



MINUTES

BOARD OF COMMISSIONERS SPECIAL MEETING MAY 7, 2020 2:00 P.M.

A special meeting of the City of Madeira Beach Board of Commissioners was held at 2:00 p.m. on May 7, 2020, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT:

John Hendricks, Mayor
Doug Andrews, Vice Mayor/Commissioner District 3
Helen Price, Commissioner District 1
Nancy Hodges, Commissioner District 2
John Douthirt, Commissioner District 4 (via telephone)

MEMBERS ABSENT:

CITY STAFF PRESENT:

Robert Daniels, City Manager
Clara VanBlargan, City Clerk
Patty Kordis, Deputy Clerk
Ralf Brookes, City Attorney (absent)

1. CALL TO ORDER

Mayor Hendricks called the meeting to order at 2:01 p.m.

2. ROLL CALL

Deputy Clerk Patty Kordis called the roll.

3. PUBLIC COMMENT

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

4. ITEMS FOR DISCUSSION

A. Resolution 2020-09, a resolution promulgating an emergency order granting the approval of a city-wide special event order - *Board of Commissioners*

City Clerk Clara VanBlargan read Resolution 2020-09 by title only:

RESOLUTION 2020-09

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, PROMULGATING AN EMERGENCY ORDER GRANTING THE APPROVAL OF A CITY-WIDE SPECIAL EVENT ORDER AND AUTHORIZING THE CITY MANAGER TO APPROVE, MONITOR, REGULATE, AND REVOKE SAID SPECIAL EVENT PERMIT, IN PART OR WHOLE, IN WHICH BUSINESSES AND RESTAURANTS MAY RECEIVE WAIVERS IN REGARD TO USE OF THE CITY OF MADEIRA BEACH RIGHT-OF-WAY ASSISTING THEIR OPERATIONS FOR A TEMPORARY TIME-FRAME; AND PROVIDING FOR AN EFFECTIVE.

Commissioner Douthirt asked if the City's insurance or the establishment would be liable if a person attending an event got hurt in the City's right-of-way. Commissioner Price said the City would be a party in the lawsuit.

Commissioner Douthirt cautioned that the City should get the advice of the City Attorney and the City's insurance carrier before considering the item.

The City Manager said the resolution was approved by the City Attorney and the Interim City Attorney.

Vice Mayor Andrews said when the topic posted, a concerned resident suggested that he sustain from voting since he is a businessman. As a business owner, his business would not be affected by the proposal, so it would be acceptable to vote.

Commissioner Price motioned to approve Resolution 2020-09. Commissioner Hodges seconded the motion.

Roll Call:

Commissioners Price	"YES"
Commissioner Hodges	"YES"
Vice Mayor Andrews	"YES"
Commissioner Douthirt	"NO"
Mayor Hendricks	"YES"

The motion carried 4-1.

B. Resolution 2020-10, a resolution promulgating an emergency order granting the approval of rent waiver and payment deferral for two businesses that have a business relationship with the City - *Board of Commissioners*

City Clerk Clara VanBlargan read Resolution 2020-10 by title only:

RESOLUTION 2020-10

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF
MADEIRA BEACH, FLORIDA, PROMULGATING AN EMERGENCY
ORDER GRANTING THE APPROVAL OF RENT WAIVER AND PAYMENT
DEFERRAL FOR TWO BUSINESSES THAT HAVE A BUSINESS
RELATIONSHIP WITH THE CITY OF MADEIRA BEACH; AND PROVIDING
AN EFFECTIVE DATE.**

City Manager Robert Daniels said Moshe, the tenant of Fantasy Planet, said he appreciated the Board waiving the rent for April 2020 and asked if the Board would forgive the rent for May because the business is suffering due to the Covid-19. The Board was not in favor of forgiving May's rent.

The City Manager said Saltwater Destination has a five-year contract with the City and is required to pay \$7,500 every six months for rent. The business is not asking for forgiveness, but instead asking for a forbearance of the May 1st payment, which is in default. They are hoping that a portion of the amount owed for May could be added to each six-month payment over the next four years left on their contract. The City Manager said he could bring an addendum to the contract to the Board for approval.

