

**CITY OF TREASURE ISLAND
BOARD OF COMMISSIONERS WORKSHOP
November 16, 2004
7:00 p.m.**

I. SILENT ROLL CALL BY DEPUTY CITY CLERK:

Mayor Mary Maloof		Present
Commissioner Phil Collins		Present
Commissioner Ed Gayton		Present
Commissioner Richard Kraus	Vice-Mayor	Present
Commissioner Alan Bildz		Present

II. PUBLIC COMMENTS:

Mayor Maloof demonstrated using a reflective vest when walking or riding a bicycle so that pedestrians and bicyclists can be better seen by drivers.

Mr. Ken Brown spoke as the Chair of the Treasure Island Business Association. He stated that the Christmas parade will be held in conjunction with the tree lighting ceremony on Friday, December 13th starting at 5:00 p.m.

Mr. Frank McConnell spoke on behalf of the Paradise Island Civic Association and Mr. Atul Shah. He stated that the civic associations and Mr. Shah would like to donate two (2) defibrillators to the Fire Department (one from the civic associations and the other from Mr. Shah). He asked that the donation be placed on the agenda for Commission action at next week's meeting.

Fire Chief Charlie Fant thanked the civic associations and Mr. Shah for the donation of the defibrillators.

Ms. Olivia Cox thanked the Commission and City staff for participating in the sand sculpture project. She said the Public Works Department was wonderful to work with.

Ms. Pam Anderson spoke on behalf of the Isle of Capri Civic Association and stated that holiday lights will be on display at Roselli Park and at the Isle of Capri sign. She asked anyone that is interested in participating to meet at the Fibers' on Friday, November 19, 2004 at 6:00 p.m. and at Roselli Park on Saturday, November 20, 2004 at 9:00 p.m.

Mr. Scott Barone read a vision statement for Treasure Island that is found on the Web site of the Tampa Bay Chamber of Commerce. He asked why the Charter Review Committee and Mr. John Hadsall are working against this vision. He urged the Commission not to support the proposed Charter amendments relating to LDR's

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and the abolishment of the police and fire departments.

Mr. John Morden stated that Broward County recently purchased 435 defibrillators and he said that the defibrillators saved seven (7) lives in the past year.

Mr. Morden stated that the Majesty One is offering a free cruise and special buffet this Thursday to anyone that lives, works or drives through Treasure Island. He asked anyone with questions to call him at 367-1282.

III. MINUTES:

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to approve the minutes from the meeting of November 9th as written.

Commissioner Kraus noted that the minutes should read that the Pledge of allegiance was led by Mayor Maloof and that Mayor Maloof should be listed as present at the meeting of November 9th.

Upon roll call, the vote to approve was unanimous.

IV. DISCUSSION ITEMS:

1. Progress Energy Hurricane Impacts –

Ms. Nancy Loehr, Ivan Collins and Sam Dixon, from Progress Energy, gave reports on the restoration of electricity to customers throughout Florida following the recent hurricanes.

Mr. Dixon reported on the costs and advantages/disadvantages of under grounding. He said the average cost per lot is \$5,000 to 7,000.

Ms. Pam Anderson asked what causes the transformers to blow. Mr. Collins stated that corrosion is an issue in beach communities. He said it is a reliability issue and not an overhead vs. under grounding issue.

Ms. Olivia Cox stated that wind events should not affect the electric cables if they are underground. Mr. Collins stated that the power for under grounded cable would be turned off before overhead cable and would be turned back on last during a hurricane due to the threat of storm surge.

Ms. Loehr stated that under grounded and overhead cable had equal power outages during the recent storms. She said even if the cable is underground, the transformers are overhead.

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Mr. Sid Rice asked if Paradise Island would be eligible for underground electric cable. He further asked if the cost would be paid up front or if it could be amortized. Mr. Dixon stated that while the cost is due up front, the City of Treasure Island could set up a taxing district and collect up to 30 percent from the residents to recoup some of the cost.

Commissioner Kraus stated that he attended a storm forum hosted by Progress Energy. He said the staff is doing an excellent job.

Commissioner Collins asked if it would be accurate to state that under grounding costs \$1 million per mile. Mr. Dixon stated that it would be an accurate estimate for Gulf Boulevard.

