needed. Mr. DeSantis said anyone could get a permit online, and it would show what the requirements are to submit for that permit. When you get into plan review, it gets complicated because it would need to go through different departments. There would be a list of all the permits online and what would be needed for that permit. The system would issue the permit and placard on the same day.

Commissioner Kerr asked if the Building Department was fully staffed. Mr. DeSantis said they were short on the building inspections side. He could not answer for Planning and Zoning.

The City Manager said the Building Fund was all revenues from the users of the Building Department obtaining permits, etc. The Mayor said the Building Department paid for the build-out of the first floor and did not use any City funds.

Mr. DeSantis said they were approved for a State Internship Certification Program with the Florida Building Commission and the Department of Business and Professional Regulations. He would train future building inspectors through his license.

Mayor Hendricks opened to public comment.

Larry Roelofs, 399 150th Avenue, said Madeira Cove was the first community to go through Senate Bill 4D. He complimented the Building Department for being on the ball through Phase One, the Structural Integrity Inspection. Commissioner Hutson asked if Senate Bill 4D came out of the Surfside incident. Mr. Roelofs said Governor DeSantis passed it last May. A building three stories or higher must go through a Phase One Structural Integrity Inspection to make sure it will not collapse. There is a checklist the Building Department uses. The law requires the final report from

Phase One to be signed off by a local Building Official. Commissioner Hutson asked if the Board needed to do anything. The City Attorney said the Building Department was taking care of it.

The Mayor said they needed to look at fastening the AC units to the roofs of the high-rise condos in a better way.

John Lipa, 399 150th Avenue, said the final report for Phase One needed to be submitted to the state. They compile the list.

D. Madeira Way and 150th Ave. Traffic Flow

The City Manager said redevelopment over the years resulted in a different configuration of Madeira Way and 150th Ave. Many residents would like the left turn off Madeira Way onto 150th Ave. restored. He asked for the Board's direction on approaching the Department of Transportation.

The City Manager notified the Department of Transportation that the pedestrian crosswalk at Madeira Way and 150th Ave. might not be working as intended. The Department of Transportation told several residents at Madeira Cove they would not do anything until there was a need to do something. There is a safety issue in the area, and it is impacting businesses.

The Mayor said when the traffic light was at Madeira Way and 150th Ave. it gave the residents in the condos a break in traffic where they could have time to exit. It is not safe when people turn right onto 150th Ave. from Madeira Way and force their way into the inside lane to make a U-turn.

Vice Mayor Andrews said the road was a mess, and they would not address it until the last condo building was done. They needed to start talking about it now so they could be able to give the Department of Transportation good ideas instead of complaining about it. They need to get the traffic flow going. The configuration that is out there now was not what was presented to them originally.

Commissioner Tagliarini said he would love the old traffic pattern back, but at the least, they need to make the crosswalk on-demand. The entrance to Madeira Cove and the condos on the north side of 150th Ave should have an on-demand stop light with a crosswalk.

Commissioner Hutson disagreed with the stop light at the condo entrance. If they put a stop light at Madeira Way and 150th Ave., they should move the crosswalk to the east side of the intersection, so cars could turn left while people cross the road. He suggested putting a three-way stop at Madeira Way and Municipal Drive if they wanted to make Madeira Way one-way and move the speed bump closest to the stop sign so people do not use it as a cut-through.

Commissioner Kerr said they should look at the triangle as a whole. He never liked the existing crosswalk, and there is an issue at the north end of Madeira Way with people crossing Gulf Blvd to get to Archibald. He did not know why the right turn was allowed onto Gulf Blvd. He thought the red light at the condos would help a lot of issues.

Commissioner Hutson said there would be more traffic on Madeira Way once the condos and hotel were built. He asked if they could ask the state to allow a left turn from Madeira Way onto Gulf Blvd when pedestrians were crossing to Archibald.

Commissioner Kerr asked if Madeira Way was included in the PD for the hotel. The Mayor said he thought that took place at the same time. Commissioner Kerr asked what the plan was. The City Manager said Madeira Way would not change. The Mayor said allowing a left turn onto 150th Ave. from Madeira Way made sense as more traffic generates. Commissioner Kerr said he preferred the way it is now.

Commissioner Hutson said he had residents ask if they could have a "no right turn on red" sign at Gulf Blvd. and 150th Ave. so the condo residents would have more time to exit.

