

**CITY OF TREASURE ISLAND
BOARD OF COMMISSIONERS WORKSHOP
April 6, 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:

Mr. Chris Hearn spoke in favor of the approvals for special exception uses being handled by the Commission rather than the Planning & Zoning Board.

Mr. Carl Ystrom stated that a resident in Sunset Beach asked him to speak again regarding the possibility of constructing a fixed bridge as opposed to a bascule bridge. He asked if there was any discussion regarding this matter during the Sunset Beach Civic Association presentation. Mayor Maloof stated that the City would have to go through the permitting process again if it were to again consider a high fixed bridge and that the current bridge would not hold up that long.

III. MINUTES:

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to approve the minutes from March 16, 19, 22 and 23, 2004 as written.

Commissioner Kraus made corrections to the minutes from the meetings of March 16th and March 23rd. Commissioner Bildz made corrections to the minutes from the meeting of March 16th.

Upon roll call, the vote to approve was unanimous.

IV. DISCUSSION ITEMS:

Commissioner Gayton asked to have item #14 deferred for discussion at the April 20th workshop meeting.

1. LDR's Temporary Banners –

The City Manager stated that a proposed ordinance was included in the agenda

packet.

Commissioner Kraus and Commissioner Collins suggested corrections to the ordinance,

City Planner Lynn Rosetti answered questions from the Commission regarding temporary signs.

The City Manager stated that the change from 45 days to 30 days would be made to the ordinance and that a resolution would be ready for next week's meeting.

The Commission will consider a resolution referring the amended ordinance to the Planning & Zoning Board for its review and recommendation at the Commission meeting on Tuesday, April 13th.

2. Police Officer Employment Agreement Litigation –

Personnel Director Fred Turner reviewed his memo and stated that the City is asking permission to file suit against Mr. Chad McMonigal, a former police officer who did not fulfill the terms of his employment agreement.

Commissioner Gayton asked if the police officer signed page 2 of the agreement and the City Manager responded negatively and stated that the police officer signed page 3 of the agreement.

Commissioner Gayton stated that the City received an offer from Mr. McMonigal's attorney to pay for his pre-employment medical examination, drug screening, pre-employment physiological evaluation and tuition costs in the amount of \$1,000.

Commissioner Gayton asked if the City is suggesting suing the police officer for the amount of \$7,811 and the Personnel Director responded affirmatively.

Commissioner Gayton asked if the police officer worked during the time he collected the salary of \$8,395 and the Personnel Director responded affirmatively.

Commissioner Gayton recommended that the City settle the case rather than pursuing further litigation against the police officer.

Commissioner Kraus stated that the hard costs to the City total \$3,125. He recommended that the City attempt to collect \$3,500 by corresponding with Mr. McMonigal's attorney rather than trying to seek a judgment.

Commissioner Collins asked if the police officer was terminated or if he left

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voluntarily. The Personnel Director stated that Mr. McMonigal left voluntarily.

City Attorney Jim Denhardt explained that this case has been ongoing since early January. He stated that the police officer's attorney initially denied any responsibility. The City Attorney stated that Mr. McMonigal's attorney offered \$1,000 in response to his letter dated February 26th.

The City Attorney asked the Commission to advise him of an amount the City would be willing to accept in order to settle the case.

Commissioner Collins asked if settling this case would set a legal precedent and the City Attorney responded negatively.

The City Manager explained that there is a considerable expense to the City to provide advance training to police officers before they can perform their duties. He said the training that police officers receive is offered in exchange for a 3 year commitment and that police officers sign an employment agreement that makes them accountable for their commitment. The City Manager stated that the advance training expense incurred by the City is credited to the police officers each month for the balance of their 3 year agreement.

Commissioner Bildz asked if the police officer has the custom fit body armor or if the City has it and if the uniform can be used by other police officers. Chief Joe Pelkington stated that the body armor and uniform cannot be used by another police officer.

Commissioner Collins suggested the City require police officers to obtain loans that would cover the advance training costs upon their being hired and that the City make the monthly payments. The Personnel Director stated that it may make recruiting officers more difficult.

Commissioner Gayton stated the City can either attempt to collect more from the police officer or accept the offer at \$1,000. He recommended that the City accept the \$1,000 offer because the City does not have a fully executed agreement. He said that Mr. McMonigal did not initial the section on page 2 of the agreement.

