

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS WORKSHOP MINUTES  
November 3, 2008**

The workshop was called to order at 6:48 p.m. by Mayor Maloof.

**I. DISCUSSION ITEMS:**

1. Consideration of Res. 08-105, Final Plat, 11908 Gulf Boulevard

This item is a quasi-judicial item, therefore there is no discussion. This will move forward to the November 14, 2008 meeting agenda.

2. Consideration of Res. 08-106, Res. 08-106, Central Beach Special Area Plan

Mr. Silverboard discussed the discussion that he has had with the representative for the owner of the former Buccaneer property regarding what the requirements for development would be. The applicant has told us that they are looking at building a traditional resort type upper scale boutique type hotel. This would not be a condo hotel. It would have standard hotel type rooms, and maybe a few suites. The numbers that make that work is approximately 130 dwelling units. The height that they would need may or may not fit within our existing code, but it would not be a significant expansion or height. It would only be perhaps one additional story's equivalent in height. The Commission has spent a great deal of time and effort to do a redevelopment plan for our downtown. We have had Sid Rice in requesting that the city begin the process for the north end of town where his property is located so he can proceed with a redevelopment project for the John's Pass area. This beach area is a third area for potential redevelopment. In his conversations he has explained to Mr. Cowen that we currently don't have any money budgeted for a Special Area Plan, and one would be required by the County. He suggested to Mr. Cowan that our entire central beach area should be redeveloped at some time. He had in mind the area from approximately 104<sup>th</sup> to 119<sup>th</sup>, the central beach area. There is a great potential for redevelopment over time. He suggested to the applicant that if they are not willing to wait for another budget year for the money to be budgeted, they could offer to front the money to complete the plan. The City would hire someone to come up with the plan with the assistance of the Planning Board, Commission, and community. They would front the money, and he would bring that to the Commission to see if the Commission was willing to entertain that strategy. He received a letter from Mr. Barnett, who is a managing partner, indicating that they are interested in doing that, and asking us to proceed. They would like to review any RFP that we developed. They are agreeing that if the cost is acceptable, they would front the money. He also suggested to them that since the Special Area Plan would benefit any future development, we would try to structure our process so that they are reimbursed for a portion of their original outlay of funds. We would hire a consultant, develop an RFP, obtain price quotes, bring it to the City Commission to select the most qualified consultant, and negotiate a price acceptable to the City Commission and the developer. The consultant would take its direction from the city, not the developer, though the developer, as well as other property owners in the area, would have input. Any regulations that ultimately would be developed that would increase density or height, would require a referendum vote. He has pointed that out to Mr. Cowan, and he understands that there is no guarantee of approval if the voters do not approve of the required changes. He wants to ensure that the public has as

wide an opportunity to participate to ensure the best proposal possible without going out for referendum.

Commissioner Gayton asked what the size of this property was. Lynn Rosetti stated that it was about an acre and a half, which would accommodate 70 units. The new County transient ordinance that was passed last year would allow 130 units. Commissioner Gayton showed the Commission copies of County Ordinance 07-50 regarding transient density. According to this ordinance you are allowed up to 100 units per acre. Mr. Silverboard explained that those are maximums. The City can pass anything up to that. Commissioner Gayton stated that if we do this we are going up to 15 stories. Mr. Silverboard clarified that it would be up to the City – the Commission, Planning Board, and citizens what would be appropriate for our community. Commissioner Gayton stated that we are looking for 130 units. Mr. Silverboard clarified that we are looking for approval to develop a Special Area Plan. Mr. Cowan has a proposal, but we need the plan to know what is appropriate. Commissioner Gayton stated that they want to almost double the density on this property. He asked why we are considering 104<sup>th</sup> to 119<sup>th</sup> for the Special Area Plan. Mr. Silverboard stated that we are including essentially the area that the beach trail runs along. That is the central area of the beach.

