

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS MEETING
TUESDAY, AUGUST 23, 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 - Vice Mayor	District 1
Commissioner Ed Gayton	District 2
Commissioner Richard Kraus	District 3
Commissioner Alan Bildz	District 4

C. PUBLIC COMMENTS:

D. APPROVAL OF MINUTES:

Minutes of the meeting of June 7, 2005 are ready for approval.

E. ITEMS OF BUSINESS:

1. Ord. – No Wake Zones for Channels at Isle of Capri and 108th Avenue (1st Reading)
2. Ord. – Noise (2nd Reading & Public Hearing)
3. Res. –Authorization to Hold the Neubauer Regatta at Treasure Bay on 9/17 & 9/18
4. Res. – Selection of Transportation Engineer of Record
5. Res. – Selection of Auditing Firm
6. Res. – Supporting HJR #31 Regarding Eminent Domain
7. Res. – Authorization to Issue RFP for Scope of Work/Schedule for Downtown Redevelopment Plan
8. Res. – Memorial Policy
9. Res. – Referring Variance Criteria and Boat Slip/Lift Covers to the LPA for Review & Recommendation

F. DISCUSSION ITEMS:

G. CITY MANAGER/CITY ATTORNEY REPORTS:

H. REPORTS BY COMMISSIONERS:

I. PUBLIC COMMENTS:

J. 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 WORKSHOP
June 7, 2015
7:00 p.m.**

I. SILENT ROLL CALL BY DEPUTY CITY CLERK:

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

II. PUBLIC COMMENTS:

Mr. Frank McConnell, President of the Paradise Island Civic Association (PICA), stated that he was involved in the planning for the Sun, Sand & Symphony. He thanked Recreation Director Cathy Hayduke and all of the City employees that were involved in organizing the event.

Mr. Tom Long stated that the entire Bay access at 90th Avenue has been fenced off unnecessarily. He said that the only way the City can take away land that has been deeded to the public is by a citizen initiated ordinance. Mr. Long stated that he met with City Manager Ralph Stone on the matter and he said he received a letter from City Attorney Maura Kiefer stating that "the City is not in violation of the dedication, and it is only striving to maintain equipment safe from the public and children". Mr. Long stated that he felt the city Attorney was "wrong" and that the voters want the public access points maintained. He said that he represents a group of people that would like the area made available for use by the public.

Mayor Maloof stated that the Commission will look into the issue and get back to Mr. Long.

Mr. Larry Yost stated that he resides at 143 91st Avenue and that he owns property on both sides of the 90th Avenue easement. He said the City installed a pumping station at 90th Avenue three years ago. He stated before the pumping station was put in, people used the area as a dog walk during the day and to "party" at night. Mr. Yost said that you cannot launch a boat or fish from this area. He read a petition dated July 29, 2003 signed by 22 residents at 90th and 91st Avenues requesting that the easement at 90th Avenue remain closed to public access.

Mr. Fred Stern owner of Ka'Tiki spoke regarding noise citations that were issued to Ka'Tiki. He said the noise citations were dismissed by the judge and that the City Attorney wants to submit a motion to "re-hear" the case. Mr. Stern read a letter from Attorney Jason Goldstein addressed to Florida League of Cities' Attorney James

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Acetone stating that, "If the City of Treasure Island is willing to agree to cease citing my clients for noise ordinance violations prior to 11:00 p.m. and pay damages equal to the attorneys fees and costs incurred by them to date in the criminal and civil actions, my clients have authorized me to dismiss the pending actions against the City".

City Manager Ralph Stone stated that he asked the Police Chief and the City Attorney to report as to whether there is an issue with noise before 11:00 p.m. and the response was affirmative. The City Manager stated that the police were not singling out Ka'Tiki and that they went through due diligence in responding to the noise complaints.

City Attorney Maura Kiefer advised that no one with the City make comments on the matter and reserve discussion on the matter until the executive session.

Mr. Michael Daughtry thanked the City Manager and other staff members that participated in the Pinellas County Beach Cleanup. He said 300 pounds of trash was removed.

III. MINUTES:

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to approve the minutes as written. Upon roll call, the vote to approve was unanimous.

IV. DISCUSSION ITEMS:

1. Presentation of 50th Anniversary Poster & Banner to Bill Edwards –

This item was removed from the agenda.

Mayor Maloof stated that recognition for all those that worked on the 50th anniversary celebration will be scheduled as a future agenda item.

Items #1 and #2 were withdrawn from the agenda.

2. Presentation of Beautification Awards –

This item was removed from the agenda.

Mayor Maloof stated that the Beautification awards were not ready to be presented at this meeting.

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3. Ord. – Condo/Hotel Occupational License Fee Increase (1st Reading 6/14) –

Community Improvement Director Michael Wichman stated that a new section needs to be created to address condo/hotel occupational license fees of \$21.00 per year.

Commissioner Kraus asked if this new fee would apply to all new and existing condo/hotels and the Community Improvement Director responded affirmatively.

Commissioner Kraus asked if the fee would be charged to the condominium associations rather than on a per unit basis and the Community Improvement Director responded affirmatively.

Commissioner Kraus asked if time-share/fractional use units will fall under this section. The City Attorney stated that the LPA will discuss the issue of time share/fractional units at its next meeting but that every unit will be taxed regardless.

Commissioner Collins asked how the condo/hotel occupational license fee of \$21.00 was arrived at. The Community Improvement Director stated that the fee includes a charge for each unit with a 5% increase.

The City Attorney stated that each unit is a separate business and has a separate tax. She stated that the ordinances will be revised accordingly.

The Commission will consider this ordinance for first reading at the Commission meeting on Tuesday, June 14th.

4. Ord. – Occupational License Fee Increase -

The Community Improvement Director reviewed the agenda cover memo with the Commission and he stated that staff was recommending a 5% increase across the board for occupational license fees.

The Commission will consider this ordinance for first reading at the Commission meeting on Tuesday, June 14th.

5. Ord. – Special Exception Approval Process (2nd Reading & Public Hearing 6/14) –

Commissioner Collins asked for more detail regarding Section 70-201 (c). The City Attorney stated that the underlined words *and related site plan* were added due to the focus of the ordinance that requires site plans.

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The Commission will consider this ordinance for second reading and public hearing at the Commission meeting on Tuesday June 14th.

6. Ord. – Vacating 120th & 121st Avenues (2nd Reading & Public Hearing 6/14) –

The Commission will consider this ordinance for second reading and public hearing at the Commission meeting on Tuesday June 14th.

7. Group Health Insurance –

Personnel Director Fred Turner reviewed the agenda cover memo for this item with the Commission. He stated that staff was recommending that the Commission approve the renewal of the current plan at no additional cost.

Commissioner Bildz asked who made up the employee focus group. The Personnel Director stated that members of the Employee Relations Committee broke into an employee focus group to evaluate health insurance plan alternatives.

The City Manager stated that the cost of dependent coverage is \$500 per month for employees. He said this cost will be considered in the FY2005-06 budget.

Commissioner Gayton asked how the City was able to obtain the same benefits with no increase. The Personnel Director asked Mr. Chris Gehring from the Gehring Group (the City's benefits consultant) to answer this question.

Mr. Gehring stated that the City is grouped into a pool demographically and that it is combined with the loss ratio to determine the cost. He said that there is currently an industry trend of a decrease in insurance costs. Mr. Gehring stated that Treasure Island will serve as a benchmark with a 0% increase.

The Commission will consider approval of this resolution at the Commission meeting on Tuesday, June 14th.

Bridge Update -

Public Works Director Don Hambidge stated that a concrete pour was scheduled to take place on Thursday, June 9th from 8:30 a.m. until 7:00 p.m.

The Public Works Director stated that a barbeque would be held on Friday, June 10th from 12:00 p.m. until 1:30 p.m. for the Causeway Bridge crews. He stated that the Commission was invited to attend.

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Commissioner Bildz asked if there had been any damage to the bridge's deck from the concrete trucks. The Public Works Director stated that the trucks have been traveling across the beams to alleviate the risk of causing damage to the deck. The Public Works Director stated that two more large concrete pours remained after the pour on Thursday.

8. Utility Deposit Adjustment -

The City Manager stated that the utility deposits are usually adjusted every two years and that the City had not made an adjustment to utility deposits since 1999. He said staff was recommending a deposit increase of \$50 making the utility deposit amount \$150.

Commissioner Bildz asked how long the City holds these deposits and the City Manager stated that he would check with the Finance Director and report back to the Commission.

The Commission will consider approval of this resolution at the Commission meeting on Tuesday, June 14th.

9. Purchase of Replacement Emergency Generator for Police/ Fire –

Fire Chief Charlie Fant reviewed the agenda cover memo for this item with the Commission. He stated that staff was recommending the purchase of a 100 kw generator. The Fire Chief stated that the item will need to go out for bid and that staff was looking for a consensus regarding the purchase of a 100 kw generator before going to bid.

Commissioner Gayton asked that staff obtain quotes for both fixed and trailer mounted generators and the Fire Chief responded affirmatively.

The Fire Chief stated that this generator would be used by the Police and Fire Departments in the case of an emergency.

The Commission will consider approval of this resolution at the Commission meeting on Tuesday, June 14th.

10. TITV Mission Statement –

Information Technology Coordinator Mark Santos reviewed the revised language for the Mission Statement, Goals and Policy for TITV channel 15 with the Commission.

