

A regular meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on May 8, 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
Deby Weinstein, Vice-Mayor/Commissioner District 1
Nancy Hodges, Commissioner District 2
John Douthirt, Commissioner District 4

MEMBERS ABSENT: Nancy Oakley, Commissioner District 3

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 Hodges gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

The City Clerk called the roll and all members of the Commission were present except for Commissioner Oakley.

Mayor Black informed the Commission that live stream is only working facing the Commission and it would show those in attendance.

4. PUBLIC COMMENT

Mayor Black opened public comment and asked people to speak into the microphone and to state their address. She commented that most people are aware of the ethics violations against Commissioner Oakley. She is out of town and unable to attend the meeting. This is not a forum for unproven allegations against any of the Commissioners. She asked people to be respectful in their comments.

Gerry Clyatt, 14040 Marguerite Drive, apologized to John Bennett Hendricks for a statement she had made to him that she was led to believe was true but turned out not to be true. She said John deserves the respect and privacy afforded to all.

Anthony Phillip at 715 East Bird Street commented that he is there regarding two properties that he owns at 14107 and 14133 Gulf Boulevard. There were two smaller apartment buildings that were demolished because they were old and had substantial problems and now he is in the process of trying to build

something new. When the buildings were demolished, the water bill was around \$5,000 because of the leaks and after the demolitions, he continued to be charged every month for water and sewer and he no longer had buildings there. The city has now filed a lien on the property because of the unpaid water and sewer bill and most of which he does not owe, and that is not right. He spoke to the City treasurer and was told that he could get a credit.

Lauree Tyner, 4986 Miramar Drive, indicated that she is the manager of Snack Shack and one month ago they started using biodegradable paper straws because she cares about the environment.

Steven Kochick, 15301 2nd Street East, suggested that the board have a workshop meeting regarding the legal fees that will be associated with the ethics complaint. If she was not in her official capacity as a commissioner during the incident, then she will not be entitled to any legal assistance. If they find that she was intoxicated while in her official role then she will be in violation of the Charter. He commented that staff members better not be mistreated and there better not be any retribution to city employees. He indicated that he trusts the city manager to do the right thing.

Gay Prince, 14045 Marguerite Drive, said she would like to question the latest ethics complaint and find out where the real issue lies. There are several other ethics complaints being investigated by past employees and board members. Former Attorney Trask illegally held the ethics complaints from the public. She asked why the City hasn't posted the ruling of the case on the website.

5. APPROVAL OF THE AGENDA

Commissioner Hodges made the motion to approve the agenda and Commissioner Douthirt seconded the motion.

ROLL CALL:

Commissioner Hodges	"YES"
Commissioner Douthirt	"YES"
Vice-Mayor Weinstein	"YES"
Mayor Black	"YES"

The motion carried 4-0.

A. PROCLAMATIONS

i. National Safe Boating Week; May 19-25, 2018

City Clerk Clara VanBlargan read the proclamation proclaiming May 19-25, 2018 as "National Safe Boating Week." The proclamation was accepted by the organization requesting the proclamation.

B. PRESENTATIONS

C. DIAS LOG REVIEW

6. CONSENT AGENDA

A. Award of Bid for Electrical/Repair Contract – Dave Marsicano, Public Works/Marina Director

B. Award of Bid for Landscaping Services – Dave Marsicano, Public Works/Marina Director

Public Works/Marina Director Dave Marsicano reviewed Agenda Item 6A & 6B and explained the process of choosing the contractor. He addressed questions and concerns from the Commission.

Mayor Black opened public comment on the electric repair contract.

Gay Prince, 14045 Marguerite Drive, commented that it would be a good idea to not use the contractor who did the electrical on the City Hall project since there is no power at City Hall whenever there is a storm.

Commissioner Douthirt motioned to award the bid for the electrical contract. Commissioner Hodges seconded the motion.

ROLL CALL:

Commissioner Douthirt	“YES”
Commissioner Hodges	“YES”
Vice-Mayor Weinstein	“YES”
Mayor Black	“YES”

The motion carried 4-0.

Mayor Black opened public comment for the landscaping services contract.

Steven Kochick, 15301 2nd Street East, commented that they have been doing a consent agenda for years and the Commission nitpicks the items and this is micromanagement. City staff are professionals and if Commissioners have questions on items that are on the consent agenda should speak to the city manager about it prior to the meeting.

Gay Prince, 14045 Marguerite Drive, thanked Vice-Mayor Weinstein for bringing up questions for she doesn't see anything wrong in doing that. If staff are professional, they should take the advice of the Commission and make their job better.

Vice-Mayor Weinstein motioned to award the bid to Floriculture. Commissioner Hodges seconded the motion.

ROLL CALL:

Vice-Mayor Weinstein	“YES”
Commissioner Hodges	“YES”
Commissioner Douthirt	“YES”
Mayor Black	“YES”

The motion carried 4-0.

7. UNFINISHED BUSINESS

A. Ordinance 2018-03, Amending Fees and Collections Procedures Manual – 1st Reading – Linda Portal, Planning & Zoning Director

Planning & Zoning Director Linda Portal reviewed Agenda Item 7A and said they have been through this item many times. She noted some spelling errors in the ordinance that will be corrected.

City Manager Jonathan Evans commented that one item added to the fee schedule since the last discussion is on page 24, item 17 which delineates the fuel discount for commercial accounts and purchase of 50 gallons or more. They wanted to communicate if there were any discounts to have these in the fee schedule. Other entities that fall under a discount and receive this benefit are included as well. Mayor Black said she is fine with having it in there.

Mayor Black opened public comment and there were none.

Commissioner Hodges motioned to approve the first reading of Ordinance 2018-03. Vice-Mayor Weinstein seconded the motion.

City Clerk Clara VanBlargan read Ordinance 2018-03 by title only.

ROLL CALL:

Commissioner Hodges	“YES”
Vice-Mayor Weinstein	“YES”
Commissioner Douthirt	“YES”
Mayor Black	“YES”

The motion carried 4-0.

B. Ordinance 2018-04, Amendment to Non-Conforming Structures – 1st Reading – Linda Portal, Planning & Zoning Director

Planning & Zoning Director Linda Portal commented that her computer lost her presentation and requested that they move onto another item while she looked for the presentation.

The Commission moved to Agenda Item 7C and returned to this item following the completion of item 7E.

City Clerk Clara VanBlargan read Ordinance 2018-04 by title only.

Director Portal gave a PowerPoint Presentation and explained proposed Ordinance 2018-04. She responded to questions and comments from the Commission.

Mayor Black opened public comment.

Kathy Collier, 13145 3rd Street East, gave a copy of a picture to the City Clerk to distribute to the Commission showing the condition of her driveway after a rain due to pavers that her neighbor installed. She thanked Linda for doing a great job making sure that others don't have the same type of problems.

Mayor Black closed public comment.

Vice-Mayor Weinstein motioned to approve Ordinance 2018-04. Commissioner Douthirt seconded the motion.

ROLL CALL:

Vice-Mayor Weinstein	“YES”
Commissioner Douthirt	“YES”
Commissioner Hodges	“YES”
Mayor Black	“YES”

The motion carried 4-0.

C. Resolution 2018-02, Adoption of Board of Commissioners Policy and Procedures Manual – Jonathan Evans, City Manager

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

The City Manager commented that rules of procedures will govern the relations between board members and with staff. Staff has made modifications as discussed with the Board and in keeping with state statutes. Allowances were provided to allow the manager to call for a special meeting if there is something pressing in nature. They made modifications to clarify and clean up wording regarding public records. The City Attorney, City Clerk and himself have reviewed the document and made necessary adjustments. They added a section on staff reports to allow for presentations from staff and contact providers on a status update as to what is going on. Staff reports can be added during the agenda setting meeting. Staff recommends approval of the resolution.

Mayor Black asked about agenda preparation packets on the last page. It says that packets will be ready for distribution by 3:00 p.m. on Wednesday or 3:00 p.m. on Thursday at the latest. She suggested that they take out Wednesday and just say 3:00 p.m. on Thursday.

The City Manager said agenda items are due for review by Wednesday and the actual packet will be provided to the Commission on Thursday and no later than Friday morning.

Mayor Black opened public comment and there were no comments.

Vice-Mayor Weinstein motioned to adopt Resolution 2018-02, Adoption of Board of Commissioners Policy and Procedures Manual with the stated modifications. Commissioner Douthirt seconded the motion.

ROLL CALL:

Vice-Mayor Weinstein	“YES”
Commissioner Douthirt	“YES”
Commissioner Hodges	“YES”
Mayor Black	“YES”

The motion carried 4-0.

D. Resolution 2018-04, Public Beach Access – Municipal Home Rule – Jonathan Evans, City Manager

City Clerk Clara VanBlargan read Resolution 2018-04 by title only.

The City Manager said the United States Constitution was amended in 1968 and later adopted by the voters 1973 giving municipalities home rule authority. This piece of legislation preempts local governments ability to govern how access to beaches is handled. The legislation places the burden on the government entity to effectively fight for the customary public use of beach property or the dry sand. The legislation will take effect on July 1st and will allow for private property owners to restrict access to the public. Prior to this legislation, the private property owner would have to provide the information that effectively shows that the property was not being utilized by the public and is their private property to do with it as they may. The legislation switched and now puts the onus on local governments to petition a judge to communicate or to discuss that this is a customarily public use. This is a concern because it preempts home rule authority because the City cannot pass an ordinance to further define or delineate beach access. They are concerned about the protected species that nest on their beaches into perpetuity. This legislation creates confusion in this regard.

The City Manager commented that this resolution, if approved, will be asking the folks in Tallahassee to reconsider their actions they have taken. In Madeira Beach they have three access points where they can use vehicles to pick up trash. If these access points are closed, they will be limited in where to provide life safety services and to pick up trash. They do not want to jeopardize the tourism economy they have.

Vice-Mayor Weinstein asked if the other beach communities made any comments at the Big-C meeting as to what they will do. Mayor Black said they provided copies to all of them and they indicated that they will be doing the same thing.

Mayor Black opened public comment and there were no comments made by the public.

Commissioner Hodges motioned to approve Resolution 2018-04. Commissioner Douthirt seconded the motion.

ROLL CALL:

Commissioner Hodges	“YES”
Commissioner Douthirt	“YES”
Vice-Mayor Weinstein	“YES”
Mayor Black	“YES”

The motion carried 4-0.

City Attorney Ralf Brookes said he will be speaking at the local government and county lawyers on Thursday in Orlando and he will bring this up to them and have copies available.

E. Resolution 2018-05, Parking Revenue(s) Allocation of Additional \$0.50 - -Jonathan Evans, City Manager

Ms. VanBlargan read Resolution 2018-05 by title only.

The City Manager said staff brought forward an allocation of how they would like funds to be expended regarding parking revenues. They looked at their investment grade which is 82 and that is very high. This is the third highest grade that you can receive through Moody's. The City is in a strong fiscal position. They looked at using a portion of the money to pay debt service and make capital improvements that are needed today. If they pay off the debt prior to the call debt they could lose their credit rating and it will have an adverse impact. Staff would like to use a portion of this money to address capital needs. If they hold off on paying for capital projects now it could lead them to looking at future bond issuance in the future. There are parking lots in desperate need of repair. There are a lot of things in the village that need to be addressed cosmetically. They have provided a series of categories that the Board can allocate funds to. The money will be set aside in restricted accounts. The categories include: infrastructure/community aesthetics and cosmetics, debt service payment, operational needs, grants and perpetual care fund, John's Pass Village and other. This resolution will take the 50 cents that was approved and will bring it back for the second and final readings.

Mayor Black suggested that they provide at least 50% for the debt service and said that is what they originally agreed upon. The other 50% should be spent on infrastructure/aesthetics and cosmetics. There are a lot of things they need.

Commissioner Douthirt recommended 25 cents to go towards debt service, 10 cents towards infrastructure and 15 cents for operational needs.

Vice-Mayor Weinstein suggested 35 cents for the debt service and 15 cents for infrastructure and community aesthetics and cosmetics.

Commissioner Hodges suggested 30% for infrastructure, 15% for debt services, 25% for John's Pass Village, and 15% for the grants.

The City Manager said they should first tackle the debt service issues and recommended 50%, 50%, 70% and 15%.

Vice-Mayor Weinstein commented that she will bend to make the debt service with 25 cents.

The City Manager said there seems to be a consensus of infrastructure. He indicated that once debt service is paid off they can change their distribution.

Vice-Mayor Weinstein said she came up to 25 cents for infrastructure.

The board agreed with this allocation.

The City Manager said for the record, the Board of Commissioners has decided to put a percentage of the money that is collected, over and above the two dollars, to go towards debt service and infrastructure/aesthetics and cosmetics. Each receive 50% of the additional money.

Mayor Black opened public comment.