Commissioner Bildz asked if there was a reason why we can't do a plan for just this one property. Mr. Silverboard stated that we could, but we would be doing one property at a time, and we would be short sighted in our approach as to what we want our city to be. We would be telling people that they would each have to go through a 15 – 18 month process, rather than looking at this as a whole. Commissioner Gayton stated that we have gone through a visioning process, and it was always controlled growth, low density, and no tall buildings. Now someone has a different vision as to what the city should look like. Where does this vision come from? Mr. Silverboard stated that nobody has said that we want twice the height or density. We want a Special Area Plan that reflects what the City Commission, Planning Board, and community want to see for our City. It could be the same height and density as is currently permitted, or some percentage more. We won't know without the plan. Commissioner Gayton stated that we already went through this and voted. The city voted that we don't want increases in heights or density. Because we don't trust the Commission with this we required a referendum to make changes. There is no doubt that people want to see one or two nice quality hotels. It would probably pass if we sent this particular piece of property to referendum. But to take the whole central beach front, it is not what the people want. You are back dooring this. If you want changes send it to referendum first. The people voted, and voted to take it out of our hands. Mr. Silverboard stated that it is clearly understood that any kind of change in density or height has to go to the voters because they don't trust us. How is it back dooring the vote that has their participation, your participation, and the Planning Board's participation? We are sitting here with hotels and motels with high vacancy rates because there is no incentive to make changes. The whole process would identify what the support is, and it isn't back dooring anybody. It is thinking about what we want our city to be twenty years from now. Now is the time to do it when things are down and depressed. We need to get our rules in place. With the public participation we have, how can they say we are back dooring it? Commissioner Gayton stated that when we voted on this before we created conflict and division in the city.

Commissioner Minning stated that he doesn't see this as any different than the process for the Downtown Redevelopment Plan. We have already approved that process for downtown. We are not back dooring anybody. What we are doing is trying to develop a plan, with

everybody's input, that eventually we can take to the voters for their approval or disapproval. His concern is the opportunities for public input. When we did the downtown plan he saw meetings with the Commission, the LPA, and staff. He didn't see one meeting with the public. He sees it stated here that we will have public input. He wants to see a definitive plan that includes public input. He does not feel that this is back door in any way. He wants to ensure public input.

Mayor Maloof stated that we are in difficult financial times. We have seen businesses leave. We have to do something to revitalize this community and to inflame people thinking that we are doing something by the back door isn't right. Commissioner Gayton asked why we wouldn't include the property owners. Commissioner Minning pointed out that it was included in the staff report.

Commissioner Minning asked if there was a formula in place for repayment of the developers cost for the plan. Mr. Silverboard stated that it has not been developed yet. Commissioner Minning asked if he had ideas about how the public input would be handled. Mr. Silverboard stated that part of it would be worked out with the Planning Board and how they would handle it through their public meetings. Mayor Maloof stated that we should bend over backwards now that so many people are not watching channel 615 because they don't have digital cable. It is more important now. Commissioner Minning stated that he would like to see public input separate from the LPA. They hold their meetings in the afternoons. He would like to see evening meetings that the public can attend. Mr. Silverboard stated that the first step was to decide whether the Commission wants to begin going down that road. If so, we will look at the scope of services that they require. You will have the opportunity to quiz the consultant on how they plan in involving the public so that when they give us a price proposal it will clearly have the public input factored in. Once we have that price we can go to the developer and ask if he is willing to front that cost. He will either pay for it, or we will have to look at paying it in the future some other way. We are too far away to make any concrete decisions on density or height – we are at the point of putting a process in place.

Commissioner Gayton asked Mr. Cowan if he was the authorized representative of the property. He answered in the affirmative. Commissioner Gayton asked for clarification as to the 130 units that they are discussing. Mr. Cowan stated that 130 units is what they are hearing from the hoteliers to get them interested in coming here. The lien abatement was a first step in their development process. They are looking to stay within the current requirements, but parking is an issue. They are looking at maybe a level or two for parking, and five stories of living accommodations above it. 75 very large, 1,000 square foot units were approved in the past. This will have fewer bathrooms and bedrooms. He feels that when people take a look at this they will see that it makes sense. They are willing to go through the process, and pay for it with the understanding that the voters may say no. The lien abatement was step one in that process. Commissioner Gayton asked if the new owners were aware that the old owners came to them with the same complaint – that they paid too much money for it and needed higher density to cover it. Mr. Cowan said that he was unaware of the previous owner's request for higher density. The principals are Jerry Barnett and Richard Getty. Commissioner Gayton asked if they would be willing to pay for a plan for just their hotel. Mr. Cowan stated that he would have to discuss this with the owners. Commissioner Gayton asked why they would care about the rest of the properties if their own was taken care of. Mr. Cowan stated that the new owners wanted to be part of the community and act for the betterment of the community as a whole. Commissioner Bildz

asked for clarification on the 130 units. Mr. Cowan clarified that no matter what size property they had, they would need about 130 units.

