

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS WORKSHOP MINUTES  
June 16, 2009**

The workshop was called to order at 6:38 p.m. by Mayor Minning.

**I. DISCUSSION ITEMS:**

1. Discussion of the Traffic Signal Warrant Analyses for the Gulf Blvd Intersections with 104<sup>th</sup> Avenue and 108<sup>th</sup> Avenue.

Mr. Murphy gave an explanation of this item. Some in his department have felt that this has needed to be addressed for some time. They commissioned Volkert and Associates to do a study. There is significant evidence that lights are needed at 104<sup>th</sup> and 108<sup>th</sup> Avenues. He introduced Angelo Rau to give a presentation on what they had found out.

Mr. Rau stated that they conducted a traffic analysis at both intersections. He gave a brief explanation of the studies that they had done. There is a specific format for eight warrant items that indicate a need for traffic signals. 3 of the 8 were met at 104<sup>th</sup> and 2 of the 8 were met at 108<sup>th</sup>. Only one is necessary to need a signal. There is strong evidence to warrant signaling these intersections. He suggested that they speak with DOT regarding this. This is a systemic approach. 104<sup>th</sup> and 108<sup>th</sup> are truck routes. There is additional emphasis on that use. Putting those factors together he strongly recommends that they send a strong recommendation from the Commission to the DOT for them to consider this.

Commissioner Bildz asked what they would have to do to get the existing lights synchronized. Adding two more would cause even more problems. Mr. Rau explained the synchronization process and stated that they should be done.

Commissioner Collins stated that when Publix first came in they were willing to pay up to \$250,000 for a traffic light, and asked if they were still willing to do so. Mr. Silverboard explained that it was the construction group that made the offer, and it was for 50% of the cost up to \$250,000. That group is now gone, so we would have to approach the local Publix store and the corporate offices. On one of the study days there were over 2,500 pedestrians crossing at that intersection. We can bring that to Publix and the DOT.

Commissioner Bildz asked about funds and the LAP agreement. Mr. Silverboard stated that we can bring the warrant study to the DOT and ask them to put the light in. Mr. Silverboard stated that they will likely tell us that we can get on their list for 5 or 6 years from now, or we could enter into an agreement to put the lights in at our expense and seek reimbursement through a LAP agreement for a later date.

Commissioner Coward asked if anyone had had any conversations with Publix on this issue. They have not. She stated that she can see the need for this on 104<sup>th</sup> but is concerned about adding a light at 108<sup>th</sup> as well. Mr. Murphy explained that trucks that are northbound use 108<sup>th</sup>. Trucks that are going southbound use 104<sup>th</sup>. Adding a light at 108<sup>th</sup> would provide additional safety for people crossing for Rally and McDonald's.

Commissioner Collins asked if there have been accidents at 108<sup>th</sup>. Mr. Rau stated that crashes are one of the warrant items that were not met. There were only two of the type that could have been corrected by a light in three years. Commissioner Collins stated that he agreed with Commissioner Coward that one is necessary at 104<sup>th</sup>, but questions the need at 108<sup>th</sup>.

Mayor Minning asked Mr. Silverboard what the next step would be. Mr. Silverboard stated that we should present the study to DOT and make our case to them. We may have to back off on 108<sup>th</sup>. We would ask DOT that if a signal is required at either one or both intersections if they would pay for it. They likely will not have money for it, and we may have to make a presentation to the MPO. We may have to enter into a LAP agreement where there would be funds available at some time down the line. We would budget in next year's budget the funding for the lights. We would ask Publix to share in that cost, and would try to have a LAP agreement in place. The type of lights we would be looking at are not the more costly ones. This would be the least costly option for that area. It would not involve lanes. If the county thought that additional lanes were needed they would be added at their cost. He notified the Commission that the County had approved transferring the County Park property over to the city at their meeting today, so we would have more control over the situation in that area.

Mayor Minning stated that it appeared that we had several options for this. Mr. Silverboard stated that we had the option of requesting a LAP agreement and waiting for funding, doing it ourselves and seeking a LAP agreement for reimbursement before construction, or paying for it ourselves. Mr. Murphy suggested that we seek a LAP agreement and start construction right after the beginning of the fiscal year.