Mayor Hendricks opened to public comment.

Larry Roelofs, 399 150th Avenue, said he would like the Board to consider establishing a task force that could propose several scenarios to the Department of Transportation.

John Lipa, 399 150th Avenue, said not only the residents want the change, but a big developer in Madeira Beach wants it too. It is very dangerous, and something needs to happen.

Bill Gay, 423 150th Avenue, said the residents at 423 and 425 150th Avenue would like a center cut to the westbound lane of 150th Avenue. They need to consider the DeNunzio property's future development because that traffic would also use the Marina intersection.

The consensus of the Board was to share it with the Department of Transportation and bring it back to a future workshop.

E. Dogs on the Beach/Sand

The City Manager said we continue to address some of the ordinances and the enforcement component. This item relates to the 'leave no trace' ordinance that excludes animals and reptiles on public beaches and sand. A few residents continue to stress concerns about it, so they are looking at other methods to include additional larger signage. In the packet, it shows the newest sign with beach rules. Public Works Director Megan Wepfer said that was one of the smallest signs for the condos to place. The ones placed at the beach accesses are much larger.

Mayor Hendricks suggested also placing them at the pay stations, at least in Archibald and Johns Pass, for beach parking. The City Manager explained the other signs shown in the packet that are placed in various locations in the City. They will be developing signs saying no dogs allowed on beach sand and the \$93 fine, and with a color scheme to make them stand out. The signs will be placed at each beach access point. There should be no excuses for not seeing the signs. As suggested by Commissioner Tagliarini, they can also mail something to each resident reminding them of the City's ordinances that no dogs are allowed on the beach sand, and there is a fine for doing so. The process with the deputies is to ask when seeing a dog on the beach if it is a service animal, what service it provides, and issue warnings if need to. Additional patrols will be added

on the sand and possibly added extra on-duty deputies on Gulf Lane, especially from John's Pass parking lot up through 136th Avenue, due to numerous concerns from residents and visitors on those properties, primarily on the west side of Gulf Lane.

Commissioner Tagliarini said he liked all the ideas. He asked if it was also a county ordinance controlling that. The City Manager said they are not allowed to have animals in a public bathing area. Director Wepfer said it is the Florida Department of Public Health regulation. Commissioner Tagliarini suggested adding that language to the 'no dogs on the beach' to let people know it is not just a Madeira Beach ordinance. He is in favor of the additional patrols by the Pinellas County Sheriff's Office. They have the rules. The enforcement is the issue. It is a problem, not just with residents but also with tourists.

Commissioner Hutson asked if they should do a mailer to add that they have a dog beach on the east side of the causeway. Director Wepfer said the Pinellas County School District owns the property. The City maintains the park but does not think they would want to advertise it publicly. It is not officially a dog beach.

Commissioner Kerr asked if the enforcement officer could ask where the people are staying and follow up with the hotel or wherever they are staying. If they start getting a list for the same location, maybe there could be more enforcement with them. Director Wepfer said the biggest problem is dogs are seen everywhere. A few years back, no condo allowed dogs. Visitors think they should be able to bring their dogs because they pay a lot of money to stay on the beach. The reason for coming up with the sign is that every condo is supposed to have it posted, and they do not. However, she has a lot of tremendous support from the maintenance people. They have no issues putting up the sign.

Commissioner Tagliarini said they should add the big signs Mr. Gomez talked about. Director Wepfer said she is unsure if they would allow those specific signs at their condos, but they have no issue with the beach rules in general. She does not see the dogs being an issue, but she has a big issue with holes, trash, glass, and items left on the beach. They are going into spring break season, and it is canopy central out there.

Commissioner Kerr said they should leave it with those signs and more enforcement during the spring break season because the residents down in the Gulf Lane area need that anyway for other reasons. They could double up and find out where the dogs are coming from, enforce it there, and issue citations if needed.

Commissioner Tagliarini asked if there was a more direct way to use the app to report it. There is no dog button but a 'non-emergency' button and an 'other' button. Residents have asked him about adding a 'dog' button. Who would monitor it? The City Manager said it would be Code Enforcement because it would be a code issue. Commissioner Tagliarini said when residents and other people ask him how to report things, he pushes them toward the app because it would be a great reference and tool. They could add a 'dog' button or a 'beach ordinance' button to report other things.

