

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP MINUTES
August 5, 2008**

The workshop was called to order at 7:33 p.m. by Vice-Mayor Minning.

I. DISCUSSION ITEMS:

1. Discussion of Ord. 08-06 and Ord. 08-07, Setting Swim and Idle Speed-No Wake Zones in Sunset Beach

Mr. Silverboard explained that the Commission and staff had received complaints about boaters anchoring just south of Weckesser Park and creating a disturbance for the residents in that area. Since then the Commission has been considering ordinances to address the complaints. Mr. Silverboard presented a map demonstrating the area of concern and the proposed swim zone areas. He explained that the other area of concern was that the ordinance would not allow non-motorized watercraft such as surf boards, skim boards, kayaks and the like. He feels that those non-motorized watercrafts should be allowed and it needs to be addressed in the new ordinance.

Commissioner Bildz commented that he thinks it is ridiculous to open up an idle speed no wake zone for 450 feet that is currently a swim zone, and make the rest of the area a swim zone. Mr. Silverboard stated that if they didn't adopt 08-07 and adopted the proposed boating corridor it would address that, and it would not be necessary to eliminate the swim zone. They would need to restrict people from mooring within the boating corridor. It would require state approval to create the swim zone and the idle speed no wake zone, but we regulate what would be allowed in the boating corridor. Commissioner Bildz stated that his proposal for the budget was to do away with the Marine Patrol, so how did he propose to enforce this. Mr. Silverboard stated that it came up before this did. We would have to rely on the Sheriff and Fish & Wildlife if we didn't have a Marine Patrol.

Commissioner Collins clarified the proposed areas. He suggested allowing unmotorized vessels under 12 feet in length. Mr. Silverboard stated that staff has not had any complaints for the area south of the problem area, so it may not be necessary to extend the swim zone all the way to Blind Pass. It would be up to the Commission to decide that. He suggested that it might be a good compromise to extend it as far as Sunset Chateaux. Mr. Silverboard explained where the boating areas would be. Commissioner Bildz stated that he agreed with the non-motorized vessels being clarified in the ordinance. He suggested that they have one swim zone. We need big swim zones and boat zones. Commissioner Collins stated that he liked the proposal. Commissioner Bildz commented that he looked at the pictures provided by Mr. Amico, and there are a lot of boats. We should be doing this for safety issues, not to appease a business owner. If we can do both at the same time, ok.

Ray Green gave a presentation on a proposal for the swim zone. He is suggesting that they extend the existing swim zone from Weckesser Park to 82nd avenue, and to open up a

boating corridor of 150 feet in front of Caddy's. He stated that the boating areas proposed would be close to public restrooms so would take care of that issue.

Mark James addressed the skim boarding issue. He lives east of the causeway, and enjoys the beaches here. His children enjoy Sunset Beach and skim board and surf there. Sunset Beach is a popular area for those activities. If you take it away where would they go? These kids are involved in community activities and give back to the beaches. Sunset Beach has been noted for its surf and the fun associated with it. If you take this away people will go somewhere else and take their money with them. If you ask any surfer or skimmer in the state of Florida where to go you will hear Sunset Beach. It is #6 on the list in the state.

Heidi Horak stated that she has lived at Sunset Beach for sixteen years and swam daily there for about thirteen. This is not the first time this issue has come up. The previous owner of Caddy's came to the Commission for a boat area. The Commission knew that the boaters will do what they have done for years. You have to maintain consistency. Most enforcement is self enforcement. Her proposal is a little different. She suggests that they extend the swim zone about five blocks south of Weckesser Park. This didn't come up for additional boating for the businesses. It came up for safety reasons. They will not congregate that far away from the popular area. This will allow them to drop off their kids and moor further out. The previous proposal is too much like spot zoning. She thinks if they just extend the swim zone five blocks south. She feels that they will be creating a very unsafe area if they create the boating corridor.

Fred Stern stated that creating a boating corridor could create pandemonium. The area in question was mostly commercial when the zones were created. It is still a commercial area. He suggested that they take the area from Weckesser Park north to the Trailhead Park for the boating area, and make the area south of Weckesser Park the swim zone. He then stated that he was glad that they finally put an American flag on the bridge. He was going to present one tonight if it hadn't been done. He then urged the Commission to work on the budget issues. He suggested that they speak with business owners for suggestions.

Marie Barba applauded the Commission for tabling and reconsidering this issue. She commended Ray Green for his suggestion. You can't please everybody, but this would address most of their concerns. She doesn't agree with extending the boating area in front of homes. She hopes they change their ordinance and consider the will of the people.

Tony Amico made a correction for Mr. Stern about what he meant by the 150 foot boating area. He stated that he is fine with the proposed boating corridor, but suggested that they may need to widen it some. He doesn't know if it will work for the boaters, and asked if they could enforce the no mooring in the area. Commissioner Gayton asked for clarification of the proposed swim zone and the 150 feet. He asked if they changed the swim zone from 300 feet to 150 feet if that would address the issue. Mr. Amico stated that it wouldn't really change anything. He felt that if they moved the swim zone five blocks south it would affect his business. That is a substantial change. Commissioner Gayton asked if there was any distance from shore in the swim zone north of the parking lot that would satisfy his needs without having boats come all the way up to the beach. Mr. Amico stated that if they brought the buoys in to about 100 feet it would be ok. A brief discussion of how far out the swimmers go was held. Most of the swimmers are further south than Caddy's. Commissioner Gayton stated that he thought it was a better solution than the boating corridor.

Mr. Silverboard asked if the Lion's Club had any issues with boats coming in so close in front of their area. Nobody has spoken with them. The Lions Club periodically has events there. Because of that they tried to keep the boating area away from there. With the right of way in that area they could get a 200 foot corridor. Commissioner Bildz stated that they don't get much boat traffic for their events. Commissioner Collins asked if the size of their parking lot was 150 feet. Mr. Amico answered in the affirmative. Mr. Amico stated that he didn't think that the Lion's Club would be impacted by moving the swim zone from where it currently is to 100 feet. He is sure they can come up with a compromise. Commissioner Gayton asked if the 150 feet was sufficient. Mr. Amico suggested that it be 300 feet – his 150 feet, the 50 foot right of way, and the Lion's Club 100 feet.

Andrew Becker stated that what Mr. Amico proposed would solve a huge problem behind their houses. The idea of whether it is 100 feet out or 125 feet would work. He is a boater. If he can come in 125 feet he can get into shore without a problem. Every boat is equipped with life preservers, and boaters can use them. It seems like the corridor could be tough if there is a wind. Swimmers will not know if they can be in there or not. The boaters would feel that it would work for them. 300 feet from Weckesser Park south would be agreeable. There would still be over a mile for boaters to pull their boats up.

Don Callahan stated that 15 or 20 years ago he was responsible for them putting the buoys in between Caddy's and Weckesser Park. He feels that Mr. Amico's proposal is the best one. An area between the south end of the parking lot to the north end of the lion's club would be very simple. He doesn't like to put restrictions on how close boaters come to shore. He thinks that Mr. Amico's proposal is the solution to the whole problem.

Mr. Green stated that he felt Mr. Amico's proposal was workable. He agrees that the swim zone behind the houses should be at least 300 feet. He suggested that they change the definition of swim zone to address skim boards. He stated if people properly anchored their boats there would be a lot less washed up on shore.

Mark James cautioned them to limiting nonmotorized length to 12 feet as there are kayaks and paddle boats longer than that.

Fred Stern thanked them for the opportunity to come up a second time. He clarified the proposed boating area. The entire area would be a swim zone, but in the area behind Caddy's the distance would be approximately 100 feet. The rest of it would be 300 feet.

Marie Barba suggested that they leave the idle speed no wake zone near the Mansions. The area north of the park would not change.

Commissioner Bildz stated that he was going to wade out at high tide to check the distance. He suggested that they make it a temporary change and revisit it in six months to see how it is working. He also suggested that if the property changes ownership and becomes residential they should revisit it.

Commissioner Collins asked how they would address the small non-motorized crafts. They would amend the ordinance.

Mr. Silverboard asked for clarification as to what the Commission wanted to do. He doesn't want them to move the problem from south of Weckesser park to north of the Lion's Club. The 150 foot zone would only be in the 300 foot area. He suggested that they use the Lion's

Club as a buffer to keep the boats away from the residences north of the Lion's Club. Commissioner Gayton stated that they would be moving the problem south again. Mr. Silverboard stated that they would use the Lion's Club property as a buffer for the houses to the north, and from Caddy's building, south would be the buffer to the south. We have to get permits from the state to do anything. Commissioner Bildz stated that 150 feet out in front of the parking lot and in front of Caddy's building should be sufficient. Mr. Amico would prefer that it stay 300 feet right behind Caddy's.

