

**CITY OF TREASURE ISLAND  
BOARD OF COMMISSIONERS WORKSHOP  
July 5, 2005  
7:00 p.m.**

**I. SILENT ROLL CALL BY DEPUTY CITY CLERK:**

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

**II. PUBLIC COMMENTS:**

Mr. Fred Stern spoke regarding the Ka'Tiki noise litigation and he stated that the City Attorney was late to the hearing on June 27<sup>th</sup> and the stay she requested was denied. He said the City attorney failed to file an appeal for the noise citations issued on May 25<sup>th</sup> and that she was admonished by the judge.

Mr. Don Callahan stated that he was threatened by one of the Ka'Tiki patrons.

Mr. Jim Lee stated that there is an illegal barricade by Swim & Play that is causing problems with cars attempting to traverse through the parking lot.

The City Manager stated that the Commission has been extremely vocal about its desire to have the planters removed from the Pirate's Square parking lot. He said City staff has checked County records, examined site plans and had the City Attorney address the issue and the planters were not found to be in violation.

Mr. Donald Ducas asked why vendors are allowed to sell glass bottles on the beach.

Ms. Donna Quigley stated that she lives at 142 East bay Drive and that she cannot hear the music from Ka'Tiki. She said she feels that Ka'Tiki has been singled out for noise citations.

Mr. Rick Taylor spoke against revising the noise ordinance. He said placing more stipulations on noise could cause Treasure Island to lose more of its small businesses. He asked if the Commission has received enough complaints to warrant revising the ordinance.

Mr. Taylor suggested the City adopt an ordinance allowing for shared parking agreements.

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Mr. PJ Scope stated that the volume of the music at Ka'Tiki is kept low enough so that patrons can converse without being drowned out by the music.

Mr. Bob Driscoll stated that just last year the Commission decided not to make any changes to the noise ordinance. He said he did not feel there was a problem and that there should be a stipulation that one or two people's complaints cannot be used to determine whether a change is necessary.

Mr. Paul Schiano stated that he was able to get a petition signed by 16 out of 18 residents in his neighborhood in support of taking the time frame out of the noise ordinance. He said the Commission has explained that the purpose is not to eliminate all live music, just loud & raucous noise.

Ms. Marie Barba stated that a lot of people on 91<sup>st</sup> Avenue are complaining about noise and that she thinks the problem is with amplified music.

Mr. Tom Long stated that he lives four houses away from Ka'Tiki and that most of the residents on his street are in favor of the music from Ka'Tiki and they do not feel that it is a nuisance.

Commissioner Gayton stated that he did not receive the draft noise ordinance in the agenda packet and therefore, he did not have the opportunity to review it. Commissioner Gayton asked that the item be scheduled for the next workshop meeting and that the draft ordinance be included in the agenda packet that is distributed on the previous Friday.

### **III. MINUTES:**

Motion was made by Commissioner Kraus and seconded by Commissioner Gayton to approve the minutes as written. Upon roll call, the vote to approve was unanimous.

### **IV. DISCUSSION ITEMS:**

#### **1. Causeway Bridge Update –**

Public Works Director Don Hambidge stated that a concrete pour for the bascule bridge was scheduled to take place on Thursday, July 7<sup>th</sup>. He said the monthly bridge inspection would be conducted on Friday, July 8<sup>th</sup>.

Commissioner Bildz asked how close the construction is keeping to the schedule and the Public Works Director stated that it is within one week of the schedule.

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**2. Ord. – Providing Definitions for Business/Rental Units (2<sup>nd</sup> Reading & Public Hearing 7/12)**

The Commission will consider this ordinance for second reading and public hearing on Tuesday, July 12<sup>th</sup>.

**3. Ord. – Occupational License Fee Increase (2<sup>nd</sup> Reading & Public Hearing 7/12) –**

The Commission will consider this ordinance for second reading and public hearing on Tuesday, July 12<sup>th</sup>.

**4. Ord. – Amending Qualifying Dates (1<sup>st</sup> reading 7/12) –**

The Commission will consider this ordinance for first reading on Tuesday, July 12<sup>th</sup>.

