

**CITY OF TREASURE ISLAND  
BOARD OF COMMISSIONERS WORKSHOP  
August 5, 2003  
7:00 p.m.**

**I. SILENT ROLL CALL BY DEPUTY CITY CLERK:**

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

**II. MINUTES:**

Motion was made by Commissioner Ellsworth and seconded by Commissioner Blush to approve the minutes from the meetings of July 9, 15, 16, 2003 after noting errors on pages 4 and 5. Upon roll call, the vote to approve was unanimous.

**III. PUBLIC COMMENTS:**

Mayor Maloof presented a proclamation recognizing Ms. Viola Brody's career and accomplishments in the field of psychology.

Mr. Jim Jackson stated that the Para-stars have been holding demonstrations for the last few weeks. He said that his group does not want to divide the City over this issue. Mr. Jackson asked that the para-motors ordinance be worded to allow for special events. He explained that when the Para-stars fly as a group they are covered by insurance.

Ms. Ruth Bartlett stated that some of the candidates for the Commission said that they would help raise money for the Causeway Bridge. She specifically asked Mr. Larry Hoffman to "step up to the plate". Ms. Bartlett said that she does not want to pay \$100 for a causeway pass. She also stated that if half of the people do not buy causeway passes in the future, it will cause property taxes to go up.

Ms. Olivia Cox stated that she went up in an ultralight on Saturday. She said that the ultralight came down very slowly and that everyone was waving to her during her descent.

Mr. Michael Daughtry stated that everyone should acknowledge Ms. Olivia Cox for her efforts in establishing the pedestrian crosswalk for the east causeway bridge. He stated that he saw two young women with children using the crosswalk recently.

8/5/03

He said a special thanks to Ms. Olivia Cox and Commissioner Kraus.

**IV. DISCUSSION ITEMS:**

**1. Report on Elnor Island Cleanup Effort –**

Mr. Bob Dowling reported the major findings and recommendations as detailed in the Report on Elnor Island Cleanup. He said the expedition achieved all of the objectives and then some. Mr. Dowling thanked Commissioner Collins for the briefing in the newspaper. He also stated that ongoing cleanup efforts are necessary.

Mayor Maloof stated that she had never seen the picture of "Bird Island". Mr. Dowling said that Mr. Bill Blush found the picture on the Internet.

Commissioner Blush stated that she sat on the Keep Pinellas Beautiful Board and she said that the board may be of help. Commissioner Blush asked Mr. Dowling if he had contacted the board. Mr. Dowling stated that the major emphasis has been on gathering data thus far and that more data is required.

Mr. Dowling asked that the ultralights steer clear from the island as the noise is disturbing to the habitat.

Mr. Dowling asked the Commissioners what they would like the Cleanup effort to concentrate on. Commissioner Collins stated that he would go along with the recommendations in the report.

Mr. Dowling stated that he was pleased that Commissioner Collins and Commissioner Ellsworth participated in the cleanup efforts.

Commissioner Collins asked if the wood debris that is choking the mangroves could be burned. Mr. Dowling said that in February/March the pond should dry up and then the wood could be burned.

Mayor Maloof asked if a permit is necessary to burn the wood and the City Manager responded affirmatively.

Mr. Dowling stated that some fundraising efforts including selling T-shirts would help finance the ongoing cleanup of the island.

Commissioner Blush stated that grants are available through Pinellas County and that there is a contact at the County who has information regarding environmental grants. She asked the City Manager if he still had the contact information and he

8/5/03

responded affirmatively.

## **2. Restaurant Use at the Beach Pavilion –**

Commissioner Kraus stated that the City could realize savings of approximately \$40,000 to \$50,000 by allowing vendors at the Beach Pavilion. He stated that he spoke with the Johnson family that runs a vending facility at Upham Beach and said that in addition to offering food items, they will handle the maintenance of the beach Pavilion. Commissioner Kraus asked for permission to meet with the City Manager and Recreation Director Cathy Hayduke to discuss the idea further.

Mayor Maloof stated that the City has received bids for vendors at the beach Pavilion in the past and asked if that paperwork is available. The Recreation Director stated that past bids included more amenities such as jet skis.

