

CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP MINUTES
June 2, 2009

The workshop was called to order at 7:30 by Mayor Minning.

I. DISCUSSION ITEMS:

1. Discussion, Sunset Chateau Swim Zone (Requested by Commissioner Bildz)

Commissioner Bildz stated that he had received a phone call from the Association President of the Sunset Chateau telling him that they are not in favor of the new swim zone. The Commission spent a lot of time on this issue, and he is not in favor of changing it again.

Mr. Silverboard explained that since this has come up they have been trying to clarify what we have the authority to do, and what we have to go to the State to do. This is regulated by the Florida Fish and Wildlife, and the Coast Guard, and the Army Corps of Engineers also has to sign off on this. He gave a brief explanation of the changes that were made to the swim zone. They have spoken with Tara Alford from the Florida Fish and Wildlife Department about this. She stated that as long as we do not expand the zone it is within our discretion to shorten it. He then read an excerpt for the ordinance clarifying the locations of the swim zone. He can not extend it more than 300 feet, but if the Commission is willing he can reduce it. Ms. Alford stated that in the case of the Sunset Chateau area, they can create an unregulated area there. We will have to provide the information to the state, but we would not be required to go through the whole permitting process. It would be a change to the Commission policy and the Commission will need to weigh in on the swim zone.

Commissioner Bildz clarified that we could have idle speed or a completely unregulated area in front of one property. Mr. Silverboard answered in the affirmative and stated that Ms. Alford was asked that specific question and stated that it would be allowed because it was such a small area that a boater could not attain a high speed in that small an area. Commissioner Bildz stated that he would not be in favor of it being unregulated in that area, but he would find a decreased area in that area acceptable.

Ron Barcena stated that they were here looking for compromise. They feel that they have not been dealt with fairly compared to how Caddy's was treated. They are looking for a boat corral similar to what they did at Caddy's. There are 75 units in their condominium. They have received a petition from 53 out of the 75 units asking for assistance. He commented on some of the issues that they have encountered with the swim zone. He feels that it is a danger, particularly at night. What Mr. Silverboard alluded to is the compromise that they are looking for. They are looking for an idle speed zone. He suggested selling permits or decals for Treasure Island residents. They understand what is going on with Caddy's. What they don't understand is that they were given more leeway than their residents were. A lot of their owners bought boats because of the idle speed zone that was there previously. They have very few violations in there because they police it themselves. He asked that the Commission take Mr. Silverboard's suggestion and create a boat corral for them. He stated that this is a very passionate issue at their complex. They are suffering with the parking and traffic like everyone. They do not want to lose rights and privileges because of it.

Commissioner Coward asked if there have been any injuries in their area. Mr. Barcena stated that there have not been. It was always an idle speed zone, and there are very few swimmers in that area. He doesn't remember many tickets issued in that area. Commissioner Coward stated that our police officers are more aware now due to what is going on in the area. Mr. Barcena discussed the restrictions at Sand Key and Clearwater Beach and the affect they have had at Caddy's. He stated that from a safety standpoint they are better off getting the boating zone before someone gets hurt out there.

Commissioner Bildz asked if it was possible to make it an idle speed zone after 100 feet without going to the state. Mr. Silverboard stated that they can reduce what they have without going to the state. Commissioner Bildz asked how many buoys that would require. Mr. Barcena stated that there are five at Caddy's. Commissioner Bildz stated that Caddy's paid for the buoys there and asked if the Association would be willing to pay for them there. Mr. Barcena stated that he would have to take it to the association for a vote. Commissioner Bildz stated that he could support reducing it to 100 feet.

Commissioner Gayton stated that the Sunset Chateau is one of many properties. The city cannot regulate your riparian rights. You have the right as a property owner to navigate your boat to the water and the city can not stop you. Commissioner Gayton stated that if you have upland property you have the right to ingress and egress for boating, fishing, and swimming. Mr. Barcena stated that there was a serious disconnect here and that is the way it is being enforced and that isn't how the ordinance reads. Commissioner Gayton stated that there have been many decisions in the courts regarding upland properties in the Gulf of Mexico. Mr. Barcena stated that that was where the decals could come in so that the police would know who was a property owner and who was not. Commissioner Gayton stated that if they moved the swim zone they would have even more boats there. Mr. Barcena stated that they want to do what is best for Treasure Island, but they don't want their privileges taken away, and they have been. They are here to work with the Commission not against them.

Ms. Kiefer asked for a few minutes to read the cases that Commissioner Gayton discussed.

Jack Montiez stated that he is an owner at Sunset Chateau. His main concern was that they were not notified of the change. He asked how the public was notified. He was advised on how it was advertised. He stated that he does not homestead his property and pays a higher tax. He thinks they should have notified all property owners in the area. Commissioner Gayton stated that he agrees. Whenever they go before the Planning and Zoning Board owners are notified. Commissioner Bildz stated that he disagrees. The Planning and Zoning Board follows the law, and we did too. Mr. Silverboard stated that we spent month discussing this issue. There were notices in the newspaper, and discussions with the civic association. Mr. Montiez stated that if you don't live here you don't see those things. Mayor Minning stated that we were not here to debate that, and suggested that their association should be disseminating the information.

Carmine Iavarone stated that he is in favor of being able to bring their boats in to drop off and pick up family members, and also anchor inside the buoys. It has worked in the past.

Nick Senardi stated that she has been an owner and tenant at Sunset Chateau since before construction. She is not aware of any incidents in the area in the past 30 years. He feels that 300 feet is too much. He agrees that they should do what they can without having to involve the other agencies. He suggested that they utilize decals or another system to allow

owners to take advantage of their riparian rights. He also likes the idea of the corral to be located 100 or 150 feet out.

Don Simpson stated that they have had a privilege for a long time and now it has been taken away from them. They have been operating safely and they should continue to be allowed to do that.

David Hazzard stated that they have made some concessions to the 300 foot rule. He has been at Sunset Chateau since 1974 and knows of no safety issues. He is not really sure what the rationale is. He can relate to some of the homeowners that surround Caddy's and the problems that they had with the boat traffic, and you made a corral to accommodate them. He feels that this should be addressed. He will look into the riparian rights further. They shouldn't be harassed or ticketed if that is correct. Regarding permits, it is difficult for people who rent and may bring a boat in. He feels that the corral will control speed and limit access. He feels that while the riparian rights issue might be correct it could create more problems.

Marybeth Angela stated that she lives in the property south of Sunset Chateau. She is in favor of what they are discussing regarding either permitting or the corral.

Rene Gispert stated that he disagrees with the purchasing of the buoys. This was imposed on them and they shouldn't have to pay for it. Everything else he agrees with.

Sandra Romano stated that the Sunset Chateau and Harbor House share a recreational lease. If they use a permitting system they should consider granting it to the Harbor House as well. She also suggested that their renters could go to city hall to obtain a permit.

Rick Barcena stated that he is in favor of being able to come in closer to the shore. He stated that his brother almost lost his life last year because he got tangled up in the ropes trying to get out. They need to be considerate of everyone. He has five watercraft vehicles. When they start talking about a corral, they should keep in mind that they may need to reconsider again later due to safety issues that arise. There are many people here that have several generations with experiences at Sunset Chateau. He feels that 95% of the people here are in favor of what they want to do. They want to continue doing what they have done in the past.

Marie Barba stated that she owns a house at Sunset Beach. She was in favor before of leaving the whole area alone. The Civic Associations have always reached out to the people with newsletters. She has been told that it is all social. They are civic associations and they should reach out to the citizenry. They should have had meetings before coming here. She suggested that they start doing that.

Dennis Velasco stated that he was one of the pre-construction purchasers at Sunset Chateau. He is now a gulf front resident further south, and is a boat owner. When he heard about the Chateau's efforts to reverse this he didn't know anything about the riparian rights. He thought we had signed those away so that it became a public domain. He asked how all of a sudden they have rights. He is in favor of the Chateau's request as a property owner and a boater. He has conducted his own survey. He knocked on 25 or 30 doors and talked to about 13 people. His results were almost 100% in favor of returning it back to an idle speed zone. His concern is that we are an alcohol friendly area. He is in favor of the corral idea. He spoke with some people who had serious concerns with boats anchoring. Many

come from the use of alcohol. His concern is that there will be people that will want to open this up down through the whole beach. He walked down to Trailhead Park on a Saturday and was amazed at the crowd behind Caddy's. He is not for changing it for the whole beach. He would like to restrict it to their area. He suggested that the Commission walk the beach on a Saturday.

Ms. Kiefer stated that she is familiar with the Attorney General's opinion that Commissioner Gayton referred to. Riparian owners' rights co-exist with the public. Regulations can be enacted. This is the classic conflict between swimmers and boaters. A municipality can not take away all rights, but can regulate the activities of riparian owners.

Commissioner Bildz stated that even if they would be allowed to pick up and drop off on shore it doesn't solve their problem with the swim zone. He thinks that the corral is the way to go. He suggested that they pass a resolution that the swim zone would be 150 feet at high tide, 100 feet at low tide, and he hoped that they pay for the buoys.

Commissioner Coward stated that she sees no reason why we can't help them out. The intent was to make it safer for people. She wondered how they could ensure that the boats belonged to the residents there. Mr. Silverboard stated that they couldn't do that – that it would be open to anyone. He gave her a brief history of what had occurred before she became a Commissioner. He does not feel that there will be a spill-over problem in that area.

Commissioner Collins commended Mr. Barcena and other residents there for their orderly presentation tonight. He stated that his concern was whether the corral would be big enough to accommodate them as well as any overflow that they do get. Mr. Silverboard stated that the Commission has the option of regulating how wide the area would be. Commissioner Collins stated that his concern with that would be the affect of the restrictions at Shell Island and other areas. He hopes that they will not have issues. Mr. Silverboard stated that the attraction in the other area was Caddy's and the 7-Eleven, and they shouldn't have the same problems there.

Commissioner Gayton stated that he would be in favor of supporting this with a recommendation of the width from the residents there. Mr. Barcena stated that they did not know that they would be asked for that information tonight.

It was suggested a decal for all the residents of Sunset Beach to be able to park within the buoys. Mr. Silverboard stated that he has spoken with Chief Casey about that suggestion, and the Chief does not feel that it is a workable solution.

Mayor Minning asked if a 200 foot wide notch be sufficient. Mr. Silverboard stated that they could draft a resolution with that information left blank and it could be filled in. Commissioner Bildz stated that he would prefer to have the information in their packet. Mr. Silverboard asked that they provide the information to him by Monday so that it can be included in the next meeting packet. Mr. Barcena asked for clarification that if they decided on 200 feet tonight the resolution could not pass tonight. Mr. Silverboard answered in the affirmative and asked them to have it to him by Monday.

2. Consideration of Res. 09-29, Building Citizenship Initiative (Requested by Florida League of Cities)

Commissioner Gayton stated that at the last meeting they only had a resolution available. He believes that one of the foremost responsibilities of this Commission is to have an open relationship with the citizens and our employees. He believes that what is included in this packet is a good start. We need to strive to get more people involved in our city government. The first suggestion is to pass the resolution that we have in front of us tonight. He then read the remainder of the ten suggestions. He stated that we have already done some of those things, but there is a lot left to do. He offered to contact the other cities to find out how they have implemented some of these programs. He feels that community forums are a necessity for open communication between the citizens and our government. We should strive to have these forums to allow the citizens to speak their minds, not just on one subject, but to allow them to speak their minds. He suggested that they do this once a quarter. He stated that they should approve this resolution and then find ways to involve the citizens further.

Commissioner Bildz stated that we already do a lot of these things. He then read an excerpt from the materials provided regarding what we have to lose if we don't do this.

Commissioner Gayton stated that we would be going into budget workshops, and to provide the information on the various funds would be a tremendous help to our citizens. He will try to bring an informational booklet forward to the Commission for their review and approval to be made available to the public.

Mayor Minning thanked Commissioner Gayton for his volunteer effort and stated that this item will move forward to the next meeting agenda.

3. Consideration of Res. 09-32, Holiday Decorations

Public Works Director Jim Murphy gave an explanation of this item.

Mr. Silverboard presented the Commission with a color copy of the types of decorations that they could choose.

Commissioner Collins asked if they could change the decorations each year. Mr. Murphy stated that they would be able to do so. Commissioner Collins asked what the contract stated regarding lights that didn't work. Mr. Murphy stated that they would respond and get them in working order within a reasonable period of time if it was not an issue with the outlet.

Commissioner Bildz asked if we would be locked in for five years if we pass this resolution. Mr. Silverboard and Mr. Murphy answered in the affirmative. They could ask for a shorter lease period but the price would be higher. Commissioner Bildz stated that he noticed that there were some dreidels and said that he hoped that we would choose some of those also. Mr. Silverboard stated that we would keep the ones that we have because they are in good shape.

Commissioner Coward asked if we would still be able to put up the flags. Mr. Silverboard answered in the affirmative and stated that we would discuss the flags during the budget hearings.

Commissioner Collins stated that he likes the idea but is concerned about lights not being functional for several weeks. Mr. Silverboard stated that he has worked with this company in

another city and found their response time to be very quick. They check the decorations before they are hung, and most issues are with the electrical box.

This item will move forward to the next meeting agenda.

4. Consideration of Res. 09-33, Interlocal Agreement for ATMS/ITS

Mr. Murphy gave a brief explanation of this item. The County, as of March, 2006, increased the funding available for the ATMS/ITS system. The county would take control of certain signals throughout the county. We have been asked to get on board so that we can be involved in the planning process for the new system. The planning and impact for our area is beyond their six year planning, so it probably wouldn't be until the 2015 time frame. The two traffic signals that are impacted are the Gulf and and the signal at Paradise and Causeway. The reason that it is just those two signals is because they are the signals that are involved in the beach evacuation route. This would make the county responsible for the maintenance, engineering upgrades, and the cost of the electricity. This is an opportunity for us to shed some of the costs for two of our intersections and possibly more. He recommends that they move forward with this.

This item will move forward to the next meeting agenda.

II. OLD BUSINESS:

Commissioner Gayton asked if Mr. Silverboard had gotten the information on the Downtown Redevelopment project. Ms. Rosetti has told him that meetings will be held later this month. The intensity/density issue is being discussed with the stakeholders. She has asked HDR for a schedule which the Commission will be provided with. He has also obtained a copy of the Madeira Beach Special Area Plan. It has been several years in the making with several re-writes. This is the model that the county is going to expect from us. This will be provided to HDR also. As soon as he has a firm date for the meeting he will get it to the Commission.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer gave a brief update on some pending cases. The insurance defense attorneys are handling the Peter Brown roof issue. Someone must attend the mediation meeting. If nobody on the commission wants to attend she will attend in their place. She explained that whoever goes can not commit to a settlement without coming back to the Commission unless they pass a resolution authorizing a settlement in a certain amount, but explained that it would defeat the purpose of mediation. Mr. Silverboard suggested that Ms. Kiefer attend. He will try to attend, and suggested that the Mayor also attend.

Commissioner Gayton asked about the memo received from Ms. Kiefer earlier this week that was marked confidential and not public record. Ms. Kiefer explained that it was due to there being some strategy in there. Commissioner Gayton stated that there was nothing that wasn't general in there and didn't understand why it was confidential. Ms. Kiefer stated that she respectfully disagreed. Commissioner Gayton then started to read a memo. Ms. Kiefer asked that he not proceed as it was involving litigation. Commissioner Gayton stated that anything received in the city was public record. Ms. Kiefer stated that it was not public information if it related to a case. Commissioner Bildz stated that the information would be

public at the close of the case. Commissioner Gayton asked if information was available at the courthouse was it public information. Ms. Kiefer stated that it was public if it was available at the courthouse. Commissioner Gayton stated that he felt that our citizens should have the information available to them. Ms. Kiefer stated that he had nothing in front of him that had been filed with the court, and she had provided the commission with confidential information. It hurts the city if they do not keep things confidential. Commissioner Gayton stated that when there is a court hearing those documents are part of the public record.

Mr. Silverboard explained that the boat anchorage at Caddy's isn't working as they intended for it to work. The Marine Officer has reported that so many boaters are in the area that it is obscuring the buoys and people are anchoring inside them. The police are suggesting that they get rid of the buoys and instead of having the 300 foot swim zone that they reduce the swim zone down to 150 feet so that there is no question that boats can anchor closer to the shore. It is suggested to have it from Weckesser Park to a point somewhat north of there. He will ask the Police Chief to present something at the next workshop. He then read a description of the swim zone in that area and an excerpt from the ordinance. They have given him the authority to adjust the swim zone. He would like to discuss that with them at a workshop.

Mr. Silverboard stated that they have removed the port-a-potties at Weckesser Park. There have been no complaints. He doesn't intend to put them back unless it is absolutely necessary. He doesn't have anything to report regarding the trailer that Mr. Amico is to install.

The Memorial Day event was very successful and we made money on it. Ms. Hayduke will give a report on that.

Regarding EMS funding, the county has come up with a methodology for reimbursing the 19 providers of first responder service for rescue. In our case they told us that they only intended on reimbursing us for some of the expenses, even though we only began running the EMS engine about 2 years ago. They would reimburse us for the cost of three paramedics and one quarter of the chief's cost. If they would reimburse us for the expense of running the rescue vehicle then they would be funding us for six paramedics and part of the chief's salary. They are not likely to do so. They will be taxing our residents to provide the service. We looked at the 2007 figures that the EMS generates for Treasure Island vs. the cost of operating. They are taking one million dollars out of Treasure Island and replacing about 40% of that. We subsidize other areas of the county. The system needs to be fixed. He is being told that they have no intention of funding the entire .5 mil that they could charge to make up the funding shortage that they are facing.

We have received a request from the City of Madeira Beach last week to see if we are interested in presenting a proposal to provide fire service to Madeira Beach. He has asked Chief Fant to put together a proposal that would ensure that the citizens of Treasure Island were not subsidizing the services for Madeira Beach. Other entities have been asked to provide proposals as well. We are also looking at submitting a proposal to provide police service as well. All of this will come before the City Commission. We are looking at what it is going to take to provide basic services here over the next decade. He has asked the Chief to look into what it would take to provide combined services with neighboring communities. Representative Frishe has asked for an analysis of what it would take to provide fire services by Pinellas County. We are looking at trying to have some influence on the services and levels of services provided. All of those impact on the budget preparations for this year. It is

a difficult task because there are so many unknowns. We are looking at some internal consolidations as well as a reduction in positions. We will get the budget to you as close to July as we can, then begin meeting a couple of weeks into July.

Commissioner Gayton asked about the police services proposed for Madeira Beach. Mr. Silverboard clarified that they have been asked for a proposal. Commissioner Collins asked if it would be a revenue source to the city. Mr. Silverboard stated that it would be a savings to the city by sharing in some of the expenses.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins reported on the BIG-C meeting that was hosted by Treasure Island last week. They received word that the offshore drilling is no longer an issue. They were also told that the \$15,000,000 was still available for beach renourishment. They had a presentation by Sally Bishop regarding emergency evacuation procedures. 1921 was the last time that Pinellas County was hit directly by a hurricane.

Commissioner Collins stated that a meeting regarding the additional third penny will be held.

Commissioner Coward stated that she has been asked about the lights being off along and the causeway. There are 24 lights out in that area, and there are 3 lights out on Paradise. She has discussed this with Mr. Silverboard. Progress Energy will come out to repair them. Mr. Silverboard stated that a list has been given to Public Works.

Commissioner Coward stated that they did a great job repairing the big hole on the causeway. She is concerned about the condition of the road. That is the entryway coming into our downtown and it needs to look nicer than it does now. Mr. Silverboard stated that we have contacted Representative Young, and have also asked for stimulus money for this. Commissioner Coward stated that we need to have a plan so that we have a goal on how we will do this.

Commissioner Coward stated that people should be able to contact the city if there is a light out near their house.

Commissioner Coward stated that she was at the BIG-C meeting and found it interesting how they had to lobby to get the money for the beach renourishment.

Commissioner Bildz stated that Noel Johnson has been here several times asking for action. Should we send her request to the Planning and Zoning Board? Commissioner Gayton stated that we need to discuss what to send to the P & Z. Commissioner Bildz asked that this item be placed on a workshop agenda for discussion

Commissioner Bildz discussed turtle season. He also commented on the area that had been roped off by the Audubon Society. It has been very successful.

Mayor Minning commented on how successful the Bands on the Sand event was and thanked all that worked on it.

Mayor Minning commented on the EMS situation and stated that eventually we will be forced into consolidation.

Mayor Minning announced that there will be another sea oat planting on June . The time will be announced.

Commissioner Collins commented on the Memorial Day service that the American Legion held at the park. There were 4 or 5 veterans from World War II that participated. He thanked AJ Audet and the American Legion for the event.

V. PUBLIC COMMENTS:

VI. ADJOURNMENT:

The workshop was adjourned at 9:38 p.m. by Mayor Minning.