Commissioner Kraus stated that he felt the Commission should retain the

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responsibility for overseeing TITV broadcast policy.

The City Manager stated that he was in favor of Commissioner Kraus' suggestion and that the City Manager should be responsible for the day-to-day operational issues.

Commissioner Gayton stated that he felt that items place on TITV for viewing should be approved by the Commission.

The City Manager stated that staff makes decisions regarding programming on a regular basis. He said it would be difficult and untimely to take all broadcast items to the Commission for approval before showing them.

The Information Technology Coordinator stated that the criteria for broadcasting on TITV15 are simple. Items that are broadcast must either be a City event, a City sponsored event or they must be approved by the Commission.

Commissioner Kraus suggested deleting the word "and" from sub-paragraph C. under #4. EDITING POLICY and the Information Technology Coordinator concurred.

Mr. Frank McConnell spoke on behalf of Voters Watch and he stated his concern regarding the ENFORCEMENT: PROGRAMMING POLICY section. He said he was concerned regarding the City's ability to broadcast the candidate debates with the criteria that would require broadcasts to be limited to functions of the City Government or those events with direct City Government sponsorship.

The City Attorney suggested adding wording that "any conflict between this policy and the contract that the contract would prevail.

Mr. McConnell suggested adding "City-sanctioned events" to the ENFORCEMENT: PROGRAMMING POLICY section.

The City Attorney suggested adding the words "sanctioned or City-sponsored".

The Commission will consider this resolution at the Commission meeting on Tuesday, June 14th.

IV. OLD BUSINESS:

None.

V. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

1. Set Budget Meetings –

The City Manager reviewed the proposed budget meeting schedule with the Commission.

The City Manager suggested that the Commission schedule budget review meetings for Monday, June 27th, Wednesday, June 29th and Thursday, June 30th.

The Commission discussed the proposed meeting schedule and the City manager stated that he would report back on the dates and times for these meetings at the Commission meeting on Tuesday, June 14th.

Commissioner Gayton stated that there was a misprint in the Neighborhood Times that indicated the City had made a decision not to increase the mill levy.

The City Manager stated that his goal was to bring the Commission a balanced budget with no increase in millage. He stated that the challenge will be to wean the City off of the Causeway Fund of \$1 million in the next two years. He said that even with the increase in the ad valorem taxes it will be a challenge not to increase millage with the loss of the Causeway fund.

2. Audit Selection –

The City Manager stated that Grant Thornton, the City's current auditing firm, is no longer planning to handle municipalities. He said it would be necessary to advertise for a new auditing firm.

3. Request for Reduced Rate for Community Center Rental –

The City Manager stated that Mr. James Marvin, a resident, made a request for a lower rate to rent the Community Center than the City currently offers.

Mr. James Marvin stated that he would like to request a lower rate to rent the Community Center on July 3rd to hold a charity event hosted by local outreach groups.

Commissioner Collins asked what groups he is representing. Mr. Marvin stated that he represents local grass roots groups that work to help with education, poverty and the homeless.

Commissioner Kraus stated that while he was sympathetic to Mr. Marvin's cause,

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every other charitable organization would ask for a reduced fee if the Commission approved his request.

Commissioner Gayton stated that there are fixed rates for the Community center and that while the City strives to keep the rates low, they must adhere to a break even status.

Mayor Maloof stated her concern that Mr. Marvin's request was too vague and she suggested he look into using a church or holding the event out at the beach.

The City Manager read a memo from the Senate office regarding a proposal to allow offshore drilling in Florida. He said the office is requesting that the Commission send a letter opposing this proposal. The City Manager asked the Commission to authorize the Mayor to send the letter as requested and the Commission concurred.

4. Request for Executive Session Regarding Noise Ordinance Litigation –

The City Attorney stated that the executive session could be held on June 21st at the beginning of the meeting or after the Discussion Items. She asked the Commission to set a specific time for the meeting.

The Commission agreed to set the executive session for June 21st after the 2nd round of public comments.

The City Attorney stated that she would bring the Commission up to date on the Ka'Tiki noise litigation.

Commissioner Gayton asked if a request was made for Judge Hessinger to reconsider her decision regarding the noise citation issued to Ka'Tiki and if so, by whom. He also asked if the City Attorney made this request and if she informed the Commission before making it.

The City Attorney responded negatively and stated that it was within her purview to request that Judge Hessinger reconsider her decision.

The City attorney stated that Chad McMonigal's attorney is attempting to obtain an answer from Mr. McMonigal regarding the City's offer.

The City Attorney stated that a Code Enforcement Board hearing was scheduled for June 23rd at 3:00 p.m. regarding code violation(s) at a "halfway house" located at 12305 3rd Street East.

Commissioner Collins asked if more than one hearing would be necessary for each

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of the other halfway houses in Treasure Island. The City Attorney stated that each property would be handled separately.

Commissioner Gayton requested that the City Attorney provide the Commission with a list of the lawsuits that have been filed against the City since Ms. Kiefer's employment as City Attorney.

VI. REPORTS & COMMENTS BY COMMISSIONERS:

1. City Attorney Evaluation -

Mayor Maloof suggested that each Commissioner meet with the City Attorney individually to discuss her performance.

The Commissioners requested that the City Attorney contact each of them to schedule these meetings.

Commissioner Collins stated that the potholes at 126th Avenue and 7th Street East have not been repaired. The City Manager stated that the issue would be addressed.

Commissioner Collins stated that he spoke with Pinellas County Sheriff Coates regarding sexual offenders. Sheriff Coates said the County will be coordinating its list of sexual offenders with the Federal Department of Law Enforcement (FDLE) and that the County will also compile a list of sexual offenders for cities that have not contracted with the Pinellas County Sheriff's office for police services. Commissioner Collins stated that he would obtain more details on this subject and report back to the Commission.

Commissioner Kraus thanked everyone that participated in the 50th anniversary celebration.

Commissioner Kraus stated that a beach cleanup was scheduled for Saturday, June 11th. He said anyone interested in participating should meet at 7:45 a.m. at Ricky T's or at 8:30 a.m. at the Waffle House.

Mr. John Burke stated that there is an enormous amount of trash on the beach from the fireworks and he stated that extra people are needed to assist with the cleanup.

Commissioner Bildz stated that he would not be able to attend the Beach Stewardship Committee meeting on Wednesday, June 8th.

Mayor Maloof stated that Deputy City Clerk Jennifer Nye is compiling a list of people that have requested 50th anniversary banners and that anyone interested should

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contact Ms. Nye.

Mayor Maloof stated that the Neighborly Care Network is looking for volunteers.

Mayor Maloof stated that anyone interested in purchasing an emergency kit from the Neighborly Care Network should call 573-9444.

Mayor Maloof stated that she was appointed Treasure of the Mayor's Council.

Mayor Maloof thanked everyone that participated in the 50th anniversary celebration. She said the Police and Fire Departments as well as many other City employees did a tremendous job.

VII. PUBLIC COMMENTS:

Mr. Paul Schiano spoke in favor of the City adopting an amended noise ordinance to enforce loud and raucous noise prior to 11:00 p.m.

VIII. ADJOURNMENT:

Mary Maloof, Mayor

Phil Collins - District 1

Ed Gayton - District 2

Richard Kraus - District 3

Alan Bildz - District 4

ATTEST:

Jennifer Nye, Deputy City Clerk



CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: III-1
Meeting Date 08/23/05

SUBJECT: ORDINANCE TO CREATE VESSEL SPEED LIMITATION ZONES

RECOMMENDATION: APPROVAL OF AN ORDINANCE TO ADD SPEED LIMITATION ZONES IN CONJUNCTION WITH THE SUBMISSION OF THE WATERWAY MARKERS PERMIT APPLICATION TO THE FLORIDA FISH & WILDLIFE COMMISSION. MARKERS TO BE INSTALLED UPON RECEIPT OF THIS PERMIT

SUMMARY: DUE TO AN AGREED UPON INCREASE IN TRADITIONAL MARINE VESSEL TRAFFIC IN CONJUNCTION WITH PERSONAL WATERCRAFT OPERATIONS, STAFF RECOMMENDS THE FOLLOWING VESSEL SPEED RESTRICTION ZONES BE IMPLEMENTED AS FOLLOWS:

BOCA CIEGA BAY, SPECIFICALLY: (1) IDLE SPEED NO WAKE FOR THE WATERWAY NORTH OF 108TH AVE BEGINNING APPROX. OPPOSITE 180 -108TH AVE (THE POLICE/FIRE COMPLEX) AND RUNNING W/NW TO THE SOUTH WALL OF THE 112TH AVE BRIDGE, (2) SLOW SPEED MINIMUM WAKE FOR THE WATERWAY NORTH OF 115TH AVE BEGINNING OPPOSITE THE INTERSECTION OF 115TH AVE AND 9TH ST EAST OF THE ISLE OF PALMS AND OPPOSITE THE MOST SOUTHEASTERN TIP OF 116TH AVE WHERE IT EXTENDS EAST FROM 7TH STREET EAST ON THE ISLE OF CAPRI AND EXTENDING DUE WEST TO INCLUDE ALL WATERS SOUTH OF CAPRI BLVD – WEST OF 7TH STREET EAST TO THE BORDER OF THE NORTH SIDE OF THE 112TH AVE BRIDGE AND THEN TO THE SOUTH WALL OF THE 116TH AVE BRIDGE. (3) SLOW SPEED MINIMUM WAKE FOR THE WATERWAY BEGINNING AT THE NORTH WALL OF THE 116TH AVE BRIDGE AND EXTENDING IN A NORTHERLY DIRECTION TO A BUOY PLACED OPPOSITE KEY CAPRI ON THE SOUTH SIDE OF THE JOHNS PASS CHANNEL. IN CONJUNCTION WITH THE AFOREMENTIONED LAND BASED COORDINATES, THE SPECIFIC LATITUDE AND LONGITUDE AS DETERMINED BY GLOBAL SATELLITE POSITIONING IS SUBMITTED IN THE ATTACHED (PROPOSED) RESOLUTION. IN CONJUNCTION WITH THE PLACEMENT OF (3) NINE INCH BY THIRTY- INCH CYLINDRICAL BUOYS, FOUR REGULATORY SIGNS APPROX. THIRTY-SIX INCHES BY THIRTY- SIX INCHES, THAT BEAR THE SPECIFIC RESTRICTION, CITY ORDINANCE AND PERMIT NUMBER WILL BE AFFIXED TO THE 112TH AVE BRIDGE (BOTH SIDES) AND THE 116TH AVE BRIDGE (BOTH SIDES). THESE BUOYS AND REGULATORY SIGNS ARE INSTALLED BY THE PINELLAS COUNTY WATERWAY MANAGEMENT DIVISION AND IS DONE WITHOUT COST TO TREASURE ISLAND. THIS SAME DIVISION WILL PROVIDE PERPETUAL MAINTENANCE POST INSTALLATION. IT WILL TAKE APPROX. SIX MONTHS FROM THE DATE OF THE (RECOMMENDED) PASSED CITY ORDINANCE UNTIL THE REGULATORY MARKERS ARE IN PLACE. THE TREASURE ISLAND POLICE DEPARTMENT WILL SUBMIT AND COORDINATE THE PERMIT APPLICATION AND WATERWAY MARKER INSTALLATION PROCESS IN ITS ENTIRETY.

Reviewed by:

- _____ Legal
- _____ Finance
- _____ Personnel
- _____ Public Works
- _____ Community Imp
- _____ Recreation
- XX Police
- _____ Fire

Originating Dept:
POLICE DEPT.

User Dept:
POLICE/PUBLIC WORKS

Attachments:
REFERENCE MAPS
PROPOSED ORDINANCE
GRAPHIC – PROPOSED
BUOYS

Costs: -0-

Total - 0 -

Funding Source:

- Capital Improvement
- Operating
- Other

Submitted by:

SGT. TIM CASEY, T.I.P.D.

Appropriation Code:

ORDINANCE NO 05-

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING SECTIONS 58-92 (2)-2a, AN IDLE SPEED NO WAKE, AND 58-92 (c) 3, A SLOW SPEED MINIMUM WAKE OF "THE CODE OF ORDINANCES OF THE CITY OF TREASURE ISLAND, FLORIDA" AS PREVIOUSLY AMENDED BY ORDINANCE 99-15, BY DESIGNATING CERTAIN AREAS OF THE WATERS OF BOCA CIEGA BAY (APPROXIMATELY) BETWEEN 108TH AVE AND 110TH AVE OF THE ISLE OF PALMS AS "IDLE SPEED NO WAKE", BETWEEN THE NORTH SIDE OF 115TH AVE ISLE OF PALMS AND THE SOUTH SIDE OF THE ISLE OF CAPRI AS "SLOW SPEED MINIMUM WAKE", AND BETWEEN THE 116TH AVE BRIDGE ISLE OF CAPRI DUE NORTH TO KEY CAPRI AT THE SOUTHERN BORDER OF JOHNS PASS AS "SLOW SPEED MINIMUM WAKE"; AMENDING SECTION 58-92(f) OF THE "TREASURE ISLAND CODE OF ORDINANCES" BY THE PROVISION OF ADDITIONAL MARKERS; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN "THE CODE OF ORDINANCES OF THE CITY OF TREASURE ISLAND, FLORIDA", PROVIDING AN EFFECTIVE DATE:

THE CITY OF TREASURE ISLAND DOES ORDAIN:

SECTION 1. That Section 58-92 (2) 2a, Idle speed no wake zone, of the Treasure Island Code of Ordinances is hereby amended as follows:

5. There is hereby created in the city an idle speed – no wake zone in the waterway of Boca Ciega Bay beginning opposite (north of) and between 180 -108th Avenue (the parcel of the police/fire complex), to the southern shoreline of 110 th Avenue, Isle of Palms and proceeding west by northwest to the south wall of the 112th Avenue bridge.

The boundaries of the idle speed-no wake zone shall be deemed to be and include the areas within the locations indicated in subsection (f) of this section, which locations shall be marked by markers. Such markers and locations are also reflected in the diagram set forth in subsection (f).

That section 58-92 (c) 3, a slow speed – minimum wake zone in the waterway of Boca Ciega Bay beginning at a line drawn opposite the intersection of 115th ave at 9th Street East on the Isle of Palms extending across – in a northerly direction - to the south east corner of the most eastern extension of 116th Avenue on the Isle of Capri, then extending due west to include all waters specifically south of Capri Boulevard, west of 7th Street East, north of 115th Avenue, to one border at the north side of the 112th Avenue bridge and then due north to the south wall of the 116th ave bridge. This zone then continues north from the north wall of the 116th Avenue bridge to include all waters to a buoy located at the south border of Johns Pass at Key Capri.

The boundaries of the slow speed-minimum wake shall be deemed to be and include the areas within the locations indicated in subsection (f) of this section, which locations shall be marked by markers. Such markers and locations are also reflected in the diagram set forth in section (f).

SECTION 2. That section 58-92(f), Locations of idle speed – no wake and slow speed – minimum wake zones, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended as follows:

f. Locations of slow speed-minimum wake zones.

Marker Number	Latitude/ Longitude	Site	Location	Mounting	Direction	Symbol	Wordage
1	274725/824611	Bay/sound	Shore	Piling/pole	East	Circle	Slow speed/minimum wake
2	274725/824611	Bay/sound	Shore	Piling/pole	West	Circle	Resume normal safe operation, 30 mph <u>Slow speed/minimum wake</u>
3	274719/824602	Bay/sound	Water	Piling/pole	East	Circle	Slow speed/minimum wake
4	274719/824602	Bay/sound	Water	Piling/pole	West	Circle	Resume normal safe operation, 30 mph <u>Slow speed/minimum wake</u>
5	274709/824637	Bay/sound	Water	Piling/pole	East	Circle	Slow speed/minimum wake
6	274709/824637	Bay/sound	Water	Piling/pole	West	Circle	Slow speed/minimum wake
7	274707/824643	Bay/sound	Water	Piling/pole	East	Circle	Slow speed/minimum wake
8	274709/824643	Bay/sound	Water	Piling/pole	West	Circle	Slow speed/minimum wake
9	274705/824653	Bay/sound	Water	Piling/pole	East	Circle	Slow speed/minimum wake
10	274705/824653	Bay/sound	Water	Piling/pole	West	Circle	Slow speed/minimum wake
11	274695/824696	Bay/sound	Water	Bridge/	East fender	Circle	Resume normal safe operation
12	274695/824696	Bay/sound	Water	Bridge/	West fender	Circle	Slow speed/minimum wake
13	274701/824685	Bay/sound	Water	Dock	East	Circle	Slow speed/minimum wake
14	274701/824685	Bay/sound	Water	Dock	West	Circle	Slow speed/minimum wake
15	274694/824700	Bay/sound	Water	Dock	East	Circle	Slow speed/minimum wake
16	274694/824700	Bay/sound	Water	Dock	West	Circle	Slow speed/minimum wake
17	274698/824669	Bay/sound	Water	Dock	East	Circle	Slow speed/minimum wake
18	274698/824669	Bay/sound	Water	Dock	West	Circle	Slow speed/minimum wake
19	274699/824662	Bay/sound	Water	Piling/pole	East	Circle	Slow speed/minimum wake

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20	274699/824662	Bay/sound	Water	Piling/pole	West	Circle	Slow speed/minimum wake
21	274701/824649	Bay/sound	Water	Piling/pole	East	Circle	Slow speed/minimum wake
22	274701/824649	Bay/sound	Water	Piling/pole	West	Circle	Slow speed/minimum wake
23	274701/824641	Bay/sound	Water	Dock	East	Circle	Slow speed/minimum wake
24	274701/824641	Bay/sound	Water	Dock	West	Circle	Slow speed/minimum wake
25	274701/824641	Bay/sound	Water	Dock	East	Circle	Slow speed/minimum wake
26	274710/824631	Bay/sound	Water	Dock	West	Circle	Slow speed/minimum wake
27	274710/824631	Bay/sound	Water	Dock	East	Circle	Slow speed/minimum wake
28	274715/824622	Bay/sound	Water	Dock	West	Circle	Slow speed/minimum wake
29	274716/824613	Bay/sound	Water	Piling/pole	East	Circle	Slow speed/minimum wake
30	274716/824613	Bay/sound	Water	Piling/pole	West	Circle	Slow speed/minimum wake
31	274716/824619	Bay/sound	Water	Piling/pole	South	Circle	Slow speed/minimum wake
32	274716/824619	Bay/sound	Water	Piling/pole	North	Circle	Resume normal safe operation 30 mph
33	274716/0824554	Bay/sound	Water	Piling/pole	NW	Circle	Slow speed/minimum wake
34	274716/0824554	Bay/sound	Water	Piling/Pole	SE	Circle	Resume normal safe operation 30mph
35	274712/0824553	Bay/sound	Water	Piling/Pole	NW	Circle	Slow Speed/minimum wake
36	274712/0824553	Bay/sound	Water	Piling/Pole	SE	Circle	Resume normal safe operation 30 mph
37	<u>2746.308/8246.072</u>	<u>Bay/sound</u>	<u>Water</u>	<u>Anchored Buoy</u>	<u>East</u>	<u>Circle</u>	<u>Idle Speed-no wake</u>
38	<u>2746.359/8246.289</u>	<u>Bay/sound</u>	<u>112 Ave Bridge</u>	<u>Bridge Mount</u>	<u>Southeast</u>	<u>Circle</u>	<u>Idle Speed-no wake</u>
39	<u>2746.359/8246.289</u>	<u>Bay/sound</u>	<u>112 Ave Bridge</u>	<u>Bridge Mount</u>	<u>Northwest</u>	<u>Circle</u>	<u>Slow speed-minimum wake</u>
40	<u>2746.886/08245.728</u>	<u>Bay/sound</u>	<u>Water</u>	<u>Anchored Buoy</u>	<u>East</u>	<u>Circle</u>	<u>Slow speed-minimum wake</u>
41	<u>2746.585/08246.395</u>	<u>Bay/sound</u>	<u>116 Ave Bridge</u>	<u>Bridge Mount</u>	<u>Southeast</u>	<u>Circle</u>	<u>Slow Speed-Minimum Wake</u>
42	<u>2746.585/08246.395</u>	<u>Bay/sound</u>	<u>116 Ave Bridge</u>	<u>Bridge Mount</u>	<u>Northwest</u>	<u>Circle</u>	<u>Slow Speed-Minimum wake</u>
43	<u>02746.019/08246.778</u>	<u>Bay/sound</u>	<u>Water</u>	<u>Anchored Buoy</u>	<u>North</u>	<u>Circle</u>	<u>Slow Speed-Minimum wake</u>

SECTION 3. In all other respects, the provisions of Section 58-92 of "The Code of Ordinances of the City of Treasure Island, Florida" not hereby amended or modified, shall remain in full force and effect.

SECTION 4. It is the intention of the City Commission that such amended ordinance be included in "The Code of Ordinances of the City of Treasure Island, Florida" and the publisher of the code may renumber or reclassify such other provisions of the Code to accomplish such intention.

SECTION 5. This Ordinance shall take effect immediately upon its final passage.

FIRST READING	on the 23 rd day of August, 2005.
SECOND READING	on the 14 th day of September, 2005.
PUBIC HEARING	on the 14 th day of September, 2005.
PUBLISHED	in the <i>St. Petersburg Times</i> on the 24 th day of August, 2005.

Mary H. Maloof, Mayor

ATTEST:

Jennifer Nye, Deputy City Clerk



**CITY OF TREASURE ISLAND
AGENDA COVER MEMORANDUM**

Agenda Item #: III-2
Meeting Date 08-23-05

SUBJECT: Noise Ordinance

RECOMMENDATION: Review the attached Ordinance for the Commission's consideration.

SUMMARY:

The attached proposed noise ordinance is OPTION#2, which has the time frames left in. The changes are designed to address the county court ruling which called into question the enforceability of the ordinance outside of very narrow time frames. This version is designed to give guidance by listing "specific acts considered to be loud and raucous". The list is NOT meant to be exhaustive. The list is not meant to prevent citations outside the time frames listed in 18-73.

I have recommended that the time frames be deleted, or that the entire section 18-73 be deleted. Alternatively, I have recommended that the City delete its ordinance in favor of relying solely on the county ordinance. The City could also utilize administrative interpretations and policy directives from the city manager's office to give the community guidance regarding enforcement.

Finally, if the Commission desires specific language regarding "residential" vs. "commercial" neighborhoods, I am recommending reliance on the county ordinance, which adequately addresses this issue.

--

<p>Reviewed by:</p> <p><input checked="" type="checkbox"/> Legal <input type="checkbox"/> Finance <input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input type="checkbox"/> Community Imp <input type="checkbox"/> Recreation <input type="checkbox"/> Police <input type="checkbox"/> Fire</p>	<p>Originating Dept:</p> <p>Legal</p> <hr/> <p>User Dept:</p> <p>Legal</p> <hr/> <p>Attachments:</p> <p>None Noise Ordinance</p>	<p>Costs:</p> <p>Total</p> <hr/> <p>Funding Source:</p> <p><input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other</p> <hr/> <p>Appropriation Code:</p>
<p>Submitted by: Maura Kiefer, City Attorney</p>		

OPTION #2: MAKES 18-73 VIOLATIONS PRESUMED IN VIOLATION OF 18-72
July 29, 2005
TIMEFRAMES LEFT IN

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, PERTAINING TO NOISE; AMENDING CHAPTER 18, ARTICLE III, OF THE "CODE OF ORDINANCES OF THE CITY OF TREASURE ISLAND, FLORIDA"; PERTAINING TO NOISE, AMENDING SECTIONS 18-71, 18-72 AND 18-73; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE "CODE OF ORDINANCES OF THE CITY OF TREASURE ISLAND, FLORIDA"; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a recent county court decision in Pinellas County called into question the interpretation of the City's noise and public nuisance ordinances,

WHEREAS, the City desires to confirm in no uncertain terms the meaning and intent of Chapter 18, Article III, and

WHEREAS, the City of Treasure Island desires to improve their current noise and related ordinances so as to apply to all appropriate situations and protect all citizens,

NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:

SECTION 1. That the present section "18-71 Adoption of county noise ordinance" of "The Code of Ordinances of the City of Treasure Island, Florida" is hereby amended as follows:

Sec. 18-71. Adoption of county noise ordinance.

The city commission does hereby adopt county Ordinance No.74-11, and as amended from time to time, regarding noise, which shall, in addition to the other provisions of this chapter, be effective in the city. **In the event of any conflict between the county and the city ordinance, the county shall prevail. Nothing contained in this Article shall be interpreted to restrict the City's rights to enforce or prosecute noise or any violations hereunder by and through any other available legal means, including, but not limited to, the common law, county or state law governing noise**

violations. The City expressly reserves the right to prosecute noise violations under either this local ordinance or county or state authority.

SECTION 2. That the present section "18-72 Prohibited Generally" of "The Code of Ordinances of the City of Treasure Island, Florida" is hereby amended as follows:

Sec. 18-72 Prohibited Generally.

It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise, which term shall mean any sound that, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city. ~~The term "noise" includes the kinds of noise generated by activities enumerated in section 18-73,~~ Except as provided in section 18-75, ~~t~~ The term noise shall include but not be limited to loud and raucous noise heard:

- (1) Upon the public streets;
- (2) In any public park;
- (3) In any school or public building or upon the grounds thereof while in use;
- (4) In any church or hospital or upon the grounds thereof while in use;
- (5) Upon any parking lot open to members of the public as invitees or licensees;
- (6) In any occupied residential unit which is not the source of the noise or upon the grounds thereof; and
- (7) In any event from any location not less than 50 feet from the source of the noise measured from a straight line from the radio, loudspeaker, motor, horn, or other noise source.

SECTION 3. That the present section "18-73. Enumeration" of "The Code of Ordinances of the City of Treasure Island, Florida" is hereby amended as follows:

Sec. 18-73. Enumeration—Specific acts considered to be unreasonably loud and raucous noise.

This section shall not be interpreted to restrict the City's rights to enforce noise violations by and through any other available legal means, including, but not limited to, the common law, county and/or state law governing noise or public nuisances.

Nothing contained in this section shall be interpreted to limit, restrict or otherwise control the provisions of Section 18-72 or any other section in this Article. ~~The following acts, as limited by section 18-72 and subject to the exceptions provided in section 18-75, are declared to be public nuisances in violation of section 18-72, namely:~~

Any of the following acts and causes thereof are presumed to be in violation of this chapter and to constitute unreasonably loud and raucous noise. This enumeration does not constitute an exclusive list:

- (1) *Exhaust.* The discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device that will effectively prevent loud and raucous noises therefrom.
- (2) *Pile drivers, similar appliances.* The operation between the hours of 6:00 p.m. and 7:00 a.m. on any day or at any time on Sunday of any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist or other appliance the use of which is attended by loud and raucous noise.
- (3) *Blowers.* The operation of any blower or power fan or any internal combustion engine the operation of which causes loud and raucous noise unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise.
- (4) *Horns, whistles, signaling devices.* The sounding of any horn, whistle or other audible signaling device so as to create a loud and raucous noise.
- (5) *Radios, amplifiers, phonographs.* The using, operation or permitting to be placed, used or operated any radio, amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise between the hours of 11:00 p.m. and 7:00 a.m.
- (6) *Sound trucks.* The operation of any amplifier or loudspeaker in, upon or attached to a sound truck or other device for amplifying sound within the city for advertising purposes or to attract the attention of the public.
- (7) *Yelling, shouting.* Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise between the hours of 11:00 p.m. and 7:00 a.m. on any day.
- (8) *Animals, birds.* The keeping of any animal or bird that habitually causes a loud and raucous noise.
- (9) *Defect in vehicle or load.* The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other loud and raucous noise or which is not equipped with a muffler in a good working order and in constant operation so as to prevent loud and raucous noise.
- (10) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building so as to create a loud and raucous noise other than between the hours of 7:00 a.m. and 6:00 p.m. on any day or at any time on Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official, which permit may be granted for a period not to exceed three working days or less while the emergency continues and which permit may be renewed for successive periods of three days or less while the emergency continues. If the building official should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. or on Sunday, he may grant permission for such work to be done within such hours or within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.

