



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING

April 2, 2025
6:00 p.m.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on April 2, 2025, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Anne-Marie Brooks, Mayor
Ray Kerr, Vice Mayor/Commissioner District 2
David Tagliarini, Commissioner District 1
Eddie McGeehen, Commissioner District 3
Housh Ghovae, Commissioner District 4

MEMBERS ABSENT: None.

CHARTER OFFICERS PRESENT: Robin Gomez, City Manager - Absent
Clara VanBlargan, City Clerk
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, City Attorney

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney Tom Trask gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

4. APPROVAL OF THE AGENDA

Vice Mayor Kerr motioned to approve the agenda. Commissioner Ghovae seconded the motion.

ROLL CALL:

Vice Mayor Kerr	"YES"
Commissioner Ghovae	"YES"

Commissioner McGeehen	"YES"
Commissioner Tagliarini	"YES"
Mayor Brooks	"YES"

The motion carried 5-0.

5. PROCLAMATIONS

Mayor Brooks read a proclamation proclaiming the 56th Annual Professional Municipal Clerks Week as May 4-10, 2025. The City Clerk accepted the proclamation.

6. PRESENTATIONS

There were no presentations.

7. PUBLIC COMMENT

There were no public comments.

8. APPROVAL OF MINUTES

A. 2025-03-12, BOC Regular Meeting Minutes

Commissioner Tagliarini motioned to approve the meeting minutes as written. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

9. CONSENT AGENDA

There were no consent agenda items.

10. PUBLIC HEARINGS

A. Ordinance 2025-01, New Personnel Policy – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-01 by title only:

April 2, 2025, BOC Regular Meeting Minutes

ORDINANCE 2025-01

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING A NEW PERSONNEL POLICY; REPEALING ORDINANCE 2019-13; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said the ordinance includes the changes made at the meeting on March 12. His partner, Rob Eschenfelder, was present to address any concerns of the Board.

Mayor Brooks said there was no public in the audience for public comment.

Vice Mayor Kerr asked if the changes made were highlighted in red. Attorney Eschenfelder said the changes were not made with underlines and strikeouts. He explained the changes as follows:

- On-Call Status – He provided that exempt employees are ineligible for overtime. In the document, he combined IV.C.4, a. and c. The "ineligible for status" language was left because the policy should be clear that an FLSA exempt employee can never be on call, as that term is used for FLSA compensation requirements. The Commission needs to understand that under the FLSA, nonexempt employees are required to be paid for all hours worked and must be paid a premium rate for overtime. They also must be compensated for the time they spend on call waiting to be called to work if such time is spent for the employer's benefit.

Exempt employees are not entitled by law to compensation in excess of their regular salaries, even for on-call time. Under the FLSA, exempt employees must be paid on a salary basis, not hourly. FLSA's regulations provide that additional compensation besides the salary is not inconsistent with the salary basis payment. However, such additional compensation could be a one-time performance bonus for an exceptional project completed.

Payment of exempt employees based on the number of hours they work or are on call typically violates the act's salary basis test. Therefore, awarding exempt employees extra pay, such as on-call pay, could lead to loss of an employee's exempt status and, by extension, to liability to the employer for back overtime pay under the FLSA's two-year lookback period.

- Floating Holidays – They wanted to change the calendar year to a fiscal year. The edit was made.
- Vacation Provision – The Board wanted to change the calendar year to fiscal year and remove the sentence after the chart, "Vacation leave must be used by December 31 of each year." The edits were made.

The Mayor had shared with him that an additional edit was needed to make it consistent with the Board's intent in VII, A, paragraph 3, that accumulated vacation leave will be tracked by payroll. There was a sentence, "If employees do not use their vacation by the end of the calendar year, they shall forfeit their remaining unused leave." That should also have come out. With the Board's motion to approve, that change will be made.

- Degree Program - They wanted to change the reimbursement from 80% to 100%. That edit was made.

Vice Mayor Kerr said he was okay with the clarity on the exempt vs. non-exempt. They talked about changing the calendar year to a fiscal year. He asked if that was what they wanted to do. Mayor Brooks and Commissioner Tagliarini said that was their understanding.

