

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS MEETING  
October 2, 2007  
6:00 PM**

The Meeting was called to order by Mayor Mary Maloof at 6:02 p.m.

**A. PLEDGE OF ALLEGIANCE:** Led by Mayor Maloof

**B. ROLL CALL:**

Mayor Mary Maloof		Present
Commissioner Phil Collins	District 1	Present
Commissioner Ed Gayton	District 2	Present
Commissioner Bob Minning	District 3	Present
Commissioner Alan Bildz – Vice Mayor	District 4	Present

**C. PUBLIC COMMENTS:**

Dominique Reiter discussed Canadian-American Week, and thanked many of the businesses in Treasure Island for all their help in making the future event a success. She also thanked Gator's for assisting with the event showing appreciation for the bridge.

Richard Kraus commented on the procedure regarding the slip rentals in the city marina. He expressed concern about the slip that Johnson Brothers used, and that it was not brought to the Commission. He questioned if the City was in violation of its charter due to the slip that the FWC is using.

Hugh Ruckdeshel asked the Commission to reconsider their vote on two items that they approved at the previous meeting. He requested that they reconsider the funding of the library. He also asked them to reconsider the increase in the solid waste charges. He then stated that he is a registered voter of the City, and he comes to City Hall to speak to them. He expressed concern about the way the Commission deals with the City Manager and City Attorney in public.

**D. APPROVAL OF MINUTES:**

The minutes of the September 19, 2007 meeting and workshop are available for approval. It was moved by Commissioner Minning and seconded by Commissioner Bildz to approve the minutes as printed. Upon roll call, the vote to approve was unanimous.

**E. ITEMS OF BUSINESS:**

1. Res. 07-94 Topher Morrison, Inc. Use of the Beach

It was moved by Commissioner Bildz and seconded by Commissioner Gayton to approve the resolution as read. Commissioner Minning asked about the waiver of

liability. Ms. Kiefer stated that she has reviewed it and it looks fine to her. Commissioner Collins asked about the contingency plans. Mr. Silverboard explained that it was confirming the rain date, and that the city has been provided with a large volume of information. Staff finds it all reasonable. Commissioner Collins asked if it would affect City staff. Mr. Silverboard stated that it would not. Upon roll call, the vote to approve was unanimous.

## 2. Appeal of Planning & Zoning Denial of Site Plan (Quasi Judicial Hearing)

Ms. Kiefer gave a brief explanation of this, and stated that she had checked with the Florida League of Cities, and another attorney, about her ability to represent the Commission after representing the Planning and Zoning Board, and whether they had received the materials properly. The opinions were that she could represent the Commission, and proper procedure had been followed. The Commission had the option of rescheduling the hearing if they felt they had not had enough time to review the materials.

Ms. Kiefer gave a brief explanation of the procedure that would be followed. She then swore in everyone who would be speaking on the item. She explained that the Commission does not testify, and asked if there had been any ex parte communications. Commissioner Gayton stated that he had received an e-mail from Chris Sierra, a member of the Planning and Zoning Board, and an attorney, who gave him procedural advice. Ms. Kiefer stated that it did not disqualify him for this reason. Mayor Maloof stated that she was contacted by Frank McConnell, who provided her with an Ordinance number to review, but there was no discussion. Ms. Kiefer stated that it did not disqualify her. Commissioner Collins stated that he had a brief discussion with Ms. Rosetti, the City Planner, regarding the building. Ms. Kiefer stated that they would discuss that with Ms. Rosetti when she came up. Commissioner Minning stated that he had received a copy of the e-mail that Commissioner Gayton received, and a copy of the Ordinance from Frank McConnell. Commissioner Bildz stated that he had also received the e-mail from Chris Sierra, and had had a brief discussion with Ms. Rosetti as well. Ms. Kiefer stated that none of these communications disqualified anyone.

The applicant's representative, Steve Erdman, was invited to the podium for introduction. Ms. Kiefer explained that Ms. Rosetti would make her presentation, questions would be answered, and then the applicant would make his presentation and answer questions. Ms. Rosetti was asked about her discussions with the Commissioners. She explained that they were brief discussions to clarify information, but did not discuss the case.