(11) *Schools, public buildings, churches, hospitals.* The creation of any loud and raucous noise heard within any school, public building, church or any hospital, or the grounds thereof while in use, that interferes with the workings of such institution, or that disturbs or annoys patients in the hospital.

(12) *Noises to attract attention.* The use of any drum or other instrument or device to create a loud and raucous noise. ”

(Ord. No: 91-3, § 2(15-2), 7-2-91)

SECTION 4. All other ordinances or resolutions which conflict wholly or in part with the provisions of this ordinance, are hereby repealed effective the date this ordinance becomes effective.

SECTION 5. It is the intention of the Treasure Island City Commission that each provision hereof be considered severable, and that the invalidity of any provision of this ordinance shall not affect the validity of any other provisions of this ordinance or Chapter 18 of the City of Treasure Island’s Code of Ordinances.

SECTION 6. It is the intention of the City Commission that this amended Ordinance be included in the “The Code of Ordinances of the City of Treasure Island, Florida” and the publisher of such Code may renumber or reclassify such provisions to otherwise accomplish such purpose.

SECTION 7. This Ordinance shall take effect immediately upon the passage of same by the Treasure Island City Commission.

FIRST READING on the day of August, 2005.

SECOND READING on the day of August, 2005

PUBLIC HEARING on the day of August, 2005.

PUBLISHED in the St. Petersburg Times on the day of , 2005.

Mary Maloof, Mayor

ATTEST:

City Clerk

TREASURE ISLAND POLICE DEPARTMENT

MEMO

FROM: CHIEF JOE PELKINGTON

TO: RALPH STONE -- CITY MANAGER

DATE: 7.25.05

RE: SOUND LEVEL METER

Ralph;

As you requested -- information concerning training, acquisition and calibration costs:

Training:

Approx \$750 depending upon group size for half- day training session

Purchase price is about \$3,150

Calibration -- annually is \$500.





CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: III-3
Meeting Date: 8/23/05

SUBJECT:

Authorization to hold the annual Neubauer Optimist Regatta at Treasure Bay on September 17 - 18, 2005.

RECOMMENDATION:

Staff recommends approval of the request by TITYC for use of the Treasure Bay facility to host the annual Neubauer Optimist Regatta on September 17 - 18, 2005.

SUMMARY:

Mr. Tito Vargas, Regatta Chairperson, submitted the attached letter requesting authorization to hold the annual Neubauer Optimist Regatta at Treasure Bay on September 17 - 18, 2005.

A resolution has been prepared for the Commission's consideration at the Commission meeting on Tuesday, August 23, 2005.

Reviewed by:

Legal
 Finance
 Personnel
 Public Works
 Community Imp
 Recreation
 Police
 Fire

Submitted by:

Administration

Originating Dept:

Administration

User Dept:

Administration

Attachments:

Letter from Tito Vargas
Resolution

Costs:

Total

Funding Source:

Capital Improvement
 Operating
 Other

Appropriation Code:

RESOLUTION NO. 05-

A RESOLUTION GRANTING PERMISSION TO THE TITYC TO INSTALL A PORTABLE LAUNCHING RAMP AND USE OF THE CLUB HOUSE AND PARKING FACILITIES AT TREASURE BAY GOLF AND TENNIS CENTER FOR THE ANNUAL BRUCE NEUBAUER OPTIMIST REGATTA ON SEPTEMBER 17 & 18, 2005.

WHEREAS, the Treasure Island Tennis and Yacht Club is sponsoring the annual Bruce Neubauer Optimist Regatta during September 17 & 18, 2005; and

WHEREAS, the TITYC is requesting permission to install a portable launching ramp with a floating platform attached along the North seawall of Treasure Bay Golf and Tennis Center; to use the north half of the club House for registration on Saturday and Sunday morning as well as bathroom facilities; and to use the east side of Paradise Boulevard for parking and one half of the Treasure Bay parking lot.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND DOES RESOLVE THAT:

1. Permission is granted to install a portable launching ramp with floating platform along the North seawall of Treasure Bay Golf and Tennis Center.
2. Except for the portable launching ramp, no vessels shall be allowed to tie up to the City's seawall.
3. Permission is granted to use the north half of the club house for registration on Saturday and as well as the bathroom facilities.
4. Permission is granted to park along the east side of Paradise Boulevard as directed by the City Manager and one half of the Treasure Bay parking lot.
5. TITYC will provide to the City of Treasure Island a \$1 million policy of liability insurance providing coverage for the event and for any activities associated with the preparation, setup or tearing down of the event, listing the City of Treasure Island as named insured.
6. TITYC will provide staff to maintain and stock the restrooms at Treasure Bay.
7. TITYC will be allowed to set up and break down event equipment one week prior and one week after the event as supervised by City staff.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 23rd day of August, 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT:

Mary Maloof, Mayor

ATTEST:

Jennifer Nye, Deputy City Clerk

Treasure Island Tennis and Yacht Club
400 Treasure Island Causeway
Treasure Island, FL 33706
August 11, 2005

Ralph Stone, City Manager
City of Treasure Island
120 108th Avenue
Treasure Island, FL 33706

Mr. Stone:

As it has for the past 16 years, the Treasure Island Tennis and Yacht Club will once again host the Bruce Neubauer Optimist Regatta for youth sailors this fall, on September 17-18, 2005. The regatta typically attracts at least 100 hundred sailors from age 8 to 15, along with their families, from all around the state of Florida. Our town's motels and restaurants benefit from these visitors, and the event gives Treasure Island an ideal opportunity to showcase our beaches and waterfront, our lovely islands, our yacht club, and our recreation center.

The regatta committee formally requests permission to once again use the Treasure Bay Recreation Center to stage this youth regatta, in conjunction with the Treasure Island Tennis and Yacht Club. As outlined when the facility was used for this purpose before, the regatta promises to follow all of the guidelines put forth to ensure a safe and cooperative venture for all of Treasure Island. Ms. Kathy Hayduke has indicated that the recreation center's calendar can accommodate the regatta on September 17-18, 2005. Please advise us as to when a representative of the regatta committee should be present at a workshop in order to address any questions that there might be.

Sincerely,



Eduardo "Tito" Vargas
Regatta Chairperson
(727) 535-6407



**CITY OF TREASURE ISLAND
AGENDA COVER MEMORANDUM**

Agenda Item #: **III-4**
Meeting Date: 8/23/05

SUBJECT: Selection of Transportation Engineer of Record

RECOMMENDATION: Staff recommends that the Commission approves Volkert & Associates as Treasure Island's Transportation Engineer of Record.

SUMMARY: In July, 2005 the City advertised for a Transportation Engineer of Record. It was anticipated that the selected firm would be awarded a one year contract with the possibility of renewing that contract for an additional three (3) years. Seven (7) firms responded to the advertisement. In accordance with Federal DBE regulations, solicitations were also made to DBE firms and the six (6) step BBE process has been followed and documented. The review panel—consisting of the City manager, Public Works' Director and Assistant Director—short-listed the following three (3) firms for oral presentations: DKS Associates; Gray-Calhoun Associates; and, Volkert & Associates. The three firms gave oral presentations to the review panel on 8/03 & 05/05. All of the presenting firms had done their homework and made good presentations to the panel. However, the independent ranking done by each panel member showed that Volkert & Associates was the unanimous selection. Based on the above process and its outcome, the panel recommends that the Commission award the Transportation Engineer of Record contract to Volkert & Associates.

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<p>Reviewed by:</p> <p>_____ Legal _____ Finance _____ Personnel _____ Public Works _____ Community Imp _____ Recreation _____ Police _____ Fire</p>	<p>Originating Dept: DPW</p> <hr/> <p>User Dept: DPW, Admin, CID.</p> <hr/> <p>Attachments:</p> <p>X Resolution</p>	<p>Costs: TBD</p> <p>Total:</p> <p>Current Fiscal Year:</p> <hr/> <p>Funding Source:</p> <p><input type="checkbox"/> Capital Improvement <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Other - Grants</p> <hr/> <p>Appropriation Code:</p>
<p>Submitted by: DPW</p>		

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND APPROVING THE SELECTION OF VOLKERT & ASSOCIATES AS TREASURE ISLAND'S TRANSPORTATION ENGINEER OF RECORD.

WHEREAS the review panel received seven (7) responses to the advertisement for Treasure Island's Transportation Engineer of Record; and

WHEREAS, the review panel selected three (3) firms for oral presentation and the firms presented excellent presentations; and

WHEREAS, the review panel requests that the City Commission approve the selection of Volkert & Associates as Treasure Island's Transportation Engineer of Record.