**5. Ord. – Proposed Noise Ordinance Revision (1<sup>st</sup> reading 7/12) –**

Commissioner Gayton requested that this item be moved to the next workshop meeting.

City Attorney Maura Kiefer stated (in light of the Judge's interpretation) that the City must make changes to the noise ordinance to clarify its intent. She recommended deleting the enumerated section and she stated that she revised Section 18-72.

The Commission will discuss the draft noise ordinance at the Commission workshop meeting on Tuesday, July 19<sup>th</sup>.

**6. Res. – Setting Proposed Tentative Millage for FY 05-06 –**

City Manager Ralph Stone requested that the Commission provide direction to set the millage for FY 2005/06.

The Commission will consider this resolution at the Commission meeting on Tuesday, July 12<sup>th</sup>.

**7. Res. – Solid waste Rates Increase –**

The City Manager stated that last year the Commission was apprised of the incremental rate increase for solid waste. He stated that even with the 10 percent adjustment, Treasure Island's rates are still the fourth lowest.

The City Manager stated that staff felt the compacted bulk container schedule was

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too high. He stated that the rate was reduced from a factor of 4 to a factor of 3.

Commissioner Collins requested that staff obtain compacted bulk container rates from Waste Management.

Commissioner Bildz asked if there is any advantage to the City if a property owner uses a compactor. The Public Works Director stated that due to the low number of these, there is no significant advantage.

Mr. Mike Collins, a representative for Key Capri, stated that he would prefer that the rate be based on weight and that the rate should be revenue neutral.

The City Manager stated that staff would look at the compacted bulk container rates of other beach communities and report back to the Commission.

#### **8. Res. - Beach Trail Extension and Upgrade –**

The City Manager stated that the City has \$380,000 in oil spill grant funds through the National Oceanic and Atmospheric Administration (NOAA). He stated that staff recommended that the Commission authorize a contract with Phil Graham & Associates to begin the design plan process for the extension and upgrade to the existing beach trail. The City Manager stated that funds have been earmarked in this fiscal year's budget.

Commissioner Gayton asked if the City should obtain a legal opinion to find out whether the beach trail can be extended onto private property.

The City Manager stated that the legal opinion obtained from Attorney Tom Pelham addressed a lot of the issues and that there are lines that are defined and other that are not. He said that the City Attorney and Phil Graham will work to further address these issues.

Mr. Don Callahan stated that he was not in favor of placing a concrete path on the beach and that he would prefer a boardwalk.

Dr. Bob Minning stated that he thought the scope of services would be broken down into three sections and that the middle section would be fast-tracked. He stated that there are regulations that determine what materials can be used and where they can be placed. Dr. Minning stated that there is a broad misconception regarding what the beach trail will look like. He recommended breaking the project into sections and start with the middle section to gain public support.

Dr. George Greenfield recommended that the City conduct a feasibility study to

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determine what the City is allowed/not allowed to do. He stated that both Sunset Beach and Sunshine Beach are narrow and have significant beach erosion. He cautioned the Commission when considering extending the beach trail north and south.

The City Manager stated that a feasibility study was not necessary. He said the City needs perspective and integration for the middle and the two sides of the beach trail. He said the project is being handled under one contract with three distinct pieces.

The Commission will consider this resolution at the Commission meeting on Tuesday, July 12<sup>th</sup>.

### **9. 90<sup>th</sup> Avenue Right-of-Way Report –**

The City Manager reviewed the agenda cover memo regarding drainage improvements for the bay access at 90<sup>th</sup> Avenue. He stated that the Public Works Director recommended against opening this bay access to the public.

The City Attorney stated that she reviewed the matter as well and advised staff that the City did have the right to close this bay access.

Commissioner Kraus stated that a survey was necessary to determine where the property lines are and where there are encroachment(s). He recommended reconfiguring the gate and the fence to allow for public access.

Commissioner Gayton stated that he was in favor of placing a gate around the boxes.

Mr. Don Callahan stated that he felt the chain link fence should be extended to the edge of the road.

Mr. Tom Long spoke in favor of opening the bay access to the public and he stated that he would prefer to go through this process through the City rather than by court.

