

**CITY OF TREASURE ISLAND, FLORIDA**  
**COMMISSION WORKSHOP SESSION**  
**July 18, 2006**  
**IMMEDIATELY FOLLOWING REGULAR COMMISSION MEETING**

The meeting was called to order at 6:20 p.m. by Vice-Mayor Gayton.

**I. DISCUSSION ITEMS:**

1. Dumpster purchase

The Public Works Director, Don Hambidge, reported that this was the annual dumpster purchase. They are asking for three fewer dumpsters, since the new roll out cans were approved. This will keep the amount needed close to the original budgeted amount. Bid packages were sent out to five vendors. Two were received back. It is recommended to purchase them from Florida Can.

Commissioner Kraus asked about Wastequip Industrial's response – FOB delivered to the city was specifically mentioned. Will that be the case with the other vendor? Mr. Hambidge indicated that it would.

Commissioner Collins asked about purchasing three fewer units. Mr. Hambidge explained that we will have sufficient quantities, but we will not have as many in reserve.

This item will appear on the agenda for the August 1, 2006 meeting.

2. Design contract for boat ramp repairs

The Public Works Director, Don Hambidge, explained that a set of plans and specs is necessary to submit for the grant. His proposal is to hire Advanced Engineering Design to provide these plans. This will include a survey, and the portions from the road down to the entire area of the boat ramp. Surveying is approximately one third of the cost of the design.

Commissioner Kraus asked if this was a standard price for this type of survey. Mr. Hambidge indicated that it is.

Commissioner Collins asked how long the contract with Advanced Engineering Design was for, and how do we know we are getting the right price, since we already have a contract with them. Mr. Hambidge explained that our contract is for sewer and drainage. They provided the best hourly rates. The contract is for three to five years. An RFP was done when this contract was entered into.

Commissioner Gayton asked if Mr. Hambidge felt the number of hours was appropriate. He also asked about the grant funds for this project. There are funds from two different grants.

Commissioner Bildz asked about the funding source for this item. The City Manager explained that it is grant funds.

Commissioner Gayton asked how much had been received in grant funds for this project. Mr. Hambidge said that \$420,000 had been received for boat ramps and several of the dune walkovers. There is \$120,000 from HUD that covers the rest of the dune walkovers. The agency fees were deducted from these amounts – they are the original amounts of the grants.

This item will carry forward to the August 1, 2006 meeting agenda.

3. Volunteer Fire Department equipment donation

The Fire Chief, Charlie Fant, reported that he met with the Volunteer Fire Department regarding some equipment needs of the Fire Department. They have generously volunteered to provide the funding for these items.

Commissioner Gayton commented that as always the Volunteer Fire Department is very generous. This item will carry forward to the August 1, 2006 meeting agenda.

4. Land Development Regulation Use Change

City Planner, Lynn Rosetti, gave a report on the recommendation to change the zoning special exception uses in the RF-30 district. A copy of the updated special exception regulations has been provided. There had been some questions regarding whether the City would have input in the appearance and design of the building. The special exception regulations do provide for that input under item number 10.

Commissioner Gayton asked a question regarding a letter received from Capri Isle Hospitality Strategies, signed by Jeffrey Crilley, and whether he could legally be regarded as a Vice-President of the corporation if he was not registered with the Florida Department of Corporations. City Attorney, Maura Kiefer, explained that there are many types of Vice Presidents, and that he does not have to be listed as an officer of the corporation.

The City Manager reminded the Commission that this is a request to refer this item to the LPA for their recommendations, not to make the change.

Commissioner Kraus read comments regarding commercial property on the east side of Gulf Boulevard. He has spoken with many business owners and residents, and they are all against this change. He feels that the ambiance of Treasure Island should be maintained, and this use change should not be supported.

Commissioner Bildz asked a question about the special exceptions being used right now. Convenience stores are allowed. Why isn't a CVS considered a convenience store. The City Planner explained that it is size – a convenience store must be 3,000 sq. feet or less.