Mayor Hendricks said he approached someone that had a dog on the beach. He was a Madeira Beach resident and did not care. They must start citing people because that would be the only thing to get their attention. It is getting out there that our parking profit manager is helping with the parking issues. They are issuing tickets to those that do not pay for parking in Madeira Beach. Enforcement is the only way they will stop dogs on the beach.

Commissioner Hutson said it was talked about a couple of years ago. Somebody said some of the hotels owned more of the beach and allowed their pets to use it. The City Manager said some property lines extend out onto the sand. They have been enforcing City codes on the entire sand but had concerns with that. City Attorney Tom Trask said it is not public sand if it is private property. A lot of the locations do have a good portion of the beach under fee simple ownership. They have a right to walk their dog on the sand. It would only be the public beaches that would be a violation. Mayor Hendricks said they need a diagram of it. The City Attorney said they have a printout of all the property lines along the beach. On the Pinellas County Property Appraisers website, you can easily see where the property lines are in relation to the beach. The City Manager showed on the screen the diagram located on the Pinellas County Property Appraisers website referred by the City Attorney. Director Wepfer said there are about 12 to 15 or so properties with property lines extending out onto the sand. The City Manager said some property lines extend to the mean high water line. He thinks that the deputies follow that and do not enforce that section of the sand because it is private property.

Mayor Hendricks said they probably need them to sign a right-of-way agreement for groins and whatnot. Director Wepfer said City tractors only do the public lands to the high water mark, and the private tractors do the private properties. They will get construction permits for those with groins on them, as they did in 2012 or 2013 when they were renourished. The City Attorney said the lawyers call it a temporary ingress/egress easement or construction easement. It allows them to go in and use cross properties with an obligation to return the property to the appearance that it was before the City's use of it. Usually, it is related to a specific period of time.

Mayor Hendricks said communities north of them have problems getting right-of-way easements for beach nourishment. Because some homeowners will not give it to them, it jeopardizes whether they will get beach nourishment. The City Attorney said there is a difference between a right-way easement and a temporary construction easement. A right-of-way or a permanent easement would last from now into perpetuity. The temporary easements are just for the period in there doing the construction. People get confused and question that when giving up a portion of their property.

The City Manager said the City is considered dog friendly in many tourist publications. The information lets people know the restaurants that allow dogs outside on their patios. As Megan said, that is the good and the bad of being considered dog friendly. People take their dogs everywhere, including on vacation.

Commissioner Tagliarini asked if the county ordinance superseded that since it is public bathing. The City Attorney said the county's ordinances do not control what goes on in the City of Madeira Beach. The City of Madeira Beach ordinances controls what goes on in the City. There may be a state regulation or a state statute that preempts the City's ordinance, but the county, no, unless it is a county park, then that comes into play.

Director Hatch said dogs cannot be in the bathing areas. Commissioner Tagliarini asked if it is a safety and health issue would the state rule their property since the beach is a swimming area. The City Attorney said he had not read that particular provision, but if it is a state statute, more than likely it preempts. So the suggestion about putting it on the sign in addition to the City code provision would probably be helpful because there would be more of an argument that it is not just the City regulating that.

The City Manager said they would be able to proceed with more signage and enforcement and go from there. The deputies could note where that comes from.

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

F. Federal Government Consulting Services

The City Manager reviewed the item and asked if the Board wanted to proceed with it.

Commissioner Tagliarini said it looked like it was \$5,000 a month. They needed to weigh the \$60,000 a year versus the benefit they could get on a federal level.

Mayor Hendricks said the county has a federal lobbyist and he did not know if they could piggyback with them. It might be good to discuss it with the BIG-C if they do not get any help from the county. Having a joint venture with other small communities might be good to help with the expense.

Vice Mayor Andrews agreed with the Mayor. It probably was not a one-year deal. The City Manager said it would probably be a three-year commitment. He liked the multiple-city approach.

The Mayor said the key to John's Pass was the Corps of Engineers, and it would take a federal lobbyist to push that. It might be a good time to talk to the BIG-C about a federal lobbyist for beach nourishment, undergrounding, and other things that need to be done.

