

A regular meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on March 7, 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
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Nancy Oakley, Commissioner District 3
John Douthirt, Vice-Mayor/Commissioner District 4

CITY STAFF PRESENT: Jonathan, Evans, City Manager
Ralf Brookes, City Attorney
Clara VanBlargan, City Clerk
Walter Pierce, Finance Director
Dave Marsicano, Public Works/Marina Director

1. CALL TO ORDER

Mayor Black called the meeting to order at 6:00 PM.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

The City Clerk called the roll and all Commission members were present.

4. APPROVAL OF THE MINUTES

- August 9, 2016 Special Workshop Meeting
- August 16, 2016 Budget Meeting
- September 13, 2016 Regular Meeting
- September 20, 2016 Workshop Meeting
- September 20, 2016 Special Budget Meeting
- February 2, 2017 Special Meeting
- March 7, 2017 Regular Meeting
- April 18, 2017 Agenda Setting Meeting
- April 25, 2017 Workshop Meeting
- May 4, 2017 Special Meeting
- May 9, 2017 Regular Meeting
- December 12, 2017 Regular Meeting
- December 19, 2017 Special Meeting
- December 19, 2017 Workshop Meeting

- January 8, 2018 Workshop Meeting
- January 9, 2018 Agenda Setting Meeting
- January 9, 2018 Regular Meeting
- January 23, 2018 Workshop Meeting
- January 26, 2018 Special Meeting
- January 31, 2018 Special Meeting
- February 13, 2018 Agenda Setting Meeting

Vice-Mayor Douthirt motioned to break the approval of the minutes into two categories: April 18, 2017 through February 13, 2018, because all five of the current Commissioners were on the board at that time, and then August 9, 2016 through March 7, 2017. Commissioner Oakley seconded the motion.

Commissioner Oakley asked to correct the spelling of Steven Kochick's name in the minutes.

Mayor Black requested a motion to approve minutes from August 9, 2016 through March 7, 2017 minutes.

Commissioner Lister said they needed to vote on the motion to split the minutes prior to making the new motion. He said at the Florida League of Cities meeting he recently attended, he was told minutes only had to include items that were actionable, and he would like summary minutes in the future.

Commissioner Oakley said the clerk was listed wrong on the February 2, 2017 and March 7, 2017.

ROLL CALL VOTE:

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

The motion carried 5-0.

Mayor Black requested a motion to approve minutes from August 9, 2016 through March 7, 2017 and no motion was made.

Mayor Black requested a motion to approve minutes from April 18, 2017 through February 13, 2018. Vice-Mayor Douthirt made the motion and Commissioner Oakley seconded the motion.

ROLL CALL VOTE:

Vice-Mayor Douthirt	"YES"
Commissioner Oakley	"YES"

Commissioner Hodges	“YES”
Commissioner Lister	“YES”
Mayor Black	“YES”

The motion carried 5-0.

Vice-Mayor Douthirt asked the City Attorney what happens with the minutes that were not approved.

City Attorney Ralf Brookes answered that the Sunshine Law only require minutes be taken and do not specify they must be approved. The minutes will be marked as taken but not approved.

5. APPROVAL OF THE AGENDA

Commissioner Lister motioned to approve the Agenda. Commissioner Hodges seconded the motion. Commissioner Hodges seconded the motion.

ROLL CALL VOTE:

Commissioner Lister	“YES”
Commissioner Hodges	“YES”
Commissioner Oakley	“YES”
Vice-Mayor Douthirt	“YES”
Mayor Black	“YES”

The motion carried 5-0.

6. PRESENTATIONS/PROCLAMATIONS

A. Certificate of Completion to be awarded to Mayor Black, Vice-Mayor Douthirt and Commissioner Oakley for completion of the 2018 Institute for Elected Officials held January 19-21, 2018, in Altamonte Springs, Florida.

City Manager Jonathan Evans read a Certificate of Completion awarded to Mayor Black, Vice-Mayor Douthirt and Commissioner Oakley for completion of the 2018 Institute for Elected Officials held January 19-21, 2018, in Altamonte Springs, Florida.

B. DAIS LOG REVIEW

7. PUBLIC COMMENT

Mayor Black opened public comment.

Robert Preston, 425 S. Bayshore Drive said Commissioner Oakley commented in the last meeting that she was environmentally concerned about their waters and he agreed. He said pump out boat

was included in the budget, so the City could remove some of the waste in their waters. His children and grand-children play in the bay and anything that they can do to help people to safely dispose of their waste is a good thing. He asked the City to revisit this. He commented that the signage in the bay is sun washed.

