

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP
SEPTEMBER 19, 2007**

The workshop was called to order by Mayor Maloof at 7:35 p.m.

I. DISCUSSION ITEMS:

1. Appeal: PZ-2007-15-SR P&Z Denial (Quasi-judicial – no discussion)

Ms. Kiefer stated that this was an appeal of a rejection by the Planning and Zoning Board. This will be discussed at the next meeting. The reason it is on the workshop is to satisfy the rules of procedure. She recommended that they review the criteria for site plan review prior to the October 2nd meeting.

Commissioner Gayton stated that he had procedural questions. He asked who filed the appeal. Ms. Kiefer stated that it was either the applicant or the applicant's representative. Commissioner Gayton asked who received the appeal. Ms. Rosetti stated that she had received it. He asked who it was addressed to. Commissioner Gayton stated that an applicant has to within 30 days of denial apply to the City Commission. He stated that they have not received it, and the City Clerk has nothing on file. Ms. Kiefer recommended that the discussion be stopped. Commissioner Gayton stated that he is asking procedural questions. He stated that the Commission needed to be noticed before putting it on the agenda. Ms. Kiefer stated again that the discussion should stop, as it affects the appeal. Commissioner Gayton asked why the appeal was not filed with the City Clerk. Ms. Rosetti stated that she showed it to the City Manager, and set up a file for it. Commissioner Bildz stated that in generalities, should these things be filed with the City Clerk. Commissioner Gayton asked again why it was not filed with the City Commission. Ms. Kiefer asked again that the discussion related to the case be stopped. She explained that the city ordinance is not specific to the procedure for the filing. It does not have a chain of command. The procedure for getting something to the Commission is to get it on the agenda. Commissioner Gayton stated that it is clear. Ms. Kiefer stated that it is on the agenda, and that is the notice to the Commission. She feels that it was sufficient.

Commissioner Gayton read further from the city code regarding the documents to be forwarded to the City Commission prior to their consideration of the appeal. Ms. Kiefer stated that they would be getting the materials prior to the meeting. Commissioner Gayton stated that it should be upon filing. The appeal comes before the Commission, and all documents should be given to them. Ms. Kiefer stated that they would receive the materials with the October 2nd packet, and if he didn't feel there was enough time to consider the materials they could continue the case. Commissioner Gayton stated that he wants the information now. Ms. Kiefer stated that the copies are being prepared, and if he wants the procedure to be different then they should change the ordinance. Commissioner Gayton stated that he feels that the process is incorrect, and he wants to be prepared for this appeal. Ms. Kiefer stated that she feels there are changes that need to be made. Commissioner Gayton does not agree. He feels the ordinance is clear.

Commissioner Gayton asked if there will be testimony at the hearing. What procedures will be followed as far as the quasi-judicial hearing? Would it be representatives from the City, the applicant, or the Planning and Zoning Board? Or, are we expected to make a decision based on the materials that we receive. Ms. Kiefer stated that they will be reviewing the information provided. There will be testimony from the applicant if they want to testify, and City staff. Public testimony will also be allowed. Commissioner Gayton clarified that they will be rehearing the case. Ms. Kiefer answered in the affirmative.

Commissioner Gayton commented that since this is the first time they have had to do this, they really don't know enough about the law to make comments and decisions without having legal counsel present. Since the City Attorney has already represented the P & Z board in this case he would like the Commission to consider having outside counsel that is familiar with this type of law. Commissioner Bildz asked the City Attorney her opinion on this, and whether she felt it appropriate to represent the Commission. She stated that she has never heard of anyone hiring outside counsel for this type of hearing. Mr. Silverboard stated that at all times the attorney is representing the city, unless you advise her otherwise. She cannot be the attorney for both the staff and the Commission. In this case she has been representing the P & Z board. He has been through dozens of these types of hearings, and the City Attorney was never disqualified from being the attorney for the Commission.

Commissioner Gayton asked if he would be allowed to hire his own attorney if he chose to. He was concerned about defending an ethics violation. Mr. Silverboard stated that he didn't feel it was necessary in this case, and that there are hundreds of these appeals every year in the state and it's not a problem.

Commissioner Minning stated that Ms. Kiefer had advised the P&Z board on this case. They come to this new, and will need advice. Is it imperative that the advice given be consistent with the advice given to the P&Z.? Ms. Kiefer answered in the affirmative. She was asked if they were entitled to see the tape of the meeting. She answered in the affirmative, but reminded them that they had to make their own decision based on the evidence presented to them.

Commissioner Bildz asked whether this should go on the next workshop, or next meeting, based on Commissioner Gayton's concerns. Ms. Kiefer stated that they have been made aware of the appeal by way of the workshop tonight, so either would be appropriate. When asked when the materials would be available, Ms. Rosetti stated that the copies are on file in the office, and that she would have the packet materials available on Friday. Further discussion on whether it should be on the workshop or meeting ensued. Ms. Rosetti stated that the applicant had been told about tonight's workshop and subsequent hearing. It was agreed to put this on the meeting agenda.

Commissioner Bildz asked if they should get a second opinion on the issue. Commissioner Collins stated that if Ms. Kiefer had experience then it wasn't necessary. Mr. Silverboard stated that opinions were just that, and didn't feel it was necessary if they had confidence in the City Attorney. It was agreed that they didn't need a second opinion.

Commissioner Gayton stated that he wanted it on the record that he did not agree with the City Attorney on several points. First was her opinion that the Commission did not need a letter from the applicant. The second was that the materials were not made

available to them prior to the workshop to set the hearing date. The third was her opinion that upon review they schedule it for a regularly scheduled meeting. The fourth was that he didn't think she should represent the City Commission after representing the P&Z on this case.

2. Res. 07-86, 07-87, 07-88 Recreation Rate Increases

Cathy Hayduke gave a brief explanation regarding the recreation rate increases that were discussed at the budget workshops. Commissioner Collins asked about the fees being charged by Southwest Little League to our residents when they play on St. Pete Beach's fields. He requested that something be put on the resolution addressing that. Ms. Hayduke stated that it was still in negotiations. Commissioner Bildz asked about the facilities rentals, and whether overtime could be incorporated in the rates. Ms. Hayduke stated that overtime would cause overages in her budget, but would also be reflected in the revenues. Mayor Maloof asked how our rates would compare with other facilities if the additional overtime was charged. Ms. Hayduke stated that our rates are very reasonable. Commissioner Bildz stated that if the opportunity arose to rent all three facilities he'd like to see them rented. Ms. Hayduke stated that her staff would be happy to cover the rentals. This item will move forward to the October 2nd meeting agenda.

3. Res. 07-94 Topher Morrison Use of the Beach

Kimberly McCormick was present representing Topher Morrison to request the use of the beach to perform a stunt demonstration during a personal development seminar. This is the same event that was approved the past two years. Commissioner Collins asked what fears the participants would be overcoming. Ms. McCormick stated that Dr. Morrison has the details and could answer the question when he returns from London next week. Commissioner Collins asked what the age group the participants are. She stated that Dr. Morrison would have the information for that as well. Commissioner Minning asked about the release of liability. Mr. Morrison will provide that information. Mr. Silverboard stated that one of the conditions of approval was that the city was named as an insured. Attorney Kiefer stated that Commissioner Bildz asked about a rain date. Ms. McCormick was unable to answer and stated that Dr. Morrison would answer that question. This item will move forward to the October 2nd meeting agenda.

4. Res. 07-89 Traffic Calming – Speed Tables

Rick Raus gave a brief explanation of the item. Most of the traffic calming measures have been done, with the exception of Sunset Beach and around the Clock Tower. The estimate for the work is in the packet.

Commissioner Bildz asked about the difference in price. It is because of the difference in the width of the road and the amount of lanes. Commissioner Bildz asked if Mr. Raus felt that the locations on Bayshore were the best. Mr. Raus answered in the affirmative.

Commissioner Collins asked for clarification on the number of lanes around the clock tower. Since they are doing both east and west of the clock tower it is the equivalent of ten lanes.

Commissioner Gayton clarified that they are speed tables, not speed bumps. Mr. Raus answered in the affirmative.

This item will move forward to the October 2nd meeting agenda.

5. Res. 07-92 Dune Walkover Interlocal Agreement

This item was moved to the meeting agenda for action.

