



# **MEETING AGENDA**

January 6, 2009

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS MEETING  
January 6, 2009  
6:00 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 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 Bob Minning – Vice Mayor	District 3
Commissioner Alan Bildz	District 4

**C. PUBLIC COMMENTS:**

**D. APPROVAL OF MINUTES:**

The minutes of the December 16, 2008 Meeting and Workshop are available for approval.

**E. ITEMS OF BUSINESS**

1. Res. 08-105, Final Plat for Residence Inn Marriott located at 11908 Gulf Boulevard, Quasi-Judicial Hearing (Continued from December 2, 2008)

**G. 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 video recording of all public hearings. In the event that you wish to appeal a decision, the recording 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, FLORIDA  
BOARD OF COMMISSIONERS MEETING MINUTES  
December 16, 2008**

The meeting was called to order by Mayor Maloof at 6:03 P.M.

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

**B. ROLL CALL:**

Mayor Mary Maloof		Present
Commissioner Phil Collins	District 1	Present
Commissioner Ed Gayton	District 2	Present
Commissioner Bob Minning – Vice Mayor	District 3	Present
Commissioner Alan Bildz	District 4	Present

**C. PUBLIC COMMENTS:**

Hugh Ruckdeschel wished the Mayor and Commission a Merry Christmas and Happy New Year. He stated that in a democracy the majority rules. He stated that the citizens are only allowed to elect one Commissioner and the Mayor. He suggested that they change the Charter to allow the citizens to vote on all Commissioners. Since it takes a majority of them to pass anything he felt that the citizens should elect them all. They would not need term limits. Mayor Maloof said that she agreed and that we were one of the only cities in Pinellas County that still does it this way.

**D. APPROVAL OF MINUTES:**

The minutes of the December 2, 2008 Meeting and Workshop are available for approval. It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the minutes as printed. Upon roll call the vote to approve was unanimous.

**E. ITEMS OF BUSINESS**

1. Consideration of Ord. 08-17, Parking and Parking Violations (2<sup>nd</sup> Reading & Public Hearing)

It was moved by Commissioner Bildz and seconded by Commissioner Gayton to approve the Ordinance as read.

Commissioner Collins asked for clarification regarding commercial vehicles parked in the city during nighttime hours. Chief Casey stated that if it fit the definition then it could be ticketed. Ms. Kiefer explained that that was already our existing ordinance. Commissioner Collins asked if we had a place that we currently used for impounded vehicles. Chief Casey answered in the affirmative.

Commissioner Gayton asked for clarification regarding the hours that were considered nighttime hours. Chief Casey stated that it was between 10:00 p.m. and 6:00 a.m.

The public hearing was opened by Mayor Maloof at 6:10 p.m. Hugh Ruckdeschel stated that in NY they placed a boot on the vehicle. The person would go to the Police Department and pay the fine and then the officer would release the boot. He asked them to consider that. Chief Casey stated that they are expensive and cumbersome to deal with. With the few commercial complaints that they deal with it would take a very long time to recoup their investment. Also they incur some liability when placing them on the vehicle. Commissioner Bildz clarified that the only time a vehicle was towed was if it was blocking a street. Chief Casey answered in the affirmative. Mr. Silverboard explained that boots are typically used when someone has a lot of overdue parking tickets. Due process must be followed. It isn't really a practical solution in our case. The public hearing was closed by Mayor Maloof at 6:14 p.m.

Upon roll call the vote to approve was unanimous.

2. Consideration of Ord. 08-20, Solid Waste (2<sup>nd</sup> Reading & Public Hearing)

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the Ordinance as read.

