

A special meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on August 20, 2018 in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida. Vice-Mayor Weinstein called the meeting to order.

MEMBERS PRESENT: Deby Weinstein, Vice-Mayor/Commissioner District 1
Nancy Hodges, Commissioner District 2
Nancy Oakley, Commissioner District 3
John Douthirt, Commissioner District 4

MEMBERS ABSENT: Maggi Black, Mayor

CITY STAFF PRESENT: Jonathan Evans, City Manager
Clara VanBlargan, City Clerk
Ralf Brookes, City Attorney

1. CALL TO ORDER

Vice-Mayor Weinstein called the meeting to order at 6:00 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll. She said that Mayor Black is absent, and the absence is excused.

Vice Mayor Weinstein asked if the Board could discuss Agenda Item 5, Approval of Agreement between the City of Madeira Beach and John's Pass Seafood Fest first. The Consensus from the Board was provided.

3. PUBLIC COMMENT

There was no public comment.

4. ORDINANCE 2018-09, CHARTER AMENDMENTS – 2ND READING & PUBLIC HEARING & THE APPROVAL OF AGREEMENT WITH PINELLAS COUNTY SUPERVISOR OF ELECTIONS

Agenda Item 4 was discussed after Agenda Item 5.

[Begin staff memo]

Background

The Charter Review Committee reviewed the City of Madeira Beach City Charter and recommended several amendments to the Charter. At a workshop meeting on July 30, 2018, the Commission discussed the amendments and determined that it is in the best interest of the residents of the City to allow voters the opportunity to vote at referendum on whether to amend the Charter.

Ten (10) of the proposed amendments were chosen to be placed on the November 6, 2018 General Elections ballot and others to be placed on the March 2019 ballot for the voters to decide on. Ordinance 2018-09 was prepared for that purpose. The Commission approved the first reading of the ordinance at a special meeting on August 1. The ordinance was advertised on August 6th for a second reading and public hearing to be held on August 20, 2018. The amendments will become effective immediately upon approval by a majority of the electors voting on the referendum questions.

If Ordinance 2018-09 is adopted by the Board of Commissioners, it will be necessary for the Commission to approve the Agreement with Pinellas County Supervisor of Elections allowing for the Municipal Election to be held in conjunction with the November 6, 2018 General Election and their assistance with the election. In accordance with Section 3.4 (B), of the City Charter, the Commission will consider first reading of an ordinance on September 4, 2018 prescribing the manner of holding the election and the polling place location for that election, which is the City of Madeira Beach City Hall, 300 Municipal Drive (Sec. 26-1, City Charter).

Fiscal Impact

The estimated cost of placing the ten (10) proposed charter amendments on the November 6, 2018 General Election ballot and the Supervisor of Elections assistance in that election is \$3,350.74.

Recommendation

The recommendation is for the Board of Commissioners to adopt Ordinance 2018-09, placing charter amendments on the November 6, 2018 General Election ballot for the voters to decide on and to approve the Agreement with the Pinellas County Supervisor of Elections.

[End staff memo]

City Clerk Clara VanBlargan read Ordinance 2018-09 by title only:

**CITY OF MADEIRA BEACH
ORDINANCE 2018-09**

AN ORDINANCE OF THE CITY OF MADEIRA BEACH FLORIDA PROVIDING FOR BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR PROPOSED REFERENDUM QUESTIONS TO BE PLACED ON NOVEMBER 6, 2018 ELECTION BALLOT; PROVIDING FOR AMENDMENTS TO THE CHARTER TO CORRECT AND STREAMLINE GRAMMAR AND GENDER NEUTRALITY; PROVIDING FOR SUPERMAJORITY VOTE FOR PLANNED DEVELOPMENT REZONING AND SPECIAL AREA PLANS; APPOINTING THE PINELLAS COUNTY CANVASSING BOARD; PROVIDING FOR NEPOTISM DEFINITION OF RELATIVE; PROVIDING FOR CITY MANAGER POWERS, DUTIES, QUALIFICATIONS, RESIDENCY, REMOVAL PROCEDURES, AND ACTING CITY MANAGER; PROVIDING FOR CITY CLERK QUALIFICATIONS; PROVIDING FOR LIMITATIONS ON CITY

ATTORNEY AND LEGAL REPRESENTATION OF ELECTED OFFICIALS; PROVIDING FOR TAXING AUTHORITY NOT IN CONFLICT WITH GENERAL LAW; DELETING REFERENCES TO PUBLICITY EXPENDITURES; PROVIDING FOR FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR ELECTION DATE; PROVIDING FOR COORDINATION WITH SUPERVISOR OF ELECTIONS; PROVIDING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT.

City Attorney Ralf Brookes read the following ten proposed charter amendments listed in Ordinance 2018-09:

**City of Madeira Beach
No. 1 Charter Amendment**

Grammar and Gender Neutrality

This charter amendment would amend the charter throughout numerous sections of the charter to reflect gender neutrality, correct and streamline grammar and correct typographical errors, reorganize and renumber the section and articles contained in the Charter. Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 2 Charter Amendment**

Supermajority Vote for Planned Development and Special Area Plans

This charter amendment would require a super-majority vote of four members of the Board of Commissioners for approval of any Planned Development Rezoning or Special Area Plan. Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 3 Charter Amendment**

Appointing Pinellas County Canvassing Board

This charter amendment would amend the charter to appoint the Pinellas County Canvassing Board to serve as the designated Canvassing Board for all elections under this Charter. Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 4 Charter Amendment**

Nepotism Definition of Relative

This charter amendment would adopt Florida Statute 112.312 definition of a prohibited relative for the nepotism prohibition (prohibiting employing and contracting a defined relative of City Commissioner, City Manager, City Clerk, or City Treasurer). Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 5 Charter Amendment**

City Manager Powers, Duties, Qualifications, Residency, Removal Procedures, and Acting City Manager

This charter amendment would require the City Manager maintain membership in good standing in the International City/County Management Association (ICMA) and Florida City and County Managers Association (FCCMA), clarify powers and duties of City Manager, procedures for removal of City Manager and appointment of acting city manager, and state that while it may be preferable the City Manager live within the City of Madeira Beach, it is not mandatory. Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 6 Charter Amendment**

City Clerk Qualifications

This charter amendment would require the City Clerk to maintain certification with the International Institute for Municipal Clerks (IIMC) and Florida Association for City Clerks (FACC). Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 7 Charter Amendment**

City Attorney Limitations and Legal Representation of Elected Officials

This charter amendment would prohibit the City Attorney, or the City Attorney's law firm, from personally representing an elected official in any recall litigation or Florida Commission on Ethics proceeding, however, the elected official is entitled to legal representation in any recall litigation or Florida Commission on Ethics proceeding at the expense of the City. Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 8 Charter Amendment**

City Taxes

This charter amendment would provide that the City shall have the right to levy taxes by ordinance in a manner not in conflict with the general law of the State of Florida and would delete specific references to a public service tax. Should the Charter be amended?

Yes
No

**City of Madeira Beach
No. 9 Charter Amendment**

Delete References to Publicity Expenditures

This charter amendment would delete references to, and limitations on the use of ad valorem taxes for the purpose of giving publicity to the advantages, facilities, and resources of the City. Should the Charter be amended?

Yes
No

City of Madeira Beach

No. 10 Charter Amendment

Five Year Capital Improvements Plan

This charter amendment would require adoption of a longer five (5) year Capital Improvements Program each year instead of the current requirement for a two (2) year Capital Improvements Program. Should the Charter be amended?

Yes

No

The City Attorney noted a gender neutrality correction made to page 6 of the ordinance at the Charter Review Committee meeting held that day.

The City Clerk provided information about the sequence of events leading up to when the Charter Review Committee presented its proposed Charter Amendments to the Board for discussion and said the Committee met nine times to date discussing the Charter.

Vice-Mayor Weinstein recommended allowing ten minutes per speaker to express their thoughts and comments since the Charter is the City's constitution and an important document to everyone. The Board gave consensus to allow the additional time for each speaker.

Commissioner Hodges asked the purpose of the supermajority vote for planned developments and special area plans in Charter Amendment #2. The City Attorney explained that it originated in discussions by the Charter Review Committee members who wanted planned developments to go to referendum of the voters. He said you cannot go to referendum of the voters on a development order which would include a planned development rezoning. So, as an alternative, a less drastic measure than going to a referendum of the voters on every rezoning would be to have a supermajority vote of the City Commission. This will make it harder for a planned development rezoning to get approved because it would require four out of five commissioners to vote in favor instead of three.

Vice-Mayor Weinstein opened the public hearing.

Robert Preston, 425 S. Bayshore Drive, commented on each of the ten proposed Charter Amendments. He commented in opposition of the supermajority vote requirement in Charter Amendment #2; city manager qualifications requirement in Charter Amendment #5 because it would narrow the pool of applicants; city clerk qualifications in Charter Amendment #6 because it would narrow the pool of applicants; the City being responsible for litigation as stated in Charter Amendment #7 no matter if a Commissioner is guilty or not; and the city taxes language change in Charter Amendment #8 because he said there was no benefit to the change. Mr. Preston urged the Commission not to change the ordinance as proposed because there are problems with some of the items listed in the ordinance. He asked that the Board change all its meeting times to the evening to be more transparent. The City Attorney addressed the concerns of Mr. Preston.

Rees Noran, 363 Medallion Blvd., urged the Commission not to pass the ordinance because it places too many Charter Amendments on the November ballot and there was no rush to do so. He spoke in opposition of the supermajority vote in Charter Amendment #2 and the requirement that the City Manager and the City Clerk to be a member of professional organizations.