The City Attorney stated that he acknowledges that Mr. McMonigal did not place his initials on page 2 of the agreement but that a valid agreement did exist because he signed the top of page 3 as the applicant.

Commissioner Bildz suggested that Mr. McMonigal may be interested in buying back the body armor since he is employed as a police officer. He suggested that the City pursue the \$1,000 offer and the cost of the armor.

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Commissioner Kraus suggested the City write another letter to Mr. McMonigal's attorney requesting that the police officer pay \$3,500 to settle the case.

The City Attorney stated that, at the Commission's direction, he would write a letter to Mr. McMonigal's attorney negotiating for a settlement amount of \$3,500 from Mr. McMonigal and the Commission concurred.

3. Mutual Aid Agreement with Pinellas County Sheriff –

Police Chief Joe Pelkington stated that the County Sheriff's Office is asking all agencies to sign this agreement due to the boundaries of multi-jurisdictions throughout the County. He stated that this agreement would allow the Police Department to enforce all State traffic laws throughout the causeway.

The City Manager stated that this is a new agreement that would add to the current mutual aid agreement in place.

The Commission will consider a resolution authorizing a mutual aid agreement with the Pinellas County Sheriff's Office at the Commission meeting on Tuesday, April 13th.

4. Special Causeway Permit for Load Limit –

The City Manager stated that this permit is being developed to address the problem with the 2 axle/4 tire restrictions currently in place. He suggested a special permit to address vehicles that are under the 4-ton limit but do not meet the 2 axle/4 tires restrictions. The City Manager stated that the permit would allow vehicle owners to provide documentation that the gross vehicle's weight is less than 4 tons in order to cross the causeway. He recommended that the outdated passes serve as permits.

Commissioner Bildz asked how many people are affected by this and the City Manager stated that there are possibly 50 vehicle owners that fit into this category. He expressed concern about allowing these vehicles to use the causeway bridge.

The City Manager stated that he plans to adopt an administrative policy requiring that these vehicles be at least 1,000 lbs. less than the 4-ton limit (or 7,000 lbs.) when empty.

The Commission will consider a resolution granting a special causeway permit at the Commission meeting on Tuesday, April 13th.

5. Amendment to St. Petersburg Wastewater Treatment Agreement –

The City Manager stated that in 2001 the City signed an interim agreement with the City of St. Petersburg that provided for a new rate formula to be charged for the treatment of wastewater and it anticipated that Treasure Island would sign an entirely new long term agreement with the City of St. Petersburg for wastewater services. He said that the two parties came to an impasse on the negotiation of the new agreement six months ago due to the issue of long-term service. The City Manager said that St. Petersburg and Treasure Island are now trying to incorporate the new rate formula that was agreed on an interim basis into the basic agreement. He said that the Treasure Island has 4 years to negotiate a new agreement because the current agreement expires in 2008.

Commissioner Bildz asked if there is no other entity that Treasure Island could use to treat our wastewater if an agreement with the City of St. Petersburg is not reached the City Manager responded that in fact there is no other entity that can provide this service. The Commission will consider a resolution amending the wastewater treatment agreement at the Commission meeting on Tuesday, April 13th.

6. City Attorney Interview Schedule –

Mayor Maloof asked if staff had heard from Ms. Maura Kiefer regarding scheduling an interview. The City manager stated that as of yesterday, Ms. Kiefer indicated that she may be called into a trial that would tie up her schedule for Wednesday. He said that Attorney John Hadsall is scheduled for 9:30 a.m. and Attorney Morrison at 11:00 a.m. on Wednesday.

Commissioner Collins asked that the interview with Attorney Morrison be changed to 10:15 a.m. and the Commission concurred.

7. Sunset Vistas Condo/Hotel – Request for Easement –

The City Manager explained that the developer of the Sunset Vistas Condo/Hotel is making an offer to construct the beach trail around the property and to provide landscaping on Gulf Boulevard in the area of Parking Lot #6 in exchange for an easement for a 300 feet long strip of City-owned land adjacent to Gulf Boulevard. He said the estimate for the improvements to the land totals up to \$150,000.

Commissioner Collins asked for clarification regarding the location of the easement that is being requested. The City Manager asked Mr. David Littell to provide further clarification.