The public hearing was opened by Mayor Maloof at 6:15 p.m. Hugh Ruckdeschel asked if they had worked out the rebate situation with the new billing cycle with Pinellas County. The City of Treasure Island has charged us in their last bill. Pinellas County Utilities says that we have money coming back. You both read the meters this last time. Some people lose the money that should be refunded if they paid Pinellas County. Mr. Silverboard explained that we both did not read the meters. Typically Pinellas County sends us the charges. Now they are doing the calculation themselves. They are also collecting for garbage in arrears, where we used to collect it in advance. That doesn't have anything to do with a rebate either. Mr. Ruckdeschel stated that there is a refund due. Mr. Silverboard explained that the last bill that went out late because of computer problems. The new billing for Pinellas County started in December. There was no double billing; we were simply late for our billing. Mr. Ruckdeschel stated that his bills were very different amounts than they normally are. Mr. Silverboard clarified the billing process again. We will get the full twelve months of billing for Sanitation at the end of the year. Mr. Ruckdeschel stated that he was saying the same thing that Pinellas County was saying and they were both wrong. The public hearing was closed by Mayor Maloof at 6:20 p.m.

Upon roll call the vote to approve was unanimous.

3. Consideration of Ord. 08-16, Foreclosures (2<sup>nd</sup> Reading & Public Hearing)

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the Ordinance as read.

The public hearing was opened by Mayor Maloof at 6:21 p.m. The public hearing was closed by Mayor Maloof at 6:21 p.m.

Upon roll call the vote to approve was unanimous.

4. Consideration of Res. 08-112, Bid Award Manhole Relining

It was moved by Commissioner Bildz and seconded by Commissioner Gayton to approve the resolution as read.

Commissioner Bildz asked if the new bailout will create any jobs, and if we have any projects to go out within the next 120 days. Mr. Silverboard stated that they are compiling a list of projects that they can get out to bid quickly. It is still up in the air what the infrastructure plan will look like. A lot of the transportation projects will be coming through the State of Florida, which will mean a whole layer of regulations. We are looking at things like street and bridge repairs, crosswalks, and lift stations. Mayor Maloof asked if it would be coming from the federal government. Mr. Silverboard stated that it would be part of the plan to get the economy going. Mayor Maloof received a letter from Senator Nelson.

Upon roll call the vote to approve was unanimous.

5. Consideration of Res. 08-113, Bid Award Stormwater Line Relining

It was moved by Commissioner Bildz and seconded by Commissioner Gayton to approve the resolution as read. Upon roll call the vote to approve was unanimous.

6. Consideration of Res. 08-114, Bid Award Crosswalk Beacons

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the resolution as read.

Commissioner Collins asked Mr. Silverboard to explain where the crosswalks would be placed. Mr. Silverboard explained that the beacons would be placed where the new texturized crosswalks have been installed along Gulf Boulevard and West Gulf Boulevard. Commissioner Collins asked if it was mandated that they all be handicapped accessible. Mr. Silverboard answered in the affirmative.

Upon roll call the vote to approve was unanimous.

7. Consideration of Res. 08-117, 1<sup>st</sup> Amendment to the NPDES Interlocal Agreement

Mr. Silverboard explained that this item and the next one were placed on the meeting agenda without being on a prior workshop due to time constraints.

It was moved by Commissioner Bildz and seconded by Commissioner Gayton to approve the resolution as read.

Commissioner Minning asked Mr. Silverboard to explain this item. Mr. Silverboard explained that the City was a co-permittee in the NPDES system. This agreement will add two more years to the current agreement. It also makes minor language changes regarding the opt out agreement and the cost sharing calculations.

Upon roll call the vote to approve was unanimous.

8. Consideration of Res. 08-118, Playground Equipment Bid

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the resolution as read.

Commissioner Collins asked if the structure at Treasure Bay would be repaired or replaced. Ms. Hayduke explained that it was a replacement. She must place the order by December 31<sup>st</sup>.

Commissioner Bildz commented that the last resolution needed to be passed due to County regulations, but this item needed to be passed in order to save a lot of money.

Upon roll call the vote to approve was unanimous.

9. Consideration of Res. 08-116, Gulf Beaches Public Library Annual Service Contract

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the resolution as read.

