



## MINUTES

### BOARD OF COMMISSIONERS REGULAR MEETING JULY 12, 2023 6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on July 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  
An attorney on behalf of Thomas Trask, Trask Daigneault Firm

#### **1. CALL TO ORDER**

Mayor Rostek called the meeting to order at 6:00 p.m.

#### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The attorney from the Trask Daigneault Firm 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**

##### **A. Proclamation – Parks and Recreation Month; July 2023**

Mayor Rostek read a proclamation proclaiming the month of July 2023 as “Parks and Recreation Month.” Recreation Director Jay Hatch accepted the proclamation.

## **6. PRESENTATIONS**

### **A. Update on John’s Pass Dredging – Aptim Presentation**

Nicole Sharp, Aptim representative, provided a brief update on the John’s Pass dredging project. They are currently working on the permitting process. They need to get the right-of-way permit application through the Department of Transportation and then finalize the permanent applications with the Corps of Engineers and the State Department of Environmental Protection. Ms. Sharp responded to questions and comments from the Board.

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

## **7. PUBLIC COMMENT**

The Mayor said he wanted to start having public comments before the Commission discussion on each item on the agenda.

Jerry Cantrell, 13322 First Street East, thanked the Board for his appointment to the Civil Service Commission. He said he sent six emails to the City’s Labor Attorney and never received a response. He was not informed of the decision of the City Administration to only review the documentation during the Civil Service Commission meetings. The Civil Service Commission needs full access to legal counsel when its members are operating in an official capacity. There needs to be communication between the Civil Service Commission and the City’s Administration. He asked the Board for directions. The City Manager said any Civil Service Commission member or Planning Commission member could direct legal questions to the applicable attorney, and it is up to the attorney to respond or wait to respond during a meeting. The Mayor said the best way to proceed was to give them two working days to respond, and if there is no response, email the City Manager. That way, it is documented.

Tom Edwards, protected address, asked what was happening with the City gym being open to the public since it was bought with City funds. City Manager Robin Gomez said it would be discussed at the July 26, 2023 BOC Regular Workshop.

## **8. CONSENT AGENDA**

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

- **2023-06-14, BOC Regular Meeting Minutes**

### **B. FY 2023 Audit Engagement Letter**

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

ROLL CALL:

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

The motion carried 5-0.

**9. UNFINISHED BUSINESS**

**A. Resolution 2023-08 – FY 2023 Budget Amendment #2**

The attorney from the Trask Daigneault Firm read Resolution 2023-08 by title only:

**RESOLUTION 2023-08**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2023 (OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023) BY INCREASING APPROPRIATIONS FOR EXPENDITURES IN THE GENERAL FUND, THE LOCAL OPTION SALES TAX FUND, AND THE PARKING FUND; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Rostek opened to public comment.

Finance Director Andrew Laflin said there are three higher-than-anticipated costs of services, but higher revenues offset those.

Vice Mayor Kerr motioned to approve Resolution 2023-08, FY 2023 Budget Amendment #2. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

The Mayor asked for an update on the ROC Park Memorial takeover from the Foundation. The City Manager said they would be setting up a meeting with the Foundation to see if they can agree.

The Mayor asked for an update on the letter to the Attorney General's Office. The City Manager said he did not receive an update from Interim Attorney Trask but will follow up. The attorney from the Trask Daigneault Firm said Mr. Trask was collecting information and is expected to send the letter out next week.

The City Manager suggested they stick to the agenda and comment more during Reports/Correspondence.

The Mayor said the RFQ for the City Attorney was a failure with only two submittals. He received several emails from citizens who wanted it to go back out to bid. The City Manager said it would be on the July 26 Workshop agenda to discuss unless they want to go a different direction. They could reach out to professional organizations.

Tom Edwards, protected address, agreed with the City Manager to put it out to a professional organization. He recommended putting it out to different local Bar Associations and the Florida Bar Association.

Jerry Mathis did not give an address and said it seems like it is taking a long time to get something done.

Commissioner Brooks said she does not like receiving bullying emails with misinformation from citizens. She did not believe they should go back out to bid for a city attorney. They did what was supposed to be done.

## **10. PUBLIC HEARINGS**

### **B. Ordinance 2023-15, Comprehensive Plan Activity Center Definition – 2<sup>nd</sup> Reading & Public Hearing**

The attorney from the Trask Daigneault Firm read Ordinance 2023-15 by title only:

#### **ORDINANCE 2023-15**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER; REPEALING ORDINANCE 2022-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF**

Community Development Director Jenny Rowan said the Ordinance creates the Activity Center Future Land Use Category in the Madeira Beach Comprehensive Plan. No specific property or location is associated with the text change.

Mayor Rostek opened to public comment.

Jerry Mathis, Madeira Beach resident, said he would not support arbitrarily increasing the density of the City without the citizen's say.