Commissioner Kerr said other cities might not have the same wants or needs. The Mayor said the undergrounding and the sand issue are all interconnected. Commissioner Kerr said he would like to continue the conversation with Shumaker and the BIG-C, but some companies specialize in getting grants, and he wanted to make sure they were spending money wisely. They need a representative at the federal level.

The City Manager suggested coming up with common topics that would be beneficial and pursuing them collectively.

Commissioner Hutson asked if there was an ad hoc or an a la carte way of doing it. The City Manager said they did not provide it, but he would ask.

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

ADDED ITEM

G. Fireworks RFP Update

Item G. was added to the agenda. The City Clerk distributed a handout to the Board prepared by Recreation Director Jay Hatch.

Recreation Director Jay Hatch said he received four responses to his RFP to have four fireworks shows in 2023. The responses were asked to include the costs, the number of shells they would fire, and the approximate display times. The first three vendors on the spreadsheet provided that information, and the fourth did not. They did not receive a bid from the previous vendor because they discontinued operations in the area.

The four vendors on the spreadsheet:

1. Master Pyro Display LLC - \$35,000 – 1,680 shots
2. Explosive Touch - \$40,000 – 1,500 shots
3. Starfire Corporation - \$40,000 – 1,580 shots
4. My Three Sons - \$40,000

Fireworks Displays:

1. July 3rd
2. March 17th
3. May 6th
4. November 11th

Locations:

1. Fundamental School
2. 200 Rex Place

Director Hatch said the first two vendors listed, Master Pyro Display LLC in the first column and Explosive Touch in the second column, were the most responsive and realistic options. From a staff perspective, Master Pyro Display LLC might be the best one. They provided a location for Fundamental School and 200 Rex Place, and they were given the option for one or both for the 3rd of July. Their cost is less, \$35,000 versus the \$40,000, and the shell count is more. They also have some previous experience with Mr. Andrews at the Rex Center. The Explosive Touch option did have a handful of larger shells, but it was a minimal difference as far as the way that goes. In looking at the spreadsheet, the option probably would be the first column if it is something the Board is open to. In the RFP, there was a contract. They could either do it for one year with an extension. With the responses received, it might be worth going with the single year and deciding whether to extend it later. He would have to word it properly in the initial one.

Mayor Hendricks asked Director Hatch if he was familiar with them. Director Hatch said Explosive Touch, the second one, is the reference they got from the company they normally use. They said they were typically subcontractors, but the City has not used them. He looked at reviews for all the companies, and they were about the same. For the most part, they did what they said

they would do and blew stuff up. The Master Pyro would seem more of a show, and the other a shoot stuff up to explode.

Mayor Hendricks said he could see the difference between doing it at Rex Place and the school. There are a lot more shots. Director Hatch said his only concern is 6,000 mortars off the pier and lack of space. The Fundamental School is still a pretty good option with 25. They looked at last year's Fourth of July show, and it was in the 1600 range, so either option would be more count-wise.

Commissioner Hutson said March 17th is Spring Carnival, and May 6th is Grouper Gala. Director Hatch said if they are good with that, he would have to contact them tomorrow morning and start the process to make sure they can get the 17th in. The City Attorney said the Board could not vote at the workshop. The City Manager said they would bring back an agreement on March 8th.

Mayor Hendricks asked if they could get a consensus. The City Attorney said according to their rules, they can. The last sentence of the workshop provision in the BOC policy state, "To allow some understanding of the status of the discussion of items, a verbal consensus may be ascertained to determine an appropriate next step, but such consensus is not binding on the Board of Commissioners."

Commissioner Kerr received clarification that shells and shots are the same and said that Rex Place is 6,000 shots versus 2,584 at the Fundamental School. Director Hatch explained why and said they were open to shooting fireworks safely from anywhere they could. So, he leans on the Board for choice of location, there is no preference, and they both bring a crowd.

Mayor Hendricks said they needed to get moving on the March 17th event. They have a consensus and will vote on it at the next meeting to confirm it.

The Mayor opened to public comment. There were no public comments on the item.

H. ADJOURNMENT

The City Clerk received confirmation to change the Tuesday, March 22, 2023 Swearing-in Ceremony for the new Commissioners and Mayor from 5:00 p.m. to 4:30 p.m., to allow time for a reception to follow before the 6:00 p.m. workshop.

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

John B. Hendricks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk