

**CITY OF TREASURE ISLAND**  
**BOARD OF COMMISSIONERS WORKSHOP AND MEETING**  
**June 22, 2004**  
**7:00 p.m.**

**A. RULES OF PROCEDURE WORKSHOP CALL TO ORDER – 6:00 PM**

**B. DISCUSSION ITEM:**

**1. Rules of Procedure -**

- A.** Commissioner Gayton outlined his list of proposed changes to the following Sections of Article I of the Commission's Rules of Procedure dated 8/27/02 as follows:

*Section 1 Regular Workshops*  
*Section 3 Agenda*  
*Section 7 Order of Business*  
*Section 11 Decorum*  
*Section 13 Rules of Debate*  
*Add Section 14 Ad Hoc Committees*

- B.** City Attorney Maura Kiefer stated that she would look into whether an ad hoc committee appointed by the Commission would be subject to the Sunshine Law and report back to the Commission.
- C.** Commissioner Kraus stated that he would like to review the Rules of Procedure with the proposed changes incorporated into the document. He also stated that he would like to review *Robert's Rules of Order*.
- D.** Commissioner Collins stated that he agreed that Section 11 *Decorum* could be refined.
- E.** Commissioner Bildz stated that he was concerned that the "Commissioners' hands would be tied" if they were unable to vote at workshop meetings. Commissioner Gayton stated that the Commission would still be able to call a special Commission meeting with 12 hours' public notice.
- F.** The City Attorney stated that the Commission is not required to have public comments twice during a Commission meeting. She also stated that the Commission could choose to limit the length of Commission meetings. Commissioner Gayton stated that the Commission decided to have public comments at the beginning and

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the end of every Commission meeting in response to the “will of the community”.

**G.** Commissioner Collins asked why *IV Old Business* was added to Section 7 *Order of Business*. Commissioner Gayton stated that old business should not be discussed by Commissioners once the agenda items have been closed and the Commission has reached *VI Reports & Comments by Commissioners*.

**H.** Commissioner Gayton stated that he would prepare a revised Rules of Procedure that includes his proposed changes for the Commission’s review. He also indicated that he would provide the Commission with copies of *Robert’s Rules of Order*.

**C. ADJOURNMENT OF WORKSHOP:**

**D. REGULAR MEETING CALL TO ORDER – 7:00 PM:**

**E. PLEDGE OF ALLEGIANCE: Led by Mayor Maloof**

**F. ROLL CALL:**

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

**G. PUBLIC COMMENTS:**

Mr. Paul Schiano suggested that the Commission remove the time restriction from 11:00 pm until 7:00 am (for both residential and commercial areas) from the noise ordinance. He said the Commission would be doing a “disservice to people in commercial areas” if the Commission only removes the time restriction for residential areas.

Beautification Chairperson Carol Malkin stated that volunteers are needed to participate in the beach cleanups that take place on the second Saturday of each month. She also asked residents to submit nominations for beautification and property improvement awards.

Ms. Malkin stated that only City meetings should be televised on TITV channel 15.

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Ms. Malkin asked the Commission to word ballot language in layman's terms so that it easy for people to understand at the ballot box.

Mr. Ken Brown spoke on behalf of the Treasure Island Business Association (TIBA) and said the association is outraged that an adult site has been linked to TIBA's Web site.

Ms. Olivia Cox stated that Treasure Island was declared the *Sand Sculpture Capital of Florida* by the Governor. She suggested that the Commission authorize sand sculptures to be erected in various places throughout Treasure Island. Ms. Cox said Ms. Meredith Corson (a resident of Treasure Island) and her partner, Dan erect sand sculptures at Sloppy Joe's twice per year.

Ms. Betty O'Hearn asked for a status regarding the speed indicator that was placed at the clock tower. Acting City Manager Fred Turner said the Smarte Cart was used to conduct a two day study westbound at the clock tower and a study will also be conducted on the eastbound side for two days.

**H. MINUTES:**

None.

**I. ITEMS OF BUSINESS:**

**1. Ord. – Amending LDR's for Temporary Signs – 1<sup>st</sup> Reading –**

After hearing the first reading of the ordinance pertaining to land development; amending Chapter 72, of said land development regulations to add regulations pertaining to temporary sign restrictions, providing for severability, providing for an effective date, motion was made by Commissioner Gayton and seconded by Commissioner Collins to approve the ordinance as read.

Commissioner Collins asked if the 30-day time period for banners for new businesses is inclusive of the date the firm opens. City Planner Lynn Rosetti stated that a business can have a banner in place prior to opening and that occupancy must take place within 30 days.

Commissioner Collins asked if banners can be displayed for 45 days and the City Planner responded affirmatively.

Upon roll call, the vote to approve was unanimous.

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**2. Res. – Police 4<sup>th</sup> of July Enforcement Policies –**

After hearing the reading of the resolution setting 4<sup>th</sup> of July enforcement policy, motion was made by Commissioner Kraus and seconded by Commissioner Gayton to approve the resolution as read.

Police Chief Joe Pelkington stated that there will four to five ATV's used for enforcement on the beach. He said it will be interesting to see the impact of the County's new fireworks ordinance.

