



THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

BOARD OF COMMISSIONERS
REGULAR MEETING

The Board of Commissioners of the City of Madeira Beach, Florida will meet at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below.

6:00 P.M. TUESDAY, FEBRUARY 9, 2016 COMMISSION CHAMBERS

- A. CALL TO ORDER – The meeting was called to order at 6:00 p.m.
- B. INVOCATION AND PLEDGE OF ALLEGIANCE – COMMISSIONER TERRY LISTER
- C. ROLL CALL

MEMBERS PRESENT: Travis Palladeno, Mayor
Elaine Poe, Vice-Mayor
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Patricia Shontz, Commissioner District 4

STAFF PRESENT: Shane B. Crawford, City Manager (CM)
Vincent M. Tenaglia, Assistant City Manager (ACM)
Thomas Trask, City Attorney (CA)
Aimee Servedio, City Clerk (CC)
David Marsicano, Public Works/Marina Director (PW/MD)
Sea S. Marshall-Barley, Administrative Support Specialist (SS)

- D. APPROVAL OF THE MINUTES
- 1. BOC SPECIAL MEETING DECEMBER 22, 2015
- 2. BOC AGENDA SETTING MEETING JANUARY 12, 2016
- 3. BOC REGULAR MEETING JANUARY 12, 2016
- 4. BOC SPECIAL MEETING JANUARY 29, 2016

A motion to approve the minutes as presented was made by Commissioner Lister and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

E. APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Commissioner Shontz and seconded by Vice-Mayor Poe.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

PRESENTATIONS/PROCLAMATIONS

- 1. FIREFIGHTER OF THE YEAR AWARD
Mayor Travis Palladeno and Derryl O'Neal, Fire Chief

Fire Chief: The Firefighter of the Year is elected by his fellow firefighters to represent the unit throughout the year. He introduced Driver/Engineer Ryan Roberts as this year's award winner and presented his honor with the Mayor.

Ryan Roberts: Appreciates everyone at the City and the station. He is honored and enjoys working for the City.

DAIS LOG REVIEW – NONE

F. PUBLIC COMMENT – LIMITED TO THREE (3) MINUTES

There was no public comment at this meeting.

G. CONSENT AGENDA

1. AUTHORIZATION OF EXPENDITURES IN THE AMOUNT OF \$46,691 FOR MEDIAN LANDSCAPING CHANGE ORDER
2. AUTHORIZATION OF EXPENDITURES IN THE AMOUNT OF \$50,000 FOR REX PLACE ROADWAY AND STORMWATER IMPROVEMENTS
3. AUTHORIZATION OF EXPENDITURES IN THE AMOUNT OF \$42,500 FOR AMERICAN LEGION DRIVE ROADWAY AND STORMWATER IMPROVEMENTS

A motion to approve the Consent Agenda was made by Commissioner Shontz and seconded by Vice-Mayor Poe.

CM: The figure for \$46,691 is a change order to purchase the largest palm tree available for the medians. The next two are related to the next big stormwater project.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

H. CONTRACTS & AGREEMENTS

1. AUTHORIZATION TO APPROVE THE BRYANT, MILLER, OLIVE REPRESENTATION DISCLOSURE

CA: This conflict letter is to obtain a signature authorization to use this firm for the bond closing council for financing of the ladder truck. One member of the firm is a board member on the bank that was ultimately chosen after the RFP process. This individual was in no way involved in this process, but they wanted to ensure that the Board was aware of this potential conflict of interest. The CA recommends approval of this authorization.

A motion to approve the representation disclosure was made by Commissioner Shontz and seconded by Vice-Mayor Poe.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

2. APPROVAL OF PROPOSED FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT (DEM) FEDERALLY FUNDED SUBGRANT AGREEMENT – FMA 2014-006 – WITH THE CITY OF MADEIRA BEACH

CA: These are the agreements made with the City and the applicants through this subgrant. This program is not funded by the City, but by FEMA. Staff is recommending approval of these three agreements.

A motion to approve the three subgrant agreements related to FMA 2014-006 was made by Commissioner Lister and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

I. UNFINISHED BUSINESS – NONE

J. NEW BUSINESS

1. RESOLUTION 2016-03

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE CITY OF MADEIRA BEACH FEES AND COLLECTION PROCEDURE MANUAL TO REFLECT THE FEE REVISIONS TO ARTICLE II (COMMUNITY SERVICES), ARTICLE III (FINANCE), ARTICLE V (RECREATION), ARTICLE VI (PUBLIC WORKS), AND ARTICLE VII (MARINA); AND PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-03 by title only.

A motion to approve Resolution 2016-03 was made by Commissioner Hodges and seconded by Commissioner Lister.

CM: Staff recommendation is for approval.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

2. RESOLUTION 2016-04

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA BY ADOPTING AN INVENTORY OF CITY OWNED FEE SIMPLE PROPERTY AND DETERMINING NO SUCH PUBLIC PROPERTY IS APPROPRIATE OF USE AS AFFORDABLE HOUSING; BY PROVIDING FOR DISTRIBUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-04 by title only.

