



THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

BOARD OF COMMISSIONERS 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.

6:00 P.M.

Tuesday, November 19, 2013

AUDITORIUM

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE: Vice Mayor Terry Lister

C. ROLL CALL

MEMBERS PRESENT: Terry Lister, Vice-Mayor
Nancy Hodges, Commissioner District 2
Elaine Poe, Commissioner District 3
Pat Shontz, Commissioner District 4

MEMBER ABSENT: Travis Palladeno, Mayor (Excused absence)

STAFF PRESENT: Shane Crawford, City Manager (CM)
Bob Metz, City Attorney (CA)
Aimee Servedio, City Clerk (CC)
Dave Marsicano, Central Services Director (CSD)
Vince Tenaglia, Finance Director (FD)

D. APPROVAL OF THE MINUTES

1. BOC Workshop Meeting October 22, 2013
2. BOC Regular Meeting November 5, 2013
3. BOC Meeting November 5th, 2013

A motion to approve the minutes was made by Commissioner Shontz and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Hodges.....YES	Vice-Mayor Lister.....YES
Commissioner Poe.....YES	Commissioner Shontz.....YES

E. APPROVAL OF THE AGENDA

V-M Lister: Item F, the presentation by Bill Edwards and Jo Massaro has been rescheduled.

A motion to approve the agenda as amended by Commissioner Poe and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Hodges.....YES	Vice-Mayor Lister.....YES
-----------------------------	---------------------------

Commissioner Poe..... YES

Commissioner Shontz.....YES

F. PUBLIC COMMENT (limited to 3 minutes)

Greg Philbrook: Explained that he was here with a number of residents to talk about zoning violations for vacation rentals. In R1 (6 months minimum) and R2 (3 months minimum rental) according to ordinance, we have seen a lot of evidence of homeowners that are offering furnished short-term rentals in violation of these ordinances – more than 50 houses, cottages, rooms (excluding condos) that are available by the day, week, or the month. There is concern that short term renters are not screened and it results in an increase in illegal activities from drugs and theft to prostitution and noise violations. There were more than 12 pages in web search results, some of those are by property management companies. The permanent residents have expressed that they do not want transient renters to live in their communities. There are some barriers to enforcement because these short-term renters have been coached by owners to say that they are friends or relative of the family. Research was done to see how other communities have attempted to control this issue: realtors and property managers could be required to have occupations licenses. This could be one possibility – they could lose their license if they break zoning ordinances and an annual license fee could provide an additional source of income for enforcement.

V-M Lister: Thanked Mr. Philbrook for his input and agrees that this is a violation of the law and it should be enforced. He states that they will take a closer look to this issue.

Robert Shaw: Read a letter that was submitted to the City in regards to John Pass development. His concerns are that there never seemed to be a cohesive plan with a unified goal in mind. His recommendation is to create a Master Development Plan that would incorporate the goals of the property owners, business owners, developers, residents, and those in the immediate Pass area. He is concerned in particular about the recent proliferation of businesses serving alcoholic beverages due to the affect it could have on the surrounding community.

V-M Lister: Thanked Mr. Shaw for his input.

Commissioner Poe: Complimented the speakers on Bay Point Drive and that they did a great job. She explained that enforcement is the key.

Tom Dooley: What is the solution to this problem? Do we call the sheriff every time we see a violation?

CM: This is something that needs to be discussed. The quick answer is yes, code enforcement needs to know that there is a violation. However, as Mr. Philbrook noted, finding evidence is more difficult since the short-term renters are coached by the owners to get around the rule. There are ways to beat that too and it has been discussed. Uniformed officers in town doing code enforcement are a good idea. We are going to address this.

Tom Dooley: How can the people in Bay Point find out what you are doing about this?

CM: Once it is reported, the sheriff's department will keep in contact with residents. There is also a uniformed code enforcement officer and they do have strategy on this already but it does take time. The strategy isn't totally flushed out yet, but Commissioner Poe will keep residents updated. This issue will have a workshop in early January to consider further options.

Ginger Oliver: This is not about the rental, but another existing problem on the streets. Is there a certain number of cars you can have in a driveway at any one time? It was explained that there is a used car lot – the cars arrive and disappear and it's never the same cars in the driveway. They also park in front of her residence which causes her concern since there is so much come-and-go.

