

THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

BOARD OF COMMISSIONERS REGULAR 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.

7:00 P.M.

TUESDAY, OCTOBER 25, 2011

AUDITORIUM

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE: Attorney Thomas J. Trask

ROLL CALL

INTRODUCTIONS AND PRESENTATIONS: Sean Baenziger of Colin Baenziger & Associates to provide an update on the city manager recruiting process.

1. REPORTS:

- **Mayor and Commissioners**
- **City Attorney**
- **City Manager**

2. COMMUNITY FORUM This section is reserved for public participation with the Commission and/or staff on matters of concern pertaining to City business; and which are not on the agenda. Citizen's input is limited to five minutes.

3. UNFINISHED BUSINESS: None.

4. NEW BUSINESS:

A. CONSIDER A FIRST READING OF ORDINANCE NO. 2011-05:

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING AND REPLACING SECTIONS 94-51 THROUGH 94-114 TO PROVIDE STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND INTENT, OBJECTIVES, SCOPE, DEFINITIONS, TO SPECIFY LANDS TO WHICH THIS ORDINANCE APPLIES, THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, DESIGNATION OF FLOODPLAIN ADMINISTRATOR, ADOPTION OF THE COUNTY COASTAL CONSTRUCTION CODE, ESTABLISHMENT OF DEVELOPMENT PERMIT, PERMIT PROCEDURES, COMPLIANCE, ABROGATION AND GREATER RESTRICTIONS, INTERPRETATION, WARNING AND DISCLAIMER OF LIABILITY, PENALTIES FOR VIOLATION AND DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR; TO PROVIDE FOR GENERAL STANDARDS, SPECIFIC STANDARDS, STANDARDS FOR COASTAL HIGH HAZARD AREAS AND VARIANCE PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

B. CONSIDER A FIRST READING OF ORDINANCE NO. 2011-06:

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE I OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH, FLORIDA IN ITS ENTIRETY AND CREATE AN ARTICLE TO BE TITLED NUISANCES; TO PROVIDE FOR FINDINGS OF FACT, THE PROHIBITION OF NUISANCES, TO PROVIDE FOR WHAT CONSTITUTES A NUISANCE, TO PROVIDE FOR ILLUSTRATIVE ENUMERATIONS OF NUISANCES, TO PROVIDE FOR CARE OF PREMISES AND TO PROVIDE FOR THE ENFORCING AUTHORITY TO PROVIDE AN ABATEMENT PROCEDURE AND PROVIDE OR ABATEMENT BY THE CITY; REPEALING SECTIONS 34-42 AND 34-43; AND PROVIDING FOR AN EFFECTIVE DATE.

C. CONSIDER RESOLUTION NO. 2011-04:

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, SUPPORTING PINELLAS COUNTY'S PETITION TO ELIMINATE STORM EVENT MONITORING AS A REQUIREMENT OF THE NPDES MS 4 PERMIT FLS-00000-003 AND SUPPORTS CONTINUING THE WATERSHED-BASED MONITORING PROGRAM IMPLEMENTED IN PINELLAS COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

D. DECLARATION OF SURPLUS AND EXCHANGE – TWO LIFEPAK MONITOR/DEFIBRILLATOR UNITS

5. CORRESPONDENCE

6. ADJOURNMENT

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.
Posted: October 21, 2011

THIS MEETING IS TELEVISED LIVE ON CHANNEL 615

CITY OF MADEIRA BEACH
Board of Commissioners Regular Meeting Minutes
Tuesday, October 25, 2011

The Regular Meeting of the Madeira Beach Board of Commissioners was held on Tuesday, October 25, 2011 in the City Hall Auditorium, located at 300 Municipal Drive, Madeira Beach, Florida.

Mayor Travis Palladeno called the meeting to order at 7:00 p.m. The invocation was given by Commissioner Terry Lister followed by the Pledge of Allegiance.

ROLL CALL:

Present: Commissioners Terry Lister, Robin Vander Velde and Nancy T. Oakley; Vice Mayor Carol V. Reynolds and Mayor Travis Palladeno.

Staff: City Attorney Thomas J. Trask; Interim City Manager Jim Madden; City Clerk Ginger Stilton and Marina Director Dave Marsicano.

INTRODUCTIONS AND PRESENTATIONS: Sean Baenziger of Colin Baenziger & Associates to provide an update on the city manager recruiting process.

Sean Baenziger of Colin Baenziger & Associates reported to date there were 149 applicants, whereas 35 of those applicants have their most recent positions in Florida while others have Florida work experience in their history. Commissioner Oakley inquired if the number has been shortened. Mr. Baenziger responded that they were working on narrowing down the list to ten or twelve candidates, and up to now, they have identified six semifinalists. He stated that he was expecting to have a list of five to six semifinalists to be interviewed by the Commission on November 13th or 14th.

1. REPORTS:

- **Mayor and Commissioners** – Mayor Palladeno referred to a drawing from Florida Department of Transportation (*FDOT*) and said the project consisted of several crosswalks, blinking lights and a left-hand turn lane onto Archibald Park Boulevard. He reported that he would have a meeting with *FDOT* tomorrow. Upon discussion of the project the consensus of the Commission was to move forward with the left-hand turn lane onto Archibald Park Boulevard immediately.
- **City Attorney** – City Attorney Trask reported that the Interlocal Agreement has been reviewed by the Big C, (*Barrier Islands Governmental Council*) and was now in the process of being approved by beach communities. The consensus of the Commission was to have the Agreement reread for consideration on the November 8th Regular Meeting Agenda.

City Attorney Trask updated the Commission on the plat approval for the Chase and Walgreens properties. He stated that everything was in place now, and asked the Commission if they wanted to bring it up for consideration on the November 2nd Workshop Meeting or the November 8th Regular Meeting. The direction from the Commission to City Attorney Trask was to prepare the topic for discussion on November 2nd Workshop and for further consideration on November 8th.

City Attorney Trask reported that the city has received the deed regarding Kitty Stuart Park. He stated that the deed specifically provided that the property be solely used for the park and was not to be used for

any other purposes. If the city attempted to use it for the other purposes, the property would revert back to the grantor owner, Kitty Stuart.

He noted that there were three options to deal with this situation. First, contact the Stuart family and request their permission to remove the conditional restriction to allow the park to be used for the purposes being suggested on this project. Second, do some research to see whether or not that the condition expired by way of some operation of the law. City Attorney Trask noted that he was hoping to provide the Commission the legal research within the next day or so. The last option was to take the position that the Commission was not interested in moving forward with the project based on the risk of losing the park. City Attorney Trask suggested the Commission to at least wait until he has done the research to see if there were any other options. He noted that he would e-mail the Commission for any updates regarding the research.

Mayor Palladeno and Commissioner Lister stated that it should not be at the city's expense to do the research or to find out the Stuart family's decision on that project. They believed that the developers or Jack Bodziak, who made-up the project proposal, should be responsible for all expenses related to the project and should be the ones to contact Stuart family for responses. City Attorney Trask said that there was no cost for the city to do the research. The consensus of the Commission was to have City Attorney Trask to notify Mr. Bodziak to contact Stuart family himself and to ask for permission to use the park's parking spaces.

- **City Manager** – Interim City Manager Madden reported that the city has sent out the TRIM notice and the state should receive it by tomorrow. He thanked staff that helped to put it together. He said that an offer of employment was made to a code compliance officer, and this individual should be starting by Monday, October 31st at the latest.

Interim City Manager Madden stated that the city was having a contractor review the condition of the building at city hall, and would provide recommendations to the Commission in terms of whether they wanted to re-build or renovate the existing building.

He updated the Commission on the loose chickens and rooster at John's Pass Village and reported that three of the four have been caught by the trapper so far.

Interim City Manager Madden reported that the city was in the process of selecting a temporary full-time chief accountant. He said that so far, he has received three good resumes from an employment agency. City Attorney Trask suggested that, in order to be in compliance with the city code, the city needed to secure two additional personnel firms to provide additional resumes.