Commissioner Collins commented on the problems that people are having getting their refunds for library cards. Mr. Silverboard explained that the issue has been with the City of St. Petersburg Library. If anyone is having problem they should call the City Manager's office and speak with Pam Middleton.

Hugh Ruckdeschel stated that the last report he had was that there were 113 people who purchased library cards with their own funds. If they had 200 that would equal \$20,000. Three of them made a comment a while back that they were glad that it was passed and a family member would be happy. He would appreciate greatly if they had the same thoughts about the taxpayers' money. You need to be extremely careful signing a contract now because they have two people who were fired and are bringing suit against the library group. If you do that then you are going to be committed to the same amount in FY09-10 and FY10-11. He hopes that they were not in on the firing of the two people, and if they join now they will be involved in the suit. They can forget about him wanting to sue them because they are doing better now than they were. We have been through many discussions before. He thinks that they should reconsider before they sign a contract. He still doesn't think that it is a good idea for them to do that. The main reason that we wanted to know was to know how many people we had that used the library. They were saying anywhere from 2,500 to 5,000 people. It doesn't appear that we have anywhere near that many signing up. It would be wise to get that information that we have been asking for because he feels that the other cities are getting off lightly. Mayor Maloof explained that it was based on population. Mr. Ruckdeschel stated that if people were not a resident then they couldn't use the library. Are we more populated than Madeira Beach? Mr. Silverboard stated that we had about 3,000 more people than Madeira Beach, and the population of the Redingtons was much smaller. Mayor Maloof stated that we have tried for years to get our amount reduced and the others don't agree with us. The \$107,000 was 10% less than what our bill normally would have been. The other four communities split the difference. She doesn't know if that discount will be available next year. Mr. Ruckdeschel stated that it is his understanding that the discount is available this year but not next year. He can't see going back in. It isn't the library that is the situation. That is a private group. Why can't we join St. Petersburg or St. Pete Beach? Mayor Maloof explained that we have looked at everything. This has been an ongoing argument for years. We are the only entity like this in Pinellas County. Mr. Ruckdeschel stated that they would still be better off with the

reimbursement. He hasn't bought a card, and doesn't intend to buy one because he uses a computer. He thinks that they are wasting money right now. If they were paying people the \$100 they would not be jumping into the middle of a lawsuit.

Commissioner Bildz stated that Mr. Ruckdeschel brings up an interesting point, but clarified that this is an annual service contract. We are not signing up for next year.

Upon roll call the vote to approve was unanimous.

10. Consideration of Res. 08-115, PSTA Suncoast Beach Trolley Agreement for 2009

It was moved by Commissioner Bildz and seconded by Commissioner Collins to approve the resolution as read.

Commissioner Collins stated that this was based on \$4.00 per gallon gasoline. We are still locked into the figure for \$4.00 per gallon gasoline. Also, Treasure Island is the acting as the collection agency for St. Pete Beach. Would Treasure Island be on the hook if St. Pete Beach doesn't pay? It also says that the maximum amount that Treasure Island would have to pay is \$200,000, unless they collect insufficient revenues. Will this be an issue? Mr. Silverboard explained that part of this was based on a futures contract. The price of diesel has gone down in the past few months. The \$78 price is discounted. Their current operational price is more in the \$92 range. They discounted it because we told them it wouldn't fly at that price. In terms of St. Pete Beach we have been the collection agency since this contract began. We get billed and send a copy of the bill to St. Pete Beach. We pay their portion when we get the money from St. Pete Beach. Regarding the \$200,000 figure, that is the maximum. It does not say anything about it being more if there are insufficient revenues. That was Commissioner Collins' assumption only. Commissioner Collins asked what we were paying per hour prior to this. Mr. Silverboard stated that we were paying \$65.61 per hour, then an increase to \$70 per hour. We are paying \$8 per hour of operation more. Commissioner Collins stated that gasoline was much higher then than now. Mr. Silverboard stated that in the prior contract there was a cap on the amount that they could increase our hourly rate. Back when gas was higher their operating cost was much higher than what they could increase us to. They will not enter into a multi year contract again because they cannot predict the future cost of gas or diesel. The \$78 figure will protect us for the rest of the year. If we had insisted on a multi-year contract the price would have been much higher.

