



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING SEPTEMBER 9, 2020 6:00 P.M.

A regular meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on September 9, 2020 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
Helen "Happy" Price, Commissioner District 1
Nancy Hodges, Commissioner District 2
John Douthirt, Commissioner District 4 (via zoom)

MEMBERS ABSENT:

CITY STAFF PRESENT: Robert Daniels, City Manager
Clara VanBlargan, City Clerk
Patty Kordis, Deputy Clerk
Thomas Trask, Interim City Attorney

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

City Clerk Clara VanBlargan called the roll.

4. APPROVAL OF THE AGENDA

Mayor Hendricks asked that Agenda Items 7. A. & 7. B. be moved to the workshop meeting for discussion.

Vice Mayor Andrews motioned to approve the Agenda with the changes to move Agenda Items 7. A., and 7. B. for discussion at the workshop meeting. Commissioner Hodges seconded the motion.

ROLL CALL:

Vice Mayor Andrews "YES"

Commissioner Hodges	"YES"
Commissioner Douthirt	"YES"
Commissioner Price	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

5. PROCLAMATION/PRESENTATION

5.1. PROCLAMATIONS – MAYOR /CITY CLERK

A. Disabled American Veterans Day; September 25, 2020

City Manager Robert Daniels read a proclamation proclaiming September 25, 2020 as "Disabled American Veterans Day." No one was present to accept the proclamation.

5.2. PRESENTATIONS

A. Funding Projects for City of Madeira Beach – *Florida Representative Jennifer Webb*

Florida Representative Jennifer Webb was unable to attend the meeting.

6. PUBLIC COMMENT

Mayor Hendricks opened to public comment.

City Manager Robert Daniels read a public comment submitted by Richard Lewis, 561 Crystal Drive, regarding Agenda Items 7.A. and 7.B. that were pulled from the agenda for discussion at the workshop meeting. Mr. Lewis commented that the descriptions in the ordinance might be interchanged. He suggested in the last sentence, proposed Sec 82-2, "Hedges be installed with or in lieu of fences and must meet the same height restrictions as fences and walls," be deleted as it is a requirement statement and not a definition. It is covered in Section 110-446.

7. PUBLIC HEARINGS

A. Ordinance No. 2020-18, amending the City of Madeira Beach, Florida Code of Ordinances, Chapter 110 ZONING, ARTICLE VI, DIVISION 3. - LANDSCAPE FENCES, GATES, HEDGES, AND WALLS, Sec. 110-446. - Applicability of division – adding (1) Purpose to clarify intent and (2) *Definitions*, to respond to the modern use of hedges and support the intent of the code to protect the open character of the community - 1st Reading & Public Hearing - *Linda Portal, Community Development Director*

Agenda Item 7. A. was moved to September 23, 2020, BOC Workshop Meeting.

- B. Ordinance No. 2020-19, amending the City of Madeira Beach, Florida Code of Ordinances, Chapter 82 General Provisions, Sec. 82-2 Definitions, to respond to the modern use of hedges and support the intent of the code to protect the open character of the community - 1st Reading & Public Hearing - Linda Portal, Community Development Director**

Agenda Item 7. B. was moved to September 23, 2020, BOC Workshop Meeting.

- C. Ordinance No. 2020-20, amending Section 2-151, of the Code of Ordinances to amend the titles of administrative departments of the City of Madeira Beach – 1st Reading and Public Hearing - Robert Daniels, City Manager**

Interim City Attorney Tom Trask read Ordinance No. 2020-20 by title only:

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 2-151, OF THE CODE OF ORDINANCES TO AMEND THE TITLES OF ADMINISTRATIVE DEPARTMENTS OF THE CITY OF MADEIRA BEACH ~~UNDER THE DIRECTION AND SUPERVISION OF THE CITY MANAGER;~~ AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Price asked why the strikeout in red removes the the language reading “under the direction and supervision of the City Manager” from the ordinance title. Attorney Trask explained that the changes in red in the title were the changes he suggested to City Clerk. The ones in black were the ones that came to him before he made the suggested changes. He made those changes because that particular section did not refer to the City Manager but to the administrative departments of the City. To make the title clear, he removed the language, “under the direction and supervision of the City Manager.” Commissioner Price questioned why the City Clerk was not added to the list since it is a department. Attorney Trask said City administrative departments are of the City and not the City Manager's administrative departments. It was a department of the City, with individuals working in that department. The City Clerk's department was not currently in the Code as it reads under Section 2-151. Commissioner Price suggested adding the City Clerk's office since the language “under the direction and supervision of the City Manager” had been removed. Attorney Trask said he could add the City Clerk as a City department and make it #10 on the list. Mayor Hendricks opened to public comment. There were no public comments from the audience and electronically.

Commissioner Price motioned to approve after first reading and public hearing, Ordinance No. 2020-20, setting forth the administrative departments of the City and adding the City Clerk to the list. Vice Mayor Andrews seconded the motion.

ROLL CALL:

Commissioner Price	“YES”
Vice Mayor Andrews	“YES”
Commissioner Douthirt	“YES”

Commissioner Hodges	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

8. CONSENT AGENDA

A. Approval of Minutes:

2020-7-22, BOC Budget Workshop Meeting
2020-7-22, BOC Regular Workshop Meeting
2020-7-29, BOC Special Meeting
2020-8-4, Joint BOC and Civil Service Commission Meeting
2020-8-5, BOC Workshop Agenda Setting Meeting
2020-8-5, BOC Regular Meeting

B. Penny IV Gulf Boulevard Interlocal Agreement - Undergrounding of Utilities Funding Agreement - *Robert Daniels, City Manager*

C. Legal review of FEMA Mitigation Contracts - *Linda Portal, Community Development Director*

Vice Mayor Andrews motioned to approve the Consent Agenda. Commissioner Hodges seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

9. UNFINISHED BUSINESS

10. CONTRACTS/AGREEMENTS

A. Approval of a \$58,500 proposal with Cardno to do a high and dry boat storage facility study - *Jamie Ahrens, Public Works Director.*

Public Works Director Jamie Ahrens reviewed the item. He said the study objective was to develop a full cost and revenue analysis to aid the City in the dissection to move forward with the development. Cardno Inc.(Civil Engineering) was selected in the RFP solicitation. The proposal cost included a 10% contingency for any unforeseen items.

Mayor Hendricks opened to public comment.

Jeff Brooks, 425 150th Avenue, said for several years, the previous Marina Director asked the Commission for approval to purchase security cameras at the Marina. Mr. Brooks asked for a status update at the last meeting and was told the City was going through a bidding process, and the cameras would be in soon. It has been over a month since that status and priorities need to be considered. The security cameras should have been purchased before spending money on the feasibility study. He was not in favor of using taxpayer dollars to build the high and dry boat storage facility. He suggested a land lease for the entire Marina and bid it out to the public. A private developer could construct, operate, and maintain a restaurant and the Marina with a high and dry storage facility or other combinations.

The City Manager read an electronically comment submitted from Larry Roelofs, 399 150th Avenue, stressing concern that the City did not follow its Code, Section 2-182, requiring going out to bid for a feasibility study. The cost is above \$15,000. If revenue was so essential, the City should have canvassed the citizens to see if they wanted to take on another loan burden such as this.

Robert Preston, 425 S. Bayshore Drive, commented in favor of the feasibility study to see if it is practicable to upgrade at the Marina.

Commissioner Price was in favor of the feasibility study.