Ms. Rosetti presented the case that had previously been presented to the Planning and Zoning Board, including specs of the building, Staff findings, and slides of the property. Commissioner Bildz asked for clarification on the building coverage, and whether it counted the shadow of the building. Ms. Rosetti explained that it was the actual footprint of the building. Commissioner Minning asked about the characteristics of the RFM 30 district. Ms. Rosetti gave an explanation of the code, and stated that the building meets the code. Commissioner Minning asked what the refinements of the ingress and egress were. Ms. Rosetti explained the improvements that were made to the intersection and clarified that there is only access from the westbound side of the causeway. Commissioner Minning

expressed concern about the intersection and adding more to it. Ms. Rosetti stated that it is actually better than what was there previously. All of the properties were developed in the past. Ms. Rosetti asked Mr. Hambidge for further clarification. He was sworn in by the City Attorney. Mr. Hambidge explained that it has been looked at, and they had attempted to put a traffic signal there. He and Mr. Dabkowski have reviewed the plan, and they are both satisfied with it. It is a right turn in, and a right turn out. Commissioner Collins stated that he was opposed to the light there in the past, and is still opposed to it. He does not feel that it will be a steady stream of cars going in and out. There have only been two accidents, and they were not serious. He doesn't think that it will be a problem. Ms. Rosetti agreed that it should not have a big impact on the traffic. Commissioner Bildz asked if that was a reason to either approve or not approve the site plan. Ms. Rosetti stated that it was not.

Mr. Erdman presented the information for the owner. They have improved the appearance as a result of the previous comments. He stated that La Quinta is one of the hotel chains that they are negotiating with, but a final decision has not been made. Commissioner Bildz asked if they were the same property owners as when the property had been referred to as "Stonehenge". Mr. Erdman stated that it was the same owner with a slightly different name. Commissioner Collins clarified that Mr. Erdman was representing the owner and not the franchise. He asked if Mr. Erdman could answer height information. Mr. Erdman stated that it would not be a typical prototype of the chain hotels.

Mr. Charles Coward was invited to the podium. He is representing an abutting property. He asked about Mr. Sierra's ex parte communication with the City Commission, and asked Mr. Sierra's testimony would be available "in the Sunshine", and if it would be made a part of the record. He urged the Commission to deny the application. He feels that it does not go along with the esthetics of the causeway and downtown. The proposed building does not match the neighborhood or improve the downtown's functionality. Ms. Kiefer stated that she had reviewed the e-mail, and in her opinion it had nothing to do with the case. It had to do with decorum, and she didn't feel it needed to be part of the case. It was public record, but didn't need to be part of the record of the case. Commissioner Gayton disagreed and requested that it be made part of the record.

Richard Kraus stated that site plan review is the only opportunity that the city has to review the architecture and whether it will fit into the community. Once this is approved we live with it. Commissioner Gayton asked if they were allowed to review and discuss the architecture. Ms. Kiefer answered in the affirmative, and explained that they could discuss every site plan criteria, and architecture is part of it. Commissioner Gayton asked if they were allowed to discuss what the Planning and Zoning Board discussed. Ms. Kiefer stated that they could consider it, but were to form their own independent opinion. They would need to make findings of fact on the record to support their decision.

Mr. Erdman stated that this property is outside the limits of the downtown area. He made comments on the building and its functionality, and stated that there are no guidelines for appearance in the codes. They would be willing to work with the city to try to get some of the elements of the downtown area in there. The owners have invested money to clean the site up, and they want to be a part of the community. Commissioner Collins stated that he supports what they are trying to do, but

