

**CITY OF TREASURE ISLAND  
BOARD OF COMMISSIONERS MEETING  
July 22, 2003  
7:00 p.m.**

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

**C. MINUTES:**

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

**D. PUBLIC COMMENTS:**

Ms. Olivia Cox stated that the east pedestrian walkway is ready for use. She thanked Commissioner Kraus, Commissioner Collins, the Mayor and the City of St. Petersburg for their support.

Mr. Ed Gayton requested to have City Attorney Jim Denhardt's written request for an Attorney General's Opinion added to the agenda for discussion.

Mayor Maloof added it as Action Item #7 on the agenda.

Mr. J.D. Hadsall commented on an article in Sunday's Neighborhood Times regarding legal fees for Ms. Barbara Blush's recall. He stated that resolution #03-48 expanding resolution #93-22, to include coverage for ethics and recall proceedings, was passed in May, 2003 while the final order in the recall was passed in April, 2003. Mr. Hadsall indicated that the resolution is not retroactive to cover Ms. Blush's attorney fees for the recall. He stated the cases for four of the five individuals that had ethics complaints filed against them have been settled prior to the passing of this resolution.

Mr. Ricky Taylor, Ms. Tricia Boat-Sorbie, Mr. Fred Stern and Mr. Glenn Kaisner spoke in favor of passing the ordinance expanding the work hours for the Sunday sales of alcohol.

Commissioner Ellsworth stated that the cities of Tampa, Dunedin and Clearwater

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are in the process of passing similar ordinances

**E. ACTION ITEMS**

Mayor Maloof moved item #2 to the beginning of the **Action Items** to allow more time for the arrival of a speaker regarding para-motor regulations.

**2. Ordinance – Expanding Work Hours for Sunday Sales of Alcohol –  
Second Reading & Public Hearing –**

After hearing the second reading of the ordinance pertaining to alcoholic beverage sales; amending Section 63-34 and Section 63-35 of the "Code of Ordinances of the City of Treasure Island, Florida" pertaining to the hours of alcoholic beverage sales; providing that alcoholic beverages can be sold in the City of Treasure Island on Sundays between the hours of 10:00 a.m. and 2:00 a.m. the following day; providing for the inclusion of such amended ordinance in the "Code of Ordinances of the City of Treasure Island, Florida"; providing an effective date, motion was made by Commissioner Blush and seconded by Commissioner Kraus to approve the ordinance as read.

Commissioner Ellsworth stated that he would be abstaining from voting on this item.

Ms. Sylvia Stratis stated her concern that the increase in revenue from the sale of alcohol on Sundays would not be worth the possibility of someone getting injured by a drunk driver.

Mr. Ricky Taylor stated that St. Petersburg has already passed a similar ordinance setting the Sunday sales of alcohol at 11:00 a.m. and that many other municipalities along the beach are also in the process of passing similar ordinances.

Ms. Tricia Boat-Sorbie stated that it is important that the Commission pass this ordinance so that people stay in Treasure Island rather than going to St. Petersburg.

Mr. Fred Stern stated that establishments that serve alcohol are part of the Responsible Vendor Program.

Mr. Glenn Kaisner stated that the Commission should pass the ordinance in order to stay competitive with St. Petersburg and to attract and retain tourists in Treasure Island.

Commissioner Ellsworth stated that the cities of Tampa, Clearwater and Dunedin are in the process of considering similar ordinances.

Upon roll call, the vote to approve was unanimous (excluding Commissioner

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Ellsworth who abstained from voting).

**3. Resolution – Tentative Mill Levy for FY 2003-2004 -**

After hearing the reading of the resolution setting forth the proposed tentative millage of 2.6272 for the City of Treasure Island for the fiscal year 2003-2004, motion was made by Commissioner Ellsworth and seconded by Commissioner Collins to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

**4. Resolution – Final Design for Causeway Bridge Historic Preservation –**

After hearing the reading of the resolution approving a contract with Woodroffe Corporation Architects for final design of the Causeway Bridge Historic Preservation project in the amount of \$56,400, motion was made by Commissioner Blush and seconded by Commissioner Ellsworth to approve the resolution as read.

Commissioner Kraus suggested that the Commission consider postponing the award of the contract until the number of monument sites has been established.

City Manager Chuck Coward stated that the Commission could choose to discuss it further at a workshop meeting and ask Woodroffe to revise the proposal at that time.

Commissioner Collins stated that he didn't think there was a reason to rush on the award of the contract since this project would not begin until the end of the Causeway Bridge Construction project.

The City Manager stated that approximately 24 of the monuments have been accumulated from the fixed bridges and that the plan is to install them during the bridge construction project.

Mayor Maloof asked if the City would pay for the whole contract up front or if it would be paid for in phases.