Doreen Moore, 13019 Boca Ciega Avenue, commented on the number of meetings that were held by the Charter Review Committee. She said they were extensive two- and three-hour meetings held during the day, and that it would have been difficult to start them at 6:00 p.m., because they were very long meetings. She said there are online communications and more ways to get the word out. The City must educate and be careful not to advocate. She suggested changing ad valorem taxes in Charter Amendment #9 to say property taxes.

Vice-Mayor Weinstein closed the public hearing.

The City Attorney said the current language in the Charter about ad valorem taxes says to levy ad valorem taxes on real and tangible personal property. He suggested taking out the word "real" in that sentence. The City Manager explained that tangible personal property would be the assets that are contained within a specific business and the City does collect revenue associated with that, but the bulk of the ad valorem is derived from the real estate property taxes. Finance Director said that ad valorem is strictly property taxes. The City Attorney said the most that can be added to that is the words ad valorem property taxes.

Commissioner Oakley said the Charter Review Committee did an excellent job going through the Charter but there are too many Charter Amendments going on the November ballot.

Commissioner Douthirt commented in favor of the supermajority vote.

Vice-Mayor Weinstein stressed the importance of educating the constituents afterwards if the ordinance is passed. Some of the referendum questions could be rejected by the voters. The City Manager explained that staff will be putting together a communications and marketing plan to bring back to a workshop for discussion. The State Statute is very explicit on how the City must communicate. The City can only communicate the facts and impacts and not encourage people on how to vote.

Commissioner Hodges said she understands that the Charter needs updating but she is concerned about putting too many questions on the ballot at one time and there is no rush to do it at this time. The amendments need looking at more closely. She suggested putting them on the March ballot instead to allow more time for the voters to understand what they are voting on. Commissioner Hodges commented that she is not in favor of the supermajority vote.

Commissioner Douthirt said he is not in favor of waiting until March. It is better to put amendments on the November ballot and on the March ballot.

The City Manager said if the ordinance is approved he will get with staff tomorrow to start putting together components to a communications and marketing plan that will be put on the August 28th workshop meeting agenda for Board input.

Commissioner Oakley made a motion to adopt Ordinance 2018-09 after second reading and public hearing. The motion was seconded by Commissioner Douthirt.

ROLL CALL:

Commissioner Oakley	“YES”
Commissioner Douthirt	“YES”
Commissioner Hodges	“NO”
Vice-Mayor Weinstein	“YES”

The motion carried 3-1.

5. APPROVAL OF AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH AND JOHN’S PASS SEAFOOD FEST

Agenda Item 5 was discussed before Agenda Item 4.

[Begin staff memo]

Background

Pursuant to the direction provided by the Board of Commissioners on August 7, 2018, City staff was directed to draft a proposed agreement between the John’s Pass Seafood Festival and the City of Madeira Beach to facilitate the 2018 John’s Pass Seafood Festival. The premise of this item is to address the wavier of parking fees for specific City owned lots that will be utilized for the duration of the event. This event brings thousands of visitors and event goers to the City of Madeira Beach and more specifically John’s Pass Village. The contract was mutually negotiated by the City and John’s Pass Seafood Festival, drafted by staff, and approved by the City Attorney.

Notable provisions include but are not limited to the following: cross-promotional branding leading up to and during the event. Rights for use of any and all marketing collateral created as a result of the event can be utilized in marketing and promoting the City and its amenities. The City will agree to waive parking fees within specified lots for the duration of the event. Costs that exist outside of parking, such as sanitation, road closure fees, fire rescue, and law enforcement will not be waived. John’s Pass Seafood Festival shall be responsible for providing the City with an event application no less than 60 days prior to the event (already received) and shall comply with the event addendum provided by the City. Lastly, the City shall be provided with an event pro forma within 60 days following conclusion of the event. Failure to comply will result in all waived fees being remitted back to the City.

Fiscal Impact

The FY 2018 Adopted Budget does not include the fees being considered to be waived as part of the City’s projected/anticipated revenue. The fiscal impact should result in a net neutral position

for the City, with John's Pass Seafood Festival reimbursing the City for any and all hard costs related to the event.

Recommendation

Staff recommends approval of the agreement between the City of Madeira Beach and John's Pass Seafood Festival.

[End staff memo]

Recreation Director Jay Hatch reviewed Agenda Item 5. He explained changes that were made to the attachments, "Addendum" and "Fee Schedule" after the agenda was published.

City Manager Jonathan Evans explained that the event application will not be completed until direction is received from the Board regarding the terms and conditions of the agreement. An after-event report will be provided to the Board showing true costs. He addressed questions from the Board.

Vice-Mayor Weinstein opened to public comment. There were no public comments.

Commissioner Oakley made a motion to approve the seafood festival contract. Commissioner Hodges seconded the motion.

ROLL CALL:

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

The motion carried 4-0.

A. ADJOURNMENT

Vice-Mayor Weinstein adjourned the meeting at 7:09 p.m.



Maggi Black, Mayor

ATTEST:



Clara VanBlargan, MMC, MSM, City Clerk



