

**CITY OF TREASURE ISLAND, FLORIDA**  
**BOARD OF COMMISSIONERS WORKSHOP**  
July 17, 2007  
**IMMEDIATELY FOLLOWING REGULAR COMMISSION MEETING**

**I. DISCUSSION ITEMS:**

1. Res. 07-57 Chamber of Commerce Request for use of the City's PIO to Produce a Promotional Video for Sun, Sand & Symphony, 2008

Dominique Reiter, representing the Chamber of Commerce, stated since the Chamber requested using the PIO two weeks ago, she'd like to change the request slightly. Instead of using Jeff Jensen, Public Information Officer producing the entire video they'd rather use him in an advisory capacity, and show the Chamber the archives he has. The Chamber would like to promote the Sun, Sand & Symphony with a video. Ms. Reiter said she just needs Mr. Jensen's assistance based on Mr. Jensen's available time and will not expect him to work overtime. Ms. Reiter asked that her second request be decided upon tonight for the Chamber's Budget is due in August. The video will not only be for the Sun, Sand & Symphony but also used to promote other events throughout Treasure Island, i.e. the Christmas Parade, etc.

Commissioner Collins asked Ms. Reiter how long the video would be, to which Ms. Reiter answered three to four minutes, something that could be put on websites, and emailed to companies. Ms. Reiter said she didn't think a package with pictures would catch a person's eye. Commissioner Collins said he was in favor of it. Commissioner Minning asked if she talked to Mr. Jensen about it. Ms. Reiter said yes, and actually using him in advisory capacity was his suggestion for he didn't feel he would have enough time to take over the entire project. Ms. Reiter says she often asks Mr. Jensen for advice, but felt she needed to go through the Commission channel to get permission to look at the videos in his archives for the Chamber doesn't have any. Commissioner Bildz said Mr. Reiter is severely late on it, for the City just finished going over its budget. Commissioner Bildz suggested doing a slide show on the website. Ms. Reiter said it was only her second day as President of the Chamber so she is trying to do the best she can. Commissioner Bildz said he likes the revamped proposal better, and doesn't want to set a precedent that anyone who wants to do a DVD can come in and use the City staff time. Commissioner Collins said he didn't believe they were setting a precedent but rather trying to create something that advertises the City, and again, he is in favor of it and thinks it's a great idea. Ms. Reiter said if the City is going to delete some of the community programs and if the Chamber is going to take some of them on, she would like to work in partnership with the City, and feels Mr. Jensen would be perfect as an advisor. Instead of having to wait for the first week in August, Ms. Reiter requested approving it tonight. Commissioner Gayton said he needs a new Resolution before they approve anything. City Attorney Maura Kiefer said it was just a Workshop, and Commissioner Bildz commented that nothing official can be done, and it would have to wait until the first meeting in August. Ms. Reiter said that was alright because the Chamber wanted to follow procedures. Mayor Maloof said this item will be on the Agenda for the August 7<sup>th</sup> Meeting.

2. Res. 07-58 Sand Castle Replacement

Reid Silverboard, City Manager said the City received a memo from Sanding Ovations stating that the sculpture by the Chamber is bad shape and should be removed. Sanding Ovations suggested they contract with them to build another sculpture. Mr. Silverboard suggested to the Commission that at this time with budget considerations, both this year and next year, that the City ask them to remove the sculpture, but not to put a new one up.

Commissioner Collins asked about the condition of the sculpture. Commissioner Bildz said it pretty bad. Mr. Silverboard said they've repaired it a bunch of times. Commissioner Bildz said they've given a

warranty and have repaired it, but they want to put up a new one. Mayor Maloof said the City was hoping to get a new one to commemorate the bridge opening, but since there is no money in the budget the only way to do that is if the local business or private individuals would like to cover the cost. Commissioner Bildz read off the amounts. Mayor Maloof said, unfortunately the City cannot do it. Commissioner Collins said if anyone is interested, please contact City Hall and someone will put them in touch with Sanding Ovations. Commissioner Bildz asked if someone does give the money, could the City put up a plaque. Commissioner Collins said it'd be a plaque made out of sand.

### 3. Res. 07-59 Mitigation Committee

Commissioner Collins said a new Treasure Island resident Mr. Steve Ferguson would love to be on it. Commissioner Collins said he feels Mr. Ferguson would be great. Mayor Maloof said she was approached by Bill Bennington, but he hasn't turned in an application yet. Commissioner Collins said Mr. Ferguson is eager to do something, and he has his application in. Mayor Maloof asked if there is going to be a list compiled of those positions that will soon be available. Commissioner Bildz commented that it should be on the next Workshop.

### 4. Ord. 07-06 Drum Circle

Reid Silverboard said for the past two months in particular, the City has been getting a lot of complaints about the drum circle, primarily due to the attendees. The nature of the complaints are first of all the noise after a certain time of night which is creating a disturbance to the neighbors. The second part of the complaint has been some of the attendees trespassing on private property adjacent to the beach. Several motels have hired special duty officers at their own expense to help correct the problem. A third complaint has been bringing glass bottles onto the beach, and the police have written several local ordinance violations, and related to that is the litter that has been created, instead of placing them in the garbage cans. The City has put additional trash cans out there. The Sunday prior, some volunteers did clean up and stacked up the trash. Mr. Silverboard said the City does very much appreciate it. Another problem has been people "relieving" themselves in public or behind the dunes. The City has made arrangements with the County for them to leave their restrooms open at the County Park, and since that has happened, there have been fewer complaints about that problem.

Mr. Silverboard said part of the problem is that the Drum Circle has been enjoyed for a long time and is enjoyed by the community and those from outside the community, but there isn't a sponsoring organization. So if there is a problem, there is no one to go to with the problem. The City has tried several times to find someone who would claim responsibility. They've tried the website, and called the number, but all numbers are disconnected or those that have answered have said they are not responsible. The difference between the Drum Circle and the Sun, Sand and Symphony is that the Chamber sponsors the activity. The Chamber asks for permission and they have a set of rules that are provided and followed, if they don't there is someone to go to. The Drum Circle is a bunch of people who gather on the beach near sundown, and some of the crowd it is attracting has created a problem.

Reid Silverboard said the proposed Ordinance would not prohibit the Drum Circle, but would require that an unorganized activity that takes place on the beach has to be terminated by 9 p.m. If they want to extend the time past 9 p.m. they would need to go before the Commission and get a permit. The Drum Circle can continue but it must be terminated by 9 p.m. Mr. Silverboard said this will help control the crowds and discourage those who don't want to be courteous and ruin it for all those who are responsible.

Commissioner Bildz said he doesn't think the Ordinance goes far enough, and feels it is time to remove the Drum Circle. He was out there the past Sunday Night, and there were cigarette butts everywhere. They were drumming past 11 p.m. and the Treasure Island Police, on overtime, had to go and force people to leave. There were still glass beer bottles every where. Commissioner Bildz said the people of

the Drum Circle are taking advantage of Treasure Island's good nature and he said he'd like to get rid of it.

Mayor Maloof read a letter from a citizen of Treasure Island. The letter stated that there are older men buying alcohol for the under-aged teens, and the next day there are bottles in the bushes, parking lots, and broken bottles on the ground. These people use the bushes as bathrooms. Mayor Maloof said the letter was just an example of a citizen who is fed up with what is going on at the Drum Circle. Mayor Maloof said there were several comment cards. Many of them are from commercial property owners who've been suffering by what has been happening at the Drum Circle.

Commissioner Collins said he doesn't want it to appear that the Ordinance doesn't just apply to the Drum Circle, but rather any irresponsible group that comes and disrespects Treasure Island and the neighbors. The Ordinance is geared towards any group, not just the Drum Circle.