A motion to approve Resolution 2016-04 was made by Vice-Mayor Poe and seconded by Commissioner Shontz.

CM: Staff recommendation is for approval.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

3. RESOLUTION 2016-05

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA APPROVING THE ENTRANCE INTO AN INTERLOCAL AGREEMENT WITH OTHER GOVERNMENTAL PARTICIPANTS FOR THE PURPOSE OF EXERCISING INVESTMENT POWER JOINTLY TO INVEST FUNDS IN CONCERT WITH OTHER PARTICIPANTS; PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-05 by title only.

A motion to approve Resolution 2016-05 was made by Commissioner Lister and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

4. RESOLUTION 2016-06

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY TRANSFERRING GENERAL FUND APPROPRIATIONS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT TO THE PUBLIC WORKS DEPARTMENT; INCREASING GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$4,400; AND PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-06 by title only.

A motion to approve Resolution 2016-06 was made by Commissioner Shontz and seconded by Vice-Mayor Poe.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

5. **RESOLUTION 2016-07**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING BUILDING FUND EXPENDITURES IN THE AMOUNT OF \$28,800; AND PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-07 by title only.

A motion to approve Resolution 2016-07 was made by Commissioner Shontz and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

a. **AUTHORIZATION OF PAY PLAN**

AUTHORIZATION TO APPROVE PAY PLAN AMENDMENTS PURSUANT TO RESOLUTION 2016-07.

A motion to authorize the pay plan amendments was made by Commissioner Lister and seconded by Commissioner Hodges.

Vice-Mayor Poe: What exactly is the authorization of a pay plan?

CM: The previous resolution increased funds to hire an additional employee in the Building Department, this is the corresponding pay plan with this

Mayor Palladeno: Where is the Building Department at with revenue this year?

ACM: Staff predictions for revenue are right at expectations, these funds are from reserves.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

6. **RESOLUTION 2016-08**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING LOCAL OPTION SALES TAX FUND EXPENDITURES IN THE AMOUNT OF \$40,000; AND PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-08 by title only.

A motion to approve Resolution 2016-08 was made by Commissioner Hodges and seconded by Commissioner Lister.

CM: The CM and ACM recommend approval of this resolution after discussion.

ROLL CALL:

Commissioner Lister.....YES Vice-Mayor Poe.....YES
Commissioner Hodges.....YES Mayor Palladeno.....YES
Commissioner Shontz.....YES

a. **AUTHORIZATION OF EXPENDITURES**

AUTHORIZATION OF EXPENDITURES TO ROSENBAUER AMERICA, IN AN AMOUNT NOT TO EXCEED \$690,000, FOR FIRE APPARATUS PER CITY OF SEMINOLE BID.

A motion to authorize the expenditures to purchase the fire apparatus was made by and seconded by

CM: The fire apparatus is about a year out still, but this is the authorization to finance this item. The CM and ACM recommendation is for approval.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

7. **RESOLUTION 2016-09**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING LOCAL OPTION SALES TAX FUND REVENUES AND EXPENDITURES IN ACCORDANCE WITH FLORIDA INFRASTRUCTURE SALES SURTAX REVENUE NOTE; INCREASING CORRESPONDING DEBT SERVICE FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-09 by title only.

A motion to approve Resolution 2016-09 was made by Commissioner Lister and seconded by Commissioner Hodges.

CM: The City Manager’s recommendation is for approval.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

8. **RESOLUTION 2016-10**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$725,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MADEIRA BEACH, FLORIDA INFRASTRUCTURE SALES SURTAX REVENUE NOTE, SERIES 2016 FOR THE PURPOSE OF FINANCING AND/OR REIMBURSING THE DESIGNING, PERMITTING, ACQUISITION, CONSTRUCTION, RECONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL PROJECTS DESCRIBED HEREIN; PLEDGING LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX REVENUES TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF SUCH NOTE; EXPRESSING AN INTENT TO BE REIMBURSED WITH PROCEEDS OF SUCH NOTE; DESIGNATING SUCH NOTE AS "BANK QUALIFIED"; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH NOTE; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

CA: This resolution and the following one are related to the bond financing for the fire apparatus. Mr. Duane Draper is in the audience to answer any questions the Board may have.

CA read Resolution 2016-10 by title only.

CM: There are three main questions that you probably have: (1) how much are we paying, (2) what is the interest rate, and (3) how long is the term? The amount will not exceed \$725,000 at a 1.59% rate over the remaining years of Penny for Pinellas, which ends in 2019.

ACM: The City is pledging the remaining funds from Penny for Pinellas for this item.

A motion to approve Resolution 2016-10 was made by Commissioner Shontz and seconded by Commissioner Lister.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

9. **RESOLUTION 2016-11**

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA SUPPLEMENTING A RESOLUTION ADOPTED ON EVEN DATE HEREOF TO FIX CERTAIN DETAILS IN CONNECTION WITH THE ISSUANCE OF ITS NOT TO EXCEED \$725,000 INFRASTRUCTURE SALES

SURTAX REVENUE NOTE, SERIES 2016; PROVIDING FOR OTHER COVENANTS WITH RESPECT TO THE NOTEHOLDER; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

CA read Resolution 2016-03 by title only.

