

**CITY OF TREASURE ISLAND
BOARD OF COMMISSIONERS WORKSHOP MEETING
May 6, 2003
7:00 p.m.**

A. ROLL CALL:

Mayor Mary Maloof	Present
Commissioner Phil Collins	Present
Commissioner Irving S. Ellsworth	Present
Commissioner Richard Kraus	Present
Commissioner Barbara Blush	Vice-Mayor Present

B. MINUTES:

Motion was made by Commissioner Blush and seconded by Commissioner Kraus to approve the minutes from the Commission Meeting of April 15th and the Commission Orientation Workshop of April 25th as written. Upon roll call, the vote to approve was unanimous.

C. PUBLIC COMMENTS:

Mr. Chris Hearn spoke regarding the rights of pedestrians in relation to crosswalks according to Florida Statutes. He suggested that the City consider directing the police to issue warning tickets to drivers that do not stop at crosswalks for pedestrians.

City Manager Chuck Coward stated that he would advise the Police Department of Mr. Hearn's concerns regarding crosswalk safety.

D. ACTION ITEMS:

1. Presentation of Beautification Awards –

Ms. Carol Malkin, the Beautification Committee Chairperson and Mayor Maloof presented beautification awards as follows:

Commercial Award The Bungalows
12321 Gulf Boulevard

Residential Award Mr. & Mrs. Jack Frankel
730 126th Avenue East

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2. Mayor's Proclamation –

Mayor Maloof read a proclamation announcing that the month of May is proclaimed as *Civility Month* in Treasure Island.

E. DISCUSSION ITEMS:

1. Renewal of Contract for Sewer Maintenance -

Public works Director Don Hambidge stated that the City is requesting approval to renew a contract with JTV. He explained that the City of Treasure Island has "piggybacked" the City of Gulfport's contract with JTV for this service.

Commissioner Collins asked if the figure in the contract is locked in or if it can go out.

The Public Works Director indicated that the contract is open-ended with not to exceed amounts.

City Manager Chuck Coward stated that JTV is guaranteeing price-per-foot amounts.

The Commission will consider the resolution on Tuesday, May 13th.

2. Memorial Tree Program – Beautification Committee –

Ms. Malkin stated that the Beautification Committee is submitting a memorial tree donation application form and a list of memorial trees as per a request from former Commissioner Stephanie Lavino for a memorial tree donation program. Ms. Malkin stated that the payment for donating a memorial tree will depend on the tree selected and will need to be approved by the Public Works Department.

Commissioner Blush asked where the memorial trees will be planted and whether a plaque would be included.

Ms. Malkin stated that the trees will be planted on City property and that there are no plans for the City to include plaques.

Ms. Malkin stated that a Beach Cleanup will take place on Saturday, 5/10/03.

The Commission will consider the resolution on Tuesday, May 13th.

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3. Purchase of Thermal Imaging Camera for Fire Department -

Fire Chief Charlie Fant stated that the Fire Department would like to purchase a thermal imaging camera. He stated that the Fire Department plans to use funds from the federal government as well as from the Volunteer Fire Department to purchase the camera.

Commissioner Collins asked about how the \$79,754 in grant funds from the federal government is being allocated.

The Fire Chief stated that the Fire Department has spent approximately \$42,000 of the funds to date on self-contained breathing apparatus (SCBA) equipment and a breathing air compressor.

The City Manager explained that grant funds must be spent only on authorized items. He also stated that although grant funds are available for these purchases, the Commission still must approve purchases that are over the City Manager's approval limit of \$8,000.

The Commission will consider the resolution on Tuesday, May 13th.

4. Donation of Fire Utility Vehicle by Volunteer Fire Department -

The Fire Chief stated that the Volunteer Fire Department would like to donate a new 4-wheel drive, fully equipped utility vehicle to the fire department.

The City Manager stated that there is not a vehicle to accept at this point and that the Commission needs to consider only whether the City is willing to accept the donation of the new vehicle as well as the sale of the Chevrolet Suburban.

Commissioner Collins asked how the City will establish a selling price for the Suburban.

The Fire Chief stated that the City can determine a base selling price for the vehicle and advertise for sealed bids.

The City Manager stated that the vehicle may also go to public auction.

The Commission will consider the resolution on Tuesday, May 13th.

5. Annual Evaluation of City Manager -

Mayor Maloof stated that she received the City Manager evaluations from the

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Commissioners. She said that a majority of the ratings were "excellent".

Commissioner Blush and Mayor Maloof read the narratives from their evaluations. Commissioner Blush stated in her narrative that the City Manager has done an "outstanding job". Mayor Maloof stated that she is "amazed and proud at the progress in our community in spite of the difficult times we have experienced recently".

Mayor Maloof and the Commission discussed the City Manager's compensation package with the City Manager.

Commissioner Ellsworth suggested a 5% raise and another month of termination benefits.

Commissioner Collins stated that he was against giving the City Manager a raise and that he would like to see the salary stay where it is due to current budget and expense issues.

Ms. Tricia Boat-Sorbie asked about how raises are established for employees at the City of Treasure Island as well as benefits.

The City Manager explained that there is a step system for annual salary adjustments.

The Commission will consider the resolution on Tuesday, May 13th.

6. Evaluation Form for Annual Evaluation of City Attorney -

Commissioner Blush asked to hear from department heads and the City Manager regarding the City Attorney's performance; however, the City Manager expressed concern about the staff's role in evaluating a peer or superior.

The Commission discussed the process for evaluating the City Attorney with the City Manager.

Mayor Maloof stated that she would like the style of the evaluations of the City Attorney and the City Manager to be the same since both individuals are appointed by the Commission.

Mayor Maloof asked the Commissioners to be prepared to fill out the evaluation forms and turn them in at the Commission Workshop Meeting on May 20th.

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7. Streetlight Agreement with Progress Energy –

The City Manager stated that there are approximately 30 streetlights installed by FDOT that need to be added to the maintenance agreement with Progress Energy. Commissioner Ellsworth inquired if damage to the streetlights is included in the cost of \$11,000 for the maintenance of the streetlights.

The City Manager stated that the maintenance agreement would cover energy, damage to the streetlights as well as regular maintenance items such as changing light bulbs. He also stated that numbers will be assigned to the streetlights as part of the maintenance agreement.

8. Rules of Procedure –

The commissioners discussed making changes to the Rules of Procedure and decided not to consider making any changes for six months.

Mayor Maloof stated that she would like to hold a town hall meeting once a month. She said that this meeting would be an unofficial meeting that would give residents a chance to ask questions with no time limits.

Ms. Heidi Horak stated that she was in favor of the Commission not making any changes to the Rules of Procedure.

9. Noordhoek Property Acquisition as Part of SVTP –

The City Manager stated that previously the Commission allocated \$300,000 from the sale of property on 117th Avenue for the possible acquisition of the Noordhoek property for the expansion of the Sunset Vista Trailhead Park (SVTP). He said that a recent appraisal of the Noordhoek property places the property at close to \$700,000. The City Manager asked the Commissioners for direction on how they would like to proceed with the matter.

Commissioner Collins stated that he would be opposed to purchasing the Noordhoek property.

Commissioner Ellsworth asked if there are any grants available for the purchase of the property.

The City Manager stated that the City cannot use condemnation to purchase the property when using grant funds.

Commissioner Collins asked how the City will benefit from using the Noordhoek

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parcel to expand the park.

The City Manager stated that the Noordhoek parcel would provide for three handicapped parking spots as well as one parking spot for a maintenance vehicle.

Commissioner Ellsworth asked if the City wanted to go through condemnation and make an offer on the property how would it be arranged.

The City Manager stated that he would need to analyze the Penny for Pinellas Fund to determine the impact (on other projects) of using an additional \$400,000 for the acquisition of the Noordhoek property. He said that the City receives an estimated \$600,000 annually from the Penny for Pinellas Fund.

Commissioner Kraus suggested that since the park is functional, the \$300,000 allotted for the purchase of the Noordhoek property could be applied to the Causeway Bridge Replacement Project.

Commissioner Blush asked for a status of the Penny for Pinellas Fund as well as a projection of projects planned for the next two years and the costs associated with condemnation.

The City Manager stated that court costs may also come into play.

Commissioner Ellsworth added that the costs for surveys and appraisals should also be included.

Mr. Chris Hearn commented that the appraised value of the Noordhoek property jumped from \$300,000 to \$700,000 due to the Planning & Zoning Board's granting of special exceptions allowing residential properties on the lots next door. He said that changes to land use should come before the Commission rather than the Planning & Zoning Board.

Commissioner Ellsworth asked how the value of the Noordhoek property increased so dramatically in one year.

