

**CITY OF TREASURE ISLAND**  
**BOARD OF COMMISSIONERS WORKSHOP MEETING**  
**February 18, 2003**  
**7:00 p.m.**

**A. ROLL CALL:**

Mayor Leon G. Atkinson	Present
Commissioner Stephanie Lavino	Absent
Commissioner Irving S. Ellsworth Vice-Mayor	Present
Commissioner Mary Maloof	Present
Commissioner Barbara Blush	Present

**B. MINUTES:**

Motion was made by Commissioner Ellsworth and seconded by Commissioner Blush to approve the minutes from the meeting of February 4th after noting that County Commissioner Morroni's name was spelled incorrectly. Upon roll call, the vote was unanimous.

**C. PUBLIC COMMENTS:**

Mr. Bill Edwards thanked the elected officials for the services rendered to our community and wished Commissioner Lavino the very best of health and said that she is in the community's thoughts and prayers.

Mr. Edwards stated that he has been accused of having a special interest in the community. He said that he owns a Putt Putt golf course, Mister B's Restaurant and a mortgage company that has its corporate headquarters in St. Petersburg. Mr. Edwards stated that he does not own land in Treasure Island. He stated that he has also been accused of "favoring tall buildings and changing the character of the community". Mr. Edwards said "this is simply not true". He commented that he is interested in bringing the community together. Mr. Edwards further stated that he led the "Vote No" group because he felt the referendum's requirement of 51% of all registered voters to pass any changes to the LDR's made it "practically impossible" to get the vote and consequently deprived people of their constitutional rights. Mr. Edwards stated that it is impossible to run the City's government by continual vote or referendum. He further stated that if a continual vote is required for every decision made by the City's government than there is no need for a Commission and the voters will have to spend all their time in the voting booths.

Mr. Edwards said that he was part of a six person group that came together in an attempt to form an advisory committee in order to resolve the issues in the community regarding the LDR's. He stated that due to the "disparaging" comments

2/18/03

made in the *Weekly Planet*, the group has disassembled. Mr. Edwards said that the message in the *Weekly Planet* seems to be, "to publicly humiliate elected officials when you don't agree with the vote". He commented that the community needs to mend fences, stop fighting and come together to resolve these issues.

Mr. Harry Black stated that the proposal for an LDR Advisory Committee was being withdrawn due to the recent article in the *Weekly Planet*.

Mr. Charles Weisgerber voiced his support for Commissioner Barbara Blush. He stated that .4% of the population has received a lot of representation and that he is speaking to the 99.6% of the population asking them to come forth for a one person signup that says, "I support Barbara Blush". Mr. Weisgerber commented that it is time for the community to compromise rather than continuing to demean the City and its officials.

Mr. George Makrauer stated that he was surprised that people are allowing the news media and what is reported in it to so "severely affect" their dealings with others that the potential for reaching an agreement has now been taken off the table. He also stated that there is value and a proper role for a referendum. He further stated that the electorate should have steps to take when the electorate disagrees with the decisions made by the Commission. He asked the Commission to recognize that Ordinance 02-06 is "killing the community" by stepping forward to rescind it.

Ms. Marie Barba stated that good public representation is needed for an advisory committee instead of self-appointed people trying to "run the city". She said that we need to go back to "ground zero" with the LDR's by getting the referendum back on the ballot with the correct wording.

Mr. Michael Daughtry commented that the benefit at Nick's Seabreeze for David Wright was a big success raising approximately \$34,000. He stated that a great deal of the money was donated by Bill Edwards. Mr. Daughtry said that a great man is benefiting from it and thanked the people for their generosity.

**D. DISCUSSION ITEMS:**

**1. Proposal for an LDR Advisory Committee –**

Mayor Atkinson invited people to speak on this item even though it was withdrawn by its initiators.

Ms. Ruthie Starkey commented that the community needs diversity rather than a self-appointed committee. She said that she hopes that if an LDR Advisory

2/18/03

Committee is established that it has a broad representation of the peoples' interests.

Mayor Atkinson stated that there were no negotiations while the LDR's were being considered by the Planning & Zoning Board. He said that the proposed LDR Advisory Committee would have been after the fact but better than not at all.

Mayor Atkinson commented that he could not go along with section 2 of the proposal which would require, "a special election requiring a 'simple majority' of those voting in a regular scheduled city or state election, to approve any changes in increase in height and density related to any structure that is not a single family dwelling: after approval by City Commission" because it would take away the Commission's right to vote. He also stated that any decision made by the Commission can be overturned by the people.

