



THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

BOARD OF COMMISSIONERS
SPECIAL 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. WEDNESDAY, APRIL 6, 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
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Patricia Shontz, Commissioner District 4

MEMBERS ABSENT: Elaine Poe, Vice-Mayor

STAFF PRESENT: Shane B. Crawford, City Manager
Aimee Servedio, City Clerk
Thomas Trask, City Attorney
Dave Marsicano, Public Works/Marina Director

STAFF ABSENT: Vincent M. Tenaglia, Assistant City Manager

- D. APPROVAL OF THE MINUTES – NONE
- E. APPROVAL OF THE AGENDA

CM: The City Manager noted that he spoke with the City Clerk before the meeting and has requested that Items I-1 and I-2 be removed from the agenda tonight.

A motion to approve the agenda was made by Commissioner Lister and seconded by Commissioner Shontz.

ROLL CALL:

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

- F. PUBLIC COMMENT – LIMITED TO THREE (3) MINUTES
- G. CONSENT AGENDA – NONE
- H. UNFINISHED BUSINESS – NONE
- I. NEW BUSINESS

1. DISCUSSION ON NEW TEMPORARY POSITION

REQUEST TO ADD PART-TIME POSITION TO THE OFFICE OF THE CITY CLERK TO ALLEVIATE INCREASED RECORDS REQUEST STRAINS.

Item I-1 removed during the Approval of the Agenda.

2. RESOLUTION 2016-15

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FISCAL YEAR 2016 BUDGET BY INCREASING GENERAL FUND EXPENDITURES IN THE AMOUNT OF \$20,000; AND PROVIDING FOR AN EFFECTIVE DATE.

Item I-2 removed during the Approval of the Agenda.

3. **UPDATE FROM CITY MANAGER**

UPDATE FROM THE CITY MANAGER ON RECENT DEVELOPMENT PROJECTS AND CONCERNS ABOUT CITY FUNCTION AND MANAGEMENT.

CM: The meeting has been called tonight to discuss some of the recent events surrounding the heated political environment of the new development in regards to the City Manager. Recently, an ethics charge has been filed against the City Manager due to his relationship with his assistant, Cheryl McGrady. An additional charge was filed in regards to the waiving of certain insurance requirements related to the Strong Eight Facility Use Agreement.

The City Manager individually approached each Commission on the Board to disclose his relationship with Ms. McGrady in August of 2015. He met no opposition to the relationship at that time. He also consulted the City's labor attorney who advised him on the matter.

In December 2015, the City Manager presented a budget amendment for pay relating to the contracted planning services. During that meeting, he proposed several staffing changes due to the fact that the Community Development Director Lynn Rosetti was no longer with the organization. One of those proposed changes was a pay increase to Cheryl McGrady in order to provide the necessary administrative support for the department.

The City Manager also noted that while these proposed developments in the City are huge, they shouldn't divide the City and the accusations that he is facing are the product of political disagreement.

Mayor Palladeno: Asked which Commissioner made this accusation and the City Manager admitted that it was the Commissioner who is currently absent (Vice-Mayor Poe).

Commissioner Lister: Personal lives and business should be separate. We have had problems in the past with politics and personal lives being muddled and it never leads anywhere good. He fully supports the City Manager.

Commissioner Hodges: She grew up in St. Petersburg and has lived in this area her whole life. There have been so many positive changes in the City and she believes everyone will benefit from the direction the City has moved forward since the City Manager was hired. She fully supports the City Manager.

Commissioner Shontz: She has lived here for over fifty years. Many have not been here long enough to see all of the wonderful things that the City Manager has done. Why does a Commissioner feel the need to drag his reputation through the mud? We have been waiting for the Leverock property to be developed for many years. The City Manager has worked a long time to bring this project together. In regards to the emails and information that is being circulated – this has been up and down from time to time. She advised the public to not believe everything they hear and to instead make an appointment with the City Manager to get the truth on the matter. Leave personalities on the front porch! She strongly supports the City Manager 100%.

Mayor Palladeno: Brought up the example of the palm trees on Gulf Blvd medians and the improvements to the crosswalks – all this money has come from grants and these grants come from the hard work by the City Manager. He compliments his service and the service of the employees that he has hired and supervises.

CM: Noted that the press that everyone sees in the room is because of the ethics charge that is being filed for his relationship with Ms. McGrady and the insurance waived for S8.

Commissioner Shontz: Complimented that the City Manager is a smart man and has already looked into these and received legal counsel as noted previously.