Commissioner Collins asked how long it would take to get a LAP agreement in place. Mr. Rau explained that it takes 3-6 months and will depend on how they look at the systemic approach. 104<sup>th</sup> is much stronger. 108<sup>th</sup> is good, but not as strong as 104<sup>th</sup>. Commissioner Collins asked if we should plan on 12 months for the LAP agreement. Mr. Murphy stated that if we were taking that approach it would stretch the project out further. Mr. Rau stated that as long as they agree with the warrant study it would probably take 3-6 months. You would have to go through the permitting process no matter what.

Commissioner Coward asked if in all instances we were planning to use the lowest amount of funds. Mr. Silverboard stated that at this point in time yes, unless we could identify another funding source. Commissioner Coward stated that she felt we definitely need one at 104<sup>th</sup>, and hoped that we didn't shoot ourselves in the foot by asking for both. Mr. Rau explained that FDOT have very stringent requirements. We would have to talk to them face to face in order for them to understand the need. He has never seen anything like what they learned about pedestrians, so that would be something that they would consider.

This item will move forward to the next Commission meeting.

2. Discussion of Request by Noel Johnson for the P & Z Board to Review RH-50 District Regulations Concerning Rental of Single and Multi- Family Dwellings

Mr. Silverboard gave an explanation of this item. At the last Commission meeting the Commission asked him to place this on the workshop agenda for discussion.

Commissioner Bildz asked what the unit capacity was and how it was determined. Mr. Silverboard stated that right now we do not have a unit capacity, but we do have a capacity of dwelling units per acre. The minimum housing standards require 50 square feet per person.

How realistically, for a transient unit particularly, it would be enforced presents other issues. It is not one of density that is the controlling issue here; it is the number of people in a dwelling unit. He doesn't know how we could monitor that on a daily basis. It would be easier for a permanent residence. The parking and compliance with property maintenance issues are code issues and should be handled that way. The area that Mrs. Johnson has complained about in the past is zoned for transient lodging. It doesn't distinguish between a multi-family dwelling unit, a single family residence that is rented multiple times, or a motel or hotel unit. If the Commission decides to restrict this area to only hotels or motels you may get something from owners who expect to be able to rent their properties.

Commissioner Bildz asked if all single family homes were issued one trash can, and what would happen if they needed more. Mr. Silverboard answered in the affirmative and explained that the owner would be asked to obtain additional containers at their cost and pay for the additional pick up.

Commissioner Coward stated that this is not a gated community, and people moving in know that. To try to put restrictions to make your life better isn't fair to the people that are trying to make their livelihood.

Noel Johnson stated that they have a multi-family unit, so they pay double on everything, but only have two people living there. They choose to do that in case they ever want to sell it. If someone rents their property they should be charged double as well. She has contacted the Florida Statutes people in Tallahassee and they said if you rent like a hotel they have to abide by the hotel rules which are under the lodging and beverage rules. They do not go by landlord/tenant rules. If they are not abiding by them we need to contact the DPR and they will enforce them. Ms. Kiefer stated that she wished that someone had submitted a brief stating that when we were in the Land's End litigation, but the courts did not support that. Ms. Johnson stated that they bought Commercial General property; and the city changed it. A single family home was built next to her that is being used as a transient lodging property. Something has to be done to change the rules to help the people that have these problems. She asked that they change it back to Commercial General, or send it to the Planning Board to look into this. People approach them on the beach stating that they have the same problems. There has to be some rules and they have to be enforced.

Larry Yost stated that he understands the problem that Noel is talking about. He is in the RM-15 district, and they are having the same problem with the condominiums that are being rented. When he was on the P & Z board you were allowed six rentals per year. He asked if that was still the case. Ms. Kiefer stated that it was, unless it was a multi-family dwelling. There are very definite criteria to operate as a motel or hotel. She suggested that he file a complaint with the state if he felt that someone was operating that way. Mr. Yost stated that it creates the same problem. It creates traffic and parking problems. He suggested that a letter be sent to the condo association advising them what the law is. Commissioner Coward stated that usually a condominium association has by-laws that the owners should abide by. You should go to them to see if they are in violation.