The City Manager stated that the price change stems from the special exception land use granted by the Planning & Zoning Board. He said there is a specific group of uses that the Planning & Zoning Board can grant special exception uses from. Attorney Denhardt stated that while the value of the Noordhoek property would be much lower if the special exception uses were denied by the Planning & Zoning Board, the ordinances must be followed by the Board when deciding whether to grant or deny special exception uses. Mr. Dan Lenehan asked why it took over a year to get the appraisal. Ms. Horak commented that the Planning & Zoning Board

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did not have to grant the special exception use. She said the Board should stick to the plan for commercial areas. Ms. Horak suggested that the City keep trying to work with Mr. Noordhoek and she commended Commissioners Blush and Ellsworth for requesting more information on the project.

Ms. Boat-Sorbie commented that she thought it may be illegal not to provide for handicapped parking at the SVTP. She asked the City to look into ADA requirements

Mr. Ken Weiss stated that he would offer his services free of charge to Mr. Noordhoek in order to set up a charitable remainder trust to sell the property without any taxes.

Mayor Maloof requested that the City Manager research the costs associated with the purchase of the Noordhoek property as well as the status with Penny for Pinellas Fund and provide the Commission with a report at the Commission Workshop on May 20th.

The City Manager stated that if Heidi Horak is in regular contact with Mr. Noordhoek that she could possibly represent the City's interest in purchasing the parcel. Mayor Maloof stated that she would discuss the issue with Ms. Horak.

10. Land Development Regulation Issues –

Attorney Denhardt provided the Commission with a synopsis of his legal opinion regarding Ordinance 02-06 and the Referendum that was passed on November 5, 2002.

The Commissioners discussed the legal opinion as well as their options relating to Ordinance 02-06 and the Referendum with Attorney Denhardt.

Commissioner Ellsworth stated that he would like more time to review Attorney Denhardt's legal opinion and suggested that the Commission discuss the issue further before taking any action.

The Commissioners decided that they would like to meet with Attorney Denhardt to discuss their options. Attorney Denhardt requested that the Commissioners call his office to make appointments to discuss the matter.

Mayor Maloof requested that the item be included on the Commission Meeting Agenda for May 13th as a discussion item.

Mr. Frank McConnell commented on private discussions between the Commission

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and its legal counsel. He stated that the public has a great interest in hearing the results of these discussions. Mr. McConnell said that he sees no reason why the Commission cannot instruct the City Attorney to meet with the opposing attorney for the Daughtry/Greene lawsuit. He also stated that he felt it is imperative to remove Ordinance 02-06.

Ms. Horak commented that she is appalled that 1/3 of Attorney Denhardt's letter relates to unseating the Citizen Referendum passed by 2/3 of the voters. She stated that she would like more time to review the "baseline, non-offensive" provisions of Ordinance 02-06 to see how developer agreements are being handled. She also commented that she agrees with Mr. Weiss and Mr. McConnell that a vigorous defense against the lawsuit is not necessary.

Mr. Weiss stated that in his opinion the best way for the City to resolve the matter with the least amount of risk would be to enter into a stipulation to make the injunction of Ordinance 02-06 permanent. He suggested that (due to the June 20th hearing date) the Commission consider either entering a stipulation to make the injunction permanent or extending the injunction by 3 months for Ordinance 02-06.

11. Big C Website –

Commissioner Blush stated that the Barrier Islands Governmental Council (Big C) discussed creating a Web site in order to share memos and resolutions with other cities. She said that the membership voted to reserve the domain name **Barrier Islands Council.com** at a cost of \$70 for two years. Commissioner Blush also stated that the proposal for the Web site included startup costs of approximately \$1,900 and annual costs of approximately \$300. She said that President Beyrouti has asked each city to consider the proposal, and if acceptable, pass a resolution dedicating \$200 to the project. Commissioner Blush recommended funding the project.

The Commission will consider the resolution on Tuesday, May 13th.

12. Resolution – Opposing Amendment to HB 1069 and Deferral of Action on SB 1164 –

Mayor Maloof stated that this issue dates back to the "water wars". She said that Tampa Bay Regional Planning Council passed a resolution on this matter and has asked its member communities to pass resolutions as well.

The Commission will consider the resolution on Tuesday, May 13th.

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F. CITY MANAGER/CITY ATTORNEY REPORTS & COMMENTS:

Attorney Denhardt commented that the Clearwater Bar Association will hold a seminar on "Law for the Public Official" on Thursday, May 22nd from 8:15 am to 3:45 pm.

Attorney Denhardt reported that Judge Penick's order in favor of Commissioner Blush regarding the Recall has been entered in writing.

1. NOAA Supplemental Grant Award –

The City Manager stated that after two years of working to obtain grant funds, the City has received \$53,000 to restore the dune system on the south side of the Sunset Vista Trailhead Park by Beach Nutts and Nick's Seabreeze. He commented that the Beach Stewardship Committee is also very interested in this award because public planting of native plants will also be included along with the dune restoration.