The City Manager stated that it is a not-to-exceed contract and the City would only pay for the work that the City authorizes.

Commissioner Kraus stated that the Commission could discuss the number of monuments and the options available at a regular workshop meeting.

Commissioner Blush withdrew her motion and Commissioner Ellsworth withdrew his second.

Mayor Maloof stated that the item would be discussed at the workshop meeting on

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August 5<sup>th</sup> or August 19<sup>th</sup>.

**5. Resolution – Downtown Parking Master Agreement –**

After hearing the reading of the resolution adopting a downtown parking agreement in accordance with City code parking regulations, motion was made by Commissioner Kraus and seconded by Commissioner Ellsworth to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

**6. Resolution – Appointment to Planning & Zoning Board –**

After hearing the reading of the resolution appointing Earl Pfeiffer to serve on the Planning & Zoning Board of the City of Treasure Island, motion was made by Commissioner Ellsworth and seconded by Commissioner Kraus to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

**1. Ordinance – Para-motor Regulations on Public Beaches – First Reading**

After hearing the first reading of the ordinance pertaining to the operation of aircraft-type devices over parks, swim zones and public beach areas of the City; restricting the operation of such devices in or over such areas; providing for the inclusion of such ordinance in the "Code of Ordinances of the City of Treasure Island, Florida"; providing an effective date, motion was made by Commissioner Kraus and seconded by Commissioner Blush to approve the ordinance as read.

Commissioner Collins stated that he was invited to take a ride in a para-motor. He said that it was a lot safer than he thought and that he felt activities such as this help to perpetuate business on the island.

Commissioner Blush stated that she received calls from constituents indicating that they felt this activity is unsafe. She said that there have been several incidents on Sunset Beach with para-motors buzzing people and one incident where a para-motor landed in the vicinity of a child. Commissioner Blush said that she feels she must support the ordinance.

Commissioner Ellsworth asked if the ordinance is a mirror image of the Federal Aviation Administration's (FAA) requirements.

City Attorney Jim Denhardt stated that the ordinance mirrors the Clearwater ordinance.

Mr. Jim Jackson introduced Dr. Terry Alford as a liaison with the FAA.

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Dr. Alford read a letter from the Chief of Special Operations & Manager of Special Events of the southwest division of the FAA that addressed the vertical boundaries for use of airspace in Treasure Island as well as the operation of ultralights in sparsely populated areas.

Commissioner Ellsworth asked if Dr. Alford was connected with the FAA.

Dr. Alford stated that he is a certified flight instructor with the FAA.

Commissioner Ellsworth asked if there is a ceiling that an aircraft has to reach over Treasure Island.

Dr. Alford stated that they are required to stay outside of uncontrolled fly space. He stated that they are not allowed to fly over 1,200 feet.

Commissioner Ellsworth asked how low the ultralights can fly at.

Dr. Alford stated that they can fly at 1,000 feet over a city, town or settlement. He said that the beach is classified as sparsely populated and that ultralights can fly all the way down to the ground as long as they are not near people.

Commissioner Blush asked if people are required to obtain a license to fly para-motors and Dr. Alford said that no license is required.

Commissioner Blush asked where a person would purchase a para-motor and Dr. Alford stated that para-motors can be purchased on the Internet.

Commissioner Kraus stated that Section 103.15 of the FAA Regulations prohibits para-motors from flying over a congested area or an open air assembly of persons. Dr. Alford stated that the FAA classifies beaches as sparsely populated.

Ms. Tricia Boat-Sorbie urged the Commission to pass the ordinance due to the noise disturbing people at the beach and the possibility of the City being held liable if a fatality occurs.

Mr. Michael Daughtry spoke in favor of allowing the para-motors at the beach. He said that he finds them aesthetically pleasing and that the para-motors could help our businesses in Treasure Island.

Commissioner Kraus stated that if the ordinance was passed it would still allow people to fly para-motors for special events.

Mr. Tom Burns stated that there are a lot more kites on the beaches than para-

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motors and asked the Commission to take kites into account as well.

Ms. Roseanne Petit stated that she had some guests that fly para-motors stay at the Seahorse Cottages and she said that they did not disturb any of the guests

Mr. Jeff Thompson stated that Section 103 of Florida Statutes states that it is legal to fly over unpopulated areas and illegal to fly over populated areas.

Commissioner Kraus stated that the City does not have the authority to impose a fine if the regulations are not followed and the FAA does not have enough personnel to police the use of para-motors here in Treasure Island.

Ms. Olivia Cox suggested that the Commission place the ordinance on hold in order to find out more about para-motors and how they function.