Mayor Palladeno: To further attest to the capability of the City Manager, explained an instance where he received a call from a citizen that was helped by the CM. The caller stated that his family was from Michigan and were visiting the Subway on Madeira Way and parked to have lunch at subway. They parked in the CVS parking lot to walk across the street but were later towed. The caller was grateful to the CM for being there to help solve the problem.

The Mayor then opened Public Comment on the matter.

Robert Shaw – Thanked the Commission for the opportunity to speak and the audience for listening. After several years of calm in Madeira, elements favoring major development and those opposed are now dividing the City. Discussion should not resort to accusations and threats – he urges both sides to approach the matter respectfully and in a way that facilitates discussion and cooperation. During the calm period after turmoil, there was not a lot of citizen participation at meetings and events. This could be interpreted that many agreed with the direction but he believes the Commission has a

responsibility to inform and educate the public on their direction with better communication. This is a two-way street and both sides need to share the blame for this.

What can those opposed do? The right to develop property is determined by legal process. Problems occur in regards to Planned Development because they allow exceptions to zoning by approval of the Commission – because of this the process needs to be closely monitored. He is of the opinion that power over zoning is power to make money, often at the expense of the public.

When approaching the Board he asks himself the question: what would I have done differently? He believes that the Board should have first tried to communicate more effectively. An example he used was that of the recently failed referendum. The language used was confusing and led to accusations that the City was trying to misguide the voters. This could have been avoided had the amendment been reduced in scope.

In the greater issue of development, he would have been more upfront to address concerns and rumors. Citizens should be made aware of the landscape of the City and how any changes would affect it. Better communication could have prompted a much needed discussion on the future direction of the City. The Commissioners are elected by the people – before anyone starts calling for new Commissioners, we need to communicate and try to work together in open dialog. Before you act in anger, have you expressed your concerns to the Commission?

Change is inevitable – some see it as progress, some as a challenge to the status quo. He thanked the Board for allowing him to run over on his time.

Randy Gunning – Has been a member of the community since 1996. He has always been proud to be a citizen and participate in city meetings and events. He thinks that the Board is doing a great job at weighing the pros and cons of the development. He thanks them for all they do in the face of political turmoil.

Chris Reeves – Doesn't live within the Madeira Beach city limits, but does live in Seminole in the 33708 zip code. His first job was at the Winn Dixie across the street and when he was younger, this place was a dump. There were drugs, crime, and the place didn't feel safe.

He's from Seminole, he notes that where he lives is littered with pawn shops and people walking around with shopping carts. He wishes his prices were going up and people were moving to his City. He doesn't understand what people here are complaining about. He continued to note that the Mayor and City Manager have thankless jobs here. There have been huge improvements in the past thirty years.

Jeff Beggins: Century 21 Beggins, has been here for a very long time and works properties up and down the beaches. From his perspective, this town has a reputation of being the best town to be in – this is attributed to the work that this Commission has done. There are growing pains, but he feels that once the public starts seeing the benefits and increase to the economy, they will be happier with the decisions made.

Steve Miller: Has been here for 35 years. He didn't think that it was a dump then, he moved here because he liked it here. There were some political problems back then, but the citizens got together and corrected them. Then we fell asleep at the wheel, the cycle repeated and we are again facing political problems. The Board is changing the whole sense of what Madeira Beach is about.

As Mr. Shaw explained, there were some problems with the process of these development approvals. The process snuck its way into our laws without citizens being aware of it. These are being treated as a quasi-judicial process and only experts really get a say in this. The Public Interest is one of the things that should be valued when considered these developments. Mr. Shaw was right – the process that was put in place has caused these problems. The public realized in December and by then it was too late.

The next round of elections will determine how the public really feels.

Dennis Fagan: Resident of Treasure Island and also the Chairman for the Madeira Beach/Treasure Island Chamber of Commerce. On the behalf of the Chamber of Commerce, he is in support of development on the island. The City has a lot of wonderful things going for it, but it does need more hotel and tourist units.

As a 24 year resident of Treasure Island, he is jealous of what is happening in Madeira Beach since City Manager Crawford was hired.

Richard Shepler: Also a resident of Treasure Island and agrees with Mr. Fagan. With the park and the new City Centre, everything that is being done here is amazing and he wants to move back to Madeira.

Jeff Brown: Business owner and resident in Madeira Beach, as well as a member of the Planning Commission; He wishes that Vice-Mayor Poe was here and hopes that she is listening. When he was a child his parents taught him certain rules: don't cheat, play by the rules, always find a way to get along with others and don't be a sore loser.

He was appalled and saddened at an exchange he had with the Vice-Mayor during a break at a Planning Commission meeting in which she expressed that she doesn't play well with other and doesn't follow the rules to which he responded he tries to work with everyone and follow the rules. After the break, he gave a three minute commentary and left soon after. He was later informed of the outcome of that meeting during which Vice-Mayor Poe moved for a continuance but did not get a second. The vote then passed 4 – 1 with the Vice-Mayor being the sole dissident vote.