Commissioner Gayton asked if the owners of the property gave Mr. David Littell, the

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engineer, permission to speak on their behalf and the City Manager responded negatively. The City Manager explained that no permission is needed because it is not a quasi-judicial proceeding. The City Planner stated that there is a letter from the owners that gives Ms. Gail Byrne the authority to apply for the site plan review and that Mr. Littell is her representative. She said that the City did not request a letter from Ms. Byrne as this is not a quasi-judicial proceeding.

Mr. Littell stated that the easement being requested is a strip of land along the frontage of Gulf Boulevard. He said it is approximately 8.5 feet wide at its widest point and about 250 feet long.

Commissioner Collins asked how the 580 feet for the beach trail on 120th Avenue, 121st Avenue and Gulf Boulevard was derived. Mr. Littell stated that a square footage estimate was done with linear curbing, etc. The City Manager stated that he and the City Planner scaled it and the trail totals 580 feet in length.

Commissioner Gayton stated that the memorandum indicates that the easement area requested is currently used by the Ramada Inn for overflow parking. He said that he observed Parking Lot #6 and found that the people using the parking spaces were not staying at the Ramada Inn. Commissioner Gayton said he asked the people using the parking lot if they would give it up for beautification and no one he spoke to said they were in favor of it. He recommended that the City survey people before deciding to give up the parking lot.

Commissioner Collins asked how many parking spaces would be relinquished and the City Manager stated that all of the spaces would be used (a total of 23 parking spaces).

Mr. John Burke opposed the City giving up parking spaces utilized by residents to a developer.

Ms. Heidi Horak commended the City Manager, the City Planner and the property owner for proposing improvements to the property. She said that a thorough review of the impact of this project to the residents has not been done. Ms. Horak suggested that the property owner and the City Planner get input from the residents before entering into negotiations such as these.

Commissioner Kraus stated that the largest portion of the expenditure proposed by the property owner is for the beach trail. He said the City has \$380,000 in grants necessary for the completion of both the north and south portions of the trail.

Mr. Sid Rice proposed that the building be shifted further west to provide for parking and allow for the beach trail.

Commissioner Bildz asked if 23 parking spaces could be located somewhere else on the property to make it an even trade-off. Mr. Littel stated that the proposal could be discussed with the property owner. The City Manager indicated that he would follow up on the idea with the property owner.

Commissioner Collins indicated that he was concerned about the City giving up parking spaces when the grant funds are already available for the beach trail. Commissioner Kraus and Commissioner Bildz concurred.

The Commission will consider a resolution declining an easement to the Sunset Vistas Condo/Hotel at the Commission meeting on Tuesday, April 13th.

8. Appointments to P&Z Board, Code Enforcement Board & Marina Committee –

Commissioner Gayton stated that he was nominating Ms. Ruthie Starkey to be appointed to the Planning & Zoning Board and Mr. Leonard Kaul, Jr. to be appointed to the Code Enforcement Board.

Commissioner Kraus stated that he was nominating Mr. Parker Lilya to be appointed to the Planning & Zoning Board.

Commissioner Gayton stated that there are two more openings on the Code Enforcement Board.

Commissioner Bildz stated that the Code Enforcement Board is to be made up of members from a number of different trades. The City Attorney stated that the statute says that the board should be comprised of a combination of a number of different trades if possible.

Commissioner Bildz stated that he was nominating Mr. Jeff Warner to be appointed to the Code Enforcement Board.

Commissioner Kraus stated that a number of appointments to the various boards and committees will be made in August and he encouraged anyone interested to fill out an application.

The City Manager stated that the terms for the Marina Committee members have expired. He suggested that the Commission either re-appoint the same members or appoint new members. The Commission decided to re-appoint the same members.

The City Manager stated that a Commissioner needs to be designated to represent

the City on the Beach Stewardship Committee. Commissioner Bildz volunteered to serve on the committee.

The Commission will consider a resolution appointing members to the Planning & Zoning board, Code Enforcement Board and the Marina Committee at the Commission meeting on Tuesday, April 13th.

9. City Manager's Evaluation and Compensation Package –

Mayor Maloof stated that she received evaluations from 3 of the other 4 Commissioners.

Commissioner Gayton stated that he did not feel that he was qualified to evaluate the City Manager's performance for the past 12 months as he has only been in office for 3 weeks. He said that the recommendation of the Commissioners that have served for over twelve months would be acceptable to him.

Mayor Maloof discussed the City Manager's compensation package and stated that City employees received 3% to 5% increases.

Commissioner Kraus discussed the City Manager's salary in comparison with other area municipalities and suggested a 3% raise.

