A regular meeting of the City of Madeira Beach Board of Commissioners was held at 6:00 p.m. on May 9, 2017 in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida. Mayor Black called the meeting to order.

MEMBERS PRESENT: Maggi Black, Mayor
John Douthirt, Vice-Mayor, Commissioner District 4
Terry Lister, Commissioner District 1
Nancy Hodges, Commissioner District 2
Nancy Oakley, Commissioner District 3

CITY STAFF PRESENT: Derryl O'Neal, Acting City Manager
Tom Trask, City Attorney
Nick Lewis, Interim City Clerk
Dave Marsicano, Public Works/Marina Director
Doug Andrews, Events and Recreation

A. CALL TO ORDER

Mayor Black called the May 9, 2017 regular meeting order.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

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

C. ROLL CALL

Interim City Clerk Nice Lewis called the Roll and all Commission members were present.

D. APPROVAL OF THE MINUTES

There were no meeting minutes presented for approval.

E. APPROVAL OF THE AGENDA

Commissioner Lister read a letter from the Herbert Law Group requesting to be added to the May 9, 2017 meeting agenda to discuss the pending allegations and subsequent motion and resolution regarding his client Shane Crawford and requesting additional time so that he would not be limited to the three minutes for public comment.

Commissioner Lister read an email from the past Mayor of St. Petersburg Beach saying that the litigation had cost over $3,000,000. He said this lawyer is willing to come here and speak for free, so he would be added to the agenda and allotted the time necessary to speak.

Commissioner Lister made a motion to place the Herbert Law Group on the agenda and to allow the added time to discuss the matter. Commissioner Hodges seconded the motion.

ROLL CALL VOTE:

Mayor Black	"NO"
Vice-Mayor Douthirt	"YES"
Commissioner Lister	"YES"
Commissioner Hodges	"YES"
Commissioner Oakley	"NO"

The motion carried 3-2.

Commissioner Oakley	"YES"
Commissioner Lister	"YES"
Mayor Black	"YES"
Vice-Mayor Douthirt	"YES"

The motion carried 5-0.

F. PUBLIC COMMENT – LIMITED TO THREE (3) MINUTES

Mayor Black opened the meeting to Public Comment.

Paul Ruffridge, resident, congratulated the three new Commissioners on their victory. He said the three new Commissioners won by just under 300 votes and based on that if he were to state that a different way, there were between 75% and 85% of the residents that did not vote for them, so he asked that any changes made to be made thoughtfully and transparently. Mr. Ruffridge said he read in the paper how Mayor Black did not want any blood relatives working at City Hall, she supported the current administration, and wanted to move forward. At the meeting on Thursday it was clear that something was being done to remove those folks for reasons that in the private sector more justification for removal would be needed. He said he witnessed some videos over the weekend that were disturbing and if they were authentic, he would not be comfortable having council members representing him that acted that way in public.

Ann Rasmussen, resident, said she was embarrassed by the performance of the newly elected Commission and stressed how she would like the Mayor to do the right thing for all 4,200 citizens in Madeira Beach.

John Hendricks, resident, said the Mayor had said she did not want relatives working together at the City although her husband is on the payroll there. He explained how the Commission was fighting the new development that the developer bends over backwards to cut back on the size of the project to leave some green area for parks for the citizens. If he lowers the development, we will have a concrete wall down Gulf Blvd. and possibly go up on the density. The man must be allowed to make some money on his investment, so it is time to compromise. Mr. Hendricks said the condo building of Mayor Black and Commissioner Douthirt is higher than the new development. He said we have a beautiful new City Hall, park, and Fire Department and thanked Mr. Karns for donating $1.2 million to that and he would like to know where the revenue is coming from to pay for that. The development is needed to come up with the money.

Steven Amodio, resident, stressed how he wanted the rumors and questioning to stop relating to their family business regarding Mr. Crawford. He wanted to honor his wife's mother who recently passed and to make clear that Mr. Crawford's involvement with the estate of his mother-n-law was requested by his wife and her mother and witnessed by him, and that at no time, had Mr. Crawford requested or been promised any compensation for performance of those responsibilities. Mr. Amodio asked that all the drama and foolishness stop, or they will pursue prosecution.

