

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS WORKSHOP  
January 5, 2010**

The workshop was called to order by Mayor Minning at 6:14 p.m.

**I. DISCUSSION ITEMS:**

**1. Consideration of Res. 10-03, Rescinding Resolution Relating to Beach Maintenance**

Mr. Silverboard gave a brief explanation of the item. At the last workshop he was asked to prepare a resolution to modify two existing resolutions regarding no rake areas on the beach. There is a recommendation from the Beach Stewardship Committee in the back up. They recommend allowing raking whenever possible as close as possible to the dunes. In addition, there was a special meeting of the Beach Stewardship Committee on December 2<sup>nd</sup>. It was a walking tour of the beach. They looked at the dune and trail areas, and the city land between the beach trail and the adjacent private property. There was then a meeting that took place on December 9<sup>th</sup> where the board discussed the walking tour and made recommendations to staff. We have outlined the changes that the staff has made since those two meetings. Dennis Velasco is here to address any questions. Commissioner Gayton represented the City Commission at the December 9<sup>th</sup> meeting. Resolution 10-03 would modify the two previous resolutions.

Commissioner Collins stated that he is in favor of rescinding the previous resolutions. Commissioner Gayton stated that he is in favor of following the recommendations of the Beach Stewardship Committee. He suggested that they go through each recommendation one at a time.

Commissioner Gayton stated that they have had petitions from motel owners asking to rescind the resolution and go back to the no raking policy. They have had letters from people staying at the motels stating that they will not come back if the problem is not addressed. They have received a letter from the Executive Director of the Chamber of Commerce. He read a letter from one of the motel owners requesting that the beach raking be resumed and the area east of the beach trail be cleaned by the City. Commissioner Gayton stated that he is in favor of rescinding the resolutions and clean up the beach.

Commissioner Coward stated that she is in favor of cleaning up the beach. She suggested that we put as much effort in as possible to do this as quickly as possible. She suggested that they ask for volunteers to help with this.

Commissioner Bildz stated that he has never been a fan of beach raking, but when they received requests from 70 motel owners it must be addressed. He noted that raking up to the dunes will not make them any more attractive. He stated that there are native dune mice, and wondered if they are being mistaken for rats.

Commissioner Collins stated that they have to establish the distance to the dunes that they will rake. He commented on the information given to them by Heidi Horak regarding raking along the shoreline. He feels that they should take this information under consideration.

Commissioner Bildz stated that he agrees with Commissioner Collins. That is one of the reasons that he is opposed to beach raking. Many people would not enjoy the beach so much without the birds.

Mayor Minning stated that he is in favor of rescinding the no rake area, but must throw in the legal side of that. They have an existing permit with the DEP that allows them to rake the beach. The approval is limited to the activity in the specific location noted in the permit under certain conditions. He read condition #8, which states that they must stay at least 10 feet from all native vegetation. This would allow them to rake the area immediately westward of the beach trail in the northern area of the beach. The City has asked for further guidance from the DEP. There has been a letter sent to the DEP from the Beach Stewardship Committee presenting photographs of the area that we would like to rake and asking for guidance. For now, we can rescind the previous resolutions, but are bound by the existing permit. We should have a response from the DEP in the next couple of weeks.

Commissioner Bildz commented that the property owners in the area of 116<sup>th</sup> Avenue have no clean access to the beach. He asked if they should put a dune walkover in that area.

Commissioner Coward stated that some of the areas are too narrow to get a rake in there. They would have to be cleared out manually. Commissioner Bildz stated that manual clean up would be allowed under our permit. The permit specifies mechanical raking, so hand raking would be allowed. Commissioner Coward suggested that they have a clean up day and ask for assistance. Mayor Minning stated that the Beach Stewardship Committee has been very successful in organizing sea oat plantings and Elnor Island clean ups, so they would probably be able to get volunteers to assist with this.

Commissioner Collins asked if we could go in and spray with weed killer. Mr. Silverboard stated that that is the type of question that we are looking to the DEP for assistance on. He explained that we are allowed to remove exotics from the dunes, but we are not permitted to remove native vegetation.

Commissioner Collins asked what kind of licensing agreement we could get with the property owners eastward of the beach trail for clean up. Mr. Silverboard stated that it would depend on what the state will allow us to do. If the state allows it the Commission would have to decide what they want to do. That area is public beach, but there is a court case and some findings from that court case in terms of what we can legally go in and remove that has been installed by the property owners. The City Attorney has been asked to look into the issue on how the court case may impact us regarding our ability to remove improvements.