Mayor Atkinson commented on section 3 requesting that the Commission appoint an Advisory Committee. He said that the City already has paid staff that develops, reviews and makes recommendations regarding LDR's. Mayor Atkinson suggested that people come together and present their issues to City Staff rather than forming an advisory committee.

Mayor Atkinson commented on section 5 regarding the lawsuit brought forth by Ray Green and Michael Daughtry. He said that he is amazed at the money being spent to go to court on this matter. He also stated that he is astounded that Bill Edwards, Ken Brown and Harry Black got involved with this proposal.

Commissioner Blush commented that she was thrilled with the idea of a compromise. She said that the reason she pushed for a 6-month moratorium was to restore peace and harmony in Treasure Island. Commissioner Blush stated that her review of the LDR Advisory Committee Proposal left her flat. She asked where the recommendations for change are. Commissioner Blush said, "Since May I have been asking this same group of people what is it you want and the only answer they have given me is that they want me out of this Commission seat".

Commissioner Blush asked if the quotes made by Ray Green, Michael Daughtry and Jim Dobyns in the *Weekly Planet* were accurate. She said, "I was interviewed last week by the St. Pete Times for an article in Sunday's paper. I was told that some of you have hinted that if I were to accept this proposal that my recall would not be pursued. Is that a fact? As far as I am concerned my recall is not on the table for any sort of discussion. It's a legal process we are now forced to go through. My recall is not a bargaining chip".

Commissioner Blush asked why a formal committee is necessary when the

2/18/03

Commission has been asking for people's input all along and received nothing. She suggested that this group begin working on suggestions and recommendations for changes to the LDR's and bring them to the Commission for consideration. Commissioner Blush asked, "if you are truly intent on healing and peace, why are you constantly irritating the wounds that you have inflicted?"

Commissioner Maloof stated that she strongly urges people to look for solutions rather than taking sides and creating factions.

Commissioner Ellsworth stated that we have a Planning & Zoning Board that makes recommendations and suggestions regarding LDR's. He suggested that people bring their ideas to the Planning & Zoning Board. Commissioner Ellsworth stated that we have diversity in the 15 member Planning and Zoning Board and we have failed to use it.

## **2. Design Options for Causeway Toll Facility –**

Chuck Coward, the City Manager, stated that there are 3 givens regarding the design options for the Causeway Toll Facility:

- Address the desires of the community (such as a six-lane facility)
- Abide by federal and state transportation safety standards.
- Because the toll facility is located in St. Petersburg, the facility is subject to the City of St. Petersburg's zoning regulations.

The City Manager reported that City Staff and consulting engineers have designed 4 options for the toll facility site plan. Two options that have 4 lanes and two options that have 6 lanes.

The City Manager reported that he met with St. Petersburg City Council Member Richard Kriseman and Commissioner Maloof regarding the design of the toll facility. He also reported that a meeting is scheduled with the neighbors that border the toll facility to discuss its design. He said that the City hopes to gain support for a six-lane facility.

Don Hambidge, Public Works Director, presented the 4 options for the Causeway Toll facility site plan. The options include:

- Four lanes with a two story building
- Four lanes with a one story building and a park area
- Six lanes with a one story building and a park area

2/18/03

Commissioner Blush asked what the ranges of lane width would be for the 4 design options.

The Public Works Director stated that the lane widths would vary from 10' to 12'.

Commissioner Ellsworth inquired about the use of passes for the toll facility.

The City Manager stated that the topic of passes, including which lanes to use along with the technology for toll collection has not yet been addressed.

Mayor Atkinson stated that people would like to see a lane dedicated to passes. He said he hoped that the people of Treasure Island would be able to benefit from pass-only lanes. Mayor Atkinson stated that the City of St. Petersburg has requested information regarding the reductions in queues.

### **3. Selection of Bond Counsel for Causeway Revenue Bonds –**

City Attorney Jim Denhardt reported that the City sent out the Bond Counsel RFP to six firms. The City received 4 proposals in response to the RFP. Attorney Denhardt reported that he, the City Manager and the City's Financial Advisor had reviewed the proposals and ranked the firms. Attorney Denhardt stated that a recommendation for the award of the Bond Counsel will be presented at the next meeting. He also reported that while the Bond Counsel writes the bond documents, a Disclosure Counsel is necessary to disclose possible pitfalls in the process. Attorney Denhardt suggested that separate firms be hired for Bond Counsel and Disclosure Counsel.

Commissioner Maloof asked if the City had a Disclosure Counsel previously. Attorney Denhardt stated that a Disclosure Counsel was not necessary in the past for the types of bonds the City had.