Steven Rayow, resident, complemented the asset reporting by Commissioner Lister which indicated that we almost doubled the town's assets. To do this in such a small community could only be contributed to the administration in which it occurred, and he is proud of that administration. So, the propaganda in which the new commissioners voted in is false and none of it is true.

Ann Rasmussen, resident, complimented how Shane Crawford had the backbone to turn the City around in the past six years while serving as City Manager. The newly elected commissioners have destroyed what Mr. Crawford worked so hard to create.

The City Attorney asked that everyone direct their comments to the Commission as a whole and instead of inappropriately singling out Commissioners individually to move the meeting along.

H. UNFINISHED BUSINESS

1. ACTIVE FEMA GRANTS REQUIRING CONTRACT MODIFICATION/REVISION APPROVAL

Marci Forbs, P.E., Senior Engineer with Deuel & Associates, said she was currently managing the City's active FEMA grants. The City workshopped the item and she spoke with each Commission member one on one to discuss the projects. She said what is before the Commission tonight is a revision to the contract for 905 Bay Point Drive. The contract is between the City and the homeowner and it has already been approved by FDEM and executed between the City and the homeowner. The modification is to increase the expenditure of the homeowner's amount from $172,000 to $574,905. It does not change what FDEM contributes to the project, it only changes what the homeowner is allowed to contribute. The second item in the contract takes the period of performance from January 9, 2017 to July 9, 2017. Ms. Forbes said since the homeowner executes the contract first the Mayor will be signing the original of what the homeowner signed. She explained the details of the amended contract and addressed questions from the Commission.

Mayor Black entertained a motion to approve the active FEMA grants, the contract modification, and the revision. Vice-Mayor Douthirt made the first motion and Commissioner Hodges seconded.

ROLL CALL VOTE:

Vice-Mayor Douthirt	"YES"
Commissioner Lister	"YES"
Commissioner Hodges	"YES"
Commissioner Oakley	"YES"
Mayor Black	"YES"

The motion carried 5-0.

2. JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN CITY OF MADEIRA BEACH AND STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

Dave Marsicano, Public Works/Marina Director, reviewed Agenda Item 2. He said it is an ongoing project the City has with FDOT and FDOT will manage the project and pay for the resurfacing. One of the engineers of the project that was present also explained the project. He said the City needed to execute the agreement with FDOT by June 1st, so they can advertise for the procurement by September 30th and then they will have until January 2019 to do the resurfacing, which will take between 9 and 12 months to do.

Mayor Black entertained a motion to approve the Joint Participation Agreement between the City and FDOT. Commissioner Hodges made the first motion and Vice-Mayor Douthirt Hodges seconded.

ROLL CALL VOTE:

Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"YES"
Mayor Black	"YES"
Commissioner Lister	"YES"
Commissioner Oakley	"YES"

The motion carried 5-0.

I. NEW BUSINESS

1. HERBERT LAW GROUP RE: SHANE CRAWFORD

Attorney Jay Herbert representing Mr. Shane Crawford said that anytime we can get together and talk about an issue is a good thing and it is prudent for taxpayers to see that happen. He said that current City Manager can have that forensic evaluation done including but not limited to determining things that have been deleted. In the State of Florida, they take the Sunshine Laws very seriously. They will also, if necessary do a cloud base evaluation by experts retained to do that immediately. If necessary, they will contact the Attorney General's Office and ask for Pam Bundy's assistance under the Sunshine Laws which is the proper guidelines for them to be able to get the information to make sure that nothing inappropriate happened. Mr. Herbert said in closing there is no question that the May 4, 2017 meeting was invalid, that the Charter was not properly followed, which leaves him with two questions: What is the status of both of his clients? Do we go back to work, or do we not go back to work? He said they have not received a copy of the resolution. In the guidelines it says that they are to receive a signed copy of the resolution as quickly as possible. Both Shane Crawford and his wife Sheryl are concerned about their city and they have worked here a long time. Sheryl started with the City when she was 22 years old and it does not mean everybody in the room has to like her or think she is doing a great job, but she has been here since she was 22 years old. Shane came here after a two-year nationwide search. Those numbers do not happen magically. It took a village and he happens to be the head of the village. He might not make everybody in the room happy or there may be issues that don't make them happy but the items that the City had listed calling for his resignation they do not believe hold water. Six and half million to twenty million in assets, Madeira Beach has been a better place since Shane Crawford came here. What hurts the most is that they are not able to finish what they started and are torn by where they want to go from this point forward. There is nothing in the handbook saying they could not get married. It is not their intention to hurt anyone in Madeira Beach or cost vast sums of money. We don't want to start removing people because they have violated the Sunshine Laws so perhaps this will be the learning curve and the beginning of a healing process and let Madeira Beach get back to doing what it is doing best which is growing and becoming the best spot in Pinellas County.