Commissioner Lister asked if the city could hire a finance director on a permanent basis. Interim City Manager Madden responded that the city was in pretty critical shape in terms of monitoring the city's finances and that required having someone to jump on it right away. However, a deeper and complete review of all the applicants would take additional time. Commissioner Lister asked if it was appropriate to have Frederick Nutt, fill that position. Interim City Manager Madden said no, because Mr. Nutt was not a CPA (*certified public accountant*). Commissioner Oakley and Vander Velde both supported Mr. Madden's reasoning. Commissioner Lister believed that it was unnecessary for the city to spend money to hire someone on the temporary basis.

Upon request from Mayor Palladeno, City Attorney Trask stated that Interim City Manager Madden has the authority to hire a temporary chief accountant on a budget up to \$15,000 without coming to the Commission, whereas if it was over \$15,000 it needed to go to a regular commission meeting for a formal vote. Interim City Manager Madden said that the salary for a CPA would be from fifty to sixty dollars

per hour. He informed the Commission that he would ask Mr. Nutt if he would be willing to fill in the position.

Interim City Manager Madden also reported that staff has draft a Capital Improvement Element (CIE) ordinance that amends the current CIE and it is in process now. The Planning Commission/Local Planning Agency has to review the ordinance and provide their recommendations prior to the Board of Commissioners First Reading of the ordinance on November 8th and it is also noted that the Second and Final Reading would be scheduled on November 22nd. Interim City Manager Madden said that he has also amended the five year budget to meet the obligations with regard to drainage.

Interim City Manager Madden recommended temporarily appointing Marina Director Marsicano as the public works manager. He asked the Commission for the authorization to give Marina Director Marsicano an additional \$12,000 to perform in that capacity. Marina Director Marsicano confirmed that he was comfortable with handling that position and the day-to-day operations of marina. Interim City Manager Madden said that it would be up to the new city manager to consider if it was going to be on a temporary or permanent basis to have Marina Director Marsicano as the public works manager. The consensus of the Commission was to approve this request.

Interim City Manager Madden asked the Commission authorization to hire a clerical individual that worked approximately 20 hours a week on ten dollars per hour to take on various work duties for a temporary period. With regards to the funding source, Interim City Manager Madden said that he was planning on utilizing the funds in the Clerk/Commission Contingency. Commissioner Lister suggested using a temp service to hire a temporary assistant. Interim City Manager Madden said it would cost more if hired from a temp agency. The consensus of the Commission was to authorize the position and suggested college students may be interested.

Commissioner Vander Velde requested the status regarding the roof of the public works building. Interim City Manager Madden stated that the contractor has done all the engineering and was in the process of getting the permit. Afterward, the contractor would be able to order the materials to replace the understructure of the roof. The contractor indicated that they would have all the work done by the end of November.

The Commission briefly discussed the possibility of installing banners on the light poles on John's Pass Bridge. Mayor Palladeno requested that the city clerk place the banner topic on the next workshop.

- 2. COMMUNITY FORUM** This section is reserved for public participation with the Commission and/or staff on matters of concern pertaining to City business; and which are not on the agenda. Citizen's input is limited to five minutes.

Ann Sanford, Harbor Drive; spoke on live-a-boards issues behind the city hall. She suggested the city review what other cities have done with respect to the live-a-board issues.

Steve Miller, Madeira Beach resident; spoke against live-a-boards and said he could not have his doors open because the stench from the generators went through his house. He asked the Commission to address this issue as soon as possible.

Steve Kochick, 15301 2nd Street E.; reminded everyone of the Seafood Festival and said that the 911 Ad Hoc Committee would be there for fundraising. He requested to have the steel beam transferred to the site during the Seafood Festival.

Robert Shaw, 507 129th Ave. E.; read an article about City of Madeira Beach from a blog.

Linda Horner, 330 130th Ave.; reminded everyone of Breast Cancer 3-Day for the Cure event which was happening during the Seafood Festival.

Debbie Cline, former Human Resource Manager of Madeira City; voiced her opinion on hiring practices.

Gary Bernheimer, 569 Lillian Drive; requested Interim City Manager Madden to clarify whether the city was hiring the code enforcement officer on a temporary or permanent basis. Interim City Manager Madden provided a detailed explanation, and also confirmed that currently the city was not looking at hiring a fire inspector.

