



MINUTES
BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 8, 2023
6:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 6:00 p.m. on March 8, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: John B. Hendricks, Mayor
Doug Andrews, Vice Mayor/Commissioner District 3
Ray Kerr, Commissioner District 2
Dave Hutson, Commissioner District 4

MEMBERS ABSENT: David Tagliarini, Commissioner District 1

CITY STAFF PRESENT: Megan Powers, Assistant to the City Manager
Clara VanBlargan, City Clerk
Thomas Trask, City Attorney

1. CALL TO ORDER

Mayor Hendricks called the meeting to order at 6:00 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney Tom Trask gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

City Clerk Clara VanBlargan called the roll.

4. APPROVAL OF THE AGENDA

Vice Mayor Andrews motioned to approve the agenda as written. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"

Mayor Hendricks "YES"

The motion carried 4-0.

5. PROCLAMATIONS

There were no proclamations.

6. PRESENTATIONS (limited to 10 minutes each)

There were no presentations.

7. PUBLIC COMMENT

There were no public comments.

8. CONSENT AGENDA

A. Approval of Minutes

- **2023-02-08, BOC Regular Meeting Minutes**
- **2023-02-13, BOC Special Meeting Minutes**
- **2023-02-22, BOC Regular Workshop Meeting Minutes**

Vice Mayor Andrews motioned to approve the Consent Agenda as written. Commissioner Hutson seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 4-0.

9. PUBLIC HEARINGS

A. Ordinance 2023-14, Amendment to Chapter 54 – Solid Waste – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-14 by title only:

ORDINANCE 2023-14

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 54 (SOLID WASTE) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO AMEND THE DEFINITIONS OF COLLECTION CENTER, CURBSIDE COLLECTION PROGRAM, GARBAGE CAN AND TRASH CAN; TO DELETE “REFUSE” AS A MANDATORY SERVICE SUBSCRIPTION; TO ADD “DEBRIS ACCUMULATION FROM CONTRACTORS” AS WASTE TO BE REMOVED BY THE OWNER; TO AMEND REFERENCES TO “TRASH CONTAINER;” TO ADD “TRASH” TO THE ITEMS PROHIBITED TO BE BURIED OR BURNED AS GARBAGE; TO REQUIRE THAT A GARBAGE CAN OR TRASH CAN SHALL HAVE A 64 GALLON CAPACITY AND THAT SUCH RECEPTACLE SHALL BE PROVIDED BY THE CITY; TO PROVIDE FOR PLACEMENT OF CONTAINERS FOR TRASH COLLECTION; TO PROVIDE FOR EXCLUSIONS THEREFOR; TO REQUIRE CONCEALMENT OF GARBAGE AND TRASH CANS AFTER COLLECTION; TO PROVIDE FOR TIMING OF CURBSIDE PLACEMENT AND REMOVAL OF TRASH CANS; TO DELETE SEC. 54-62 REGARDING INSPECTION AND CONDEMNATION OF CONTAINERS; TO PROVIDE FOR CONFLICT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Hendricks opened the floor for discussion. There were no comments from the Board.

Mayor Hendricks opened to public comment.

Christine Gienski, 532 Crystal Drive, said her biggest concern was bringing the trash can back by a certain time. People work late and cannot get home by a certain time.

Commissioner Kerr said he thought it was a valid issue. He did not think they should create any more of a burden than they had to.

Mayor Hendricks said the main thing they were trying to avoid was the cans sitting out for days.

Vice Mayor Andrews asked if there was a fine attached to the ordinance. Public Works Director Megan Wepfer said no, and their intent was not to drive around the City and give tickets. The intent was to clean up the City. But, if it would become a problem, then the fine would be \$93.00 through the Sheriff's Department.

Commissioner Kerr motioned to pass Ordinance 2023-14, Amendment to Chapter 54 – Solid Waste after 2nd reading with the change that the cans must be removed the same day. Vice Mayor Andrews seconded the motion.

City Attorney Tom Trask said his understanding of the motion was to change the time of the can removal from the curb to “midnight” from “sunset.” Commissioner Kerr said that was the intent.

ROLL CALL:

Commissioner Kerr	"YES"
Vice Mayor Andrews	"YES"
Commissioner Hutson	"YES"
Mayor Hendricks	"YES"

The motion carried 4-0.

10. UNFINISHED BUSINESS

11. CONTRACTS/AGREEMENTS

A. King of the Beach Fishing Tournament Contract with Old Salt Fishing Foundation

The Mayor said the City had done this for years, and Old Salt has been very good to the City. He was fine with the contract as written.

