

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP
October 7, 2008**

The workshop was called to order at 7:43 p.m. by Mayor Maloof.

I. DISCUSSION ITEMS:

1. Consideration of Paradise Boulevard Date Palm Replacement Workplan (for information only)

Jim Murphy, Public Works Director, gave a brief explanation of this item. There are some trees out there that for several reasons are threatened. The first is the overhead power lines. The power company has been out there trimming, and they do some significant trimming to keep the trees from interfering with the power lines. That kind of trimming can damage the trees to the point where they will die. Some of those trees have come into continual contact with the lines, and the contact can cause them to die. Some of the trees are fighting the lethal yellowing disease, and inoculating is not a guarantee. Some of the trees have significant value. We looked at options to save the trees. The first is undergrounding the distribution line. It was in the neighborhood of 1.3 million. The second option was to move the distribution line to the side of the road, at a cost of around \$400,000. The most cost effective approach is to have them removed and moved to a better place and replace them with a different species of tree. The tree that seems to be the preferred species is a foxtail palm. It is drought resistant, somewhat cold hardy, and salt resistant. We propose to replace at each location with a pair of foxtail palm. This is a significant asset that we will be dealing with. If approved we will go out for RFP to replace the trees.

Commissioner Minning thanked Jim and Rick for their cooperation with PICA in coming up with a solution to this.

Commissioner Bildz asked how tall a tree they were proposing that they plant. Mr. Murphy stated that it was somewhere in the 8-12 feet range. There would be a pair of them at each location, and they probably would only grow in around the 25 foot range. We would not water them aggressively to keep them from being threatened by the power line.

It was the consensus of the Commission to go forward with this item. He will come back with the RFP for approval.

2. Discussion of Planning & Zoning Board Items (Requested by Heidi Horak, Chairperson, P&ZB/LPA) (continued from 9-17-08 Workshop Meeting)

Ms. Horak was not present, so this item was moved to the bottom of the agenda to give her time to arrive.

Ms. Horak did not arrive, so this item will move forward to the next workshop agenda.

3. Consideration of Appointment of a Pinellas Planning Council Representative

Mr. Silverboard stated that Mayor Maloof has been the representative to the Pinellas Planning Council. The annual appointment is coming up in January, and Mayor Maloof has indicated that she will not be seeking re-election. The three cities have to agree on the appointment. He has spoken with Mike Bonfield from St. Pete Beach, who indicated that the Mayor there may be interested. Commissioner Minning has indicated that he would be interested. If the Commission decides that they have someone that they would like to propose as a candidate he will provide the name to the other two cities.

Commissioner Bildz commented that it is an unwritten rule that it rotates, but it would be nice to keep this in Treasure Island. It is not a hard and fast rule. Mr. Silverboard stated that within the last two elections, Commissioner Oakley was elected a year ago this past March, and most of the other members are new. Mr. Silverboard stated that the Commission would need to designate someone if they wanted to propose that someone be a member. Commissioner Bildz stated that he would love to do that if he had the time. Mayor Maloof stated that they would forward Vice-Mayor Minning's name.

4. Discussion Regarding Sale of the Causeway House (Requested by Commissioner Collins)

Mayor Maloof explained that this was the house at Causeway Isles that we bought to house the bridge people. Commissioner Collins explained that the reason that he asked to bring this forward was that he feels that it is time to put the house up for sale. He doesn't know what the process would be, but hoped that we would use realtors from Treasure Island.

Mayor Maloof asked if this was a good time to try to sell it because the evaluations have dropped too much. Commissioner Collins stated that it was a terrible time, but he doesn't think that the market is going to come back in a year or two, so we might as well sell it and get some cash back. He feels that we can sell it for more than what we paid for it.

Commissioner Bildz asked how we would deal with the bickering back and forth when people made bids. Could we delegate that to the City Manager? Mr. Silverboard stated that the Commission would need to decide whether they wanted to list the house with a Realtor, and then discuss going out for proposals so that we can negotiate a fee. If the Commission wants to try to sell it ourselves then we need to discuss that option too. It may be of value to spend a couple of hundred dollars to get an appraisal. We would know what a reasonable price for it would be. The Commission needs to make those two decisions. He believes that the fee for a realtor will involve quite a substantial amount.

Commissioner Collins stated that he didn't think it would be a good idea to sell it ourselves. Mr. Silverboard stated that our attorney could handle all paperwork. Commissioner Collins commented on the difficulty with showing it multiple times if we did it ourselves.

Commissioner Minning suggested that we go ahead with the appraisal. Mayor Maloof asked what kind of condition it is in. Mr. Silverboard stated that it is not good. It is his understanding that if the property sold it would probably not be sold to live in, but to tear down and rebuild. Commissioner Gayton asked if we would be making repairs to make it more palatable. Mayor Maloof suggested that they do a special meeting to go over and look at it. Mr. Silverboard suggested that they go over individually, and stated that we would make the arrangements for someone to go over with them with a key.