Commissioner Poe: The answer is not to move, it is to fight. We are now aware that there is a problem. Bringing these issues to attention is important so the Board can address them. She then thanked Ms. Oliver for speaking.

Larry Roloffs: Explained that he is also the President of the Madeira Cove Condominiums. They have been told by their attorneys, unless you get an affidavit from the renter admitting they have paid rent to the owner, you can't really

pursue it legally. They have experienced the same problems of renters lying and saying that they are friends or family. He cautioned the Board to move carefully in regards to pursuing a lawsuit.

CM: It all comes down to the burden of proof. How can we prove that this is happening when renters do lie? It is not a new situation, but I don't think we realized how much of an issue this really has become. This will become a priority and will be discussed to a further extent in January.

Mr. Philbrook: Wanted to add that although he earlier focused on residential properties, it also applies to over 100 condos.

Commissioner Shontz: In response to the issue Mr. Shaw brought up, and agreed that John's Pass Village needs to be cleaned up. There is a big meeting in January about this. There are mostly out-of-town owners at John's Pass which can cause problems. At the moment, there is not an answer but the Board will work to find one. She then complimented Mr. Shaw on his well-thought out presentation.

John Leepo: This is about a property that has a tree that is pushing up against and warping his fence. He has contacted the Sheriff's Department and Code Enforcement but there is not answer from the owner so he can't proceed. Who should he talk to?

CA: Advised that Mr. Leepo should contact an attorney to write a demand letter to the neighbor. This is a matter between two neighbors that needs to be resolved. Before it gets to the point where the tree destroys the fence, have an attorney help to resolve this situation.

V-M Lister: Thanked Mr. Leepo for bringing this to attention

A three minute recess was called and the meeting was called back into order at 6:32 p.m.

PRESENTATIONS/PROCLAMATIONS

1. **PRESENTATION BY BILL EDWARDS, JO MASSARO OF THE TREASURE ISLAND/MADEIRA BEACH CHAMBER OF COMMERCE**

Rescheduled for a later date as amended in the agenda.

G. CONSENT AGENDA

1. **SPECIAL EVENT**
Special Event for the John's Pass Merchants Associations Holidays at the Pass Sidewalk Sale on December 14, 2013.

CM: This is only special event in the Consent Agenda that involves giving away parking for free. In a month or two, there is a resolution that allows staff to approve event application then the CM will report back to the Board. CM is not comfortable with giving parking away free on a regular basis since the revenue is often used to fund various City projects. If parking is being given away, those hosting the event could match half of the lost revenue as a possible solution in the future. Consistently losing revenue from free parking would have a substantial effect on the funds and the budget. In the future, we should not be giving parking away.

2. **SPECIAL EVENT**
Special Event for Overhead Surf Shop, located at 12951 Village Boulevard, to hold a Skim Board Contest at John's Pass Park on December 7, 2013.
3. **SPECIAL EVENT**
Special Event for John's Pass Merchants Association Holidays at the Pass Movie Night for three evenings: December 6, 13th and 20th, 2013.
4. **BID AWARD**
Bid Award to Advantus Leisure Management Services, for Archibald Park Beach Rentals

CM: In regards to both items No. 4 and No. 5, vice versa from what we normally do, we want the highest bidder because they are going to pay the City. The gentleman for No.5 United Parks Services is here and their goal is by February 1 to have the Snack Shack up and running at Archibald Park. He requested that the floor be open for the United Parks Representatives to speak.

5. **BID AWARD**

Bid Award to United Park Services, Inc., for the Operation of the Snack Shack at Archibald Park

Alan Kahana: Partner Mark Enoch is also in the audience. Both have been in the concession business in the beaches for 10 years and have experience doing business in the area. They know how to make a very family-friendly environment and will provide a breakfast, lunch and dinner as well as some acoustic entertainment in the evenings. He then asked if there were any questions.

V-M Lister: Will the hours be the same?

CM: Yes and there will be a considerable emphasis on breakfast. The bid amounts are quite a bit higher so the investment in Archibald Park is reaping the benefit of higher rent amount. The contract could be worth 11+ years just with the Snack Shack. There has been a good return on investment.

6. **MOTION TO APPROVE CONTRACT WITH SQUID INK FOR THE NEWSLETTER "THE WAVE"**

CM: There are some complaints about the newsletter. It's not delivered on the first of the month. The provider will submit a mailing receipt for the bulk mailing date o it is out by the first half of the month. Another complaint was that there should be less marketing and more substance. It is still evolving so we are working on it.