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

To approve the recommendation of the review panel to select Volkert & Associates as Treasure Island's Transportation Engineer of Record.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 23rd day of August 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT:

Mary Maloof, Mayor

ATTEST:

Jennifer Nye, Deputy City Clerk



CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: III-5
Meeting Date 08-23-95

SUBJECT: Selection of Auditing Firm

RECOMMENDATION: Administration recommends hiring the firm of Davidson, Jamieson & Cristini, P.L. to provide auditing services for up to five years

SUMMARY:

BACKGROUND:

The City received four (4) proposals in response to the Request for Proposals for Auditing Services. We interviewed two (2) of the firms – Davidson, Jamieson & Cristini (DJC) and Cherry, Bekaert & Holland (CBH). Our Audit Committee, consisting of Ralph Stone, Fred Turner, Tricia Markland and Darren LaFrance, conducted the interviews and did the final evaluations. The average score for DJC was 95 and for CBH was 91.

Reviewed by: ____ Legal <input checked="" type="checkbox"/> Finance ____ Personnel ____ Public Works ____ Community Imp ____ Recreation ____ Police ____ Fire	Originating Dept: 	Costs: Total
	User Dept: 	Funding Source: <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other
	Attachments: Resolution	
Submitted by: Darren LaFrance, Finance Director		Appropriation Code:

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND APPOINTING THE FIRM OF DAVIDSON, JAMIESON & CRISTINI, CERTIFIED PUBLIC ACCOUNTANT, AS AUDITOR FOR THE CITY OF TREASURE ISLAND PROVIDING SERVICES FOR UP TO FIVE YEARS.

WHEREAS, the City of Treasure Island has received four (4) Requests for Proposals for Auditing Services for the City of Treasure Island; and

WHEREAS, the audit committee has interviewed two of the auditing firms that submitted proposals, and

WHEREAS, the audit committee is recommending that the City Commission hire the firm of Davidson, Jamieson & Cristini, to provide the auditing services to the City for up to five years.

Now, therefore, the City Commission of the City of Treasure Island Does Resolve:

That the City Commission hire the firm of Davidson, Jamieson & Cristini, to provide auditing services to the City of Treasure Island for up to five years.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 23rd day of August 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT:

Mary Maloof, Mayor

ATTEST:

Jennifer Nye, Deputy City Clerk



CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: III-6
Meeting Date 8-23-05

SUBJECT: State Legislature Resolution Regarding Eminent Domain.

RECOMMENDATION: Subject to City Commission direction.

SUMMARY:

At the August 9, City Commission meeting the Commission requested a resolution be prepared supporting the resolution precluding the use of eminent domain for private economic development through an amendment to the State Constitution. A copy of the resolution is attached.

A resolution supporting HJR #31 has been prepared for the Commission's consideration.

Reviewed by:

____ Legal
____ Finance
____ Personnel
____ Public Works
____ Community Imp
____ Recreation
____ Police
____ Fire

Submitted by:
Administration

Originating Dept:

Commission

User Dept:

Attachments:

Resolutions

Costs:

Total

Funding Source:

Capital Improvement
 Operating
 Other

Appropriation Code:

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY OF TREASURE ISLAND CITY COMMISSION SUPPORTING THE STATE OF FLORIDA HOUSE JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO PRECLUDE THE USE OF EMINENT DOMAIN FOR PRIVATE ECONOMIC DEVELOPMENT PURPOSES.

Whereas, the State of Florida Legislature House Joint Resolution (HJR) 31 recommends that a constitutional amendment be brought before the voters regarding the use of eminent domain for private economic development purposes; and

Whereas, the resolution recommends that eminent domain not be utilized for private economic development purposes; and

Whereas, the City of Treasure Island City Commission desires to support this resolution.

Now Therefore Be It Resolved that the City of Treasure Island City Commission Does Resolve:

To support House Joint Resolution (HJR) 31 and that this resolution will become effective immediately upon adoption.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 23rd day of August 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT:

Mary Maloof, Mayor

ATTEST:

Jennifer Nye, Deputy City Clerk

HJR 31

2006

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 6 of
 3 Article X of the State Constitution to provide that
 4 private economic development shall not be deemed to
 5 constitute a public purpose for which private property may
 6 be taken by eminent domain.

7
 8 Be It Resolved by the Legislature of the State of Florida:

9
 10 That the following amendment to Section 6 of Article 10 of
 11 the State Constitution is agreed to and shall be submitted to
 12 the electors of this state for approval or rejection at the next
 13 general election or at an earlier special election specifically
 14 authorized by law for that purpose:

15 ARTICLE X

16 MISCELLANEOUS

17 SECTION 6. Eminent domain.--

18 (a) No private property shall be taken except for a public
 19 purpose and with full compensation therefor paid to each owner
 20 or secured by deposit in the registry of the court and available
 21 to the owner. Private economic development shall not be deemed
 22 to constitute a public purpose for which private property may be
 23 taken by eminent domain.

24 (b) Provision may be made by law for the taking of
 25 easements, by like proceedings, for the drainage of the land of
 26 one person over or through the land of another.

27 BE IT FURTHER RESOLVED that the following statement be
 28 placed on the ballot:

HJR 31

2006

29
30
31
32
33
34

CONSTITUTIONAL AMENDMENT

ARTICLE X, SECTION 6

EMINENT DOMAIN.--Proposing an amendment to the State
Constitution to provide that private economic development shall
not be deemed to constitute a public purpose for which private
property may be taken by eminent domain.



CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: III-7
Meeting Date 08-23-05

SUBJECT: Downtown Redevelopment Plan Request for Proposals/Statement of Qualifications

RECOMMENDATION: Administration recommends that the City Commission authorize the City Manager to issue Request for Proposals/Statement of Qualifications for the preparation of a Redevelopment Plan for the Downtown area.

SUMMARY:

As the City Commission is aware, the proposed FY05-06 Budget includes funding to prepare a redevelopment plan for the downtown area. This topic was also discussed and supported by the Civic Leaders Group which presented their unanimous support for this at a previous City Commission meeting. The general area that would be included in the planning area would be from Gulf Boulevard on the west, both sides of 108th Avenue to the northeast and both sides of 104th Avenue to the southeast and an eastern boundary of the small western Causeway Bridge. The request for proposals will define the work program to include the following considerations: current and future land uses, current and future land development regulations, urban design recommendations, streetscape, pedestrian and bike improvements, utility/infrastructure analysis and traffic and parking analysis.

The city staff will develop a selection committee which will review, interview and rank the interested firms and the final decision will be presented to the City Commission at a meeting after the FY05-06 Budget is finally approved.

Administration recommends approval of the attached resolution authorizing staff to advertise for these services.

--

<p>Reviewed by:</p> <p>_____ Legal</p> <p>_____ Finance</p> <p>_____ Personnel</p> <p>_____ Public Works</p> <p>_____ Community Imp</p> <p>_____ Recreation</p> <p>_____ Police</p> <p>_____ Fire</p>	<p>Originating Dept:</p> <p>Administration</p> <hr/> <p>User Dept:</p> <p>Administration</p> <hr/> <p>Attachments:</p> <p>Resolution</p>	<p>Costs:</p> <p>Total</p> <hr/> <p>Funding Source:</p> <p><input type="checkbox"/> Capital Improvement</p> <p><input type="checkbox"/> Operating</p> <p><input type="checkbox"/> Other</p> <hr/> <p>Appropriation Code:</p>
<p>Submitted by:</p> <p>Ralph Stone, City Manager</p>		

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY OF TREASURE ISLAND COMMISSION AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS/STATEMENT OF QUALIFICATIONS FOR THE DEVELOPMENT OF A REDEVELOPMENT PLAN FOR THE DOWNTOWN AREA.

Whereas, the downtown area of the City of Treasure Island and the overall city would benefit from a plan for the redevelopment of the downtown area; and

Whereas, both public and private properties in the area should be analyzed to determine the appropriate improvements for the downtown area; and

Whereas, the Civic Leaders Group unanimously recommended to the City Commission that a redevelopment plan be prepared for the downtown area; and

Whereas, the City Commission has budgeted in the FY 06 Budget funds to prepare a downtown redevelopment plan.

Now Therefore Be It Resolved By the City of Treasure Island City Commission that:

1. The City Manager is authorized to advertise and solicit proposals for the development of a downtown redevelopment plan.
2. The final approval of a firm(s) that would provide this service will not occur until funding is approved in the FY 06 Budget.
3. This resolution will become effective immediately upon adoption.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 23rd day of August 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT:

Mary Maloof, Mayor

ATTEST:

Jennifer Nye, Deputy City Clerk



CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: III-8
Meeting Date: 8-23-05

SUBJECT: Memorial Policy

RECOMMENDATION: Establish a memorial policy to honor Sunset Beach residents.

SUMMARY:

Residents of Sunset Beach would like to honor a long time resident, Bessie Penick, and have asked the City Commission to establish a policy that would honor her memory and future Sunset Beach residents.

The City Commission requested that the Beautification Committee review and recommend a memorial policy for Sunset Beach residents. The Beautification Committee met on Tuesday, August 2, 2005, and has recommended that a plaque be placed at the Beach Pavilion to honor Bessie Penick. The Committee also recommended that the plaque purchased be the type to which additional nameplates can be added if Sunset Beach honors other Sunset Beach Residents.