Commissioner Tagliarini said he spoke to Linda Fisher of Forward Pinellas, who explained the City's Comprehensive Plan has been inconsistent with the County-Wide Plan since 2008. He read an email from Ms. Fisher that explained the purpose of the Ordinance. It would allow for the John's Pass Activity Center designation to move forward. He would not support any ordinance that includes what Ms. Fisher calls additional densification of any part of the City.

Vice Mayor Kerr asked Director Rowan to comment on the additional densities of any Activity Center and interpret the email written to Commissioner Tagliarini. Director Rowan said the creation of the John's Pass Village Activity Center is to protect and account for what is already there.

Vice Mayor Kerr asked Director Rowan how a catastrophic event would impact rebuilding. She said most of John's Pass Village would be unable to be rebuilt.

Commissioner Tagliarini thought there could be other ways to change the ordinances to save the character and allow businesses to rebuild. Director Rowan said they would need to talk to the City Attorney and Forward Pinellas about the legality of the redevelopment process.

Bob Rieck, 137<sup>th</sup> Avenue Circle, asked why they would pass something the citizens do not understand and why move forward when there are many pushbacks. There is a lack of trust in the organization. He suggested educating the citizens first and then voting on it if it needed to happen.

Jerry Mathis, Madeira Beach, said he was concerned about insufficient public involvement.

After further discussion, Vice Mayor Kerr motioned to approve Ordinance 2023-15, Comprehensive Plan Activity Center Definition, following second reading and public hearing. Commissioner Brooks seconded the motion.

**ROLL CALL:**

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

The motion carried 3-2.

**11. CONTRACTS/AGREEMENTS**

**A. Ratify City's Option to Remain in Pinellas County CDBG Cooperation Agreement through FY's 24, 25, and 26**

The City Manager said Pinellas County is requesting the City either continue or opt out of participating in the Community Development Block Grant Program. The program is designed to assist with home repairs, home purchasing, and social types of assistance. It is federal funds administered through the state to cities and counties. He recommended they continue with the program.

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

Commissioner Tagliarini asked if there was any expense in doing it. The City Manager said no. Commissioner Tagliarini said he was in support of it.

Commissioner Tagliarini motioned to approve the City's ratification option to remain in Pinellas County CDBG Cooperation Agreement through FY's 24, 25, and 26. Vice Mayor Kerr seconded the motion.

#### **ROLL CALL:**

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

The motion carried 5-0.

### **12. NEW BUSINESS**

The City Manager encouraged people to attend the meetings and reminded everyone of the meeting schedule.

### **13. STAFF REPORTS**

There were no staff reports.

### **14. AGENDA SETTING – July 26, 2023 BOC Workshop Meeting**

- A. Presentation: Selah Freedom – Raising Awareness to End Sex Trafficking**
- B. Shade Structures**
- C. Revision to City of Madeira Beach Professional Legal Services – Board of Commissioners to review, rank, and schedule interviews**

Items added to the workshop agenda:

1. Discuss Election Campaign Signage
2. Discuss Frontier Phone Lines throughout the City

3. Health Insurance, Benefits, and Salary Increase for Commissioners
4. Discuss an Agreement with the Spring Games Organization
5. Discuss Public Usage of the Fitness Center

#### Commissioner Brooks

1. Discuss Landscaping and Wrapping the Restroom at Tom & Kitty Stuart Park

### **15. REPORTS/CORRESPONDENCE**

#### **A. Board of Commissioners**

Commissioner McGeehen agreed with Commissioner Brooks that there are bullies at the podium and through email. In a four-hour Ethics Workshop earlier in the day, he learned that the presiding officer could regulate comments to avoid disruptive comments and behavior. He would like to see that happen to keep the negativity out of City Hall.

Vice Mayor Kerr said he would like to discuss the Public Comment section. He would like people to state whether they are residents and, if they are residents, state what district they live in and who they represent. Commissioner Brooks thought it was a great idea and asked if it could be changed in the handbook. The City Clerk said it could be changed by resolution. The City Manager said he would add it to the agenda for the next workshop.

#### **B. City Attorney**

#### **C. City Manager**

#### **D. City Clerk**

The City Clerk provided updated District maps to the Board to compare to the ones they received at the last meeting. The item will be on the agenda for discussion at the next workshop meeting.

Commissioner Tagliarini asked if some minutes were not posted on the City's website because he could not find what he was looking for. The City Clerk said the drafts and the approved minutes should be on the website, but because of the holiday, some might not have been posted right away.

Jerry Mathis, 420 137<sup>th</sup> Avenue Circle, District 1, asked if the meetings on YouTube could be named in chronological order so it would be easier to find what they are looking for. The City Manager showed him where to look on the City's website, and the City Clerk explained how to subscribe to receive meeting notices.

The Mayor apologized for the disparaging comments from one of the Commissioners during the past two meetings. He said he would not tolerate it. The residents also need to remain respectful.

### **16. ADJOURNMENT**

Mayor Rostek adjourned the meeting at 7:50 p.m.

  
James "Jim" Rostek, Mayor

ATTEST:

  
Clara VanBlargan, MMC, MSM, City Clerk