Deby Weinstein, 441 129th Avenue, commented that the community bulletin boards at the library, Winn Dixie, and Johns Pass were not used for five years. They have recently started using these boards a few months ago but they do not contain a lot of information. Nothing was posted about the candidate forum or the garage sale last weekend. She suggested that all events be posted on these boards. She commented that the 2017 budget indicated that they would receive \$318,000 of revenue from the ball fields. However, the expenses show \$863,300 in total expenditures. This means that they have a \$535,000 deficit that needs to be addressed. She indicated that last year's budget showed a deficit of almost \$600,000.

Bill Gay, 423 150th Avenue, said during the January and February BOC meetings he raised questions about the release of the ethics complaints that were lodged against several City officials. He requested that these be posted on the website. These documents were supposed to be turned in last year. The documents are part of the Sunshine Law and should be available to the public. The judge ruled that Mr. Ghovace's appointment to the Commission was in violation of the Sunshine Act and is also a violation of their Oath of Office.

Reese Noran, 363 Medallion Blvd., commented that the information posted on the bulletin boards could use some improvement. The athletic department is what they pay their taxes for and this is not a bad thing. Events have been well managed. He said regarding Mr. Gay's comments, the Commission had appointed new commissioners in that way for years to keep the candidates that were not going to be appointed from coming as a courtesy. It was not done in malice.

Steven Miller, 15329 Harbor Drive, said the City needed to figure out something to do regarding the vacant boats in the bay. As a City they should work with the State to have more control over the boats. The Recreation Departments does lose money and that department is based on a faulty business model. A lot of the people that use the recreational programs are not citizens. He requested an audit to determine who their users are. He said that he was disappointed in the candidate forum because there was no back and forth discussion with the public. Mr. Miller commented that people are confused on how to use the beach parking meters.

Steven Kochick, 15301 2nd Street East, said violations of the Sunshine Laws are the responsibility of the clerk and the Attorney General is responsible for investigating these violations. He said the City needed to maintain its fields regardless of if they are used and he had not heard anything about increasing revenue.

8. CONSENT AGENDA

9. UNFINISHED BUSINESS

10. CONTRACTS/AGREEMENTS

A. Approval of Contract with Ajax Paving Industries of Florida, LLC – Resurfacing of Gulf Boulevard from 131st Avenue to 150th Avenue

Dave Marsicano, Public Works/Marina Director said the repaving project is being funded by DOT and managed by the City. They have approval for the project.

Mayor Black opened public comment but no one spoke.

Commissioner Lister motioned for the approval of the contract with Ajax Paving Industries of Florida, LLC to resurface Gulf Boulevard from 131st Avenue to 150th Avenue. Commissioner Hodges seconded the motion.

ROLL CALL VOTE:

Commissioner Lister	“YES”
Commissioner Hodges	“YES”
Commissioner Oakley	“YES”
Vice-Mayor Douthirt	“YES”
Mayor Black	“YES”

The motion carried 5-0.

11. NEW BUSINESS

A. Ordinance 2018-02, Fence Ordinance Modification – 1st Reading – Linda Portal, Planning Director

Linda Portal, Planning Director gave a PowerPoint Presentation and commented that the proposal is for several amendments to the fence code. The first deals with residential properties that abutt a park or commercial land use. In the past residents living adjacent to parks had individuals climb over fences to access the park. In these situations, it is proposed that residents be able to have a six-foot fence. The next issue is regarding commercial fencing. The Code deals with rear yard fencing holistically and is very restrictive with fencing located near water. People have been restricted from installing safety fencing to block people from coming on their properties and potentially messing with their equipment. This amendment would allow the property owners to work through the site plan review process to establish placement and height for fences. The height limit is six feet. She commented that some of the underlining was not carried over in the report and highlighted areas where the underlining should have been included.

The City Attorney said it could be corrected in the second reading.

Ms. Portal said when the fencing code was originally written it defined their location by the setback line. Fencing was required to drop down on the side yard from six feet to three feet solid or four feet open. Along the Gulf of Mexico garden walls, solid fences, and hedges were allowed with a three-foot height. The idea is to keep an open view from the water and land. Rear yards are

considered the unoccupied space extending across the full width of the lot and measured between the rear line of the lot and the rear building line of the main building. If someone does not build all the way to the rear setback line, that area is more restrictive. She then provided some examples of where the fence height needed to drop. This effects the older smaller homes in the city disproportionately from the newer homes. Accessory sheds are allowed in the building envelop.