A memo from the Beautification Committee is attached for your consideration.

Administration supports the recommendation from the Beautification Committee.

--

Reviewed by: _____ Legal _____ Finance _____ Personnel _____ Public Works _____ Community Imp _____ Recreation _____ Police _____ Fire	Originating Dept: 	Costs: Total: Current Fiscal Year:
	User Dept: 	Funding Source: <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input type="checkbox"/> Other
	Attachments: Resolution	Appropriation Code:
Submitted by: 		

RESOLUTION NO. 05-

A RESOLUTION ESTABLISHING A MEMORIAL POLICY FOR SUNSET BEACH TO HONOR LONG-TIME RESIDENT BESSIE PENICK AND FUTURE RESIDENTS OF SUNSET BEACH.

WHEREAS, the residents of Sunset Beach would like to honor a long-time resident Bessie Penick; and

WHEREAS, the residents have requested that the City Commission establish a memorial policy to honor Bessie Penick and future Sunset Beach residents; and

WHEREAS, the City Commission has requested that the Beautification Committee review and recommend to the Commission a memorial policy; and

WHEREAS, the Beautification Committee has reviewed and recommended that a plaque with a nameplate be placed at the Beach Pavilion to honor Bessie Penick and further recommended that additional nameplates be added if Sunset Beach honors other Sunset Beach residents.

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

To accept the recommendation of the Beautification Committee to establish a memorial policy honoring Bessie Penick and future Sunset Beach residents by placing a plaque with a nameplate honoring Bessie Penick and future residents at the Beach Pavilion.

The foregoing Resolution was offered during Regular Session of the City Commission of the City of Treasure Island, Florida, sitting on the 23rd day of August 2005, by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT:

Mary Maloof, Mayor

ATTEST:


Jennifer Nye, Deputy City Clerk

CITY OF TREASURE ISLAND

BEAUTIFICATION COMMITTEE

*Carol Malkin-Chair
Ben Hetrick-Vice-Chair
Diane Evans
Millie Fant
Don Nolan
Joann Rosell
Phyllis Swift
Shar Wright*

To: Ralph stone, city Manager

From: Carol Malkin, Chair 
Treasure Island Beautification Committee

Date: August 2, 2005

Subj: Bessie Penick Memorial

In response to your memo of May 9th requesting that the Beautification Committee review and recommend a memorial for Sunset Beach long time resident Bessie Penick, be advised that the memorial policy was reviewed at the Beautification Meeting held August 2, 2005.

A motion was passed unanimously by the Committee to recommend that a plaque be placed at the Beach Pavilion to honor Bessie. It is also recommended that the plaque purchased be the type to which additional nameplates can be added to perhaps honor other Sunset Beach residents.

Cc: Mayor and Commissioners



CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

Agenda Item #: III-9
Meeting Date: 8/23/05

SUBJECT:

Referral of issues to the Planning & Zoning Board for review.

RECOMMENDATION:

Subject to City Commission direction.

SUMMARY:

Commissioner Kraus has recommended several Land Development Regulation amendments for the Planning and Zoning Board to review (see attached memo). The applicable sections of the current City Code have been attached for your information. A resolution is attached including all of the identified items in the memo.

Reviewed by:

_____ Legal
_____ Finance
_____ Personnel
_____ Public Works
_____ Community Imp
_____ Recreation
_____ Police
_____ Fire

Submitted by:
Administration

Originating Dept:
Commission

User Dept:

Attachments:

Memo – Commissioner Kraus
Sections of TI's Code
Resolution

Costs:

Total

Funding Source:

Capital Improvement
 Operating
 Other

Appropriation Code:

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY OF TREASURE ISLAND CITY COMMISSION REQUESTING REVIEW AND RECOMMENDATIONS FROM THE PLANNING AND ZONING BOARD REGARDING CERTAIN LAND DEVELOPMENT REGULATION AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has identified a number of issues related to the current Land Development Regulations of the City of Treasure Island, Florida, and

WHEREAS, the City Commission would benefit from the review and recommendation of the Planning and Zoning Board regarding these issues.

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

SECTION 1. That the following issues dealing with proposed amendments to the Land Development Regulations of the City of Treasure Island, Florida, shall hereby be referred to the Planning and Zoning Board of the City of Treasure Island, Florida, for its review and recommendations:

- [1] Evaluate the variance criteria found in Section 70-221 of the Land Development Regulations to determine the legality of “considered” issues rather than specific criteria.
- [2] Consider establishing criteria pertaining to the maximum allowable height variance including the option for a “tiered” system based on increasing height.
- [3] Consider height limitations for each land use district.
- [4] Consider a limitation on variances to dock lengths using a percentage of the current standard.
- [5] Consider allowing covered boat slips and lifts. Include the establishment of design standards and specify the land use districts where allowed.
- [6] Determine whether such proposed changes are consistent with the adopted Comprehensive Plan and elements thereof of the City of Treasure Island, Florida.

SECTION 2. 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 23rd day of August, 2005 by Commissioner who moved its adoption; was seconded by Commissioner and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT OR ABSTAINING:

Mary H. Maloof, Mayor

ATTEST:

Jennifer Nye, Deputy City Clerk

MEMORANDUM

From: Richard Kraus, Commissioner, District 3

To: Mayor, Commission, and City Manager

Two items to refer to the P&Z for consideration

1. Review the variance criteria
 - a. Is it legal to have "considered" issues rather than have them meet specified requirements?
 - b. Establish criteria for a maximum allowable height variance, using existing, modified or additional criteria. Possibly a two-step plan. i.e. up to 7 feet= criteria plan 1, 7 to 15 feet= criteria plan 2, no height variance allowed over 15 feet.
 - c. Consider a different height limitation for each zoning district?
 - d. Consider a percentage of permitted to maximum length variance for docks.

2. Review for consideration and recommendation allowing covers over boat slips and lifts.
 - a. Establish a design standard.
 - b. Allow in residential only or all zones?

DIVISION 3. VARIANCES

Sec. 70-221. Procedure.

The planning and zoning board or the city commission, as provided for by the City Code, may authorize a variance from the provisions of the land development regulations that are not contrary to the public interest. The power and authority to grant variances to accessory structures, parking requirements, building height, and waterfront yards abutting the Gulf of Mexico or public beach will be solely within the jurisdiction of the city commission. In no instance shall a variance be granted to density. The planning and zoning board or the city commission, as applicable, shall not review a variance request until:

- (a) An application for such variance has been received by the city manager or specified designee, stating the special conditions and circumstances applying to the building, structure, or land for which such variance is sought. The application shall demonstrate that the existing conditions and circumstances are such that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of said building, structure, or land equivalent to the use made of buildings, structures, or lands in the same district and permitted under the terms of this provision, and that the peculiar conditions and circumstances are not the result of the actions of the applicant, the applicant's agents, or the applicant's predecessors in title. Since each application is considered based upon the unique circumstances presented by such application, prior decisions of the board or commission shall not constitute grounds for the granting of any variance.
- (b) The board or commission has received a report from the city manager or specified designee that evaluates the application based on the criteria required by this section.
- (c) The board or commission holds a public hearing after written and posted notice has been given to the extent provided by chapter 70 of the City Code.
- (d) The board or commission finds that the following criteria have been considered:
 - (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;
 - (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;
 - (3) Strict application of the provisions of the land development regulations would not permit the applicant reasonable use of the building; structure, or land;
 - (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;
 - (5) The reasons set forth in the application justify the granting of a variance;

- (6) The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the building, structure, or land;
- (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.
- (8) The granting of the variance will be in harmony with the general purpose and intent of this chapter; and
- (9) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (f) In granting any variance, the planning and zoning board or city commission may prescribe appropriate conditions and safeguards in conformity with the land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
- (g) Under no circumstances shall the planning and zoning board or city commission grant a variance to permit a use not generally or by special exception permitted in the land use district involved or any use expressly or by implication prohibited by the land development regulations.
- (h) The granted variance shall be valid for one year. To remain in effect after one year, one of the following must have occurred:
 - (1) An extension of time has been approved by the approving body;
 - (2) Building permits relating to the requested variance have either been applied for or granted; or
 - (3) A site plan review relating to the requested variance has been applied for or approved by the planning and zoning board.

Any requests for an extension of time relating to a variance(s) must be in writing and received by the city manager or specified designee at least three (3) weeks prior to its expiration date in order for the request to be placed on the approving body's agenda.

(Ord. No. 95-10, § 38-128, 9-19-95; Ord. No. 96-15, § 2, 9-24-96; Ord. No. 04-01, § 1, 1-13-04)

Secs. 70-222—70-240. Reserved.

DIVISION 4. APPLICATION REQUIREMENTS

Sec. 70-241. Application for appeals to administrative decisions; special exceptions, and variances.

An application shall be made, on required forms, to the city prior to an application for a building permit and will only be accepted if all other applicable ordinances and provisions have been complied with.

(Ord. No. 95-10, § 38-129, 9-19-95)

Sec. 70-242. Referral to planning and zoning board.

(a) As soon as practical after the acceptance of the application, the administrative staff of the city shall refer the application, together with all supporting documentation and staff recommendations to the planning and zoning board for their review and action.

(b) Eighteen copies of the application packet, three of which shall have original seals, shall be submitted to the city for referral to the planning and zoning board.