It was agreed to have a 200 foot area around in front of the parking lot, including the 50 foot easement where the swim zone would be set at 100 feet. In front of Caddy's building it will be 300 feet, all the way down to the beach pavilion. Nothing would change to the north. Non-motorized vessels would be allowed. Mr. Amico agreed to pay for the swim buoys.

This item will move forward to the August 19th meeting agenda for first reading.

2. Mardi Gras Event (Requested by Commissioner Collins)

Mr. Lee did not stay for the item so there was no discussion.

3. Discussion of Code Enforcement Procedures (Requested by Commissioner Collins)

Commissioner Collins stated that there have been a lot of problems with homes not being kept up, and properties are falling into disrepair. It is unfair to the people nearby. The Code Enforcement Board is getting frustrated because they are doing everything that they can do, but the City isn't following up on these. It is about a two month process by the time the Code Board gets to act on violations. If we initiate fines there is a problem with collecting the fines. He would like to see some teeth put into the laws. Ms. Kiefer mentioned that a lot of times a property goes into foreclosure, and we can not collect on the liens put on the properties.

Ms. Kiefer stated that we need to modify our code enforcement ordinances, and how we lien properties. Our liens are not superior at this time. That can be rewritten. She is looking at other municipalities' codes. We should enact a section that deals with the abatement of nuisances. Right now the Code Enforcement Board is supposed to make a request to the Commission to abate a nuisance. We have a very weak ordinance. This is a developing thing and a similar problem in other towns. The County has a Mosquito Control District that will come in and abate mosquito problems. They have come in on one property here. We can go in and mow the grass, but there might have to be money in the budget to do so. To recoup the cost you can make a "betterment" which would have the same priority as a tax lien, then take action to foreclose. If we have a lien filed prior to foreclosure our lien would be superior. If it is not superior they have to notify us as a creditor. There are three times to file liens. Ongoing foreclosures are a big problem. Commissioner Gayton stated that the fines don't help the situation. He asked what we can do immediately when someone sees a pool with mosquitoes and rats coming out of the house. Why can't we move faster on that? Ms. Kiefer stated that there are things we can do and will do more research.

Commissioner Collins asked if we can fine owners and put a lien on the property for a nuisance. Ms. Kiefer explained the procedure to fine and lien owners for code violations. We can't always collect our liens if the property is foreclosed. We would have to litigate to collect our liens and make them superior. Commissioner Gayton asked again how to resolve immediately a problem with mosquitoes and rats. You fine them, but can't collect. Mr. Silverboard stated that we can foreclose after three months. Ms. Kiefer stated that the

solution is to get these things abated immediately. She suggested that she draft an ordinance regarding nuisance abatement. Pinellas County has a ten day notice procedure, but even that is a long time when there are rats running around. If we pass the nuisance ordinance our code enforcement people could abate the nuisance after 10 days. We would have to follow special procedures to collect. We have to give the owners due process and notice. Commissioner Collins stated that we have to get them paid up, and find a way to do it without having to pay. Mr. Silverboard stated that we will likely eat the costs. We would have to pay up front then bill the property owner. They would have a number of days to challenge the bill. They would then have to instruct the City Attorney to file a lien, and eventually foreclose. Ms. Kiefer stated that if we make our liens a priority they remain as an encumbrance to the property. When the property is sold the lien would have to be satisfied. They would have to wait to collect, but they would get interest on the money. Commissioner Gayton stated that he prefers Mr. Silverboard's comments. They should be sent a foreclosure notice.

Commissioner Collins asked Mr. Harris, Chairman of the Code Board, to comment on this. He thanked the staff for what they do. They get approximately thirty cases a month, and they resolve about 90% of them. There is not a lot you can do about these abandoned properties. You can have city staff do the work, or hire a contractor. Often when the bank takes it over they hire maintenance people, so the quicker they are foreclosed the better. It is not a quick process, and it is frustrating. Mr. Roberts is right next door to one, and he wants to see that problem go away quickly. Commissioner Gayton asked what the best way was to get him to clean up the property. Mr. Silverboard stated that State statute requires 90 days in order to initiate foreclosure proceedings. He suggested that the Commission set a policy to instruct the City Attorney to initiate foreclosure proceedings immediately after 90 days. If someone abates a problem, but then has the same violation again they can be brought in as a repeat offender.

Ms. Kiefer recommended that the ordinance be revised and a section added for nuisance abatement. It would streamline the process. The Commission asked that they move forward on this.

Mr. Roberts made his first written complaint in June of 2007. In July of 2007 he introduced himself to Mr. Silverboard. The property came into compliance in September of last year. From that time it went downhill. They did pump the pool out last year, but left two feet of water in the pool. The property is rat and snake infested, and he is now catching rats in his house. He went to the Code Enforcement Board meeting in May and June. He spoke with Mr. Silverboard during this time asking for the problem to be addressed, but he left the office without an answer. Peggy told him to call Pinellas County, and he did. They came down immediately. The Code Enforcement Board didn't call on these two homes, he did. There is nothing done on this house. It is twelve feet from his bedroom. It is a health hazard. He has learned that it is the City's decision to not address the problem. Commissioner Bildz stated that the City doesn't have a legal right to go onto the property. Ms. Kiefer said that that is another issue. It is necessary to address the legal issues to balance private property rights with public safety and welfare. Ms. Kiefer suggested that they revise the code, and make the necessary policy decisions. Mr. Silverboard stated that we need to get a nuisance procedure adopted. We have one now, but it needs to be changed. He doesn't want to go to the Code Board. He wants to go to a quicker process if he can do that. In certain instances we can call in a Special Master as a hearing officer if someone makes a request for a hearing. Commissioner Collins asked if he could put something together for the next meeting. Mr. Silverboard stated that he would bring something back as quickly as he can. He has a draft

of an ordinance that he will send to Ms. Kiefer. He will put it on the agenda so that they can workshop it. Mr. Roberts want the city to mow the lot and clean the pool, and we can't do that. Commissioner Collins asked if the County could cap the pool. Mr. Silverboard stated that they could not. The County doesn't come out for rats. The City is not in a position to become maintenance people for all these lots. There is no perfect solution. Ms. Kiefer told them about a situation in St. Petersburg that went on for years. The home was uninhabitable, but the people lived in it. It took the city years to eventually get a court order to demolish the house. We would need a court order to enter a house. We would have to hire exterminators. Commissioner Gayton stated that he doesn't understand why the city can't mow the grass and get paid. Mr. Silverboard stated that we don't have the staff or funds in the budget.

Mr. Roberts stated that the first violation was in June of 2007. It got into compliance. This did not get in front of the board until this month. They were given ten days to come into compliance. It was not addressed as a second offense. The address was incorrect in the City's presentation. They are not going to comply in ten days.

Mr. Harris stated that there were nine cases presented last week, and all were found in violation. We gave them ten days because the City received an e-mail stating that it would be addressed in ten days. If it is not they will be brought back in this month and fined. Mr. Silverboard stated that if someone owns more than one property we can lien all their properties, and we really need to assess a \$250 administrative fee rather than a \$75 fee. Commissioner Collins suggested that all fines be at the highest allowed. Ms. Kiefer stated that each case has to be heard on its own. She will research where the \$75 administrative fee came from.

4. Elnor Island Update (Requested by Lynn Rosetti)

Ms. Rosetti stated that they had rats on Elnor Island also. They have received a grant in the amount of \$14,000 out of a possible \$50,000 available. They have sprayed for Brazilian peppers this past spring. The Beach Stewardship Committee asked about using grant funds for the clean up and rat control. She has permission from Fish & Wildlife to do so. They will approve the use of snapper traps on a stake, but they do not recommend the use of poison. If you go in that direction you have to have the involvement of the USDA. We have earmarked \$13,600 of the \$14,000 for the spraying. We have dumped 9.7 tons of debris. The cost of that is \$365. We are also charging back for the City labor. She expects full reimbursement from Fish & Wildlife. She will need a supplemental appropriation. She stated that she isn't sure what to ask for. Do they plan on more clean ups? What do they want to do about rat control? She needs feedback from the Commission on what direction they want her to look into. She would like to put together a supplemental grant request for what they want to do between now and 2011.

Commissioner Collins asked if Elnor Island fell on Treasure Island, or was Madeira Beach involved. Treasure Island owns Elnor Island and it is within our City limits.

Commissioner Minning stated that with what has been done you could say that it is currently cleaned up. The annual clean up wouldn't be much, and every other year would probably be sufficient for debris removal, so two more clean ups would probably do it. The desire of the Commission is to bring the birds back, and to do that you have to deal with the rodent population. Bob Dowling and Dennis Velasco have been very generous in purchasing rat traps and servicing them. It has been suggested that we put out a large number of traps.