The Commission will consider the resolution on Tuesday, February 25<sup>th</sup>.

### **4. Contract for Construction Inspection on the Causeway Fixed Bridges –**

The Public Works Director reported that the construction of the two fixed bridges will require constant monitoring at two locations by more than one area of expertise. The Public Works Director stated that he received a total estimated cost from EC Driver for this contract in the amount of \$916,977.41.

The Commission will consider the resolution on Tuesday, February 25<sup>th</sup>.

2/18/03

**5. Purchase of Replacement Lid for Lift Station No. 1 –**

The Public Works Director reported that lift station #1's hatch located in Bayshore at 80<sup>th</sup> Terrace has collapsed due to age as well as heavy vehicles passing over it.

The Public Works Director stated that he recommends authorizing Westra Corporation to replace the hatch in the amount of \$10,010.

Commissioner Maloof asked if the City could recoup any of the costs for the replacement of the lift hatch since the area where the lift hatch was located is used by heavy vehicles as part of the Reclaimed Water Project.

The Public Works Director stated that it is difficult to determine whether the damage to the lift hatch was caused by heavy vehicles or by age.

Commissioner Ellsworth inquired if the reclaimed water project would be affected since Westra is handling that project as well.

The Public Works Director indicated that there would not be a conflict.

The Commission will consider the resolution on Tuesday, February 25<sup>th</sup>.

**6. Purchase of Public Works Barge -**

The Public Works Director reported that the City authorize the purchase of a barge cradle lift from Pinellas Dock & Lift in the amount of \$8,221.

The Mayor commented that he was pleased with the proposal since the city had budgeted for twice that amount.

JD Hadsall suggested that the City consider trailoring the barge rather than purchasing a barge cradle lift. He said that it seems "crazy" to spend the money on an electric lift.

Commissioner Ellsworth stated that the width of the barge must be taken into consideration. He asked the Public Works Director to advise the Commission regarding the beam of the barge.

The Commission will consider the resolution on Tuesday, February 25<sup>th</sup>.

2/18/03

**7. Proposal to Revise Regulations re: Motor Vehicles on the Public Beach**

The City Manager reported that the State of Florida has greatly restricted motor vehicle access to beaches absent any local laws or regulations. He stated that the State would allow broader beach access only if there is a local ordinance relating to it.

The City Manager stated that the City's local ordinance pertaining to motor vehicles on public beaches is covered in Section 58-38 of the City's Code. He stated that it is extremely restrictive. The City Manager stated that the ordinance reads as follows, "No person shall drive or propel any motor vehicle on beaches or easements thereto".

The City Manager explained that currently City vehicles are used on public beaches for trash collection, beach raking, police patrol and access for fire rescue. He said that according to the ordinance these activities are illegal.

The City Manager suggested the following four exceptions to the ordinance:

- a. City owned vehicles used to remove garbage and/or debris from the beach.
- b. Police and Fire Department vehicles used for emergency response and routine patrol.
- c. City vehicles for beach maintenance purposes. (i.e.: beach raking, dune restoration, walk over construction/repair)
- d. Participants and support staff for setup and breakdown of special events.

The City Manager suggested that "or to conduct other city business" be added to the first exception.

Commissioner Blush asked whether the "Turtle Man" or USF's Site Surveying staff would be in violation of the new ordinance.

The City Manager stated that they would fall under "other city business".

Mayor Atkinson asked about the vendors that rent beach equipment.

The City Manager indicated that they are under contract and covered under "other

2/18/03

city business”.

Mayor Atkinson suggested that the first exception be revised to read “city or privately approved vehicles”.

Attorney Denhardt stated that the recommended changes will be incorporated into the ordinance.

The Commission noted that the first reading of this ordinance will be on Tuesday, February 25<sup>th</sup>.

(Item 8 was moved to City Manager/City Attorney Reports and Comments #3)

**9. Preservation of Florida’s Beach Management Trust Fund –**

Mayor Atkinson stated that there is an effort on the part of Governor Bush to reduce the current \$30 million per year to \$15 million per year.

Mayor Atkinson stated that the Commission will consider a resolution that reinforces the City’s approval for the current \$30 million per year to remain in the beach trust fund.

The Commission will consider the resolution on Tuesday, February 25<sup>th</sup>.

**10. Height Variance for Property Located at 26 - 78<sup>th</sup> Avenue (No Discussion) -**

The Commission noted that the height variance will be considered on Tuesday, February 25<sup>th</sup>.

