

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

The meeting was called to order at 6:03 p.m. by Mayor Minning.

A. PLEDGE OF ALLEGIANCE: Led by Mayor Minning

B. ROLL CALL:

Mayor Bob Minning		Present
Commissioner Phil Collins – Vice Mayor	District 1	Present
Commissioner Ed Gayton	District 2	Present
Commissioner Carol Coward	District 3	Present
Commissioner Alan Bildz	District 4	Present

C. PUBLIC COMMENTS:

Noel Johnson asked if the Commission was going to follow up on her request to change the rules in the RH50 zone. She asked that the capacity rule be clarified and ask what the capacity is on a single family home.

Linda Rice stated that she and her neighbors have been maintaining the roadbed at the intersection of Ave. and Lagoon Lane. She stated that she addressed it to Commissioner Gayton several years ago and he did not get back to them. She feels that it is time for the city to take the responsibility.

D. APPROVAL OF MINUTES:

The minutes of the May 19, 2009 meeting and workshop are available for approval. It was moved by Commissioner Bildz and seconded by Commissioner Coward to approve the minutes as printed. Upon roll call the vote to approve was unanimous.

E. ITEMS OF BUSINESS

1. Consideration of Res. 09-34, Sale of Property Located at 8031 Causeway Blvd. S.

Mayor Minning explained that he wanted to take up items number 1 and 2 for discussion at the same time. There are circumstances that have come up since the agenda was distributed.

Mr. Silverboard gave a brief explanation of Ordinance 09-05, stating that it is a generic ordinance allowing for the sale of the property. He then explained the background of Resolution 09-28, which approved the acceptance of an offer, which was later withdrawn. Resolution 09-34 would approve the acceptance of the back up offer. Subsequently, a revised proposal was received from Ms. Perrucio, who had made the original offer in Resolution 09-28. Her offer is in the amount of \$180,000, and withdrawing the inspection contingency. The Commission now has two offers to choose from.

Commissioner Collins asked if there was a closing date and non-refundable deposit in the new offer from Mrs. Perruccio. Mr. Silverboard explained that in the letter received with the offer they are prepared to proceed with a June 8 closing, but they can accept a later closing date. He then asked Ms. Kiefer if that was possible. Ms. Kiefer stated that it was very soon, but that it could be done.

Rebecca Casa Grande spoke representing Ms. Cram, who could not be at the meeting. She clarified that Ms. Cram has resubmitted her offer of \$176,300 cash with no contingencies. Ms. Cram thought that her offer had been accepted. She would like to increase her offer to \$182,000 with no contingencies.

Commissioner Coward asked Ms. Kiefer what would be missing if they closed on June . Ms. Kiefer stated that she would try to make sure that nothing was missing, but it could be that the easement would not be prepared and recorded by June . Ms. Kiefer then asked if Ms. Cram would be willing to pay the City Attorney's fee to prepare the deed. Both parties would agree to sign off on any necessary documents after closing if there were any.

Commissioner Collins asked if with the receipt of two offers that were identical other than the selling price, the Commission was obligated to now return to Ms. Perruccio and give her the opportunity to rebid. Ms. Kiefer stated that they would not be obligated to do so.

Ms. Perry, the listing agent for the property, asked if Ms. Cram was removing the inspection contingency. Mr. Harris stated that she had withdrawn it on her amended offer. He explained the circumstances of their offer. Ms. Cram has waived the inspection contingency.

Mayor Minning stated that there are two offers in front of them. One is for \$180,000 and one for \$182,000. Marilyn Wombold explained the circumstances of the resubmitted offer. Her client is from Connecticut and did not understand the termite situation. When they learned more about it they were willing to change their offer.

Commissioner Collins asked if the commission would be different with the offers. Ms. Perry explained that the commission would be the same. She recommended that they ask for best and final offer from both parties.

Commissioner Coward spoke to Mr. Harris and stated that he was not present at the special meeting that was held to address the sale of the property. He had the opportunity to attend. He apologized and stated that he did not know the time of the meeting.

Ms. Casa Grande stated that her client was not told that there was a higher offer on the property until Monday. Ms. Perry stated that as a realtor they are not at liberty to discuss the offers. Everyone knew about the meeting and could have attended. They contacted Mr. Harris as soon as they knew about the other offer. The city can make the information public, but she can not. She again suggested that they ask for best and final offers from both buyers.

Commissioner Collins suggested that they ask for a best and final offer from each potential buyer that is accompanied by a 5% deposit to be placed into escrow.

Commissioner Bildz asked Ms. Perry how long that process would take. Ms. Perry suggested giving them until Thursday to come in with their offer. Ms. Casa Grande stated that her client would not want to do best and final offer. She feels that it is not fair to Ms. Cram. She has been willing to close the deal from the beginning. She feels that the integrity of the process is better served by the city making a decision tonight.

Mr. Silverboard stated that if we were a private party this would be a more traditional real estate transaction. Because we are a government we come under the sunshine rules. Any document that comes in is a public record, and if anyone asks for a copy of it we must provide it. It isn't that anyone is doing anything unethical. It is the rules that we have to play under. Ms. Perry stated that she was very clear that as a realtor she could not disclose the information, but that the city could. There were plenty of opportunities for both parties to get the information. Mr. Silverboard stated that if the Commission decides to ask for best and final offer he wants it clear whether it be from these two parties only, or from anyone.

Commissioner Collins stated that he would like to see the offers from these two parties within 48 hours.

Ms. Kiefer stated that nothing has been done out of the ordinary. Everyone has been following proper procedure. If the Commission wants to request best and final offer they should make it clear to the public that they will only be accepting offers from these two parties. Normally real estate agents are required to present all offers. She suggested that they make it clear what they want to do, and doesn't think they should rush.

Commissioner Bildz stated that they have an offer for \$182,000. Once they ask for best and final either party could submit a lower offer. He would feel more comfortable accepting the offer of \$182,000. Commissioner Collins stated that until we get a written offer with earnest money all we have is conversation.

Mr. Harris stated that he feels there has been an injustice done to Ms. Cram as her offer was received by the deadline and another offer was received later. Ms. Casa Grande stated that this could all be resolved tomorrow when Ms. Cram returns.

Ms. Kiefer recommended that offers be presented in sealed envelopes to the City Manager, not to be opened until the deadline.

Mayor Minning stated that he understands that the realtors are working in the best interests of their clients, but the Commission is also working in the best interests of their clients, the taxpayers.

Ms. Perry stated that as long as the property is active on the market offers can come in. It can not be changed to sale pending until a contract is signed. The opportunity was there for the other party to call the City Manager for the information. She thinks they should ask for the best and final and allow the City Manager to open the sealed bids.

Commissioner Collins stated that at this point they do not have a signed contract with Ms. Cram and he is in favor of best and final offer received in 48 hours with 5% deposit.

Commissioner Gayton asked if this had to be open to anyone, since the listing is still active on the market. Ms. Kiefer stated that they could accept other offers. Commissioner Collins asked what the time limit should be to accommodate the two buyers that have been here.

Commissioner Coward asked if they could give the Mayor permission to accept the offers. They would need to pass a resolution after they agree to accept an offer.

Ms. Perry asked Ms. Kiefer for clarification of the fees that would be charged for closing.

Commissioner Gayton asked if both prospective buyers are aware that there are no riparian rights. Both realtors answered in the affirmative.

It was moved by Commissioner Collins that they give both prospective buyers to give their best and final offers with accompanied by a 5% escrow deposit that becomes non-refundable upon acceptance of the contract. Ms. Kiefer stated that there are issues involved with the refundability of deposits. Commissioner Collins restated his motion asking for best and final offer by 4:30 on Thursday, accompanied by a 5% escrow deposit. The offers will be received in sealed envelopes by the City Manager. The motion was seconded by Commissioner Gayton.

Commissioner Bildz stated that he would like to accept the offer for \$182,000 tonight. Ms. Kiefer stated that she did not recommend doing so.

Upon roll call the vote to approve the motion was 4-1 with Commissioner Bildz being the dissenting vote.

2. Consideration of Ord. 09-05, Authorizing the Sale of Property Located at 8031 Causeway Blvd. S. (2nd Reading and Public Hearing)

Ms. Kiefer amended the title of the ordinance to authorize the sale of the property.

It was moved by Commissioner Collins and seconded by Commissioner Gayton to approve the ordinance as read.

Commissioner Bildz asked if they could set a date for a meeting now.

The public hearing was opened at 6:53 p.m. by Mayor Minning. There being no public comment the public hearing was closed at 6:53 p.m. by Mayor Minning. Upon roll call the vote to approve was unanimous.

A special meeting was scheduled for 8:30 on Friday morning to accept an offer. Ms. Kiefer stated that she would prefer to meet on Monday so that she can review the offers. It was decided to move forward to Friday morning. If they find something that is not to their liking they can meet again.

3. Consideration of Res. 09-30, John Levique Parade

It was moved by Commissioner Gayton and seconded by Commissioner Coward to approve the resolution as read.

Commissioner Collins asked how many cars would be in the parade. There are eight confirmed. Commissioner Collins stated that there are a lot of residents on Isle of Palms and Isle of Capri who will need to get out. He would like to see the parade operate in the outside lane. Mr. Silverboard stated that one of the things that was agreed to was that they would stop for traffic lights. There would not be any hold up to any of the residents. Commissioner Collins stated that eight cars is not a problem, but if it should go to 30 or more that would keep people from turning east off Gulf Blvd. He feels that there could be a problem merging at the John's Pass Bridge.

Commissioner Coward asked if they were going to have police coverage. They have three on-duty officers arranged for, and one off duty officer. They are only waiting for signatures from the city to go to the DOT. Commissioner Coward stated that she feels that it is dangerous for them to proceed along the center line. It was clarified that there is a concrete island in the center that would prohibit them from using the center lane. Commissioner Bildz clarified that Commissioner Collins meant the left lane, not the center turn lane. It was stated that there would be no walkers in the parade. Commissioner Coward stated that they want everyone to be safe. Ms. Rice clarified that it is a controlled parade.

Mr. Silverboard stated that they should leave it to the police to ensure that it was handled in the safest way.

Upon roll call the vote to approve was unanimous.

4. Consideration of Res. 09-31, Health Insurance

It was moved by Commissioner Bildz and seconded by Commissioner Coward to approve the resolution as read.

Commissioner Gayton asked why they were given the resolution tonight without time to read it. It was clarified that it was provided in the Commissioner's boxes yesterday. The change was necessary to address the needs of a certain group of employees.

Ms. Valdes explained the changes to the resolution. It was to allow the city to cover the difference in the family coverage. The recommended plan is an overall reduction to the city, but an increase in family coverage. Mr. Silverboard stated that it would be for the remainder of this fiscal year, and next fiscal year. It is not a permanent thing where they are getting a greater benefit.

Commissioner Bildz asked for clarification of the cost for the proposed amendment and the total savings. It is \$8,500, and a total savings of \$43,000.

Commissioner Collins stated that he was surprised that we had to give them one year's notice to opt out. Ms. Valdes stated that it was a requirement of the PRM trust. Mr. Silverboard stated that he didn't feel that it was unusual, and we would give them that notice at the beginning of the second year to give us flexibility.

Commissioner Gayton clarified the statement in the staff report stating that there would be no wage increases in the proposed budget. Ms. Valdes answered in the affirmative. Commissioner Gayton stated that if this benefit didn't trigger additional tax increases then he had no objection to the proposal.

Kurt Gehring stated that they have been working with Ms. Valdes for approximately a month and a half and he wanted to commend them on their selection of her. They are very impressed with her. They concur with the recommendation from PRM. He stated that they are the only trust that requires a one year opt out, but in talking with their clients they are all very satisfied with the renewal process. They did a provider match between the current plan and the proposed plan and it came out very favorable. He feels that they had a lot to do with the favorable results, and to not be included moving forward disappoints them. They appreciate being included in the life and dental plans. Mayor Minning stated that they appreciate their efforts on behalf of the city.

Commissioner Coward asked for clarification as to how many employees take the family coverage. It is 11 employees. Commissioner Bildz stated that if new employees selected the family plan they would be paid for as well. Mr. Silverboard stated that the resolution states that it covers only current employees. Commissioner Coward felt that it seemed a little unfair that a few employees were receiving an additional benefit. Ms. Valdes explained that it was a good mix of employees and not just higher paid employees. Commissioner Coward asked for the references that have been received regarding PRM. Ms. Valdes stated that they have been in business for 20 years, and nobody has left in 15 years.

Upon roll call the vote to approve was unanimous.

5. Consideration of Ord. 09-04, Business License Fees (Reading)

It was moved by Commissioner Bildz and seconded by Commissioner Coward to approve the ordinance as read.

Upon roll call the vote to approve was unanimous.

6. This item was on the supplemental agenda regarding the sale of the property, therefore needs no action at this time.

F. ADJOURNMENT

The meeting was adjourned at 7:20 p.m. by Mayor Minning.