Vice Mayor Andrews asked if the consultant to do the feasibility study was put out for bid. Public Works Director Ahrens explained the consultant was not selected through a bid process. Attorney Trask said they were going through the CCNA (Consultant Competitive Negotiation Act) method. The Board approved the consultant firm, and he was comfortable with the process. The concept was to have someone on board without going through the bidding process. The CCNA trumps the City's Code of Ordinances. Vice Mayor Andrews said he wanted the guidelines followed for the CCNA process. The City Manager explained the Code states there are exceptions under the general law section. Also, if the Board approved an item over \$15,000, it could waive the bidding process. Director Ahrens said for a CCNA, the number for construction services was recently increased to \$5 million, and design services increased to \$300,000. Vice Mayor Andrews commented in favor of the feasibility study and asked if there was a plan for cameras at the Marina. The City Manager said he was looking at a camera system for the entire City, including the Marina. He asked that the camera system be added to the next workshop agenda for discussion.

Commissioner Price motioned to approve the proposal with Cardno to do a high and dry boat storage feasibility study. Commissioner Hodges seconded the motion.

ROLL CALL:

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

The motion carried 4-1.

11. NEW BUSINESS

- A. Resolution No. 2020-17, a resolution supplementing Resolution No. 2015-22 adopted on August 11, 2015; authorizing the issuance of a not to exceed \$4,442,000 stormwater system refunding revenue Bond, Series 2020 for the purpose of refinancing the City's outstanding stormwater system revenue bond, Series 2015 and paying related costs**
- Andrew Laflin, Financial Consultant

Interim City Attorney Tom Trask read Ordinance No. 2020-17 by title only.

RESOLUTION NO. 2020-17

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA SUPPLEMENTING RESOLUTION NO. 2015-22 ADOPTED ON AUGUST 11, 2015; AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$4,442,000 STORMWATER SYSTEM REFUNDING REVENUE BOND, SERIES 2020 FOR THE PURPOSE OF REFINANCING THE CITY'S OUTSTANDING STORMWATER SYSTEM REVENUE BOND, SERIES 2015 AND PAYING COSTS RELATED THERETO, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS CONTAINED HEREIN; PROVIDING A BACKUP COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF THE CITY AS ADDITIONAL SECURITY FOR SUCH BOND; FIXING CERTAIN TERMS AND DETAILS OF SUCH BOND; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH BOND TO REGIONS EQUIPMENT FINANCE CORPORATION PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN; SELECTING A PAYING AGENT AND BOND REGISTRAR; MAKING SUCH DETERMINATIONS AS ARE REQUIRED TO AFFORD SUCH BOND "BANK QUALIFIED" STATUS; AUTHORIZING OTHER REQUIRED ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

Financial Consultant Andrew Laflin explained the purpose of refinancing the stormwater system revenue bond. The refinance with an interest rate of 1.73% would result in an annual savings of approximately \$16,000. The current rate is at 2.59%.

Mayor Hendricks opened to public comment. There were no public comments from the audience or electronically.

Commissioner Hodges motioned to approve Resolution 2020-17 for the stormwater system refunding revenue bond. Vice Mayor Andrews seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

B. Planning Board Appointments - Clara VanBlargan, City Clerk

City Clerk Clara VanBlargan explained the item. She reported five vacancies on the Planning Commission, two resignations, and three terms expiring on September 30, 2020. There were eight applications received from the following citizens:

- Henry "Hank" Bartels District 1
- Michael Wyckoff District 1
- Ray Kerr District 2
- Richard Willis District 2
- Mary Ann Hearn District 3
- Eric Gaither District 3
- Andrew Blaser District 4
- F. Anne-Marie Brooks District 4

Deputy Clerk Patty Kordis distributed a ranking sheet to each Commissioner to nominate five of the eight applicants to fill the vacancies.

Commissioner Douthirt questioned why a member on the Planning Commission was currently serving on two committees because the City Clerk previously said a Planning Commissioner could not serve on two committees. The City Clerk explained that the Interim City Attorney gave a different opinion than the former City Attorney on that.

The City Clerk left the room to retrieve the email from the Interim City Attorney regarding that.

