

A regular meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on January 9, 2018 in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida. Mayor Black called the meeting to order.

**MEMBERS PRESENT:** Maggi Black, Mayor  
John Douthirt, Vice-Mayor, Commissioner District 4  
Terry Lister, Commissioner District 1  
Nancy Hodges, Commissioner District 2  
Nancy Oakley, Commissioner District 3

**CITY STAFF PRESENT:** Derryl O'Neal, Acting City Manager  
Ralf Brookes, City Attorney  
Clara VanBlargan, City Clerk  
Walter Pierce, Finance Director  
Dave Marsicano, Public Works/Marina Director

#### **A. CALL TO ORDER**

Mayor Black called the January 9, 2018 regular meeting to order at approximately 6:00 P.M.

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

Commissioner Lister gave the Invocation and led the Pledge of Allegiance.

#### **C. ROLL CALL**

City Clerk Clara VanBlargan called the Roll and all Commission members were present.

A motion was made by Madam Mayor to approve the minutes of 11/14/2017 – first motion made by Commissioner Lister, seconded by Commissioner Hodges.

#### **D. APPROVAL OF THE MINUTES**

- **11/14/2017 BOC Workshop Agenda Setting Meeting**

Commissioner Lister made a motion to approve the November 14, 2017 BOC Workshop Agenda Setting Meeting. The motion was seconded by Commissioner Hodges.

#### **ROLL CALL VOTE:**

Commissioner Lister	"YES"
Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"YES"
Commissioner Oakley	"YES"
Mayor Black	"YES"

Motion carried 5-0

#### **E. APPROVAL OF THE AGENDA**

Commissioner Hodges made a motion to approve the agenda, seconded by Commissioner Oakley. Commissioner Oakley would like to remove both items off the consent agenda and move this to New Business.

Commissioner Hodges made a motion to amend the motion to remove item G1. Purchase of Wireless Microphone System for the Commission Chamber and item G2. Purchase of Valves from Wapro, Inc. Commissioner Oakley seconded the motion.

**ROLL CALL VOTE:**

Commissioner Oakley	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"
Commissioner Hodges	"YES"
Commissioner Lister	"YES"

The motion carried 5-0.

**I. PRESENTATIONS/PROCLAMATIONS**

- a. Law Enforcement Officer of the Year – Deputy Shannon Roxby was presented a plaque by Madam Mayor
- b. Firefighter of the Year – John Sleppy, Firefighter/Paramedic was presented a plaque by Madam Mayor and Todd Ermscher
- c. Promotion of Clint Belk to Fire Inspector – Todd Ermscher recognized Clink Belt full time fire inspector of Madeira Beach and presented Clint with a badge.
- d. Pam Ramussen and Roger Gooston presented the following charities with check donation:
  - Heaven on Earth for Veterans – donation was \$1500
  - Veterans Art Center of Tampa Bay - \$2000
  - Bay Pines VA Center - \$5000
  - Veteran’s Boat Parade & Donation toward 911 Memorial - Firefighter Sleppy accepted a donation on behalf of 911 memorial.
  - Special donation from America Commercial Construction will donate a new roof to a deserving veteran Jack Garret
  - Major Maxsom from the Veterans Art presented Madam Mayor a photo of an eagle.
- e. Cale America – Discussion on implementing new parking machines – Natalie Pick answered all questions and concerns from the board regarding pay by plate. She said the new machines accept coin or card for payment. The signage for the new machines will be installed very soon,

Finance Director Walt Pierce said Cale America is also responsible for the maintenance of the new machines and the City will have full access to the SD cards.

**II. DAIS LOG – There were no items for the Dias log**

**OPENED PUBLIC COMMENT**

Robert Preston stressed concern with the new parking machines.

A resident that did not give her name stressed concern that the new parking machines are not working properly and the paper jamming.

Robert Preston stressed concern with parking machine paper jamming and said the machines are not making money for the City.

**CLOSED PUBLIC COMMENT**

The Mayor read a letter distributed by Robert Preston that she said was not true.

**OPENED PUBLIC COMMENT**

Linda Hein said it is not a Sunshine violation when Commission members meet up with other residents at a restaurant.

Rebecca Parkett commented about the new Commission and said the citizen's wanted change.

Barbara Donavon requested a brief meeting with her Commissioner. Commissioner Oakley said she will be meeting with Barbara.

Ann Rainow urged the Commission to stop the backstabbing, so progress can be seen in the City.

Steve Rainow said there needed to be a change in the way Commissioners are elected in the City.

Bill Gay requested a copy of the Judge's ruling about recent ethics complaints and said they should be posted on the City's website.

**CLOSED PUBLIC COMMENT**

**F. UNFINISHED BUSINESS**

**I. PURCHASE OF WIRELESS MICROPHONE SYSTEMS FOR THE COMMISSION CHAMBER**

Finance Director Walter Pierce said he had took this on because the Commissioners wanted a setup change with workshop meetings instead of sitting at the Dias. He explained the costs involved in the wireless microphone system.

Following discussion, Vice-Mayor Douthirt suggested holding off on the purchase of microphones.

**II. PURCHASE OF VALVES FROM WAPRO, INC.**

Dave Marsicano said the purchase of six valves are for the Boca Ciega neighborhood and Pruitt Drive. The quote total cost is \$28,909.00. As we get more valves the prices of these will go down.

Commissioner Lister made a motion to approve the contract with Wapro for \$28, 909.00. The motion was seconded by Commissioner Hodges.

**ROLL CALL VOTE:**

Commissioner Lister	"YES"
Commissioner Oakley	"YES"
Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"

The motion carried 5-0.

