

**CITY OF TREASURE ISLAND
BOARD OF COMMISSIONERS MEETING
August 12, 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 Ellsworth and seconded by Commissioner Collins to approve the minutes from the meeting of July 22, 2003 after Commissioner Blush noted that Mr. Ricky Taylor's name is listed twice on page 1 and page 2 should read "must support the ordinance" instead of "did not feel she could support the ordinance". Commissioner Kraus noted that page 4 should read "liaison with the FAA" instead of "representative from the FAA" and "FAA Regulations" instead of "Florida Statutes".

D. PUBLIC COMMENTS:

Mr. Charles Weisgerber asked the Commission to issue a proclamation for Canadian/American Week October 10th through October 15th. He requested permission for the free use of the Community Center to host a dinner for a high school band from Niagara Falls on Monday, October 13th. Mr. Weisgerber invited the Commissioners to attend the dinner.

Mr. Frank McConnell stated that he is the new President of Voters Watch and asked the Commission for permission for the free use of the Community Center on Wednesday, September 24th to host Ms. Deborah Clark, Pinellas County Supervisor of Elections, who will address the community on election issues.

Mayor Maloof asked if a non-profit rate is available for use of the Community Center. The City Manager stated that there is a non-profit rate and that the civic associations and the Chamber of Commerce are included on the list of groups that are permitted to use the Community Center free of charge.

Mayor Maloof stated that the item would be placed on the agenda for discussion at the Commission Workshop meeting on August 19th.

8/12/03

Commissioner Collins asked what the criteria is in offering a group a reduced rate or free use of the Community Center. The City Manager stated that non-profit organizations are provided with a reduced rate and that only the Commission can grant the free use of the Community Center on a case-by-case basis.

Commissioner Ellsworth stated that granting the free use of the Community Center would also be contingent on availability of the location.

Mr. Hugh Ruckdeschel asked the Commission to place public boat ramps and "no outlet" signage on the next agenda as discussion items and the Mayor stated that the items would be on the Commission Workshop agenda for August 19th.

E. ACTION ITEMS:

1. Ordinance – Pertaining to Aircraft Type Devices over Parks, Swim Zones & Public Beach Areas – 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 Ellsworth and seconded by Commissioner Blush to approve the ordinance as read.

Commissioner Ellsworth asked what type of devices the ordinance addresses and the Mayor stated that the ordinance addresses devices such as paragliders and ultralights.

The City Manager stated that the ordinance does provide for the use of para-motors for special events.

Mr. Jim Jackson of the Para-stars stated that his group supports the ordinance but he stated that the Commission may wish to re-write the ordinance due to some loopholes in the wording of it.

Mr. David Roman stated that he did not support passing the ordinance and that he had not seen anyone that was in support of the ordinance.

Ms. Olivia Cox stated that she was concerned that the Commission would be allowing one group to remove the rights of another group by passing the ordinance. She also asked the Commission to take a look at the ordinance for any loopholes that may exist before passing it. Ms. Cox also asked the Commission to get a

8/12/03

definition from the state of Florida regarding the word "public". Mayor Maloof asked the City Manager if the City Attorney and he were comfortable with the wording of the ordinance. The City Manager responded that the ordinance addresses take-offs and landings.

Commissioner Collins asked if the Commission should ban the use of para-motors under the "false illusion of safety". He said that he felt that the Commission should "allow every person the same rights that we want for ourselves"

Commissioner Kraus stated that he heard from 13 of his constituents that were in favor of the ordinance and 4 that were against the ordinance. He said that the City does not allow the use of motorized vehicles on the beach and that he did not see para-motors as any different. He stated that the group of people from Atlanta were dive-bombing the beach with their para-motors and flying low enough that people on the beach could shoot at them with water guns.

Commissioner Blush stated that that there is no license necessary to operate para-motors and that they can be purchased over the Internet. She said that she thinks Mr. Jackson's group (Para-stars) are responsible and that she would be in favor of allowing for the use of para-motors for approved special events but that she did not think that the Commission should give people "carte-blanche" to operate them in Treasure Island.

Commissioner Ellsworth indicated that he was in favor of passing the ordinance with the restrictions as discussed.

Upon roll call, the vote to approve was unanimous.