Commissioner Price motioned to pass Resolution 2020-10 with changes to authorize the City Manager to work with Fantasy Planet on spreading their May 1st payment out over time with no penalty. The Board would forgive Saltwater Destination for any prorated monies that were due in April 2020. The Board authorizes the City Manager to negotiate the appropriate changes to both contracts and bring them back to the Board for approval. Commissioner Hodges seconded the motion.

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

Roll Call:

Commissioners Price	"YES"
Commissioner Hodges	"YES"
Vice Mayor Andrews	"YES"
Commissioner Douthirt	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

C. Auditor Selection Committee Discussion-Vice Mayor Andrews

Vice Mayor Andrews said he watched the May 1st live streaming video of the Auditor Selection Committee meeting. He said the Board appointed the members, but he does not understand why they would need both the Auditor Selection Committee and the Bid Review Committee. It should have been an administrative task to choose one of the vendors that submitted an RFP. On the live streaming video, the committee discussed how they would set the criteria and choose a winner. It was suggested that the members take the proposals home without any redactions. He is not

insinuating that any member of the committee was engaging in any shenanigans, but that does not pass the ethics test in his book. In the video, the chair of the committee said he did not want to assign any values and weights to categories until everybody had read the proposals. An evaluation matrix should have been in the RFP and not be created after the RFPs have been opened. That relinquishes the competitive advantage and hampers the negotiations. They operate in the sunshine, and all meetings need to be recorded. He does not support what went on in that meeting.

Finance Director Walt Pierce explained his position as an advisor to the Auditor Selection Committee. He said the committee was confused partially due to the coronavirus, and that the meeting would be livestreamed. In checking with other advisers on how they brief Auditor Selection Committees, the decision is not based on price and there are additional criteria involved. He would like to keep the matrix as unbiased as possible.

The City Manager explained that the Florida Statutes provided the criteria for establishing and selecting an Auditor Selection Committee.

Mayor Hendricks said it seemed like the City was being run by committees.

Commissioner Price said she watched the meeting and asked how the committee was created and if the members had applied by application because she could not locate the applications on the City's website. It concerned her that Commissioner Douthirt, as the Commission member on the committee, is not the chair as required by Florida Statutes, and that Director Pierce was heavily involved in a committee that chooses who audits his work. Director Pierce said the previous Board approved the committee by vote.

Following further discussion, Vice Mayor Andrews motioned to terminate City Treasurer/Finance Director Walt Pierce. Commissioner Hodges seconded the motion.

Roll Call:

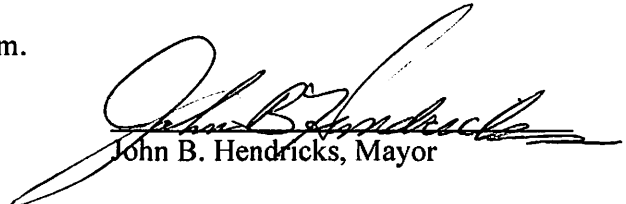
Vice Mayor Andrews	"YES"
Commissioner Hodges	"YES"
Commissioners Douthirt	"NO"
Commissioner Price	"NO"
Mayor Hendricks	"NO"

The motion failed 3-2.

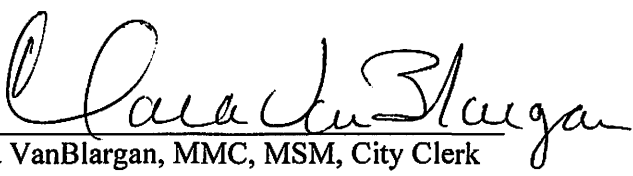
5. ADJOURNMENT

Mayor Hendricks adjourned the meeting at 3:20 p.m.

ATTEST:



John B. Hendricks, Mayor


Clara VanBlargan, MMC, MSM, City Clerk





RECEIVED

DEPARTMENT OF JUSTICE

WASHINGTON, D.C.