Upon roll call the vote to approve was unanimous.

## **G. ADJOURNMENT**

The meeting was adjourned at 6:52 p.m. by Mayor Maloof.

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS WORKSHOP MINUTES  
December 16, 2008**

The workshop was called to order by Mayor Maloof at 6:57 p.m.

**I. DISCUSSION ITEMS:**

1. Discussion of a Request for a Settlement Agreement in the Foreclosure Action for Property Located at 12275 3<sup>rd</sup> Street by Cornerstone Bank Relating to a Code Enforcement Lien on Property Located at 12305 3<sup>rd</sup> Street. (Requested by City Attorney)

Ms. Kiefer explained that there was a request for a settlement agreement due to a foreclosure on a property that the City holds a lien on. It must be determined whether the city's lien was superior over the mortgage. The federal case has not been resolved at this time. If the city were to recoup the funds it would be held in escrow until it was settled.

Commissioner Gayton asked how the lien was placed on this property. Ms. Kiefer explained that it was a Code Enforcement lien placed on an adjacent property. We are allowed to collect on any property that the owner has within the city. Commissioner Gayton read an excerpt from the judgment. This property is part of the decision that must be looked at by the District Court. We are still in litigation on this piece of property. He wonders how we can take any action on this now. Ms. Kiefer stated that if the city's lien was superior we could take action and place the money in escrow. Her tentative legal advice is that it is not superior. She is not prepared tonight to make that advice permanent and binding. Commissioner Gayton asked why Cornerstone wasn't asking for judgment rather than the City. Ms. Kiefer explained that they were asking that it be placed in our settlement offer. Commissioner Gayton asked why we are getting involved. Ms. Kiefer explained that we were named as a defendant because we hold a lien. They are required to name all lienholders. Commissioner Gayton asked if we answered the summons. Ms. Kiefer stated that she had a court order granting her until the 21<sup>st</sup> as she has been negotiating with the mortgage holder. She is going to request that they reimburse the City for her fees in defending this lien. Commissioner Gayton asked if we would recover her fees for the past few years. Ms. Kiefer explained that those fees had nothing to do with this case. Commissioner Gayton asked when we would have her binding opinion. Ms. Kiefer will have the information by the next meeting. The City Commission is the only entity that can release the lien.

Jay Verona, Attorney for Cornerstone Bank explained that the litigation that he filed on behalf on Cornerstone Bank has nothing to do with the litigation that they are involved with on the other Schwarz properties. Because of the liens that were filed he had to name the city in the foreclosure action. This is to ensure that the purchaser receives clear title to the property. A receiver has been appointed to manage the property. Mr. Schwarz has approached the bank to settle their case and they have agreed to settle the case under the following terms. Mr. Schwarz is going to deed the property to the bank. His father is going to release his lien. The bank is going to release Mr. Schwarz of his responsibility by accepting the deed in lieu of foreclosure. It is their opinion that the city's lien is inferior to the mortgage and he hopes that they will release the lien. They have signed settlement

agreements with Mr. Schwarz and his father, but it is all contingent upon the city releasing its lien.

Mayor Maloof asked if they released this lien on this property and placed it on another property that he owns, isn't it likely that he would be in the same situation with other properties? Mr. Verona explained that this lien attaches to all properties that he owns in Pinellas County. If they release the lien it will only release for this property, but not any of the other properties that he owns in Pinellas County. Mr. Verona stated that the benefit to the bank was that they could take control of the property now rather than in six months or a year. Commissioner Bildz asked why it would be in the city's best interest for the bank to take possession of the property. Mr. Verona stated that based on the history it would be better for the bank to manage the property rather than Mr. Schwarz. Commissioner Bildz asked if the bank would be taking care of mowing the grass and other maintenance. Mr. Verona stated that they have not received any complaints, and they have a receiver managing the property. Commissioner Bildz asked for clarification as to what would happen if the city's lien is inferior and they don't want to release the lien. Mr. Verona stated that it would have to go to foreclosure. Unless the bank received more than the mortgage that is owed the city would get nothing. The lien would not pass on to the new owner.