The City Attorney said he drafted the agreement because there were a lot of issues to cover, including the following:

- Insurance
- Indemnification
- The Special Event process
- The Special Event application
- The Special Event addendums

Old Salt had an attorney review it, and they signed it as prepared.

Mayor Hendricks opened to public comment.

Bill Gay, 423 150th Ave., suggested Mayor Hendricks and Vice Mayor Andrews recuse themselves from discussion and voting for the following reasons:

- Old Salt misrepresented its level of charitable giving.
- Old Salt actively participated in Municipal Elections.

He suggested the City do due diligence on Old Salt to see if it was an organization the City should be involved with. Old salt should submit an independent audit of its IRS 990 submissions from 2018-2022 to the City.

Commissioner Hutson asked if the only thing different from the past was the City not charging for the holes put in the grass. The Mayor said yes.

Vice Mayor Andrews said Old Salt was embedded in the DNA of Madeira Beach, and if the City turned its back on them, they would go somewhere else and get paid to do it. The City was not required to look at its IRS statements.

Vice Mayor Andrews motioned to approve the King of the Beach Fishing Tournament Contract with Old Salt Fishing. Commissioner Hutson seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 4-0.

B. Award of RFP #23-01 – Annual Fireworks Displays

Recreation Director Jay Hatch said they received four bids, and Master Pyro, LLC ended the bid with \$35,000. It would be a single-year contract with two possible single-year renewals. He asked for approval from the Board.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Hutson motioned to approve the award of RFP #23-01, annual fireworks displays. Commissioner Kerr seconded the motion.

ROLL CALL:

Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Vice Mayor Andrews	"YES"
Mayor Hendricks	"YES"

The motion carried 4-0.

12. NEW BUSINESS

A. Resolution 2023-02 to enter into a State Funded Grant Agreement with FDOT for Area 6a

RESOLUTION 2023-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO A STATE-FUNDED GRANT AGREEMENT WITH THE

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)
FOR THE PURPOSE OF CONSTRUCTION AND CONSTRUCTION
ENGINEERING INSPECTION SERVICES FOR THE MADEIRA BEACH
ROADWAY IMPROVEMENTS AREA 6 PROJECT; FINDING THAT A
PUBLIC PURPOSE WILL BE SERVED BY ENTERING INTO SUCH
AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE
STATE-FUNDED GRANT AGREEMENT; AND PROVIDING FOR AN
EFFECTIVE DATE HEREOF.**

Mayor Hendricks opened the floor for discussion. There were no comments from the Board.

Mayor Hendricks opened to public comment.

Vice Mayor Andrews motioned to approve Resolution 2023-02 to enter into a State Funded Grant Agreement with FDOT for Area 6a. Commissioner Hutson seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 4-0

13. STAFF REPORTS

14. AGENDA SETTING

A. March 22, 2023, BOC Workshop Meeting

The City Clerk read the following list of items the City Manager added for the March 22, 2023, regular workshop:

- Two presentations by the Fire Department
- Area 5 and 6 Scope approval
- Parking presentation
- Consider purchasing a parcel on First Street East
- City Manager's Report
- Proposed 2023 legislature bills impacting cities

Items added to the workshop agenda:

Commissioner Hutson

1. Maintenance of pocket parks

Director Wepfer said she had a scope for the pocket parks in Boca Ciega.

2. Discuss assigning someone else as the backup to the Library Board.

Commissioner Kerr

1. Discuss undergrounding sewer lines on Gulf Lane before it gets paved in case they would want to add bathrooms at the beach entrances.
2. Discuss taking the federal lobbyist idea to the Big-C since red tide is in the national news.
3. Get an update on the property on 95th Street they discussed purchasing.

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

Vice Mayor Andrews thanked Mayor Hendricks and Commissioner Hutson for their dedication and devotion to the City. Commissioner Kerr thanked them for their service.

B. City Attorney

The City Attorney said he reviewed the request for an investigation filed by Mr. Rostek, the case law in relation to the request, and the information provided by the City Manager. There is an Attorney General opinion and a State Statute that talks about who the investigatory agency would be, and, in this case, it would be the State Attorney's office. He closed his file on the issue.

C. City Manager

The Assistant to the City Manager had nothing to report.

D. City Clerk

The City Clerk reminded everyone of the election on March 14th from 7:00 a.m. to 7:00 p.m. If the election results are certified on time by that Friday, the swearing-in ceremony would be at 4:30 p.m. on March 22, 2023, in the Commission Chambers, a light reception would follow, and the workshop would be held at 6:00 p.m.

16. ADJOURNMENT

Mayor Hendricks adjourned the meeting at 6:39 p.m.

John B. Hendricks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk