

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS MEETING  
TUESDAY, FEBRUARY 22, 2005  
7:00 PM**

Welcome to the City of Treasure Island Commission Meeting. If you wish to speak on a topic which is on today's agenda, a speaker's form [available in the rear of the room] must be completed and given to the Deputy City Clerk. Please do not address the Commission from your seat, but rather from the podium where your comments can be heard by all and recorded as required by Florida law. Unscheduled topics may be presented under the Public Comments section of the agenda.

**A. PLEDGE OF ALLEGIANCE:** Led by Mayor Maloof

**B. ROLL CALL:**

Mayor Mary Maloof	
Commissioner Phil Collins	District 1
Commissioner Ed Gayton	District 2
Commissioner Richard Kraus (Vice-Mayor)	District 3
Commissioner Alan Bildz	District 4

**C. PUBLIC COMMENTS:**

**D. APPROVAL OF MINUTES:**

Minutes of the meeting of November 30, 2004, are ready for approval.

**E. ITEMS OF BUSINESS:**

1. GFOA Award
2. Ord. - Vacation of Utility Easement at 240-260 108<sup>th</sup> Avenue (1st Reading)
3. Height/Parking Variance Request - TITYC (Public Hearing)
4. Res. - Forward Removal of Fences from Site Plan Review Exemptions for LPA Review
5. Res. - Authorizing The Use Of Community Center & Park For Antique Car/Motorcycle Show
6. Res. - Endorsing Recommendations of the Pinellas Assembly
7. Motion - Proposed Staffing Hours for Sunset Beach Pavilion
8. Motion - Accept Donation From Gulf Beaches Rotary To The Recreation Department
9. Motion - Accept Donations from An Anonymous Donor of \$150.00

**F. CITY MANAGER/CITY ATTORNEY REPORTS:**

1. Farmers Market

**G. REPORTS BY COMMISSIONERS**

**H. PUBLIC COMMENTS:**

**I. ADJOURNMENT:**

Any person desiring to file an appeal to any action taken by the Commission at this meeting will need a record of the proceedings and for such purpose may be required to insure that a verbatim transcript is made. Said transcript shall be made by the appellant at his or her expense. The City maintains a tape recording of all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately insure a verbatim record of the proceedings. Therefore, you may wish to provide a court reporter at your expense.

**CITY OF TREASURE ISLAND  
BOARD OF COMMISSIONERS MEETING  
November 30, 2004  
7:00 p.m.**

**A. PLEDGE OF ALLEGIANCE:** Led by Mayor Maloof

**B. ROLL CALL:**

Mayor Mary Maloof		Present
Commissioner Phil Collins		Present
Commissioner Ed Gayton		Present
Commissioner Richard Kraus	Vice-Mayor	Present
Commissioner Alan Bildz		Present

**C. PUBLIC COMMENTS:**

Dr. Bob Minning stated that the final stage of beach renourishment (sea oats planting) will take place on Saturday, December 4<sup>th</sup> at 8:00 a.m. on Sunset Beach. He stated that the Lion's Club and Mr. Rodgers of the former Nick's Seabreeze agreed to provide parking for the volunteers.

Mayor Maloof stated that Information Technology Assistant Jeff Jensen and Information Technology Coordinator Mark Santos produced a documentary of the previous sea oats planting that is being shown on TITV channel 15.

Ms. Ruth Bartlett requested that the Commission look into having Progress Energy cut tree limbs around power lines. She said she spoke with Progress Energy and that she was unsuccessful getting the company to come out and trim the tree limbs on Paradise Island. Ms. Bartlett stated that twenty-eight (28) residents in her area were without power for four (4) days during the recent hurricanes. She asked where residents can go when their power is out for prolonged periods of time.

City Manager Ralph Stone stated that residents can use the facilities of the City that are not already allocated for other uses. He also suggested that residents without power seek out local shelters. The City manager suggested that residents have a plan in place for power outages.

Mr. Benjamin Hetrick stated that the Christmas Parade hosted by the Treasure Island Business Association (TIBA) and the Chamber of Commerce will be held on Friday, December 3<sup>rd</sup>.

**D. ITEMS OF BUSINESS:**

**1. Charter Review Recommendations –**

Mayor Maloof asked Ms. Dominique Reiter, Vice-chair of the Charter Review Committee, to present the committee's recommendations regarding proposed amendments to the Charter for the March 8, 2005 Referendum Election.

The City Manager stated that the Commission has been provided with seven (7) recommendations for Charter Amendments from the Charter Review Committee. He said that the Commission can approve the language as-is, amend or repeal it. The City Manager thanked the committee members for all of their hard work.

Ms. Reiter thanked the City Manager, City Attorney Maura Kiefer and Deputy City Clerk Jennifer Nye for providing staff assistance during the Charter Review Committee's meetings.

Ms. Reiter introduced the Charter Review Committee members and summarized the seven (7) recommendations submitted to the Commission by the Committee.

The agenda cover memo detailing the Charter Review Committee's Recommendations #1 through 7 and Administration's position regarding each of the recommendations is attached at the end of this set of minutes.

**Recommendation #1**

The City Manager read recommendation #1. He indicated that Administration generally supports recommendation #1 with the understanding that there will be circumstances when broader City goals may require the use of City-owned real estate.

The Commission discussed whether to revise the recommendation to include all city-owned lands and parks in the language.

Mr. Sid Appel suggested that the Commission include parks that are inland in the language.

Commissioner Kraus suggested that the language for recommendation #1 be revised to read "all parks, regardless of their location".

Motion was made by Commissioner Gayton and seconded by Commissioner Kraus to approve recommendation #1 for Section 1.02 with the addition of the language "all parks regardless of their location and public lands within the City of Treasure

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Island” and to send the amended language for Recommendation #1 to the City Attorney for final ballot form and ordinance for 1<sup>st</sup> reading on Tuesday, December 14<sup>th</sup>.

Ms. Heidi Horak stated her concern regarding the right-of-way at 88<sup>th</sup> Avenue. She said that while this right-of-way is located inland, it does provide water access.

Upon roll call, the vote to approve was unanimous.

### **Recommendation #2**

The City Manager read recommendation #2. He stated that Administration opposes Section 3.05 (f) #2 in the proposed language for recommendation #2 because it would allow the electorate to unilaterally vote to abolish the police and fire departments. The City Manager stated that the City’s police and fire departments provide services to the community that the County Sheriff’s office does not. He said it is also important to include the Commission in any decision-making that relates to abolishing these departments.

Ms. Reiter stated that the proposed language for Section 3.05 (f) #1 includes “approval of the registered voters” to be sure that the police and fire departments “would not be hostage to a budget”.

The Commission discussed the language for recommendation #2.

The City Attorney stated that her recommendation was to approve the proposed language for Section 3.05 (f) #1 and #3 and delete the language for Section 3.05 (f) #2.

Ms. Carol Coward indicated that she was in favor of deleting Section 3.05 (f) #2 because she did not feel the decision to abolish the police and fire departments should be made unilaterally by the voters.

Ms. Kathy McCreary stated that the Madeira Beach Commission voted unilaterally to abolish the city’s police department. She said that the original language included “or approval by the registered voters” which would allow the Commission to abolish the police and fire departments without requiring the electorate to vote. She indicated that for this reason, Section 3.05 (f) #1 was changed to include “and approval by the registered voters”.

Ms. Marie Barba stated that she voted against this recommendation due to the requirement of an affirmative vote of all five (5) members of the Commission in Section 3.05 (f) #1. She said she felt the number of Commissioners voting in favor should be less than five (5).

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Ms. Heidi Horak indicated that changing the language for Section 3.05 (f) #1 to require an affirmative vote of all five (5) members of the Commission rather than three (3) members limits the possibility of the abolishment being initiated by the Commission.

Motion was made by Commissioner Gayton and seconded by Commissioner Kraus to approve recommendation #2 for Section 3.05 (f) #1 modifying the language to read "affirmative vote of three (3) members of the City Commission", deleting Section 3.05 (f) #2 and approving Section 3.05 (f) #3 with no changes and to send the amended language for recommendation #2 to the City Attorney for final ballot form and ordinance for 1<sup>st</sup> reading on Tuesday, December 14<sup>th</sup>.

Upon roll call, the vote to approve was unanimous.

### **Recommendation #3**

The City Manager read recommendation #3. He indicated that Administration opposes this recommendation because he felt the City Commission should be able to continue to enjoy the ability to establish policy and local law using its best judgment during the time between a successful petition and the resulting election.

Ms. Reiter stated that recommendation #3 was proposed to provide protection from the Commission subverting citizen initiated petitions by passing ordinances.

The Commission discussed recommendation #3.

Ms. BC Acton stated that she was in favor of the language and she urged the Commission to pass recommendation #3.

Ms. Heidi Horak stated that Ordinance No. 02-06 was found invalid by the court due to a technicality. She said she is in favor of this recommendation.

Mr. Buddy Castiglia spoke in favor of the recommendation and said he felt the language provides for the protection of the people.

Mr. Frank McConnell spoke in favor of the recommendation and he indicated that the language in Ordinance No. 02-06 did not represent "the will of the people".

Motion was made by Commissioner Kraus and seconded by Commissioner Collins to approve the proposed language for recommendation #3 for Section 3.05 (g) and to send recommendation #3 to the City Attorney for final ballot form and ordinance for 1<sup>st</sup> reading on Tuesday, December 14<sup>th</sup>.

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Upon roll call, the vote to approve was unanimous.

**Recommendation #4**

The City Manager read recommendation #4. He stated that Administration supports this recommendation.

Ms. Reiter indicated that this recommendation provides for general housekeeping by providing a definition of resolution.

Motion was made by Commissioner Kraus and seconded by Commissioner Collins to approve the proposed language for recommendation #4 for Section 3.09 and to send recommendation #4 to the City Attorney for final ballot form and ordinance for 1<sup>st</sup> reading on Tuesday, December 14<sup>th</sup>.

Upon roll call, the vote to approve was unanimous.

**Recommendation #5**

The City Manager read recommendation #5 and stated that Administration supports this recommendation.

The City Attorney recommended that the Commission consider adding the word "or ordinance" after "Charter provision" in the first sentence and delete "to all Charter provisions" from the last sentence in Section 6.05.

The Commission discussed recommendation #5.

Ms. Reiter stated that the Committee spent a significant amount of time defining electorate and voter as well simple majority and super majority.

Ms. Kathy McCreary stated that the amended language does represent the Committee's recommendation for Section 6.05.

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to approve recommendation #5 for Section 6.05 modifying the language to read "whenever any Charter provision or ordinance requires a majority vote of the electorate" in the first sentence and deleting "to all Charter provisions" from the last sentence and to send the amended language for recommendation #5 to the City Attorney for final ballot form and ordinance for 1<sup>st</sup> reading on Tuesday, December 14<sup>th</sup>.

Upon roll call, the vote to approve was unanimous.

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**Recommendation #6**

The City Manager read recommendation #6 and he stated that Administration supports this recommendation.

Ms. Reiter indicated that the Committee wanted to increase the time allowed to file referendum petitions from thirty (30) days to ninety (90) days.

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to approve the proposed language for recommendation #6 for Section 7.07 and to send recommendation #6 to the City Attorney for final ballot form and ordinance for 1<sup>st</sup> reading on Tuesday, December 14<sup>th</sup>.

Upon roll call, the vote to approve was unanimous.

**Recommendation #7**

The City Manager read recommendation #7 and he stated that Administration opposes this recommendation because it would create a hierarchy of laws. The City Manager said that the Charter should treat all citizen-initiated ordinances and Commission ordinances the same.

Ms. Reiter stated that the Committee wanted to provide greater protection for laws that were passed by citizen-initiated ordinances or referendums.

The Commission discussed recommendation #7.

Ms. McCreary stated that she did not support this recommendation and she said that she felt this recommendation, if passed, would cause issues with the current LDR's.

Ms. Mary Daughtry stated that Section 68-126 is not the only section of the Code that was passed by the citizens and she referred to alcohol on the beach as an example.

Ms. Marie Barba stated that Ordinance No. 04-02 was never placed on the ballot. She stated that the five-foot height issue will be addressed when this ordinance is presented for a vote of the electorate.

Ms. Gwenda Barnitz thanked the Charter Review Committee for doing a wonderful job. She urged the Commission to pass this recommendation.

Motion was made by Commissioner Gayton and seconded by Commissioner Bildz

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to approve the proposed language for recommendation #7 for Section 7.07 and to send recommendation #7 to the City Attorney for final ballot form and ordinance for 1<sup>st</sup> reading on Tuesday, December 14<sup>th</sup>.

Upon roll call, the vote to approve was unanimous.

Ms. Reiter thanked the Commission for its attention to the Charter Review Committee's recommendations.

Ms. Reiter asked if the Charter Review Committee is terminated now that the recommendations have been presented to the Commission. The City Attorney stated that the Committee will need to meet one more time in order to approve the minutes and then the Committee will be terminated. Commissioner Gayton stated that the resolution indicates that the Charter Review Committee's term will automatically expire once the recommendations have been submitted to the Commission. The Commission agreed that the Committee would be terminated after approving the last two sets of minutes.

Commissioner Bildz reviewed follow-up item #8 (*Does 3.05 (d) allow service on more than one board/commission?*) with the Commission. He said he would like the Commission to consider adding a proposed Charter Amendment that prohibits Commissioners from serving on boards and committees. Commissioner Gayton stated that he felt this issue could be addressed by the Commission at a regular Commission meeting.

Commissioner Bildz reviewed follow-up item #18 (*Section 4.07 (k) Discussion regarding City Manager/City Clerk*) with the Commission. He read Sections 4.07 and 3.08 of the Charter. Commissioner Bildz stated that the current Charter provides for the position of City Clerk and that the City Clerk once appointed would serve as a Charter Officer. The City Attorney indicated that the Commission can appoint a City Clerk but that the current system whereby the City Manager serves as ex-officio City Clerk is legal.

Mayor Maloof asked what the status is of Ordinance No. 04-02 regarding the five-foot height increase for commercial and residential structures. The City Manager stated that a referendum question for this ordinance will be placed on the March 8<sup>th</sup> ballot and that the ordinance will be presented to the Commission for informational purposes at a future Commission meeting since not all of the Commissioners were serving when the ordinance was adopted. Commissioner Kraus asked if an affirmative vote by a super majority of the voters would be required to pass this ordinance due to Section 68-126 of the Code. The City Attorney stated that she would address this issue at the next Commission Workshop meeting.

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**E. CITY MANAGER/CITY ATTORNEY REPORTS:**

The City Attorney stated that the Civic Leaders group is not subject to the Sunshine Law because the group is not considered a city committee under the City's umbrella. She recommended that the Commission approve the funds for a facilitator.

The City Manager congratulated the Charter Review Committee members for their time and for doing an outstanding job.

**F. REPORTS BY COMMISSIONERS:**

Commissioner Collins reported that he attended a Suncoast League of Cities' meeting in Oldsmar.

Commissioner Collins thanked the Charter Review Committee members for doing an excellent job.

Commissioner Gayton thanked the Charter Review Committee, the City Attorney, City Manager and the Deputy City Clerk for the work that went into submitting the recommendations to the Commission.

Commissioner Gayton asked if the Condo/Hotel ordinance (once adopted) will be made retroactive in order to address the six (6) to seven (7) condo/hotels that are already being constructed or have site plans. The City Attorney stated that it is a due process argument and that she would have to go through each provision of the ordinance to answer his question.

Commissioner Collins asked if existing condo/hotels would be subject to the new condo/hotel ordinance or if they would be grandfathered in. The City Attorney stated that it would depend on whether or not there is a violation of due process and that this issue would have to be addressed on a case-by-case basis for some provisions of the ordinance.

Commissioner Kraus thanked the Charter Review Committee and staff for working diligently to provide the Commission with the seven (7) recommendations submitted.

Commissioner Kraus stated that a BIG-C meeting was scheduled for Wednesday, December 1<sup>st</sup>.

Commissioner Kraus stated that the Paradise Island Civic Association's Christmas party would be held on Saturday, December 4<sup>th</sup> at 6:30 pm at the

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Community Center.

Commissioner Bildz stated that 10,000 sea oats will be planted on Sunset Beach on Saturday, December 4<sup>th</sup>. He said that volunteers will be able to park for free at the former Beach Nutts and the former Nick's Seabreeze as well as Dalila's.

Commissioner Bildz stated that he received a resignation from the Beautification Committee for District 4. He asked anyone interested to fill out an application.

Commissioner Bildz commended the Charter Review Committee for its efforts in bringing the recommendations to the Commission.

Mayor Maloof thanked the Charter Review Committee members for all the work that went into presenting the recommendations to the Commission

Mayor Maloof stated that the Farmers' Market will be taking place downtown on Saturday morning, December 4<sup>th</sup>.

**G. PUBLIC COMMENTS:**

Ms. Daughtry asked if a vote is necessary from the Commission for the Charter Review Committee to meet and approve the minutes before terminating. Commissioner Gayton stated that the resolution stated that the Committee will disband after the recommendations are submitted to the Commission. He said the Committee may meet to approve the minutes and then be terminated.

Ms. Reiter asked if the bascule bridge is going to be open for the entire calendar year in 2005 for those people that plan on purchasing annual passes. The Commission indicated that it is hoped that City will be able to keep the bascule bridge open for the next year.

Mr. John Daly stated his concern regarding the effect of pile driving on surrounding properties. The City Manager stated that the City has limited legal authority in this matter and he suggested that property owners obtain legal counsel before serious damage occurs.

Commissioner Collins asked if the City could preclude the use of pile drivers during construction. The City Manager stated that he would have to conduct some research and report back to the Commission.

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Ms. McCreary expressed the importance of documenting any damage that is caused by pile driving. She recommended taking pictures of the damage.

Mr. John Burke asked if contractors are required to carry liability insurance. The City Manager stated that it is handled by the State.

Mr. Benjamin Hetrick also expressed the importance of taking pictures of damage caused by pile driving.

**H ADJOURNMENT:**

\_\_\_\_\_  
Mary Maloof, Mayor

\_\_\_\_\_  
Phil Collins - District 1

\_\_\_\_\_  
Ed Gayton - District 2

\_\_\_\_\_  
Richard Kraus - District 3

\_\_\_\_\_  
Alan Bildz - District 4

**ATTEST:**

\_\_\_\_\_  
Ralph Stone, City Clerk



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *E-1*  
Meeting Date: 2-22-05

## SUBJECT:

The City has received the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2003.

**RECOMMENDATION:** Information Only

## SUMMARY:

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Treasure Island for its comprehensive annual financial report (CAFR) for the fiscal year ended September 30, 2003. The Certificate of Achievement is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government financial reports.

In order to be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized comprehensive annual financial report, whose contents conform to program standards. This CAFR must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. The City of Treasure Island has received a Certificate of Achievement for the last twenty-three consecutive years (fiscal years ended 1981-2003). We believe our current report continues to conform to the Certificate of Achievement program requirements and we are submitting it to GFOA.

### Reviewed by:

Legal  
 Finance  
 Personnel  
 Public Works  
 Community Imp  
 Recreation  
 Police  
 Fire

### Submitted by:

Darren LaFrance

### Originating Dept:

Finance

### User Dept:

### Attachments:

None

### Costs:

Total:

Current Fiscal Year:

### Funding Source:

Capital Improvement  
 Operating  
 Other

### Appropriation Code:



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *E-2*  
Meeting Date: 2-22-05

**SUBJECT:**

Request for easement vacation at 240 - 260 108<sup>th</sup> Avenue.

**RECOMMENDATION:**

Administration recommends that the City Commission approve the requested easement vacation and relocation as requested to facilitate the development of a proposed 16-unit condominium project. The Planning and Zoning Board reviewed and approved this project on February 19, 2004 (PZ-2004-04-SR) and is aware of the necessary easement vacation and relocation.

**SUMMARY:**

The subject property combines two existing properties into one property. As such, there is an existing utility easement on private property that needs to be vacated and relocated in order to accommodate the desired building configuration as approved in PZ-2004-04-SR. The applicant is proposing to relocate the existing stormwater pipe as shown on the attached drawing at the developer's expense. The roadside inlet and the seawall outfall will remain intact and untouched. As proposed, this easement relocation will allow the stormwater to divert underground around the new building.

Letters of no objection have been received from other utilities. Additionally, the City's Public Works Director, Don Hambidge, reviewed this proposal and requested that the easement be 10 feet wide. His memorandum with conditions of approval is also attached. At their February 15, 2005 workshop, the Commission requested that the Ordinance has been modified to ensure that the easement vacation and relocation take effect after the relocation work is completed.