Commissioner Minning said all the other activities that take place on Treasure Island have to come before the Commission for approval, and have a list of criteria, i.e. insurance, bathrooms, etc., they need to follow. He then asked if that is the similar type of activity that is going to be required of a group of the Drum Circle's nature. City Attorney Maura Kiefer said yes it is. The criteria applies if the Drum Circle wants to extend the time past 9 p.m. If they go in for the permit, the criteria will be in the permit application. The problem with the Drum Circle is no one is going in to get the permits. Commissioner Minning had a few more questions concerning number of attendees, and the time it is to end. City Attorney Kiefer stated the number of people will be deleted from the final Ordinance, and the ordinance applies to public activities. Concerning the time, Mr. Silverboard stated at the peak of summer the sunset is 8:45 p.m. and 9 p.m. it'll be getting dark. The City is trying to set a reasonable time for an organized or an un-sponsored group to break down and clean up their area. The problem isn't with the sponsored activities, but rather activities that don't claim a sponsor or an organizer. Commissioner Minning then asked if there is any other beach community in Florida that has a similar Ordinance. City Attorney Kiefer said none that she could find. She found some noise ordinances and the City could use the existing noise ordinance, but she hadn't found any beach communities with drum circles. The City Attorney said Ordinance 07-06 is a good ordinance, and it doesn't trample on people's rights to assemble or freedom of expression. The City can't regulate speech, but it can regulate time, manner and content and it has to be reasonable. Commissioner Collins reiterated there isn't a particular group being targeted, but rather groups that fit similar criteria. Commissioner Minning asked about some of the wording was in fact targeting, but the City Attorney said she is happy with the Ordinance, for it talks about facts associated with the Drum Circle.

Mayor Maloof asked Cathie McInerney to come up to the podium for her public comment. Ms. McInerney is the owner of the Windjammer Motel. She stated the problems with the Drum Circle have been going on for over 18 months. There are about 300 to 400 people on Sundays. She is paying extra to have a police officer come and patrol her property. She is losing business because of the havoc. Ms. McInerney stated she noticed the bad elements seem to come to between the hours of 8 p.m. and 10 p.m. Parking is a huge issue as well. Ms. McInerney asked about the safety concerns.

Ms. Signe Santiesteven came up to the podium to read a letter in favor of the Drum Circle. She's been attending the drum circle for a few months. She has offered herself as a representative of the Drum Circle. She believes there is a lack of communication and is offering her services. She feels the Drum Circle brings together all types of people from lawyers to parking attendants. She said she has spoken to many of the regular attendees, and many of them are dismayed by the undesirable attendees. She said she believes the Drum Circle can be something positive for Treasure Island, a way to attract tourism. Ms. Santiensteven said most of the kids come and get out of hand between the hours of 10 and 11 p.m., and she believes that if the children are controlled all the other issues like trash, drugs, under-aged drinking and trespassing will go away. She offered a proposal, and again offered her services as a liaison.

Mayor Maloof invited Mr. Arthur Czyszczo of the Page Terrace Motel up to the podium. Mr. Czyszczo pointed out he was not against the Drum Circle, but rather the disrespectful people who attend it. He believes the late hour disturbs his guests. He pointed out there is a lot of illegal activity, by referencing the police records for the past year. He suggested the City get some under-cover police officers, for if the Drum Circle attendees can see the police coming they have the ability to hide their illegal activity. It is a community effort.

Mark Williams was next to speak. Mr. Williams offered to pay for security guards. He said the Treasure Island Police Officers tend to be disrespectful to the Drum Circle attendees. He suggested they take a sensitivity training program. He believes the Drum Circle is good for the City. The majority of the attendees are good people. Mr. Williams asked if people complained about the noise often. Mayor Maloof said there have been a number of complaints about the late noise over the past five (5) years. Mr. Williams asked who owns the beach. Commissioner Minning stated the City of Treasure Island.

Mayor Maloof invited Billy Mac to the podium. Mr. Mac has been going for two ½ years. He has seen how much the Drum Circle affects so many people in a positive way. He said the Commission is focusing on the negative. He invited the Commission to come and see the Drum Circle. Mr. Mac said the Police force acts like Nazis. Mayor Maloof said he was out of line and asked him to step down from the podium.

Mr. Greg Taylor came up to the podium said he was in support of the motel owners, for he knows they have been having issues with the undesirable aspects of the Drum Circle. He said on a personal note, he said he picked shards of broken glass that filled up three (3) five (5) gallon buckets

Dennis Crnolatas is from Tampa and has been coming to the drum circle for about seven (7) years. He said he is in support of the Drum Circle. He said he understands there are problems with the businesses and it is easier to point out faults than good things. He suggested the City try and capitalize on such an event. He said that as one of the drummers, he is unaware of the illegal activity while he is performing.

Noel Johnson, a Treasure Island resident said she was watching the meeting on television and had to come and comment. She said she felt sorry for the Drum Circle, but believes they brought it on themselves. Ms. Johnson stated there are residents that need to go to work and shouldn't be disturbed by the loud ruckus caused by the Drum Circle. If they cannot control the group, she said she believes they should go somewhere else.