6. Res. 07-93 Utility Rate Consulting Services

Mr. Silverboard gave a brief explanation of this item. We have been looking at the proposed agreement with the City of St. Petersburg for wastewater treatment. The 25% surcharge must be dealt with. We need some assistance in terms of the agreement itself. This firm is the same firm that the City of St. Pete Beach used in their lawsuit with the County, and they are still being used by them for review of the rate increases that are being passed on by St. Petersburg. We are proposing that they assist us with our negotiations with the city of St. Petersburg, and also to do a rate study of our existing rates. They have provided a price of \$16,000 for that rate study.

Commissioner Collins asked for clarification on the price and what it included. It is only for Phase 2. He stated that he has a problem with the cost. Phase 1 is based on an hourly rate which could come up to \$970 per hour if you add in all the people that would charge the rate. Mr. Silverboard stated that we don't know how long we would need them for, and it is a separate project from Phase 2. Because we don't know what Phase 1 would involve they gave us the hourly rate for everyone that could be involved. It could be 10 hours, or 40 hours, and not every person would be involved. The Commission could approve a "not to exceed" amount in order to maintain some control over the process. Commissioners Collins and Bildz stated that they would be comfortable with that.

Commissioner Collins suggested that they consider that the only Florida client they have is St. Pete Beach. Ms. Kiefer stated that it would be a benefit to having them due to their experience with dealing with St. Petersburg. Another firm would require a lot of catch up. Commissioner Collins stated again that he is concerned about giving them carte blanche and wants to be sure there is a limit set. Commissioner Bildz stated that he thought it was a plus that they had represented St. Pete Beach and are familiar with the issues. Commissioner Collins asked for clarification as to whether St. Pete Beach has a settlement in place. Ms. Kiefer stated that they have come to an agreement. She explained the process for the hearings, and stated that if it was found later that the rates were raised illegally they could go back five years. Commissioner Collins stated that all that should be part of the contract.

Commissioner Gayton stated that he felt that we had staff in our Finance Department that could provide the data that the consultant would be providing. Mr. Silverboard stated that he didn't feel that anyone on staff had the expertise to perform such a rate study. Doing the study does not lock them into anything, but the study needs to be done to ensure that they have a sound enterprise fund. All recommendations would come to the City Commission. Commissioner Minning stated that it was a no win situation, but he felt there is a benefit to having a third party do the study. He suggested that a resolution come to the Commission setting a limit of \$10,000.

Commissioner Gayton asked Mr. Hambidge what the status of the boat ramps was. Mr. Hambidge stated that FDOT has indicated that the boat ramps have been approved, but that notice was not sent to us. We received a list of questions to answer. The FDOT finance people have stated that the funds have been approved. By mid-week next week the bids will be out.

Mayor Maloof asked Mr. Hambidge if someone from the City of St. Petersburg called about the Pinellas Trail. Mr. Hambidge stated that he had not heard from anyone. Mr. Silverboard stated that he had received a call, but was waiting for a return call.

7. Discussion Regarding Chamber of Commerce Sign (Requested by Commissioner Collins)

Commissioner Collins stated that the Chamber of Commerce has requested a sign to announce their events. He suggests that we allocate them a certain piece of property, preferably on the causeway, that they could use to place a sign that they will provide and maintain. They would be limited to advertising events that they are sponsoring for and in conjunction with the City. They would be responsible for all costs of the sign, including maintenance. Commissioner Bildz asked about using the banner. Commissioner Collins stated that they want a sign, and if it will bring business to the City and doesn't cost the City anything he is in favor of it.

Mr. Silverboard asked if the Commission would approve the location and the appearance of the sign. Commissioner Collins answered in the affirmative. It would have to comply with our existing sign regulations. Commissioner Bildz stated that the banner may be easier for drivers to read. Commissioner Collins stated that it would be more difficult to change the banner as frequently as they might need. Commissioner Bildz clarified that they would be responsible for any costs involved.

Mr. Silverboard suggested that he speak with staff about it and ask for a recommendation. We would also want to clarify that they are only advertising community events. Ms. Kiefer stated that this should be similar to a license agreement. She requested time to analyze it. This item will move forward to the October 2nd meeting agenda.

