



THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

BOARD OF COMMISSIONERS WORKSHOP MEETING

The Board of Commissioners of the City of Madeira Beach, Florida will meet at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below.

2:00 P.M.

TUESDAY, MAY 27, 2014

AUDITORIUM

CALL TO ORDER- The meeting was called to order at 2:02 p.m.

ROLL CALL

MEMBER PRESENT: Nancy Hodges, Vice-Mayor (V-M)
Terry Lister, Commissioner District 1
Elaine Poe, Commissioner District 3
Pat Shontz, Commissioner District 4

MEMBER ABSENT: Travis Palladeno, Mayor

STAFF PRESENT: Shane Crawford, City Manager (CM)
Thomas Trask, City Attorney (CA)
Sea Marshall-Barley, City Clerk Pro Tem (CCPT)
Dave Marsicano, Central Services Director (CSD)
Vince Tenaglia (FD)

STAFF ABSENT: Aimee Servedio, City Clerk

AMENDED AGENDA

1. TOPICS:

A. PRESENTATION FOR GREENLIGHT PINELLAS- by Bob Lasher PSTA

V-M Hodges: She said that the presentation for Greenlight Pinellas will be moved to the June workshop.

B. PRESENTATION FOR NO TAX FOR TRACKS- by Barbara Haselden

CCPT: Announced that *No Tax for Tracks* has a 20 minute presentation.

Barb Haselden: She announced that the information that she is about to discuss was gathered over a period of 2 ½ years and that she attended all of the PSTA, Commission and Committee meetings.

She stated that at the end of World War II, 5 percent of Americans relied on some form of public transportation in urban areas, but after the war was over the entire country changed as the baby boom

occurred. Today only about 2 percent of Americans rely on public transportation. According to the 2010 census, in Pinellas County only 1.6 percent of Pinellas residents rely on public transportation. She maintained that 75 percent of PSTA operational budget is subsidized by tax payers and that Federal/State grants make up 22 percent, passenger fares 22 percent, advertising 3 percent and ad valorem property tax 53 percent of the PSTA's operations budget. She maintained that in 2014, the operations budget was \$63 million and if you add the \$23 million from the capital budget this year, they have \$87 million to run the public bus system. She also argued that if you divide the amount by the number of riders, the cost per ride is \$7 and the average fare by rider, per ride, after the discount is 91 cents. Therefore, currently tax payers are subsidizing the public transportation by \$6.9 or 87 percent.

In the September 2011 budget, the PSTA puts forward a 30 percent increase in the ad valorem property tax for the September 2012 budget, and that the PSTA continues to outspend its income. The PSTA has raised the ad valorem tax to the ceiling.

She presented a chart to demonstrate that as property value went up, PSTA spending went up. She said that spending was eventually slowed down, but started to increase again after the 30 percent tax was instituted.

She maintained that in 2005 as property tax ad valorem increased the PSTA hired more workers and after 2007 the number of employees decreased. The PSTA started to hire more workers after the 30% increase.

Brad Miller warned that PSTA services will have to be cut 30 percent by 2016 if a new sustainable source of funding is not found. She also argued that PSTA is talking about a 65 percent increase in bus service, but the fact of the matter is that the *Ernst and Young Financial Feasibility Report* that was done last summer, shows the capitalization of the project. The capitalization for light rails is \$2.5 billion and \$300 million for bus, which represents 90 percent for electric rail and 10% for bus service.

She maintained that in March, Duke Energy donated \$50,000 to Greenlight after a 7 percent rate hike at the expense of tax payers in November. She also said that Greenlight is an expansion of the tax base to all residents and tax payers.

She asked the question whether there is a need for more public transportation. Some of the false premises are that the PSTA claimed that 200,000 additional people and 148,000 new jobs are expected in Pinellas County by 2040 and Greenlight will produce 67,000 of those jobs, but it is not true.

She showed a graph in order to support her argument. Instead, Pinellas has lost to about 45,000 people and the 2040 population projection for Pinellas is not projected to increase by 20 percent, it will remain stagnant.

The method PSTA uses to count bus rides; is that one rider can be equaled to as many as 6 rides. She also emphasized that last summer the PSTA did an independent bus study with a company out of California and tax payers contribute to \$700,000.00 to this study. Forty-one (41) intersections will be impacted if the Greenlight Pinellas Plan takes effect. She also talked about the light rails subsidy

There are concerns among City Council members that the vote on the Greenlight Pinellas and the tax increase could jeopardize the renewal of Penny for Pinellas in 2017. The flood insurance crises is not gone, but delayed. She said that it is going to hit us again in about four years. She also puts emphasis on

all the problems related to the Greenlight Plan i.e., no rail bridges to Tampa exist in the Greenlight Plan, car will be losing lanes to buses and trains, massive tax increase among others.

Barb Haselden then took questions from the audience.

Tom: PSTA also provides care ride service to wheelchair individuals. Is there any number for providing that service? I did not see any number for that service.

Barb Haselden: Actually there are, it is the DART program; the DART program is included in all the budgeting and numbers, it will not be impacted.

Member of the Audience: You said the route that is being proposed is 24 miles routes, is there currently any bus service that will take that same route?

Barb Haselden: You have to make transfers and consecutive stops, it can take forever. So, we have proposed that they put an express bus from downtown St. Petersburg, through Gateway, to downtown Clearwater and let see what the demand is for that route; even that, you still going to have 16 stops on the rail.

A recess was called at 2:32 p.m. and the meeting reconvened at 2:37pm.

C. PRESENTATION ON CROSSWALKS AND EDUCATING THE PUBLIC

Deputy John Lockett, PCSO

Deputy John Lockett: Said that there is a misconception from time to time on how crosswalks work, and what a vehicle's duty is vs. a pedestrian's. The bottom line is that nobody is going to win if an incident occurs.

He argued that between a car and a pedestrian it is obvious that the pedestrian is at a disadvantage, and a pedestrian thinks he or she has a legal right to jump into a crosswalk, but he or she still needs to be cautious and vigilant before doing so. No matter who is at fault the pedestrian is going to lose. He also mentioned that because of the tourists, he is constantly telling people about the crosswalks.

The crosswalks put pedestrians in an area that is more recognizable and drivers may be paying more attention to it. He also said even with the DOT crosswalks, which have been set up with a flashing light, he has seen people push the button and suddenly star crossing the road.

According to Florida statute a pedestrian never has a right of way to step in to a road. The only time a pedestrian has a right of way is when a vehicle yields to him or her, or if the vehicle is so far away he or she can safely enter the crosswalk allowing the vehicle plenty of times to stop, but a lot of people do not realize this.

Pedestrians have to wait, but they also have to be careful when crossing the road even though the lights are flashing because there are a lot of distracted drivers on the road who are not paying attention. It is critical that pedestrians constantly be mindful of that.

Madeira Beach has not had any serious incidents or fatalities involving pedestrians this year, and he is available to educate residents and other groups in Madeira Beach.

When a person is in the crosswalk, the driver is responsible to stop and they cannot proceed until the pedestrian is on the other side of the road. It is a \$166.00 ticket if a driver is apprehended going around a vehicle that has stopped for a pedestrian.

V-M Hodges: I know the City to the north of Madeira Beach gives pedestrians a warning the first time and after they start issuing tickets. Is that something that the City might consider doing?

Deputy Lockett: We do that on a regular basis and there is a Florida Transportation grant that the Pinellas County Sheriff Department obtained several years ago as part of that grant the department does targeted enforcement a few times a month and puts additional deputies on the street to focus on giving warnings or tickets if they see that the person has been given prior warnings. Just for Madeira Beach, the warnings number a couple hundred.

James Moore: Asked whether a warning is a civil or criminal violation, and whether there is a schedule to add the flashing lights further down Gulf Boulevard.

Deputy Lockett: It could be criminal if somebody is driving recklessly. He or she could get a warning; probably it is not going to happen. The pedestrian can get a warning or a ticket which is \$62.50. Most of pedestrian violations are non-criminal unless it is reckless.

An FDOT meeting confirmed that several flashing lights will be installed this summer.

D. DISCUSSION ON AMENDMENTS TO THE CHRONIC NUISANCE ORDINANCE

Commissioner Elaine Poe

Commissioner Poe: Suggested that stalking, violation of Probation (VOP), felony battery, domestic related abuse of neglected elderly and disable adults be added to chronic nuisance.

CA: The only thing I suggest is that you may want to consider increasing either the number of possible nuisance violation of 3 violations in 30 days to a longer period of time. Even if it has been noticed to be a violation of probation we will have to make sure that we verify that there was proof of a violation. The Sheriff Department could help us with that.

Deputy Lockett: Generally what we look at in the Probation Department, after a violation of probation, there are the specific conditions lied out in their release; usually fines are not attached to the conditions. They might be attached to a court ruling, but probations are usually attached to a curfew such as alcohol, no other crimes, and no other acts of domestic battery.

CA: Our focus was to stop certain violations on certain residential properties within the City and the idea was to stop that activity in those locations. You are saying that you want to stop those activities in any location within the City. That is not in Chapter 1.62. Chapter 1.62 is specifically set up in reference to violation on certain properties. So I think that would be slippery slope in trying to find a violation. We do

not want to open up the entire Nuisance Ordinance to become vague and ambiguous in the way we enforce it. I would say let not go down that path. We can still get them at the location where the criminal activity is occurring.

Commissioner Poe: Asked whether the City can or cannot cite the property owner.

CA: He said that the City can cite a business owner who allows the violation to take place on his or her property.

Deputy Lockett: If I understand correctly, it is not the person living on the property or going on the property. It is that the landlord has the same property within the same block even. The question is since it is the same landlord for each of these three properties can he be cited if one incident occurred at property one, one incident occurred at property two and three. Can the landlord be responsible for that 30 days window for three incidents, even though it was physically three different addresses?

CA: It is property based and so it would be three violations three violations at property one, three violation at property two and so on.

Commissioner Poe: Regardless of the fact he owns all three properties?