Mike Noble, Planning Commission Chair, said he would like to see Mary Ann Hearn, Ray Kerr, and Michael Wyckoff continue serving on the Planning Commission. If it comes down to Robert Preston having to leave one of the committees, he would like to see him stay on the Planning Commission. They are all very involved and doing a great job.

Applicant Anne-Marie Brooks introduced herself and gave her background experience.

Applicant Ray Kerr introduced himself and gave his background experience. He is currently serving on the Planning Commission and would like to continue serving.

The Deputy Clerk collected the ranking sheet from each Commissioner, tallied the votes, and reported the results:

Commissioner Price nominated:

1. Michael Wyckoff
2. Richard Willis
3. Mary Ann Hearn
4. Eric Gaither
5. Andrew Blaser

Commissioner Hodges nominated:

1. Henry "Hank" Bartels
2. Michael Wyckoff
3. Ray Kerr
4. Eric Gaither
5. F. Ann-Marie Brooks

Vice Mayor Andrews nominated:

1. Henry "Hank" Bartels
2. Michael Wyckoff
3. Ray Kerr
4. Eric Gaither
5. Anne-Marie Brooks

Commissioner Douthirt nominated:

1. Henry "Hank" Bartels
2. Ray Kerr
3. Mary Ann Hearn
4. Eric Gaither
5. Ann-Marie Brooks

Mayor Hendricks nominated:

1. Henry "Hank" Bartels
2. Michael Wyckoff
3. Richard Willis
4. Eric Gaither
5. Andrew Blaser

Total points for the eight applicants

- | | |
|-------------------------|---|
| 1. Henry "Hank" Bartels | 4 |
| 2. Michael Wyckoff | 4 |
| 3. Ray Kerr | 3 |
| 4. Richard Willis | 2 |
| 5. Mary Ann Hearn | 2 |
| 6. Eric Gaither | 5 |
| 7. Andrew Blaser | 2 |
| 8. Anne-Marie Brooks | 3 |

Five applicants with the highest total points appointed to serve on the Planning Commission

1. Eric Gaither	5
2. Henry "Hank" Bartels	4
3. Michael Wyckoff	4
4. Ray Kerr	3
5. Ann-Marie Brooks	3

Attorney Trask addressed the question raised by Commissioner Douthirt regarding whether a Planning Commission member can serve on two committees. He received an email in May asking if City Charter Section 12.2 would prevent a member serving on the City Planning Commission from also serving on the Civil Service Commission. The third sentence in Section 12.2 of the City Charter states that members of the City Planning Commission shall hold no other City office or City employment. Subsequent to receiving the email, he asked for additional information from the City Clerk's office relative to any legislative history, any minutes of prior meetings, and so forth. The City Clerk did significant research dating back to the 1960s and 70s and the language was the same. His opinion given on June 1st was that, "Upon further review of the Code and Charter, it is my opinion that members of the Planning Commission are not officers of the City. Therefore, the Charter does not prohibit a Planning Commission member from being a Civil Service Commission member." He asked the City Clerk if there were any additional rules or resolutions that she was aware of that would prohibit a person from being on two or more City boards. There was no other resolution. A person can be on both the Planning Board and the Civil Service Commission. The reason for the conclusion is that a City office is the Commissioners and the Mayor. That would be a dual office holding violation. Since the individuals are not employees of the City and are not sitting in a Board of Commissioners seat, they can sit on the Planning Commission and the Civil Service Commission.

C. Gulf Beaches Public Library Board Appointment - Clara VanBlargan, City Clerk

The City Clerk said there had been discussions by the Board in previous meetings the possibility of having one of its members serving on the Library Board. One seat will be vacant on September 30th, which is currently filled by a member appointed to serve a partial term due to a member resignation. If the Commission chooses not to appoint one of its members to serve on the Library Board. The City Clerk could advertise the vacancy to receive applications from citizens.