Commissioner Collins asked if they should have an executive session to discuss this. Ms. Kiefer stated that an executive session costs about \$500, and she would have to ask if it would be a covered cost. Commissioner Gayton asked if there was anything that they couldn't ask here in this workshop. Ms. Kiefer stated that there was not. She is trying to save the city money, and would be happy to meet with any of them to answer questions one on one. She asked Mr. Verona if he was aware of any potential buyers for the property. He stated that he is not, but that he isn't usually involved in that part of the process. He believes that there are no serious buyers right now. Ms. Kiefer asked if he would be willing to inform us if a buyer came forward. He answered in the affirmative. The bank did its own interpretation of the value of the property in August, and it is approximately what it owed. There is a very strong likelihood that there will not be funds available to the city. Ms. Kiefer asked if they agreed to release the lien if he would still have to go forward with summary judgment. He stated that they would not. Commissioner Gayton asked if they released the lien, who would receive the extra funds if the property was sold for over the mortgage amount. Mr. Verona answered that it would then belong to the bank and the bank would be entitled to all funds. Commissioner Gayton asked if the house was operating under receivership right now. Mr. Verona answered in the affirmative, and explained that they are not renting on a transient basis. The rents are going into a receivership account. Commissioner Gayton stated that he would like to know if our lien is inferior and see something before we make a decision. Mr. Verona stated that he was confident that they would have a firm legal opinion before the next meeting. Ms. Kiefer stated that if she cannot give them a firm opinion on this then she will ask the court to give her an opinion at the hearing on January 21<sup>st</sup>. Some communities have a provision in their code that makes their liens superior. We do not. This is an opportunity to change the language. Commissioner Minning asked if there was an opportunity for additional compensation based on the agreement. Mr. Verona stated that he isn't authorized to answer for the bank, but based on his experience he didn't think so. Commissioner Minning asked if there could be something in the settlement agreement that stated that if all the bank's expenses were met upon sale and there were additional funds the city could be paid. Mr. Verona stated that we could discuss it. Mr. Verona stated that the bank would more than likely sell it as soon as they can, it would probably sell for less than what is owed.

Commissioner Gayton stated that there are two other properties that Mr. Schwarz owns in Treasure Island, so the lien would remain on those two properties. Ms. Kiefer stated that this would not extinguish the liens on those properties. It would remain on all properties that he owns in Pinellas County. Commissioner Collins asked if he could be sued for what he

owes the city if the properties are sold and the city is still owed money. Ms. Kiefer stated that it would be difficult to get a deficiency judgment in this climate.

Heidi Horak stated that she is a real estate attorney and has talked to Ms. Kiefer about this. She agrees with what they have been told so far tonight. If they start putting additional demands on them later down the road it gets more complicated and the bank will end up going forward with their foreclosure. The city would get nothing at that point. As far as a deficiency judgment they would have to foreclose their lien. Ms. Kiefer explained that once they foreclose the lien stops. Ms. Horak stated that they were not missing any opportunities here as far as she could tell.

Ms. Kiefer stated that if they don't come to an agreement by the 6<sup>th</sup> she will ask for it to be placed on the next agenda.

2. Consideration of a Request by Tampa Bay Beaches Chamber of Commerce for a Waiver of Facilities Rental Fees.

Robin Grabowski from the Tampa Bay Beaches Chamber of Commerce was present to ask the Commission to waive the rental fees and move several activities in order for them to use the Community Center for their event.

Commissioner Bildz stated that the city used to give free rentals for events like this, but we no longer do this. He asked if they would still be interested in holding the event here if they do not waive the fee. Ms. Grabowski stated that they are very committed to this event and the grant was much larger than they anticipated. They were asked to scale back, so they scaled it back to St. Pete Beach, Treasure Island, and Madeira Beach.