Commissioner Minning stated that he wanted to see this move forward. He sees it as a benefit to the community. We have already set precedence with the other Special Area Plans that we have worked on. It makes sense to do this for the central area of the beach. He would like to see this developed, and go before the voters to let them decide. Mayor Maloof stated that she agrees.

Commissioner Collins asked if the standard room size was around 450 square feet, and 900 for suites. Mr. Cowan stated that that was in line with what they are looking at. Commissioner Collins asked how many suites they are looking at. Mr. Cowan stated that they don't know that at this time. Commissioner Collins stated that he feels that the area proposed is fine. We would be looking to the future. The final decision will ultimately be by the voters. Our job is to represent an issue the best way that we can. Since this plan would be paid for for the entire area, and it will go before the voters, he doesn't see harm in moving it ahead.

Commissioner Bildz stated that he shares the concerns that Commissioner Gayton has. He read figures from the County Ordinance. Mayor Maloof stated that those were the maximums. Commissioner Bildz stated that he realizes that we can pass something different. Commissioner Collins stated that it will be the citizens that will ultimately decide. Commissioner Bildz stated that it seems like a good idea for this piece of property alone. They could spend a lot of money to come up with a plan for the entire area, and the citizens could turn it down. That seems like a lot of wasted money. Commissioner Collins stated that it was not the city's money, and the final decision rests with the voters. Commissioner Gayton stated that there would be employee time involved. Commissioner Bildz stated that he was more concerned about the density than the height. Commissioner Gayton stated that he would like to see them do their plan for their property only and stay away from the rest of Gulf Boulevard. Commissioner Minning stated that this is the same approach as the Downtown Redevelopment District. It has boundaries, and ultimately it goes to the voters. What the County says has no basis, other than to state what the maximum allowance is. Ultimately it is up to the voters. Ms. Kiefer stated that it was never meant to discourage consideration of future plans. It simply says that if it is going to happen it go before the voters by referendum. Commissioner Minning stated that he would like to see it moved forward.

Commissioner Bildz stated that there are three votes to move it forward. He wants to ensure public input. If they are not involved it will never pass. He encouraged Mr. Cowan to do their homework, involve the public, and do what it takes to get it passed. Mr. Cowan stated that they know it will never get done without the public's input and approval. They are asking to get the process started. They will move forward, pay for it, and are willing to go all the way to the end. If the citizens don't want it, they understand it. They want the opportunity to give it a shot.

### 3. Consideration of Ord. 08-13, Camping on Public Property

Mr. Silverboard explained that the Police Department has been working with the City Attorney to address some issues regarding complaints we are receiving from residents. This

ordinance is a proposed ordinance that would essentially say that you can't sleep or camp on City property, or in the city, or on private property without the express permission of the property owner. It was modeled after an ordinance from another city. It is meant to ensure that we don't have someone camping out at night right outside the doors, or on park benches. We would like to move this forward for first reading at the next meeting.

Commissioner Minning asked about section 18-79 – “and shall give them opportunity to move the camp forthwith”. He asked for clarification on what that meant. Ms. Kiefer stated that the police officer would give the person the opportunity to remove their property or they will. There is no due process – it would be at the discretion of the police officer. Mr. Silverboard stated that our officers are very reasonable. Commissioner Collins asked if it addressed repeat offenders. Mr. Silverboard explained that the Trespass ordinance in Item #5 would address that. He gave a brief explanation of what the police officer could do if someone returned to the area within a one year period. Commissioner Bildz stated that they would have to be found guilty of a crime. What if they are asked to leave without a citation? They would have to be issued a citation in order to be a repeat offender. Mr. Silverboard stated that they would note in the records that they have been given a prior warning. Commissioner Collins stated that he felt the Police Department would know how to handle this appropriately.