Rob Davis, a St. Petersburg resident said he's been going to the Drum Circle for 4 ½ years. Mr. Davis said he was working with Police Chief Casey to work on the teenage drinking. There are two major issues; the teenagers and the noise. He suggested undercover police for he thinks the teenagers would not come if they knew there were undercover police. Mr. Davis said he's asked the City about extra trash cans. He stated he was alright with the curfew.

Mayor Maloof asked if the Commission had any comments. Commissioner Bildz said he's been out to the Drum Circle and the police have been overly nice. He believes the Drum Circle takes advantage of Treasure Island, and he feels they should act like any other event and let them get the necessary permits. He said he thinks the Drum Circle should stop. Commissioner Collins said the police have treated the Drum Circle attendees with the utmost respect. Commissioner Collins took offense to the man who compared the police to Nazis.

Mayor Maloof said there are two situations: the people who want the drum circle and those, business owners who are dismayed by the people in the Drum Circle who are creating a problem. The only way the City can solve the problem is by tightening up the laws. The City doesn't want it to stop. The problems seem to happen later in the evening.

Commissioner Minning said it is too bad that a few bad apples have to spoil the group. He said he didn't hear any other objections to the Ordinance minus some time adjustments. If there are a few rules that can be complied with then the Drum Circle can continue and both parties can go away satisfied.

Mayor Maloof said she can feel the same way. She said there needs to be some organization to the Drum Circle. It is a public beach, but unfortunately some of the people who go down there are not people that are welcomed. Commissioner Gayton said the hotels are not saying they should be shut down, and there is now a representative for the Drum Circle. He said Police Chief Casey said because of the police's efforts the elements have been reduced. He said in a short period of time a compromise can be reached.

Commissioner Collins said she is not an official and she cannot speak on behalf of the Drum Circle as a whole. Commissioner Bildz agreed. He did go on to say that trash seemed less, but there still were glass bottles in the trash and cigarette butts on the ground. Commissioner Collins said there was less trash because the attendance was down to about 200. Commissioner Bildz stated the drummers don't follow the law now, so what makes the Commission think that enforcing an ordinance will make them comply. Commissioner Collins asked about the time being 9 p.m. and 10 p.m. and when that would apply. Mayor Maloof said it would be 10 p.m. in the summer hours and suggested the Drum Circle start an hour earlier. Commissioner Gayton said there is now a representative and everything the City had a problem with, they are willing to work on. Commissioner Bildz asked Commissioner Gayton if the Commission should move on with the Ordinance with the time changes. Commissioner Gayton said if the time is satisfactory with both parties the Commission could then move on. Commissioner Minning pointed out that no matter if an ordinance is put in place the City is still relying on people acting responsibly. He agreed with Commissioner Gayton and suggested opening the lines of communication between both parties.

City Attorney, Maura Kiefer pointed out there is no stable membership in the Drum Circle, and because there is no person in charge it is difficult to ask them to get permits. She said the irresponsible behavior happens as people drink and as the time moves into the later hours. The Ordinance is acting as an experiment and if it doesn't work, then it is back to the drawing board. She believes the Ordinance is the most reasonable so to break up the unruly crowds at an early hour. Commissioner Gayton agreed, and said as long as both parties can agree to the 9 p.m. (winter) and 10 p.m. (summer) cut off days, then the Commission should comply.

Mayor Maloof suggested the speakers of the night, the hotel owners and the drum circle people, form a committee so they can come to terms with things. Commissioner Gayton suggested the City Manager and Police Chief Casey be involved in the meetings. The speakers agreed to talk. Mayor Maloof then said Ordinance 07-06 will be on the next meeting with the time changes.

Commissioner Gayton asked if the Ordinance was being added in the right place under rules and regulations for "city owned facilities". Reid Silverboard said the City Attorney thought it was. The City Attorney said it was the best place she could find within the City Ordinances. Commissioner Collins suggested changing the wording to city "managed" property. Mr. Silverboard said the wording will be appropriately changed for the next meeting.

Mayor Maloof thanked the speakers for coming to the meeting.