CA: Yes regardless of the fact, regardless whether one is commercial; the other is a residential property or they all residential properties, you could still get that same point across. But maybe you want to do it a little bit different. If you want to get to that person you do not want to do it using the Nuisance Ordinance. You can always cite them through code enforcement and you can get them as repeat violators on the second property. So you get the higher fine. The problem is, you do not want that special assessment process.

Deputy Lockett: What would be your opinion on something we could add in there? If we could get document a sworn or statement that the landlord had in fact threatened his residents to not report acts of nuisance or crimes to authorities could that be itself a violation of the ordinance?

CA: If it is not a violation of any code, the City cannot hold the landlord accountable.

Consensus: Change the period in which (3) three violations occur from 30 days to 45 days. The CA will draft the ordinance as amended.

E. UPDATE ON LIBRARY BOARD APPLICANTS

City Manager, Shane B. Crawford, City Clerk, Aimee Servedio

CM: Asked the Board to look at the two applications and return their subsequent choice to the City Clerk.

Consensus: The Board will look over the candidates and report their vote to the City Clerk.

F. DISCUSSION OF FIREFIGHTERS SALARY ADJUSTMENT

City Manager, Shane B. Crawford, Finance Director, Vincent Tenaglia

CM: Explained that since he came to Madeira Beach 2/3 of Fire Department staff has been turned over. One reason for that he mentioned is due to low starting salary.

He asked for a 5 percent salary increase to get the firefighters in the median range salary. He also said that it is financially possible within the plan that he and the FD have derived.

He said there are a number of categories in Madeira Beach that are in the same situation, but firefighters are a protected category because the City depends on them. He proposed that the City creates a position for drivers, but he added that the drivers have to be qualified.

FD: Said that IAFF proposed a variation of their step plan to the Finance Department a couple months ago, and that the proposal included condensing step plan, creating a base increase some additional benefits with some financial implications.

He said the lieutenant paramedic position was \$3,000.00 less than the next lowest surveyed City, which puts them at the bottom based on the comparison they provided. He maintained that some of the factors were valid and worth considering. The CM and the FD came up with a tentative agreement of a 5 percent increase. He mentioned that all the current firefighters will receive a 5 percent increase and any new firefighter will receive the according increase once he or she gets hired, and on top of that the new driver pay salary will be included.

There would be three driver positions and each will include a specific percentage increase according to classification. He said that he has built that into the budget for next year and it would be a \$40,000.00 impact for general fund.

CM: The City has to pay comparable salary or it will lose good employees.

Commissioner Shontz: She added that the firefighters deserve the salary increase, and that the City Manager needs to speed up the process.

Consensus: Move forward.

DISCUSSION ON POSSIBLE PURCHASE OF DON'S DOCK

City Manager, Shane B. Crawford, Finance Director, Vincent Tenaglia

CM: Asked to have a special workshop on the day of commissioners' meeting at 5 pm. He said that the reason on for that is that they have not received the condition report yet. There is no reason to rush because they need qualified data.

He explained that they have not negotiated the sale price. He proposed that they City put down a significant amount of cash and borrow for the rest to pay for the property.

Consensus: Schedule a special meeting to discuss the condition report.

G. DISCUSSION ON CONTRACTING OUT CODE ENFORCEMENT & BUILDING DEPARTMENT TO REDINGTON BEACH

City Manager, Shane B. Crawford

CM: He argued that he does not want to contract out Code Enforcement or the Building Department to the City of Redington Beach at this time.

Consensus: The City will pass on Redington Beach's offer.

H. UPDATE ON SHORT TERM RENTALS

Commissioner Elaine Poe

CM: He puts together a letter that will go out to every single property owner in Madeira Beach that will work them through whether or not they own the criteria on the property prior and post 2006.

If the property was owned prior to 2006, and had been consistently rented as a short term rental since 2006 and prior to 2006, it can be least short term. If the property was purchased after 2006, it can also be used as a short term rental, but they have to provide proof.

James Moore 13708 Salem Street: State laws say before any municipality may issues a rental license the property first must have a state transient logging license. I would say they property owner better show up with their state logging license to prove that they have it since 2006.

CM: The property has to be consistently rented as a short term rental; the burden of proof is going to be on the property owner. If property owners have been doing it consistently and effectively, they will not have any problem.

Member of the Audience: If an out of state property owner ignore this letter and I have a rented property next door to my house how do I determine in it is rented short or long-term.

CM: You can determine that through Code Enforcement.

Consensus: CA will review letter and mail-outs will go out next week.

I. DISCUSSION ON ORDINANCE 2014-04-REMOVING REFERENCES TO LENGTH OF VEHICLES UP TO 18 FEET IN LENGTH

City Manager, Shane B. Crawford

CM: He talked about reserving six spots in certain parking lots for any vehicle over 18 feet to park, but he argued that the six spots never made it. He said that the way the ordinance is read now, this is what staff recommends what staff is saying is that anything over 18 feet length is not allowed in our lots.

Consensus: Original ordinance will be left as it is.

ADJOURNMENT- The meeting was adjourned at 3:55 p.m.

Date Approved 7/8/14



Travis Palladeno Mayor



Submitted by Aimee Servedio, City Clerk