



MINUTES

City of Holmes Beach

City Commission Regular Meeting

August 27, 2024, 2:00 p.m.
Patricia A. Geyer Commission Chambers
5801 Marina Drive, Holmes Beach FL 34217

Present: Commissioner Diggins, Commissioner Kerchner, Commissioner Morton, Commissioner Soustek, Chair Schaefer

Staff Present: Mayor Titsworth, City Attorney Augello, City Clerk Johnston, Chief Tokajer, Director of Development Services Minor, Engineering Specialist Sherwood

1. Call to Order; Welcome; Pledge of Allegiance; Moment of Silence

Chair Schaefer called the meeting to order at 2:00 p.m.

2. Roll Call

3. Commission Comments and Ex-Parte Communication

Several City Commissioners discussed the following:

- The desire to lower the millage rate for the upcoming budget session.
- The September 11, 2024, Special Budget meeting will take place at 5:01 p.m.
- Thanked the Manatee County voters for the favorable election results.
- Encouraged all residents to stay informed and engaged on local issues and continue to vote in the upcoming November election.
- Thankful their will be a new Manatee County Commission for the upcoming County Land Development Code review.
- A better working relationship with Manatee County.

Commissioner Kerchner

He attended the Tourist Development Council meeting. The City was not on the agenda. A report followed.

Commissioner Soustek

Commissioner Soustek attended the last Summer Turtle Talk. She noted it was very educational and had good attendance throughout the last few months. She also attended the Special Magistrate Hearing. A report followed.

Chair Schaefer

Chair Schaefer supplied his Commission Comments in written form, which will be attached to the Official Minutes. The City has struggled with two major issues: the County Beach parking garage and consolidation. He thanked Laurel Nevans and all those involved in promoting Home Rule.

He informed that, as of that morning's County Commission meeting, the County would disengage any further activity regarding the parking garage, including the architecture and engineering study, with a 6-0 vote.

He also noted that Senator Boyd received the Office of Program Policy Analysis and Government Accountability (OPPAGA) study and intends to release the results to the City and the public after the November election.

3.a Chief Tokajer - Location of Beach Boxes

Item was previously 10.a.

Chief Tokajer noted there are ten proposed locations for the beach boxes. They will not affect sea turtles or sand dunes, and he has already received approval from Manatee County Chief of Beach Patrol and Water Safety Chet Brown.

Discussion ensued regarding:

- The boxes contain five flags and will be updated with the current water conditions. The lifeguards will keep them updated when they are on shift.
- The County plans on having staffing for two roving patrols.
- *Chief of Beach Patrol and Water Safety Brown* noted the patrol unit will be available to discuss safety issues and educate the public.
- Requesting additional lifeguards for Anna Maria Island.

Action: Unanimous consensus to place the Beach Boxes in the ten proposed locations.

4. Mayor's Comments

Mayor Tistworth noted she spent four years trying to build a relationship with Manatee County but could not penetrate the wall. She thanked the public for getting educated and voting. The County Commission attacked the Manatee County Administrator, County Clerk, Holmes Beach, and finally, a young boy who understood the importance of wetland protections. All these actions led to the outcome of the past election.

She thanked the City Commission for their encouragement in dealing with these hardships.

Mayor Tistworth also received a phone call from Representative Will Robinson last Friday and reported everything is good there.

4.a 6th Ave. Sidewalk

Mayor Tistworth noted that the City already has a contract with C-Squared, and it is budgeted. However, any work order over \$25,000 comes before the City Commission.

Engineering Specialist Sherwood stated the sidewalk will be placed on 6th Ave, by Old Gulf Drive by Casanas Park.

Discussion included:

- 6-inch sidewalk thickness is now the new standard; previously, it was 4 inches.
- *City Attorney Augello* asked if the work order is under the \$486,000 complete contract do not exceed amount. If the contract is over the do not exceed amount,

an amendment to the contract will need to be brought to the City Commission for approval.

Action: Consensus for approval if it does not exceed the do not exceed the amount of \$486,000.

5. Minutes

Moved by Commissioner Diggins
Seconded by Commissioner Morton

The July 23, 2024, Special Meeting and Regular Meeting Minutes were approved as amended. The August 16, 2024, Special Meeting Minutes were approved as written.

Motion Approved

5.a Special Meeting - July 23, 2024

Chair Schaefer noted on pg. 2, fourth bullet point, replace "by" to "to \$500,000."

5.b Regular Meeting - July 23, 2024

Commissioner Soustek noted on pg. 3, 10.a, the maximum millage should be 2.05 mills.

5.c Special Meeting - August 16, 2024

6. Comments By The Public

None.

7. Unfinished Business

7.a Second Reading - Public Hearing - Ordinance 24-10 - LDC Commercial Districts

Director of Development Services Minor read the Ordinance title. He noted the Planning Commission unanimously approved the Ordinance at the August 7 meeting. There were corrections to definitions, and they were placed in alphabetical order.

Public Comment – None.

City Commission discussion included:

- Approval of the Special Exception Chart. The chart makes it easier for the public to understand.
- Review of previous corrections.
- Process for adopting an Ordinance.

Moved by Commissioner Diggins
Seconded by Commissioner Morton

Approved Ordinance 24-10 for Second Reading and Adoption.