(Ord. No. 95-10, § 38-130, 9-19-95)

Sec. 70-243. Judicial remedy.

Any person or persons, jointly or severally, aggrieved by any decision of the planning and zoning board or any officer, department, board or commission of the city, may apply to the circuit court in the judicial circuit where the planning and zoning board is located for judicial relief within 30 days after rendition of the decision by the planning and zoning board. The proceedings in the circuit court shall consist either of a trial de novo, which shall be governed by the Florida Rules of Civil Procedure or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The election of remedies shall lie with the appellant.

(Ord. No. 95-10, § 38-131, 9-19-95)

Secs. 69-77—69-90. Reserved.

DIVISION 4. VARIANCES

Sec. 69-91. Procedure.

(a) Requests for variances from the requirements of this chapter shall be heard by the planning and zoning board. No variance may be granted unless the applicant establishes, by substantial competent evidence, that:

- (1) A literal enforcement of the provisions of this article would result in extreme hardship due to the unique nature of the project and the applicant's property;
- (2) The variance being sought to be granted is the minimum variance that will make possible the reasonable use of the applicant's property; and
- (3) The granting of the requested variance will be in harmony with the general intent and purpose of the chapter and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare.

(b) In granting any variance, the planning and zoning board may prescribe appropriate conditions and safeguards.

(c) The planning and zoning board shall prescribe a reasonable time limit not to exceed one year within which the action for which the variance is granted shall be initiated.

(d) Variances shall not be deemed to set precedence for other applications should they be either standard applications or those requiring variances.

(e) In no event shall the planning and zoning board grant variances permitting construction of structures which interfere with or violate the riparian rights of adjacent properties.

(d) The overall permitting process will be subject to the current Florida Building Code and will be coordinated with the Pinellas County Water and Navigation Control/Authority Regulations.

(Ord. No. 95-10, § 37-31, 9-19-95; Ord. No. 03-02, § 1, 2-11-03)

Sec. 69-52. Issuance; posting.

(a) The building official, or his designated representative, shall thereafter analyze the plans, specifications and applications for a permit, and upon determination that the contemplated work shall be done in conformity to these regulations, the building official or his designated representative, shall issue a permit to perform such work, subject to such reasonable schedule of inspections and final approval and conditions as the building official shall deem necessary.

(b) The permit issued hereunder shall be prominently and openly posted in close proximity to the work allowed by the permit during the progress of the work.

(Ord. No. 95-10, § 37-32, 9-19-95; Ord. No. 03-02, § 1, 2-11-03)

Sec. 69-53. Expiration.

Permits for construction shall expire six months from the date of the original approval or issuance. This limitation shall not apply when work thereunder has begun and has been carried on with reasonable diligence and continuity, but in no event for a period longer than one year from the original approval or issuance thereof. Should construction be delayed after the original start, the building official must be notified prior to proceeding with the work. Permits for repairs to seawalls shall expire 60 days from the date of issuance subject to commencement and continuation of construction as set out in this section for new structures.

(Ord. No. 95-10, § 37-33, 9-19-95; Ord. No. 03-02, § 1, 2-11-03)

Sec. 69-54. Permit fees.

When the building official shall have stamped the plans and specifications as approved, the applicant for permit shall pay to the city, before issuance of a final permit, fees as set forth by resolution of the city commission.

(Ord. No. 95-10, § 37-34, 9-19-95; Ord. No. 03-02, § 1, 2-11-03)

Secs. 69-55—69-70. Reserved.

DIVISION 3: CONSTRUCTION AND MAINTENANCE*

Sec. 69-71. Docks, davits, boat lifts and boats.

(a) *Maximum width, length and position of docks, davits, boat lifts and tiepoles.*

(1) All docks to be constructed on waterfront property of less than 60-foot frontage must be located so that no portion of the proposed dock is closer to either extended property

*State law reference—Seawall construction permits in certain areas, F.S. § 403.91 et seq.

line than one-third of the waterfront measurement. All docks to be constructed on waterfront property of more than 60-foot frontage must be located so that no portion of the proposed dock is less than 20 feet from either adjacent extended property line. Docks located on waterfront property on the inside corner of a canal may be located not closer than five feet from either adjacent extended property line.

- (2) All docks, not to include boatlifts and davits, shall be constructed so that the width of same shall not exceed 25 percent of the width of the property involved at the waterfront. Residential docks and boat lifts shall be limited to a combined maximum width of 35 feet. The length of docks shall not exceed a maximum length of 50 feet, including tiepoles. Catwalks shall have a minimum width of 24 inches and a maximum width of 36 inches.
- (3) All davits and lifts shall comply with all setback and locational requirements of docks.
- (4) All tiepoles shall be located within the extension of the side property lines, project not farther above the surface of the water than is reasonably necessary for their use, and in no case higher than ten feet above mean high water. Tiepoles shall be located no more than 50 feet from the seawall.
- (5) Docks shall be constructed so that no portion of the deck projects above the level of the seawall cap more than 12 inches.
- (6) The location of all docks, including the measurements, limitations and restricted area in which docks are not permitted, shall be in accordance with the requirements of Exhibit A, attached hereto and incorporated herein, which, along with its locations, measurements, limitations and restricted area is incorporated in this Code.
- (7) All docks, davits, lifts or tiepoles, as permitted, shall be located so as not to interfere with the riparian rights of adjacent properties.
- (8) All boats and personal watercrafts moored at a private dock shall be located so as not to interfere with the riparian rights of adjacent properties.

(b) *Disrepair or dilapidated docks.* If any dock is permitted to fall into disrepair so as to become a dangerous structure involving risks to the safety and well being of the community or individual members thereof, such structure must be either removed or repaired as to conform with the requirements of these regulations.

(c) *Repair of docks damaged by disaster.* Dock owners shall be permitted to repair or replace docks that have been damaged by a disaster (act of God, heavy winds and/or seas) in the same configuration as the original permitted dock.

(d) *Number of docks.*

- (1) *Private docks.* A private dock shall not be used to accommodate more than two boats for permanent mooring. No more than one dock structure shall be located at any dwelling, single-family, with the exception of service catwalks. Catwalks and service catwalks will be considered part of the private dock and shall be included in the width calculations for the total dock structure.

- (2) *Multi-use private docks.* There shall be no more than one multi-use private dock for every two dwelling units.
- (3) *Commercial docks.* The number of commercial docks shall be permitted by locational requirements.

EXHIBIT A
MEASUREMENT AND
DOCK LOCATION REQUIREMENTS

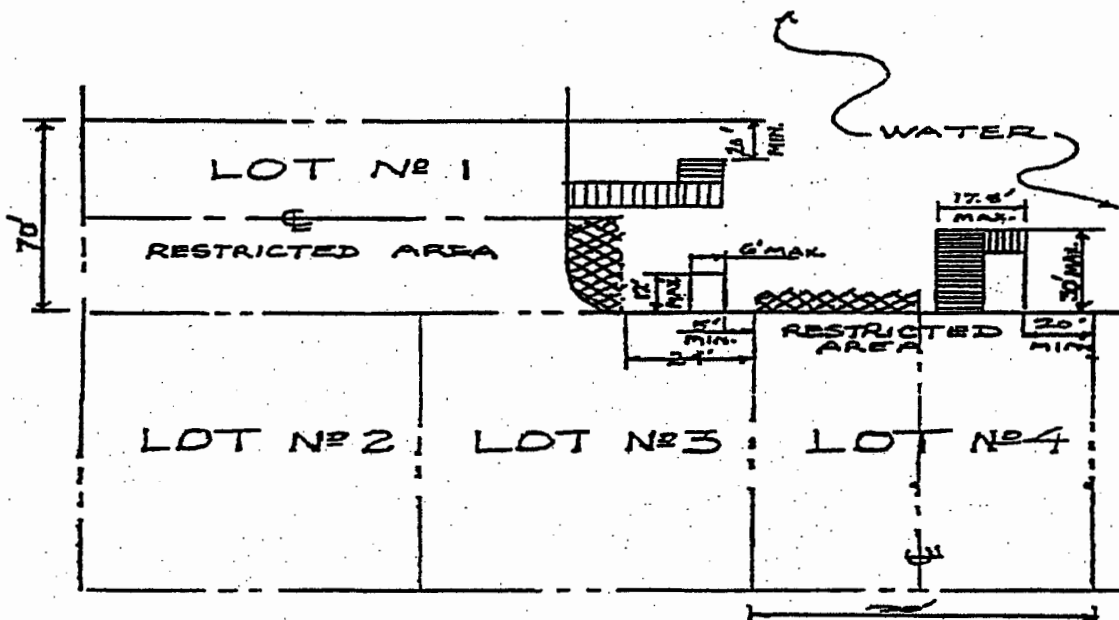


Exhibit A

(Ord. No. 95-10, § 37-46, 9-19-95; Ord. No. 96-14, § 1(37-46), 9-24-96; Ord. No. 03-02, § 1, 2-11-03)

Sec. 69-72. Seawalls.

All seawalls within the city shall be erected on the property line closest to the water. This line shall be designated as the seawall line and applies to all recorded plats at the time of the passing of the ordinance from which this article was derived and all plats to be recorded in the future within the corporate limits.

(Ord. No. 95-10, § 37-47, 9-19-95; Ord. No. 96-14, § 1(37-47), 9-24-96; Ord. No. 03-02, § 1, 2-11-03)