Commissioner Kraus asked if it would be possible to rent beach cabanas to beachgoers. The City Manager stated that it is possible to rent cabanas in Sunset Beach as there is no vendor established in that area.

Commissioner Blush stated that there is no outlet in Sunset Beach. She said that it is a residential area and that traffic and parking would become a problem. She said that the delivery trucks and food aromas also would bother the residents. Commissioner Blush stated that the residents in Sunset Beach would prefer that the Beach Pavilion remain as is.

Commissioner Collins stated that it costs \$82,000 to run the Beach Pavilion and there is only \$6,000 in revenue generated. He indicated that it seems like a lot of money and that something should be done to reduce the cost of the facility. Commissioner Collins asked what the savings would be if the City stopped renting out the pavilion and closed it down completely.

Mayor Maloof state that the facility cannot be closed and that it needs care and maintenance.

Commissioner Blush stated that vandals broke into the facility and caused a lot of damage before the pavilion was staffed.

Commissioner Kraus stated that the vendors will maintain the facility and police the area from 8:00 a.m. to 4:00 p.m. He said that only one part-time employee would be necessary to maintain the facility during the "off hours".

Commissioner Ellsworth stated that he doesn't want to see the City losing money on the pavilion but at the same time he doesn't want to see the pavilion closed. He suggested that the City go out to bid for vendors.

8/5/03

Commissioner Kraus stated that the vendors would be dealing with packaged foods and other items such as hotdogs, toast and bagels, coffee, etc.

Commissioner Ellsworth stated that the Commissioners should decide what they are going to allow at the Beach Pavilion.

The City Manager stated that Commissioner Kraus is asking to revise the specifications from the previous vendor RFP and present them to the Commission.

Mayor Maloof asked if it could be ready for next week and the City Manager stated that it would be ready by the next workshop on August 19<sup>th</sup>. Mayor Maloof asked that the item be placed on the agenda for August 19<sup>th</sup>.

Ms. Tricia Boat-Sorbie stated her support for having vendors at the Beach Pavilion and that the City needs to be more conservative with money due to the bridge project. She asked if anyone complained about the concession in the past when it was available at the pavilion and asked if there are complaints regarding Caddy's. Commissioner Blush stated that there were many complaints about concessions at the Pavilion. She said that complaints are not received regarding Caddy's because the restaurant is located in a commercial area.

Mr. Bill Bennington said, "It's not what's good for Sunset Beach but what's good for Treasure Island". He said that he pays taxes to support the Beach Pavilion and that he would like to see a return on his investment.

Ms. Marie Barba stated that she lived on Sunset Beach for 20 years and that she owns property there. She said that when the properties appreciate that is how the residents of Sunset Beach give back to the City. She also said that the residents had problems with Nick's Seabreeze and the Beach Pavilion when it was a restaurant. She asked, "Why are we opening that can of worms again?"

### **3. Purchase of Solid Waste Truck –**

Public Works Director Don Hambidge asked the Commission for permission to piggyback a contract during this fiscal year for the purchase of a solid waste truck next fiscal year.

The Commission will consider a resolution for the purchase of a solid waste truck on Tuesday, August 12<sup>th</sup>.

8/5/03

**4. Commissioner Blush's Request for Reimbursement of Recall Expenses**

City Attorney Jim Denhardt reported that Commissioner Blush was successful in defending herself against the recent recall petition. He stated that the court issued an order finding that Commissioner Blush's attorney fees, in the amount of 17,997.50, are reasonable and that there are \$4,454.07 in taxable costs. Attorney Denhardt stated that the City could reimburse Commissioner Blush and subrogate against Ms. Donna Boren for the taxable costs. He stated that Attorney General Opinion (AGO) 89-69 found that there is an obligation for the City to reimburse legal fees accrued in the successful defense of a recall.

Commissioner Collins asked what The Carter Group represents. Attorney Denhardt stated that The Carter Group is a consultant that Commissioner Blush used during the recall. Commissioner Blush explained that her attorney advised that she should have The Carter Group assist her in the wording of a 200 word defensive statement she made in response to the recall petition.