2. Resolution – Authorizing Purchase of a Solid Waste Truck –

After hearing the reading of the resolution authorizing the City of Treasure Island to piggy-back on the bid on a bid form for the purchase of a 2004 Condor and rear packer from the Freightliner of Tampa, LLC. in the amount of \$126,000, motion was made by Commissioner Ellsworth and seconded by Commissioner Kraus to approve the resolution as read.

Mayor Maloof stated that the City budgeted \$140,000 in the FY03/04 budget for the purchase of a solid waste truck but the City can purchase the truck for \$127,000 now and the truck will not be delivered until after October 1st.

Commissioner Blush recognized Sanitation Foreman CJ Holloway and Transportation Director Hal Bruce for their work in obtaining this bid price.

8/12/03

Upon roll call, the vote to approve was unanimous.

3. Resolution – Authorizing the Reimbursement of Recall Expenses for Commissioner Blush –

After hearing the reading of the resolution authorizing reimbursement to Commissioner Barbara Blush for legal expenses and costs incurred by her in conjunction with a successful defense of a recall petition; authorizing an effective date, motion was made by Commissioner Ellsworth and seconded by Commissioner Kraus to approve the resolution as read.

The City Manager stated that he provided the Commission with copies of a letter from Attorney Keane regarding Commissioner Blush's legal costs. He stated that \$52.50 in copying expenses and any other costs could be added by making amendment to the resolution before passing it on a final vote.

Commissioner Ellsworth stated that he would like the costs outlined in Attorney Keane's letter to be considered.

Motion was made by Commissioner Ellsworth and seconded by Commissioner Kraus to make an amendment to the resolution to include \$614.07 in litigation costs for Commissioner Blush on the heels of the letter from Attorney Keane.

The costs included in the \$614.07 were as follows:

The Carter Group	(Consultant)	\$550.00
City of Treasure Island	(Copying)	\$ 52.50
Walgreens	(Film Developing)	\$ 3.17
7-Eleven	(Camera)	<u>\$ 8.40</u>
Total		\$614.07

Mr. Hugh Ruckdeschel indicated that Commissioner Blush should be reimbursed for all of the legal costs she incurred in her defense against the recall.

Mr. J.D. Hadsall stated that Commissioner Blush should only be reimbursed for the legal costs that are authorized by law and not for fees from her earlier attorney or for the consultant fees. Mr. Hadsall also recommended that the Commission ask the City Attorney to find out what the Supreme Court findings were regarding reimbursing legal costs.

Commissioner Blush stated that she would be recusing herself from voting on the resolution.

Commissioner Kraus asked if the Commission wanted to get an opinion on the

8/12/03

Supreme Court case.

Commissioner Ellsworth stated that Commissioner Blush is entitled to be reimbursed for all her legal expenses.

The vote to approve the amending motion to add \$614.07 in litigation costs to the resolution was as follows:

Mayor Maloof	Aye
Commissioner Collins	Aye
Commissioner Ellsworth	Aye
Commissioner Kraus	Aye

The vote to approve the resolution as amended was as follows:

Mayor Maloof	Aye
Commissioner Collins	Aye
Commissioner Ellsworth	Aye
Commissioner Kraus	Aye

4. Height Variance Request at 12304 Lagoon Lane – Public Hearing -

All applicants, witnesses, members of staff or other persons wishing to address any item before the Commission of a quasi-judicial nature were duly sworn at this time.

No ex parte communication was reported.

City Planner Lynn Rosetti offered a verbal and video presentation and answered questions of the Commission.

The applicant's representative answered questions of the Commission.

The applicant indicated that she is asking for 30 inches in height but that she will abide by the Commission's decision.

Mr. Bill Perkins, Ms. Charlene Perkins and Mr. Hugh Ruckdeschel spoke against the variance.

Mr. Frank McConnell, Ms. Marie Barba and Mr. Dion spoke in favor of the variance.

Action:

Motion was made by Commissioner Ellsworth and seconded by Commissioner

8/12/03

Kraus to deny the variance. Upon roll call, the vote to deny the variance was unanimous.

F. DISCUSSION ITEMS:

1. Variance Criteria – P&Z Recommendations –

The City Planner reviewed a memorandum regarding the Planning & Zoning Board's recommended revisions to the variance procedures with the Commission.

Commissioner Blush asked what can be done to make sure people are notified that are within the "line of sight" of property the City is vacating. The City Planner stated that the issue of "views" would be addressed as part of the residential review process. Commissioner Blush stated that she would like to allow property owners to be notified when their properties are going to be affected by a "line of sight" issue.

Commissioner Collins asked if variances are valid for 6 months. The City Planner stated that, according to the recommended revisions, variances would be valid for one year, and she explained the criteria that must be met for a variance to remain in effect after one year.

Mr. Hugh Ruckdeschel expressed his concern that the city Attorney has advised the Planning & Zoning Board members to "use their own judgment" in applying the seven criteria to granting variances.

The City Manager advised that the Commission could pass a referral resolution (referring the variance procedure revisions to the Planning & Zoning Board for official review) at the meeting on August 26th and the Commission agreed.

2. Bridge Replacement Financial Plan –

The City Manager reviewed a spreadsheet detailing several examples of the impact of the actual dollar affect on property taxes based on assessed values.

The Commission received a spreadsheet provided by E.C. Driver at the meeting. The City Manager stated that the spreadsheet itemizes each of the aesthetic elements that could be eliminated from the bridge totaling \$1.8 million.

Public Works Director Don Hambidge stated that there was a type-o on the Architectural Tower line item. He said that the unit price should be \$65,000 instead of \$15,000.

The City Manager stated that there are two main elements to the bridge funding.

8/12/03

The first element is the toll revenue for the toll revenue bonds. He stated that cash tolls will be raised to \$1.00 and toll passes will be raised to between \$60 and \$100 to support a \$24 - \$28 million revenue bond. The second element is either outside loans or grants totaling \$25 million or an equal amount of local funding. One option for local funding would be a General Obligation Bond issue supported by property taxes.

Ms. Marie Barba asked for verification as to whether Mr. Rotundo (City's lobbyist) had indicated that grant funds may be available for this year. The City Manager stated that Mr. Rotundo was referring to the 2004 legislative season. Ms. Barba asked what funds are available to make repairs to the current bridge so that the bridge will remain viable longer. The City Manager stated that the City has \$850,000 available in Causeway funds to make repairs to the current bridge. Ms. Barba asked about imposing speed limitations on the bridge. The City Manager stated that the city may reduce the speed limit for the bridge. Public Works Director Don Hambidge stated that if the City could predict the repairs that will be necessary, then the City could estimate how much money to keep in the Causeway funds and plan for the bridge replacement accordingly. He stated that there are parts that cost as much as \$500,000 each. The Public Works Director stated that the City would be examining the vibration caused by vehicles on the bridge at varying speeds.

G. CITY MANAGER/CITY ATTORNEY REPORTS:

The City Manager stated that the first regular Commission meeting in September will be held on Wednesday, September 10th in accordance with Florida TRIM law.

The City Manager reported that a letter was received from the City of St. Petersburg regarding the wastewater rate. He stated that the final increase in the wastewater rate for FY 2003/2004 will be 4.67% instead of the expected increase of 18% to 22%. The City Manager stated that this increase can be absorbed through the budget and that he did not recommend a rate increase at this time.

The City Manager reported that the Commission proposed budget should be ready for the Commission's consideration by the last week in August.

The City Manager asked the Commission for permission to begin preparing job descriptions and the position advertisements for the positions of part-time Code Enforcement Officer and a part-time TITV Assistant so that they could be ready for early September. The Commission agreed.

H. REPORTS BY COMMISSIONERS:

Commissioner Collins asked for a status on the purchase of Commission office furniture. Mayor Maloof stated that she would prefer that the Commission consider

8/12/03

furniture that meets the specifications rather than inferior furniture that will not last as long. Commissioner Blush stated that she would like to have some storage space available for the Commissioners at City Hall. She stated that she would prefer that the Commission approve purchasing the furniture through Carol Green as opposed to Crest Manufacturing. Mayor Maloof stated that if the city is going to make the investment in buying this furniture that it should have some long term value. Mayor Maloof stated that the Commission will vote on the matter at the August 26th meeting.