A motion to approve the consent agenda was made by Commissioner Shontz and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES

Vice-Mayor Lister.....YES
Commissioner Shontz.....YES

H. UNFINISHED BUSINESS

1. **ORDINANCE 2013-02**

THE SECOND READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING SECTION 6-3 OF CHAPTER 6; SECTION 66-71 AND 66-73 OF CHAPTER 66; AND SECTION 78-4 OF CHAPTER 78 TO CHANGE THE REFERENCES TO "SOUTH BEACH" TO "JOHNS PASS PARK"; PROVIDING FOR AN EFFECTIVE DATE

CA read Ordinance 2013-02 by title only, second reading.

A motion to pass was made by Commissioner Hodges and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES

Vice-Mayor Lister.....YES
Commissioner Shontz.....YES

2. **ORDINANCE 2013-05**

THE SECOND READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH CODE OF ORDINANCES, SUBPART A (GENERAL

ORDINANCES), CHAPTER 66 (TRAFFIC AND VEHICLES), ARTICLE III (STOPPING, STANDING, PARKING), DIVISION 2 (METERS), SECTION 66-71 (PURPOSE, APPLICABILITY AND HOURLY RATE) TO INCREASE THE PAY STATION HOURLY RATE FROM \$1.00 PER HOUR TO \$1.50 PER HOUR; BY PROVIDING FOR READING BY TITLE ONLY; BY PROVIDING FOR SEVERABILITY; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND BY PROVIDING FOR AN EFFECTIVE DATE THEREOF

CA read the Ordinance 2013-05 by title only, second and final reading.

A motion to approve was made by Commissioner Shontz and seconded by Commissioner Poe.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES

Vice-Mayor Lister.....YES
Commissioner Shontz.....YES

3. ORDINANCE NO. 2013-06

THE SECOND READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, UPDATING MADERIA BEACH'S COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT TO ADOPT AN ADDENDUM TO THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR 2013-14 THROUGH 2017-18; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

CA read the Ordinance 2013-06 by title only, second and final reading.

A motion to approve was made by Commissioner Shontz and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES

Vice-Mayor Lister.....YES
Commissioner Shontz.....YES

4. ORDINANCE 2013-07

THE SECOND READING OF AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CALLING FOR A GENERAL MUNICIPAL ELECTION ON MARCH 11, 2014, FOR THE PURPOSE OF ELECTING A COMMISSIONER FOR DISTRICT ONE, A COMMISSIONER FOR DISTRICT TWO AND A MAYOR; PROVIDING AUTHORIZATION FOR THE CITY CLERK TO SIGN CONTRACT WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR PUBLICATION; AUTHORIZING ELECTION EXPENDITURES; IDENTIFYING THE PINELLAS COUNTY CANVASSING BOARD AS THE CANVASSING BOARD FOR THE MARCH 11, 2014 ELECTION; AUTHORIZING FOR A RUN-OFF ELECTION, IF NECESSARY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

CA read the Ordinance 2013-07 by title only, second and reading.

A motion to approve was made by Commissioner Poe and seconded by Commissioner Hodges.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES

Vice-Mayor Lister.....YES
Commissioner Shontz.....YES

I. NEW BUSINESS

1. RESOLUTION 2013-53

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FY 2014 BUDGET BY APPROPRIATING EXPENDITURES IN THE AMOUNT OF \$5,180 FOR WATER QUALITY SAMPLING; AND PROVIDING FOR AN EFFECTIVE DATE

CA: Read Resolution 2013-53 by title only.

A motion to approve was made by Commissioner Hodges and was seconded by Commissioner Poe.

Commissioner Shontz: Where exactly are we sampling?

CM: The sampling is occurring throughout Madeira Beach and is in response to the fecal presentations that have been brought to our attention. The county has requested that this be continued for another six months to better determine where it is coming from. There are a myriad of causes in relation to improper dumping. It's sporadic throughout the City.

V-M Lister: This is close to the beach and if the state or county needs to test the waters and close the beach, the stigma can stay with the City for years. If it can be avoided, the City needs to be on top of this.