**Reviewed by:**

\_\_\_\_ Legal  
\_\_\_\_ Finance  
\_\_\_\_ Personnel  
\_\_\_\_ Public Works  
 Community Imp  
\_\_\_\_ Recreation  
\_\_\_\_ Police  
\_\_\_\_ Fire

**Submitted by:**

Lynn Rosetti, City Planner

**Originating Dept:**

Community Improvement

**User Dept:**

Community Improvement

**Attachments:**

- Applicant's request.

**Costs:**

Total:

Current Fiscal Year:

**Funding Source:**

Capital Improvement  
 Operating  
 Other

**Appropriation Code:**

**ORDINANCE NO. 05-**

**AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, VACATING AND RELOCATING A UTILITY EASEMENT ON PRIVATE PROPERTY LOCATED AT 240 – 260 108<sup>TH</sup> AVENUE WITHIN THE CITY OF TREASURE ISLAND; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the property owner/developer of 240 – 260 108<sup>th</sup> Avenue, legally described as Lots 4, 5 and 6 of Block 9, according to the Plat of the City of Treasure Island Blocks 2-4-9-10-11-12-13-14-15 and Remainder of Blocks 1 and 8 as recorded in Plat Book 31, Page 19 – 22, of the Public Records of Pinellas County, Florida, desires to redevelop and consolidate these lots for residential use; and

**WHEREAS**, during the February 19, 2004 Planning and Zoning Board public hearing on the subject property's site plan, the need to vacate and relocate the specified utility easement located on private property was identified and discussed during the Site Plan Review process of PZ-2004-04-SR; and

**WHEREAS**, the property owner/developer of 240 – 260 108<sup>th</sup> Avenue currently has an approved site plan to develop these lots into a 16-unit residential condominium (PZ-2004-04-SR); and

**WHEREAS**, the Public Works Director has reviewed this request and has no objection to the vacation and relocation of the specified utility easement; and

**WHEREAS**, other Public Utility companies have reviewed this request and have no objection to the vacation and relocation of the specified utility easement; and

**WHEREAS**, the property owner/developer of 240 – 260 108<sup>th</sup> Avenue is responsible for all costs associated with the vacation and relocation of the specified utility easement; and

**WHEREAS**, the City Commission has reviewed this request and has no objection to the vacation and relocation of the specified utility easement;

**NOW, THEREFORE, THE CITY OF TREASURE DOES RESOLVE:**

**SECTION 1.** That the specified utility easement located on private property at 240 – 260 108<sup>th</sup> Avenue and shown on Exhibit "A" may be vacated and relocated as shown on Exhibit "A."

**SECTION 2.** That the property owner/developer pay all costs relating to the vacation and relocation of the specified utility easement at 240 – 260 108<sup>th</sup> Avenue as shown on Exhibit “A.”

**SECTION 3.** That the property owner/developer shall record such vacation/relocation of the specified utility easement with the Pinellas County Public Records office and show proof of such recording to the City of Treasure Island prior to the permitting of the proposed building that would affect the existing easement.

**SECTION 4.** That the roadside inlet and seawall outfall shall remain intact and untouched.

**SECTION 5.** That the relocated easement shall be 10 feet in width as required by the City of Treasure Island Public Works Director.

**SECTION 6.** This Ordinance shall take effect immediately upon completion of the storm sewer relocation by the applicant, as certified by the City Manager.

**FIRST READING** on the 22<sup>nd</sup> day of February, 2005.

**SECOND READING** on the 22<sup>nd</sup> day of March, 2005.

**PUBLIC HEARING** on the 22<sup>nd</sup> day of March, 2005.

**PUBLISHED** in the St. Petersburg Times on the 9th day of March, 2005.

\_\_\_\_\_  
Mayor Mary Maloof

ATTEST:

\_\_\_\_\_  
Ralph Stone, City Clerk



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *E-3*  
Meeting Date: 2/22/05

**SUBJECT:**

Treasure Island Tennis and Yacht Club request for height and parking variances.

**RECOMMENDATION:**

Administration recommends that the Commission consider the **APPROVAL** of the requested variances as submitted, subject to the Planning and Zoning Board site plan review and approval.

**SUMMARY:** This item was deferred from the originally scheduled public hearings before the City Commission on January 25, 2005 and again on February 8, 2005. A copy of the staff report and the informal advisory opinion from the Florida Commission on Ethics are attached for your review.

<b>Reviewed by:</b>  ____ Legal ____ Finance ____ Personnel ____ Public Works <input checked="" type="checkbox"/> Community Imp ____ Recreation ____ Police ____ Fire	<b>Originating Dept:</b> Community Improvement	<b>Costs:</b> Total:   -\$0- Current Fiscal Year: 2004-05
	<b>User Dept:</b> Community Improvement	<b>Funding Source:</b> <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other
	<b>Attachments:</b> Staff Report Florida Commission on Ethics Advisory Opinion Case backup material.	<b>Appropriation Code:</b>
<b>Submitted by:</b> Lynn Rosetti, AICP City Planner		



**CITY OF  
TREASURE ISLAND  
CITY COMMISSION**

120 - 108th Avenue, Treasure Island, Florida 33706  
Telephone No. (727) 547- 4575; Fax (727) 547-4584

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**CASE NO. CC-2005-01-VR-D (Revised)  
STAFF REPORT  
February 22, 2005, 7:00 p.m., City Commission**

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- STAFF REPORT:** Variance Case # CC-2005-01-VR-D (Deferred)
- APPLICANT:** Treasure Island Tennis and Yacht Club Corporation of Pinellas  
400 Treasure Island Causeway  
Treasure Island, Florida 33706
- DESCRIPTION:** Multiple variances requested to allow the construction of a new clubhouse that exceeds the height allowed and in a manner that triggers the need for a parking variance.
- GENERAL INFORMATION:**
- A. Location:** 400 Treasure Island Causeway
- B. Land Use:** RM-15, Residential Medium
- C. Adjacent Property (Use):**  
North: Single-family Residential  
South: Boca Ciega Bay/City Parkland  
East: Multifamily Residential  
West: Multifamily Residential
- D. Site Area:** Approximately 301,502 sq. ft./6.922 Acres
- E. Flood Zone:** AE, Elevation 12, Community Number 125153 0194 G, September 3, 2003.
- F. Site Legal:** Acreage in Section 23, Township 31S, Range 16E as described on the survey attached herein.

**VARIANCES TO CODE:**

**Section 68-431. Schedule of lot and bulk regulations.**

**Requested Variance -- Height of Building:**

**Allowed: 30 feet above BFE**

**Existing: 35 feet above BFE**

**Requested: 45 feet above BFE**

**Variance: 15 feet above BFE**

**Section 68-486. Off-street parking.**

**Requested Variance – Parking Spaces**

<b>Required:</b>	<b>350 parking spaces</b>
<b>Existing:</b>	<b>201 parking spaces</b>
<b>Proposed:</b>	<b>188 parking spaces</b>
<b>Variance:</b>	<b>162 parking spaces</b>

**BACKGROUND:**

The Treasure Island Tennis and Yacht Club (TITYC) was originally constructed in 1973. The present clubhouse is 22,900 square feet in size. For several years, the membership has been considering either renovating or rebuilding the existing clubhouse due to settling and other considerations including not being FEMA compliant. In order to reconstruct the clubhouse, the applicant believes that two variances are needed – one for height and one for parking. Currently, the TITYC exceeds the height allowed by five (5) feet and has 52 less parking spaces required by the current Code. A very thorough justification statement from the applicant has been provided for the Commission’s consideration and is attached to this staff report.

**STAFF ANALYSIS – HEIGHT VARIANCE REQUEST:**

1. The variance is in fact a variance as set forth within the land development regulations and within the province of the Board or Commission based upon the opinion of the City Attorney.

**Comments:** *The variance being requested is set forth within the Land Development Regulations and is within the province of the Commission.*

2. Special conditions or circumstances exist which are peculiar to the building, structure, or land for which the variance is sought and do not apply generally to buildings, structures, or lands in the same district.

**Comments:** *The subject property is located with the RM-15, Residential Medium, Land Use District where private yacht clubs are allowed as a Special Exception use. The TITYC was constructed in 1973 in a manner that exceeds the current height restrictions by five (5) feet. The present day code addresses the height allowances for permitted uses such as single-family and multifamily residential development, but does not address height restrictions for special exceptions uses such as a private allowable uses. The maximum height allowed in the Code for uses within the RM-15 Land Use District is 30 feet above BFE. The TITYC is the only private yacht club on Treasure Island and is, therefore, a unique use not only within the RM-15 land use district, but a unique use on Treasure Island. The type of construction needed for the clubhouse is actually more closely related to commercial development than to residential development. The applicant is proposing a building that is 45 feet above the BFE, which is five feet taller than the height presently allowed for commercial buildings.*

3. Strict application of the provisions of the land development regulations would not permit the applicant reasonable use of the building; structure, or land.

**Comments:** *The strict application of the provisions of the land use code would require that a new clubhouse be built five (5) feet lower than the existing clubhouse. Furthermore, a new clubhouse will have to be constructed in an elevated manner that meets FEMA requirements. In order to build a clubhouse within the height allowances, either a smaller building would need to be constructed, or some of the club amenities such as tennis courts, would have to be eliminated in order for the clubhouse to expand its present day footprint. The applicant is*

**trying to build a clubhouse that retains a footprint similar to the current clubhouse. Furthermore, the two abutting multifamily residential properties exceed the maximum height allowed in the RM-15 district. The building to the east is over 80 feet tall and the building to the southwest is over 100 feet tall. Therefore, the proposed clubhouse is consistent with the urban design context of the neighborhood.**

4. The peculiar conditions and circumstances existing are not the result of the actions of the applicant, the applicant's agents, or the applicant's predecessors in title.