Commissioner Kraus expressed his concern that the Commissioners could be held personally liable for voting on this matter. He suggested that the Commission get a second opinion from an outside municipal attorney to determine whether the City should in fact reimburse Commissioner Blush's attorney fees.

Mayor Maloof asked the City Attorney if the Commission could be held liable for voting on the matter. The City Attorney stated that based upon the law, he did not see any way that the Commissioners could be held personally liable.

Commissioner Collins asked if the Commissioners are covered by Omissions and Errors (O&E) insurance. The City Manager responded affirmatively but stated that this matter would be outside of the coverage provided through E&O insurance. Commissioner Collins asked if the Commission does have O&E insurance, if it would cover any part of it. The City Attorney stated that there isn't an error or an omission. Commissioner Collins asked if O&E insurance only applies when an individual is found guilty and the City Attorney responded, "No". Commissioner Collins asked for clarification as to what O&E coverage is for. The City Attorney stated that it can be compared to homeowners insurance where allegations of criminal acts and negligence are not covered.

Mayor Maloof asked if the Commission votes to reimburse Commissioner Blush's legal fees if it could be considered invalid or liable. The City Attorney stated that if the City does not reimburse Commissioner Blush, she could sue the City for her legal fees.

8/5/03

The City Attorney indicated that the City could attempt to recoup the taxable costs in the amount of \$4,454.07 from Ms. Donna Boren but that it would be unlikely that the City would be successful.

Mr. Charles Weisgerber stated that he is supporting Commissioner Barbara Blush and feels that the City should pay her legal fees. He commented that the five defendants who lost the case are the same people that have been subverting the government. Mr. Weisgerber stated that we should be proud of the City and be more positive.

Mr. Ed Gayton stated that the Commission must have a letter from the City Attorney that states under which statutory authority the Commission should authorize the reimbursement of legal fees for Commissioner Blush. He said that if the City pays Commissioner Blush's legal fees and there is no statutory authority to pay, the Commissioners could be held personally liable. The City Attorney stated that there is no individual liability on the part of the Commissioners in voting to pay legal fees. He said that he is not citing a specific statute but rather case law and AGO 89-69 that interprets Chapter 100.361 of the Florida Statutes.

Commissioner Kraus asked what statute the Commission would be paying under. The City Attorney stated that the AGO cites Chapter 100.361 of the Florida Statutes. He also stated that the laws in Florida are derived from case law as well as statutes.

Commissioner Kraus asked if the City Attorney could re-address the additional charges other than the award and court costs. The City Attorney indicated that Judge Penick has found that Attorney Keane's legal fees are reasonable but he said he was not aware if the judge addressed the legal fees from Holland & Knight. The City Attorney stated that it is up to the Commission to decide whether to pay for the incidental expenses that are not necessarily taxable costs. He also stated that he did not find any support or prohibition for paying these expenses.

Mayor Maloof asked about whether the Commission should authorize payment for the consultant costs. The City Attorney stated that the Commission must decide if this expense as well as the other incidental expenses were reasonable and necessary in defense against the recall allegations.

Commissioner Collins asked what the expense of \$52.50 from the City of Treasure Island represented. The City Manager indicated that the expense was for recall petitions filed with the City that Commissioner Blush requested copies of.

Commissioner Blush stated that she would recuse herself from voting on the matter.

8/5/03

The City Manager asked for direction regarding the expenses that the Commission wanted to include in the resolution. Commissioner Collins stated that all expenses should be included except the bills from Walgreens and 7-Eleven, mileage and the consultant fees. Commissioner Ellsworth stated that he concurred with Commissioner Collins except that he would like to include the copying expense of \$52.50. He stated that he was not sure whether the Commission should cover the expense from the Carter Group. Commissioner Blush stated that she has enclosed a letter from her attorney indicating that she was directed by her attorney to obtain the services of the Carter Group. The City Attorney indicated that the expense may not fit under the definition of taxable costs but could be considered a cost in defending against the allegations.