It came to his knowledge last week that the ethics file was made. He believes that this is a personal attack on the City Manager for supporting a development that the Vice-Mayor is against. Personal attacks and mudslinging have never solved anything – they only bring division and make us weaker as a community.

This is not a personal attack but a public plea to not bring this negativity to the City. His passion will not prejudice his personal feelings to those who oppose him publicly. He advises Commissioner Poe to stay focused on the development and to leave the personal attacks and mudslinging to our presidential candidates.

If you don't have something nice to say, don't say anything at all.

Randy Fugues: He welcomes the new development and revenues that these projects will bring. He thanks the City Manager and the Board for all of their work. He is sure that the developers will work the drawbridge and flow of traffic. He thinks everyone is doing a good job.

Gay Prince: The change that people want to see and that he Commissioners have the responsibility to work through is they want to have their government to stop pushing through development that they are not comfortable with. The people want to know that their representatives are listening to them.

Robert Taylor: Has lived here for nearly 20 years and plans on staying here another 20 years. We need this type of leadership and tax base for the future. He appreciates all of the decisions being made.

Peter Trott: He thinks that the City leadership has done a lot of good things. However, he thinks that the body might be getting ahead of its feet. With all the hotel rooms, there is a lot of revenue here. The taxes that goes to Madeira Beach is minimal, but to raise the tax base doesn't make a lot of money for the City. There has to be a year-round process – we can't have empty rooms for four to five years. In Europe, they sell vacations where you pay throughout the year and then get to stay once it's paid off. The problem isn't going to be when the snow birds are here, it's going to be inundated during the busy seasons. PD (Planned Development) is not where it is at.

Gwen Sinkfield: Began working for the City of Madeira Beach in 2011. The current City Manager was not here and there was no leadership. City Manager Crawford encouraged her growth here. The last time she checked, love was not a bad thing, it is something good to be celebrated. She is happy to work here.

Jim Everett: Madeira Beach resident and Treasure Island business owner; also a member of the Planning Commission; He came here 11 years ago – at that time, the government here was a train wreck and the City Hall was an old, moldy building. The City Manager has done wonderful things here, including the new park and City Centre facility. He also appreciates all of the work that the Commission has done.

Joe Martin: Resident at Snug Harbor; He has attended just about every meeting that the City has held in regards to the new development. What we keep hearing is that the City is divided. He charges the Commissioners with the responsibility to everyone to compromise. You cannot keep the City divided or there will be continuous loggerheads. Compromise is the key and what makes good politicians.

Len Piotti: Resident and former City Commissioner; about 21 years ago, he came to the area and before then he didn't even know where Madeira Beach was at first. He found out where City hall was three years later when he had a problem. He became part of the Commission because he was not happy with how things were going. He wants to emphasize his sadness when he heard about the ethics issue for the City Manager and his assistant. He too was victimized in a similar way. It disrupted his family and caused very difficult situations for all affected. He has been there and it is a terrible thing. He just wanted to extend his concern to the City Manager and the Commission – he also supports the City leadership and advises the affected parties to stand firm.

Patty Kordis: Current City employee; she has worked in government before and has been extremely uncomfortable with past experiences and some of the closed-door policies she has faced. She is happy to work here and appreciates the openness the City Manager has with his employees. She knows that he is there to talk whenever she needs to approach him on something. Shane is a great leader and is very professional in the office.

Sonny Flynn: President of the John's Pass Village Merchants Association; the Commission and City Manager have been very supportive and is very thankful to them for all of the work they do. She supports the City leadership. Mayor Palladeno added that he appreciates the work that the Association does and commends them because the Seafood Festival is now the biggest in the state, recently beating out Apalachicola.

Pat (undiscernible last name): Thanked the Commission and City Manager for all of their hard work. She especially noted the ROC Park and how much that park means to her children and family when they come to visit. The leadership has brought young people back to the City and it has been affordable. She supports and wants to keep moving forward.

CA: First, we want to address the relationship between Mr. Crawford and Ms. McGrady and want to make it clear that it is not a violation of the law. Mr. Gonzalez is the labor attorney and has gone over statutes regarding nepotism but because the two are not married, this does not apply. The labor attorney, Thomas M. Gonzalez, who in the attached letter, noted that according to "Florida Statutes § 112.3135, entitled Restriction on Employment of Relatives, specifically prohibits a public official from appointing, employing, promoting, advancing, or advocating for appointment, employment, promotion or advancement, any person who is a relative of the official. The same statutes specifically defines relative as specified relations of blood and law. It does not prohibit relationships between officers and subordinates."