A motion to approve Resolution 2016-03 was made by Commissioner Lister and seconded by Commissioner Shontz.

CM: This resolution goes hand in hand with the previous resolution.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Poe.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Shontz.....YES	

K. REPORTS/CORRESPONDENCE

• CITY COMMISSION

Mayor Palladeno: At the last Mayors’ Council Meeting, Mayor Kriseman from St. Petersburg requested support of the repeal of blue laws regarding the sale of alcohol on Sundays.

Madeira Beach was ranked number two in the amount of sea turtle nest this year, second only to Clearwater, which is quite an accomplishment considering out size. Nearly 96,000 turtles hatched this year in Pinellas County.

Economic impact and tourist dollars are again up this season.

• CITY ATTORNEY

CA: Addressed some of the quasi-judicial matters that have been discussed over the last eight weeks or so. In December, he gave the Board advice on how to address these types of matters by saying that all comments and concerns should be forwarded to the CA or CM and that the Board members should avoid and ex-parte contact with the developer, its agents and attorneys, and anyone else involving the matter.

The message passed out tonight clearly defines the issue. He has included the related state statute and the provision of the Madeira Beach Code of Ordinances. Any communications read, received, or viewed need to be disclosed publicly before any action can be taken on the applicable matter. The reason it was classified as quasi-judicial because that is how the law reads. To determine whether a decision is legislative or quasi-judicial, a specific site applies specific facts, it become quasi-judicial as recommended by the Supreme Court. You have a right to gather information and talk to these people, you have to disclose that before a decision can be made.

The decision can only be made based on the testimony heard at the meeting that the item is presented, which will be on March 16, 2016. He wanted to make these clarifications, not only in relation to the ‘Holton property’ project but to the many new developments that the Board will be considering in the next few months.

Vice-Mayor Poe: Why is the Holton project quasi-judicial but the Barefoot Beach was not?

CA: There is nothing in the code or statute that prohibits you from attending these meetings. He advised the Board not to attend in order to avoid the disclosure problems. It was also cautioned to prevent any lawsuit from a developer if a project is denied and they argue that there was bias on the part of the Board due to previous exposure and communication with the process.

Commissioner Shontz: Today, she received an email from a friend of hers and it really upset her. She asked people to consider how much time this takes the City Manager and City Attorney to process. She asked those who send emails and calls to consider the impact they have.

CA: If anyone on the Board has spoken with anybody or be in contact with anyone regarding this development, be ready to disclose that information at the March 16th Meeting. This will ensure that everyone on the Board has the same information and that the developer has the opportunity to address any concerns with their team.

CM: These developments are highly political. These emails really bring him into political aspect of the system when his real role is that of an administrative facilitator. There are several courts for the approval and he wanted to make sure that the distinction was respected on both sides. This is something new and very major for the City – we are all still learning how to navigate the process.

Mayor Palladeno: There are only two Board members still on the Board that hired the current CM. He wanted to remind everyone that one of the reasons that he was hired was to encourage new development and redevelopment.

Vice-Mayor Poe: She thanked the CA for bringing this information to light and discussion with the Board. She has researched some other cities that are also struggling with this same quasi-judicial classification. This is an issue that many are dealing with – a Suncoast League of Cities workshop is actually addressing this as well. There has been some confusion, but she appreciates this discussion to help everyone better understand the process.

Commissioner Shontz: Encouraged anyone with an opinion to attend the next BOC Meeting to voice their concerns to the Board since that would be the appropriate venue.

Vice-Mayor Poe: Asked if she should be prepared to present any involvement at the next meeting? Will we be able to voice our opinion on the matter?

CA: Each step, the Board will have an opportunity to discuss their thoughts. The Code has incorporated a provision that allows the Board to have more say and time on how to change a proposed development agreement that the developer would then be responsible for presenting that. The Board is the judge and the jury on the item.

CM: Staff and the Planning Commission have already recommended some changes to the development agreement – there is plenty of room and opportunity for the Board to give their input as well. If anyone needs any explanation or discussion, he can schedule a meeting with planning staff or the CA to explain some of the nuances.

- **CITY MANAGER**

No additional comments from the discussion during the City Attorney's report.

- **CITY CLERK**

CC: Wanted to confirm that the next BOC Meeting would be on March 16th because the day before (March 15, 2016) is the municipal election. Both commissioners up for re-election were unopposed but there is a referendum on the ballot. An informational meeting was held last year with little attendance, but it is posted to the City website. The CM asked that more information be posted on the homepage of the website.

L. ADJOURNMENT – The meeting was adjourned at 6:52 p.m.

Date approved: March 16, 2016



Travis Palladeno, MAYOR



Submitted by Sea Marshall-Barley, Support Specialist