The Mayor asked the City Attorney if the public could to speak regarding the attorney item. The City Attorney said under the Law there is a State Statute that provides that people have the opportunity to speak to any agenda item, so it is at the Mayor's call whether to limit public comment to the three minutes under the public comment portion of the agenda or to allow them additional time to speak under that particular topic. His advice would be that as contiguous as this has been would be to allow people to express their thoughts and to limit them to three minutes and move on to the next agenda item.

The Mayor opened to public comment.

Tom Whalley, resident, said he also requested an extension on an item regarding himself because his attorney was out of town and was denied an extension. He said in comparison, he was treated the same as how the Crawford's were treated.

Steven Rayow, resident, said that after listening to the presentation he wanted to remind the Commission again of the three Sunshine violations that we must be careful about and those are misfeasance, malfeasance, and nonfeasance. He said two of those have already been committed by two members of the Commission and others in the past have been dismissed for violating those laws.

John Hendricks, resident, said it was time to put Shane and Cheryl back to work. The developers have cut back on those projects so there has got to be compromise. It is time to compromise and let the developments move Madeira Beach forward.

Ginger Tolliver, resident, said Shane and his wife together have made this City something to be proud of and to dismiss them is beyond belief.

Robert Preston, resident, stressed how the Commission needed to be mindful of its budget.

Doreen Moore, resident, said it was the vote that put people into office. We have 4,000 residents and only a majority of them put the newly elected commissioners into office and the reason they did that is because many people had a problem with the process, how things were being done, presented, and handled. The

Vice-Mayor Douthirt asked for clarification the exact location in question and Mr. Serna explained that the proposed area is at the intersection and it is within the area that has recently been improved for the sale of food and then explained the expansion area is shown in the agenda packet and they do hope that is where the expansion will be taking place. Vice-Mayor Douthirt said there is another establishment in between the two places and Mr. Serna said it was the same owner and that it is for the corner area.

Commissioner Lister asked about the number of parking places and the minimum seating requirement and Mr. Serna explained the current parking locations and said if they were expanding the building they would look at the parking requirement. Vice-Mayor Douthirt said he was against this from the start and then after going there and investigating he was in favor.

Paul Sullivan, business manager of Beach Fun and Games, introduced the owner of the business, Francis Sullivan standing next to him, and said they have been in business for 5/12 years and have had a beer and wine license for 4/12 years in the original location. They have added, fully permitted by the City, a café in the same building complex because of requests from their customers. One of the confusions is that they did not have the floor space where they had the original arcade. They use the same mailing address because it is the same LLC company. The mail does not go to 12961 which is the actual physical location where the extension will be and where the food will be served which is where they want the extension of the license.

Francis Sullivan, owner of the establishment said they lose business because people would like beer or wine with their food.

Commissioner Lister asked if the establishment had to serve so much food to be able to obtain the license. Mr. Serna said to be classified as a restaurant it has to be 60% contributable to the sale of food.

Tom Edwards, resident, asked if the Fire Department and Sheriff's Department had been contacted for their input on new business like that and that activity, if the restriction was for just beer and wine, and if a new owner came in would they be able to get a different type of license.

June Mohns, resident, said she wished that we could adopt a City policy saying who will and will not be allowed to have an alcohol license and there should be a limit to those.

The Mayor entertained a motion to approve Alcoholic Beverage Permit #17-03, to allow a 2COP beer and wine only license for the expansion of the area from which alcoholic beverages may be served within the existing Beach Fund and Games arcade and café located at 12975 Gulf Boulevard, Commissioner Lister made the first motion and Commissioner Oakley seconded the motion.