**Comments: The TITYC was constructed in 1973 and included the clubhouse, pool, docks, and tennis courts. The applicant is trying to rebuild the clubhouse on an existing developed site within the established site plan to the maximum extent possible. In addition, the building's structural design must take FEMA requirements into consideration which mandate additional height.**

5. The reasons set forth in the application justify the granting of a variance.

**Comments: The applicant has prepared an extensive narrative for the Commission's consideration which indicates the reasons for the variance request.**

6. The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the building, structure, or land.

**Comments: Staff finds that the applicant is trying to adaptively reuse the existing site in a manner that preserves the overall site integrity, upgrades the clubhouse which is in need of replacing according to the applicant, and allows the continued use of the existing clubhouse until the proposed clubhouse is constructed (then the existing clubhouse would be demolished). Because the applicant is making a substantial reinvestment into the subject property, there is the desire to build a building that will adequately meets the club's present day needs. There is also the mandate that a new clubhouse be built in conformance with FEMA requirements. Finally, the applicant is desirous of building an attractive building with an aesthetically pleasing roofline. According to the applicant, nine (9) feet could be subtracted from their request if they built the new structure with a flat roof.**

7. Owing to special conditions, a literal enforcement would result in unnecessary hardship. Special conditions to be considered pursuant to this section of the land development regulations shall include, but not be limited to, the following circumstances:
  - a. Redevelopment. If the proposed project involves the redevelopment or utilization of an existing developed or partially developed site.
  - b. Substandard Lot(s). If the proposed project involves the utilization of an existing legal nonconforming lot(s).
  - c. Neighborhood Character. If the proposed project promotes the established development pattern of a block face, including setbacks, building height, and other dimensional requirements.
  - d. Public Facilities. If the proposed project involves the development of public parks, public facilities or public utilities.
  - e. Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

**Comments: Staff finds that there are special conditions to consider in this case. First of all, the proposal involves the redevelopment of an existing site in a manner that attempts to incorporate the existing site elements to the maximum extent possible. The new building is proposed to be constructed immediately west of the existing building with would be**

**demolished after the new building was constructed. Otherwise, the site alterations will be minimal. Secondly, the proposed building will be located between two residential buildings that are significantly taller than either the existing or proposed clubhouse. Finally, the any new building must be elevated to be FEMA compliant. Such a requirement impacts the applicant's ability to construct a new building that also meets the height limitation. It should be noted that the height limitations within the RM-15 district refer only to residential-type buildings. Limitations referring to the private yacht club special exception use are not specifically addressed in the Code. Finally, the applicant has indicated a desire to build an attractive building and would like to incorporate a pitched roof rather than a flat roof into the design. Either roof scenario would require a variance. According to the applicant, there is a nine (9) foot height difference between the two roof types.**

8. The granting of the variance will be in harmony with the general purpose and intent of this chapter.

**Comments: The granting of this variance to allow the construction of a new clubhouse in a manner that exceeds the building height allowed is consistent with the general purpose and intent of the land development regulations. This is because the Code has not specified a height limit for private yacht clubs in the RM-15 land use district. The type of building needed is most similar to a commercial-type building. Such buildings are allowed to be 40 feet above BFE elsewhere in the Code. If such a standard were applied to the TITYC, then a five (5) variance would be the request rather than the necessary 15 foot variance.**

- 9, The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Comments: The TITYC is abutted on both sides by building significantly taller than either the existing or the proposed clubhouse building. As such, it is not anticipated that the proposed clubhouse would be injurious to the surrounding properties.**

#### **STAFF ANALYSIS – PARKING VARIANCE REQUEST:**

1. The variance is in fact a variance as set forth within the land development regulations and within the province of the Board or Commission based upon the opinion of the City Attorney.

**Comments: The variance being requested is set forth within the Land Development Regulations and is within the province of the Commission.**

2. Special conditions or circumstances exist which are peculiar to the building, structure, or land for which the variance is sought and do not apply generally to buildings, structures, or lands in the same district.

**Comments: The subject property is located with the RM-15, Residential Medium, Land Use District where private yacht clubs are allowed as a Special Exception use. The TITYC was constructed in 1973 in a manner that exceeds the current parking requirements 52 parking spaces. According to the applicant, the current parking level is not a problem. The applicant has provided typical weekday and weekend parking counts for the Commission's information. These counts show the current parking situation to be adequate. The major reason for the loss of ten parking spaces is due to an increase in additional landscaping to make the site more compliant with today's landscape requirements.**

3. Strict application of the provisions of the land development regulations would not permit the applicant reasonable use of the building; structure, or land.

**Comments: The strict application of the provisions of the land use code would require either 162 additional parking spaces (i.e. eliminate the tennis courts), or build a significantly scaled down clubhouse. The structure of the parking requirements for private yacht clubs requires**

***parking spaces for the clubhouse, tennis courts, swimming pool, and boat docks slips. However, because the use is private rather than public, there is a finite group of people using the TITYC facilities. According to the applicant, the highest membership level was in 1986 when there were 978 members. Today, the membership totals 728. The applicant stated in the attached narrative that parking has never been a problem. In addition, according to the applicant, over 10 percent of the present members live in the adjoining condominiums where residential parking is provided.***

4. The peculiar conditions and circumstances existing are not the result of the actions of the applicant, the applicant's agents, or the applicant's predecessors in title.

***Comments: The TITYC was constructed in 1973 and included the clubhouse, pool, docks, and tennis courts. The applicant is trying to rebuild the clubhouse on an existing developed site within the established site plan to the maximum extent possible.***

5. The reasons set forth in the application justify the granting of a variance.

***Comments: The applicant has prepared an extensive narrative for the Commission's consideration which indicates the reasons for the variance request.***

6. The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the building, structure, or land.

***Comments: Staff finds that the applicant wants to adaptively reuse the existing site in a manner that preserves the overall site integrity; upgrades the clubhouse which is in need of replacing according to the applicant; and, allows the continued use of the existing parking, minus 10 spaces to primarily accommodate additional interior landscaping requirements.***

7. Owing to special conditions, a literal enforcement would result in unnecessary hardship. Special conditions to be considered pursuant to this section of the land development regulations shall include, but not be limited to, the following circumstances:

- f. Redevelopment. If the proposed project involves the redevelopment or utilization of an existing developed or partially developed site.
- g. Substandard Lot(s). If the proposed project involves the utilization of an existing legal nonconforming lot(s).
- h. Neighborhood Character. If the proposed project promotes the established development pattern of a block face, including setbacks, building height, and other dimensional requirements.
- i. Public Facilities. If the proposed project involves the development of public parks, public facilities or public utilities.
- j. Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

***Comments: Staff finds that there are special conditions to consider in this case because the proposal involves the redevelopment of an existing site in a manner that attempts to incorporate the existing site elements to the maximum extent possible. The TITYC is not altering the existing site plan significantly; it is proposing the replacement of an aging clubhouse with a new FEMA compliant building. The added square footage is to accommodate present day needs. The membership level is stable.***

8. The granting of the variance will be in harmony with the general purpose and intent of this chapter.

**Comments:** *The granting of this variance to allow this parking variance request is in harmony with the general purpose and intent of the land development regulations. Over 30 years of continual use as a private yacht club with the present parking indicates that the amount of parking spaces provided is adequate. It is not anticipated that this proposal to reduce the number of parking spaces would generate a parking problem.*

9, The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Comments:** *The TITYC has existed in the location for over 30 years with the same amount of parking and a stable membership level. As such, it is not anticipated that the proposed redevelopment would be injurious to the surrounding properties.*

**STAFF RECOMMENDATION:**

Staff recommends that the Commission consider the **APPROVAL** of the requested variances as submitted, subject to the Planning and Zoning Board site plan review and approval.

**City Commission Action:**

Approved       Denied       Deferred       Approved with Conditions

**Conditions:**

**CITY OF TREASURE ISLAND, FLORIDA**  
**PUBLIC NOTICE**

**APPLICANT:** Treasure Island Tennis & Yacht Club Corp. of Pinellas  
400 Treasure Island Causeway  
Treasure Island, Florida 33706

**REPRESENTATIVE:** R. Donald Mastry

**PROPERTY ADDRESS:** 400 Treasure Island Causeway

**TREASURE ISLAND**  
**PLANNING AND ZONING BOARD**  
**PUBLIC HEARING**

**CASE NO CC-2005-01-VR-D**

**DATE: Tuesday, February 22, 2005 TIME: 7:00 p.m.**  
**Treasure Island City Hall Auditorium, 120 – 108<sup>th</sup> AVENUE**

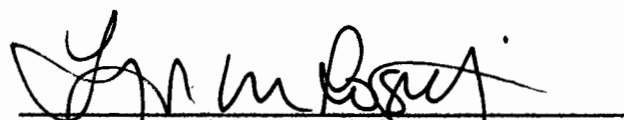
The City Commission will consider a multiple variance request to Section 68-431 (schedule of lot and bulk regulations-height) and 68-486 (off-street parking) to allow the construction of a new 30,000 sq ft. clubhouse. The applicant is requesting to build a structure that is 45 feet above base flood elevation. The requested variance is 15 feet. Relating to parking, the redevelopment requires 350 parking spaces and the applicant is requesting to provide 188 spaces, or a variance of 162 parking spaces. The club currently has 201 parking spaces. The property land use classification is RM-15, Residential Medium.

PLANS FOR THIS APPLICATION MAY BE REVIEWED AT THE COMMUNITY IMPROVEMENT DEPARTMENT, 120 - 108 AVENUE, TREASURE ISLAND, FLORIDA, BETWEEN THE HOURS OF 8:00 AM AND 4:30 PM, MONDAY TO FRIDAY. FOR FURTHER INFORMATION CALL THE COMMUNITY IMPROVEMENT DEPARTMENT AT 547-4575.

**Communications between commission members and public.** Because ex-parte communications are presumptively prejudicial (as they are inherently improper to quasi-judicial proceedings), all oral communications concerning the case between a commission member and the applicant or the public are discouraged by Federal Law, unless made at the hearing on the case. In the event a commission member receives a written ex-parte communication, the commission member shall immediately submit written communication to city staff so that it can be placed on file and any interested party can have an opportunity to review its contents.

ANY PERSON DESIRING TO FILE AN APPEAL TO THE DECISION MADE, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY BE REQUIRED TO INSURE THAT A VERBATIM TRANSCRIPT IS MADE. SAID TRANSCRIPT SHALL BE MADE BY THE APPELLANT AT HIS OR HER EXPENSE. THE CITY MAINTAINS A TAPE RECORDING OF ALL PUBLIC HEARINGS. IN THE EVENT THAT YOU WISH TO APPEAL A DECISION, THE TAPE MAY OR MAY NOT ADEQUATELY INSURE VERBATIM RECORD OF THE PROCEEDINGS, THEREFORE, YOU MAY WISH TO PROVIDE A COURT REPORTER AT YOUR EXPENSE.

NOTE: THE STAFF COMMENTS AND OTHER CORRESPONDENCES MAY ALSO BE VIEWED AT THE COMMUNITY IMPROVEMENT DEPARTMENT OFFICE.

