

**THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE**

BOARD OF COMMISSIONERS SPECIAL 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.

5:30 P.M. TUESDAY

OCTOBER 23, 2012

AUDITORIUM

CALL TO ORDER The meeting was called to order at 5:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE: Commissioner Terry Lister

ROLL CALL

MEMBERS PRESENT: Travis Palladeno, Mayor
Robin Vander Velde, Vice-Mayor
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Nancy Oakley, Commissioner District 3

STAFF PRESENT: Shane Crawford, City Manager (CM)
Thomas Trask, City Attorney (CA)
Ginger Stilton, City Clerk (CC)
Vince Tenaglia, Finance Director (FD)
Dave Marsicano, Central Services Director (CSD)

1. TOPIC:

A. SECOND AND FINAL READING OF ORDINANCE NO. 2012-09:

AN ORDINANCE OF THE CITY OF MADEIRA BEACH CREATING ARTICLE VI IN CHAPTER 34 OF THE CODE OF ORDINANCES, TO BE TITLED CHRONIC NUISANCE PROPERTY CODE, RELATING TO THE PROVISION OF CHRONIC NUISANCE SERVICES BY THE CITY; AUTHORIZING THE IMPOSITION AND COLLECTION OF CHRONIC NUISANCE SERVICE ASSESSMENTS AGAINST REAL PROPERTY; ESTABLISHING A PROCEDURE FOR IMPOSING CHRONIC NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT THE LIEN FOR A CHRONIC NUISANCE SERVICE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, SHALL BE PERFECTED AND SHALL ATTACH TO THE PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

CA read the second and final reading of Ordinance No. 2012-09, by title only.

CA: The only difference from the last version is on Page (5), Paragraph B3:

“Under pattern of nuisance activity, the Sheriff Department has responded to five or more nuisance activity at a commercial retail or alcoholic beverage establishment within 30 days, or 20 or more nuisance activities at the said properties within six months.” It was changed to include commercial, retail businesses and alcoholic beverage establishments and it took out the security provision.

A motion to approve Ordinance No. 2012-09 was made by Commissioner Lister and seconded by Commissioner Oakley.

V-M Vander Velde: Asked to include a list of definitions and remove the trespass component of this. She argues the victim of a trespassing can never be a person; it can only be a property.

CA: The definitions would provide the ability of any person looking to review and to apply this particular code provision to understand what certain items are defined as; in other words there is to be a specific example of each definition and there has been a suggestion that certain words be defined. There is no definitions section that is included in the proposed code. As for the trespass and the structural conveyance, there was a question as to whether or not there could actually be a victim in a trespass situation, or actually be control of the situation when someone trespasses on your property. Those were the suggested changes last time; he did not make the changes since it was not directed by the Commission.

Joseph Jorgenson: Has expressed his opinions on the ordinance in terms of being an inn keeper. He has always felt that he was a major advantage to call the police and have somebody removed, and he can remove them in 5 minutes – it is not a problem. He asked for inn keepers to be exempt of the ordinances at a prior meeting that was rejected. It was pattern after the one in West Palm Beach which was not designed to take care of criminal matters – it is designed to take care of people who don’t take care of their properties, didn’t mow their lawns, didn’t do repairs and has nothing to do with the issues of the City. He showed a copy of the lien that the City has on properties and none were older than four (4) years. There is no enforcement and nobody has gone before the special magistrate for over a year. He argues that the City already has what they need in the code. He believes that this ordinance was a total over reaction to a few individuals who want to complain and have problems that the ordinance is not going to help. He fears it could be used to target people, and he doesn’t want to target the good guys in the future. The problem is enforcement and this ordinance is total overkill.

CA: I want to clarify that it is three per unit.

V-M Vander Velde: Can you clarify if it is a duplex that each side of that duplex gets three calls.

CA: No, if a duplex is owned by one property owner, it does not matter which side of unit it is. The duplex is owned by the same landlord. It is one property owner.

V-M Vander Velde: What would that means for the Marriott. I think they are going to have eighty nine units, does that mean they get 89 X 3 calls?