Commissioner Collins spoke about the letter that Vice-Mayor Gayton was referring to earlier. There were some people that he has spoken with in the past few days that felt that he had something to do with drafting that letter. He wanted to clarify that he was not

involved in writing the letter. He has spoken with over 100 people on the phone or via e-mail around the island. He e-mailed with 61 people. Of the 61 people he e-mailed with, 27 are in favor of the CVS, and 34 are adamantly opposed. He does not have a problem with the CVS, provided that zoning would not enable less desirable businesses to go in in that area. It appears that if we allow this to happen, we will be opening up the door to other types of businesses. With that in mind, he can not support this. He does not mind a CVS, but does not support changing the complexion of that area and allowing other types of businesses in there.

Vice Mayor Gayton read a portion of the letter that was sent by Mr. Edwards regarding the proposal that has been put before the City. He commented that he has not seen a proposal, as discussed in the letter. He sees a request for a change in land use to allow retail along Gulf Boulevard. We are not talking about what will go on that site. We are talking about anything that anyone would want to put there once the land use is changed. They could put a Big Lots there. This request would change the zoning to allow retail up and down Gulf Boulevard. The focus should not be on CVS, but on what happens to the rest of Gulf Boulevard if this change is made. If we vote to allow the change the Commission will no longer have control over what is put on Gulf Boulevard. It will go strictly to the Planning and Zoning Board. They would have the right to allow any type of retail up and down Gulf Boulevard.

Commissioner Kraus feels that the issue is not CVS, but retail all along Gulf Boulevard. He has spoken to nobody that is in favor of this. He sees no reason to see this linger. He would like to vote to not move this item forward.

Commissioner Bildz commented that we need to look at the big picture. The current Planning and Zoning Board is scheduled to look at this. He feels that this would be dead before the P & Z anyway. With our downtown redevelopment he doesn't feel that this is what we want. They say there are two choices, condos, or a drugstore. He feels there are many other choices for that property. Commissioner Bildz read a list of types of businesses that could be put on that property according to the current special exception regulations without having to make a change.

Commissioner Collins agrees with Commissioner Kraus' statement. He spoke with one business owner that would be in favor, but he was the only one.

Abby Raven commented that as a resident of the Isle of Capri she is opposed to what she has read. She is not opposed to CVS, but opposed to changing the zoning along Gulf Boulevard. She likes the community as it is.

Don Wolfrey spoke representing Island Townhomes Homeowner's Association, which is located across from the site under discussion. They are opposed to a retail store and having the area rezoned. They feel that it would negatively affect the character and ambiance of the neighborhood. The City has paid a lot of money for a comprehensive plan, and he feels we should stick with that.

Commissioner Kraus suggested that by consensus we drop this item. Commissioner Gayton has not given up on the east side of Gulf Boulevard. He would like to give the current businesses some incentive to do something to their properties. He feels there is room for the more expensive properties on the Gulf side, and the smaller "Mom & Pop" properties on the other side. He feels that we can do a lot with that side of Gulf

Boulevard without making it completely retail. If we allow this for one site we open the door for other businesses to come in. We should keep the retail downtown.

Commissioner Gayton asked the City Attorney if under our rules of procedure, since the request was not directed to the Commission, but to staff, and staff concurs with the request, would it be legal for the Commission to not pass this through to the next meeting. The City Attorney answered that the Commission has the right, by consensus, to let this item die on the table. He asked the consensus of the Commission. It was unanimous to let this item die on the table and not move it forward.

## **II. OLD BUSINESS:**

Commissioner Bildz asked the City Manager about an e-mail that he received about there being a contractor, but no work being done on the Community Center. Don Hambidge has authorized the contractor to initiate the rehabilitation. They need to order materials and get this project on their schedule. They were notified immediately after receiving the notice from the League of Cities. We are unable to project a completion date at this time.

## **III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:**

The City Attorney reported that she is very pleased to announce that yesterday the US Magistrate Judge issued a decision on the Gulf Coast Recovery lawsuit. This is the decision that we have been waiting for for many months. It is only in reference to one property. This is a significant ruling, and will apply to the other properties. On Page 18, bottom paragraph, the judge found that with the evidence provided, which was enormous, that the plaintiffs are not likely to succeed in proving that their temporary lodgings at this address are protected under the Fair Housing Act. The judge ruled that short term transient rental properties are not protected under this act. The court has denied the temporary injunction. We still have the court date in 2007 to address the permanent injunction. The court lent a lot of guidance with this interpretation. The plaintiff has 10 days to appeal this decision.