This item will move forward to the next meeting agenda.

5. Discussion Regarding Updating the City's Vision Plan(Requested by Commissioner Minning)

Commissioner Minning explained that he asked for this to be on the agenda as it is an appropriate time due to the special area plan that is being worked on. It has been ten years since it has been updated.

Mr. Silverboard suggested that we put an item on the next agenda with a staff report with recommendations on how to proceed.

Commissioner Gayton read the list of prior Steering Committee members.

This item will move forward to the next meeting agenda.

6. Consideration of Res. 08-94, City Manager Salary Adjustment

Mayor Maloof stated that she had a conversation with Mr. Silverboard about this, and he discussed the 4% adjustment to his salary. She asked if there was anything else that he wanted, and he told her that he would like to order a desk. She asked that they put this item on the next meeting agenda and give him permission to order the desk of his choosing. Mayor Maloof thanked him for the job that he has done. He has led us through another budget cycle. Commissioner Bildz commented that he is very professional all the time. Mayor Maloof commented that he is knowledgeable, professional, and likeable.

II. OLD BUSINESS:

Commissioner Gayton stated that there are a number of properties that are in foreclosure on the Isle of Palms. They have been brought to the Code Enforcement Board, and letters to the owners and banks have been returned unclaimed. He wanted to know what the city was going to do about these abandoned properties. There are rats because of fallen grapefruit, and mosquitoes. He asked what the policy of the City Manager and the position of the City Attorney are as to what we can do with these properties.

Mr. Silverboard stated that the City Attorney is working on a revision to our nuisance ordinance that will address properties such as these. It would give us the proper course of action to take to have a contractor or city crew go in and mow the property and make necessary repairs, and be able to lien the property. It will provide for due process for the violation, and the amount of the cost of taking care of the property, and will allow a property owner to have their concerns addressed. It is now an issue for us to go on private property, and we hope this will provide us with some cover. We do not have funds in our budget to hire a contractor and mow people's property. We don't have the crews to do this. In the past some people have relied on us to mow their properties. We are working on the ordinance and hope to have it ready for the Commission for the next workshop.

Ms. Kiefer stated that this is not the only city that this is happening to. She is hearing from municipal attorneys from all over the country. They are working on legislation to help them deal with this issue. They want to start naming all lien holders as a Code Enforcement violator. They have an interest in the property, therefore they have liability. We would fashion our ordinance to state that. Everyone is saying the same thing. The lien holders don't attend hearings, and they do nothing. We get zero cooperation from them. It remains

to be seen how this will turn out, whether we will get reimbursed for our efforts when the property is sold. We may be able to get into debt collection for fines from these banks. The second component is once we have filed the lien after getting a code enforcement decision our lien should take precedence over all other liens, including the mortgage. Some attorneys are taking the position that our lien is extinguished in the case of a foreclosure. We will add language to try to change that.

Commissioner Gayton asked to talk about the properties that we have right now. We have one property that has been a problem for five months. We have two ordinances to deal with this. One deals with administrative fines, cost of repairs, and the liens. He read excerpts from the ordinance. It allows for the City Commission to authorize repairs to bring the property into compliance. He asked if we are allowed to go onto the property. Ms. Kiefer stated that she has discussed this with other attorneys. Ed Peck is strongly of the opinion that we cannot without a court order unless it is declared a threat to public health, safety, and welfare. Many municipalities are doing it. They are mowing and charging for it. We should tie this into a procedure for designating these properties as nuisances. We need to write this into our ordinance. Commissioner Gayton read an excerpt from the Florida statutes that would allow us to bring the property into compliance and charge for it. He feels that we should continue to do this. We have been doing it for 35 years and never run into a problem. We have only had 38 Code Enforcement cases. Our Code Enforcement Officers are doing an excellent job. There are only twelve open cases. Only four are non-responsive. Since we only have two houses we should go in, mow it, and put a lien on it. Ms. Kiefer read an excerpt from the state statute and gave a brief explanation of what the issue is. Is tall grass a threat to the public? Commissioner Gayton stated that stagnant water in pools and tall grass is a threat to the health of the public. We can't declare a nuisance, but the Public Health Department can. We've had a member of the community dealing with this problem for a year now. They shouldn't have to come to the Commission for their help. There are only two houses, and he doesn't see why we can't take care of it. He is making a personal request to the Commission and the City to take care of these properties. It is a disgrace to have rats running over the neighborhood.