Commissioner Collins asked if the City Manager's 6 months severance pay is comparable to other cities.

The City Manager stated that City Manager severance packages vary by city and that St. Pete Beach offers a 3 year severance package that diminishes to 1 year and then renews to 3 years while Seminole offers a severance package of 5 years. He said many other cities offer severance packages that range from 3 to 6 months.

Commissioner Collins stated that he established a median average of the 8 area City Manager's salaries and came up with \$88,511 (the lowest being \$63,000 and the highest being \$103,700).

Mayor Maloof indicated that it is difficult to average all the cities because some of the City Manager's for smaller communities do not have the same responsibilities. She said that Treasure Island is comparable to St. Pete Beach, Gulfport and Oldsmar based on population, # of employees and the amount of the budgets.

Mayor Maloof stated that the City Manager is carrying a double load in Treasure Island because, in addition to managing the City, he is also managing the causeway bridge construction project. She recommended a 5% raise.

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Commissioner Collins disagreed and suggested that the City Manager may want to consider foregoing a raise this year and volunteer his time instead.

Commissioner Bildz suggested that the Commission sign either a 6 month or 18 month contract so that the City Manager's review would occur in October rather than April.

Commissioner Collins asked the City Manager what he felt would be a fair raise. The City Manager stated that 3% to 5% would be fair and in line with the City Manager's salaries in Seminole and St. Pete Beach which have very similar duties.

Mayor Maloof stated that one of the issues she has considered is that while other communities have been hiring City Managers, our City Manager has chosen to stay with Treasure Island. She said this shows his commitment and dedication to this City.

Commissioner Bildz stated that he would like to see the contract be revised to 6 or 18 months. The City Manager stated that the contract itself has no term and that it runs continuously and automatically renews. He said the Commission could schedule another evaluation for September/October and set it annually from that date to change the time frame. The City Manager stated that evaluating his performance in 18 months would violate the current contract.

Commissioner Collins, Commissioner Kraus and Commissioner Bildz recommended a 3% raise, Mayor Maloof supported a 5% raise.

The Commission will consider a resolution adjusting the City Manager's compensation package at the Commission meeting on Tuesday, April 13th.

10. 2005 Municipal Election Date -

The City Manager stated that the Pinellas County Supervisor of Elections (SOE) has asked Treasure Island to set its election date for 2005. He said that the City's ordinance requires the election date to be the second Tuesday in March.

Commissioner Collins asked for clarification regarding the runoff date and qualifying period. The City Manager stated that those dates would remain the same.

Commissioner Collins stated that he would like to review the qualifying dates and the runoff date. The City Manager stated that staff would provide the Commission with an election calendar.

Mayor Maloof asked if the SOE sets the date for a runoff election.

The City Attorney stated that the runoff date was adjusted to 5 weeks after the General Municipal Election to accommodate the SOE ballots.

11. 107th Avenue Downtown Roadway Design –

The City Manager stated that there are funds available to straighten out the bubble if the Commission chooses to do so. He said the City would need to go out to bid for the re-design and that it would take approximately 3 to 4 weeks.

Commissioner Collins stated that he thought there was \$25,000 or \$30,000 budgeted for this. The City Manager stated that it was budgeted last year but it was not a line item in this year's budget; however, he said there are sufficient funds available to do the project if the Commission desires to do so.

Commissioner Collins stated that he would like the inside curve on both the north and south sides to be straightened out which would require eliminating the lattice and trellis.

Commissioner Kraus stated that both the curves on the exit and the entrance of the bubble need to be addressed.

Mayor Maloof asked if the speed limit would remain the same after adjusting the bubble. The City Manager stated that Traffic Engineer Jerry Dabkowski could advise the Commission whether to adjust the speed limit. Commissioner Kraus stated that he felt the speed limit should remain the same at 20 mph.

Commissioner Kraus discussed a "downtown traffic plan" that he has been working on that addresses 107th Avenue and the bubble. He indicated that competent, alert drivers can negotiate the bubble if driving the speed limit but the tire marks on the curbs suggest that this is often not the case. Commissioner Kraus stated that the road at 107th should be straightened to make it a more attractive, safer route for motorists.

Commissioner Gayton suggested pulling the radius back 7 feet of the inside curve which would place the bubble 2 feet away from the clock tower. He recommended obtaining a drawing depicting this and providing it to the community for their review.

Commissioner Collins stated that he felt the north and south curves still need to be straightened out.

Mayor Maloof stated that the Traffic Engineer should look at the curve and make

recommendations. The City Manager stated that the outside curve is already, designed, itemized and ready for a bid. He said the Traffic Engineer could look at the inside curve and prepare a drawing for the Commission's review in approximately 4 weeks as well as provide design options in 2 weeks.

The City Manager asked the Commissioners for clarification if they wish to address all 4 curves at the entry, exit and the center and they responded affirmatively.

Mayor Maloof stated that the memorial bricks will be relocated.

Commissioner Gayton stated that he would like a smart cart placed at the bubble for one week on each side to monitor average an individual driver's speeds and recommending painting the curb yellow.

Mr. Carl Ystrom stated that he would like the road to be straightened as much as possible and beautification of the area in the center.

Mayor Maloof stated that the Commission would have a drawing for the bubble's redesign in approximately 1 month.

12. Term Limits for Commissioners and Appointees –

Commissioner Collins suggested 2 consecutive three year term limits for the Mayor and 3 consecutive two year term limits for Commissioners. He recommended 3 consecutive three year term limits for board and committee members.

Commissioner Kraus proposed 2 three year terms (with a possible lifetime limit) for Mayor and 3 two year terms (with a possible lifetime limit) for Commissioners. He stated that this resolution upon passage and upon being passed by a referendum vote, constituting an amendment to the City Charter, would have retroactivity affecting all Commission members past and present.

Commissioner Kraus proposed the following term limits for boards and committees:

1. That the terms for Beach Stewardship Committee members be extended to three year terms.
2. Passing a resolution that establishes the Library Trustees Committee as a 2 person committee with overlapping two year terms.
3. Passing a resolution/ordinance establishing term limits for each board and committee to a maximum of 6 years allowing for the completion of his or her last appointed term. This ordinance would have retroactivity affecting all members and allow for the completion of their appointed terms

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Commissioner Gayton stated that he would like to break the term limits up into 2 different categories, one for Mayor and Commissioners and another for board and committee members. He said that he also would like a consensus from the Commission as to whether it is in favor of term limits before discussing the issue at length.

Commissioner Collins stated that he felt the incumbent usually has somewhat of an advantage over a candidate that has not served before. He indicated that he supports term limits and feels that serving as an elected or appointed official is a privilege and should be open to anyone that would like to serve.

Commissioner Gayton requested that the Commission decide whether it is in favor of term limits.

Commissioner Bildz stated that he is in favor of term limits.

Commissioner Kraus stated that he could argue for or against term limits. He said that during his election he stated that if the community supported term limits that he would. Commissioner Kraus said that in the 1992 Presidential Election, Constitutional Amendment #9 on the ballot set term limits for the Governor, our Senators and our Representatives. He stated that 75.1% of Treasure Island's voting residents supported term limits in that election.

Mayor Maloof stated that she was in favor of term limits in the past when Treasure Island's elections were based on plurality rather than a majority of the votes. She said that the 51% majority shows the support of the community rather than basing the election solely on the candidate that receives the most votes.

Commissioner Gayton stated that he is in favor of putting the issue of term limits before the voters as a Charter amendment and that he supports term limits.

Mayor Maloof stated that she is not in favor of term limits but she is in favor of allowing the community to vote on it. She voiced a concern that when term limits are imposed; the community loses its right to choose an elected official if that person has reached his or her term limit.

The City Manager stated that the Commission would need to pass an ordinance amending the Charter so that it would be effective prior to August 20th (the deadline to submit ballot language to SOE).

Commissioner Kraus asked if the Commission should pass an ordinance amending the City Charter or a resolution establishing the ballot language and setting a date for the election. The City Attorney stated that an ordinance would be required to

amend the Charter, establish the ballot language and set the date for a referendum election.

Mayor Maloof asked if the Charter amendment would apply only to the Mayor and Commission and if the other boards and committees would be addressed by ordinance or resolution. The City Attorney concurred and indicated that the boards and committees that were established by resolution or ordinance should be amended in the same manner.

Commissioner Gayton suggested 2 three year terms for board and committee members and Commission Collins concurred.

The Commission agreed that the terms for the Beach Stewardship Committee and the Library Trustees Committee would need to be increased to 3 years.

The City Manager stated that staff would need two weeks to prepare the necessary resolutions and ordinances.