Commissioner Ellsworth stated that reclaimed water repairs will take place again on Gulf Boulevard in the Sunshine Beach area.

Commissioner Blush stated that she attended Representative Leslie Waters' open house. She said that several of the Commissioners attended as well as the Public Works Director. Commissioner Blush urged everyone to contact their state and federal senators and representatives regarding funding for the Treasure Island Causeway Bridge.

Commissioner Blush stated that Treasure Island lost a wonderful person, Mr. Dan Lenehan. She said that Dan was a resident of Sunset Beach and that he passed away on Saturday, August 9th. Commissioner Blush stated that Mr. Lenehan was a "true community person and a past president of the Sunset Beach Civic Association, current vice-president of the Hotel/Motel Association and an executive member of the Gulf Beaches Chamber of Commerce as well as the founder of the Loop for Lupus Foundation. She said that Mr. Lenehan was the Treasure in Treasure Island" and that our hearts go out to his wife, Mel and son, Ross. Commissioner Blush stated that memorial donations should be made to the Loop for Lupus Foundation or to the Ross Scott Lenehan Trust Fund.

Mayor Maloof stated that the funeral for Mr. Lenehan took place on Tuesday, August 12th.

Mayor Maloof stated that there was a type-o in the library survey and that the deadline to submit the survey to the City is August 30th rather than August 3rd. She said that the surveys can be mailed or dropped off to the City.

Mayor Maloof reported that she wrote a letter to the Gulf Beaches Library Board, the librarian and the mayors that are part of the library consortium. She stated that the City of Treasure Island budgeted \$60,000 for FY 2003/2004 as the City's contribution to the library instead of \$97,000 that would be due based on the formula developed in 1993. Mayor Maloof stated the city of Treasure Island is proposing a formula for the City's contribution to the Gulf Beaches Library that is based on the number of cardholder and circulation but that this proposal has not

8/12/03

been well received by the library's board at this point.

I. PUBLIC COMMENTS:

Mr. Glenn Kaisner stated that the second annual fundraiser for the Treasure Island Police Association would take place at 10:00 a.m. on Sunday, August 17th at Gulf Golf.

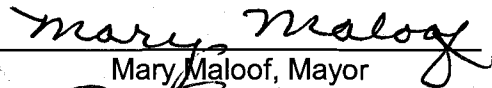

Mr. Michael Daughtry stated that a number of height variances have been granted and that the major issue is 100 foot buildings and not houses.

Mr. Gary Dion stated that staff recommended 5 foot variances as part of the proposed revisions to the LDR's. He stated that this was never an issue before and asked why the Commission is troubled with a request for a 2.5 foot height variance. Mr. Dion stated that he would like to view the height variances that have been granted and the City Manager stated that the variances are public records and that Mr. Dion can come in and conduct his research.

J. ADJOURNMENT:

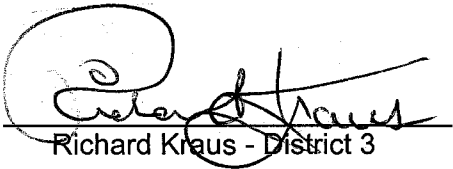


Phil Collins - District 1

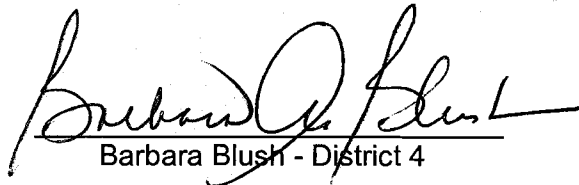



Mary Maloof, Mayor

Irving S. Ellsworth - District 2




Richard Kraus - District 3



Barbara Blush - District 4

ATTEST:



Charles S. Coward, City Clerk

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, BARBARA A. BLUSH, hereby disclose that on AUGUST 12, 2003, 19 :

(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 _____, 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:

AGENDA ITEM E-3, VOTE ON A RESOLUTION AUTHORIZING REIMBURSEMENT TO ME FOR LEGAL EXPENSES AND COSTS INCURRED ~~BY~~^{BB} BY ME IN CONJUNCTION WITH MY SUCCESSFUL DEFENSE OF A RECALL PETITION.

August 19, 2003
Date Filed

Barbara A. Blush
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.