

**CITY OF TREASURE ISLAND
BOARD OF COMMISSIONERS MEETING
January 25, 2005
7:00 p.m.**

A. PLEDGE OF ALLEGIANCE: Led by Mayor Maloof

B. ROLL CALL:

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

C. PUBLIC COMMENTS:

Mayor Maloof announced that Ms. Corrine Freeman, former Mayor of St. Petersburg, was present at the meeting.

Mr. Frank McConnell spoke on behalf of Voters Watch and he announced that a Meet the Candidates meeting will be held at the Golden Phoenix on January 26th at 7:00 p.m.

Mr. Jeff Warner asked who to contact regarding stray cats that are running around Sunset Beach. The City Manager suggested that he contact Code Enforcement to obtain the phone number for the Pinellas County Animal Control Department.

D. MINUTES:

None.

E. ITEMS OF BUSINESS:

Item #1 was moved to the bottom of the agenda.

2. Height/Parking Variance – TITYC (Public Hearing) –

Mayor Maloof announced that this item was being deferred to allow staff to research the possibility of voting conflicts among some of the Commissioners.

City manager Ralph Stone stated that Deputy City Clerk Jennifer Nye has contacted the Florida Commission on Ethics regarding the matter and City Attorney Maura Kiefer has contacted the Florida League of Cities and State Attorney General's Office in order to define the alternatives if in fact the Commissioners do have voting

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conflicts. He requested that the Commission defer the public hearing for the meeting of February 8th to avoid having to re-advertise the hearing. The City Manager also requested that the Commission direct staff to contact the agencies that are necessary to address and provide an answer regarding the issue of possible voting conflicts.

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to direct staff to contact the agencies that are necessary to address and provide an answer regarding the issue of possible voting conflicts.

Commissioner Gayton asked what would happen if the Commission does not receive an answer regarding the voting conflicts issues prior to February 8th. The City Manager stated that he would request further direction from the Commission at that time.

Upon roll call, the vote to approve was unanimous.

3. Res. – Election Board Appointments –

After hearing the reading of the resolution appointing individuals to serve as Clerks, Machine Managers, Inspectors, Demonstrators, Deputies and Alternates of the Election Board for the March 8, 2005 General Municipal Election, motion was made by Commissioner Gayton and seconded by Commissioner Kraus to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

4. Res. – 24 hr/7 Day Bascule Bridge Surveillance –

The City Manager stated that staff is recommending the Commission select concept #2 providing for 24 hr/7 day police enforcement at the bascule bridge.

After hearing the reading of the resolution approving 24 hour/7 day bascule bridge surveillance to deter the use of the bridge by non-authorized vehicles, motion was made by Commissioner Kraus and seconded by Commissioner Collins to approve the resolution as read.

Commissioner Bildz suggested that the \$300,000 in the beautification/landscaping fund could be used towards bridge surveillance.

Upon roll call, the vote to approve was unanimous.

5. Westbound Bridge Traffic Options -

Commissioner Kraus reviewed with the Commission his suggestions to ease traffic

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backups traveling eastbound and westbound on the Causeway.

Commissioner Kraus recommended that the westbound toll be eliminated and that the eastbound toll be increased to \$1.00.

Commissioner Kraus further recommended that the City write letters to the Coast Guard and to Congressman Bill Young requesting that the bascule bridge openings be reduced from every 15 minutes to every 20 minutes.

Commissioner Kraus also recommended that the City provide a van to provide pedestrians and bicyclists with transportation across the bascule bridge every 20 to 30 minutes.

Commissioner Collins stated that he was afraid that the Coast Guard would not be inclined to allow the City to reduce the number of bridge openings. He said that he still would be in favor of implementing the recommendations made by Commissioner Kraus.

Public Works Director Don Hambidge stated that he agreed with Commissioner Collins' statement regarding the Coast Guard. He recommended that the Commission wait until the Coast Guard permit is issued before writing a letter requesting a reduction in the number of bridge openings.

The Public Works Director stated that the City can remove tolls but that he was not sure a right-turn only lane for the Treasure Island Tennis & Yacht Club would be effective because it would move the cue of cars at the causeway further back.

The Public Works Director stated that staff is looking into the costs associated with providing a van for pedestrians and bicyclists and that he would report back to the Commission on the matter.

At Commissioner Gayton's request, the Commission will consider eliminating westbound tolls from 4:00 p.m. until 7:00 p.m. at the Commission workshop meeting on February 1st.

Ms. Johnna Patterson stated that it took her one hour and twenty minutes to get from Park Street to her residence on Paradise Island. She said the traffic backups are occurring from east to west and not vice versa.

Ms. Patterson stated that she supported writing a letter to the Coast Guard requesting that the number of bridge openings be reduced to 2 times per hour and that maybe the City would receive permission to reduce the openings to 3 times per hour.

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Mr. Scott Samuels spoke in favor of the recommendations made by Commissioner Kraus and he said that the City needs to do something now to ease traffic flow on the Causeway.