ROLL CALL:

Commissioner Hodges.....YES

Vice-Mayor Lister.....YES

Commissioner Poe..... YES

Commissioner Shontz.....YES

2. RESOLUTION 2013-54

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FY 2013 BUDGET BY PROVIDING INTERNAL TRANSFERS IN THE AMOUNT OF \$14,500 BETWEEN GENERAL FUND DEPARTMENTS

CA: Read Resolution 2013-54 by title only.

A motion to approve was made by Commissioner Shontz and seconded by Commissioner Poe.

FD: This is a simple, housekeeping resolution that will transfer existing funds that will cover a few issues that popped up at the end of the year.

ROLL CALL:

Commissioner Hodges.....YES

Vice-Mayor Lister.....YES

Commissioner Poe..... YES

Commissioner Shontz.....YES

3. RESOLUTION 2013-55

A RESOLUTION OF THE CITY OF MADEIRA BEACH, FLORIDA AMENDING THE FY 2013 BUDGET BY APPROPRIATING REVENUES IN THE AMOUNT OF \$126,500, AND EXPENDITURES IN THE AMOUNT OF \$110,000 FOR MARINA FUEL RE-SALE.

CA: Read Resolution 2013-55 by title only.

A motion to approve was made by Commissioner Shontz and seconded by Commissioner Hodges.

Commissioner Shontz: Complimented the Marina.

V-M Lister: The Marina is doing well, this is about the third time the Marina has requested more money for gas. Are you trying to get a better number prediction next year to avoid so many resolutions?

FD: About \$1 million has been put into the 2014 budget and this probably gets us to \$1.26 million from last year but this is good news assuming there is a nice mark-up on it.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES

Vice-Mayor Lister.....YES
Commissioner Shontz.....YES

4. **ORDINANCE NO 2013-08**

A FIRST READING OF AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; CREATING A NEW DIVISION 4 OF ARTICLE III PROVIDING FOR THE LICENSING AND INSPECTION OF CERTAIN RESIDENTIAL RENTAL ACTIVITIES AND PROPERTIES; ESTABLISHING PROCEDURES, FEES, AND CRITERIA FOR LICENSING, INSPECTION, AND LICENSE REVOCATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

CA: Read Resolution 2013-08 by title only.

A motion to approve was made by Commissioner Poe and seconded by Commissioner Shontz.

Dick Lewis: Offered suggestions prior to the second reading. On page 3, paragraph 5, in the center line the word "made" was a typo and should be deleted.

CA: This sentence actually does make sense, it is reference to "made repairs". If this wording is not liked, an amendment can be made if the Board desires.

Mr. Lewis: The suggestions don't have to be corrected tonight, but they should be considered for the context. In paragraph 6, this requirement is excessive and unrealistic and already covered in paragraphs 3, 4, and 5. On the same page, paragraph C, should be deleted because the registration is already part of the application. In the same section, timely inspections shouldn't have anything to do with the number of units and the City's limitations should not be mentioned. On page 2, with respect to the definition of residential unit, the word transient is unnecessary and undesirable since the scope is previously defined. The scope as it pertains to primary residence - this ordinance does not contain any criteria for primary residents and many people who rent for 30 days with have another primary residence. The primary residence is what the person declares it to be. You should inspect units that are rented for over 30 days. The term "primary residence" muddies the water.

V-M Lister: Advised that Mr. Lewis's notes be given to the City Clerk. The suggestions can be discussed and amended if necessary before the second reading.

ROLL CALL:

Commissioner Hodges.....YES
Commissioner Poe..... YES

Vice-Mayor Lister.....YES
Commissioner Shontz.....YES

J. REPORTS/CORRESPONDENCE

- **CITY COMMISSION**
- **CITY ATTORNEY**

CA: CA Tom Trask was unable attend due to a scheduling change but he apologizes and sends his regards.

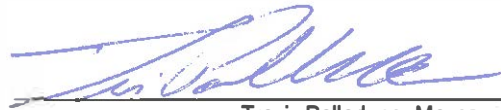
- **CITY MANAGER**

CM: The email is now up and running. The target date for the new website launch is on December 1st. There are a lot of rumors circulating about the Marriott and if it needs to be addressed, it can be in the future.

- **CITY CLERK**

K. ADJOURNMENT – Adjourned at 7:03 p.m.

Date Approved: 12-10-13



Travis Palladeno, Mayor



Submitted by Aimee Servedio, City Clerk

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: November 15, 2013 Televised live on Channel 615