**G. UNFINISHED BUSINESS**

**I. Ordinance 2017-13, the manner of holding the 2018 Municipal Election and its location – 2<sup>ND</sup> Reading & Public Hearing**

The City Clerk read Ordinance 2017-13 by title only and reviewed the agenda item.

Commissioner Hodges made a motion to adopt Ordinance 2017-13 after second reading and public hearing. Commissioner Oakley seconded the motion.

**ROLL CALL VOTE:**

Commissioner Hodges	"YES"
Commissioner Oakley	"YES"
Commissioner Lister	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"

The motion carried 5-0.

**I. CONTRACTS/AGREEMENTS**

**I. Complus Data Innovations, Inc. Agreement – Parking Enforcement Handheld Ticketing Devices**

Bob Rival, representative of Complus Data Innovations, explained the item and said they have contracted with the City for the past three years. The new agreement is to update the hand-held devices which is a major change and an improvement in the technology.

Commissioner Oakley made a motion to approve the agreement with Complus Data innovations. Vice-Mayor Douthirt seconded the motion.

**ROLL CALL VOTE:**

Commissioner Lister	"YES"
Commissioner Oakley	"YES"
Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"

The motion carried 5-0.

**II. Approve Agreement with CPWG to provide CEI Services – Gulf Boulevard Resurfacing**

Dave Marsicano explained this is a DOT project and CPWG will do the inspections for this work. The project is a 100% reimbursement from the State.

**OPENED TO PUBLIC COMMENT**

John Hendricks commented there is a water leak on Gulf Blvd around 149<sup>th</sup> and he is concerned that there may be a car that can drop in.

Deby Weinstein asked when the last time Gulf Blvd was re-surfaced, and Mr. Marsicano explained.

**CLOSED TO PUBLIC COMMENT**

Commissioner Oakley made a motion to approve the contract with CPWG. Vice Mayor Douthirt seconded the motion.

**ROLL CALL VOTE:**

Commissioner Lister	"YES"
Commissioner Oakley	"YES"
Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"

The motion carried 5-0.

## J. NEW BUSINESS

### I. Ordinance 2018-01, First Budget Amendment to Fiscal Year 2018 Annual Budget – 1<sup>ST</sup> Reading

City Clerk Clara VanBlargan read the Ordinance by title only.

Finance Director Walt Pierce explained that this ordinance amended the FY-2018 Annual Budget (October 1, 2017 through September 30, 2018). He said the project with FDOT is a good part of this budget amendment.

Commissioner Lister made a motion to approve Ordinance 2018-01 after first reading. Vice-Mayor Douthirt seconded the motion.

#### ROLL CALL VOTE:

Commissioner Lister	"YES"
Commissioner Oakley	"YES"
Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"

The motion carried 5-0.

### II. Appointment of Regular Membership to the Planning Commission

City Clerk Clara VanBlargan explained there is a vacancy on the Planning Board due to the resignation of one of its members, there are three applicants that applied, the term expires August 15, 2018, which is a partial term and then the new member can apply for the full term.

Vice Mayor Douthirt made a motion to appoint Ruth Cabella to serve as a member to the Planning Commission for a partial term expiring on August 15, 2018. Commissioner Oakley seconded the motion.

Ruth Cabella came to the podium and introduced herself.

John Hendricks came to the podium and introduced himself. He is very involved in Madeira Beach. Commissioner Hodges asked Mr. Hendricks if he wanted to stay on the committees he is already a member of and he said yes.

#### ROLL CALL VOTE:

Commissioner Lister	"NO"
Commissioner Oakley	"YES"
Commissioner Hodges	"NO"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"

The motion carried 3-2.

### **III. Whalley vs. City of Madeira Beach: SETTLEMENT OF LITIGATION**

City Attorney Ralf Brookes explained this is a short-term rental code enforcement settlement. He explained the settlement agreement and said the violator had plead guilty and agreed to pay the administrative cost of \$914. The property has come into compliance. Deputy Roxby explained that his advertising is in compliance also.

Vice Mayor Douthirt made a motion to approve the Settlement of Litigation and Commissioner Lister seconded the motion.

#### **ROLL CALL VOTE:**

Commissioner Lister	"YES"
Commissioner Oakley	"YES"
Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"

The motion carried 5-0.

### **IV. Filing of Declaratory Judgement and Injunctive Relief regarding the Sufficiency of Grounds of Recall**

The City Attorney explained there was a recall petition that was filed, and former City Attorney Erica Augello filed a memorandum opinion that this is insufficient to allege malfeasance. He gave three recall examples and suggested that the City should file a declaratory judgement and injunctive action with the circuit court on behalf of the two City Officials. A Judge will determine if the grounds are sufficient or not. He said he could handle this at a rate of \$185 an hour or the City could choose a different lawyer to handle it.

The City Attorney said there was no need for the Commission to vote at this time. The item was presented for informational purposes of what is to come.

### **E. REPORTS/CORRESPONDENCE**

- CITY COMMISSION
- CITY ATTORNEY
- CITY MANAGER
- CITY CLERK

The City Clerk announced that the City attorney was going to give a presentation on Ethics and the Sunshine Law to the new committees on February 13<sup>th</sup> at 3:00 p.m. Each board will choose a chair and vice-chair and schedule their meetings.

Finance Director Walter Piece said a citizen approached him requesting the Revenue & Expenditures for the Recreation Department. He reported the following:

- Actual Revenue – \$420,556.81 – over budgeted by \$151,056.81
- Actual expenditure - \$886,088.47 – under budgeted by \$90,891.53

### **F. ADJOURNMENT**

The Mayor adjourned the meeting at 7:59 p.m.

  
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Maggi Black, Mayor

ATTEST:

  
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Clara VanBlargan, MMC, MSM, City Clerk