Ms. Heidi Horak suggested that the Commission discuss term limits at another workshop meeting so the public can have an opportunity to speak on the issue. She said that she would like the Commission to discuss term limits for the Commission and term limits for board and committee members as separate issues.

The Commission will discuss term limits for the Commission and boards and committees at the next Commission workshop meeting on Tuesday, April 20th.

13. Auditorium Foyer & Lunch Room Audio Speakers –

The City Manager stated that speakers could be provided in the foyer and the lunchroom area for \$359.06. He recommended that the Whitlock Group be hired so the speakers can be integrated with the rest of the speakers and the warranty would remain intact.

15. City Representative to the BIG-C –

Commissioner Kraus stated that the BIG-C is requiring cities to appoint a voting delegate and 1st and 2nd alternates.

Mayor Maloof stated that the Commission will need to designate a representative to the Suncoast League and Commissioner Kraus stated that a representative will also need to be designated for the Hotel/Motel Association. The Commission will discuss these appointments at the next workshop meeting on Tuesday April 20th.

Commissioner Kraus stated that he would like to volunteer to serve as the voting representative to the BIG-C.

Mayor Maloof stated that a mayor (when elected) usually serves as the chief representative of his/her municipality. She said the mayor signs all official documents, represents the city at official functions and negotiates on behalf of the city. She said due to nature of the lobbying and negotiating that the BIG-C does, the Mayor usually serves as its voting delegate. Mayor Maloof stated that she would like to be the voting delegate.

Commissioner Kraus stated that there are 4 non-mayors currently sitting on the BIG-C. He said there is no mayoral requirement in the bylaws of the BIG-C.

Commissioner Gayton recommended that Commissioner Kraus be appointed as the voting delegate to the BIG-C and Mayor Maloof be appointed as the 1st alternate.

The Commission will consider a resolution appointing Commissioner Kraus as the voting delegate and Mayor Maloof as the 1st alternate to the BIG-C at the Commission meeting on Tuesday, April 13th.

16. Approval Procedure for Special Exception Uses –

The City Planner provided an explanation of the types of land uses that exist and a definition of special exception uses.

Commissioner Bildz stated that he feels the Commission should have the authority to grant or deny special exception uses especially when the request involves the use being changed from commercial to residential. He said he would like to have the LPA provide a recommendation on this issue.

The City Attorney stated that the Commission could amend the process and procedures for special exception uses or delete special exception uses altogether if it chooses, it could also provide for an appeal process. He said that the process and procedures for special exception uses are set up by the Commission by ordinances.

Mayor Maloof asked how other communities handle special exception uses. The City Planner stated that many communities with special exception uses have performance standards, limiting factors or special considerations to provide for guidance and control.

Commissioner Bildz stated that rezoning should occur through the Comprehensive Plan and not through special exceptions.

Commissioner Gayton suggested that the item be placed on the next workshop for further discussion.

The City Planner stated that she could provide the Commission with information regarding how other communities are handling special exception uses so the Commission could have the ability to fine-tune or limit development.

Mayor Maloof asked the City Planner to provide the Commission with some ideas regarding special exception uses at the next Commission workshop and the City Planner agreed to do that.

Ms. Heidi Horak stated that there is a land planning crisis in Treasure Island. She said the City has inadequate volunteer activity on land planning issues, inadequate review by staff and LDR changes that have been put on hold for two years. She listed the responsibilities of the Planning & Zoning Board and stated that the board has too many cases coming before it to be able to address land planning issues. Ms. Horak suggested that the Commission consider establishing the LPA as a separate board that makes recommendations to the Commission with all final approvals being the responsibility of the Commission. She said that she would like to see a threshold where a special exception becomes a land planning matter and is referred to the LPA. Ms. Horak asked the City Manager to look for more staff resources for the City Planner.

Mr. Tom Long suggested that fundamental decisions like special exception uses be removed from the Planning & Zoning Board and be placed before the Commission.

Ms. Gwenda Barnitz concurred with Ms. Horak's comments regarding separating the LPA from the Planning & Zoning Board.

The Commission will discuss this item further at the Commission workshop meeting on Tuesday, April 20th.

17. Charter Amendment for Height & Density Referendum –

Mayor Maloof clarified that future Commissions can make changes to the Charter.

Commissioner Kraus stated that a future Commission could propose a change to the Charter but it would still require that the electorate vote on it.