  
Lynn M. Rosetti, AICP, City Planner  
Community Improvement Department

Joel K. Gustafson  
*Chair*  
John A. Grant, Jr.  
*Vice Chair*  
Peter Antonacci  
Kurt D. Jones  
John P. Linstroth  
Charles Lydecker  
Thomas P. Scarritt, Jr.  
Richard L. Spears  
Catherine B. Whatley



State of Florida  
**COMMISSION ON ETHICS**  
3600 Maclay Blvd., South, Suite 201  
P.O. Drawer 15709  
Tallahassee, FL 32317-5709

Bonnie J. Williams  
*Executive Director*

Philip C. Claypool  
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February 2, 2005

RECEIVED FEB 07 2005

Ralph Stone  
City Manager  
City of Treasure Island  
120-108<sup>th</sup> Avenue  
Treasure Island, FL 33705

Re: Request for Informal Opinion: voting conflict

Dear Mr. Stone:

This is in response to your request for an informal opinion as to whether a violation of the Code of Ethics would occur should members of the City Commission who are also either members or shareholders in a local yacht club vote on variances related to the construction of a new clubhouse. You represent that you have been authorized to request the opinion on behalf of the Commission members. In addition, although your letter requests a formal opinion, you have, in the interest of a more rapid response, modified your request through Deputy City Clerk Jennifer Nye, to seek a written informal opinion. In responding, I have relied on materials you have submitted to this office and conversations with Deputy City Clerk Jennifer Nye and Larry Dimond, General Manager of the Treasure Island Tennis and Yacht Club Corporation of Pinellas (Yacht Club).

According to its application for variance, the organization is seeking to renovate the clubhouse, built in 1973, because of "settling problems and reaching the end of its useful life." The renovation would essentially require building a new 30,000 square foot clubhouse and demolishing the old clubhouse. No new tennis courts or boat slips are being built, and it is not anticipated that improvement of the clubhouse will result in a significant increase in membership or parking demands. The variances requested would permit the club to build a two story structure which exceeds the current height limitations by 15 feet, and would allow 162 fewer parking spaces than currently required. (As the clubhouse was built before certain requirements came into being, this amounts to only 10 fewer parking spaces than the club currently has.)

The Yacht Club has 567 shareholders, 420 of whom are also members. Share ownership is limited to one share, and club membership is currently 700. You advise that your City Commission is composed of four members and the Mayor, and that four of these individuals have an interest in the Yacht Club as follows:

Mayor Mary Malouf	member/shareholder (1 share)
Commissioner Ed Gayton	shareholder/not a member (1 share)
Commissioner Richard Krauss	member/shareholder (1 share)
Commissioner Alan Bildz	member/not a shareholder.

Section 112.3143(3)(a), Florida Statutes, states:

**VOTING CONFLICTS.--**No county, municipal, or other local public officer shall vote in an official capacity upon any measure which inures to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(3); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

In relevant part, Section 112.3143 prohibits an official from voting whenever the matter under consideration would work to his or her own special private gain or loss, or to the special private gain or loss of a relative, business associate, or principal. Clearly, the yacht club is not a relative, nor does it appear to be the "principal" of any of the members. "Business associate" is defined in pertinent part at Section 112.312(4), Florida Statutes, as any person or entity engaged in a business enterprise with a public officer as a corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, making all the club's shareholders arguably "business associates" of one another.

The question then becomes whether the vote would convey any special private gain or loss on any of the Commission members themselves, or any shareholders.

The Ethics Commission has said that "'special gain' turns in part on the size of the class of persons who would be affected by a vote and, in part, upon whether the gain would be 'remote and speculative.'" CEO 01-18. When a measure affects a class of sufficient size, the gain is of a

'general' nature and thus is not the 'special' gain addressed by the voting conflicts law, unless the official stands to gain more than the other members of the class. For example, in CEO 01-18, the Commission found a county commissioner would not be prohibited from voting on a DRI amendment where the commissioner's wife was an officer, employee, and shareholder of the applicant's corporate parent. Assuming that the parent company's stockholders stood to benefit from the grant of the DRI, the Commission reasoned that the benefit would affect a very large number of the company's shares, and that the spouse owned only a nominal amount of these, thus the benefit to her was not "special." In addition, the Commission noted that what affect the DRI amendment would have on the stock value could not be predicted with any certainty, and therefore any benefit would be "remote and speculative."

Here, you have indicated that none of the shareholders would experience any direct financial gain as a result of the vote, and that it is unknown whether share prices will change as a result of the building of the new clubhouse. Further, although monthly membership dues have increased, no fee changes related to the new building are anticipated. Given these facts, it appears that any gain or loss to either club members or shareholders as a result of the measure would be remote and speculative.

In any case, it seems that all club members would be affected equally, as would all shareholders. The size of these respective classes (700 members and 567 shareholders) would be considered under prior Commission opinions to be large enough that any gain or loss to an individual member or to the holder of a single share would not be "special." See, CEO 93-12 (297 persons is not so small a class that gain to a firefighter pension board trustee, as an individual member of the class, would be "special"). Accordingly, none of the City Commission members would be prohibited from voting.

Please be aware that this letter reflects only my analysis based upon the facts you have provided and prior decisions of the Ethics Commission, and is not a formal opinion of the Commission itself. If any of the facts are other than as stated, you should not rely upon this opinion without contacting the Commission first. A formal opinion may be requested pursuant to Section 112.322(3), Florida Statutes. If you have any additional questions, please let me know.

Sincerely,



Virindia Doss  
Senior Attorney

Enclosure: CEO 01-18, 93-12

CEO 93-12 -- April 22, 1993

**VOTING CONFLICT OF INTEREST****FIREFIGHTER PENSION BOARD TRUSTEE MEMBER OF  
CLASS SUING CITY AND BOARD VOTING REGARDING LAWSUIT**

To: *Michael S. Davis, City Attorney, City of St. Petersburg*

**SUMMARY:**

A city firefighter pension board trustee who is also a firefighter and member of a pension plan, the members of which are suing the city and board in a class action lawsuit regarding the pension plan, is not prohibited by Section 112.3143(3)(a), Florida Statutes, from voting on measures concerning the lawsuit, and is not subject to the declaration and filing requirements for proper "participation" under Section 112.3143(4), Florida Statutes. The number of persons who stand to benefit from such measures (297) is sufficiently large such that any gain to the Trustee under the measures would not be "special." CEO 90-71 and CEO 83-69 are referenced.

**QUESTION:**

Do Sections 112.3143(3)(a) and 112.3143(4), Florida Statutes, respectively, prohibit a trustee of a firemen's pension fund, which is being sued by a class containing the trustee, from voting on matters concerning the lawsuit or from participating in matters concerning the lawsuit without complying with disclosure and memorandum filing requirements?

Under the circumstances presented in this opinion, your question is answered in the negative.

By your letter of inquiry, accompanying materials, and telephone conversation between your office and our staff, we are advised that Alan D. Rosetti serves as a member (Trustee) and Chairman of the Board of Trustees of the St. Petersburg Firemen's Retirement System and Supplemental Retirement System ("Board"). The Board, under Section 175.061, Florida Statutes, consists of five members--two appointed by the City Council, two required to come from the ranks of the City's firefighters, and the fifth to be chosen by the other four. We are advised further that the Board administers two pension plans (the 'Prior Plan' and the 'Supplemental Plan') and that a current firefighter and a retired firefighter have filed a class action lawsuit (which contains two certified classes--the Supplemental Plan class containing 297 members and the Prior Plan class containing 302 members) against the City and the Board. The lawsuit requests relief from the court which, if granted, would increase monetary benefits to current and future retirees, including the Trustee who is himself a City firefighter, a member of the Supplemental Plan, and a member of the Supplemental Plan class in the lawsuit. Thus far, we are advised, one issue regarding the lawsuit (the hiring of outside counsel to represent the Board) has come before the Board and the Board did in fact hire outside counsel; the Trustee abstained from voting on this issue, although discussing the issue, and publicly declared his private interest (lawsuit involvement) in the matter.

You foresee situations in which the Trustee will be faced with voting on or participating in matters regarding the lawsuit in his official capacity, such as whether and how to defend the lawsuit or oppose or address the aims of the suit's plaintiffs, whether to resist or acquiesce to the suit's demands or requests for relief, whether to accept settlement proposals that could benefit or harm himself as a member of the class action, and whether to take a position or litigation stance adversarial to the City (which would in effect, you relate, place the Board on the side of the plaintiff class).

The Code of Ethics for Public Officers and Employees provides in relevant part:

No county, municipal, or other local public officer shall vote in his official capacity upon any measure which would inure to his special private gain; which he knows would inure to the special private gain of any principal by whom he is retained or to the parent organization or subsidiary of a corporate principal by which he is retained, other than an agency as defined in s. 112.312(2); or which he knows would inure to the special private gain of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of his interest in the matter from which he is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. [Section 112.3143(3)(a), Florida Statutes.]

(4) No appointed public officer shall participate in any matter which would inure to his special private gain; which he knows would inure to the special private gain of any principal by whom he is retained or to the parent organization or subsidiary of a corporate principal by which he is retained; or which he knows would inure to the special private gain of a relative or business associate of the public officer, without first disclosing the nature of his interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term 'participate' means any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction. [Section 112.3143(4), Florida Statutes.]

As an appointed (see CEO 83-69) local public officer, these sections apply to the Trustee. They would prohibit his voting on, and govern his proper participation in, matters which would inure to his special private gain.

In past opinions, we have focused on the size of the group or class of persons to be affected by a measure in determining whether the gain or loss to a public officer within the group would be "special" within the meaning of the provisions of Section 112.3143, unless there are circumstances unique to the officer which would distinguish the public officer's gain or loss from that of other members of the group. See CEO 90-71 and the opinions cited therein as examples of our findings in this regard. Here, it appears that all members of the group (civil lawsuit class) containing the Trustee are similarly situated, that is, they all stand to gain in the same way regarding firefighter retirement benefits. Therefore, we find, based upon our precedent, that 297 persons is not so small a class that gain to the Trustee as an individual member of the class would be "special" within the meaning of the statutory sections set forth above. Needless to say, if the two classes certified under the lawsuit all received gain regarding retirement benefits, the resultant group, numbering 599, also would be within our precedent.

Accordingly, under the circumstances recited in this opinion, we find that the Trustee is not prohibited by Section 112.3143(3)(a), Florida Statutes, from voting on measures concerning the class action lawsuit, and he is not subject to the disclosure and filing requirements of Section 112.3143(4), Florida Statutes, regarding such measures.