Mr. Mark Consigny commended Commissioner Kraus for his suggestions. He asked that the Commission should consider lifting the tolls westbound at least during rush hour if not all day. He said there is a problem with vehicles making left turns onto Causeway south and right turns onto Causeway north trying to beat the light. Mr. Consigny stated that the Public Works Director has been a pleasure to work with.

Commissioner Gayton asked what action the Commission needs to take to eliminate the westbound toll between 4 p.m. and 7 p.m. The City Manager suggested that the Commission direct staff to; remove the westbound toll from 4 p.m. until 7 p.m., monitor the effect on traffic and report back to the Commission at the next workshop meeting.

The City Manager stated that staff would follow up with the Coast Guard regarding reducing the number of bridge openings.

The City Manager stated that he would like to have staff and the engineers look at the feasibility of modifying lanes along the Causeway before recommending a course of action.

The City Manager encouraged drivers to consider using the Madeira Beach Causeway or the Corey Avenue Causeway if possible.

Ms. Carol Coward asked if the police monitoring the bridge can direct traffic and if it would be possible to have the St. Petersburg Police assist in directing traffic on the east end of the Causeway.

Ms. Coward stated that she was in favor of eliminating the westbound tolls on the Causeway.

Mr. Frank McConnell suggested that the Commission eliminate the westbound tolls starting at 3:00 p.m. instead of 4:00 p.m.

Motion was made by Commissioner Kraus and Commissioner Gayton to eliminate the westbound toll from 4:00 p.m. through 7:00 p.m. and to place the proper signage to this end and to eliminate banners from the causeway for the next 15 months.

Upon roll call, the vote to approve was unanimous.

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Commissioner Bildz suggested that the Commission pass a resolution requesting that the Coast Guard allow the City to reduce the number of bridge openings to twice an hour.

The Public Works Director suggested that the Mayor write a letter. Mayor Maloof stated that the letter should come from the Commissioners and the Mayor.

The Public Works Director requested that the Commission delay taking this action until the Coast Guard permit has been issued.

6. Res. – Landscape Architect of Record – Statement of Qualifications –

After hearing the reading of the resolution authorizing the City of Treasure Island to advertise the request for statement of qualifications for a landscape architect, motion was made by Commissioner Gayton and seconded by Commissioner Kraus to approve the resolution as read.

The City Manager stated that this resolution will allow projects to be grouped since many of them are so small compared to other cities. He said the City will continue to look at rates on a competitive basis.

Commissioner Gayton stated that he would like the resolution to specify a term of two years for the contract. The City Manager stated that he would be in favor of a two-year contract.

Upon roll call, the vote to approve was unanimous.

7. Res. – Authorizing Voters Watch to Hold Candidate Debates at City Hall

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After hearing the reading of the resolution authorizing televised municipal candidate election debates at City Hall, 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.

8. Motion – Accept Donation for Treasure Bay –

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to accept the generous donation of \$100 from Ms. Collette Birnbaum and Ms. Ann Steinmuller for use by the Treasure Bay facility and it was requested that the Mayor send thank you letters to Ms. Birnbaum and Ms. Steinmuller. Upon roll call, the vote to approve was unanimous.

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9. Motion – Accept Donations for Police Department –

Motion was made by Commissioner Kraus and seconded by Commissioner Bildz to accept the generous donations to the Treasure Island Police Department from Ms. Birnbaum, Ms. Steinmuller and the Eickermann family in the amount of \$275 and it was requested that the Mayor send thank you letters to Ms. Birnbaum, Ms. Steinmuller and the Eickermann family.

1. Ord. - Condo/Hotel Regulations (2nd Reading & Public Hearing) –

After hearing the second reading of the ordinance pertaining to land development; amending Chapter 68-2 of said land development regulations to add definitions; adding a new section relating to condo-hotels; and providing an effective date, motion was made Commissioner Kraus and seconded by Commissioner Gayton to approve the resolution as read.

The City Manager stated that the City Attorney has identified some issues of concern that may require the Commission to defer action on the ordinance

The City Attorney advised the Commission that she did not recommend proceeding with the second reading of the ordinance due to a fatal flaw that she had identified. She said, "There is a section in the Florida Statutes that says you can't apply one set of standards to the condominium form of ownership for the exact enterprise that's non-condominium owned". The City Attorney said the cure is to make the regulations applicable to hotels and motels across the board. She indicated that she has amended the ordinance and that where the word "condo/hotel" appears in the ordinance, the words "hotel" and "motel" were added. The City Attorney said the thrust of the ordinance remains the same and she recommended that the Commission schedule the amended proposed ordinance for 1st reading.

Commissioner Bildz stated that the issue of retroactivity could "open a real can of worms".

The City Attorney stated that she provided an opinion on retroactivity indicating that it would not apply to grandfathered condo/hotels and that the laws in place at the time would apply for existing condo/hotels. She said that non-substantive changes in the ordinance could be applied retroactively.

Commissioner Kraus asked if the regulations set forth in the existing proposed ordinance could be applied to site plans prior to the adoption of the new condo/hotel regulations and the City Attorney responded affirmatively.