The grant will likely pay for the traps. It would be approximately \$20 for a dozen traps. They suggested baiting them with peanut butter for a few days without setting them, then setting the traps to trap a large number at once. Commissioner Minning asked if we can ask volunteers to do that. He feels that it is stretching the limits to do so. He suggested putting out an RFP for rodent eradication. Ms. Rosetti has spoken with the rat control person in St. Petersburg. He has done eradication on mangrove islands. She would need to get the ok from Fish & Wildlife to pursue the poison aspect. It would be professionals that would do it. It would cost to do so.

Commissioner Bildz is not in favor of poison, but would support snap traps. It was the consensus to use the traps.

5. Consideration of Res. 08-78 Annual Board and Committee Appointments

Mr. Silverboard stated that this would be an appropriate time to discuss sunsetting some boards and reducing the size of others as a cost savings measure. It would save money if we didn't have so many packets to copy.

Commissioner Collins asked if he had any boards in mind. Mr. Silverboard said he wasn't sure if we still have a role for a Beautification Committee or a Marina Committee. The Beach Stewardship Committee had a limited role related to the renourishment project. In terms of reducing the size of boards, the fifteen person Planning Board should be reduced to a five person board. Commissioner Collins stated that the problem was when you didn't have a majority. Ms. Kiefer stated that she agrees with Mr. Silverboard. The cost of duplicating materials for the P & Z is more, and it takes longer with such a large board. Commissioner Gayton stated that we have been looking at this for years. We are looking for discussions from large amounts of people. Nobody wants to reduce the boards and he would not be in favor of it. Commissioner Bildz stated that he would be in favor of splitting the board to ten on the P&Z and five on the LPA. Mr. Silverboard stated that the City Commission could act as the LPA.

Commissioner Gayton stated that they are here to reappoint these positions. It is not the way to go to eliminate boards. If the City Attorney has reasons to reduce boards he wants to see the recommendations in writing. Mr. Silverboard stated that his recommendation is in the budget message.

The City clerk reported that there are no applications on file for any board or committee in the City. This item will move forward to the next meeting.

II. OLD BUSINESS:

Commissioner Collins stated that the Green Armada would like to participate in the next Elnor Island cleanup but needs some notice to do so.

Commissioner Gayton asked about the permits for the no wake zone.

Commissioner Bildz asked if we were going to have another budget workshop before September. Commissioner Gayton suggested holding it after the next meeting so there was time to get input from residents about the earlier discussions on the tax increases. It was suggested to meet on Wednesday, August 25th. Mr. Silverboard stated that it would be too late. The public hearing is on September 3rd, and we have to advertise including numbers.

There was brief discussion about the library and whether we were obligated to fund it. The fee for a non-member library card is \$100 per family per year. Mr. Silverboard asked for input from the Commission as to when they can meet for a special workshop. He suggested August 20th at 1:00, tentative upon whether the Mayor can attend.

Commissioner Minning asked Ms. Kiefer if there was anything on the surcharge. She is still working on it.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Mr. Silverboard reported that Ms. Chapman's last day was Friday, August 1st. She worked until Sunday to wrap things up. The Commission has been given a revised budget and fund balance sheet. The last word that they have gotten on the funding of the Fire District was that the County will honor the 4.3% increase that is in the contract, which they are going to terminate after they make their payment. The word is that they are looking at Sunstar becoming a service that would transport between doctors and hospitals, but would be looking to cities to transport for emergencies. Their idea is to look at consolidating having a contract between the smaller cities where several smaller cities would band together into some type of district for EMS transport. There are going to be a lot of changes discussed in terms of EMS service in the County and how it is provided.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins reported on the BIG-C's meeting last week.

Commissioner Collins reported that there is a new representative from Progress Energy. They are talking about the possibility of drilling 125 miles out in the Gulf for natural gas.

Commissioner Collins reported that the BIG-C wants to reappoint their representative to the PSTA and asked for the Commission's consensus. Mr. Silverboard commented that nobody would force us into the PSTA, but we have no friends on the PSTA. He has been told that the Board can't support a city that isn't a member.

Commissioner Minning announced that this Saturday is a volunteer sea oat planting. The meeting place is the City parking lot just north of the Island Inn at 8:30. There are 17,000 plants to put in. Commissioner Collins asked about the possibility of rain and what they would do. They would still plant in a light rain. Participants should bring their own tools. Commissioner Collins asked for arrangements to be made for parking.

Commissioner Minning announced that there would be an ice cream social on Friday at the recreation center for PICA.

V. PUBLIC COMMENTS:

VI. ADJOURNMENT:

The workshop was adjourned at 10:00 p.m. by Vice-Mayor Minning.