Mayor Brooks said they did not receive the revised personnel policy until that day, so she was unsure if everyone had time to read the comments. She disagreed with the comment regarding allowing the City Manager to determine how long someone would be required to work for the City if the City paid their tuition. She disagreed because the City Manager could show bias or favoritism. He might require one to work one year and someone else three or five years. As a compromise to that and to be a better option, if someone got a bachelor's degree, they would be required to work three years and five years for a master's degree, regardless of who they are. She asked if they could vote to change it now or leave it at one year the way it is written, and the Board will discuss it later and then come back and approve it. Also, since they did not receive the final until today, the City Clerk's office was going through it today and found different things where verbiage was used that might conflict with the city charter, which are not necessarily hugely consequential. Attorney Eschenfelder had given her a brief explanation during their conversation. She asked if they voted on it today, could they still bring it to a workshop along with all the input from the City Clerk's office so that they could address those regarding being consistent with the City Charter. They would just be wordsmithing some things with the charter.

Attorney Eschenfelder said they could do that. It was a multi-year project, and they wanted to get it done. They could adopt the three ordinances tonight. The City Clerk had not shared any comments with him, so he did not have the opportunity to respond tonight. The information the Mayor briefly shared with him, he saw no issues, problems, or concerns. If they need to come back with some particular tweaks, they could come back with a glitch ordinance.

Mayor Brooks said she would like to discuss it at the next workshop. The City Clerk can send them what they find before the workshop so they are all on the same page at the workshop. She wants to move the policy handbook forward because the Civil Service Commission has worked on it for three or four years.

Mayor Brooks said that to be fair to Clara and her office, she was there today to discuss what they got. The City Clerk had shared with her some things they found going through it. She asked the City Clerk to give her the preliminary to use as a conversation tonight so that everyone would know and want to discuss it again.

Commissioner Tagliarini asked for clarification that the City Manager can currently decide how many years a person must work after compensation for education. The Mayor said in the workshop that they discussed making it three years after getting the education and compensation. Commissioner Tagliarini asked what would happen if that did not happen. Would they need to hash it out at the workshop? The Mayor said she would rather keep it at three years, as they discussed at the workshop. And not changing it to say it would be at the discretion of the City

Manager. They could decide what they want to do at the workshop.

Commissioner Tagliarini motioned to adopt Ordinance 2025-01, New Personnel Policy, after second reading and public hearing, with the changes discussed. Vice Mayor Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Ordinance 2025-02, Amendment to Civil Service Commission Duties and Responsibilities – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-02 by title only:

ORDINANCE 2025-02

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 4 OF ARTICLE III OF CHAPTER 2 OF THE MADEIRA BEACH CODE OF ORDINANCES RELATING TO THE CIVIL SERVICE COMMISSION; PROVIDING FOR CONFLICT, CODIFICATION, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2025-02 by title only. No changes have been made since its first reading on March 12, 2025.

Mayor Brooks said there was no public in the audience for public comment.

Commissioner Ghovae motioned to adopt Ordinance 2025-02, Amendment to Civil Service Commission Duties and Responsibilities, after second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Commissioner Ghovae	"YES"
Commissioner Tagliarini	"YES"
Vice Mayor Kerr	"YES"
Commissioner McGeehen	"YES"

Mayor Brooks

"YES"

The motion carried 5-0.

C. Ordinance 2025-03, Post Termination Hearings, Hearing Officer – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-03 by title only:

ORDINANCE 2025-03

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADDING DIVISION 5 (POST TERMINATION HEARINGS; HEARING OFFICER) TO ARTICLE III OF CHAPTER 2 OF THE MADEIRA BEACH CODE OF ORDINANCES; PROVIDING FOR CONFLICT, CODIFICATION, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2025-03 by title only. No changes have been made since its first reading on March 12, 2025.

Mayor Brooks said there was no public in the audience for public comment.

The City Clerk said on the last page of the ordinance that the effective date is January 5, 2025. The City Attorney said he would change it to April 6, 2025 [April 2, 2025].

Commissioner McGeehen motioned to adopt Ordinance 2025-03, Post Termination Hearings, Hearing Officer, after the second reading and public hearing, with the correction. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

D. Ordinance 2025-09, Districts – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-09 by title only:

ORDINANCE 2025-09

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 110-151 (ESTABLISHMENT OF DISTRICTS) OF CHAPTER 110 (ZONING) OF ARTICLE V. (DISTRICTS) DIVISION 1 (GENERALLY) OF THE CITY'S LAND DEVELOPMENT REGULATIONS; RENAMING THE C-1 ZONING DISTRICT TO JOHN'S PASS VILLAGE ACTIVITY CENTER; REMOVING C-2, JOHN'S PASS MARINE COMMERCIAL ZONING DISTRICT; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2025-09 by title only. No changes have been made since its first reading on March 12, 2025.

Mayor Brooks said there was no public in the audience for public comment.