Dick Lewis, 561 Crystal Drive; spoke on banners which were prohibited under the Sign Code.

Brian Bornemann, 14201 North Bayshore Drive; requested information regarding the application process for Archibald Committee. City Clerk Stilton offered to assist Mr. Bornemann after the meeting.

Pete Trott, 134th Ave.; Spoke on live-a-boards and parking. He commended the Commission for doing a great job.

Marsha Loper, 330- 133rd Ave. East; spoke on the Pinellas County Sheriff's Office dropping the word "crime" from neighborhood crime watch, and suggested using Neighborhood Watch for any signs or paintings in the future.

Pete Trott, 134th Ave.; said that he believed the word "Neighborhood" was not concise enough, whereas the word "Crime" would be more concise and eye-catching.

3. **UNFINISHED BUSINESS:** None.

4. **NEW BUSINESS:**

A. CONSIDER A FIRST READING OF ORDINANCE NO. 2011-05:

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING AND REPLACING SECTIONS 94-51 THROUGH 94-114 TO PROVIDE STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND INTENT, OBJECTIVES, SCOPE, DEFINITIONS, TO SPECIFY LANDS TO WHICH THIS ORDINANCE APPLIES, THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, DESIGNATION OF FLOODPLAIN ADMINISTRATOR, ADOPTION OF THE COUNTY COASTAL CONSTRUCTION CODE, ESTABLISHMENT OF DEVELOPMENT PERMIT, PERMIT PROCEDURES, COMPLIANCE, ABROGATION AND GREATER RESTRICTIONS, INTERPRETATION, WARNING AND DISCLAIMER OF LIABILITY, PENALTIES FOR VIOLATION AND DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR; TO PROVIDE FOR GENERAL STANDARDS, SPECIFIC STANDARDS, STANDARDS FOR COASTAL HIGH HAZARD AREAS AND VARIANCE PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Trask read Resolution No. 2011-05 by title only.

Motion by Commissioner Lister and seconded by Commissioner Vander Velde to approve Ordinance No. 2011-05 on First Reading.

Mayor Palladeno opened the public hearing. Neither hearing nor seeing anyone who would like to speak Mayor Palladeno closed the public hearing.

ROLL:	COMMISSIONER VANDER VELDE	YES
	COMMISSIONER LISTER	YES
	VICE MAYOR REYNOLDS	YES
	COMMISSIONER OAKLEY	YES
	MAYOR PALLADENO	YES

MOTION CARRIED.

Mayor Palladeno recessed the meeting at 8:37 p.m. for a break. The meeting was reconvened at 8:46 p.m.

B. CONSIDER FIRST READING OF ORDINANCE NO. 2011-06:

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE I OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH, FLORIDA IN ITS ENTIRETY AND CREATE AN ARTICLE TO BE TITLED NUISANCES; TO PROVIDE FOR FINDINGS OF FACT, THE PROHIBITION OF NUISANCES, TO PROVIDE FOR WHAT CONSTITUTES A NUISANCE, TO PROVIDE FOR ILLUSTRATIVE ENUMERATIONS OF NUISANCES, TO PROVIDE FOR CARE OF PREMISES AND TO PROVIDE FOR THE ENFORCING AUTHORITY TO PROVIDE AN ABATEMENT PROCEDURE AND PROVIDE OR ABATEMENT BY THE CITY; REPEALING SECTIONS 34-42 AND 34-43; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Trask read the revised Ordinance No. 2011-06 by title only.

City Attorney Trask reported on the changes and the additions made to the ordinance since last night. He listed the four additions that were made to Section 34-4 regarding criminal activities that would be considered as nuisance, which included: drug activities, unlawful possession of control substances, criminal gang activities, steal on property. He stated these were the same exact Code sections that were set force in Nuisance Abatement Statute that the state has adopted under Chapter 893. He informed that Section 34-7 Paragraph One, which dealt with the Abatement procedure, has also been changed. He stated that he would make one further change to Section 34-7 to allow a change from ten days to three days for removal of inoperable vehicles, which would make it consistent with Paragraph One.