Motion Approved

8. New Business

8.a Authorize the Mayor to execute an agreement between the City of Holmes Beach and R.E. Johnson & Son, Inc. dba Johnson Housemovers for Structure located at 104 48th Street to be Relocated to 3021 Avenue C.

Director of Development Services Minor presented a brief history of the Dupps Family Residence, built in 1935 and currently located at 106 48th Street. He noted that the structure is being donated to the City by the Frank Dupps family. No local, state, or federal historical designation exists on this property, meaning any work done must meet the current code and is not exempt from FEMA regulations. The City would like the City Commission to approve the agreement to move the property to 3021 Avenue C.

Public Comment - None.

Motion: Authorize the Mayor to execute an agreement between the City of Holmes Beach and R.E. Johnson & Son, Inc. dba Johnson Housemovers.

Discussion continued:

- The possibility of working with the Anna Maria Historical Society in the future.
- Two power lines will need to be dropped.
- The logistics of how the structure will be moved. Only the original house will be moved. The areas of the structure that will not be moved are the spiral staircase, the back porch, and the outdoor structure.
- The City is currently out for a bid on the foundation design.
- The lot the cottage will be moved to and what is required to place the cottage on the lot.
- The first week of October is when the cottage is scheduled to be moved.

Moved by Commissioner Soustek
Seconded by Commissioner Morton

Approved authorizing the Mayor to execute an agreement between the City of Holmes Beach and R.E. Johnson & Son, Inc. dba Johnson Housemovers for Structure located at 104 48th Street to be Relocated to 3021 Avenue C.

Motion Approved

9. Announcements

- Wednesday, August 28, 2024 - 6:00 p.m. - Holmes Beach Mayor and City Commission Candidate Forum sponsored by the Sun Newspaper - Holmes Beach Commission Chambers
- Monday, September 2, 2024 - Labor Day Holiday - Offices Closed
- Thursday, September 5, 2024 - 9:00 -11:00 a.m. - Stormwater Forum - Holmes Beach Commission Chambers
- Monday, September 9, 2024 - ITPO Meeting - City of Anna Maria
- Wednesday, September 11, 2024 - 9:00 a.m. - Clean Water Committee Meeting
- Wednesday, September 11, 2024 - 5:01 p.m. - City Commission Special First Budget Hearing w/Regular Meeting and Work Session to follow

- Thursday, September 12, 2024 - 9:30 a.m. - ManaSota League of Cities Meeting - Town of Longboat Key
- Wednesday, September 18, 2024 - 10:00 a.m. - Code Compliance Special Magistrate Hearings
- Wednesday, September 18, 2024 - 5:00 p.m. - Planning Commission Meeting
- Tuesday, September 24, 2024 - 5:01 p.m. - City Commission Special Final Budget Hearing w/Regular Meeting and Work Session to follow

10. Questions and Comments

10.a Questions and Comments from Mayor and City Commission

Stormwater Workshop

Commissioner Diggins thanked Mayor Titsworth and Superintendent of Public Works/City Engineer Kamiya for scheduling a Stormwater Workshop. He noted he has been asking Superintendent of Public Works/City Engineer Kamiya for months to hold one.

Street Markings

Commissioner Morton asked if the street could be relined at the Manatee Ave and Gulf Drive coming North.

Chief Tokajer notified the County and Florida Department of Transportation (FDOT) that the markings must be redone.

10.b Questions and Comments from City Attorney

City Attorney Augello stated the Thirteenth Judicial Circuit in Hillsborough County made a decision that may impact those municipalities in the Second District and potentially state-wide. On Harbor Island, there was a development working to build a hotel. There were many years of back and forth with the City on whether they had a right to build a hotel there or needed a rezoning. The developer came before the City Commission in a quasi-judicial setting to request a rezoning. Regardless of the decision, the judge hearing the appeal took it upon herself to say that the City Commission should not have decided on the rezoning. The judge felt the City Commission, sitting in a legislative capacity, had no authority to sit in a quasi-judicial capacity. Her determination was based on the reading of the state constitution. She said that maybe if it had been in the Charter, it would have allowed them the authority.

City Attorney Augello noted that the decision does not affect the City of Holmes Beach, but her firm is looking further into the issue, its possible impact, and what local governments might have to do: create a new board, referendum for charter provision, etc.

She noted she does not have a recommended course of action, but she will keep the City Commission apprised of any further information in the future.

10.c Questions and Comments from Staff

Public Works Projects

Chief Tokajer reached out to Superintendent of Public Works/City Engineer Kamiya regarding the Manatee Ave and Gulf Drive intersection and the 6th Ave sidewalk. He received the following updates:

- The Manatee Ave and Gulf Drive intersection is on Public Work's list to be refreshed within the next few weeks.

- The City has spent \$280,000 with C-Squared and is well under the \$480,000 do not exceed amount.

Stakeholder Forum

Director of Development Services Minor thanked Code Compliance Supervisor Thomas and the rest of the department for holding a successful Stakeholder Forum. He noted they will try to do it annually.

Business Tax Receipt Renewal

City Clerk Johnston informed that the City Clerk's Office will be sending out the Business Tax Receipt Renewals by the end of the month and they will be conducted online. Business Tax Receipt Renewals are due September 30th of every year.

10.d Questions and Comments from The Public and Press

None.

11. Adjournment

The meeting was adjourned at 3:15 p.m.

Michelle Lowe, CMC, Deputy City Clerk

Minutes Approved