Mr. Richard Harris stated that he is a Professional Engineer (PE) and that he has designed 20 to 25 pump stations. He recommended that the City continue to maintain a safety area around the boxes.

Ms. Marie Barba spoke in favor of opening the bay access and she said she felt the City can mitigate and work out a way to open the access and address safety concerns.

Commissioner Collins asked if there would be any liability if people chose to enter

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into the water at this bay access. The City Manager stated that the outflow from the pumping station at times is at a very high rate. He recommended that the City not allow people to enter the water at this access.

Mr. Larry Yost stated that his fence encroaches on City property. He said the City did not want to remove a palm tree there and therefore he extended his fence out.

Mr. Larry Yost stated that due to the pressure of the water it is not safe to swim or launch a boat in this area. He said he would move the fence so that it no longer encroaches. Mr. Yost stated that the City should continue the extension of the fence because there is a responsibility to protect the public.

The Public Works Director stated that he was concerned with maintaining the infrastructure such as the vault and the control panel.

The City Attorney stated that the water coming from the outflow pipe may create riptides and she said she felt it could be a serious safety issue.

The Public Works Director recommended that people not be allowed to use this access for boating, swimming, etc.

The City Manager stated that he would provide the Commission with a reconfigured design for the pump station based on the recommendations of Commissioner Kraus.

**V. OLD BUSINESS:**

Commissioner Gayton asked what could be done to address the rain surface water on the west side of Gulf Boulevard towards Sunset Beach. The Public Works Director stated that he would request that a maintenance representative from the Florida Department of Transportation (FDOT) look at the area and advise the City what the agency can do to correct it.

Commissioner Collins asked for a status on the demolition of the Hi 'n Dry. The City Manager stated that the owner has to wait for a 10-day survey period for asbestos. He said the demolition should begin within the next two weeks.

Commissioner Collins stated that he has not seen the broadcast of sexual offenders on TITV. He asked if the City can place this on the schedule so viewers know when the pictures of sexual offenders will be shown.

Commissioner Collins asked if it would be possible to reduce the number of toll machines being rented since the City is only collecting eastbound tolls. The City Manager stated that he would look into the matter and report back.

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**VI. CITY MANAGER/CITY ATTORNEY REPORTS:**

The City Attorney stated that the City received its first check in the amount of \$75 (towards the settlement of \$1,000) from Mr. Chad McMonigal.

The City Attorney recommended that Treasure Island's Code be revised so that the City Attorney serves the City and the Building Official instead of the Code Enforcement Board.

**VII. REPORTS BY COMMISSIONERS:**

Commissioner Collins stated that there was a Code Enforcement Board hearing scheduled for Wednesday, July 6<sup>th</sup> at 3:00 p.m.

Commissioner Gayton stated that the bascule bridge would be closed on Thursday, July 7<sup>th</sup> from 8:30 a.m. until 7:00 p.m.

Commissioner Kraus stated that a BIG-C meeting was held on Wednesday June, 29<sup>th</sup>.

Commissioner Kraus stated that a beach cleanup would be held on Saturday, July 9<sup>th</sup>.

Commissioner Kraus stated that the City's annual softball tournament would take place on Saturday, July 9<sup>th</sup> at Rosselli Park.

Commissioner Bildz suggested that the City take away the annual fireworks on the beach instead of the Sun, Sand & Symphony.

Mayor Maloof thanked City staff for the fireworks on the beach.

Mayor Maloof stated that the Farmer's Market would be held at the Community Center Park on Saturdays from 9:00 a.m. until 2:00 p.m.

Mayor Maloof stated that she received a letter from Bight House regarding a Neighborhood Watch Initiative. She said Bight House will train employees to watch for suspicious activity.

**VIII. PUBLIC COMMENTS:**

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Mr. John Burke thanked Public Works for having its crews pick up dead fish from the beach on July 4<sup>th</sup>. He said the Gulf Beaches Rotary held its annual kayak race during the day on July 4<sup>th</sup>.

**IX. ADJOURNMENT:**

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Mary Maloof, Mayor

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Phil Collins - District 1

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Ed Gayton - District 2

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Richard Kraus - District 3

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Alan Bildz - District 4

**ATTEST:**

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Jennifer Nye, Deputy City Clerk