Interim City Manager Madden reported that based on his meeting with the special magistrate, the lack of definition was discussed and Special Magistrate Herb Langford believed there would be a delay in getting orders out. In response, City Attorney Trask stated that this would only slow down the process for five minutes, while he could provide Mr. Langford the code provision and have Mr. Langford just cut and paste it into the form orders. With regards to the definition, City Attorney Trask believed there was adequate definition and illustration in the ordinance.

Commissioner Lister suggested underline and strike-through to indicate changes so they were more apparent to the reader.

Motion by Commissioner Lister and seconded by Commissioner Vander Velde to deny Ordinance

No. 2011-06 on First Reading.

Commissioner Lister stated the reason he is denying the ordinance was because it was not doing what the neighborhood watch groups were asking for.

Mayor Palladeno opened the public hearing.

Elaine Poe, 353-144th Ave.; spoke on agreeing with Commissioner Lister, and said that Chapter 893 should be set aside by itself, instead of incorporating into the existing city code.

City Attorney Trask stated that if the city did not adopt the ordinance tonight, it would take at least thirty more days to go over the process again.

Brian Bornemann, 14201 North Bayshore Drive; said that he agreed with Interim City Manager Madden and Commissioner Lister that there needed to be more definition in the ordinance.

Commissioner Vander Velde asked if the code enforcement officer could enforce what has been stated in the State Statute. City Attorney Trask responded no, and said that the city must have an Abatement Board to enforce the State Statute.

Motion by Commissioner Lister and seconded by Commissioner Oakley to amend the motion to postpone Ordinance No. 2011-06 to the November 2nd Workshop.

Neither hearing nor seeing anyone else who would like to speak Mayor Palladeno closed the public hearing.

ROLL:	COMMISSIONER VANDER VELDE	YES
	COMMISSIONER LISTER	YES
	VICE MAYOR REYNOLDS	YES
	COMMISSIONER OAKLEY	YES
	MAYOR PALLADENO	YES

MOTION CARRIED.

C. CONSIDER RESOLUTION NO. 2011-04:

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA, SUPPORTING PINELLAS COUNTY'S PETITION TO ELIMINATE STORM EVENT MONITORING AS A REQUIREMENT OF THE NPDES MS 4 PERMIT FLS-00000-003 AND SUPPORTS CONTINUING THE WATERSHED-BASED MONITORING PROGRAM IMPLEMENTED IN PINELLAS COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Trask read Resolution No. 2011-04 by title only.

Motion by Commissioner Vander Velde and seconded by Commissioner Oakley to approve Resolution No. 2011-04.

Mayor Palladeno opened the public hearing. Neither hearing nor seeing anyone who would like to speak Mayor Palladeno closed the public hearing.

ROLL: COMMISSIONER VANDER VELDE YES
COMMISSIONER LISTER YES
VICE MAYOR REYNOLDS YES
COMMISSIONER OAKLEY YES
MAYOR PALLADENO YES

MOTION CARRIED.

D. DECLARATION OF SURPLUS AND EXCHANGE – TWO LIFEPAK MONITOR/DEFIBRILLATOR UNITS

Motion by Vice Mayor Reynolds and seconded by Commissioner Vander Velde to approve that the current Medtronic Lifepak monitor/defibrillator units be declared surplus and used for an exchange program with the Pinellas County EMS for two new Phillips units, in accordance with the Emergency Medical Service Provider agreement.

Mayor Palladeno opened the public hearing. Neither hearing nor seeing anyone who would like to speak Mayor Palladeno closed the public hearing.

ROLL: COMMISSIONER VANDER VELDE YES
COMMISSIONER LISTER YES
VICE MAYOR REYNOLDS YES
COMMISSIONER OAKLEY YES
MAYOR PALLADENO YES

MOTION CARRIED.

5. Correspondence - None

6. Adjournment

There being no further business, the meeting was adjourned at 9:16 p.m.

Date Approved: 3/27/2012


Travis Palladeno, Mayor


Ginger Stilton, CMC
City Clerk