Commissioner Collins asked if we donated this for this function who would pay for staff support, and stated that we were not willing to do it for the Kiwanis Club and didn't think that we should establish a different precedence. Commissioner Minning stated that they had established a policy and they needed to stay within their policy. Ms. Grabowski asked if they could negotiate the amount of the non-profit rate, or pay a flat fee for the weekend. Their mission is to bring people to this community during a time of the year that there isn't a lot of activity going on. This would bridge the downtown area with the beaches. Mayor Maloof commented that the group has done a terrific job and it is going to be an excellent thing for the beaches, but our hands are tied. Ms. Grabowski asked if she was able to find a sponsor would they be willing to move the activities. Ms. Hayduke explained that it was bingo, and their board is attached to the wall. She would have to find out if they still had their portable machine. Ms. Grabowski explained that the grant was to market the area and felt it was going to be a great event. Mayor Maloof stated that if we found a sponsor we would let her know.

3. Discussion of Beach Raking Policy (Requested by Commissioner Gayton)

Jim Murphy, Public Works Director, gave a brief explanation of this item. During budget discussions it was agreed to cut the beach raking back, and in doing so, they didn't fill a vacancy in his department. He has looked at alternatives for them to consider in order to return to the prior 80 hour per month raking schedule. They would have to hire a part time person to accomplish that. They would have to treat the areas that have started to grow back. The second option would be to rake the beach with contract resources at approximately the same cost as doing it ourselves. That would require a one time start up cost for round up and retreatment. The third option would be to rake the accesses. That cost would be about \$444 annually with a first year start up cost of approximately \$300.

Commissioner Collins stated that option three sounded good to him. Commissioner Gayton stated that it would mean that someone would have to walk down a path to walk on the beach. People are not going to come back if we don't clean our beach. He would like to see option one. We paid for the equipment last year. \$15,000 is nothing compared to the amount of tourism we could bring to the beach if we keep it clean. The beach is atrocious and people don't want to walk on it. He recommends that they accept option number one. We have citizens that live in this community that go out every month to pick up trash. They pick up between 300 and 500 lbs of trash every month. To say that we are not going to take care of our beach is ridiculous. We pay \$300,000 a year to beautify the causeway and we can't spend \$15,000 to take care of our beaches? He urged the Commission to talk to the people at the motels. We have people coming back that were there when the motels opened. They will not come back if we don't take care of our beaches?

Commissioner Bildz took a look at the beach. He doesn't feel that it looks atrocious; he thinks that it looks like a natural beach. He walked the beach and only got one sand spur. It was in the area east of the dunes. He doesn't think it is necessary. The time to discuss the \$15,000 was at the budget time. Commissioner Gayton read an excerpt from the minutes of the budget workshop where this was discussed. He stated that Progress Energy would be raising our rates 25%. We will collect approximately \$150,000 more in franchise fees and another \$200,000 in utility fees. Taking \$15,000 out of that \$400,000 isn't a lot to keep our beaches pristine.

Commissioner Minning clarified that the raking in option one would not include the no rake areas. He stated that he would be strongly opposed to using chemicals on the beach. He doesn't feel that DEP would approve the use of chemicals on the beach. He stated that the majority of what the beach clean up volunteers pick up is in the dune areas. He too took the challenge and walked the beach in the area of the Sea Chest and the Sands. He did not get sand spurs when he walked in the sandy areas, but got four sand spurs on his pants when he picked up something in the dune area. Some owners are talking to the raking people to see if they can cover the cost of raking in front of their properties. He has not received any complaints of the condition of the beach either north or south of the Treasure Sands. There has been a lot of citizen input to keep the beach as natural as possible. Natural beaches attract and raked beaches attract. We can't say that if we don't rake our tourism is doomed. There is opportunity here for both. He would like to see the opportunity to see the private people pay if they want their area raked. If we are going to honor the no rake zones that have been established he is willing to consider something else.