Commissioner Coward stated that they are not talking about going in and tearing up the dunes. We are talking about cleaning up entries for people to get out to the beach. She walked all around and feels that it just needs some clean up.

Commissioner Gayton asked how far out from the middle of the dunes was weeds. It is weeds for 15 to 30 feet. The weeds are not part of the dunes. That is what everyone wants cleaned up. He presented a picture of what the beach looked like in the 1980's. We cannot impede access to the beach. He suggested that they rescind the resolutions and then make a decision regarding how close to the palm trees they should go.

Mayor Minning stated that the picture he provided to them was done in 2007 before the no rake areas were passed. We can not violate the conditions of the permit. We depend on the DEP for a lot of things regarding the beach.

Commissioner Bildz asked what the definition of a dune is. Mr. Silverboard stated that there is a definition in the administrative code and state statute. We will be provided with that from the state. Mayor Minning stated that the photos in their packet show the dune areas as provided in the Delta 7 study. Commissioner Collins stated that the definition of impeding should be discussed as well.

Commissioner Coward stated that there are openings in the beach wall that have dunes in front of them. These are the areas that need to be cleaned up.

Commissioner Bildz stated that the motel owners can hire their own rakers. Mayor Minning stated that there has never been anything that prohibited the owners from hiring their own rakers.

This item will move forward to the next meeting agenda. Mr. Silverboard read the proposed resolution for those in attendance.

The remaining items in the list of recommendations were then discussed. Item #3 in the recommendations was to clean up the area around the sand wall. Commissioner Gayton stated that it should be cleaned up, and the sand that has accumulated should be removed. Mr. Silverboard stated that that would be discussed with DEP as well.

Commissioner Coward asked what we would do with the sand if we replaced the wall. Mr. Silverboard stated that we would have to provide a plan to the state. Commissioner Coward stated that we should begin looking at that. She suggested that we take Penny for Pinellas money to work on the wall.

Commissioner Gayton stated that the sand wall is the responsibility of the City of Treasure Island. We have never been told by any authority that we could not maintain the wall. It is being destroyed by the accumulating sand and the weeds. He stated that we should remove the sand now. Mr. Silverboard stated that we are trying to make sure that we follow the law. If they say that it is ok to remove the sand then we will do it. Commissioner Gayton stated that we used to do this on a monthly basis three years ago. Nobody told us that we couldn't do it; we stopped doing it on our own. Mr. Silverboard explained that Steve West told us that any pile of sand is considered a dune. Commissioner Collins stated that we are not removing the sand, we are redistributing it. Mr. Silverboard stated that we will get a response to our letter within the next couple of weeks. Mayor Minning stated that regardless of what has been done in the past we have a permit now, and we should wait for the answer from the state before we proceed.

Commissioner Bildz stated that a parallel to that was the parking issue at Sunset Beach. The public parking spots were not in the law, but it was in their rules therefore we had to follow the rules.

Commissioner Gayton asked for consensus on whether to clean up the wall area. Mayor Minning stated that he is in favor of cleaning it up, but only to the extent allowed by law. Commissioner Bildz stated that he agrees with Mayor Minning. Mayor Minning explained that there are areas along the wall that do not have dunes, so those areas could be cleaned up. Mr. Silverboard asked again to wait for the answer from the DEP.

Item #4 was to level the area adjacent to the sidewalk on the east side to prevent injuries. Mr. Silverboard stated that it will be taken care of as soon as possible.

Item #5 was to remove invasive plants from the dune area. Mayor Minning stated that this is not an issue.

Item #6 was in regards to moving the dunes. We would have to go through a permitting process with DEP to do so. Mr. Silverboard stated that it would be up to the private property owners to pursue that issue.

Item #7 is a list of questions regarding permitting and restrictions. All of those issues have been addressed in the letter to DEP at the recommendation of Steve West.