**11. Height Variance for Property Located at 755 – 123<sup>rd</sup> Avenue (No Discussion) -**

The Commission noted that the height variance will be considered on Tuesday, February 25<sup>th</sup>.

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

Attorney Denhardt discussed a memo he planned to distribute regarding per diem and travel expenses. He stated that Florida State Statute 112 provides a method for reimbursement of per diem and travel expenses. Attorney Denhardt explained that the law has always been clear that municipalities were allowed to implement their own ordinances and policies and procedures for reimbursement

2/18/03

of actual expenses other than limited per diem as provided by State statute. An attorney general's opinion dating back 19 years also supported the municipalities' rights to enact ordinances and policies and procedures regarding per diem and travel expenses.

Attorney Denhardt reported that Attorney General Opinion (AGO) #2003-01 requires municipalities to follow the Florida Statute rather than enacting their own ordinances and policies and procedures for per diem and travel expenses.

Attorney Denhardt recommended that reimbursement be obtained according to the State statute until pending legislation can be enacted to reverse AGO 2003-01.

Mayor Atkinson stated that Florida League of Cities is working hard to get the legislation passed.

**1. FY 01-02 Audit Report -**

The City Manager reported that the Fiscal Year 01-02 Audit Report will be ready on Thursday, February 20<sup>th</sup>. The Auditors will present the report to the Commission on Tuesday, February 25<sup>th</sup>.

**2. Financial Report as of January 31, 2003 –**

The City Manager reported that revenues are up and that expenditures are slightly higher at 37% versus 33.3 % for the year but being monitored.

The City Manager reported that the City has hired Randy Aebersold as a part-time Golf Pro at Treasure Bay Golf and Recreation Center. Mr. Ebersall was a former full-time Golf Pro at Pasadena Country Club and Lakewood Country Club. The City Manager commented that there will be an open house and a golf and tennis social with a buffet to follow at Treasure Bay on Sunday, March 16<sup>th</sup>.

The City Manager reported that the buildings within the City Hall complex have all been painted. He stated that Treasure Bay and the new recycling center on Paradise Island will be painted next week.

The City Manager commented that Florida Department of Transportation (FDOT) will hold a meeting regarding the John's Pass Bridge Replacement Project on Thursday, February 20<sup>th</sup> at the Madeira Beach City Hall from 5:30pm until 7:30pm. The City Manager stated that the purpose of this meeting is to provide the public with a viewing of the preliminary designs.

2/18/03

### **3. Children's Camp Registration Fee -**

The City Manager reported that the Children's Camp program will go from 8 weeks to 10 weeks in order to dovetail with the public school systems' schedule. He stated there are some slight increases in the costs for these programs. The City Manager stated that the Summer Program will cost residents \$275/week and non-residents will pay \$550/week.

Commissioner Blush noted that it appears there is a price-break for early registration.

The City Manager reported that the prices he quoted include a \$25 savings for residents and a \$50 savings for non-residents for early registration.

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

Mayor Atkinson stated that he had called on everyone that submitted cards prior to discussing item #1. He said that there were 2 names on cards that were submitted after the item was being discussed. Mayor Atkinson said he did not call on the 2 names because he did not want to start a process of comments and rebuttals. He invited those individuals to speak during public comments.

Commissioner Blush reported that she had a meeting recently with the City Manager, the Public Works Director and two condo owners from Land's End regarding the walkovers on the south end of Sunset Beach. She stated that one walkover will be replaced with hardwood and one with synthetic materials so that both materials can be evaluated. She said that synthetic material is considerably more expensive. Therefore, they want to compare how these two walkovers withstand the environment before replacing all walkovers.

Commissioner Maloof commented on the memorial dedication ceremony for Darci Crist. She thanked Ruth Bartlett for her time and effort in organizing the event.

Commissioner Ellsworth thanked the six people behind the LDR Advisory Committee Proposal for attempting to come up with a compromise for Ordinance 02-06. He said he would especially like to thank 3 of those people that came forward to express their reasons for withdrawing the proposal.

Commissioner Ellsworth stated that he attended the quarterly meeting of the Suncoast League of Municipalities recently. He said that Senator Dennis Jones gave a speech regarding the budget handed down by Governor Bush. Commissioner Ellsworth said that Senator Jones indicated that if they taxed everyone an extra \$1,000 in property taxes that it would not fill the shortfall that

2/18/03

the governor has projected. He said that Mr. Jones has some ideas about how to deal with the issue. He further stated that the \$30 million per year that is allotted for beach renourishment drives a \$41.6 billion dollar tourist industry and the beaches are the driving force behind those funds.