Heidi Horak stated that she agrees with what Commissioner Minning has said. If they want to keep the accesses clear that is one thing. She disagrees with Commissioner Gayton. Pristine means untouched. Raking is not untouched. What is more needed is to pick up the trash and sea weed rather than rake it back into the water. They don't want raking at Sunset Beach. The wildlife people at the Beach Stewardship meeting said the less raking the better. We should be doing what is the least invasive to our flora and fauna.

Richard Dowling stated that he thinks that Commissioner Gayton is right. It is not a natural beach. It is not a question of money; it is a question of priorities. Our beach is our main event. They shouldn't let the sand spurs come back because it is a big deal. He would like to see the raking continue.

Commissioner Collins stated that if we rake from where the walk area is down to the beach then it should suffice for walking down to the beach. It would be a nice blend of both. Commissioner Minning stated that the area that is being questioned for the

presence of sand spurs is primarily in the no rake area. Commissioner Gayton stated that they went through this a couple of years ago. We only stopped raking about six weeks ago. We stopped raking for three months a few years ago. We got complaints about sand spurs so we started raking again. He stated that he was willing to wait a couple of months to see what happened if they wanted. We have cars on the beach for events and are proposing to do it once a month, so he doesn't understand why we can't do this. Every survey we do says that the number one thing in Treasure Island is our clean beaches. If the people in Sunset Beach don't want it that is fine, but if he comes back with a petition from the residents and motel owners maybe it will make a difference. If you want to put it off for another month and take a look at it after that it is fine with him. He will do a little survey to see if the people want to do the raking or not. Commissioner Minning stated that he is willing to wait a month. The area behind Mr. Dowling's property is in the no rake zone so would not be addressed. Mr. Dowling explained that he is not here on behalf of the Sands; he is here about the entire beach.

Mayor Maloof stated that we have volunteers to plant sea oats. Maybe we could have volunteers to pull up sand spurs. Commissioner Gayton stated that he could get volunteers if they could use the city equipment. Commissioner Minning stated that he was willing to wait another month to decide, and agreed that the beach is our number one asset.

## **II. OLD BUSINESS:**

Commissioner Gayton stated that at the last meeting they were given an ordinance regarding tourist dwellings that was to be taken to the LPA. On December 10<sup>th</sup> a memo was issued regarding the proposed ordinance. It also included the inclusion of residential treatment facilities in RM15 zones. Why are we going to the LPA with that if we are still in litigation? Ms. Kiefer stated that she wanted their opinion on this because Mr. Schwarz has made a request for the code to be amended. The court denied his request to amend the complaint to add that but we have recently received the request again. She would like the LPA's input into the issue. She explained that this was a different issue. There was a difference between outpatient and residential treatment centers. The appellate court found that Treasure Island did not discriminate in any way. She is requesting the LPA's input because she doesn't want another accusation that they are amending the code to discriminate. She is anticipating something in the future from Gulf Coast Recovery. They should talk about it once the LPA gives its opinion. It is for information only. She is not making a recommendation; she is only looking for their input. This item is on their agenda for this week's meeting.

Commissioner Bildz asked when they would be discussing the library board. Mr. Silverboard stated that we still have uncertainty in what the approved three year agreement is. Madeira Beach and Treasure Island signed one version, and there is another version out there. He thinks that Mayor Simons has suggested that one elected official from each city be appointed to hash out a new agreement for the library. He asked who the Commission would like to appoint to that ad hoc committee. He has received nothing formal asking for that appointment yet. The other issue was whether or not the commission wanted to appoint one of its members as a permanent member of the board of directors. He feels that it would be a good idea. This item will appear on the next workshop agenda.

## **III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:**

Ms. Kiefer wished everyone a nice holiday.

Mr. Silverboard stated that Commissioner Bildz had asked about the status of the swim buoys in Sunset Beach. The army corps of engineers and DEP has approved our application. The Fish

and Wildlife Commission has not approved it yet, and has asked more questions that we are in the process of getting information together for. We don't have a time frame yet. The Coast Guard will be approving it in the next week or two.