There is also an anti-nepotism clause in the City's policies Section 307 titled "Employment of relatives" and there is no violation in the Personnel Policies and Procedures. This policy even allows for a potential marriage between Mr. Crawford and Ms. McGrady, as long as Ms. McGrady was moved to another position in the City and not directly supervised by the City Manager. It is up to the Board to give direction to the City Manager on how to interpret the Charter and policies of the City.

The City Attorney also noted that the City Charter in Section 4.6 deals with the proper communication between the Board and City employees – Board members are not to contact staff and must go through the City Manager for any input on staffing and how the City operates.

CM: He noted that he would not do anything that couldn't be on the front of the newspaper and is sensitive to how the City is perceived. He apologized for the embarrassment he brought but he has done nothing illegal. The second charge related to S8 will bring no continued issues.

J. REPORTS/CORRESPONDENCE

- **CITY COMMISSION**

Mayor Palladeno: The Mayors' Council and BIG-C leaders have begun to discuss water taxi services throughout the County. This will be an item that will continue to be brought up in the upcoming weeks.

- **CITY ATTORNEY**

CA: The City currently has an interlocal agreement with the School Board for a facility use renewal at Bicentennial Park. If we are to continue with an added ferry service which is currently out for proposals, we may need to add some language and clarify the contract. The consensus from the Board was to add this item to the agenda for the April 12th BOC Meeting.

- **CITY MANAGER**

CM: The City recently issued an RFP for the stormwater construction projects for Boca Ciega and 140th Avenue. A sole bidder replied and the RFP was not met and hence needs to be rebid. The City engineering contractors with Deuel & Associates are working with staff to get this item rebid. He will keep the Board updated on any new developments.

He also noted that the City has received a \$350,000 appropriation from the state for lighting at John's Pass through the contracted lobbyist.

- **CITY CLERK** – None

K. ADJOURNMENT – The meeting was adjourned at 7:19 p.m.

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Date approved: May 10, 2016

A handwritten signature in black ink, reading "Travis Palladeno", written in a cursive style. The signature is positioned above a horizontal line.

Travis Palladeno, MAYOR

A handwritten signature in black ink, reading "Sea Marshall-Barley", written in a cursive style. The signature is positioned above a horizontal line.

Submitted by Sea Marshall-Barley, SUPPORT SPECIALIST

LAW OFFICES
THOMPSON, SIZEMORE, GONZALEZ & HEARING

PROFESSIONAL ASSOCIATION

HARRISON C. THOMPSON, JR.
(1925 - 1994)
WILLIAM E. SIZEMORE
(1945 - 2004)
BENJAMIN W. BARD
CHRISTOPHER M. BENTLEY
SACHA DYSON *
THOMAS M. GONZALEZ

ONE TAMPA CITY CENTER
201 N. FRANKLIN STREET, SUITE 1600
POST OFFICE BOX 639
TAMPA, FLORIDA 33601
(813) 273-0050
FAX NO. (813) 273-0072

GREGORY A. HEARING *†
MARQUIS W. HEILIG
EPIN G. JACKSON *
CHRISTOPHER C. JOHNSON
KEVIN D. JOHNSON *
LAKISHA M. KINSEY-SALLIS
ERNESTO MAYOR, JR.
BRIDGET McNAMEE
JEFFERY L. PATENAUDE
NATHAN J. PAULICH
ELIZABETH R. POLCHINSKI
TRISTAN J. REINIERS
CHARLES J. THOMAS

† BOARD CERTIFIED IN CIVIL TRIAL BY THE FLORIDA BAR

* BOARD CERTIFIED IN LABOR & EMPLOYMENT LAW BY THE
FLORIDA BAR

April 4, 2016

Shane B. Crawford
City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

Re: *Legal Advice Regarding Issue of Nepotism*

Dear Shane:

Pursuant to your request, I am writing to confirm that in August of last year (I do not know the exact date because the phone call was short enough to where I did not write it down for billing purposes), you specifically asked me the question as to whether or not a City Manager's personal relationship with his assistant would constitute a violation of the Florida Code of Ethics applicable to public officers and employees. I informed you at that time and confirm now that Florida Statutes § 112.3135, entitled Restriction on Employment of Relatives, specifically prohibits a public official from appointing, employing, promoting, advancing, or advocating for appointment, employment, promotion or advancement, any person who is a relative of the official. The same statute specifically defines relative as specified relations of blood and law. It does not prohibit relationships between officers and subordinates.

Very truly yours,



Thomas M. Gonzalez

TMG/srk