Mayor Maloof stated that the bills from Walgreens, The Carter Group and Seven-Eleven as well as mileage would be excluded in the resolution. Commissioner Collins said that the Commission would authorize payment for court costs, both attorneys' fees and \$52.50 in copying charges.

The City Attorney asked for direction as to whether the Commission would like him to attempt to recover the taxable costs in the amount of \$4,454.07 from Ms. Boren. He said that the resolution should indicate whether to seek to recover the taxable costs or not. Commissioner Collins suggested that the Commission refrain due to the costs involved and the low probability of success in recovering the costs and Commissioner Kraus agreed.

The Commission will consider a resolution on Tuesday, August 12<sup>th</sup>.

##### **5. Term Limits for City Commission and Board Members –**

Commissioner Collins and Commissioner Kraus discussed their individual written recommendations regarding term limits and the Commission made comments.

Commissioner Blush commented that elections provide us with "built-in" term limits. She said, "Right now the City needs leaders with enough experience and guts to look beyond the political pressure of the moment and consider the future and the best interests. I think that constant turnover undermines that for the Commission." Commissioner Blush used the Planning & Zoning Board as an example and stated that of the 15 board members appointed by the Commission last August, 6 have been lost due to attrition. She said that board appointments should be made based on experience and knowledge rather than on a rotating basis.

Commissioner Kraus stated that there are many talented people that are not getting the opportunity to serve on boards and committees and Commissioner Collins concurred.

8/5/03

Commissioner Ellsworth stated that each appointment to the Planning & Zoning Board has changed at least once in the last six years with the exception of Tom Lee. He also stated that it is difficult to get people "to step up to the plate and follow through" because some of the appointees find out serving on a board or committee is more of a commitment than was expected. He further stated that he feels that there should be a restriction on the length of time a person can serve on a board or committee to allow for "fresh ideas".

Mayor Maloof asked how Commissioner Ellsworth felt about self-review by other board/committee members and Commissioner Ellsworth stated that he supports the idea but that it would need to occur in an open forum.

Commissioner Kraus stated that it seems that all the Commissioners are in support of some kind of term limits and that it is just a matter of deciding what the term limits should be.

Commissioner Collins stated that both he and Commissioner Kraus are in support of 2 consecutive three year term limits for Mayor and 3 consecutive two year term limits for Commissioners. He asked if the other Commissioners agreed with it. Mayor Maloof stated that she was in agreement with Commissioner Blush in that elections serve as term limits for elected officials. She stated that she is concerned with the history that is lost when term limits are imposed. She said that we saw that happen in the legislature last year when a very high percentage of the members were new to Tallahassee and had no experience. Commissioner Collins said that if someone terms out they could run for another office. He said, "As far as term limits are concerned - the President has one, the Senators and Congressman have them." Mayor Maloof stated that she objects to the Mayor being limited to two terms.

Commissioner Ellsworth stated that he concurs with Mayor Maloof and Commissioner Blush in that elections serve as term limits for elected officials and therefore imposing term limits would be a needless process.

Commissioner Blush stated that she would rather see the choices of candidates in the ballot box maximized and that imposing term limits would restrict the choices.

Ms. Marie Barba stated that she had not heard a good argument to support term limits for the Mayor and Commissioners at this point. She said that she has been approached by a lot of people in support of imposing term limits especially for the Planning & Zoning Board.

Mr. Glenn Kaisner stated that he is not sure that term limits are necessary now that Treasure Island has runoff elections. He stated that he is in favor of term limits for

8/5/03

boards and committees.

Mayor Maloof stated that the Commission would re-work the issue of term limits and bring it back to the table at the next workshop.

**6. City Attorney Selection Criteria and RFP –**

Commissioner Collins suggested that this item be placed on the next workshop agenda due to the length of time it would take to discuss the matter.

Mayor Maloof stated that the item would be put on the agenda for the Workshop meeting on Tuesday, August 19<sup>th</sup>.

**7. E-Government Citizen Survey –**

Commissioner Collins asked for the Commission's input on the survey he distributed. Mayor Maloof asked if staff had any input on the survey. The City Manager indicated that he had not received the survey and asked if the Commission would like staff to look it over.

Commissioner Kraus said that Mr. Mark Santos, Information Technology Coordinator, felt that a survey would be necessary to determine how many people have access to the Internet. The City Manager stated that staff would be happy to take a look at the survey, but had not yet received it.

Mayor Maloof stated that this item would be rescheduled for after the City Manager and the Information Technology Coordinator have reviewed the survey.

**8. Height Variance at 12304 Lagoon Lane – No Discussion –**

Mayor Maloof stated that the quasi-judicial hearing for the height variance at 12304 Lagoon Lane would be held on Tuesday, August 12<sup>th</sup>.

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

The City Attorney commented on an article in the newspaper on August 5<sup>th</sup> regarding Pinellas County looking into whether the County has jurisdiction over the Sunday sales of alcohol. He stated that the County may take the position that it pre-empts City ordinances on the matter. Mayor Maloof stated that the issue was also discussed at the Barrier Islands Governmental Council (BIG-C) meeting.

8/5/03

**1. Financial Report –**

The City Manager stated that the City is slightly over-budget in expenditures for June but the City is also considerably over-budget in revenues.

The City Manager reported that he had a meeting with Ken Hartman, the Florida Department of Transportation (FDOT) District Secretary, regarding the Causeway Bridge Replacement Project and that he came away with some valuable ideas. He stated that the City continues to seek out grants and outside funding. Commissioner Collins asked if this improves the City's situation. The City Manager said that FDOT cannot directly provide funding to the City because the bridge is on the federal system but not on the state system. He stated that FDOT's support is still significant because the federal money funnels through the State and that the City has received the least support at the federal level.

**VI. REPORTS & COMMENTS BY COMMISSIONERS:**

Commissioner Collins asked for a status on employing another part-time Code Enforcement Officer. The City Manager stated that the position was included in the FY03-04 budget that is scheduled for public hearings in September.

Commissioner Ellsworth stated that Mr. Hugh Ruckdeschel should plan to come to the meeting on August 12<sup>th</sup> for the height variance request at 12304 Lagoon Lane.

Commissioner Ellsworth stated that any information that Commissioners or anyone else would like to submit to the Commission should go to staff as well since staff maintains the copies of record. The City Attorney stated that staff should have copies of any information submitted to the Commissioners so that staff can respond in a timely manner to any public records requests that are made. The City Manager indicated that information that citizens would like to share with the Commissioners should be delivered to the City's Administrative Office (Executive Assistant, Deputy City Clerk or City Manager) and staff will respond accordingly.

Commissioner Kraus announced that another beach cleanup will take place on Saturday, August 9<sup>th</sup>. He stated that he has received complaints about cars with "for sale" signs that are parked on City property.

Commissioner Kraus reported that the Mayor as well as the City Manager and Code Enforcement Officer are responding to complaints regarding cars with "for sale" signs that are parked on City property.

Commissioner Kraus reported that he spoke with Mr. Jackson regarding the paramotor group from Atlanta and said that Mr. Jackson was in awe at how poorly they

8/5/03

conducted themselves. Commissioner Kraus said that Mr. Jackson asked that the Commission consider including a provision allowing para-motor special events. Commissioner Kraus stated that the ordinance has such a provision and asked if the Commission would be interested in placing the Para-motors ordinance back on the agenda as an action item. Commissioner Ellsworth asked about enforcing the ordinance because if this group (Parastars) is allowed to operate para-motors for special events, other groups might also expect that they should be able to operate para-motors. The City Manager stated that all para-motor groups would be required to come before the Commission for approval to operate para-motors for special events. Mayor Maloof asked if an area can be roped off for these special events and the City Attorney responded, "Yes." Commissioner Blush stated that she is in favor of placing the ordinance back on the agenda. Mayor Maloof asked when the ordinance could be placed on the agenda and the City Attorney indicated that it could be placed on the agenda for the meeting of Tuesday, August 12<sup>th</sup>. The Commission will consider this ordinance on Tuesday, August 12<sup>th</sup>.

Commissioner Blush reported that she attended the BIG-C meeting last week and that there was a fabulous presentation called *Beach by Design*, which is a conceptual project for Clearwater Beach that includes an outdoor café district called *Beachwalk*.