CEO 01-18 -- September 11, 2001

**VOTING CONFLICT OF INTEREST**

**COUNTY COMMISSIONER VOTING ON DRI AMENDMENT WHERE HIS WIFE HAS VARIOUS RELATIONSHIPS WITH PARENT COMPANY AND CORPORATE SIBLING OF COMPANY SEEKING THE AMENDMENT**

To: *Mr. Mark Herron, Attorney (Tallahassee)*

**SUMMARY:**

A county commissioner would not be prohibited from voting on a DRI amendment where the company seeking the amendment is owned by the same company which owns the bank employing the commissioner's wife, where the commissioner's wife is a corporate secretary for the parent company, and where the commissioner's wife owns stock in the parent company through her employer's retirement plan. Voting on the DRI amendment will not inure to the special private gain of either the county commissioner or his wife, as the effect on her stock ownership interest would not be "special" and is "remote and speculative."

**QUESTION:**

Would a voting conflict of interest be created were a county commissioner to vote on a DRI amendment sought by a company which is a wholly-owned subsidiary of a company that lists the commissioner's wife as a corporate officer, where the commissioner's wife is employed by another wholly-owned subsidiary of the same corporate parent, and where the commissioner's wife owns stock in the corporate parent through an employer-sponsored retirement program?

Under the circumstances presented, your question is answered in the negative.

In your letter of inquiry and other information you provided to us, we are advised that this opinion is sought on behalf of . . . , a member of the Bay County Board of County Commissioners. You advise that the County Commission will be voting upon an amendment to a DRI which would amend the existing DRI with respect to four parcels and permit the applicant to construct three mid-rise condominium buildings. The wife of the County Commissioner seeking this opinion is employed as an officer in a bank which is a wholly-owned subsidiary of a corporation, where another wholly-owned subsidiary of the same corporation is the applicant seeking the DRI amendment. You also advise that the County Commissioner's wife is listed as an "assistant secretary" in the parent company's corporate documents and that through her employment with the bank, she is a participant in the parent company's retirement plan, a defined contribution plan with approximately 1,152 participants. You further advise that the retirement plan owns 7.72 percent of the outstanding stock in the parent company,<sup>[1]</sup> and her account is credited with 0.04 percent of that outstanding stock. You question whether these circumstances create a voting conflict of interest for the County Commissioner.

Section 112.3143(3), Florida Statutes, provides:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to

the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312 (2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Section 112.3143(3) prohibits a local public officer from voting in certain situations, including when the matter he is voting upon inures to his special private gain or loss or to the special private gain or loss of a relative. "Relative" is defined in Section 112.3143(1)(b) to include one's wife.

You have indicated that the County Commissioner is a full-time Commissioner and is not otherwise employed. Nothing indicates that voting on the DRI amendment would inure to his special private gain or loss. The question, then, is whether voting to amend the DRI would inure to his wife's special private gain.

"Special gain" turns in part on the size of the class of persons who would be affected by a vote and, in part, upon whether the gain would be "remote and speculative." In CEO 99-13, we opined that no voting conflict was created where a city commissioner who owned stock in the parent company voted on a matter involving its wholly-owned subsidiary. Although in that opinion the parent company was a large, publicly traded corporation and here the parent company is a closely-held corporation that is not publicly traded, we do not believe that distinction is significant, chiefly because both the city commissioner in CEO 99-13 and the spouse's retirement account here own only a nominal amount of stock given the total number of outstanding shares.

In CEO 01-8, we reviewed our "size of the class" precedent and repeated that oft-quoted principle:

Where the class of persons is large, we have concluded that 'special gain' will result only if there are circumstances unique to the officer under which he or she stands to gain more than the other members of the class. Where the class of persons benefiting from the measure is extremely small, we have concluded that the possibility of 'special gain' is much more likely. [citations deleted.] In other words, we have long held that when a measure affects a class of sufficient size, the gain is of a 'general' nature and thus is not the 'special' gain addressed by the voting conflicts law.

We also typically have concluded that no voting conflict was presented in situations where the interests of the public official involved one percent or less of the class.

Therefore, based upon the total number of outstanding shares of the parent company's stock (4,510,155 shares), the amount of stock owned by the plan (348,177 shares), the number of participants in the parent company's defined contribution plan (1,152 participants), and the amount of stock held in the wife's retirement account (1,925 shares), even if the amendment to the DRI affects the value of her account, we do not view it as "special" under the voting conflicts law.

Even more significantly, however, we view the potential impact of the DRI amendment on the value of her stock to be remote and speculative. Our "remote and speculative" precedent was also reviewed in CEO 01-8, where we repeated that we had found no special private gain to exist in situations where there was uncertainty at the time of the vote as to whether there would be any gain or loss to the public officer. Here, it cannot be predicted with any certainty that the value of the parent

company's stock will concomitantly increase if its wholly-owned subsidiary is successful in obtaining its DRI amendment and that any increase in stock value will be realized by the Commissioner's wife when she either retires or elects to withdraw her retirement benefits early. Under the current DRI, the developer is already allowed to build 70 condominium units, and while the proposed amendment apparently seeks to increase that number to 136, how that change would affect its parent company's stock and, ultimately, the Commissioner's wife is not manifest. Thus, under our precedent, it cannot be said that voting on the DRI amendment would violate Section 112.3143(3), Florida Statutes.

Accordingly, under the facts presented, we find that the subject County Commissioner is not prohibited from voting on the DRI amendment sought by an applicant, where his wife is employed by a bank which is owned by the same company owning the applicant/developer, and where his wife is a corporate officer of the parent company and owns stock in it through her participation in her employer's retirement plan. We also are of the opinion that the County Commissioner may abstain from voting on the DRI amendment pursuant to Section 286.012, Florida Statutes, which permits a member of a county commission to abstain from voting when "there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143."

**ORDERED** by the State of Florida Commission on Ethics meeting in public session on September 6, 2001 and **RENDERED** this 11th day of September, 2001.

---

Ronald S. Spencer  
*Chair*

---

[1] The parent company is a closely-held corporation with 4,510,155 shares of common stock outstanding; the retirement plan owns 348,177 shares of that stock; there are 1,152 eligible participants in the plan; and the spouse's account holds 1,925 shares.



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *E-4*  
Meeting Date: 2/22/05

**SUBJECT:**

To forward a consideration to remove fences from the site plan review exemptions found in Section 70-33 of the Land Development Regulations to the LPA for its review.

**RECOMMENDATION:**

Administration recommends that the Commission consider forwarding this consideration to the LPA for its review and comment.

**SUMMARY:**

At the February 15, 2005, City Commission meeting, Commissioner Gayton expressed concern that developments were adding fences/walls that were not originally shown on their approved site plan. He wanted such fences and walls to receive full site plan review by the Planning and Zoning Board rather than receive in-house review for compliance with the Land Development Regulations, as currently allowed by the City Code.

A resolution forwarding a recommendation to consider removing fences from Section 70-33 of the Land Development Regulations dealing with exemptions from site plan review is attached for the Commission's consideration.

**Reviewed by:**

\_\_\_\_ Legal  
\_\_\_\_ Finance  
\_\_\_\_ Personnel  
\_\_\_\_ Public Works  
 Community Imp  
\_\_\_\_ Recreation  
\_\_\_\_ Police  
\_\_\_\_ Fire

**Originating Dept:**

Community Improvement

**User Dept:**

Community Improvement

**Attachments:**

Resolution

**Costs:**

Total: -\$0-

Current Fiscal Year: 2004-05

**Funding Source:**

Capital Improvement  
 Operating  
 Other

**Submitted by:**

Lynn Rosetti, AICP  
City Planner

**Appropriation Code:**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY OF TREASURE ISLAND RECOMMENDING THAT THE CITY COMMISSION FORWARD A CONSIDERATION TO REMOVE FENCES FROM THE SITE PLAN REVIEW EXEMPTIONS FOUND IN SECTION 70-33 OF THE LAND DEVELOPMENT REGULATIONS TO THE PLANNING AND ZONING BOARD FOR LOCAL PLANNING AGENCY REVIEW.**

**WHEREAS**, the City Commission has concerns about fences being constructed without receiving formal site plan approval; and

**WHEREAS**, fences are currently exempt from the site plan review process; and

**WHEREAS**, the City Commission wishes to forward the consideration of removing fences from the list of site plan exemptions to the Planning and Zoning Board for the Local Planning Agency to discuss and recommend a course of action to the City Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TREASURE ISLAND:**

**SECTION 1.** That the Planning and Zoning Board, acting as the Local Planning Agency, review the fence exemption found in Section 70-33 of the Land Development Regulations City Code attached exemptions from site plan review dealing with fences and recommend to the City as to the following two items:

[1] Whether such proposed changes are consistent with the adopted Comprehensive Plan and elements thereof of the City of Treasure Island, Florida; and

[2] Whether the Planning and Zoning Board wishes to recommend the passage of this proposed amendment to the Land Development Regulations, as proposed or as amended, to the City Commission.

**SECTION 2.** The Planning and Zoning Board shall meet and file its report as outlined herein with the City Commission within 60 days of the passage of this Resolution.

**SECTION 3.** Upon receiving a report from the Planning and Zoning Board that included a recommendation to revise the Land Development Regulations as they relate to fencing exemptions from site plan review, and in the event the City Commission elects to propose an Ordinance for passage relating to any

recommended revisions, the City Commission shall hold two advertised public hearings on such proposed Ordinance.

**SECTION 4.** This Resolution shall take effect immediately upon its passage.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 22<sup>nd</sup> day of February 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

**YEAS:**

**NAYS:**

**ABSENT OR ABSTAINING:**

---

Mary Maloof, Mayor

**ATTEST:**

---

Ralph Stone, City Clerk

**Sec. 70-33. Exemptions from site plan review.**

(a) No site plan review shall be required under this article for the following improvements:

(1) All single-family dwellings, except those sites abutting the Gulf of Mexico or the public beach adjacent thereto.

(2) Changes in plant species, increases to landscaped and/or pervious area.

(3) Decks or walkways which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements.

(4) Utility sheds which shall not exceed 100 square feet (one shed per property).

(5) Fences on sites not requiring site plan review.

(6) Flag poles.

(7) Docks, davits and boat lifts.

(8) Interior modifications to existing structures, provided that there is no change in land use category or increase in land use intensity.