##### 5. Res. 07-60 Increase in City Attorney's Hourly Fee

Mayor Maloof said the City received a copy of the City Attorney's proposed rate increase. Commissioner Bildz thanked her for not requesting retainer increase. He said he also believed that \$110/hour is very reasonable for an attorney. Mayor Maloof said it was a good deal, but she didn't think the City had the money in the budget. Commissioner Bildz said it would be very costly to the City if the City Attorney were to be replaced. Commissioner Minning asked the City Attorney to explain the Resolution.

The City Attorney explained that the hourly rate goes into effect on two occasions: if the Commission asks her to do something substantial outside of her retainer work and the second being litigation. The City Attorney went on to say, technically it shouldn't go into effect at all. She said she does a lot of work that the City doesn't get charged for. She said litigation is expensive and involves her whole office, and after September there will be no litigation on the books. It is her fourth year with the City and she has never asked for an increase, and she feels it is a reasonable request.

Commissioner Collins asked the City Attorney if it was correct that she was not asking for an increase in her retainer. City Attorney Kiefer said she specifically declined the increase in her retainer because of the budget. Commissioner Collins said it was not going to be an hourly increase, but strictly for outside litigation. The City Attorney agreed and as well as anything above her contract. Commissioner Collins asked about outside expenses. City Attorney Kiefer said she pays for Westlaw (online legal research service) at \$122/month and paid for the seminar last year. Commissioner Collins then asked if she anticipated any litigation in the future to which she replied no.

Commissioner Gayton said this past year she almost passed her retainer. Commissioner Gayton asked if she anticipated any litigation this coming year, to which City Attorney Kiefer said she hopes not. Commissioner Gayton said the City budgets \$35,000 for contractual services, and those services come to 466 hours at \$75/hour. Commissioner Gayton asked if the City was to pay her the \$110/hour once she passed the 466 hours in her contract. City Attorney Kiefer explained that she has a retainer every month and it is unlimited, and spends sometimes over 100 hours a month under that retainer which includes attending board meetings, preparation for the board meetings, on going daily contact with everyone at City Hall, Commission Meetings, traveling. Some months require more work and some require less. Commissioner Gayton stated the retainer was her salary, but over and above the \$35,000 retainer, the City budgets another \$35,000. He asked the City Attorney if she agreed that equals 466 hours and once she goes above those hours the City will pay her another \$75/hour. The City Attorney said no because she tries to put a lot of the work upon her paralegals and associates which is less than her billable rate. She then said to Commissioner Gayton, if his question is if 75 times 466 equal 35,000, then the math is correct. Commissioner Gayton confirmed that was what he was asking, and then went on to say that once her hours went above the 466 then the City would pay her an additional fee. He pointed out that when the City had the budget meetings they were talking about staying within the budget, and if the City doesn't stay within the budget the money must be taken out of the fund balance, and we have to watch the City's budget. Commissioner Gayton requested a copy of the City Attorney's bill, and he would like for it to be more detailed so the Commission could see how much her performance is costing the City. The City Attorney said she would be happy to send a copy of an itemized bill.

Mayor Maloof asked for a recommendation regarding the request. Commissioner Bildz Alan said he was in favor of it, and as the City Attorney stated, it is over and above the retainer work, and hopefully the City will not have to spend any of it. Commissioner Collins said the additional rate increase is only for service above and beyond the retainer. From a business perspective, if the City chose not to do this he didn't believe the City could get an attorney to work for \$75/hour to work above what the retainer is entitled to pay, and he didn't believe that would be the case. Commissioner Bildz didn't think they could get an attorney for \$110/hour. Commissioner Minning said he agreed that \$110/hour is at the low end of the scale. He said he'd like to see stepped increases. The City Attorney said she tried, but never felt it was a good time to bring it up. Commissioner Bildz reiterated she hasn't asked for a retainer increase. Mayor Maloof said it'll be on for the next meeting.