Commissioner Blush reported that she met with Representative Leslie Waters last week to discuss the importance of state funding for the Causeway Bridge Replacement Project. Commissioner Blush stated that she would be meeting with Representative Waters on the matter again this week and she encouraged everyone to contact Representative Waters regarding funding for the bridge.

Commissioner Blush reported that she attended an MPO meeting with Public Works Director Don Hambidge. She said that Treasure Island had a request before the MPO for a CMAQ grant. She stated that the Causeway Bridge Replacement project was given a rating of 3.1 and the funding ended at 2.5. Only projects that were rated lower than 2.5 were funded and the bridge project was not. She thanked the Public Works Director for his presentation on the bridge and commended him for being there week after week to make the presentation.

Commissioner Blush reported that West Gulf Boulevard should be open again on Wednesday, August 6<sup>th</sup>. She thanked Sunset Beach residents for their patience during the repairs.

Commissioner Blush stated that she received a petition last June in reference to the "Drummers' Circle". She stated that she gave the petition to the City manager and the City Attorney for their review. Commissioner Blush asked if the petition could be discussed by the Commission at a workshop. The City Attorney stated that the

8/5/03

matter could be scheduled for discussion at a workshop but that he would like to review the matter with other municipal attorneys first. The item will be considered at the Workshop meeting on September 2nd.

Mayor Maloof read a letter from a Pinellas County Utilities Representative apologizing for the damage to wastewater forced main interruptors.

Mayor Maloof read from a bestselling book entitled *When You Say Yes, But You Mean No*. She indicated that she uses the message in this book (that people should be able to express differences of opinion and other points of view) in conducting the Commission Meetings. In other words, everyone is given an opportunity to voice their opinions.

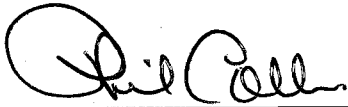
**VII. PUBLIC COMMENTS:**

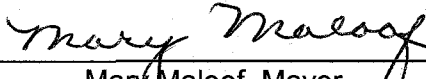
Mr. Glenn Kaisner stated that the Bridge Workshop was excellent. He urged everyone to do their part in raising funds for the project. Mr. Kaisner asked the Commission not to make cuts to the project as suggested in the workshop. He also stated that the City needs to have a six lane bridge.

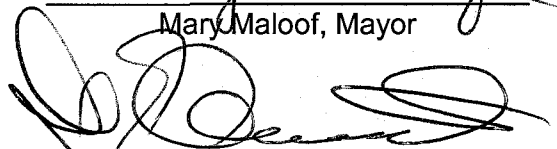
Mr. Dan Lenehan stated that he was amazed that the Commission is not supporting Commissioner Blush by reimbursing her for all of her legal expenses.

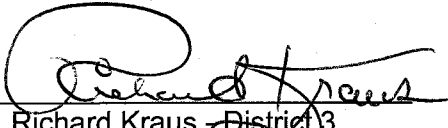
8/5/03

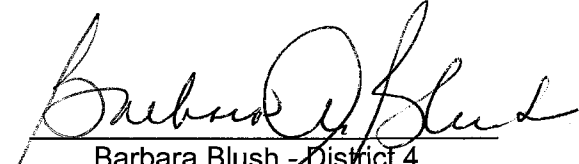
**VIII. ADJOURNMENT:**

  
\_\_\_\_\_  
Phil Collins - District 1

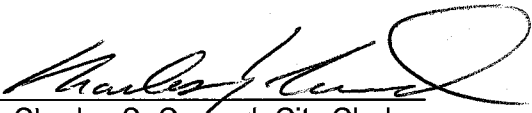
  
\_\_\_\_\_  
Mary Maloof, Mayor

  
\_\_\_\_\_  
Irving S. Ellsworth - District 2

  
\_\_\_\_\_  
Richard Kraus - District 3

  
\_\_\_\_\_  
Barbara Blush - District 4

**ATTEST:**

  
\_\_\_\_\_  
Charles S. Coward, City Clerk