ROLL CALL VOTE:

Vice-Mayor Douthirt	"YES"
Commissioner Lister	"YES"
Commissioner Hodges	"YES"
Commissioner Oakley	"YES"
Mayor Black	"YES"

The motion carried 5-0.

4. ALCOHOLIC BEVERAGES APPLICATION 2017-04

The City Attorney said the same five criteria that applied to the previous item applied to this item.

Luis Serna, AICP, Planning and Zoning Consultant with Calvin, Giordano & Associates, Inc. said this item is for approval of an Alcoholic Beverage Use Permit #1704 for a 2COP beer and wine only license to convert a convenience store located at 15045 Madeira Way to a bar to be known as the Mad Beach Dive Bar. The

Mayor Black said as recommended by City Manager Shane Crawford, she would like to entertain a motion to hire Walter Pierce as Budget Director. Mr. Shane has told him that he would be on this agenda.

Mr. Walter Pierce thanked the Commission for giving him the time to meet with each one of them and said he regretted not having the opportunity to meet with Ms. Oakley. The City has some political challenges he listened to this evening that he does not want to get in the middle of it, but he does want to be the City's Finance Director. He has over 30 years of governmental experience, which most everyone got his resume. He does not care what he is called, he just wants to be the head finance guy. You can call him budget director or whatever it is. He thinks the City is in good fiscal shape as the auditor stated this evening. He would like to keep this City running fiscally sound so this time next year, the City can get the same good audit and he feels qualified to do that.

Vice-Mayor Douthirt said he would like to make the motion to authorize the employment of Walter Pierce as the Budget Director. Partly is based upon that they are coming upon budget time, they have no one in that position, and nothing has been done to work on the budget. It is imperative and by State Statutes they must have a budget. They cannot call him a Finance Director because the only person that can hire a Finance Director is the City Manager. So, his recommendation is that they hire him as a Budget Director and when they get a City Manager, whoever that may be, that the City Manager can then make the recommendation to hire him as the Finance Director if that is what he or she would like to do so he would like to motion that they hire this gentleman.

The City Attorney said before there is a second, they salary requirement of Mr. Pierce needed to be addressed. He asked Vice-Mayor Douthirt if he would like to include in his motion what was included in the agenda, a salary of $90,000 with benefits aligning with other employees of the City.

Vice-Mayor Douthirt answered yes and the City Attorney asked for clarification that was part of his motion and Vice-Mayor Douthirt said yes. Commissioner Oakley seconded the motion.

Mayor Black opened the floor to public comment.

Steve Kochick, resident, said the City Charter and in the Organizational Chart of the City there is no term for a Budget Director. The Board of Commissioners does not have the authority to create a position, only the City Manager can do that. An Attorney here said we cannot just make things us and do things. There is no position for a Budget Director and you can't create your own positions. It is not allowed in the City Charter and without the City Manager you cannot do a Finance Director and he told the Commission that before starting that with him, so he would think that the Commission needed some guidance from the City Attorney before going any further.

The City Attorney said obviously Mr. Kochick is correct with regard to the Finance Director and being a former Commissioner, he is fully aware of what the Charter provides. The Director of Finance, the term used in the Code shall be appointed by the City Manager subject to Board of Commissioners approval. Unfortunately, we do not have a City Manager and unfortunately, if this Commission decided to hire a consultant and then ultimately go out for a RFP to find another City Manager we could be talking four or five months. His recommendation or advice to the Mayor and Commissioners is that it has an obligation to provide services to the residents and citizens in Madeira Beach, an obligation to provide water, sewer, garbage, fire protection, police, and all the other necessities of running a City and that cannot be done without a budget. One of the problems perceived is that if the Commission sat back and waited until a City Manager appointed someone to create the budget it would run into the same problem that Kenneth City ran into two years ago where you have no budget and you do not want to be in that position. You would have fiery come down from Tallahassee if that is done. So, with the understanding that certain things are going to have to happen that we do not necessarily have a Code provision or Charter provision to allow us to do this, we have a City to run, the business of the day to take care of. His recommendation would be to move forward about the employment of Mr. Pierce as your Budget Director for the sole purposes of creating