2. Civic Leaders Community Objectives –

Mr. Gerald Smelt, facilitator for the Tampa Bay Regional Planning Council, addressed the Commission regarding the *Results of the Facilitated Meetings of Civic Leaders*. He reviewed the results of the analysis and stated that there were six (6) themes identified by the civic leaders that everyone agreed were for the betterment of Treasure Island.

City Manager Ralph Stone stated that he asked the Commissioners if they wanted to present the Civic Leaders Community Objectives to the community and the Commission concurred. He said that the Civic Leaders were present to answer any questions.

Mr. Frank McConnell spoke as a representative of the Civic Leaders group. He identified each of the Civic Leaders and stated that the main goal of the group is to develop objectives and strategies to answer the questions, "Where do we go from here?"

The City Manager stated that Treasure Island is moving forward and the demographics are changing. The City Manager said that Treasure Island has to get past the polarization that has occurred in the community. He stated that a foundation must be developed for Treasure Island to move forward.

Mayor Maloof thanked the Tampa Bay Regional Planning Council and the Civic Leaders for getting the group together and she thanked the City Manager for recognizing the finished product that resulted from the meetings that were conducted.

Commissioner Kraus stated that this group may be able to get Treasure Island back on track.

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Commissioner Gayton asked what the group would like the Commission to address.

The City Manager stated that the Civic Leaders group has defined priorities to be addressed by Treasure Island and that now the details of these priorities need to be refined. He gave three examples of priorities that need to be addressed; downtown redevelopment, beach issues and infrastructure.

Mr. Frank McConnell stated that the Civic Leaders would like the City to provide for a meeting place and an external facilitator.

Ms. Olivia Cox spoke as a member of the group and stated that the Civic Leaders have come together for the betterment of Treasure Island and that every member is concerned about the welfare of the City.

Commissioner Collins stated that he is in favor of the group developing plans to meet the objectives and that these plans need to be implemented.

Mr. Frank McConnell suggested that the Commission set priorities for the group to concentrate on. Commissioner Collins stated that he felt the Civic Leaders should have the freedom to choose their own priorities and forge ahead.

Mr. Smelt stated that the objectives and strategies have been prioritized and now it is a matter of answering, "who, what, when and why". He stated that this information gives Treasure Island a heads up in the evaluation of the Comprehensive Plan. He suggested that the objectives and strategies be codified in the Comprehensive Plan.

The City Manager stated that this group can address sensitive issues that affect both the residential and business communities. He said that in depth community dialogue will be necessary throughout the process.

Commissioner Gayton recommended the Commission give the Civic Leaders group permission to move forward.

Commissioner Kraus asked if Tampa Bay Regional Planning Council would be able to provide a facilitator for the next phase of meetings. Mr. Smelt stated that a facilitator would be available and that the costs would need to be addressed with the City Manager.

Commissioner Collins asked if there would be an open forum for the public to make comments at these meetings. Mr. McConnell stated that the meetings will not be completely open to public comments due to the dynamics of the group.

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Commissioner Bildz stated that a representative is needed from the downtown residential district.

Mr. Bill Edwards thanked Mayor Maloof for establishing the group and he urged the citizens to support the Civic Leaders group.

The Commission will consider a resolution authorizing the Tampa Bay Regional Planning Council to facilitate the Civic Leaders' meetings at the Commission meeting on November 23rd.

3. Ord. – Revising Quorum Requirements for the Planning & Zoning Board (2nd reading & public hearing 11/23/04) –

The Commission will consider this ordinance for 2nd reading and public hearing at the Commission meeting on Tuesday, November 23rd.

4. LPA Recommendation for Condo/Hotel Regulations (Res. 04-47) –

City Planner Lynn Rosetti presented a draft condo/hotel definition and specific use regulations forwarded to the Commission by the Planning & Zoning Board. She stated that the draft condo/hotel definition and specific use regulations are slated to be referred back to the LPA for formal review on Thursday, November 18th pending the Commission's approval.

Commissioner Gayton asked why this item must go back to the LPA for review. The City Planner stated that the condo/hotel regulations have to be referred back to the LPA in ordinance format. She said the LPA will review the ordinance for consistency with the Comprehensive Plan and the Land Development Regulations and make recommendations for amendments.