Item #8 is a request that the City Attorney investigate the licenses for the private property owners to maintain the areas behind their properties. Mayor Minning stated that there are really only two properties that are unsightly. We will get the necessary information to ensure that this issue does not come up again. Commissioner Gayton stated that there is a wall behind the Buccaneer property that has not been maintained for the past three years. He wants to know why the City is not maintaining the City property. There is 350 feet of shoreline outside of the wall that was placed there in the 1960's. Mr. Silverboard stated that it was being used by the Buccaneer until they tore down the hotel. We send Code Enforcement there to remind them that they are responsible for maintaining it. If the Commission wants to they can give staff the direction to maintain the area. Commissioner Collins asked if they had been cited. Mr. Silverboard explained that we call them and they come out and clean it up. Commissioner Collins asked if we fine them. Mr. Silverboard stated that it has been fined in the past, but the Commission abated it. Commissioner Collins asked why it needed to go in front of the Code Enforcement Board again, and why they couldn't just start fining them. Mr. Silverboard explained that the Code Enforcement Board had to declare them a repeat offender. Once that happens it doesn't have to go through the long drawn out process. Commissioner Collins stated that it sounds like the owners are well aware of it and wait for a call from the City.

Commissioner Gayton stated that the Buccaneer owners installed the shuffleboard area and another wall in the 1960's. There is another fourteen feet outside of that wall that the city has maintained in the past and is no longer maintaining. That area is full of weeds and debris. The Buccaneer was cited in December of 2008 and had a \$30,000 fine imposed on them. How much should we impose on ourselves for a fine for not cleaning up our own property?

Commissioner Coward stated that if it was as simple as directing staff to clean it up then we should do so tonight. Commissioner Gayton stated that he agrees.

Commissioner Collins stated that the owners of the Buccaneer did not pay a \$30,000 fine. Some of it was forgiven. Mr. Silverboard stated that he understands that they want it cleaned up. The issue is that Commissioner Gayton feels that it is city property and should be cleaned up by the City. The issue is not clear cut and we are looking into the court case. If the Commission wants us to clean it up we will clean it up. The court case says that if a property owner has made improvements outside their property line then they are responsible to clean it. Commissioner Coward stated that it needs to be cleaned up. It was the consensus of the Commission to clean up the area.

Barbara Driscoll made comments regarding the beach. She sees a beach with a successful, thriving dune ecosystem. She made comments regarding the many comments made at the previous workshop. She suggested that the Commission encourage residents to remove invasive species from their landscape. Cactus and sand spurs are native plants that contribute to the root system in the dunes. Rats can only live in the dunes if there is a food source. Garbage should be removed. The dune mice will become extinct if their habitat is destroyed. She commented on the threats to sue the city, and stated that suing the city was suing their self. Regarding losing tourists, we could advertise the beach as a natural beach and provide information to motels and tourists. The beach is not a theme park, it is nature.

John Burke stated that he has been a participant in the beach cleanup for over ten years. It is interesting to see the motel owners interested in the beach now. They have not participated in the beach cleanups. Over 90% of the participants in the clean up come from the Isle of Capri where there is no beach.

Sid Appel presented pictures to the Commission of some work that was done this past week at the beach. He is there to represent the central beach area property owners. Starting tomorrow he will pursue the ten foot area. That represents thousands of square feet of sand

spurs and weeds. Their research is complete on their end. He will be recommending that they finalize their suit against the City of Treasure Island, and hold the Beach Stewardship Committee responsible as well. They will be contacting the state tomorrow regarding restricted access to the beach. He stated that what the pictures were showing was illegal activity and stated that they were ignoring the wishes of the property owners. The city is moving sand and depositing it in certain areas and then calling it a dune. The final decision on the lawsuit is not his, but he will recommend it and he will back it. Mr. Appel made several comments and was asked to refrain from those types of comments by Mayor Minning.

2. Consideration of Res. 10-02, Code Enforcement Lien Abatement Request for Property Located at 12005 4<sup>th</sup> Street E.

Neal Schwartz gave a brief explanation of this item. In October of 2008 a lien was placed on the property. In March of 2009 a bank took over the property and on the same day the property was brought into compliance. They are now requesting that the fine be reduced.

Ms. Brasher from Alliance Title spoke representing BankUnited. The bank is requesting a reduction of the lien since the lien was assessed on the prior owner and the property sold at a very low price.

Commissioner Bildz asked for clarification as to when the funds would be received. Ms. Brasher stated that it could be paid tomorrow. Commissioner Bildz stated that since the property was brought into compliance the day the bank took over and kept into compliance he would be in favor of reducing the lien.

Commissioner Collins stated that if a bank agrees to make a loan on a property then the lender knows that they have to take responsibility for that property in the event of a default. If it were unpaid taxes the taxes would have to be paid by the lender. The bank has a business to run, but so does the city. The bank has a responsibility to living up to the codes in the city where the property is located. Ms. Brasher stated that liens such as code assessment and utility liens are not reported to the lender. Tax liens are reported to the lenders so they can make arrangements. Commissioner Collins stated that when they make the loan they take responsibility and because of that he is not in favor of reducing the lien.