Commissioner Bildz stated that he supports the proposed Charter amendments for height and density requiring a super majority of the registered voters.

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Commissioner Kraus stated that he supports two Charter amendments, one pertaining to height and one pertaining to density, with a requirement for a simple majority of the voters and Commissioners' Collins and Gayton concurred.

The City Attorney stated that resolutions, referring the proposed Charter amendments to the Planning & Zoning Board as the LPA, would be prepared for the next Commission meeting. He indicated that there is time to have these proposed amendments on the ballot for November, 2004

Commissioner Collins asked the City Attorney to explain the mechanics behind why it is necessary to create ordinances in order to make them Charter amendments. The City Attorney stated that the Commission would first pass resolutions referring both ordinances to the Planning & Zoning Board sitting as the LPA for its review, then the ordinances would come back before the Commission for two public hearings. He said that the ordinances provide that they are not effective unless and until they are enacted by the electorate at a referendum election in November. The City Attorney stated that both ordinances provide that they would supersede and replace any ordinances in conflict including the Citizen Initiated Referendum.

Mr. Tom Long asked if a super majority is required to make changes to an ordinance that was passed by a super majority. The City Attorney stated that the Citizen Initiated Referendum establishes an ordinance and does not address how to amend it or how to change the Charter in the future. He said that the Charter referendums will supersede ordinances.

Ms. Heidi Horak spoke in favor of the Charter amendments requiring a two-thirds majority of registered voters rather than a simple majority.

Mr. Frank McConnell stated that the Citizen Initiated Referendum was passed by a simple majority. He said it can be reversed at any time by a simple majority.

Mr. Jim Dobyms stated that the City Attorney used the term ordinances and that he understood these two items will appear on the ballot in November as City Charter amendments not as two ordinances.

The City Attorney stated that there are currently two ordinances proposed to the Commission. He said that if the ordinances are passed by the Commission, they would establish two amendments to the Charter. The City Attorney stated they would then go before the electorate as two proposed amendments to the Charter.

Mr. Jim Dobyms stated the issue of simple majority vs. super majority is whether it is able to be challenged in court. He stated that a simple majority is not likely to be overturned in court while a super majority seems like it would be a legal flaw. He

suggested that the Commission consider asking prospective City Attorneys to explain how they would address this issue.

Mr. Sid Rice stated that, by state law, density cannot be increased in the State of Florida. He agreed with Ms. Horak's recommendation to establish a new board to address the LDR's. He stated that a Charter amendment will continue to divide both sides of the community.

18. Flag Half Mast Policy –

Commissioner Collins stated that former Commissioner Stephanie Lavino passed away and that he asked to have the flags lowered to half mast in her honor. He stated that he asked to have the item placed on the agenda to discuss whether to continue this practice and if so, the protocol for flying flags at half mast.

Mayor Maloof suggested that the Commission prepare a list of parameters for a half-mast flag policy and discuss the item at the next Commission workshop on Tuesday, April 20th.

19. Mile Marker FDOT Permit –

The City Manager stated that he would like to confirm that the Commission would like him to go ahead and process this in the normal manner and the Commission concurred.

V. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

The City Attorney addressed the City's noise ordinance and stated that, contrary to some of the phone calls he received, the ordinance has not been declared unconstitutional. He said that a citation was issued for amplified music prior to 11:00 pm. The City Attorney indicated that the City's noise ordinance makes amplified music a violation after 11:00 p.m. and that the Commission could choose to change the time of 11:00 p.m. if it chooses to do so.

Police Chief Joe Pelkington stated that complaints regarding loud music are received on a 24 hour basis. He said that in talking with the City Attorney, he understood that citations can be issued for amplified music prior to 11:00 p.m. if that music is loud and raucous. The Police Chief stated that discretion is used by the policemen when determining whether to issue a citation for a noise violation. He said the City's noise ordinance was enacted because the County's noise ordinance is not very effective.

The City Attorney stated that many communities in Pinellas County have enacted substantially the same ordinance. It was originated by the City of Clearwater. He

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said that Clearwater's noise ordinance was upheld on appeal by the Pinellas County Circuit Court.

Mayor Maloof asked if the Commission could apply different sets of timeframes for noise on weekdays and weekends and the City Attorney responded affirmatively.

Commissioner Gayton asked if decibel meters could be used in neighborhoods where there are no surrounding noises. The Police Chief stated that the Police Department had two decibel meters but the meters only provided accurate readings an average of 1 out of 20 times.