Commissioner Collins stated that he felt that the problem was not the statutes, but enforcement. He doesn't see how you could police how many people were there. Ms. Kiefer gave an explanation of how the code enforcement process worked. She stated that enforcement is a huge problem. Commissioner Coward stated that Land's End cost the city a huge amount of money. Ms. Kiefer stated that it was about \$900,000, and the League of Cities paid \$1,000,000.

Commissioner Collins asked if we should send this to the P & Z. He feels that the real answer is to police it. Mayor Minning asked what we would ask the P & Z to come back with. Ms. Kiefer suggested that they pass a resolution asking them to come back with recommendations. They could hold public hearings on the issues, and could come back to the Commission with a report.

Mayor Minning asked what sort of things they could come back with. We can have all kinds of laws, but they would need to be enforced, and we are told that this is an enforcement issue. Ms. Kiefer stated that enforcement is always going to be an issue, especially with the current budget constraints. Mayor Minning stated that he would be hesitant to send this to P & Z.

Commissioner Coward stated that many people that cannot sell their houses are now renting them.

Ms. Kiefer read an excerpt from the state regulations for hotels and motels. She stated that based on those regulations single family homes would be excluded.

Heidi Horak spoke about things that should not be put on the P & Z's plate. There are certain items that should be handled by staff rather than the P & Z. There are controls, like for the garbage that can be handled here. Fire safety should be handled here. They have limitations based on case law. We are not the only city that has these problems. There have been cases all over the state. We have to look at cities all over the state to see what they are doing. As Commissioner Coward stated, this is becoming more prevalent due to the economic downturn. If you send us this we will address it, but you have to be sure that you send us a question that we can answer. Zoning changes are difficult and would involve Comprehensive Plan changes. They need to consider if adding this in would bog the process down.

Mayor Minning suggested that they look at two things. We should look at the issues that should be handled here; and look at the zoning issues separately. Ms. Kiefer stated that the statutes that Ms. Johnson provided cover public lodging. Ms. Kiefer read some of the definitions from the statute. She offered to contact the state as it is their law, and offered to review our ordinances and speak with Mr. Schwartz. Commissioner Collins asked if they could be provided with those statutes.

Commissioner Coward stated that if the dwelling was built before the regulations it would not have the things like sprinkler systems. Ms. Kiefer stated that some things would be required to be upgraded regardless.

Mayor Minning asked if it would be appropriate to ask Ms. Kiefer to take a look at this and issue a memo to the Commission before they send it to the P & Z. Commissioner Bildz stated that he thought they should do that, and not put this on another workshop until she has researched it and reported back to them.

### 3. Consideration of Res. 09-37, Dumpster Purchase

Hal Bruce gave a brief explanation of this item. They are asking for 22 dumpsters, with a cost that is 3% above last year's. They have funds budgeted for these.

Mayor Minning asked what the amortization was on these. Mr. Silverboard stated that it was part of the expenses of the solid waste fund. Mr. Bruce explained that the lifespan of the dumpsters was now 8-10 years as they are purchasing units that have been constructed with better materials.

Commissioner Collins asked how old the dumpsters being replaced are. Mr. Bruce explained that they have been marked since 2002, but not prior to that. None of those need replacement yet.

This item will move forward to the next meeting agenda.

4. Consideration of Res. 09-40, Sewer Main Relining Contract

Mr. Murphy explained that they were asking to create a contract with JTV for roughly \$300,000 to replace the lining of 5,908 feet of gravity sewer mains. They are primarily in Palms and Sunset, and a few at Paradise. The work would be done in accordance with the terms and conditions of the Gulfport contract. We would piggy back off it, and have done so before.

Commissioner Bildz asked if these lines have been camera'ed out. Mr. Murphy answered in the affirmative and explained some of the issues that could come up.

Commissioner Coward stated that she feels that it is important to continue to improve our infrastructure. Mr. Murphy stated that some of these lines are very old. This would assist with our I & I problem. We are a very low location and have a lot of infiltration. This would reduce our flows and the surcharges.

Commissioner Collins asked what the life expectancy was of a re-lined sewer pipe. Mr. Murphy stated that it was approximately 50 years. Commissioner Collins asked if we have had any problems with the lines that we have relined in the past. Mr. Murphy stated that we have not. Commissioner Collins asked about the differences in the costs on the spreadsheet. Mr. Silverboard stated that cleaning costs fluctuate according to the size of the line. Typically the difference in prices is the difference in the line size.

Commissioner Collins stated that they did not have a copy of Gulfport's contract. Mr. Murphy stated that it is in the packet. Commissioner Collins then asked if we would be adopting a verbatim contract. Mr. Murphy explained that we modify the terms and conditions to accommodate the specific needs of the city.

Mayor Minning asked about the resolutions provided and whether there was a limit placed on what the city manager could authorize. Mr. Murphy explained that Mr. Silverboard could authorize the additional funding based on those unit prices.

This item will move forward to the next meeting agenda.

5. Consideration or Modifying the Boat Anchorage area and Swim Zone in the North Section of Sunset Beach (Caddy's Restaurant Area)

Chief Casey gave an explanation of this item. In 2008 a modification was made for the area around Caddy's creating an anchoring zone for people to wade from their boats to and from the shore. Since that time their officers have had an opportunity to observe this, and it doesn't seem to be working well. The most significant problem is congestion. The boats are staying for hours, the area fills up quickly, and then causes secondary problems in that other vessels in the area see the boats anchored there and assume that they can also anchor there. The problem is that when it is that congested the buoys become obliterated and people get into the swim zone unknowingly. When it first went into affect, as expected, many boats were in the swim zone.

Those that come there regularly have become acclimated to the change. We are still encountering the same problems with people unknowingly entering the swim zone. It is hard to enforce when we know that they can't see the zone. We spend a great deal of time educating boaters.

The second problem that occurs is that as the anchoring area fills boats now congregate on the outside of the corral. The water is deeper, and as people try to get in and out of shore, or they try to swim from boat to boat, it has presented some problems. In the last three weeks our vessel has assisted two swimmers who were starting to run into a problem not being able to tread water getting to their vessel and had to be pulled from the water to get them back safely to their boat. People are going to come here. We don't see a decline in the number of vessels coming here. The area designed for them to anchor is too small for the number of boats. He then suggested that they increase the size of the boating area, and do so in a manner that will enable boaters to see the lines in a much clearer manner. It will lengthen the line, increase the area where vessels can anchor, and would still maintain a four or five foot water depth. It will increase what is now a 200 foot wide area to anchor into a 650 foot wide area. It will keep the boats at 200 feet from shore as opposed to 125 feet from shore. When you try to lay out where the best place for this to be is, four or five feet of water is a reasonable depth for most adults. Parents would have to be cognizant of this and address it with children. Their proposal starts at the southern tip of the existing anchor area, north 650 feet. They did so as that is the least populated area of the beach and for right now would have the least amount of impact for residential areas. This should address some of the concerns related to noise and people congregated offshore. When completed it still brings it out to the 300 foot area that is currently existent. It would require nothing more than the resolution to do this, and all we would have to do is forward this to the state. He introduced Officer Albinetti and explained that he has extensive experience and could answer any questions.

Commissioner Bildz stated that when we first talked about this corral Mr. Amico explained that he needed this for his customers to anchor, come in and get food or drinks, and people would leave. They would not be staying for long periods of time, and he would police it. Commissioner Bildz stated that if it isn't working then we should take the swim zone back to 300 feet. Boaters have other areas that they can use.

Commissioner Coward asked if the people are going to Caddy's, or just anchoring there because of the publicity. Officer Albinetti stated that it is a little of both. Commissioner Coward asked if they could be moved to another area. Officer Albinetti stated that Caddy's is the attraction. He stated that there is no way to regulate how long people can anchor in the area. The problem that he sees is when it is that crowded and someone wants to leave it is difficult for them to get around all the boaters and swimmers in the area. There are times that he has had to allow someone to go into the swim zone area for safety reasons.

Commissioner Bildz stated that if we increase the size of the boating area we will have even more problems. He suggested that they increase the swim zone back to 300 feet, and if a swimmer can't swim that distance they could use a life jacket.

Chief Casey stated that we have had several issues at Sunset Beach. This is an issue that is not introduced by the police. We are making suggestions for safety. Mr. Amico recognizes that the corral isn't working well, and he has no opposition to this being eliminated or returned to a swim zone, or whatever action the Commission decides to take.

Mayor Minning asked people to try to limit their comments to three minutes.

Kevin Johnson stated that 300 feet is good and he hoped that they keep it that way. In some areas you can walk out 300 feet.

Tom Rodgers stated that he is a boater and patron of Caddy's. His property is to the north of Caddy's. If you look at this proposal, none of the proposed 650 feet is in front of Caddy's. It is in front of the Lion's Club and single family homes. He suggested that it go back to 300 feet, and go back to the area directly behind Caddy's. In St. Pete Beach there are bars all up and down the beach, but there is nobody anchoring in back of them to use them. The difference is that their swim zone is out further. He suggested that they move it starting from 5<sup>th</sup> Ave. south and go north, and suggested that the swim zone go out 400 feet.

Andrew Becker stated that at the August 5<sup>th</sup> workshop it was stated that this was going to be a drop off area and would not be a mooring area. It is very unsafe, and very crowded. There are places where there are no restrictions that they could be using. He thinks that going back to the 300 feet is the way to go. Typically there are 30-40 boats there. If we do this there will be 80-100 boats. There will be more drunk boaters.

Mary Beth Becker stated that she agrees with her husband. If we ask the Marine Patrol which was the best way to go he would probably agree that going back to the 300 feet would be the way to go.

Larry Yost stated that there are different types of swimmers. He is a member of a triathlon club that swims that area every Friday. It makes more sense not to have the boats there, and he encouraged them to move the swim zone back out and leave it there.

Dennis Velasco stated that if the Police Chief had the conversation with Tony Amico and he is in favor of changing it then there is nothing to discuss. There is no point in bringing this up meeting after meeting. He is a boater and used to love going to Shell Key when they were still allowed to anchor there. Imagine moving that type of party to 650 feet. Boat owners are very creative when it comes to party time. We want to increase business on our beach front. He doesn't think that St. Pete Beach has ever had a boating issue, but they have businesses there. We have endless parking problems. He encouraged the Commission to go out to Sunset Beach on a weekend afternoon. Please don't allow our beachfront to become another Shell Island.

Randy Kah stated that when you created the swim zone it was supposed to be a drop off area. That isn't happening. If Tony is ok with it close it and make it a swim zone.

Mary Daughtry stated that she doesn't care if Tony is in agreement with it or not. To make this modification it opens us up to modification after modification. Just close it down.

Chase Angell stated that the problem is Caddy's, and the city keeps giving them more and more rope. We should rein them in. The police say that we can't stop them from coming. They took control at Shell Island, and we can take control here. The Commission needs to take control here now.

Rhonda Anderson stated that to her it is a no-brainer to move the swim zone back to 300 feet. It isn't working, so let's move it back.

Susan DiBona stated that she agrees with everything that has been said and that we should go back to 300 feet.

Mr. Becker asked if we go back to 300 feet, will it take the short period of time that it was going to take to do the other modification. Chief Casey stated that it can be done right away.

Mr. Barcena stated that extending the swim zone will put people's lives in danger. 300 feet is not reasonable. Other communities have a reasonable swim zone of 150 feet. They are taking away his rights to enjoy the water because of what Caddy's is doing. He would rather have the whole area be an idle speed zone or use a decal system. He has 53 residents whose rights are being taken away. They should find a way to let them bring their boats in. You can tell people all day long to use a life jacket but someone will still die.

Commissioner Coward asked Chief Casey if they moved this back to a 300 foot swim zone and eliminated the area that they are allowed to anchor, do we have the right to tell people that they can't anchor outside the swim zone. Chief Casey stated that they can anchor anywhere outside of a swim zone. Commissioner Coward clarified that they could go anywhere they wanted as long as they anchored outside the swim zone.

Commissioner Bildz proposed that they have a resolution to delete the notch and make the swim zone 300 feet. Mr. Silverboard stated that they don't need that, and if there is a consensus he has the authority to change it, unless they want to do it formally. The Commission agreed to bring this forward as a resolution to the next meeting.

## **II. OLD BUSINESS:**

Commissioner Bildz asked if there was going to be a Downtown Redevelopment meeting. Commissioner Coward stated that it was going to be held on the 23<sup>rd</sup>. He asked who the stakeholders were that would be going. Mr. Silverboard stated that invitations were sent to the property owners and business owners to allow them to meet with the consultant and staff to discuss this. Once there is a draft of the special area plan it will be given to the Planning Board for them to hold whatever meetings that they feel are necessary for the community.

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

Ms. Kiefer stated that the mediation meeting for the dispute for the roof cave in is scheduled for Monday, July 6<sup>th</sup> at 9:00 a.m. Mayor Minning will attend.

Ms. Kiefer reported that the St. Petersburg complaint has been amended. They would not accept the service attempt so they have to track down the Mayor.

Mr. Silverboard gave a reminder about the stakeholders' meeting at 5:00 p.m. here at City Hall on June 23<sup>rd</sup>.

Mr. Silverboard reported that we have been tentatively approved for funding for storm drain improvements. We will find out for sure by the end of the summer.

Mr. Silverboard reminded people that we are holding a flood program at City Hall on the 17<sup>th</sup> at 1:30 p.m.

Mr. Silverboard reported that the county did approve the transfer of their portion of the county park to the city. There is a stipulation that it be left as a park. We will take over control of the restrooms,

maintenance, and will be able to meter the parking. We plan on providing a better access to the beach for all the events that we have through there. We hope to be able to get an access at that point that is more convenient to the event area. Commissioner Coward asked if we meter the lot will our residents be able to park there with their parking permits. Mr. Silverboard stated that it will be an item for discussion. There will be an item at the next workshop for award of a bid for pay stations, so we are still several months away from metering it.

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

Commissioner Coward stated that she had an inquiry from someone who was on the beach the morning after the drum circle complaining about the mess left by the drum circle people. Last year there were some people that were participating that said they would be responsible. Can we contact those people regarding this? Mr. Silverboard stated that a couple of people that were very active last year are less active now. They are helping to get the drummers to stop drumming at the appropriate time and they are monitoring for glass and litter. There is such heavy usage of the beach lately that particularly near where some of the barrels are they get filled up and we don't have a crew that can empty barrels on the weekends. The barrels are being used. We do send a crew out there to get some of it up. Commissioner Coward asked if it would be worthwhile to talk to someone out there. Mr. Silverboard stated that he will mention to the Chief to give them a call and see if it will help.

Commissioner Bildz reported that the Beach Stewardship meeting was last week. They have gotten in contact with people to help eradicate the rats out at Elnor Island. They will be able to get rid of 100% of the rats.

Commissioner Bildz stated that the Library Board held a meeting to discuss the budget. The five towns will be asked to pitch in \$180,000. Our contribution would be \$77,114. They will be spending \$52,000 out of their reserves. They will be giving a \$.30 raise to employees making less than \$10 an hour.

Commissioner Bildz reported that he got a call today from someone who saw three new turtle nests out by the Mansions, and he asked that people turn off their lights.

Mayor Minning gave a reminder about the 4<sup>th</sup> of July celebration that will be held out on the beach.

Mayor Minning asked Mr. Silverboard to talk about the NOAA grant. Mr. Silverboard stated that they have approved our work program for the \$380,000. We have certain time frames that we are supposed to meet. We are in contact with Volkert Engineering to do the engineering and project management. We asked if we could use any part of the money to make repairs to Sunset Vista Park and they said we could not. Any repairs there will be on our dime. We have gotten a green light to proceed with getting the detailed plans developed. We will have to submit them to them for their approval. We expect a formal letter any day now. Mayor Minning thanked Mr. Murphy for his work on that, and suggested that they incorporate signage for the beach accesses.

Mayor Minning stated that they did a wonderful job on the new flags.

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

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

The workshop was adjourned at 8:43 p.m. by Mayor Minning.