CA: No they get three, because that is just under one name one property owner, unless it falls on under the definition commercial retails establishment.

V-M Vander Velde: We don’t have a definition for commercial retail establishment. Does that mean if a business has a sales tax collection certificate they are a retail business?

CA: Yes that is the way I would interpret it, the answer is yes.

V-M Vander Velde: That would include a lot of home businesses then.

CA: No, because home businesses can't sell retail, it is prohibited.

V-M Vander Velde: My home business can sell retail; I can't sell out of my home. I can sell over the internet, I just can't sell at home, and I can deliver products to my clients' businesses.

CA: You can't store inventories at your home.

V-M Vander Velde: If I sell something I drop ship it, clients never came to my house.

CA: There should be no retail business at your home, unless it is accepted under the Home Occupation License.

V-M Vander Velde: There is no retail activity at her home, but she does have a sales tax certificate. She just wants to clarify this for people who sell things over the internet from their home, for example. That is why she thinks a list of definitions is still needed. She asked the CA if it was uncommon to include a list of definitions within an Ordinance.

CA: No, it's not uncommon to include it.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Oakley.....YES

Vice-Mayor Vander Velde.....NO
Mayor Palladeno.....YES

B. RESOLUTION NO. 2012-21:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA,
ADOPTING A CHRONIC NUISANCE SERVICE COST SCHEDULE; ADOPTING A REINSPECTION
ASSESSMENT SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

The CA read Resolution No. 2012-21, by title only.

A motion to approve Resolution No. 2012-21 was made by Commissioner Hodges and seconded by Commissioner Lister.

V-M Vander Velde: She wanted to know how they arrived at these figures.

CM: The FD and I calculated this at our current pay rate plus loaded benefits.

V-M Vander Velde: Is fire inspection one of these that should be on here, or is that included under the Building Department's inspection?

CM: That would be included, because we are moving out of the realm of the Fire Department to the Building Department.

ROLL CALL:

Commissioner Lister.....YES
Commissioner Hodges.....YES
Commissioner Oakley.....YES

Vice-Mayor Vander Velde.....YES
Mayor Palladeno.....YES

C. DISCUSSION AND POSSIBLE REVIEW OF ADMINISTRATIVE POLICIES AND PROCEDURES.

CM: It is going to take time and money, but this is a very involved ordinance that is going to clean up the City. Dealing with City staff it is germane to the topic, is us taking on the Building Department. We are short of staff. The employee hired to handle Code Enforcement proves to be valuable in the Building Department instead. That is what she was doing at her last municipal job.

We are dealing with nasty things in town. Sending a female code enforcement officer unarmed to a door is dangerous; she might be dealing with somebody that is not in the right state of mind. The City has always been sending a deputy or other city official with her and this creates a double up of resources.

He can't continue to operate like this if the Board is going maintain what we are doing here at City Hall. At a meeting in Town Hall in St Pete Beach, they were considering closing their Police Department and having the Sheriff take over. He proposes to handle Code Enforcement administratively through the Sheriff Department and wanted to petition the Sheriff to see if he would be open to the idea. He says that administratively City Hall is doing a lot, they're reinventing government and he feels this is one of those things you have to petition and leave in the hands of experts.

The ordinance shows the procedures and how it is going to work. He thinks that it is going to be more expensive, but the City can use existing budget dollars and Building Department to take of this. He argues that we need an officer doing this right out of the gate, we might not be doing this in five (5) or ten (10) years, but he thinks the City should be doing this at least in the first five (5) years.

Officer Sean: When the City Manager came to me, In fact he was actually following suit with something that is been going on in the County already. The agency I came from was the Kenneth City Police Department and they did not have code enforcement. They actually rented the Building Department from Pinellas Park. The Police Department had to go around and do code enforcement and they have been doing that ever since.