Commissioner McGeehen motioned to adopt Ordinance 2025-09, Districts, after second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

E. Ordinance 2025-10, Accessory Structures – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-10 by title only:

ORDINANCE 2025-10

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 110 (ZONING), ARTICLE VI (SUPPLEMENTARY DISTRICT REGULATIONS), DIVISION 4 (ACCESSORY STRUCTURES) OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO RENAME THE C-1 TOURIST COMMERCIAL ZONES TO INCLUDE JOHN'S PASS VILLAGE ACTIVITY CENTER; ADD SETBACKS FOR EACH CHARACTER DISTRICT OF JOHN'S PASS VILLAGE ACTIVITY CENTER ZONING; AND REMOVE REFERENCES TO THE C-2 ZONING DISTRICT; PROVIDING FOR CONFLICT, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2025-10 by title only. No changes have been made since its first reading on March 12, 2025.

Mayor Brooks said there was no public in the audience for public comment.

Commissioner Ghovae motioned to adopt Ordinance 2025-10, Accessory Structures, after the second reading and public hearing. Vice Mayor Kerr seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

F. Ordinance 2025-11, Alcoholic Beverages – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-11 by title only:

ORDINANCE 2025-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA, AMENDING CHAPTER 110 (ZONING), ARTICLE VI. (SUPPLEMENTARY DISTRICT REGULATIONS), DIVISION 6. (ALCOHOLIC BEVERAGES) OF THE CITY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR JOHN'S PASS VILLAGE ACTIVITY CENTER ZONING DISTRICT REGULATIONS; PROVIDING FOR PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS; REMOVING REFERENCES TO C-2, JOHN'S PASS MARINE COMMERCIAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2025-11 by title only. Between the workshop and the first reading, the ordinance was changed. A change related to the PD zoning district was made. Some language was added at the top of page 261 of the packet, at the end of subparagraph (e):

(e) PD Zoning District

(1) Properties that are rezoned to the PD Zoning District have the same restrictions for alcoholic beverages as the zoning district prior to rezoning to PD Zoning District "unless otherwise specified at the time of PD Zoning adoption."

Mayor Brooks said there was no public in the audience for public comment.

Commissioner Tagliarini motioned to adopt Ordinance 2025-11, Alcoholic Beverages, after the second reading and public hearing. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

G. Ordinance 2025-12, Amendment to the Fees and Collection Procedures Manual – 2nd Reading and Public Hearing

City Attorney Tom Trask read Ordinance 2025-12 by title only:

ORDINANCE 2025-12

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, ADOPTING A REVISED APPENDIX A. – FEES AND COLLECTION PROCEDURES MANUAL OF THE CODE OF ORDINANCES OF CITY OF MADEIRA BEACH, FLORIDA, TO PROVIDE FOR THE MODIFICATION OF HOURLY RATES AND ROOMS AVAILABLE FOR RENT WITHIN THE RECREATION CENTER AND CITY HALL AND REWORD THE REFERENCE TO SALES TAX COLLECTED THEREFOR; REPEALING ORDINANCE 2025-08; PROVIDING FOR CONFLICT, CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney said it was the second and final reading of Ordinance 2025-12 by title only.

Mayor Brooks said there was no public in the audience for public comment.

Vice Mayor Kerr motioned to adopt Ordinance 2025-12, Amendment to the Fees and Collection Procedures Manual, after the second reading and public hearing. Commissioner Tagliarini seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

11. UNFINISHED BUSINESS

There was no unfinished business.

12. CONTRACTS/AGREEMENTS

A. Automated Side Load Garbage Truck Lease Agreement

Public Works Director Megan Wepfer reviewed the item. It is for a 13-month lease for a side-load garbage truck from RDK. No changes have been made since the previous meeting.

Mayor Brooks said there was no public in the audience for public comment.

Vice Mayor Kerr motioned to approve the 13-month Automated Side Load Garbage Truck Lease Agreement for \$8,500 from RDK Trucks. Commissioner Ghovae seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Public Works / Satellite Building Change Order

Director Wepfer explained that an error occurred. The change order is to add the architectural and structural engineering services not included in the original approval. It is in addition to the previously approved contracted amount.

Mayor Brooks said there was no public in the audience for public comment.

Commissioner Ghovae said he did not favor the development for two reasons. One reason is that

the real estate is extremely valuable, not just in terms of the cost but also in terms of location and what it can offer regarding water works, boating, future growth, and anything associated with the bay and the Gulf. The other reason is that the engineering and architectural costs are excessive. They should not be that high.

Vice Mayor Kerr said he agreed with Commissioner Ghovae 100%. There were multiple opportunities, although they lost those opportunities, to buy property for much less than the \$2 million for the building construction. It should not go there, and he opposed it from the beginning.