City Attorney Maura Kiefer stated that Treasure Island's Code requires that the draft ordinance be referred back to the LPA for its review before the Commission considers the ordinance for first and second readings.

Commissioner Kraus reviewed a memorandum he prepared that addressed the draft condo/hotel definition and regulations. He provided his comments on the definitions and stated his concern regarding the loss of transient accommodations. Commissioner Kraus said that the definitions should encourage occupancy.

The City Manager stated that the Code Enforcement Board will address condo/hotel owners that do not honor the new regulations adopted by the Commission.

Mr. Barry Bartley, General Manager of the Bilmar Resort, stated that the hotel plans

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to convert to a condo/hotel. He said that he is concerned about the language relating to occupancy requirements. Mr. Bartley asked to speak with the City Manager, City Attorney and the City Planner to discuss the regulations in more detail.

Mr. Harry Black, representing the Island Inn, stated his concern regarding the requirement that each unit owner obtain an occupational license. He said these regulations prevent hotels from being on a level playing field with other communities. Mr. Black stated that the Hotel/Motel Association is not in favor of the proposed condo/hotel regulations.

Ms. Gail Byrne stated that she felt the occupancy requirement should be 90 days rather than 60 days. She invited the Commission to tour the new South Beach Condo/Hotel to see the improvements that have been made. Ms. Byrne recommended consulting with a large firm that specializes in condo/hotels.

The Commission will consider a resolution forwarding a draft condo/hotel ordinance to the Planning & Zoning Board for formal LPA review at the Commission meeting on November 23rd.

**5. LPA Recommendation for Special Exception Approval Process
(Res. 04-57) –**

The City Planner reviewed the draft special exception procedural revisions forwarded to the Commission by the Planning & Zoning Board. She said that if the Commission approves this item it would be forwarded for formal LPA review on November 18th.

Commissioner Gayton asked if the LPA considered former City Attorney Jim Denhardt's letter that included 10 recommendations from the Commission. The City Planner stated that the LPA chose to accept staff's recommendations.

The City Attorney stated that a resolution forwarding a draft ordinance revising the special exception procedures to the LPA for formal review will be prepared for the Commission's consideration at the Commission meeting on November 23rd.

V. OLD BUSINESS:

Commissioner Gayton reported that the beach walkover at 122nd Avenue is under way.

VI. CITY MANAGER/CITY ATTORNEY REPORTS & COMMENTS:

1. Chad McMonigal Litigation (City Attorney) –

The City Attorney stated that she would need a motion from the Commission to pursue litigation against Mr. Chad McMonigal. She said that she has received no cooperation from Mr. McMonigal and his attorney thus far.

Commissioner Gayton recommended that the Commission refrain from pursuing litigation in this matter as he did not feel the City would be able to collect from Mr. McMonigal. He said that the City of St. Petersburg tried to collect money from a former police officer that left under similar circumstances and that the City of St. Petersburg was unable to do so.

Commissioner Collins asked how the City can safeguard against this situation occurring in the future. The City Attorney recommended adding a clause to future law enforcement officers' contracts that includes a clause for consent judgment. Commissioner Gayton asked for clarification regarding what the City would be trying to recoup from Mr. McMonigal through litigation. The City Manager stated that the City expends funds for recruitment, training and custom-fit body armor. He said the City takes a loss of those funds when a police officer leaves after being fully trained.

Commissioner Collins asked if Mr. McMonigal left with the body armor. The City manager stated that the Police Department has the body armor but that it is unusable because it was custom-fit for Mr. McMonigal.

Commissioner Kraus asked staff to look into why the City of St. Petersburg's employment agreement was found to be unenforceable and report back to the Commission before the Commission takes action on the matter.

Commissioner Bildz asked how much the City is planning to sue Mr. McMonigal for. The City Attorney stated that the amount would be over \$10,000 and that she recommended that the City pursue this litigation. The City Attorney stated that she would look into the matter and report back to the Commission.

The City Attorney reported on the procedure for removing Planning & Zoning Board members. She stated that Section 70-7 of Treasure Island's Code provides that the City Commission may remove any member of the Planning & Zoning Board.