II. OLD BUSINESS:

Commissioner Collins stated that when the beach cleanup was done he noticed that the beach vegetation signs along the dunes are in disrepair. He would like the city to replace or repaint the signs as needed. Commissioner Bildz stated that some of the signs were donated and do not belong to the city. Commissioner Minning stated that it was discussed at the Beach Stewardship meeting today, and they are looking into replacing them. Commissioner Collins suggested that they be done within the city if we have the capability.

Commissioner Gayton stated that he has received a subpoena to appear in court on the Schwarz case. He asked if anyone else had received one. Commissioners Bildz and Collins have. He asked about the trial term. Ms. Kiefer stated that she is trying to get a more exact trial date. She will not have a more exact date until sometime between the 27th and October 1st. They would be on a "stand by" basis.

Discussion regarding downtown redevelopment (Requested by Commissioner Bildz):

Commissioner Bildz stated that we spent \$150,000 and received a lot of drawings. It was left off being sent to the LPA to review density. He would like to see us start working on this and in one year's time when we have the presidential election we have this on the ballot to vote. He feels that once there is a plan we will get the downtown owners behind it. Mayor Maloof stated that she agrees with Commissioner Bildz. She feels that they need to be out in the community talking to people so that they understand what they are voting on. It will require implementation because no developer is going to come into a town if they don't have the framework to work from. We have to have the mixed use passed. Commissioner Collins stated that the City has spent \$150,000 of tax payers' money to put this together. He has not had one land owner show any interest in doing this. If we are doing this for the business owners he would like to see them show some interest. Commissioner Bildz stated that we are not doing this for the landowners we are doing it for our downtown community. He feels they will not do anything until there is a plan in place. Mayor Maloof stated that Dr. Moore spoke with all of the owners, and they have all expressed interest. The interest is there, it just hasn't become a cohesive plan yet.

Mr. Silverboard stated that the next step is for staff to get the recommendations into plainer, more easily understood language. It will not necessarily be our current property owners that will do downtown. When proper regulations are in place we will have to recruit a developer. The first step is to get the regulations in place and have conversations with the property owners. We will then have to get it to the Planning Board for their recommendation to the City Commission.

Commissioner Minning asked for an outline of the process with proposed target dates.

Commissioner Bildz commented that it is very difficult to recruit members to the Planning and Zoning Board and the Local Planning Agency. He suggested splitting the two boards. Commissioner Gayton stated that it was brought up in the past by the Commission. It was sent to the P&Z for recommendation, and it was their recommendation not to split them up. Commissioner Bildz stated that it was a different board now. Commissioner Gayton stated that if they want it they should do it. Mayor Maloof has heard many comments being made about it, and if that is their opinion they should vote on it and bring it to the Commission.

Commissioner Bildz commented on the Buccaneer property and how the owner was being fined \$500 per day. He asked if the fine was still being assessed. Ms. Kiefer gave a brief explanation of the process. Mr. Silverboard stated that they would get a report to the Commission on the status of the property. There is work being done now. Commissioner Gayton asked if they had to take them back to the Code Enforcement Board to adjudicate them as being in compliance. Mr. Silverboard stated that the Code Enforcement officer sends out an affidavit of compliance and reports to the Code Enforcement Board. He will include the process in his report.

Mayor Maloof has had a question from a citizen asking if there was a decision on where the pirate will be placed. Mr. Silverboard stated that no decision has been made. Commissioner Bildz stated that the decision was left with the City Manager. Mr. Silverboard will report back to the Commission.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer will be reporting back regarding the trial dates.

Ms. Kiefer stated that she is aware of the advice given by Attorney Peck regarding the City making improvements to properties with code violations. She is researching whether we can make improvements without permission. She will present a report when she is finished with her analysis.

Mr. Silverboard reported to the Commission that the Building Official, Mike Wichman, has tendered his resignation effective September 30th due to health reasons. He will be providing the Commission with some recommendations regarding the transition. Commissioner Bildz stated that he was sad to see him go. Mr. Silverboard stated that he will be missed and he is well respected. Commissioner Collins recommended that we have a party for him before he leaves.