understands what the people who have testified are saying. He feels the design is very stark. The bridge has an attractive design, and perhaps they could incorporate some of that into their building, since it is so close to the causeway. Mr. Erdman stated that the elevation presented is very close to the condo elevation that was approved several years ago. He agreed that it could be an easy fix, but it has to be affordable to the owner to make those changes. He will present that to the owner. Commissioner Minning stated that he would support that to a degree. He would like to see the site developed, and feels that this use would be appropriate, but wants it to be an esthetically pleasing design. Commissioner Minning asked Ms. Kiefer if it was acceptable to ask them to come in with a different design. Ms. Kiefer stated that it was. Ms. Kiefer asked who the owner of the property is. She has documents with several different names. The documents show that Zarmar Limited Partnership is the applicant, but Playa Uno is the owner. Mr. Erdman stated that they have all the documents. Commissioner Collins suggested that they come in with those documents when they come in with the updated elevation. Mr. Erdman stated that it will be difficult to come in with something that will please everyone without specific guidelines. Commissioner Collins stated that it won't be difficult if they take the nuances of the bridge and incorporate them into the elevations. Mr. Erdman asked if they could get a site plan approval if they come in with new elevations that are approved. Ms. Kiefer stated that they should continue this hearing to a date certain and resume this hearing. She would still like to clarify ownership, and would like the documentation provided before the next meeting. Mr. Erdman asked to meet with all or some of the Commission to discuss the design. Ms. Kiefer stated that that was not allowed. Commissioner Gayton stated that the elevations as presented did not give him enough information. We want more transient accommodations, and will work with them, but we need more information. Mr. Erdman stated that they would be happy to come in again, and appreciates the open dialogue. He asked if it was appropriate to meet with members of the Commission. Ms. Kiefer stated that it was not – he should meet with the City Planner.

Mr. Kraus stated that he was pleased that they are not voting on what might be there. He asked if this should go before the Commission with the revised plan, or should it go before the Planning and Zoning Board again. Ms. Kiefer stated that it was fine to come back before the Commission.

Ms. Kiefer swore in Jim Lorenz. He questioned the appeals process and if there was new information being presented to the Commission that was not available to the Planning and Zoning Board. Ms. Kiefer stated that public testimony was for comment, and not to question the procedure. The Commission agreed to answer his question. Ms. Kiefer stated that this was a de novo hearing, which means everything is heard new. They can look at the record, new testimony, and anything else that comes forward. Mr. Lorenz questioned whether they could come forward with a new design. Ms. Kiefer stated that they could approve a new design. Mr. Lorenz asked if the Commission could refer this back to the Planning Board. Ms. Kiefer stated that they could not – it is now before the Commission to work it out. They are allowed to make changes at this level. The Planning and Zoning Board could have asked them to come in with a new design, but they did not. Mayor Maloof stated that making esthetic changes are not going to substantially change the project. It is strictly an appearance change.

Michael Daughtry stated that he agrees with Commissioner Gayton about being pleased that this site is being developed as transient use. He thinks it is mostly cosmetic changes needed to make this more acceptable. We live in a tropical paradise, so make a building that looks like it belongs in a tropical paradise, and it will be a great addition.

Mayor Maloof asked them to come back at the next meeting with new drawings. Commissioner Bildz asked if we were asking them to come back with colors. It was confirmed that it is building design only. No colors or particular style would be dictated. Mr. Erdman asked if he would only have 10 days to come in with designs. It was agreed that he will provide new drawings by October 12<sup>th</sup>.

It was moved by Commissioner Collins and seconded by Commissioner Minning to continue this to the October 16, 2007 meeting. Upon roll call the vote to approve was unanimous.

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

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the resolution as read. Commissioner Collins stated that he has never been in favor of speed bumps or speed tables, and he is not comfortable with the City spending \$30,000 on speed tables in the center of town. Commissioner Bildz stated that the Sunset Beach portion is \$9,700, the remainder is the center of town, and asked if he wanted the remainder removed. Commissioner Collins stated that he would prefer that. Commissioner Bildz stated that he doesn't like speed humps, but can approve of speed tables. Commissioner Minning asked about a traffic light being placed at 104<sup>th</sup> and clarified the location of the speed tables. He is in favor of controlling speed in the downtown area. He expressed concern with having speed tables so close to a traffic light, if one gets placed at 104<sup>th</sup>. Commissioner Gayton clarified that at this time there are no plans to put one there. There was a brief discussion about the possibility of a light, and the ability to pull up the speed tables later if necessary. Commissioner Minning asked if an additional study would need to be done if a light was being considered in the future. The Commission answered in the affirmative. Commissioner Bildz stated that he is in favor of the speed tables as they will help to keep down speed 24/7 without the use of city staff. Upon roll call, the vote to approve was 4-1 with Commissioner Collins being the dissenting vote

4. Res. 07-86 Increase in Recreation Facilities Fees

It was moved by Commissioner Collins and seconded by Commissioner Bildz to approve the resolution as read. Commissioner Minning complimented Ms. Hayduke and Mr. Silverboard about the materials they were presented. Commissioner Collins asked Ms. Hayduke about the fees for summer camp and residents vs. non residents. Ms. Hayduke stated that there were approximately 80 or 90 non residents participating. Upon roll call, the vote to approve was unanimous.