Commissioner Gayton stated his concern regarding making major changes to the

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existing proposed ordinance while developers already have been granted site plans for condo/hotels. He said he would rather not dissect the ordinance and have it go back to the LPA again.

The City Attorney stated that it is necessary to amend the existing proposed condo/hotel ordinance to correct a fatal legal flaw that exists due to the unequal treatment between hotels, motels and condo/hotels. She said she has now perfected the definition to be sure that it is legal.

Commissioner Collins asked if the amended proposed condo/hotel ordinance would be required to go before the LPA for review and the City Attorney responded negatively.

Commissioner Collins asked if the existing proposed ordinance conflicts with the Condominium Act and the City attorney responded affirmatively.

The City Manager stated that the City Attorney is recommending changes that will affect all hotels and motels. He said the hotel/motel industry needs to be made aware of these changes and he suggested that the hotel/motel industry be given the opportunity to participate in LPA meetings on this issue prior to passing an ordinance.

The City Attorney stated that existing hotels and motels could be exempted from the proposed condo/hotel ordinance in order to clear up any issues with retroactivity.

Mr. Joe Gayton stated that he feels Commissioner Gayton "did his homework" on this matter and he would like to defer to his opinion.

Commissioner Gayton stated that he would like to go ahead and pass the ordinance now and let the LPA address the issue of a fatal legal flaw at a later date.

The City Manager recommended that the Commission start the process over of initiating the amended proposed condo/hotel ordinance. He said he felt the LPA and the hotel/motel industry need to be involved.

The City Attorney stated that she is not advocating that the Commission rush to pass a new ordinance. She said the site plan conditions are addressing new condo/hotel development until the proposed ordinance is in place. She said she does not oppose allowing the LPA to review the amended proposed condo/hotel ordinance.

Commissioner Kraus stated that it did not make sense to pass an ordinance that has a fatal legal flaw. He recommended that the Commission go ahead with second

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reading and public hearing to dispose of the ordinance.

Mayor Maloof declared a public hearing. There being no comments, the public hearing was closed.

Commissioner Bildz asked if the LPA can make requirements of an ordinance that was disposed of part of the site plan conditions. The City Manager stated that the City can make individual requirements part of site plan conditions.

The City Manager recommended that the Commission allow staff one week to get copies of the amended proposed condo/hotel ordinance out to the LPA and the hotel/motel industry.

The City Attorney asked for direction from the Commission as to whether the amended proposed ordinance should go before the LPA for its review.

Commissioner Kraus asked if the LPA discussed the issue of retroactivity and the City Attorney responded affirmatively.

Commissioner Kraus recommended that the LPA review the amended proposed condo/hotel ordinance and that it come back to the Commission for first reading after the LPA reviews it.

The City Manager stated that staff would prepare a proposed schedule for the passage of the amended proposed condo/hotel ordinance for the next Commission meeting.

Upon roll call, the motion to approve failed with a vote of four nays and one aye as follows:

Mayor Maloof	Nay
Commissioner Collins	Nay
Commissioner Gayton	Aye
Commissioner Kraus	Nay
Commissioner Bildz	Nay

F. CITY MANAGER/ATTORNEY REPORTS:

None.

Ms. BC Acton asked when the elimination of banners on the Causeway will go into effect. She said the Sunset Beach Civic Association is planning to use the banner to advertise its Spaghetti Dinner on February 7th and that the City already approved the

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banner for this event. The City Manager stated that he would look into the matter and get back to her.

G. REPORTS BY COMMISSIONERS:

Commissioner Kraus stated that a BIG-C meeting will take place on Wednesday, January 26th in Redington Shores and that Ms. Nicole Elko of the Pinellas County Coastal Management Coordinator would be the guest speaker.

Commissioner Kraus stated that City's Website now has a link to the BIG-C's Website.

Commissioner Bildz reported that the paving on Gulf Boulevard is almost complete.

Mayor Maloof stated that the Gold Shield Dinner hosted by County Commissioner John Morroni will take place on Friday, January 28th at the Belleview Biltmore.

Mayor Maloof stated that the St. Petersburg International Folk Fair Society (SPIFFS) would be holding a Tsunami fundraiser on January 29th at the Portuguese Club Hall 6:00 p.m. at a cost of \$20 per person.

Commissioner Kraus stated that the Paradise Island Civic Association's (PICA) annual wine and cheese event and the installation of officers will take place on Friday, January 28th.

H. PUBLIC COMMENTS:

Mr. Steve Mahan of the Treasure Island Business Association thanked the Commission and City staff for supporting the open air farmer's market.

Mr. Benjamin Hetrick stated that there are now over 27 vendors participating in the farmer's market. He said that space is becoming an issue as the market is expanding. He asked if the Commission would consider allowing the market to be held at the Community Center Park in the future.

Mr. John Burke announced that the Gulf Beaches Rotary Golf and Tennis Challenge would be held at Treasure Bay on Saturday, January 29th. He said there will also be a silent auction.

Mayor Maloof stated that Professor Jay Mulki would be presenting the results of the Treasure Island Partnership's business survey at the Commission workshop meeting on Tuesday, February 1st.

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I. 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