Matthew Powers, one of the owners of Mad Beach Brewing Company, commented that his family has done business in John's Pass for 25 years and has owned their property for about 11 years. He sits on the board of the business association. In April they met with the City Manager for a meet and greet. The most important issues that was discussed was regarding metering and parking in John's Pass. The majority of the

businesses in John's Pass are mom and pop shops. There should have been money designated for John's Pass. They could put some of this money toward things like the Seafood Festival and parking. He has about 50 employees and this will hurt them.

Jason Delacruz, owner of Don's Dock echoed Matt's sentiments. He stated that the parking revenue generated in the Pass are so great that it helps keep the tax rate down in the City. This is killing the cash cow. They need maintenance along the boardwalk.

Helen Carter, 5000 Miramar Drive, said if the City is going to raise parking rates then some of the money should be put back in there as well.

Casandra Tidara, 175 Medallion Blvd., asked the City Manager how much will go towards debt relief. The City Manager said around \$413,000 would be generated in additional revenue so if it was split right down the middle it would be about \$207,000 per quarter.

Ms. Tidara asked what the City will do for the repairs in John's Pass and how will they prioritize the appropriation of the \$207,000 for it will not cover a lot.

Tom Power, 12945 Village Blvd., said the State used to own the right-of-way through the middle of John's Pass. When they abandoned this the City got the property. The City did not charge for parking back then. In the years following, the City got a grant to dress up John's Pass. The City put in parking meters to pay for improvements. The merchants were in an uproar at the time but were promised that the money would stay in the Village. Customers complain about the meters. If the City is going to raise rates, then some of this needs to be allocated back to John's Pass.

Commissioner Hodges suggested that at least 25% be set aside for John's Pass.

The City Manager said they can look at the distribution they are talking about tonight or they can take a portion of the existing revenue and designate it to John's Pass.

Vice-Mayor Weinstein agreed and said it needed to be handled through the operational budget. They used to have a John's Pass operational budget. Commissioner Douthirt said John's Pass will be included in the infrastructure amount.

The City Manager said they can earmark a portion of the aesthetic funds towards John's Pass.

Mayor Black said a portion of the infrastructure should go to John's Pass and they needed to allocate funds in the budget towards them as well.

The City Manager said staff can insure whatever amount the Commission designates goes to John's Pass.

Mayor Black suggested 1/3 to 1/2 will go towards John's Pass.

Vice-Mayor Weinstein commented that she does not agree with this because they can allocate through the budget.

Mayor Black commented that they do have a lot of needs coming up, including a generator.

The City Manager indicated that they have \$452,000 sitting in the BP fund account. This money is to mitigate against the damages that the City and business community experienced associated with the oil spill. They are researching what this money can be used for. They could spend a portion of this money toward infrastructure and cosmetic improvements.

Commissioner Hodges asked if this is something they can workshop instead of deciding tonight. The City Manager said they are bringing the item back for a second reading and he will have a clear understanding on what the BP money can be used for.

Mr. Powers spoke from the audience, but his comments were not audible.

The City Manager said once they know where the money should go, it will get restricted and only be allowed for the designated use.

Commissioner Hodges motioned to put Resolution 2018-05 on the agenda for the next Commission workshop.

The City Manager said he would like this to go on the same meeting as the fee schedule and should go to a regular board meeting.

Commissioner Hodges amended her motion to put resolution 2018-05 on the next Board of Commissioner meeting. Commissioner Douthirt seconded the motion.

The City Manager Mr. Evans said if they speak about this at a workshop meeting then they cannot vote on it. If it is at a regular meeting, then the public can speak, and they can vote on the resolution.

Gay Prince, 14045 Marguerite Drive, thanked the Commission for listening to the public and putting what they are willing to do for John's Pass in writing. She asked if they could go to John's Pass instead of having them come to City Hall.

ROLL CALL:

Commissioner Hodges	"YES"
Commissioner Douthirt	"YES"
Vice-Mayor Weinstein	"YES"
Mayor Black	"YES"

The motion carried 4-0.

8. CONTRACTS/AGREEMENTS

There are none.

9. NEW BUSINESS

A. Quarterly Investment Report and March FY 2018 Financial Report – Walter Pierce, Finance Director

Finance Director Walt Pierce reported they are presenting the financial report through the end of March. The investment report is done on a quarterly basis. The reports show that the current holders are \$18.9 million, which represents a significant increase from last quarter by over \$727,000. The main reason for this increase was the ad valorem revenue was received. In March they received a little more than \$2.2 million and by the end of April it was over \$2.3 million. They have a good distribution in money market funds and then stated the name of the institution and the amount of money in each. He said they do not have any funds in CDs at this time. They did have three CDs in 2017 but this went towards paying down debt. In the next month or two they will put more money in CDs to have more of a balance and to pay future payments of series 2014. The revenues are increasing, and the expenditures are holding constant. Right now, the City is in good strong fiscal position right now. The auditor will present the 2017 audit in the next meeting.