Commissioner Kraus stated that the resolution indicates that the police department's enforcement policy will be widely publicized by press releases. The Police Chief stated that he will fax a press release to the news media five days prior to the 4<sup>th</sup> of July.

Commissioner Collins asked if the press release explains the restrictions regarding the use of personal fireworks. The Police Chief read the press release to the Commission.

Commissioner Bildz stated that there was a recent story in the news regarding illegal fireworks that were confiscated at a fireworks store in St. Petersburg.

Upon roll call, the vote to approve was unanimous.

**3. Res. – Police Replacement Boat –**

After hearing the reading of the resolution authorizing the purchase of a 2004 24 foot Boston Whaler "Justice" model boat with the dive/rescue door addition from Brunswick Commercial and Government Products in the amount of \$41,384 to be used as a replacement patrol vessel, motion was made by Commissioner Gayton and seconded by Commissioner Kraus to approve the resolution as read.

Commissioner Collins requested that the Police Chief obtain a bid for a Century boat. The Police Chief stated that two proposals were received for Century boats and that the police department preferred the Boston Whaler. He said that St. Pete Beach did not recommend purchasing a Century boat. The Police Chief stated that Pinellas County also uses Boston Whalers.

Commissioner Kraus stated that purchasing a Dusky would be a 25% savings for the City. The Police Chief said the proposal for the Dusky did not address warranty and flotation.

Commissioner Bildz stated that most of the contacts he spoke to believe the Boston

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Whaler would be a good fleet boat. He said he was asked why the police department is not considering purchasing an inflatable boat. The Police Chief stated that the bid did not include inflatable boats.

Commissioner Collins said he would like to see the police department consider purchasing a Dusky. The Police Chief said the Dusky is not a preferred model because the boat provides a rough ride.

Ms. Suzanne Deady stated that \$43,000 was budgeted for the purchase of a replacement boat and she asked the Commission to allow the police department to purchase the Boston Whaler.

Mr. Glenn Kaisner stated that the police department should be able to purchase a boat that is safe and reliable. He asked the Commission to trust in the Police Chief's recommendation to purchase a Boston Whaler.

Mr. Yorky Knowles said the Police Chief should be able to select the boat since his department will be using it.

Upon roll call, the vote to approve was unanimous.

**4. Res. – Appointing Mayor Maloof as Voting Delegate for FLC Conference**  
–

After hearing the reading of the resolution designating Mayor Mary Maloof as the City of Treasure Island's voting delegate at the Florida League of Cities convention to be held at the Westin Diplomat Resort & Spa in Hollywood, Florida on August 19 – 21, 2004, motion was made by Commissioner Kraus and seconded by Commissioner Collins to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

**5. Res. – Authorizing Rotary Kayak Activity on the Beach for July 4<sup>th</sup> –**

After hearing the reading of the resolution authorizing the Gulf Beaches Rotary Club to hold the Fourth of July annual Gulf Beaches Ocean Challenge on July 4<sup>th</sup>, 2004; setting forth condition, motion was made by Commissioner Gayton and seconded by Commissioner Collins to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

**6. Res. – Employee Group Health Insurance Renewal –**

After hearing the reading of the resolution authorizing the renewal of United Health Care's health insurance plan for City employees effective July 1, 2004, motion was

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made by Commissioner Gayton and seconded by Commissioner Kraus to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

**J. DISCUSSION ITEMS:**

**1. Forwarding LPA Review Comments on Resolutions 04-42 & 04-43 (Height/Density) –**

The City Planner stated that the Local Planning Agency (LPA) reviewed the proposed changes and found them to be consistent with the Comprehensive Plan. She said the LPA is recommending passage of the proposed changes with the exception that the changes not be Charter provisions and that modifications to the land development regulations were preferred by the Board.

Commissioner Collins stated that he thinks the proposed changed should be Charter amendments so the decision to make changes to height and density would be up to the citizens.

Commissioner Kraus asked if the citizens initiated referendum can be changed by other than a referendum vote. The City Attorney stated that, in her opinion, it can only be changed in the same manner it was passed but that the issue is subject to interpretation and debate. She said she recommended (in her legal opinion to the Commission) if the referendum is placed on the ballot; the language should specify that it will be made effective the same way it was initiated by a majority vote of the electorate.

Commissioner Kraus asked if the referendum, passed as a non-Charter amendment, would still be considered a citizen initiated ordinance. The City Attorney stated that once the citizen initiated referendum was passed it became a City ordinance and it is now part of the City's Code of Ordinances.

Commissioner Collins stated that the citizens would prefer a simple majority vote. He said the people have made it clear that they want to have their say when changes to height and density are being considered.

Commissioner Kraus asked if there would be time to have two readings and public hearings prior to the August 20<sup>th</sup> deadline for ballot language. The City Attorney responded affirmatively and stated that the Commission could hold 1<sup>st</sup> reading and public hearing on July 27<sup>th</sup> and second reading and public hearing on August 10<sup>th</sup>.