#### 6. Moved from the 07-55 Dealing with the Special Magistrate.

Reid Silverboard said Item number 6 was moved from the evenings Agenda Meeting to the Workshop. Mayor Maloof said that the item was dealing with the appointment of Attorney Edwin Peck. City Attorney Kiefer said the item was submitted by her office. She stated Attorney Peck has served for the City in presenting Code cases, so the Commission is aware of his performance. This appointment is just to

fulfill the ordinance that is already on the books which states the City can have a Special Magistrate if the City needs one. If the City needs one, then there should be someone in place, and an alternate will be appointed later. City Attorney Kiefer said she could only be council to either the City or the Code Enforcement Board (CEB). She said she feels they both need her help, but the City needs the help in presenting the cases. She said she is working with the City Manager on a new system so that cases are not presented before the CEB more times than they need to be, because of defective notices. She said even if the CEB doesn't have any cases, she would still like the CEB to meet to conference and go over procedure. She said the duplication of the cases is costing the City lots of money, and although Attorney Peck's rates are \$160/hour, she guarantees he shouldn't be involved for more than two (2) hours to handle every thing on the agenda. She said in the long run it would be more economical to have him serve as opposed to having the cases go before the Board again and again, or having a lawsuit brought against the City and the City has three (3) threatened ones. City Attorney Kiefer said a number of years ago she asked the Commission if she could represent the City, but Commissioner Gayton objected for the Board needed more representation. Commissioner Gayton stated the way he understands her is that the Building Department needs her assistance, but she is unable to represent both the City and the Building Department, so she is again suggesting, the City gets rid of the CEB. The City Attorney said she didn't want to get rid of the CEB. She said the Board will be a very smooth running board in the future, but right now there are some things that need to be worked on with regard to the prosecution of cases. Commissioner Gayton asked her if she was suggesting that the City needs the attorney. City Attorney Kiefer said right now the City could use her help. Commissioner Gayton asked if it was the suggestion of the City Manager. Mr. Silverboard recommended appointing a Special Magistrate for he believes there are some cases that get more complicated and the City may be better served by having a Special Magistrate handle them. When Mr. Silverboard presents the appointment to the Commission at the next meeting he will provide a report about the need to amend the ordinance to increase the administrative fee to match the cost of the lawyer's fee so if a respondent is found guilty they would pay his fee. City Attorney stated that if the City needs to bring an enforcement action and the City prevails, then the respondent must pay the \$75 fee and the Special Magistrates costs.

Mr. Silverboard stated the City is trying to solve the problem of the Code Enforcement's preparation of notices. The City has a manual with the steps laid out. He will come to the Commission to discuss the instances he feels there should be representation for the staff, but he did not recommend that the Commission designate the City Attorney as the representative of the staff, because he felt she should provide guidance to the CEB. Commissioner Gayton suggested the Resolution state the City hire Edwin Peck as requested "by the City Manager". City Attorney Kiefer said the City needs to amend its existing Ordinance, which says "as requested by the City Attorney". Commissioner Gayton stated that if the change is in the Ordinance, then it doesn't need to be in a Resolution. Commissioner Bildz suggested "as deemed fit by the City Attorney and City Manager" wording, to which Commissioner Collins said he didn't think that was necessary for he didn't think they wouldn't do anything without the other being aware of it. Commissioner Collins asked the City Attorney to clarify for the people at home why she cannot represent both the City and the Code Enforcement Board, and the City Attorney said it is prohibited by the State Constitution. It is called the "Dual Office Holding Provision".

Mayor Maloof called Treasure Island Citizen, Jim Lorenz up to the podium. Mr. Lorenz is on the Code Enforcement Board, he said he heard about this ordinance and briefly mentioned it to Commissioner Gayton. He said he looks at this ordinance as a complete insult. He said it was never discussed at the CEB. He said he was appointed earlier last year. They didn't meet for over 8 months. The CEB finally met in January, but unfortunately due to miscommunication the City Attorney was not present. Since January there has been a complete turn over of board members. He said the board has appointed two alternates so they will always have a quorum. The way he is reading the ordinance is to solve a problem with the CEB, and that cases that would be selected to go before the Magistrate are selected by the City Attorney, and it reads as if the CEB has a problem. He heard the Commission speak as though there was no problem with the board. The CEB has asked for outside training, because it is a brand new board. He said is disappointed because this ordinance came out of the blue. He said he feels as if it is a

lack of confidence in the Commission of the CEB, and if that is the case, maybe the Commission should replace the board.