Commissioner Ellsworth stated that he is volunteering to go to Tallahassee on behalf of the Commission on Legislature Day. He said that he spoke with Senator Dennis Jones regarding the Causeway Bridge Replacement Project and Senator Jones indicated that he is concerned about the project and will help in any way he can. Commissioner Ellsworth further stated that he spoke with Senator Jones' Secretary who stated that Senator Jones will make time for the delegation to meet on April 1<sup>st</sup>.

Commissioner Ellsworth stated that he will not be able to attend the Commission Meeting on Tuesday, February 25<sup>th</sup>.

**G. PUBLIC COMMENTS:**

Mr. Larry Hoffman commented on the lawsuit he filed against the City last October. He stated that he did not initiate the lawsuit to stop the vote but rather due to a "constitutional concern". Mr. Hoffman said that he is not in favor of "10 story buildings, 50 foot homes or increased density" but he does feel the referendum is unconstitutional because it requires a "super majority" to change a law that was passed by a "simple majority". He said he dropped the lawsuit because "the key stakeholders" in the referendum, Ray Green and Mike Daughtry, "agreed that the issue of a super majority was problematic" and that "the language could and should be changed". Mr. Hoffman stated that he is extremely disappointed that this issue has not yet been worked out. He said that he remains hopeful that the two sides will come together and resolve the matter.

Mr. Nick Monsoor asked the Commission to look at the traffic on 108<sup>th</sup> Avenue. He said that he hopes the major issues facing the Commission get resolved. Mr. Monsoor complimented City Staff and the Commission for doing a good job.

Mr. Harry Black commented that he and Ken Brown stood with Bill Edwards not for "harmony purposes" but to pick up where he left off in his speech if there was time. Mr. Black stated that he has seen the Mayor waive the 5-minute time limit before during the LDR discussions and that it does not have anything to do with money. He said he resents the money issue being thrown at the Mayor as a reason for extending the time limit for Bill Edward's public comments.

JD Hadsall stated that he did not know of any rule that allows the 5-minute time limit to be extended and that he has never seen it done before. He said, "to

2/18/03

extend the 5-minute limit for Bill Edwards and to knock out other people's comments is nothing short of a travesty".

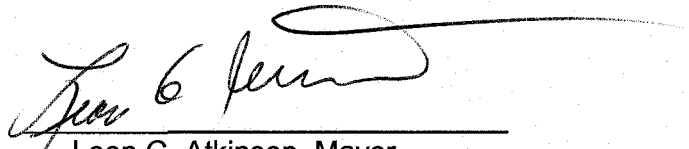
JD Hadsall stated that he would liked to have seen the City approach Representative John Carassas and Senator Dennis Jones last year in order to get a legislative bill instead of waiting for the 2004/2005 budget to get something introduced. He said he hopes there is "a move afoot either through the City Administration or the lobbyists to get a bill introduced at the stated and federal levels".

Jim Dobyms, President of Treasure Island's Voters Watch, reported that the candidate debate schedule will be as follows:

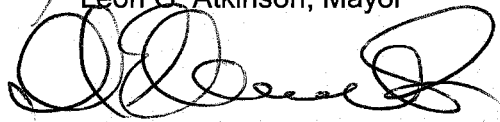
- Mayoral Debate – Friday, 2/21/03 at 6:30 pm
- Commissioner District 1 Debate – Saturday, 2/22/03 at 6:30 pm
- Commissioner District 3 Debate – Sunday, 2/23/03 at 6:30 pm

2/18/03

H. ADJOURNMENT:

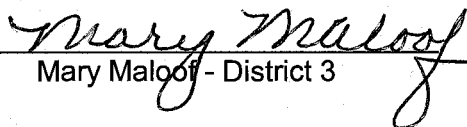


Leon G. Atkinson, Mayor

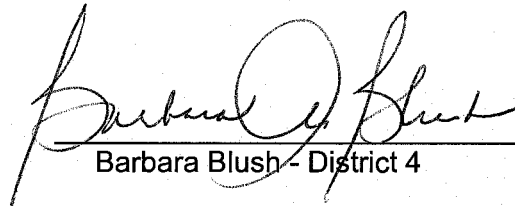


Irving S. Ellsworth - District 2

Stephanie Lavino - District 1

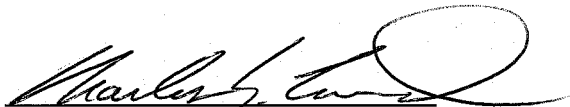


Mary Maloof - District 3



Barbara Blush - District 4

ATTEST:



Charles S. Coward, City Clerk