Commissioner Tagliarini said if they are going to prioritize and value their public works, which provide services for the City, he does not believe they should be cramming them in different corners throughout the City. It is a great location, and he supported it.

Commissioner Tagliarini motioned to approve the Public Works / Satellite Change Order with Pennoni to include Task 3 and 4 for an additional \$88,610. Commissioner McGeehen seconded the motion.

ROLL CALL:

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

The motion carried 3-2.

13. NEW BUSINESS

There was no new business.

14. AGENDA SETTING - 6:00 p.m., April 16, 2025 BOC Regular Workshop (BOC Budget Workshop, 4:00 p.m.)

- A. Master Plan
- B. 2025 Local Mitigation Strategy
- C. RFP No. 25-05, Area 3 Drainage & Roadway Improvements

Mayor Brooks said the City Manager is not at the meeting, but he did send them an email with additional items to add.

- John's Pass Dredging Update
- Boca Ciega Street End Update
- Court of Honor Update
- Archibald Park Update

- Post Storm Updates
- 2024 Audit Presentation

Mayor Brooks added:

- BOC Policy Handbook—Discuss adding a section on the order of business agenda for BOC regular meetings in the BOC Policy Handbook to address citizen comments received at the meeting. She would like it to be discussed and added so they can vote on it at their next regular meeting.
- Tom and Kitty Stuart Park
- Key to the City and Awards Procedure

Vice Mayor Kerr said at a recent meeting that Chuck Dillion came to the podium and said that permitting was not free. The Mayor said Mr. Dillion came into City Hall afterward and clarified that he spoke of impact fees, not building permit fees. The City Manager would probably include capturing permit fees for people who purchased homes after the storms on the workshop agenda because some fell through the cracks.

Vice Mayor Kerr said at a previous workshop that they discussed the impact fees and what should be done to eliminate them. It was a long process, but if it never starts, it will never end. Mayor Brooks said they can discuss it again, but impact fees are intended for homeowners who increase the square footage of their house. They can have that continued discussion. Vice Mayor Kerr said they cannot do that without increasing the home's square footage.

Commissioner Ghovaee said he had spoken with Senator DiCeglie and Representative Cheney regarding the Keys to the City. He will make sure there is a nice write-up about what they did for them during that presentation. They said they would be there to accept the keys after the Florida Legislative Session.

Mayor Brooks said they will set the criteria for who qualifies to get a key at their next workshop. The City Attorney provided them with great examples. Understanding what he sent would be in the community's best interest. Whatever decision is made at the workshop, the City Attorney can write a resolution for them to approve the procedure.

Commissioner Ghovaee said he had spoken with FDOT about 150th Avenue. The milling and resurfacing of 150th Avenue are under their radar, and they will also improve the bridge down the road. Both items are on FDOT's list.

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners – 2025 BOC Meeting Schedule

Commissioner Tagliarini said he would be on vacation for three weeks and miss the June 25th workshop meetings. Mayor Brooks said he could watch the workshop meetings and come prepared to vote at the regular meeting.

B. Board of Commissioners Meetings Report

The City Clerk commented on the Board of Commissioners Meeting Report. She will update it after each meeting, and they will have an annual report at the end of the year. The Board thanked the City Clerk and said it was helpful.

C. City Attorney

The City Attorney said they are still working hard to get the settlement agreement language. There are many moving parts and many different people involved, such as insurance companies and defendants, in the litigation for the fire station. They have boiled down to one last thing: some language in the agreement portion that Crowther Roofing has to deal with the roof issue. The attorney representing the City, Brett Henson, wanted the agreement on the agenda for the Board's consideration tonight but was told he was uncomfortable with it not being a complete settlement agreement. The hope is to put it on the next regular meeting for approval if it is complete, so there is nothing that will fall through the cracks.

D. City Clerk's Report – April 2025

The City Clerk reviewed the item and said she included a roster listing all the City of Madeira Beach City Clerks dating back to 1947, the roles and responsibilities of the City Clerk today, and the history of Municipal Clerks. She is working on the City Manager Roster for the next report.

E. City Manager

The City Manager was not present at the meeting.

Commissioner McGeehen thanked Recreation Director Jay Hatch for his amazing job on the recent Captain's Dinner event and the Seafood Festival, which were a great success. The Mayor said she was waiting to see the final numbers because of the number of people. The weather was fantastic. It would be interesting to see the feedback from attendees and the stores in John's Pass and get the amount of parking revenue and sales that they did.

16. ADJOURNMENT

Mayor Brooks adjourned the meeting at 6:43 p.m.

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk
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