Mr. Silverboard stated that he has e-mailed them all about a conversation that he had with Mr. Rogers regarding property next to the Sunset Vista Park. He has approached the city wanting to know if we had any interest in purchasing those two properties. The same day we received an e-mail from Kevin Mooney stating that there is a rare opportunity to acquire some of these desirable sites. There is funding available with this round, but there may not be the same level of funding available in the future. The funding would be available through the Florida Forever program. Its purpose is to help acquire beachfront lands to conserve them for the future. The city can try to negotiate a deal itself or the Trust for Public Lands can be asked to handle the negotiations. The fee would be provided through the grant funds. We may be able to get approval without a match. We would need to develop a management plan for the site. We did acquire Sunset Vista Park using Florida Forever money. We do an annual report on how we manage that park, and any changes have to be approved by the state. If they are interested he will contact Kevin Mooney to get assistance in putting together an application package and let the seller know that we are willing to purchase the property. An appraisal must be done because the state will only pay what the property is worth. He will get the ball rolling if he has a consensus. The Commission agreed to get started on this.

Mr. Silverboard stated that this was the last meeting of the year. He wished everybody a happy holiday.

#### **IV. REPORTS & COMMENTS BY COMMISSIONERS:**

Commissioner Collins stated that the Isle of Capri Civic Association was having its annual Christmas dinner this Friday evening. He also reminded people that he would be happy to attend civic association meetings. He extended holiday greetings to everyone.

Commissioner Gayton stated that the Isle of Palms Christmas Parade would be held on Christmas Eve. Santa and Mrs. Claus will be present. He wished everyone a Merry Christmas and Happy New Year.

Commissioner Minning stated that the Beach Stewardship Committee is putting together a report on suggestions for upgrades to the beach trail. He spoke with NOAA regarding the signage at the beach accesses. There is a project coming up for all the parks along the coast. As long as we keep in touch with NOAA we will still have access to the NOAA grant money for this signage.

Commissioner Minning stated that the PICA holiday party and hay ride will be this Saturday. He wished everyone a happy holiday and prosperous new year.

Commissioner Bildz stated that the parking permit system information regarding designated parking spots is now available.

Commissioner Bildz stated that the luminaries would be lit at Sunset Beach on Christmas Eve and wished everyone a happy holiday.

Mayor Maloof thanked everyone for their participation in the holiday parade.

Mayor Maloof reported that she attended the Art Guild luncheon on Saturday and they asked her to thank the City for their support over the past thirty years.

Mayor Maloof stated that she attended the holiday reception at McDill Airforce Base. She met the general and his wife.

Mayor Maloof wished everyone a Merry Christmas and Happy Hanukkah.

**V. PUBLIC COMMENTS:**

**VI. ADJOURNMENT:**

The workshop was adjourned at 8:38 p.m. by Mayor Maloof.



## CITY OF TREASURE ISLAND AGENDA COVER MEMORANDUM

January 6, 2009

Item No. E-1

**DATE:** December 31, 2008

**TO:** Mayor and Commissioners

**FROM:** Lynn Rosetti, AICP, City Planner

**SUBJECT:** Res 08-105, Final Plat for Residence Inn Marriott located at 11908 Gulf Boulevard, Quasi-Judicial Hearing

---

**BACKGROUND** – Consideration of the above referenced item was continued at the November 18, 2008 meeting to the December 2, 2008 pending submittal of additional information by the applicant. It was continued again at the December 2, 2008 meeting to the January 6, 2009 meeting after the applicant advised staff that the additional information was not ready. As of this date, Staff has still not received the additional information and modifications required relating to the proposed final plat.

**RECOMMENDATION-** This information has not yet been submitted. Therefore the item needs to be continued again until the January 20, 2009 or later meeting. Staff will seek to determine from the applicant when the information will be provided.