Mr. Silverboard asked if he wanted us to get a contractor out to mow and then lien the property for the amount paid to the contractor. Commissioner Gayton stated that he didn't care how it was done as long as it was done. Mr. Silverboard stated that after we've had the order for three months then we should institute foreclosure procedures, or we will be going there every month to mow their grass. Commissioner Gayton stated that right now there are only two houses on the entire island that we can't get anyone to respond to, so we shouldn't put the whole neighborhood out because of it. Mr. Silverboard stated that we can do it ourselves if we have time, or we can get a contractor in and lien the property. Either way we will lien the property, and if there is an existing Code Enforcement order on the property we should foreclose after three months, and the Commission should give the City Attorney permission to do so. However, if it is already being foreclosed on by a bank he doesn't know where we would stand. Ms. Kiefer stated that once a lien is filed it attaches to all property in the county that the owner has. If we make the lien holder a party that might further assist us in getting our money back. Mr. Silverboard stated that it should go to Code Enforcement first. There will ultimately be more than two houses that this will apply to. We need to let the fine run for a period of time, because once we cut it the violation stops. It is all part of the issue. In some cases people don't want us to wait for Code Enforcement. Once the property is cut the violation is abated. Commissioner Gayton stated that we have sent letters out, and they get the bill, and they decide to start having a regular company do it. If someone has walked away from the house they don't care. The banks start foreclosure proceedings, but

they don't want them either. He appreciates that we can do it on these two homes, and thinks they should take the rest on a case by case basis. Mr. Silverboard stated that he will make sure that Code Enforcement knows to contact the Health Department. He doesn't know if they will come out and do something about it.

Commissioner Collins asked if we could have our people do those two lawns while they are out mowing. Mr. Silverboard stated that it depended on the situation. It also depends on our staff in Public Works. We have eliminated positions there.

Commissioner Minning asked what it will take to get it done. Mr. Silverboard stated that we have discussed it and he understands what the Commission wants.

Commissioner Bildz asked if we were going to look for one person to cover the whole beach for selling food, renting kayaks, and other items, or were we going to keep Taylor rentals for the chairs and look for other vendors for other items. Mr. Silverboard stated that we are putting together an RFP for the services that we are looking for, and ask respondents to put together a proposal as to what they will provide for services. This will allow the Commission to pick and choose the services that they wish to provide.

Mayor Maloof discussed the issue of signature cards and number of signatures that should be required to run for office. The City Clerk will send the information regarding other communities' requirements to the Commission. This item will move forward to the next workshop agenda.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer stated that she will be filing the lawsuit against the City of St. Petersburg soon.

Mr. Silverboard gave them a reminder about the Executive Session on Friday.

Mr. Silverboard stated that the first meeting in November is scheduled for Election Day. The Commission agreed to hold the meeting on Monday, November 3rd.

Ms. Kiefer commented that the Florida Supreme Court has ruled on a beach renourishment case, and it has reinforced that the resolution passed by the Commission was correct. She wanted to let the public know that the decision that we have been waiting for over a year has been made. Commissioner Gayton asked what affect that would have on the City of Treasure Island regarding the beach that is owned by St. Petersburg. Ms. Kiefer stated that we would need to take a look at establishing the 1968 mean high water mark, and look at the erosion and accretion. She feels that it should be established by Cliff Truitt. At the time of further renourishment we will have to decide whether to go around them or try to force them to agree to the renourishment. She feels that they are in violation of the trust agreement. Commissioner Minning commented that the ECL has not been established. The CCCL line has. We received our permit by jogging around the line while it is in court.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins reported on the last BIG-C meeting. They had a speaker from FEMA. The speaker suggested that each city have an adjunct to deal with FEMA. Mr. Silverboard stated that it would be the City Manager.

Commissioner Collins reported that there would be an undergrounding meeting on October 15th at Redington Shores. The next BIG-C meeting will be held in Indian Shores on October 29th.

Commissioner Collins offered to attend condo association meetings.

Commissioner Gayton reported that the Suncoast League of Cities would be having a "Meet & Greet" to meet Federal, State, and County candidates on October 23rd. The entire Commission is invited.

Commissioner Bildz reported that the first meeting of the Sunset Beach Civic Association will be Monday the 13th.

Mayor Maloof reported that she will be going to Orlando on Friday, October 17th for the Legislative Committee Meeting.

Mayor Maloof stated that the Mayor's Council Holiday luncheon will be held on December 5th at the Belleview Biltmore. This will be the last function before they will be renovating it. They are going to split the donations this year between Vincent House and Clothes to Kids.

Mayor Maloof stated that she will be sitting in a booth on Saturday taking up a collection for the library. That money will be used to help the City of Treasure Island defray what it spends on the library this year. It will be kept here to use as part of our donation. The Chamber has agreed to take phone pledges up to October 31st.

Mayor Maloof stated that we would be starting the Can-Am week functions on Friday. It will start with the Prayer Breakfast on Friday morning. Mayor Salci is coming in, and there will be two bands from Niagra Falls. On Monday we will be holding Canadian Thanksgiving dinner at the Community Center. The bands will be playing at the Turtle Fest. Turtle Fest is running on Saturday. This is the tenth year for the Can-Am activities.

IV. PUBLIC COMMENTS:

None

VI. ADJOURNMENT:

The workshop was adjourned at 8:55 p.m. by Mayor Maloof.