(9) Exterior modifications to existing structures, such as repainting, changes in facades or signage, etc., provided that there is no change in land use category or increase in land use intensity.

(b) Exemption of the items listed in subsection (a) of this section from site plan review is not intended to eliminate the enumerated items from description requirements if the project or improvement is otherwise subject to site plan review.

(c) The planning and zoning board shall have the authority to waive site plan requirements for modifications to existing structures that are necessary in order to comply with the requirements of the Life Safety Code as adopted in section 64-1.

(Ord. No. 95-10, § 38-33, 9-19-95; Ord. No. 00-08, § 36, 1-9-01)



**CITY OF TREASURE ISLAND  
AGENDA COVER MEMORANDUM**

Agenda Item #: *E5*  
Meeting Date: 2/22/05

**SUBJECT: Sloppy Joe's Restaurant's request for use of the Community Center and Park on Sunday, April 10, 2005 from 1:00pm to 6:00pm for an Antique Car Show and Motorcycle Show to benefit Moffit Cancer Center**

**RECOMMENDATION: To grant permission to Sloppy Joe's Restaurant to use the Community Center and Park for an Antique Car Show and Motorcycle Show to benefit Moffit Cancer Center provided the following requirements and stipulations for the event are followed.**

**SUMMARY: I received a request from Karen Foster, General Manager of Sloppy Joe's on Treasure Island, to use the Community Center and Park for an Antique Car Show and Motorcycle Show. The proceeds from the event will benefit Moffit Cancer Center. The event will be held on Sunday, April 10, 2005 from 1:00pm to 6:00pm. The groups involved in the event are Sloppy Joe's, Jim's Harley Davidson Shop, Born to Ride, Moffit Cancer Center, Bilmar Beach Resort and Budweiser. The event would include music by the local band Shake and various food, beverage and merchandise vendors. Car and Bike show entrants will have to pay a \$15.00 fee. Admittance for the public is free. Anticipated attendance is estimated at 2,000 people, entrees and general public.**

**Lynn Rosetti, City Planner, and I met to discuss the requirements for such an event and are making the following recommendations for the Commission to consider.**

**CONTINUED ON PAGE 2**

<b>Reviewed by:</b> <input type="checkbox"/> Legal <input type="checkbox"/> Finance <input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Community Imp <input checked="" type="checkbox"/> Recreation <input type="checkbox"/> Police <input type="checkbox"/> Fire	<b>Originating Dept:</b> Recreation	<b>Costs:</b> Total: Current Fiscal Year:
	<b>User Dept:</b> Recreation	<b>Funding Source:</b> <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other
	<b>Attachments:</b> <input type="checkbox"/> None	<b>Appropriation Code:</b>
<b>Submitted by:</b> Cathy Hayduke Recreation Director		

- 1) Commission approval will be required to hold the event in Treasure Island Park.
- 2) The City shall require a \$1,000,000 liability policy naming the City of Treasure Island as additional insured.
- 3) Sloppy Joe's will be required to rent the Community Center. The fee for a non-profit/tax exempt organization to rent the facility is \$268.00 for a six-hour rental period. An overtime fee of \$40.00 per hour after the initial six-hours is required. Also, the City will require a security deposit of \$300.00 which is refundable after the event provided no damage or overtime. The Recreation Department will need a copy of the Moffit Cancer Center's 501C3 and tax exemption forms to honor the reduced fee.
- 4) Due to the anticipated amount of participants, two Police Officers will be required during the event. Ms. Foster will have to contact Police Chief Joe Pelkington to make the necessary arrangements. Sloppy Joe's would be required to pay the applicable fee for hiring an off-duty officer.
- 5) Sloppy Joe's will be required to get a one (1) day event permit from the state to sell alcohol. The City will require a copy of the permit be submitted in advance of the date and that the original permit be posted on site on the day of the event.
- 6) Ms. Foster will need to make arrangements with the Public Works Director Don Hambidge to discuss the use of electricity in the pavilion and to determine the location of all sprinkler heads in the park as the cars and motorcycles will be parking on the grass.

I have discussed all the recommendations with Ms. Foster and she indicated that she has no problem complying with our requirements.

Staff's only concern is the anticipated attendance and the impact the additional traffic would have on the current construction on the causeway bridge. Also, there will be limited use of Treasure Island Park due to the storing of equipment at the south end of park for the bridge construction.

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY OF TREASURE ISLAND APPROVING THE REQUEST FROM SLOPPY JOE'S RESTAURANT TO USE THE COMMUNITY CENTER AND PARK ON SUNDAY, APRIL 10, 2005, TO HOLD AN ANTIQUE CAR SHOW AND MOTORCYCLE SHOW TO BENEFIT THE MOFFIT CANCER CENTER.**

**WHEREAS**, Sloppy Joe's Restaurant would like to rent the Community Center and Park to hold an Antique Car Show and Motorcycle Show to benefit the Moffit Cancer Center on Sunday April 10, 2005, from 1:00 pm to 6:00 pm; and

**WHEREAS**, approval of the City Commission is required to hold this event; and

**WHEREAS**, Sloppy Joe's Restaurant would like to rent the Community Center at the non-profit rate.

**NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES RESOLVE:**

That approval is given to Sloppy Joe's Restaurant to rent the Community Center for an Antique Car Show and Motorcycle Show to benefit the Moffit Cancer Center on Sunday, April 10, 2005, from 1:00 pm to 6:00pm with the following recommendations:

1. Sloppy Joe's Restaurant will be required to rent the Community Center at the non-profit/Tax exempt fee of \$268.00 for a six-hour rental period. Overtime fee of \$40.00 per hour will be charged over the six-hour period.
2. The Recreation Department will need a copy of the Moffit Cancer Center's 501C3 and tax exemption forms to honor the reduced fee.
3. Two Police Officers will be required during the event, Sloppy Joe's Restaurant will be required to pay the applicable fee for hiring the off-duty officers.
4. Sloppy Joe's Restaurant will provide the City with a \$1,000,000 liability insurance policy naming the City of Treasure Island as additional insured.
5. Sloppy Joe's Restaurant will obtain a one-day event permit from the state to sell alcohol and provide a copy to the City.
6. Sloppy Joe's Restaurant will arrange with Don Hambidge, Public Works Director, to discuss the use of electricity in the pavilion and to determine the location of all sprinkler heads in the park as the cars and motorcycles will be parking on the grass.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 22<sup>nd</sup> day of February 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

**YEAS:**

**NAYS:**

**ABSENT OR ABSTAINING:**

**ATTEST:**

\_\_\_\_\_  
Ralph Stone, City Clerk

\_\_\_\_\_  
Mary Maloof, Mayor



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *E-6*  
Meeting Date: 2-22-05

**SUBJECT:**

Request by the County Commission and the Council of Mayors to support attached resolutions identifying actions related to the Pinellas Assembly recommendations.

**RECOMMENDATION:**

Administration recommends that the City Commission review and endorse the attached resolutions.

**SUMMARY:**

As indicated in the enclosed correspondence from Pinellas County Commission Chairman Morroni and Council of Mayors Chairman Mischler, it has been almost three years since the original Pinellas Assembly meeting. Since that time, many task forces have been working to develop recommendations regarding the identified issues. The two enclosed resolutions are related to those recommendations where the County Commission and the Council of Mayors have reached agreement regarding specific recommendations and those areas where there is agreement about additional work that needs to be pursued. There are also many issues areas that continue to experience disagreement and these will need further meetings and refinement prior to reaching solutions.

All of the cities in the County are addressing the resolutions concurrently. Please be aware that if there are individual items in either of the resolutions that the City Commission disagrees with, that these areas can be "flagged" and pulled out of either resolution and identified individually for future consideration.

A copy of the Pinellas Assembly report is available for review from Sandra in the City Manager's Office.

**Reviewed by:**

\_\_\_\_ Legal  
\_\_\_\_ Finance  
\_\_\_\_ Personnel  
\_\_\_\_ Public Works  
\_\_\_\_ Community Imp  
\_\_\_\_ Recreation  
\_\_\_\_ Police  
\_\_\_\_ Fire

**Submitted by:****Originating Dept:**

Administration

**User Dept:****Attachments:**

None

**Costs:**

Total:

Current Fiscal Year:

**Funding Source:**

Capital Improvement  
 Operating  
 Other

**Appropriation Code:**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY OF TREASURE ISLAND, FLORIDA, ENDORSING THE RECOMMENDATIONS FROM THE PINELLAS ASSEMBLY PROCESS THAT ARE FOUND TO BE "AREAS OF AGREEMENT" LISTED IN EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 16-18, 2002, the first Pinellas Assembly was held at Harborview Center, in Clearwater, Florida; and

**WHEREAS**, more than one hundred and thirty (130) participants representing the various communities in Pinellas County met to discuss, listen and address opportunities and challenges faced by the County and the Cities; and

**WHEREAS**, it was concluded by the Pinellas Assembly that "... the roles and responsibilities of the county and cities need to be divided more clearly. The system of local government is sound, but adjustments are necessary to eliminate unproductive conflict, increase efficiency, enhance service quality, and correct inequities in the distribution of costs"; and

**WHEREAS**, there were seven (7) task forces {Annexation Policy/Guidelines; City/County MSTU (Municipal Services Taxing Unit) Division of Costs and Revenues; Fire/Emergency Medical Services Structures and Finance; Health Care Services; Law Enforcement Structures and Finance; Recreation Structures and Finance; and Transportation Integration} established to do a more thorough analysis of relevant issues; and

**WHEREAS**, from May 2003 through December 2003, the task forces held more than 70 meetings to discuss the various issues; and

**WHEREAS**, on January 9, 2004, the Pinellas Assembly Task Forces' Report Summary, which includes, the seven Task Forces' recommendations, was presented at a joint meeting of the Pinellas County Board of County Commissioners and the Pinellas Council of Mayors, Inc.; and

**WHEREAS**, the Pinellas County Board of County Commissioners and the Pinellas County Council of Mayors, Inc. individually reviewed and acted upon the Task Forces' recommendations; and

**WHEREAS**, Exhibit A is the Pinellas Assembly Task Force's recommendations that are found to be "Areas of Agreement" between the two bodies.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND, FLORIDA, THAT**

**Section 1.** The City Commission hereby endorses the Pinellas Assembly's recommendations in the attached list titled "Areas of Agreement," Exhibit A.