Motion was made by Commissioner Collins and seconded by Mayor Maloof to table the ordinance so that the Commissioners could investigate the para-motors further. Upon roll call, the vote to table the ordinance passed with 3 ayes and 2 nays as follows:

Mayor Maloof	Aye
Commissioner Collins	Aye
Commissioner Ellsworth	Nay
Commissioner Kraus	Aye
Commissioner Blush	Nay

#### **7. Request for Attorney General's Opinion --**

Mr. Ed Gayton indicated that on June 3<sup>rd</sup> he asked the Commission to direct the City Attorney to write a letter requesting an Attorney General's Opinion regarding changes to the Rules of Procedure. He stated that the letter is addressed to Ms. Patricia Gleason and asked why the letter was not addressed to the Attorney General. Mr. Gayton also was concerned that the letter stated that either a formal or informal opinion would be acceptable.

Mayor Maloof stated that Ms. Gleason serves as General Counsel to the Attorney General and that a ruling issued by her would be as binding as an opinion from the Attorney General. She also stated that the Commission accepted the request for an informal opinion at the workshop meeting on July 15<sup>th</sup>.

Mr. Gleason stated that the Commission voted to instruct the City Attorney to obtain a formal Attorney General's Opinion and that the Commission should have had a re-vote to consider accepting an informal opinion.

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The City Attorney indicated that Ms. Gleason is an expert in public records and the Sunshine Law. He stated that both formal and informal opinions are made available on the Attorney General's Web site. The City Attorney indicated that Ms. Gleason suggested that it would be appropriate to request an informal opinion.

Mr. Gayton stated that he requested that the City Attorney obtain an official Attorney General's Opinion.

Commissioner Collins asked how an informal opinion would be viewed in court.

The City Attorney stated that an informal opinion would be viewed in exactly the same way as a formal opinion. He stated that legal opinions are not mandatory or binding and that they set persuasive precedence. The City Attorney stated that whether the opinion was formal or informal, he would recommend that the Commission follow the recommendations.

Commissioner Kraus asked if it would take longer to obtain a formal opinion and the City Attorney responded affirmatively.

Commissioner Kraus suggested that the City Attorney request a formal opinion in order to satisfy everyone.

Commissioner Ellsworth suggested that the City Attorney request an Attorney General's Opinion and see who responds to the request. He asked why the Commission does not consider changing every meeting to a regular meeting so that new business could be added at the meeting.

The City Attorney suggested that the Commission call the meetings "Workshop/Special Meetings" and Commissioner Ellsworth stated that he would prefer that the Commission do that.

Commissioner Collins stated that he felt the Commission should still obtain a formal legal opinion.

Mr. Ed Gayton stated that the letter needs to be re-written.

Mayor Maloof requested that the City Attorney call Mr. Gayton to get his input on the request for an Attorney General's Opinion.

Commissioner Ellsworth stated that he would like to see the letter before it is sent to the Attorney General.

Mr. Carson Munsey stated that Mr. Gayton is not the only one that is unhappy. He

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said that the very issue that was passed at a Commission meeting was then watered down.

Mr. George Makrauer stated that the fundamental problem is the legal counsel and he suggested that the City obtain proposals for new legal counsel

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

The City Manager reported that there will be a public hearing regarding a request for a height variance at 1304 Lagoon Lane on Tuesday, August 12<sup>th</sup>.

The City Manager stated that there would be no Commission meeting on Tuesday, July 29<sup>th</sup> as it is the fifth Tuesday of the month.

The City Manager reported that the Bridge Financial Roundtable Workshop would take place on Monday, August 4<sup>th</sup> at 6:00 p.m.

**G. REPORTS BY COMMISSIONERS:**

Commissioner Collins stated that he would like to discuss term limits for committees and boards at the next Commission meeting.

Commissioner Collins reported that he visited the Crest Manufacturing to view the facility and the workstations.

Commissioner Collins asked the Commissioners to look at the survey relating to E-mail and provide him with feedback.

Commissioner Ellsworth stated that he hopes that after an Attorney General's Opinion is received that the issues relating to the Rules of Procedure can be put to rest.

Commissioner Ellsworth stated that he received a call from Ms. Sylvia Stratis regarding the reclaimed water project. He said that she indicated that there is a drainage problem on Sunshine Lane. The City Manager stated that the issue has been turned over to Pinellas County and that the County reported that there is not a drainage problem. Commissioner Ellsworth requested that someone follow up with her on the issue and the City Manager stated that he would make a request for a County representative to contact her on the matter.

Commissioner Kraus reported that he also visited Crest Manufacturing and was impressed by the quality of the furniture. He said that the materials meet state bid requirements and the furniture is quoted at the lowest commercial price.

