

**CITY OF TREASURE ISLAND, FLORIDA**  
**BOARD OF COMMISSIONERS WORKSHOP MINUTES**  
**December 4, 2007**

The workshop was called to order at 6:27 p.m. by Mayor Maloof.

**I. DISCUSSION ITEMS:**

1. Discussion – Beach Concession Services at Sunset Beach Pavilion

Mr. Silverboard gave a brief explanation of this item. Mr. Coccozza has again requested to obtain a concession at the Beach Pavilion to rent chairs and umbrellas. Commissioner Bildz stated that the last time this came up the Commission denied the request because it was not requested by residents. He feels that the residents in that area do not want beach concessions there. Commissioner Gayton stated that if the residents were interested they would contact Commissioner Bildz. It was the consensus of the Commission that they are not interested in concessions at the Sunset Beach pavilion at this time. Mr. Silverboard was instructed to contact Mr. Coccozza informing him of their decision.

2. Discussion – Dune Walkover at Residence Inn

Mr. Silverboard gave a brief explanation of this item. The owners of the Residence Inn and Sunset Vistas have expressed an interest in building and maintaining dune walkovers behind their properties. The Residence Inn has submitted a written request to do so. Mr. Silverboard suggested that if the Commission was in favor of this then they should instruct staff to develop a license agreement that will address any issues that will arise. We do not have a plan at this time for the walkover. They have been contacted and asked to bring in any available plans to this meeting. Ms. Kiefer stated that it would be essentially the same license agreement that is in place with the South Beach Condo Hotel for the landscaping. Commissioner Bildz asked about the plans. Commissioner Collins asked for clarification as to whether the Sunset Vista owners were still interested. Mr. Silverboard stated that they have since decided that they felt it was the responsibility of the city to provide the walkovers. Commissioner Gayton stated that the site plan that has been referred to shows a raised beach overlook section in the middle of the dune walkover. He feels that the Commission needs a sketch showing exactly what they want. He is not interested in going forward with any license agreement without a sketch. They put in vegetation without approval of the City and DEP. He asked that this be tabled until they bring in more information. Commissioner Minning stated that he didn't think that what was on the drawing would be approved by the DEP. He suggested that they be given copies of what the City is doing, as they have been approved by the DEP. Mr. Silverboard suggested that rather than table the item they defer it to a future meeting, providing that they provide the requested information. Commissioner Gayton stated that he has no problem with deferring it, providing that they have someone in attendance. Commissioner Collins asked about the DEP approvals and how long they normally take. Mr. Raus stated that when it is an "in kind" replacement there is usually no problem, but when it is being replaced with something new it is different. Commissioner Bildz asked if this would be on a meeting or workshop when the information comes in. Mr. Silverboard stated that it would be on a workshop.

3. Res. 07-119 – Landscaping of Beach Trail Adjacent to Residence Inn

Mr. Silverboard stated that they are not here to explain their offer. It was agreed to defer this item also. Commissioner Gayton stated that he had sent Mr. Silverboard an e-mail regarding 119<sup>th</sup> Avenue, and the end of the beach trail. He suggested that we get a survey to find out where the trail sits in relation to the 25 foot right-of-way. He suggested that we consider the addition of extra footage to accommodate bicyclists as well as pedestrians. He felt they should discuss whether we should ask NOAA if they would pay for the widening of the trail. They will not pay for the refurbishment of the old trail, but this would be a new section of trail. He feels that the survey should be done before the Residence Inn comes back with their plan. Commissioner Minning agreed that the survey should be done, agrees that the trail should be widened, but doesn't feel that NOAA would be receptive to funding the project. Commissioner Gayton stated that this was a new bicycle path, and we should ask. Commissioner Collins agreed with Commissioner Gayton. Commissioner Minning stated that it would be about four months to get an answer from NOAA. He would like to be optimistic, but doesn't believe they would approve. Commissioner Gayton stated again that it would be a new bicycle path. Mr. Silverboard explained the criteria, and stated that they would include it in the request. Mayor Maloof stated that the amount of the grant keeps getting smaller as time goes on. Commissioner Bildz asked how much the survey would cost, and if we would have to have a resolution to do it. Mr. Silverboard asked if the Commission was in favor of doing the survey. Commissioner Gayton stated that it would be needed to do the projects and was in favor of doing the survey. Commissioners Bildz and Minning stated that they were in favor of it also. Mr. Silverboard will get an estimate of the cost of the survey and report back to the Commission. Commissioner Bildz asked if staff could get an estimate of whether the concrete would need to be replaced, or just added to, and what the cost of that would be. Commissioner Gayton stated that the existing concrete is in very good shape, and would only need to be added to. Mr. Silverboard suggested that we put this in as a budgeted item and get the information together to do it properly. Commissioner Gayton stated that he is not willing to put this project off again. Mr. Silverboard stated that the NOAA project will be completed, but he assumes that this addition will not be approved. We have to find the funds to do it. Commissioner Gayton stated again that he doesn't want to wait another year. With the hotel opening up there will be more traffic, and will be a dangerous situation. He wants to know how much this will cost.

4. Discussion item – Marathon Race

Cathy Hayduke gave a brief update of this item. She has not determined a cost yet, but has spoken with Kevin Dunbar from the City of Clearwater about their race. She is waiting for information from the City of Seminole. She has provided the Commission with some information on possible income and expenses. It could take anywhere from six to twelve months to organize.

June Longe stated that you hire a race management company that will take care of everything. They are paid by the people that sponsor the race. The City would have to allow them to use the roads for the race. A 5k race is finished in less than a half hour. She stated that you can't compare what Treasure Island's race would be with Clearwater's Turkey Trot. She has spoken with Sid Rice, who has given his approval for race participants to park on his property. The City would have to allow the use of the Community Center at no charge for the children's stroll. There would be businesses in town that would sponsor the race.

Commissioner Collins asked about Mr. McCann, and if he feels that this would be successful here in Treasure Island. He suggested that Mr. McCann come to the next workshop to assist in the planning of the race. He would prefer to speak with someone before anyone spends any money. Ms. Longe suggested that if they are going to hear from them, then they should hear from everyone involved.

It was the consensus of the Commission to discuss this at the December 18<sup>th</sup> workshop with the people involved present to answer questions. Commissioner Bildz stated that he doesn't think that there is enough time, and there will be questions about that. Mayor Maloof asked if Ms. Longe has a time frame in mind. Ms. Longe stated that she was thinking about March, but the race management company would advise them on the time frame. Commissioner Collins stated that September might be a good time, since Publix will be opening in September, and it could be a good tie in for that.

Mayor Maloof thanked Ms. Longe and Ms. Hayduke for the time they have put in on this item.

5. Res. 07-117 – Bid – Purchase of Solid Waste Containers

Hal Bruce gave a brief explanation of this item. They would like to purchase 350 of the automated waste collection containers to extend the automated collection program to the north end of the island. The south end would be done approximately 120 days later. Commissioner Collins asked if we still had cans in inventory. He had quite a few people that were unable to use the 90 gallon cans. Mr. Bruce stated that they had some extras on hand and would be purchasing additional 60 gallon cans, so they would have some of each and be able to accommodate the people's needs. Commissioner Minning asked for clarification as to whether this was both the north and south portions of the island. It is the north end only. Commissioner Bildz asked about the number of 60 gallon containers that are used. Mr. Bruce stated that they order both sizes. Commissioner Bildz asked if these could be purchased out of the LOISS funds, and have replacement cans purchased out of Solid Waste funds. Mr. Silverboard stated that LOISS funds were not inexhaustible, and there is a revenue source for the cans. You should use the funds that have been budgeted for them. This item will appear on the December 18<sup>th</sup> meeting agenda.

6. Res. 07-118 – Bid – Purchase of Three (3) Vehicles for Public Works

Hal Bruce gave a brief explanation of this item. They would be replacing three vehicles that are older and have mechanical issues. We would get state bid pricing. Commissioner Collins asked about the vehicle options and whether they were necessary. Mr. Bruce explained that they are included in the state bids. Some, such as cruise control, are standard. Commissioner Collins clarified that they are all part of the package as quoted on the state bid. Commissioner Collins asked what vehicle #16 would be used for. Mr. Bruce explained that it would be used by him, and Code Enforcement when they need to go out on the beach. Commissioner Collins asked how many vehicles were necessary to go out on the beach. He asked if it was possible to have just certain vehicles equipped for the beach. Four wheel drive is more expensive, and those vehicles would be more susceptible to rust. Mr. Bruce explained that not all their vehicles are equipped for the beach. There are occasions that they have to borrow a police vehicle as not all of Public Works vehicles are equipped for it. About half their vehicles are equipped for the beach, and he wouldn't suggest going lower than that. Commissioner Collins asked about the vehicle that would have to have a lift gate installed, and if they could use the lift gate from the old vehicle. Mr.

Bruce explained that they had looked at that, and it is necessary. Commissioner Bildz asked about vehicle #32 being used to pick up parts. Mr. Bruce explained that they pick up parts for the garbage trucks and for the fire trucks. Commissioner Bildz asked how many employees went to pick up the parts. Mr. Bruce explained that the vehicle would also be used to carry tools, and to transport employees to the bridge and other work areas. Commissioner Collins stated that he is not convinced that vehicle #32 has to be a crew cab. Mr. Bruce explained that it is a super cab, not a four door truck. It is mostly used to keep tools inside rather than in a box in the back of the truck. Commissioner Collins asked if it would be cheaper to get the parts delivered. Mr. Bruce explained that we do not have extra trucks, and if a truck breaks down we have to get it repaired as soon as possible, and don't have time for delivery. This item will appear on the December 18<sup>th</sup> meeting agenda.

7. Res. 07-114 Accreted Lands

Ms. Kiefer gave an explanation of this item. She provided the Commission with a draft resolution that is necessary to continue with DEP permitting process for the sand sharing project. She showed three slides that were provided by Mr. Truitt in 2006. She pointed out the area of accreted lands. The City of St. Pete is still working on their version of the resolution. Ms. Kiefer's version has been approved by DEP. She urged the Commission to approve the resolution.

Commissioner Collins stated that there are two families who claim to own property west of the ECL. Ms. Kiefer stated that we are not establishing an ECL. Commissioner Collins asked if this would have any impact on those families. Ms. Kiefer stated that it would not. Commissioner Bildz stated that those properties are not in this area. This will be discussed at the Beach Stewardship meeting next week.

This item will move forward to the December 18<sup>th</sup> meeting agenda.

8. Res. 07-116 Approval of the Report of the Mitigation Committee

Neal Schwartz gave a brief explanation of this item. It is the annual recertification report. The report has been forwarded to the ISO and been accepted. The Mitigation Committee has asked that the Commission approve the report.

Commissioner Minning asked about the rating of "7" that we have been given. Mr. Schwartz explained that the residents get a 15% discount on their flood insurance policies because of this rating. Commissioner Collins asked if residents need to make this known to their insurance companies, or is it something that the insurance companies know. Mr. Schwartz stated that the insurance company should know, and we advertise it. This item will move forward to the December 18, 2007 meeting agenda.

9. Discussion item – Definition of Resident

Ms. Kiefer gave a brief explanation of the item. She stated that it depended upon what you were defining it for. We would have to be very careful about durational residency requirements, particularly for running for office. Intent is considered the main factor in defining residency. She explained actions that would imply intent. She stated that if they wanted to have residency requirements for running for office then they would have to change the Charter. There are already criteria for residency established in the City ordinances.

Commissioner Collins stated that he asked for review because he was concerned about non-residents sitting on committees, and asked if we should require board and committee members to be registered voters. Ms. Kiefer stated that it would imply intent to reside in Treasure Island, and could be accomplished by resolution. Mayor Maloof stated that we have people from foreign countries that own property and live here full time, but can't register to vote. Would they be excluded? Commissioner Collins stated that we should limit it to registered voters. Commissioner Bildz suggested that a Florida driver's license or ID card should be enough. There are many residents that are not voters for personal reasons. Commissioner Minning asked for clarification on whether this was strictly for boards and committees, and whether we were making this more complicated than it needed to be. Commissioner Gayton stated that he brought this up because of an applicant from his district. He suggested that we take this on a case by case basis, and leave it up to the Commissioner from the district being represented to check. Mayor Maloof stated that she feels that our residents who are not citizens should not be excluded. It was agreed that it would be left up to the Commission to make the decision regarding the appointment.

#### 10. Discussion - Proposed Rules Regarding Site Plan Review Appeals

Mr. Silverboard gave a brief explanation of this item. There was a site plan review that came before the City Commission. At the November 6<sup>th</sup> meeting the Commission asked for clarification of procedures. He has provided the Commission with his suggestions. They would make a written application to the City, there would be a process where the City could charge for the review, that the application would go through the Community Development Department for review for completeness, and would then go through the City Manager to be placed on the next workshop. There are some standard quasi-judicial procedures. There are certain things that the Commission is obligated to do, such as take testimony, and make written findings of the Commission's conclusion.

Commissioner Gayton went through several items in the report. He asked who would be responsible to set the fee. It could be set by resolution. He asked about the requirement for a person desiring to testify to file a form with the City Clerk stating whether they are for or against the petition. This is a way for the Mayor to organize how you would call witnesses. The person testifying would be on record, and it could be determined if they had an interest in the petition, rather than just an opinion. Ms. Kiefer stated that it establishes the status of the witness. Commissioner Gayton asked if we would be allowing hearsay evidence. Ms. Kiefer stated that it was allowed at a quasi-judicial hearing. Commissioner Gayton asked for clarification as to who would be considered a party to the petition in regards to who can cross examine. Ms. Kiefer stated that it would be the petitioner, the Commission, or staff. Mr. Silverboard stated that there could be other parties involved in certain cases. Ms. Kiefer stated that it should be decided on a case by case basis. Commissioner Gayton asked the meaning of "informal manner". Ms. Kiefer stated that it is not governed by the court. Commissioner Gayton asked for clarification as to who could cross examine. Ms. Kiefer stated that it was generally the petitioner, Commission, or staff. Commissioner Gayton asked about the fees and how they would be established. Mr. Silverboard stated that you could set a fee for the application, and inform them that they would be responsible for costs such as expert witnesses. Ms. Kiefer stated that there is a difference between a filing fee and costs. Commissioner Gayton then asked if when someone appeals a decision of the Planning and Zoning Board and the applicant wants to appeal to the City Commission, is it a hearing on the portion that the Planning and Zoning Board heard and denied it on, or is this an appeal based on anything. Ms. Kiefer stated that it is a de novo appeal, which means it is

a new hearing. This is an independent review of the application. Commissioner Gayton stated that we shouldn't reject someone that the Planning and Zoning board has already approved. Mr. Silverboard explained that the Planning Board hears the site plan review. If the Planning Board approves it and the applicant accepts it then it doesn't go anywhere else. If the Planning Board rejects it, or puts conditions on it that the applicant doesn't accept they have the option of appealing to the City Commission rather than taking it to court. You can look at the Planning Board decision and staff report to assist in making a decision. If the applicant is unhappy with the Commission's decision then they have the option of going to court. Commissioner Minning stated that the basis of the appeal would be on whatever the Planning and Zoning Board denied on, or the condition that they set that was unacceptable. Mr. Silverboard stated that they should hear all evidence when making their decision. Commissioner Bildz asked if an aggrieved party can appeal to the Commission. Ms. Kiefer stated that she wasn't sure and would research that. Commissioner Gayton stated that we have given the Planning and Zoning Board the authority to approve or deny. Mr. Silverboard stated that you have, but you have left the final approval in the event of an appeal with the Commission. Commissioner Gayton stated that he doesn't feel that they should hear the whole case again, but should only hear the denial. Ms. Kiefer stated that the City ordinance would need to be changed if that was what the Commission wanted. The petitioner will only appeal what was denied or a condition that they find unacceptable. Commissioner Minning stated that he agreed with Commissioner Gayton on that issue. They should not have to go back through everything. Mr. Silverboard stated that there may be items that they agree with the Planning Board on and affirm their decision. The code, as it exists now, is ok for appeals. It saves the applicant, and the city money. He urged the Commission to leave as much flexibility as they can. Ms. Kiefer stated that in the code, their decision is binding. The applicant in this case is willing to be bound by the Commission's decision. Commissioner Gayton stated again that they should only hear the area that they have been denied on. Commissioner Bildz stated that he liked the rules, and felt that a fee should be set. People should know the rules up front, and we should not limit ourselves. Ms. Kiefer stated that generally they will focus in on the area of denial, and if something major was overlooked then the Commission should deny it. Ms. Kiefer stated that the ordinance is perfect as it stands, and the rules that Mr. Silverboard have drafted address everything that they need addressed. Commissioner Collins asked for clarification as to the options that the applicants have for appeal. Having an appeal come before the Commission saves us going to court. There are not a lot of these cases. He does not have a problem with this and thinks that they should defer to the City Attorney and City Manager on this. Commissioner Bildz asked if this should go before the LPA. Ms. Kiefer stated that it was not necessary as it was just informal rules of procedure and filing fees.

Commissioner Bildz stated that he liked it, and thought perhaps they should tighten the rules as to who gives testimony. Ms. Kiefer stated that they would make a recommendation as to the fee, and work on the portion regarding cross examination.

This item will appear on the December 18<sup>th</sup> meeting agenda.

#### 11. Discussion – Gulf Boulevard Beautification Funding (Requested by Commissioner Collins)

Commissioner Collins gave a brief explanation of this item. This came up at the last BIG-C meeting. The County had previously offered to pay for the undergrounding of the utilities if the cities paid for the beautification. The county is now proposing to only pay for a 50/50

match of the undergrounding costs. Mr. Silverboard stated that if this gets approved so that we are not obligated to pay for landscaping, and can spend the money on undergrounding or other aspects of the project, we should try to retain as much flexibility as possible. He feels that the County is looking for a way to take the Penny money that they have set aside for this project to use for other projects. We should be sure that we get our fair share of the grant monies, and be able to use the money for things other than beautification. Commissioner Minning asked about the formula being used to come up with the 50/50 funding amounts. Most communities will not be able to come up with the funds. Commissioner Collins stated that the communities need to stick together and try to make them stick with their original plan. Mayor Maloof stated that she feels that they are trying to make the terms so disagreeable that the communities will back out and then the County won't be obligated. Commissioner Gayton stated that the grant money does not have to be used strictly for beautification. Mr. Silverboard has asked for a proposal to do a study. Commissioner Gayton stated that if we are satisfied with what they are allowing us to use the money for then we should accept it. We should not put obstacles in the way. Mr. Silverboard stated that we don't want the 50% match, and we don't want to spend the money on strictly beautification. Commissioner Bildz stated that the county would be requiring some sort of match. Does the Commission have an amount that they would agree on? Commissioner Collins stated that there was no match originally. Commissioner Bildz suggested that we go to them with a counter offer. Commissioner Collins stated that he feels it is premature to negotiate. Mr. Silverboard suggested that they discuss it at the BIG-C and suggest that we negotiate a different match formula. Commissioner Collins stated that the next meeting is on January 30<sup>th</sup>.

## **II. OLD BUSINESS:**

Commissioner Collins mentioned the stickers for the trash cans, and has received a suggestion from a resident of hangers. Mr. Silverboard stated that we are doing hangers.

Commissioner Collins talked about the sprinklers around the causeway. Mr. Silverboard stated that they would be checked tomorrow.

Commissioner Collins had someone soliciting to buy magazines. It appears to be a scam. Nobody is allowed to solicit on Treasure Island without an ID from the Police Department.

Commissioner Collins asked about the "No Outlet" sign at the corner of Capri Blvd. Heavy trucks are deteriorating the cul de sac when they are turning around.

Commissioner Gayton suggested that residents get a description of solicitors for the Police.

Commissioner Gayton asked if we had received anything from St. Petersburg regarding extending the contract. Mr. Silverboard reported that they do not agree with extending the contract, and there will be a meeting this week to discuss it.

Commissioner Minning gave a report on the water quality at our beaches. It is good.

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

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

Commissioner Collins stated that the Treasure Island Christmas Parade was a great event.

Commissioner Collins gave a reminder of Saturday's beach clean up.

Commissioner Collins again offered to answer questions at condo association meetings.

Commissioner Collins announced that next week was the Isle of Capri's annual Christmas party. It will be held at Ricky T's.

Commissioner Bildz reported on the Sunset Beach Civic Association Christmas meeting. They will be having a Santa Parade on December 23<sup>rd</sup>.

Mayor Maloof suggested that this was a good time for us as a community to do some collecting for the disabled vets at Bay Pines. Checks can be dropped off at City Hall or at Fifth Third Bank. She also suggested items that could be purchased and donated. Anything dropped off at City Hall will be delivered the week before Christmas.

**V. PUBLIC COMMENTS:**

None

**VI. ADJOURNMENT:**

The workshop was adjourned at 9:08 p.m. by Mayor Maloof.