2. Commission Orientation Workshop #3 –

The City Manager asked the Commission to decide on a schedule for the third Commission Orientation Workshop. He said that he had checked with staff and the Weeks of May 19th and May 26th would work best with staff's calendars.

Commissioner blush asked to have the proper procedure for conducting a meeting added to the agenda.

The Commissioners agreed to schedule the Commission Orientation Workshop on Friday, May 23rd at 1:00 pm.

The City Manager asked for permission to schedule a quasi-judicial hearing for the Commission Meeting on May 13th regarding a parking variance for a change of use from retail to restaurant with alcohol.

The Commission agreed to schedule the quasi-judicial hearing for May 13th.

The City Manager stated that he received a request from Commissioner Collins to spend a "day in the saddle". He explained that this could include; spending time riding in a police cruiser, fire truck, refuse crew, landscapers or facilities maintenance, etc. He said that the Commissioners are welcome to spend time with the crews and asked that the Commissioners go through his office and the respective department heads to schedule it.

The City Manager reported that the City has hired a golf pro at Treasure Bay and that he is now onsite and working. The City Manager stated that he feels the

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addition of a golf pro will enable the golf program at Treasure Bay to be better utilized.

The City Manager reported that the new traffic signals at Gulf Boulevard and West Gulf Boulevard are in place.

The City Manager read a thank you letter that Deputy City Clerk Jennifer Nye received from Margaret Eynatten, a member of the Election Board.

The City Manager reported that he plans to take a vacation day on Monday, May 12th and that he would be attending the Florida City and County Management Association (FCCMA) Seminar May 14th through May 17th. He stated that he will be available on his cell phone should the Commissioners need to get in touch with him.

G. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Blush thanked the Treasure Island Volunteer Fire Department for inviting her to their banquet and installation. She complimented the fire department on the outstanding donations made to the City. Commissioner Blush also said that the volunteer firefighters are heroes who have really given their all to our residents.

Commissioner Blush congratulated the new Board of Directors of the Treasure Isles. She thanked Dan Schwartz, president of the sunset Beach Civic Association and Mr. & Mrs. Stern of the Ka'Tiki for the chicken BBQ that was held on May 4th.

Commissioner Ellsworth commented that the Treasure Island Charities is hosting a fishing tournament the weekend of May 9th.

Commissioner Ellsworth commented that the City of Treasure Island is hosting a Suncoast League of Municipalities meeting on Saturday, May 17th at 11:30 am at the Pelican Point Holiday Inn. He urged all commissioners to attend.

Commissioner Ellsworth commented that the 69th annual Tarpon Tournament will be at Gators from May 16th through the end of July.

Commissioner Ellsworth requested that the Commission consider reinstating giving free toll passes to members on the City's Boards and Committees.

Mayor Maloof stated that she would not be in favor of providing free toll passes to Commissioners.

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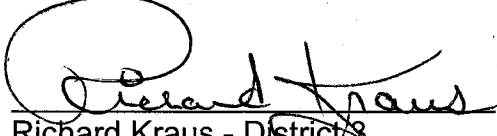
H. PUBLIC COMMENTS:

None.

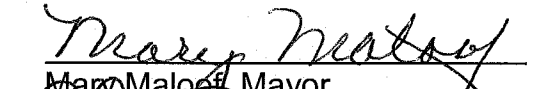
I. ADJOURNMENT:



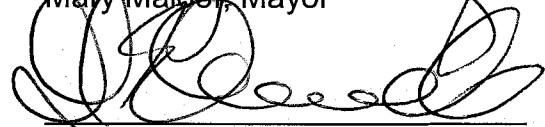
Phil Collins - District 1



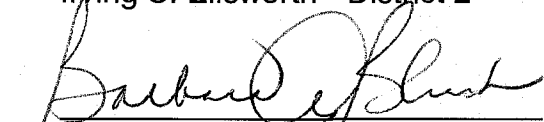
Richard Kraus - District 3



Mary Maloney, Mayor

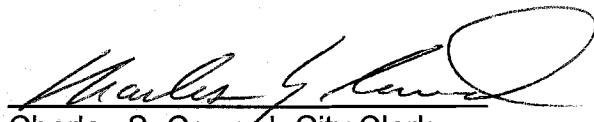


Irving S. Ellsworth - District 2



Barbara Blush - District 4

ATTEST:



Charles S. Coward, City Clerk