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Commissioner Blush reported that two property owners on Sunset Beach still have reclaimed water problems. She said that Mr. Smith has a street drainage problem on 77<sup>th</sup> Avenue and Mr. Edwards has a ponding issue and needs to have piling repaired on 91<sup>st</sup> Avenue.

Commissioner Blush reported that Westra Corporation is still out at 83<sup>rd</sup> Avenue and Bayshore as well as the Lions Club parking lot.

Commissioner Blush thanked staff for replacing some of the boards at the entrance of the boardwalk on Sunset Beach and for repairing the pot holes at parking lot 2 ½.

Commissioner Blush stated that the decorative finishing touches to the mast arm traffic signals on Gulf Boulevard and West Gulf Boulevard look very attractive. She urged the Commissioners to take a look at them

Commissioner Blush reported that she toured the causeway bridge with Public Works Director Don Hambidge on Tuesday, July 22<sup>nd</sup>. She stated that she crossed the catwalk on the east bridge and said that it was, "a piece of work and very functional". Commissioner Blush said that she also observed concrete pouring on the west bridge.

Mayor Maloof asked Commissioner Collins to put his request for term limits in memo format.

Commissioner Collins suggested that the City write a request for proposals (RFP) and go to bid for the position of City Attorney.

Mayor Maloof stated that the issue of an RFP for City Attorney would need to be placed on the agenda as a workshop item and Commissioner Collins requested that it be placed on the workshop agenda.

Mayor Maloof read a letter from a person that wanted to thank City Planner Lynn Rosetti for her diligence and professionalism in handling a variance request. Mayor Maloof stated that the City is looking into the issue of the flowers that are not blooming on Paradise Island.

**H. PUBLIC COMMENTS:**

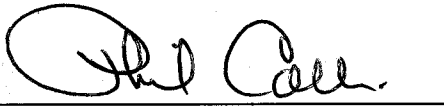
Ms. Boat-Sorbie asked the Mayor to confirm if the City Attorney was evaluated recently and the Mayor responded affirmatively.

Ms. Boat-Sorbie stated that if Ms. Pat Gleason's opinion on behalf of the Attorney General's Office is unacceptable than Mr. Alford's opinion on behalf of the FAA should also be unacceptable,

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Mr. Jeff Warner stated that there is a washout occurring at the end of 93<sup>rd</sup> Avenue. He also expressed his support for para-motors.

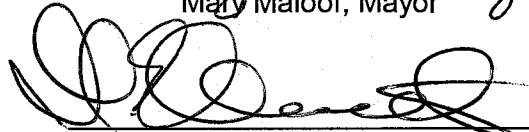
I. **ADJOURNMENT:**



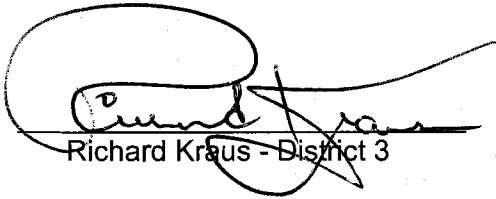
Phil Collins - District 1



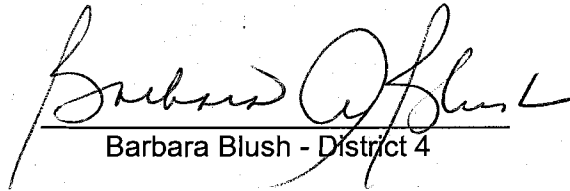
Mary Maloof, Mayor



Irving S. Ellsworth - District 2

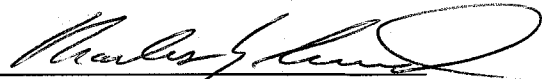


Richard Kraus - District 3



Barbara Blush - District 4

**ATTEST:**



Charles S. Coward, City Clerk

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>FUSWORTH IRVING S.</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>TREASURER'S CITY COMMISSION</b>	
MAILING ADDRESS <b>11285 FS EAST</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <b>TREASURERSLAND</b>	COUNTY <b>DUNELAND</b>	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <b>22 JULY 03</b>		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

Any person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained (including the parent organization or subsidiary of a corporate principal by which he is retained); to the special private gain of a relative; or to the special private gain of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, IRWING SEUSWORTH, hereby disclose that on 22 JULY 03, 1903:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain;
- inured to the special gain of my business associate, \_\_\_\_\_;
- inured to the special gain of my relative, \_\_\_\_\_;
- inured to the special gain of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain of SUNNY PASS MARINA <sup>REWEVER</sup> SUNNY PASS CHARTERS, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

EXPANDING WORK'S HRS FOR SUNDAYS  
SALES OF ALOLA TRADING

25 JULY 03  
Date Filed

\_\_\_\_\_  
Signature

**NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1991), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.**