Ms. Portal overviewed the section dealing with accessory structures. They are allowed in rear yards within the same building line as the house. However, the Code does not allow for a six-foot fence in the rear building envelope. She explained that this created problems because the Code does allow for an eight-foot-high shed or a 45-foot high house. The current Code creates hundreds of nonconforming uses and fencing are regulated at a higher level than houses and sheds. It reduces openness because home owners put in an eight-foot shed instead of a six-foot fence. Staff is recommending they go back to the interpretation that allows for the use of the setback line as the spot in which the fence is lowered in height. She stated that the planning board recommended approval.

Commissioner Lister asked if they are changing the 30-foot setback.

Ms. Portal explained that the 30-foot setback will stay in place. This change is to allow the six-foot privacy fence to stop at the building envelop instead of the building wall. This will standardize fencing.

Ms. Portal commented that this was the fence that triggered the interpretation. The City made them take the fence down.

Commissioner Lister asked how many sheds have been put up and Ms. Portal said since December there have been four sheds installed.

Commissioner Lister commented that this a loop hole in the law and everyone should have the same rule.

Commissioner Hodges asked if they can have more than one shed and Ms. Portal confirmed yes.

Mayor Black opened public comment.

Dick Lewis, 561 Crystal Drive, commented that the Code is to develop uniformity in establishing six-foot-high fences at the setback location. The predominance of water front structures is not uniformly setback with relatively few constructed to the 30 feet. This change provides no benefit to property owners and would adversely affect many. He encouraged them to not adopt this change.

Thomas Fessenden, 8801 98th Street in Seminole Florida, commented that he is a public policy administration student at St. Petersburg College and that he has reviewed the planning report on the item and indicated that there is a privacy issue for people that have smaller homes. He recommended moving forward with the agenda item in the spirit of fairness and privacy.

Jason Delacruz thanked Ms. Portal for working through the issue and hoped the Commission will approve it.

City Clerk Clara VanBlargan read the Ordinance 2018-02 by title only.

Commissioner Lister motioned to approve 2018-02 after first reading. Vice-Mayor Douthirt seconded the motion.

Commissioner Lister said he would like conformity to be throughout the City. Everyone will get the same allowance for the 30-foot setback.

ROLL CALL VOTE:

Commissioner Lister	“YES”
Vice-Mayor Douthirt	“YES”
Commissioner Hodges	“YES”
Commissioner Oakley	“NO”
Mayor Black	“YES”

The motion carried 4-1.

12. REPORTS/CORRESPONDENCE

- **City Commission**

Commissioner Hodges announced the Gulf Beaches Rotary Spring Break Carnival on March 15th to the 18th.

Commissioner Lister asked when the Planning Commission met and said he would like to see a copy of the Planning Commission agenda prior to the items coming to the dais.

Commissioner Oakley commented that she would like to discuss the items in a workshop meeting first.

Ms. Portal stated that they meet on the second Monday of every month at 6:00 p.m.

Mr. Evans commented that in subsequent agenda items they will put action that is taken by their advisory boards and Planning Commission and meeting minutes will be provided if they are available.

- **City Attorney**
- **City Manager**

Mr. Evans informed the Commission that they met with members of the Rotary Club with respect to the American Flag disposal site. The original site had a tree and plaque present and is considered a sacred place by the family. Members of the 9-11 Memorial Committee recommended a site in front of the gazebo. The City is working to expedite the process to allow the Rotary Club to proceed. They are working out a maintenance agreement with the Rotary Club. He thanked Commissioner Hodges for being a part of the meeting. He then updated the Commission on the John's Pass Seafood Festival.

Finance Director Walt Pierce said they collected \$4,526 for the festival which includes the application, EMT, sanitation and tipping fees. The parking revenue was waived which is estimated at \$19,738. This is calculated to be the same amount as last year.

Mr. Evans said they are asking for a pro forma financial statement to be presented to the board, so they can see what the fiscal impact is to the community. All events have financial implications.

Vice-Mayor Douthirt said they do not know some of the costs that the City incurs.

Mr. Pierce said they have not tracked any of this in the past and Vice-Mayor Douthirt asked how that would be corrected in the future. Mr. Evans indicated said they will need to ask for itemized information or details as it relates to what they are asking for from the City. The pro forma is valuable in the first year.

Commissioner Lister asked how they would find out how much is brought into the town from people visiting the event. Mr. Evans said there are other major impacts on what the Tourism Bureau is looking for. They will look at the activity in restaurants and number of rooms booked.

- **City Clerk**

Ms. VanBlargan announced that a judge has set the Recall Election to Tuesday, April 17th.

13. ADJOURNMENT

Mayor Black adjourned the meeting at 7:15 p.m.



Maggi Black, Mayor

ATTEST:



Clara VanBlargan, City Clerk