Commissioner Bildz asked if the Commission would need to vote on removing a member just as it does to appoint a member to the Planning & Zoning Board and the City Attorney responded affirmatively.

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2. Correspondence from Mr. Hadsall Dated 11/9/04 (City Manager) –

The City Manager reviewed with the Commission a letter received from Mr. John Hadsall dated 11/9/04 requesting that the Commission keep the public updated on Mr. Butch Ellsworth's ongoing ethics hearing. The Commission deferred to the City Attorney as to whether to place this item on the agenda for the Commission meeting on November 23rd. The City Attorney stated that this matter is being handled by the Florida Commission on Ethics. She further stated that she did not feel that an investigation into the City Planner or the previous City Manager Chuck Coward was warranted by the letter submitted by Mr. Hadsall.

The City Manager stated that the deadline to mail in the zip code survey is November 15th. He announced that staff will count the surveys on November 17th at 1:00 p.m. in the City Hall Auditorium.

VII. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins spoke in regard to the Progress Energy Forum he attended. He provided the following tips to residents:

1. Shut off your power when the power is turned off to prevent the risk of a fire and damage to electrical appliances and components.
2. Do not assume that you should not call the power company if your neighbors' power is off as well because your residence could be provided power by a different transformer.

Commissioner Collins stated that the Suncoast League of Cities conference is scheduled for next weekend. He said he would report on this conference at the meeting on November 23rd.

Commissioner Kraus recommended that the Commissioners consider attending The Clearwater Bar Association's seminar for elected and appointed officials.

Commissioner Bildz stated that a sea oats planting is scheduled for Saturday, December 4th. He stated there are 10,000 sea oats to be planted.

Commissioner Bildz reported on the Beach Stewardship Committee that took place on November 9th. He stated that the committee discussed a letter from Coastal Tech requesting another \$20,000 for the Sandsharing project.

Commissioner Bildz stated that he received a resignation from the Planning &

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Zoning Board for District 4.

Mayor Maloof stated that Ms. Susan Givens husband died of a heart attack. She said the Commissioners send their sympathies to her.

Mayor Maloof stated that she volunteered for the annual Fish Broil at Gulf Beaches Elementary School.

Mayor Maloof stated that an anonymous letter was received regarding noise from Ka'Tiki.

Mayor Maloof stated that the results of the TI Partnership's Business survey are being compiled by the University of South Florida. She said the results are expected to be in by mid December.

Mayor Maloof stated that donations of CD's, CD players and gift cards for wounded service personnel can be dropped off at City Hall throughout the month of November.

Mayor Maloof stated that she received a letter from the Mayor of Niagara Falls, Ontario thanking Treasure Island for CAN/AM week.

Mayor Maloof stated that the 50th anniversary kick-off will take place on May 7, 2005 with a rock around the clock sock hop. She said that other unique events are being planned for the month of May such as the Florida Orchestra concert on the beach.

VIII. PUBLIC COMMENTS:

Mr. Harry Black offered the service of the Hotel/Motel Association to participate in developing condo/hotel regulations.

Mr. Black stated that the Treasure Island Chamber of Commerce is scheduled to open on January 3, 2005. He stated that there are currently nine (9) board members and that fifteen (15) are needed.

Mr. Bill Edwards read a letter cautioning the Commission to determine whether any amendments to the Charter are necessary before rushing the proposed amendments on the March ballot and asked that the letter be placed into the record.

Mr. Paul Gifford stated the attitude of Mr. Hadsall's letter is combative and confrontational. He recommended that Mr. Hadsall be removed from the Charter Review Committee based on his actions and attitude.

Mr. Sid Rice stated that this Commission meeting was enlightening and recounted

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the following discussion items; Treasure Island's new Chamber of Commerce, the 50th anniversary celebration, the Civic Leaders Group meetings and the ideas brought forth by the City Manager.

IX. ADJOURNMENT:

Mary Maloof, Mayor

Phil Collins - District 1

Ed Gayton - District 2

Richard Kraus - District 3

Alan Bildz - District 4

ATTEST:

Ralph Stone, City Clerk