Commissioner Minning asked for clarification of other City representatives that would be authorized to issue a citation. Mr. Silverboard explained that if someone was creating a disturbance at City Hall, he could ask them to leave, and ask a police officer to issue the citation. Ms. Kiefer stated that it means that the officer can issue the warning at the request of a city official, and if no other official is present, the officer has the authority to issue the warning without authorization by another official at their discretion. The police officer is the only one that is authorized to issue the citations.

This item will move forward to the November 18, 2008 meeting agenda for first reading.

4. Consideration of Ord. 08-18, Trespass Warnings

This item was discussed with the prior item. It will move forward to the November 18, 2008 meeting agenda.

5. Consideration of Ord. 08-19, Alcohol on the Beach

Mr. Silverboard stated that this ordinance would not prohibit beach goers from having a beer on the beach. It covers property within a certain distance from city facilities. If someone is renting the facility they would have permission to have alcohol on the property.

Commissioner Collins asked for clarification regarding the gestures or comments referred to in the ordinance, and whether the police officer would have to witness the behavior. Mr. Silverboard stated that this ordinance covers alcohol use at these facilities, and nothing else.

This item will move forward to the November 18, 2008 meeting agenda for first reading.

6. Discussion of Vision Plan

Lynn Rosetti gave a brief explanation of this item. She feels that it is a good idea to go through the visioning process on a regular basis. She also feels that it is a good idea to review it occasionally to ensure that the plan is being followed. They have hired consultants in the past. She believes that they will need to hire a facilitator again to guide them through the visioning process.

Commissioner Minning asked how the committee was selected the last time. Commissioner Gayton has the final report of the 1998 steering committee. He read an excerpt from the report on how the committee was chosen. Commissioner Collins asked that they all be provided with a copy of the report. Ms. Rosetti will provide copies tomorrow. Commissioner Gayton asked where the money would come from. Mr. Silverboard stated that it has not been budgeted. We would have to find out the cost. He suggested that if the Commission is interested he can contact the Institute of Government. They have facilitators. It would be less expensive.

Commissioner Collins commented that we have done similar things in the past. He has often gotten comments from the public who are concerned about us spending money on things like this that the public doesn't consider essential. In the past there has been a lack of interest on these types of things. He isn't saying that we shouldn't do it – he is just saying we have to be concerned about how people feel about it. Mr. Silverboard stated that in the past when he has participated in these things a lot of it included quality of life issues. It lets us know what they want government to be doing for them. The community he was in before was a very conservative community, so that element was very important there. The City Commission is going to have to define what to cover when we try to get price quotes. Commissioner Gayton stated that when he looked through the prior report he saw that the majority of the people wanted small town ambience and controlled growth. He agrees with Commissioner Collins on this. If we wanted to do this it should have been budgeted. Before we make a decision he wants everyone to take a look at the copy. We have had other studies done that we can look at. We should know by these studies what the vision of the people is. He is not in favor of spending more money on consultants when we had to raise utility taxes to balance our budget. This should have been in our budget. If staff wanted to have a visioning study they should have included it in the budget.

Commissioner Bildz stated that the staff report states that this is at the request of the City Commission. It was not a staff proposal. He does agree that if we are going to do this it should be budgeted. The visioning process is long overdue, but it should be budgeted. Mayor Maloof asked what about if we found underwriters for it. Commissioner Gayton stated that he would welcome a study, and doesn't think that it will change from the last time, but he will not spend money when we just had to increase utility taxes. We should not be raiding the reserves. Commissioner Collins stated that we are all in agreement that the visioning is a great thing, but now is not the time due to the cost. He gets inundated with e-mails and phone calls asking why we are spending money on these studies. If we do pass the Special Area Plan and we allow them to build on the property that is somewhat of a Visioning Plan. When we sent out surveys and got back approximately 10% he doesn't see a lot of interest. He would be opposed to spending the money at this time.

Mayor Maloof stated that she doesn't mean to be disagreeable. That is one small part of what a Visioning Plan is. With things as bad as they are, this is the ideal time to think about

what we want for our future. It can't be defined by going through a list of height or density, or what we will allow in certain places and not in others. Commissioner Minning stated that it covers all the quality of life issues, and now is a very good time to do that. He agrees that budgeting is a prime consideration, but take a look at what we are facing next year at budget time. It would be nice to have some vision input from our residents as to what they want and what they are willing to pay for. It is not just land issues, but quality of life issues. He would like to see it move forward, and agrees that we need to get some private money for this. Mayor Maloof stated that we may be able to go to the Tampa Bay Regional Planning Council for help. Commissioner Collins stated that it isn't in the budget, but if we can get facilitators to do it then let's do it. Commissioner Gayton agreed. Mayor Maloof stated that she will work on that. We are at a place where we need to know what direction the community wants to go in. Commissioner Minning stated that he will do some calling as well.