The idea is that you are saving some money by moving a person from Code Enforcement to the Building Department, but obviously some costs would be incurred to have a person out there patrolling. This ordinance requires a lot of logistics, time, and tracking. Other cities are basically not handling it to their full capability. The City Manager's idea is that if we are going to do an ordinance, we are going to do it to full capacity. People are going to report back saying "You have this ordinance, why don't you implement it correctly?" An officer can arrest people if needed and are trained to deal with potentially

dangerous situations. The City has had a period here where Code Enforcement was lacking and this is a tool to help correct that.

Mayor Palladeno: Asked the CM if he would let the audience know what we have done with the Building Department.

CM: The Building Department has flourished; the City has an incredible team. There will be some restructure. The employee working in Code Enforcement is now handling permits in the building department. In terms of funding, the City does not have to use general fund dollars, it can be found in the existing budget and it is not going to be problematic. It is going to cost about \$90,000.00. Officer Sean is going to do patrol and Code Enforcement, the City will have to train them and they will have to go to code compliance training. It is already in the budget for our own employees.

V-M Vander Velde: Can you find \$95,000.00 in the budget?

CM: Yes, the FD and I are currently working on what we can or can't use out of that building fund because some of code compliance is germane to that and we can charge from out of that. We can also start charging for renting our City Hall. There are things that we can do and he doesn't want to get too ahead of himself. He thinks that other beach cities will take notice and start noticing this kind of set up.

V-M Vander Velde: How soon do you anticipate getting a budget amendment before the Commission for the \$95,000.00?

CM: I think we need to have a special meeting next week on Tuesday for a variety of reasons, that include topics from contract approval to law enforcement approval to Halloween parties on Wednesday night. He doesn't have a contract yet, if he did, he'd have presented it to the Board tonight to review and look over.

Mayor Palladeno: The Board scheduled a meeting on next Tuesday.

V-M Vander Velde: What does that make the effect dated the ordinance we just passed?

CA: It is effective immediately upon you adopting it. It is just a question of when we can enforce it.

CM: The Board can talk about the Code Compliance vehicle we have. The FD and the CM will be working on other funding necessary.

Mayor Palladeno: If we did bring the other deputy, if we needed to split one at different times may be one working at night if we have some issues at night and one working in the day time?

CM: Officer Sean is going to be in charge of scheduling. He says to let the officers do their job. From an enforcement stand point, he can do better than us.

Commissioner Oakley: Communication is very essential in making this thing work correctly.

Officer Sean: I am pro law enforcement. I do things in the City in my own time and I do have family in the City. I would make sure this place is cleaned up so families can come all over the world to enjoy this

place. The idea would be to bring in somebody because of the job posting that would basically spell out what the job entails. You are going to have somebody that needs to do well here.

Commissioner Lister: You know it is going to take some time for them to learn the codes?

Officer Sean: The idea is that we already know the codes in that sense. We have the muni code and we work in the code daily, whether it's open containers, glass on the beach, dogs barking, etc. We would know more than someone just off the street.

The consensus was to proceed on this matter at the next meeting.

D. CONSIDER A SPECIAL EVENT PERMIT FOR THE OVERHEAD SURF SHOP SKIM BOARD COMPETITION ON NOVEMBER 10, 2012 FROM 7:00 A.M. - 5:00 P.M.

A motion to approve the special event permit for the Overhead Surf Shop Skim Board Competition was made by Commissioner Hodges with the following permissions:

- 1- Permission to use South Beach 129th Avenue parking lot for the waver of six (6) parking meters be granted from 7:00 a.m. to 5:00 p.m.
- 2- That the City provides additional garbage cans during the event.

The motion was seconded by Commissioner Lister.

CM: Under the same clause from last week, the client did not get the application returned in time. If approved, the Board will be authorizing the CM to authorize the event.

ROLL CALL:

Commissioner Lister.....YES	Vice-Mayor Vander Velde.....YES
Commissioner Hodges.....YES	Mayor Palladeno.....YES
Commissioner Oakley.....YES	

2. ADJOURNMENT - The meeting was adjourned at 6:10 p.m.

Date Approved: 05/13/2014



Travis Palladeno, Mayor

Sea Marshall-Barley
Submitted by Sea Marshall-Barley, Support Specialist