Mr. Silverboard stated that we have had an advisory issued regarding our beaches. We have elevated readings in the geometric mean for bacteria. The beaches are tested weekly, and they keep a five week average of the results. We have had a couple of bad readings that have thrown off our mean. The health department has posted the beach advising them of a risk for swimming. The readings are higher on certain days, so the Coast Guard will be investigating to see if there is some dumping going on. Today's results are in an acceptable range, but not enough to lower our overall mean sufficiently. Once the mean is down to the acceptable level they will remove the posting.

Commissioner Bildz stated that it could be the gambling boats responsible for this. He asked if we can require them to pump out their tanks when they get back to shore. Mr. Silverboard stated that we have no regulations and they are permitted to dump once they are a certain distance out.

Commissioner Minning gave further information. The mean can be skewed dramatically by one very high event. There was one very high number that had a great effect. We will have these numbers for several weeks now. Yesterday's reading is below criteria. The pattern has been that Tuesdays are high, Thursdays are low.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins stated that we have a lot of the condominium associations having their meetings, and he would be happy to attend to answer questions.

Commissioner Collins discussed the possibility of putting in an outdoor amphitheatre in Treasure Island. He suggested that it be built near the Community Center. He has spoken with the recreation director in Clearwater. All the events that they have make money. Commissioner Bildz asked who would pay for the construction. Commissioner Collins suggested that we apply for grant money. Mayor Maloof stated that there was concern for the people on 104th. Commissioner Collins stated that it didn't have to be there – he just liked the idea of having an outdoor venue. Commissioner Bildz stated that he agreed with the comment regarding the residents on 104th. He also doesn't know where we would put it. Commissioner Minning stated that we do have a space issue. Commissioner Bildz suggested that Commissioner Collins come up with a location and report back to the Commission. Commissioner Collins asked for suggestions on location.

Commissioner Collins commented that he has spoken with some business owners regarding whether business had picked up now that the bridge is complete. It has not. He has tentatively set up a date of October 15th for the business symposium.

Commissioner Gayton commented that there was lengthy discussion tonight on site plan review and public record policy. We do not have a public record policy. There are other lawsuits that are not on file with the City Clerk. He would like to have the Commission have a policy on where we keep our public records. He feels that the City Clerk is the keeper of the records and they should be on file there. Ms. Kiefer gave a brief explanation of the appeal process. She asked if there was a policy regarding legal information being sent to the League of Cities. Mr. Silverboard stated that there have been instances where records are not on file due to past practices. Another issue is the lack of space. He suggested sitting down with another City Clerk to see how they are handling them. The City Clerk should have the originals of all documents, but current practice is that the records are in the departments. We need some administrative policies in place.

Commissioner Minning reported that at the Beach Stewardship meeting they confirmed that there would be a beach planting on October 27th. Time and location will be announced.

Commissioner Minning spoke with Ms. Elko about the next scheduled beach renourishment. It is in 2009. They are currently working in Blind Pass doing their pre-dredging survey now.

Commissioner Minning asked for a volunteer from District 3 for the Planning and Zoning Board. He thanked Parker Lilya for his service.

Commissioner Bildz reported that he went to the Florida Shore and Beaches annual conference. Senator Dennis Jones was awarded the Golden Statesman award. Congressman Bill Young was also awarded the Golden Statesman award. He spoke with Mike Barnett regarding the ECL.

Commissioner Bildz stated that the public comments part of the meeting was for the public to have 5 minutes to comment. If they have questions they are welcome to call or e-mail at any time. Mr. Ruckdeshel also brought up mandatory recycling. Mr. Silverboard was asked if he had ever worked in a community that had it. Mr. Silverboard stated that it would be difficult to enforce, and suggested better public education.

Mayor Maloof reported on the Pinellas Planning Council meeting. The tourist density issue was passed. It will go to the county now. There were several people there in opposition to it.

Mayor Maloof thanked Dominique Reiter for her work in planning a luncheon with the officials from Publix there. There were 67 people in attendance. There was a bus trip showing points of interest in Treasure Island. They will likely be open by the end of next summer.

V. PUBLIC COMMENTS:

None

VI. ADJOURNMENT:

The workshop was adjourned at 10:15 p.m. by Mayor Maloof.