Commissioner Gayton stated that there are 4 decibel meters and 4 officers trained to use them. He asked the Police Chief to have the officers try using them again and the Police Chief responded that he would look into it.

Mr. Carl Ystrom stated that the decibel meters only work within a distance of 3 feet. Mr. Ystrom asked if the issue of the Drum Circle has been resolved yet. Mayor Maloof stated that she had not heard anything recently. He suggested that the Commission establish an ordinance to address this issue.

Mayor Maloof asked if the time frames could be removed from the noise ordinance and the City Attorney responded affirmatively.

The City Attorney introduced Mr. Christopher Hammonds as an attorney at his law firm. He said that Mr. Hammonds has been a City Attorney with Pinellas Park for the past two years.

The City Manager reported that Mr. Louis Rotundo, Tallahassee lobbyist, stated that the City's \$50 million grant has been placed into the State's work program as part of the FY 2004/05 budget.

Commissioner Gayton asked how the City is proceeding with obtaining the LAP certification and the City Manager stated that everything is moving along smoothly.

VI. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins thanked the City Manager for arranging to have an additional outlet placed in the concession building on the Isle of Capri. He said that he has also received requests to place another outlet by the sign on Second Street and Capri Circle. Commissioner Collins stated that due to the cost of \$2,500 for an amperage box and a new meter, it was decided this outlet would not be in the best interest of the community.

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Commissioner Collins asked how it is determined when street paving will take place because Capri Boulevard is not in good shape. The City Manager stated that street paving normally takes place on an annual basis and that it totals approximately \$100,000 and is paid for out of the gas tax fund. He said that street overlays were suspended for the past two years due to the reclaimed water project. The City Manager stated that repaving would likely resume this fall.

Commissioner Collins stated that there is a sunken boat at 11875 7th Street North that has been there for about one year. He asked if there is any plan to remove this boat from the canal. The City Manager said that the State was out last week to look at it but the City does not currently have the legal authority to remove the boat. The City Attorney stated that he would work with the City Manager to see what can be done.

Commissioner Collins asked to have the definition and requirements of condo/hotels addressed at the next Commission workshop.

Commissioner Kraus stated that a beach cleanup is scheduled for Saturday, April 10th and that anyone interested should meet at Robby's Pancake House at 7:45 a.m. He said that anyone running a little late can meet at 8:45 a.m. behind the Waffle House.

Commissioner Kraus reported that a BIG-C meeting was held on Wednesday, March 31st in Redington Beach. He said the guest speaker Dr. Carl Kuttler, Jr., President of St. Petersburg College, gave a brief history of St. Petersburg Junior College and St. Petersburg College's recent undertakings as well as plans for the future. Commissioner Kraus stated that there was a resolution in recognition of Congressman Bill Young for his support of the beach communities and the nominating committee selected new officers for the next two years. He also stated that there was an announcement that the signs for the Gulf Boulevard Mile Marker Program have been completed and that cities will be notified as to when to pick up their signs. Commissioner Kraus stated that the County reported that the Evaluation Appraisal Reports (EAR's) will not be completed by the County for all beach cities but the County will offer assistance to municipalities that are completing their own EAR's. He stated that there will be a legislative bus trip to Tallahassee on April 13th and 14th for any Commissioners that are interested.

Commissioner Alan Bildz asked that the restrooms at the Beach Pavilion be kept open from sunrise until sunset. The City Manager stated that the Commission approved summer hours and winter hours for the staffing of the Beach Pavilion. He said that summer hours (noon to 9:00 p.m.) begin in three weeks but those hours could be moved up to now in conjunction with daylight savings time if the Commission so desires. The Commission concurred with this suggestion.

VII. PUBLIC COMMENTS:

Mr. Paul Schiano quoted from the City's noise ordinance regarding amplified music. He stated that the ordinance allows amplified music before 11:00 p.m. He asked that the Commission consider removing the time frame of 11:00 p.m. from the ordinance because there have been so many complaints about noise and amplified music before 11:00 p.m. Mr. Schiano thanked the Commission for taking action on the bubble to widen both the inside and outside curves.

VIII. ADJOURNMENT:

Mary Maloof, Mayor

Phil Collins - District 1

Ed Gayton - District 2

Richard Kraus - District 3

Alan Bildz - District 4

ATTEST:

Charles S. Coward, City Clerk