Commissioner Collins said he doesn't think anyone is against the CEB; rather the City Attorney is saying they need another legal hand to protect the CEB. Jim Lorenz once again approached the podium and said he heard the City Attorney cannot represent the CEB. Commissioner Collins stated it is against the law. Reid Silverboard stated the statute that sets up the Code Enforcement process, Chapter 163 says specifically that the attorney either represents the staff or the board, but cannot represent both. That would be like the prosecutor also being the judge. The State statute gives cities an additional tool of having a special magistrate. One is not a substitute for the other, although it can be. The board should not look at it as a lack of confidence it is simply another tool for the City to have a way of resolving violations of the Code and there will be times it may be better to have the Special Magistrate to handle it due to the legal complexities of the situation. Because the board handles quasi-judicial proceedings they can end up in fines, it is important that the rights of the accused and the citizens are protected. The Special Magistrate is another tool to get violations resolved in the best manner possible to suit the specific case, and Mr. Silverboard believes it is a good idea. Mr. Silverboard stated he spoke with the City Attorney about outside training the CEB on the quasi-judicial proceedings.

City Attorney Kiefer said her primary concern is to help staff prepare their cases in some instances, and the reason she is requesting the Special Magistrate is because she cannot represent both. Commissioner Collins then said he felt bad that Mr. Lorenz stated he was insulted by it, and he said that the Commission as well as the staff appreciates the work the CEB does. Jim Lorenz said that it seems to him that what the ordinance is putting in place is that an attorney is needed for the board when a case of conflict arises where the City Attorney has to represent the City. However, that isn't what the ordinance is saying, but rather go to a magistrate if it too difficult for the board to handle. Commissioner Collins said the Special Magistrate is going to defend what the board says where the City Manager isn't in a position to do so. Mr. Silverboard said inevitable the most important thing is what is best for the community in certain instances. Mr. Lorenz said the City would use the magistrate instead of the board. Mr. Silverboard said that is correct.

Commissioner Minning asked for an example of a special situation. Mr. Silverboard said the City is involved in a federal suit. There are just some issues that would best be handled by someone who knows the law. Commissioner Gayton said he agrees, but he said he is hearing that the City needs the help of the City Attorney and therefore the City needs to hire someone else because she cannot represent both. It is not a problem with the CEB. City Attorney Kiefer said if the City has passed an ordinance to have a Special Magistrate as an alternative choice. This discussion has been going on for about a year. Commissioner Gayton said it is fine if we have a special case, it is alright/

Mayor Maloof called Dominique Reiter up to the podium. Ms. Reiter is also on the Code Enforcement Board. She said she was a bit confused by the way the conversation went. She asked the City Attorney if she wanted to have a Special Magistrate to make sure everything was correct in the file. The City Attorney shook her head "no". Ms. Reiter asked at what point the City Attorney would determine if a case needed to go to the Special Magistrate. The City Attorney said she would need to discuss it with the City Manager to determine that. Ms. Reiter said she heard the City Attorney said the Special Magistrate would be in and out and not use that many hours. City Attorney Kiefer said that is correct. The City Attorney said it takes four to five times longer with the board than it does with the Special Magistrate. Ms. Reiter said she is glad that everyone agreed to have special training for the CEB. Commissioner Collins said the case will be turned over to the Special Magistrate because the City Attorney cannot represent both sides because it is against the law to do so.

Mayor Maloof said the item will be on the August 7, 2007 meeting.

## **II. OLD BUSINESS:**

Commissioner Collins said that he had a discussion about the crosswalks and how dangerous they are. It was mentioned there are many times pedestrians don't signal to the passing cars. Commission Collins said it is important for pedestrians to communicate with the drivers by putting their hands out to signal they are about to cross. He then questioned why there aren't any buttons to push and have a stop signal at the crosswalks. Mr. Silverboard said the DOT won't put in red lights because they are considered traffic lights, unless they meet certain standards. The DOT has agreed to install pedestrian activated flashing lights, and he believes the City should look at that. Commissioner Collins said the City has looked into that in the past and believes cost was a problem. Mr. Silverboard said they could be done for under \$10,000. Mr. Silverboard said the ones that are put in the Redington areas are solar powered and wireless, they have minimum maintenance for the first few years. He has looked into them before. Commissioner Collins asked that the pedestrian crosswalk lights be put on a future agenda. Commissioner Gayton commented that the City went to FDOT for the last five (5) crosswalks that were put in and FDOT stated they didn't have any money. The City agreed to pay for it out of grant money. He said he believes if the City goes to FDOT and says that it will pay for the crosswalks out of grant money they may be more receptive. Commissioner Collins asked for an update in two weeks. Mr. Silverboard said he has the information and will add it as a workshop item.