**Section 2.** This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 22<sup>nd</sup> day of February 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

**YEAS:**

**NAYS:**

**ABSENT OR ABSTAINING:**

---

Mary Maloof, Mayor

ATTEST:

---

Ralph Stone, City Clerk

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY OF TREASURE ISLAND, FLORIDA, TO AGREE IN CONCEPT TO THE RECOMMENDATIONS FROM THE PINELLAS ASSEMBLY PROCESS THAT ARE FOUND TO BE "AREAS FOR FURTHER DISCUSSION" LISTED IN EXHIBIT B; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 16-18, 2002, the first Pinellas Assembly was held at Harborview Center, in Clearwater, Florida; and

**WHEREAS**, more than one hundred and thirty (130) participants representing the various communities in Pinellas County met to discuss, listen and address opportunities and challenges faced by the County and the Cities; and

**WHEREAS**, it was concluded by the Pinellas Assembly that "... the roles and responsibilities of the county and cities need to be divided more clearly. The system of local government is sound, but adjustments are necessary to eliminate unproductive conflict, increase efficiency, enhance service quality, and correct inequities in the distribution of costs"; and

**WHEREAS**, there were seven (7) task forces {Annexation Policy/Guidelines; City/County MSTU (Municipal Services Taxing Unit) Division of Costs and Revenues; Fire/Emergency Medical Services Structures and Finance; Health Care Services; Law Enforcement Structures and Finance; Recreation Structures and Finance; and Transportation Integration} established to do a more thorough analysis of relevant issues; and

**WHEREAS**, from May 2003 through December 2003, the task forces held more than 70 meetings to discuss the various issues; and

**WHEREAS**, on January 9, 2004, the Pinellas Assembly Task Forces' Report Summary, which includes, the seven Task Forces' recommendations, was presented at a joint meeting of the Pinellas County Board of County Commissioners and the Pinellas Council of Mayors, Inc.; and

**WHEREAS**, the Pinellas County Board of County Commissioners and the Pinellas County Council of Mayors, Inc. individually reviewed and acted upon the Task Forces' recommendations; and

**WHEREAS**, Exhibit B is the Pinellas Assembly Task Force's recommendations that are found to be "Areas of Further Discussion" between the two bodies.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND, FLORIDA, THAT**

**Section 1.** The City Commission hereby agrees in concept to the Pinellas Assembly's recommendations in the attached list titled "Areas for Further Discussion," Exhibit B.

**Section 2.** This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 22<sup>nd</sup> day of February 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

**YEAS:**

**NAYS:**

**ABSENT OR ABSTAINING:**

---

Mary Maloof, Mayor

ATTEST:

---

Ralph Stone, City Clerk



**CITY OF TREASURE ISLAND  
AGENDA COVER MEMORANDUM**

Agenda Item #: *E-7*  
Meeting Date: 2/22/05

**SUBJECT:** Sunset Beach Pavilion Hours

**RECOMMENDATION:** Staff is recommending the proposed hours as indicated on the attached table. The proposed hours are based on the times of sunsets on the last day of each month.

**SUMMARY:** As directed, staff has gathered information on the times of sunsets at the end of each month from [Saltwatertides.com](http://Saltwatertides.com) to determine whether or not our current hours accommodate the daily sunset watchers. After reviewing the information, staff is am proposing that the Commission consider revising the current hours at the Beach Pavilion to better serve the public.

Staff also recommends that the Beach Pavilion staff continue to report to work at 12:00noon and leave according to the monthly proposed time. Adopting the proposed closing hours will have no effect on the current personnel costs as the number of hours staff works during the Fiscal Year will remain the same.

--

<p><b>Reviewed by:</b></p> <p>_____ Legal          _____ Finance          _____ Personnel          _____ Public Works          _____ Community Imp  <input checked="" type="checkbox"/> Recreation          _____ Police          _____ Fire</p>	<p><b>Originating Dept:</b> Recreation Department</p> <hr/> <p><b>User Dept:</b> Recreation Department</p> <hr/> <p><b>Attachments:</b>  <b>Monthly Sunset Schedule table</b></p> <p><input type="checkbox"/> None</p>	<p><b>Costs:</b></p> <p>Total:</p> <p>Current Fiscal Year:</p> <hr/> <p><b>Funding Source:</b></p> <p><input type="checkbox"/> Capital Improvement  <input type="checkbox"/> Operating  <input type="checkbox"/> Other</p> <hr/> <p><b>Appropriation Code:</b></p>
<p><b>Submitted by:</b>  <b>Cathy Hayduke</b>  <b>Recreation Director</b></p>		

Month	Sunset (at end of month)	Current Hours	Proposed Hours
February 28 <sup>th</sup>	6:31pm	6:00pm	7:00pm
March 31 <sup>st</sup>	6:48pm	6:00pm	7:00pm
(*) April 30 <sup>th</sup>	8:05pm	9:00pm	9:00pm
May 31 <sup>st</sup>	8:22pm	9:00pm	9:00pm
June 30 <sup>th</sup>	8:31pm	9:00pm	9:00pm
July 31 <sup>st</sup>	8:21pm	9:00pm	9:00pm
August 31 <sup>st</sup>	7:53pm	9:00pm	9:00pm
September 30 <sup>th</sup>	7:18pm	9:00pm	8:00pm
(**) October 31 <sup>st</sup>	5:48pm	9:00pm	6:00pm
November 30 <sup>th</sup>	5:36pm	6:00pm	6:00pm
December 31 <sup>st</sup>	5:47pm	6:00pm	6:00pm
January 31 <sup>st</sup>	6:11pm	6:00pm	7:00pm

(Information gathered from [Saltwaterfritides.com](http://Saltwaterfritides.com))

(\*) Daylight Saving Time

(\*\*) Standard Time

**MOTION TO ACCEPT PROPOSED STAFFING HOURS FOR THE  
SUNSET BEACH PAVILION**

I move that we accept the recommendation for the proposed staffing hours for the Sunset Beach Pavilion prepared and submitted to the Commission by staff.

This motion was offered during the Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 22<sup>nd</sup> day of February 2005 by Commissioner      who moved its adoption; was seconded by Commissioner      and upon roll call, the vote was unanimous.



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *E-8*  
Meeting Date: 2-22-05

**SUBJECT:** Proceeds from Gulf Beaches Rotary Golf & Tennis Challenge

**RECOMMENDATION:** Accept One-Half (1/2) of the Proceeds from the Gulf Beaches Rotary Golf & Tennis Challenge.

## SUMMARY:

Attached is a letter from Charles Coward, Event Chair of the 2005 Rotary Tennis & Golf Challenge which is jointly sponsored by the Gulf Beaches Rotary and the City of Treasure Island-Recreation Department. The profits from this event are shared between the Gulf Beaches Rotary and the City of Treasure Island-Recreation Department.

This year the City's share from the event is \$2,851. Mr. Coward recognized Phil Girardi, Tennis Pro, and Gary Metzger, Golf Pro, for their superior efforts in making this event such a success.

Carol Coward presented the check at the Commission Workshop on February 15 for the Treasure Island Recreation Department.

<b>Reviewed by:</b>  _____ Legal _____ Finance _____ Personnel _____ Public Works _____ Community Imp _____ Recreation _____ Police _____ Fire	<b>Originating Dept:</b>  	<b>Costs:</b>  Total:  Current Fiscal Year:
	<b>User Dept:</b>  	<b>Funding Source:</b>  <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other
	<b>Attachments:</b>  <input type="checkbox"/> None	<b>Appropriation Code:</b>
<b>Submitted by:</b>		

**MOTION TO ACCEPT ONE-HALF (1/2) OF THE PROCEEDS FROM THE  
GULF BEACHES ROTARY  
GOLF AND TENNIS CHALLENGE**

I move that we accept the check for \$2,851.00 from the Gulf Beaches Rotary Club as the City of Treasure Island's share of the proceeds from the joint sponsored 2005 Gulf Beaches Rotary Golf and Tennis Challenge for the Treasure Island Recreation Department. I request that the Mayor to send a thank you letter to the Gulf Beaches Rotary Club for its continued support of our Recreation Department.

This motion was offered during the Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 22<sup>nd</sup> day of February 2005 by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was unanimous.



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *E-9*  
Meeting Date: 2-22-05

**SUBJECT:** Donation of \$150. from an anonymous donor

**RECOMMENDATION:** Accept Donations in the amount of \$150.00 for the City's 50<sup>th</sup> Anniversary.

## SUMMARY:

Donations in the amount of \$150.00 were presented to Mayor Maloof from an anonymous donor. The money is to be divided into three contributions. The Fire and Police Departments will each receive \$50.00 and \$50.00 is donated to the City to use as it deems.

--

<b>Reviewed by:</b>  _____ Legal _____ Finance _____ Personnel _____ Public Works _____ Community Imp _____ Recreation _____ Police _____ Fire	<b>Originating Dept:</b>  	<b>Costs:</b>  Total:  Current Fiscal Year:  <b>Funding Source:</b>  <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other
	<b>User Dept:</b>  	
	<b>Attachments:</b>  <input type="checkbox"/> None	
<b>Submitted by:</b>  		<b>Appropriation Code:</b>  

## **MOTION TO ACCEPT DONATION**

I move that we accept the three checks (\$50.00 each) totaling \$150.00 from an anonymous donor to help celebrate the 50<sup>th</sup> anniversary of Treasure Island. The checks are to be donated to the Fire and Police Departments and the City of Treasure Island.

This motion was offered during the Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 22<sup>nd</sup> day of February 2005 by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was unanimous.



# CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: *F1*  
Meeting Date: 2/22/05

**SUBJECT:** Farmers Market

**RECOMMENDATION:** Informational Only

**SUMMARY:**

I have added an item to the agenda for next Tuesday under City Manager reports at the request of the Farmer's Market management. The market this year has been very successful and that success has led to a circumstance that the current location will not be available soon. Because vendors seek out alternative locations very quickly, the Farmer's Market has proposed an alternative location using a portion of 106<sup>th</sup> Street. They will be providing me a written request and specifically defining the area they are interested in, which will be available for the meeting Tuesday night.

**Reviewed by:**

Legal  
 Finance  
 Personnel  
 Public Works  
 Community Imp  
 Recreation  
 Police  
 Fire

**Submitted by:**

**Originating Dept:**

**User Dept:**

**Attachments:**

None

**Costs:**

Total:

Current Fiscal Year:

**Funding Source:**

Capital Improvement  
 Operating  
 Other

**Appropriation Code:**