S8, LLC had already removed some equipment that they had placed in the City's fitness center and they do not intend to return it there. The equipment is not owned by the City but by the limited liability company. The Commission has the ability to consent to the termination of the agreement and if the Commission does not consent to terminating the agreement, it is basically providing S8, LLC to basically use the fitness center and if he has no clients or customers there is a possibility that he could be using the facility for himself personally without having to pay any compensation to the City because it is based upon the gross dollars his business earns. Based upon the request it is appropriate for the City to enter into a consent agreement to terminate the use agreement subject to S8, LLC paying the City for any funds that is due up until the date of the termination, which is a couple months' worth income due to the City that has not been paid and the City is entitled to that. The motions would be to approve the termination of the Facility Use Agreement based on the request of the fitness center owner. There is no termination or default language in the agreement that would be helpful to us in the situation. It is his recommendation to terminate the facility use agreement.

Commissioner Oakley said she kind of had a conversation with him that was kind of one-sided. He sent her an email and the whole issue with the facility was that he could not produce any insurance, which is required in the agreement. She never saw anything from any of them, but she did get an email from Shane asking that the Commission waive it because he did not need Workers Compensation Insurance, but his contract called for it.

The City Attorney said his contract requires that he provide Workers Compensation Insurance meeting the require Statutory limits so if the Statute does not require it then his limits are zero. Commissioner Oakley said that is fine, but she still has not received anything from the other two. The City Attorney said he understood that and that it might be another reason to terminate if the Commission is uncomfortable with the insurance requirement not being met.

Commissioner Lister said they requested that the Agreement be terminated. We cannot force them to stay here.

The City Attorney said the Facility Use Agreement is not a Lease but if it was a Lease, the Commission could hold his feet to the fire because he would be paying a Lease payment. Under this agreement he is not paying a lease payment on a monthly basis therefore he has not continuing legal obligation to pay anything other than what's earned through the date of the termination based upon the fee schedule in the Agreement.

Mayor Black said would like to entertain a motion for the consent to terminate the S8 Facility Use Agreement and request that they pay back the fees.

Mayor Black opened to the floor to public comment and there were none.

Commissioner Oakley made a motion to go with the consent agreement to terminate the S8 Facility Use Agreement and request that they pay back the dollars that they owe to the City. Commissioner Douthirt seconded the motion.

ROLL CALL VOTE:

Commissioner Hodges	"YES"
Vice-Mayor Douthirt	"Yes"
Mayor Black	"YES"
Commissioner Lister	"NO"
Commissioner Oakley	"YES"

The motion carried 4-1.

Commissioner Hodges announced a household and mobile collection event to take place from 9:00 a.m. to 2:00 p.m. on Madeira Beach. It is free for the residents and for Pinellas County. They are still looking for volunteers to assist with the event.

- **CITY ATTORNEY**

The City Attorney reminded the Commission that his contract expires on June 8, 2017 and he is not asking for it to be renewed. He will not be continuing as the City Attorney except for the purpose of protecting the Commission and the City during the period that it takes to find a replacement for him. He appreciated the opportunity to represent the City of Madeira Beach and he would be providing a letter of recommendation of another attorney in their law firm. He told the background of that person and said he hoped that she got the opportunity to meet with the Commissioners individually and have a workshop to discuss the matter.

- **CITY MANAGER**

Action City Manager Derryl O'Neal reported on the operation of the City and said it was moving forward as prescribed.

- **CITY CLERK**

The interim City Clerk had not report.

Vice-Mayor Douthirt said he felt that the Commission is divided, and each Commissioner loves the City, but look at the City in many ways. He asked the Commission for permission to contact the Florida League of Cities and the Florida Institute of Government to set up a Strategic Planning Committee for the Commission with a facilitator, so the Commission can try and work out some of the differences. He hopes that can be done so they can move forward and do what is best for the City. At this point, he does not know any other way to go. A facility could help work through the issues. We must stop the infighting and do what is best for the City.

The Mayor and Commissioner Oakley said it was a great idea.

The Consensus of the Commission was to move forward with the idea.

K. ADJOURNMENT

The Mayor adjourned the meeting.

The May 9, 2017 BOC Regular Meeting Minutes were approved on March 7, 2018.

Maggi Black

Maggi Black, Mayor

ATTEST:

Clara VanBlargan

City Clerk Clara VanBlargan, MMC, MSM