Commissioner Minning said Heidi Horak sent a letter to the Commission stating there was a delay on her letter to the various Historic Hotel/Motel buildings. She requested time to get the troops motivated.

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

City Attorney Kiefer met with the Assistant City Attorney and the Utility Director of St. Petersburg and she is working with Mr. Silverboard about the sewer rates. She has ordered files. The companies are few and far between. City Attorney Kiefer said she asked the City of St. Petersburg what Treasure Island's rates would be if they used the same formula the City of St. Pete Beach used, and she was told they couldn't give her an answer for it would be too expensive for them to figure out. She said her understanding is it may be approximately \$500,000. The City is under a time table. She asked the Commission if they had any questions or desires with how she should proceed. Commissioner Collins stated the City spoke with St. Petersburg and they also said they couldn't tell the City of Treasure Island, and based on the information given could the City figure it out. The City Attorney said she couldn't for it is a real specialty, but if any one can do it perhaps Don Hambidge could

Mr. Silverboard said he, Mayor Maloof and Lynn Rosetti, City Planner, attended the meeting regarding the concept of Bus Rapid Transit (BRT). He said the PSTA is looking to extend BRT from downtown St. Petersburg to the beaches with the route going to Tyrone Mall, down Bay Pines, and down Madeira Beach. St. Petersburg said that is out of the way and believes it should go down Central Avenue into Treasure Island. St. Petersburg is trying to get our support for it helps promote their Central Avenue business district and it would also be an advantage to Treasure Island. The City did call the MPO to let them know the more direct route is preferred by Treasure Island. He said he is not sure what affects the tax cuts will have with adding any more BRT routes, but if/when it happens the City should do what it can to help ensure the route comes down Central Avenue and into Treasure Island.

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

Commissioner Collins said he received a number of phone calls regarding the larger trash cans being cumbersome. If that is the case, please call him or the City, and the City will provide them with a smaller trash can. He also asked that residents who have family in the military who are coming home to please contact the City so they can be recognized. He also apologized to the Treasure Island Police about a negative comment made by a speaker earlier in the evening.

Commissioner Gayton commented that if citizens do not have their trash in a can, it will not be picked up. If a resident has too much garbage, he suggested they call up the department of Public Works and get a free recycle bin.

Commissioner Minning stated there is an opening on Planning and Zoning Board for District 3. He then said thank you to all the residents for their input about the budget.

Commissioner Bildz thanked the volunteers for the beach re-planting. He also said that many of the board appointments are up in August and any resident who is interested is invited to come to City Hall to fill out an application.

Mayor Maloof said that the Florida League of Cities is requesting some Commissioners join some of their suggested committees. The councils will start meeting in August, September, October and November in Orlando. She said she was invited to the change of command at MacDill Air Force Base. General Brown has retired and was replaced by Admiral Eric Olsen. She wished Admiral Olsen luck and wished General Brown lots of happiness on his retirement. Mayor Maloof just returned from Niagara Falls, Canada to participate in their Canada Day festivities. She said she had a wonderful time. She is now lining up some things for their mayor and his wife to do on their visit to Treasure Island for Can-Am Week.

#### **V. PUBLIC COMMENTS:**

Kevin Johnson, who is on the Code Enforcement Board, had a historic picture of a Treasure Island sidewalk before and after. He also had a picture of the new sidewalk. Cars park on the sidewalk. Mr. Johnson called the Treasure Island Police Department and the police said there was no sidewalk, because the sidewalk looks like the side of the road. Mr. Johnson asked if there was any way the City could put up a "No Parking" sign. Mr. Silverboard said the sidewalk looks like the side of the road rather than a sidewalk. He believes the City can do it. He said he will talk to the Police Chief and Don Hambidge about it. Commissioner Collins asked if the City could put lines down the street. Mr. Silverboard said FDOT has the authority to do that. Mr. Johnson also stated it takes a couple of weeks for the lines to be put down because the asphalt must cure. Mr. Johnson said he was told by an expert that the thickness is actually not thick enough, and the road is cracking already.

#### **VI. ADJOURNMENT:**

The Meeting was adjourned at 9:33 by Mayor Mary Maloof.