5. Res. 07-87 Increase in Marina Fees

It was moved by Commissioner Minning and seconded by Commissioner Collins to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

6. Res. 07-88 Increase in Treasure Bay Golf & Tennis Fees

It was moved by Commissioner Collins and seconded by Commissioner Bildz to approve the resolution as read. Upon roll call, the vote to approve was unanimous.

Mr. Silverboard clarified a citizen's concern that Johnson Brothers had not paid for the use of a slip in the marina. They have paid in full. Ms. Hayduke explained the use of the slips by them and the Florida Fish and Wildlife. They help patrol our beach. She will look into the agreement that they have for the slip and report back. Mayor Maloof commented that it is to our benefit to have them here.

7. Res. 07-93 and Res. 07-98 Utility Rate Consulting Services

It was moved by Commissioner Minning and seconded by Commissioner Gayton to approve Resolution 07-93 as read. Commissioner Gayton clarified that this resolution was the one for assistance with negotiations with the City of St. Petersburg. Commissioner Collins commented that he has concerns with there being no cap on the charges. It has a not to exceed amount, but the hourly rates could be over \$900 per hour. Mr. Silverboard explained that it was impossible to know how many hours it will take to negotiate this agreement. The limit was placed in there so we would know that that amount was all that the Commission approved for the project without having to come back for approval. Phase 2 is another issue, and the subject of the next resolution. He also clarified how the hourly rate would be charged. We would be paying based on specific employees. We don't get billed for everyone. We need the assistance to negotiate an agreement. It is impossible for them to give us a number. Commissioner Collins stated his concerns again. Commissioner Bildz stated that we have to look at the big picture, and this could save the city millions in the long run. Commissioner Collins stated once again that he is not opposed to doing this. He has concerns about the contract. Commissioner Minning stated that he agrees that this could be a good investment. Mayor Maloof stated that we can't go into this unprotected. Upon roll call, the vote to approve was unanimous.

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve Resolution 07-98 as read. Mr. Silverboard gave the board an update of the information they had requested at the workshop regarding Florida clients. They have a list of 8 pages of Florida clients. He also clarified that the \$16,000 included their travel expenses. This is a not to exceed amount. Commissioner Gayton stated that he would not be supporting this resolution. We just finished the budgeting process. In the past two years there has been a rate increase of over \$1,000,000. We will have a balance at the end of the year of over \$500,000. We have a \$1,400,000 state revolving sewer fund that we can borrow from at 2.62%. We wouldn't have to start paying it back until 2009. If we have that loan at our disposal and the large balance in our fund balance, why would we put the burden on our citizens? He doesn't believe we should increase any enterprise funds until at least next year. Commissioner Bildz stated that there are lines that need to be replaced. Commissioner Gayton stated that those replacements are already funded.

Commissioner Minning stated that he agrees that we don't need rate increases. This resolution is not for a rate increase, it is for a study. Rate studies can even support a decrease. Commissioner Minning stated that the loan, if used, would have to be paid back. He is very supportive of a rate study. Commissioner Bildz asked if he would be in favor of an increase if the rate study supported it. Commissioner Minning stated that it would depend on the circumstances. Mr. Silverboard stated that if they wanted to run on a businesslike basis then they had to do businesslike things. The reason for large increases has been that the rates have not been budgeted properly in the past. He explained that there is over \$600,000 in money set aside for capital projects that can not be counted in fund balance. The loan is a loan, not a grant. It will have to be paid back. The Commission needs to decide whether to pay as we go, or finance. Commissioner Gayton made further comments and stated that he will not support this. Commissioner Collins asked when the study would take place. Mr. Silverboard stated that it would take place in December, that it is a necessary evil. Commissioners Collins and Bildz agree.

Upon roll call, the vote to approve this resolution was 4-1 with Commissioner Gayton being the dissenting vote.

**G. ADJOURNMENT**

The meeting was adjourned at 8:19 p.m. by Mayor Maloof.

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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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Bob Minning – District 3

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Alan Bildz – District 4

**ATTEST:**

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Dawn M. Foss, City Clerk