Commissioner Kraus said he did not want to rush this issue since there are still questions to be addressed. He suggested the Commission consider obtaining an attorney general's opinion on the matter and place the issue on the ballot for the

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March 2005 election.

Commissioner Bildz asked if variances should go before the Commission or the electorate according to the citizen initiated ordinance. Commissioner Kraus stated that the ordinance addresses changes to the land development regulations pertaining to increases in height and density. He said the variance criteria is still in effect and therefore, all variances for height and density would not be required to go before the electorate. Commissioner Kraus stated that the Commission recently passed new variance review criteria.

Commissioner Gayton stated that there were three reasons the Commission sent the issue to the LPA for its review as follows:

1. The constitutionality of having two subjects on the ballot.
2. The constitutionality of super majority vs. simple majority.
3. Any changes to the land development regulations first going before the LPA.

Commissioner Gayton said the Commission should consider that the LPA voted unanimously that the proposed changes not be considered as Charter amendments.

Motion was made by Commissioner Gayton and seconded by Commissioner Kraus to table this discussion and request an attorney general's opinion to address the legalities. Upon roll call, the vote to approve was unanimous.

#### **K. CITY MANAGER/CITY ATTORNEY REPORTS**

The Acting City Manager asked the Commission to set the schedule for the first FY 2004/05 budget workshop. The Commission agreed to hold the first budget workshop on Thursday, July 15<sup>th</sup> at 6:00 pm.

The Acting City Manager asked the Commissioners to set a time for Mr. Tom Freijo of the Mercer Group, Inc. to review the selected City Manager candidates on July 9<sup>th</sup>. The Commission agreed to meet with Mr. Freijo at 10:00 am on July 9<sup>th</sup>.

The Acting City Manager asked the Commissioners to advise whether they wish to cancel the Commission workshop on July 6<sup>th</sup> and the Commission meeting on July 13<sup>th</sup> and the Commission concurred.

Mayor Maloof stated that a community social to meet the City Manager candidates will be held on Tuesday, July 13<sup>th</sup> at the Community Center from 5:30 pm to 7:30 pm.

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The Acting City Manager reported that the issue of subcontracting enforcement of the bridge restrictions has been taken off the agenda due to the police officers indicating they may wish to retain this duty. He said he would like to discuss this issue further with the police officers and report back to the Commission.

The Acting City Manager reported that Building Inspector Bill Keeley has resigned and accepted a position as the Building Official with the City of Gulfport. He said the City has some leads regarding hiring a replacement building inspector.

The City Attorney reported that a letter was received from Mr. Chad McMonigal's attorney indicating that Mr. McMonigal is considering filing bankruptcy. She said the City's employment agreement is enforceable and that he is obligated to pay \$7,000. The City Attorney stated that she would report back to the Commission regarding the status of Mr. McMonigal's bankruptcy.

The City Attorney reported that she met with Community Improvement Director Mike Wichman regarding the Code Enforcement Board. She said the new software is now in place and will expedite tracking and providing statuses on code violation cases. The City Attorney stated that the Community Improvement Director estimates that only 10% of code violations become code violation issues that need to be addressed by the Code Enforcement Board. She said she would report further on this matter at the next Commission meeting.

**L. REPORTS BY COMMISSIONERS:**

Commissioner Gayton reported that Dr. Bob Minning, Assistant Public Works Director Rick Raus, Mayor Maloof and he attended the Florida Shore & Beach Preservation meeting regarding the beach renourishment project. He said Treasure Island has not yet been permitted for renourishment of Sunset Beach. He stated that renourishment of Sunset Beach is slated for August 1<sup>st</sup>.

Commissioner Bildz recommended that the Commission consider splitting the LPA from the Planning & Zoning Board.

Commissioner Bildz stated that he observed someone in a truck backing into the Gulf of Mexico and reported it to the police. He said the police informed him that the fine for this was only \$51. He stated that more fines should be imposed for these types of violations, especially due to beach preservation concerns.

Mayor Maloof reported on the Mayors' Council special meeting with the County Commission that she attended on June 18<sup>th</sup>.

Mayor Maloof stated that the Pinellas County Mayors will meet with County

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Commissioners four times per year and that the group will be called the Council of Government.

Mayor Maloof reported that she will attend the Florida League of Cities' Awards for Excellence dinner in Orlando on Saturday, June 26th. She said Mayor Rick Baker is a nominee for statewide *Mayor of the Year*.

**M. PUBLIC COMMENTS:**

Mr. Bill Bennington asked why patches of concrete have been cut out of Lagoon Lane. Mayor Maloof said that the Commission would report back to him on the matter.

Mr. Bill Bennington stated that the City of Madeira Beach offers classes on *Robert's Rules of Order*.

Mr. Benjamin Hetrick asked if the members of the Treasure Island Business Association can meet with Commissioners after the community social to discuss concerns relating to hiring a new City Manager and Mayor Maloof responded affirmatively.

**N. ADJOURNMENT:**

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Mary Maloof, Mayor

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Phil Collins - District 1

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Ed Gayton - District 2

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

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Alan Bildz - District 4

**ATTEST:**

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Jennifer Nye, Deputy City Clerk