Commissioner Kraus asked if we could now take these other properties before the Code Enforcement Board. The City Attorney reported that we could.

Commissioner Collins asked if we are now under a time limit to address these issues, and whether it will speed up the timeline. The City Attorney explained that we are already under deadlines, and those deadlines will not change. We are court ordered to mediation by December. Commissioner Collins asked if we are successful next year, how long would they be allowed to operate? The City Attorney said that we would shut them down. He congratulated Ms. Kiefer on her success with this.

Commissioner Gayton asked if we could now continue Code Enforcement on this one particular property. This decision clarifies a lot of the issues before the City. The fines are accruing every day on this property. There are now other properties to address. The fines are accruing at a rate of \$250 per day. We can now go forward with a lien on the property. The City Attorney suggested that we wait, as the fines would not accrue further once the lien is placed on the property. Commissioner Gayton feels that we need to let Mr. Schwartz know that we are not going to wait around. He asked if she felt comfortable going forward on the other properties. Ms. Kiefer asked for the opinion of the City Manager. He feels that we should, if we have the type of evidence that we had on this

property. Our intent is not to get him out of town, but simply to have him comply with the regulations. We will review the evidence, and if it is sufficient to prosecute then we will go forward.

Commissioner Bildz asked if we should go into executive session to discuss this issue. The City Attorney said yes, if we discuss strategy then we should, but this document is a public document. He also asked if the judge rules in our favor in 2007 then he would be shut down, but if he complies, if the same people would be allowed to live there. Yes, if they comply with the regulations.

Commissioner Gayton commented that this is very good news for the community, and we will look forward to Mr. Stone's recommendation on the rest of the properties.

City Manager asked when the Commission would like to get back together regarding the last budget workshop session. There is no rush, as the TRIM rate has been set.

Commissioner Gayton commented that he would like to have the Mayor present for the final workshop, and suggests that the City Manager work around her schedule.

Commissioner Kraus would like it to be sooner, rather than later. Commissioner Bildz would like to give the Mayor a week or two to recuperate.

#### **IV. REPORTS & COMMENTS BY COMMISSIONERS:**

Commissioner Collins: Police Department Helmets

Commissioner Collins had comments regarding the Police Helmets, and would like to put this item on the agenda and discuss it at the next meeting. He feels that we should revisit this item and find a way to accommodate this request. Commissioner Bildz disagrees. Commissioner Gayton feels that this should be addressed at the next budget workshop rather than a regular meeting or workshop. The City Manager will work with Mayor Maloof and the Commission to schedule this meeting.

Commissioner Gayton commented that he knows how strongly Commissioner Collins and the City Manager feel about this issue. We just had a donation from the Volunteer Fire Department. We had a discussion with Chief Casey regarding donations. Those are available to them to do what they want. The Isle of Palms Civic Association recently donated several thousand dollars to them. The Police Department could solicit donations for items such as these. Commissioner Collins feels that it is a little more basic than that. The people of Treasure Island are willing to spend the money to have their own police force. We should be willing to spend the money to provide those officers with adequate protection. We are talking about \$1800 for helmets. We should be willing to spend that money to protect them. Commissioner Gayton wants to ask the Chief where the money from donations goes. There might be money available to purchase those items now.

Commissioner Kraus spoke about an e-mail regarding the Commission Meeting at Indian Rocks Beach next week. A representative from the Florida Department of Revenue, and Property Appraiser, Jim Smith, will be there to address the property appraisal issues. It will be held July 25<sup>th</sup> at 7:30.

#### **IV. PUBLIC COMMENTS:**

No public comments.

**VI. ADJOURNMENT:**

The meeting was adjourned at 7:35 by Vice-Mayor Gayton.

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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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Dawn Foss, City Clerk