The City Manager read the following portion of the September 2, 2020, meeting minutes from the Town of North Redington Beach regarding the Library:

Mayor Queen explained there had been some discussions with the other municipalities, that comprise the Gulf Beaches Library, regarding funding among other possible changes.

The Board discussed the interlocal agreement, the funding sources, the amount of cash on hand, the makeup of the Library Board and communication between representatives and the member cities. The Board agreed with the following recommendations:

- *Reduce the board members from 10 to 5. The five members should be elected officials.*
- *There is too much cash on hand. It should be spent on whatever the building or library needs.*
- *A new interlocal agreement to be drafted by an independent party and to include renewal every 5 years.*
- *If the library dissolves, funds should be returned to contributors.*
- *The footprint of the library should not be expanded.*
- *Members need to communicate with the member cities and vote according to the cities wishes*

The City Manager said he wanted to provide the information so the Board would know what the partnering cities are doing.

Mayor Hendricks said he would like to see a member of the Commission fill the vacancy.

Vice Mayor Andrews said the letter reaffirms everything they have been talking about on the Board. According to the stated recommendations, something needs to be done, and somebody on the Board needs to be a part of the discussions.

Mayor Hendricks said the discussion he had was that each city would be putting a Commissioner on the new board when they do a new interlocal agreement. They need to get started now since there is a vacancy.

Mayor Hendricks recommended Commissioner Price to serve on the Library Board. Commissioner Price agreed only if another Commissioner would take her place on the Tampa Bay Regional Planning Council.

Vice Mayor Andrews recommended Commissioner Hodges to serve on the Library Board. Commissioner Hodges agreed to take the place of Commissioner Price on the Tampa Bay Regional Planning Council instead of serving on the Library Board.

Vice Mayor Andrews motioned to appoint Commissioner Price to serve on the Library Board. Mayor Hendricks seconded the motion.

ROLL CALL:

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

The motion carried 5-0.

D. Request to replace apartment building with FEMA compliant structure - *Linda Portal, Community Development Director*

Community Development Director Linda Portal reviewed the item and said the Planning Board recommended approval 7-0 in moving forward with the project.

The City Manager thanked Director Portal for her persistence and getting the project underway.

Mayor Hendricks opened to public comment. There were no public comments from the audience or electronically.

Commissioner Price motioned to allow the replacement apartment building with FEMA compliance structure at 306 129th Avenue as described. Vice Mayor Andrews seconded the motion.

ROLL CALL:

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

The motion carried 5-0

12. STAFF REPORTS

A. July 2020 Financial Report - *Andrew Laflin, Financial Consultant*

Financial Consultant Laflin reported on the July 2020 Financial Report.

City Manager Daniels said September 23rd is the final date to set the millage rate and final the budget. There will be a special meeting to discuss the final millage rate and budget at 5:05 p.m. on the 23rd before the workshop meeting.

13. REPORTS/CORRESPONDANCE

A. City Commission

Commissioner Price said she started working on the schematic for the auditor's selection process. She understood the ranking process with the number (8) being the highest-ranking number (1) being the lowest. Her concern was line (I) License could not be rated with a number but could be a "yes" vote. Attorney Trask said she was correct, and line (I) could be rated as a "yes" as long as everyone was using the same process.

B. City Attorney

No report

C. City Manager

City Manager Daniels announced the mandatory Sunshine Law Seminar training on October 14, 2020, for all Board members and employees. He stressed how important the Census is and asked every citizen to complete their Census if they have not done so.

D. City Clerk

The City Clerk reminded everyone of the Town Hall meeting on Wednesday, September 16th and October 7th at 6:00 p.m. The topic proposed Charter Amendment questions on November 3, 2020 General Municipal Election ballot.

14. ADJOURNMENT

Mayor Hendricks adjourned the meeting at 7:42 p.m.



John B. Hendricks, Mayor

ATTEST:



Clara VanBlargan, MMC, MSM, City Clerk