The City Manager said this item was for informational purposes only.

B. Creation of a Public Information Specialist – FY 2018 & FY 2019 – Jonathan Evans, City Manager

The City Manager said this item is the creation of a public information specialist for the remainder of FY 2018 and for FY 2019. It is the goal of the Board to communicate directly to residents, so they are wanting to appropriate the resources on creating transparency, better website, and social media management. The website is currently in a state of disrepair. They are going to bring forward a redesign in more detail at the next workshop. They will focus on branding and communication and this position will oversee these strategies, and assist the City Manager, department heads, and the Board with assembling information and communicating exactly what is happening in the government. The goal is to be the most transparent community in Pinellas County. Most recently they sent out the City Manager's report and they had well over a 50% click rate. They want to put out information regarding special events and press releases. Information needs to be easily accessible. This will be a very valuable tool. If this position does not accomplish the measurable goals by 2019, the position will then go away.

Vice-Mayor Weinstein commented that this is a good idea and they needed to try it.

Mayor Black said in today's world they needed to get information out there.

Commissioner Hodges asked if this has been done before. The City Manager responded that this has been done in communities where he worked before.

Vice-Mayor Weinstein asked how the position will be advertised. The City Manager said he will put this on the website and utilize their social media platforms.

Helen Carter, 5000 Miramar Drive, said this is a good idea and not giving the money back to John's Pass is a terrible idea.

Vice-Mayor Weinstein motioned to create a public information specialist based on all the criteria the City Manager has placed before Commission, like the draft of the job title, descriptions and responsibilities. Commissioner Hodges seconded the motion.

ROLL CALL:

Vice-Mayor Weinstein "YES"

Commissioner Hodges	“YES”
Commissioner Douthirt	“YES”
Mayor Black	“YES”

The motion carried 4-0.

C. City Clerk’s 6-Month Probationary Period Performance Evaluation – Jonathan Evans, City Manager

The City Manager said the City Clerk joined the City on October 16, 2017. The scoring evaluations are attached to the agenda item and overall the ranking for the City Clerk exceeds standards and meets the standards. He indicated that from his experience working with the Clerk she has established herself as an exceptional team member and is committed to making sure residents are a priority and that records are maintained in compliance with State Statutes. She has integrity, works hard and is a valuable team member. They were fortunate to have her during the complicated recall election and he looks forward to working with her for many years.

Mayor Black echoed his comments and commented that Ms. VanBlargan has made order out of chaos and has brought much needed technology to the City.

Commissioner Hodges commented that the City Clerk has been a lot of help to her and she likes her.

Vice-Mayor Weinstein said since the City Clerk had many responsibilities and is doing so well she should be compensated for it. She asked if they can consider putting on a future workshop agenda regarding her compensation as measured against other cities. They want to make sure she is online because she is outstanding. The Board agreed to do this.

The City Clerk thanked the Commission for their comments.

10. REPORTS/CORRESPONDENCE

- **City Commission**

Commissioner Douthirt asked about the RFP for the kiosk at John’s Pass. The City Manager said the RFP submissions for the kiosk are due on May 2nd.

Vice-Mayor Weinstein said on May 27th she will hold another listening tour at John’s Pass Park from 11:00 a.m. to 1:00 p.m. The City Manager said he will be there.

- **City Attorney**

No comment.

- **City Manager**

The City Manager said the Resolution will be provided to the folks in Tallahassee.

- **City Clerk**

The City Clerk said she gave the Commission an updated department calendar and she reported that on Monday, May 14th they will hold a workshop training in the Commission Chambers. It will be open to the public and begin at 9:00 am and go until 4:30 pm. Scott Pain will speak. Refreshments and lunch will be provided by the City.

The City Clerk announced that on Tuesday, May 15th the Board of Commissioners will have their first budget workshop at 2:00 pm in the Chamber.

11. ADJOURNMENT

Mayor Black adjourned the meeting at 8:46 pm.



Maggi Black, Mayor

ATTEST:



Clara VanBlargan, MMC, MSM, City Clerk