7. Discussion of Sale of Causeway House

Mr. Silverboard stated that they have put together a brief RFQ on what they would be looking for in a listing agent to sell the house. The listing agent will give them their estimate based on comparables in the area of what properties are going for. We can have a full appraisal done if the commission wants to. He doesn't want the public coming back to us later asking why we sold so cheaply. That could be a reason to have a full appraisal done. If there is consensus tonight we can go ahead and start the process.

Commissioner Collins asked if we wanted to limit this to local Treasure Island realtors, or send it out to everyone. Mr. Silverboard stated that it was up to the Commission at their discretion. It should be understood that we will look at all proposals, but mail out to local firms. This should be a relatively short turn around of about three weeks. We will bring all responses back to the Commission, unless they want to review each of them at a workshop. Commissioner Collins stated that he thought we should keep it in town. Mr. Silverboard stated that we will mail it out to realtors with offices in Treasure Island and will post it on the website.

**II. OLD BUSINESS:**

Commissioner Collins asked if there were new developments with HDR or La Quinta. Mr. Silverboard has signed the agreement with HDR and sent it off. He has received a comment from Commissioner Minning regarding public participation. We will be sure that all meetings are widely advertised to ensure that the public can be there. We already have a development of the plan. This is taking care of certain deficiencies to ensure that this can qualify as a Special Area Plan. We will have to specifically authorize them to go through the development codes with staff later. In terms of La Quinta, they are looking to secure financing and have been caught up in the general economic conditions. The property is owned by a development group who will either have a franchise for La Quinta, or will sell it to someone who does have a franchise for them.

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

Ms. Kiefer stated that she has met with Attorneys Yakavone and Daigneault, and it is their opinion that we need to go back to court over whether we have to make special accommodations in our code. She feels that the court overlooked portions of our code. She has submitted a petition asking them to reconsider that portion.

Ms. Kiefer asked to have an item placed on the next agenda to send a request to the LPA to revise our code to clarify transient uses in the different districts. She will bring forward a draft ordinance for them to consider, unless they wanted the LPA to come up with the ordinance. Mr. Silverboard stated that he thought it would be best for her to draft an ordinance to send to them. She will do that for the next meeting.

Ms. Kiefer reported on the scheduled meetings on the sewer rates. Commissioner Bildz asked who would be in attendance. Ms. Kiefer stated that it was a public meeting, and it would require the presence of the two Commissions, the Attorneys, City Managers, and City Clerks.

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

Commissioner Collins reported on last week's BIG-C meeting. The EMS agreements were discussed. The ALS and ambulance service agreements are expiring soon. There were a total of 583,592 911 calls last year. Of those, 272,000 were non-emergency calls. The actual important calls were about 165,000. The average response time is less than 5 minutes. Mr. Silverboard gave a brief explanation of what the process would be to review the contracts. There will be several committees set up. They are looking at whether it is feasible to create Joint Powers Agreements, which are similar to interlocal agreements. These agreements would work out a mutual EMS response system. This has to be worked out by mid-December. We will see a significant decrease in our EMS revenue from the County next year.

Commissioner Collins stated that Katie Hatcher from the Cancer Society asked him to express her gratitude for the support given to them by the City, and announced that next year's Gulf Beaches Relay for Life event will be held in Treasure Island.

Commissioner Minning announced that this Saturday was PICA's annual yard sale.

Commissioner Minning thanked City staff for the Spooktacular event. It was a great event.

Commissioner Bildz stated that there was a Sunset Beach Civic Association meeting tonight.

Mayor Maloof gave a reminder for people to vote tomorrow.

#### **V. PUBLIC COMMENTS:**

None

#### **VI. ADJOURNMENT:**

The workshop was adjourned at 8:40 p.m. by Mayor Maloof.