Commissioner Gayton stated that he agrees with Commissioner Collins. The property was not in compliance for a long period of time. The bank must have been aware of that when they took over the property. If we start overruling the decision of the Code Enforcement Board then we will run into problems. It costs the city a lot of money for the Code Enforcement Board to do its job. If the bank lends money on the property then they should take responsibility for the lien.

Mr. Silverboard explained that the reason that there is not a recommendation from the Code Enforcement Board is because it is a quasi-judicial board, and they have no authority in matters such as these. The Commission is the only one that has jurisdiction in this matter. Commissioner Gayton asked if it was illegal for the lender to ask the Code Enforcement Board for a reduction. Mr. Silverboard stated that they would be creating a situation where the property owner may have to have an attorney attend the hearing. The Code Enforcement Board is not advisory like other boards are.

Commissioner Collins stated that at some point the lender must have driven past the property and known that it would need to be cleaned up. It is his opinion that the fine needs to stay. Ms. Brasher stated that the bank is not allowed to enter the property until they are the owners of the property.

Commissioner Coward asked Mr. Schwartz to explain the notification process and if they include the lender in that process. Mr. Schwartz stated that they try to notify the lender if they have the information. He stated that in this case the lender was not notified. He explained that there is now an ordinance in place requiring lenders to notify us when they take over a property so that we can tell them what is necessary to bring a property into compliance. This ordinance was not in place when this case came up. Commissioner Bildz stated that even if a lender is notified they are not allowed to go on the property. This lender brought the property into compliance on the first day, and has kept it in compliance. He feels that we should give a little here. Commissioner Collins stated that he feels that it is wrong to overrule the decision of the Code Enforcement Board. Commissioner Bildz stated that they are not asking for a total abatement. They are offering to pay 50%. Commissioner Collins stated that we have people on the Code Enforcement Board that work hard to get these properties into compliance. Commissioner Bildz stated that he feels that because of the way the bank handled this we should give a little on this. Commissioner Collins stated that the bottom line was that any lender that lends money understands the risk that they take.

Ms. Brasher stated that there was another property that had a lien reduced, and she feels that all property owners should be treated the same. Commissioner Collins stated that he voted against that reduction as well.

Commissioners Collins and Gayton stated that they are not in favor of moving this forward. Commissioners Coward, Bildz, and Mayor Minning were in favor of moving the item to the next meeting agenda.

**3. Consideration of Res. 10-01, Interlocal Agreement with St. Pete Beach for Wastewater Force Main Cleaning and Inspection**

Mr. Murphy gave a brief explanation of this item. He explained that the force main in the agreement is jointly owned by the City of Treasure Island and the City of St. Pete Beach. We want to clean the force main, which hasn't been cleaned since 1999. When it was cleaned we returned about 38% efficiency to the line. This line has been in operation since 1984. It is the opinion of the engineer that the line does not need replacement, but does need cleaning and inspection. The reason that there is a proposed interlocal agreement is because the City of St. Pete Beach needs to clean some of their lines. The lines have to be shut down and there would be some economies in sharing resources. The City of Treasure Island would take the lead on this project working in concert with the City of St. Pete Beach, and would share costs according to the agreement that was in place in 1984. The estimated share of the costs for the shared area is around \$138,000 for St. Pete Beach and \$71,000 for Treasure Island. The City of St. Petersburg has awarded a contract for work on the Pasadena pumping station. The City of St. Pete Beach has serious concerns about dumping materials into the force main in that area. We will have to make some piping modifications working in concert with the City of St. Petersburg. With them having to rehab their lift station our window for this project will open up this summer. We propose to move forward with the subaqueous inspection. He has shown this draft agreement to St. Pete Beach, and they appear to be in agreement with it, but are waiting for us to take action on it.

Commissioner Collins asked if we would be reimbursed for staff time used in leading this project. Mr. Murphy stated that the staff costs were primarily him, and he hadn't considered that but would look into it. Commissioner Collins stated that he thinks that whenever our staff is used for a project that should be considered in the evaluation of the costs. Commissioner Collins stated that he doesn't like open ended things, and this seems to be open ended to him. It looks to him that we are spending at least \$518,000, but it could go up. Mr. Murphy stated that he is not asking them to spend \$518,000. It is in the budget, and was a cost estimate provided to them. Before a contract is signed he would have to come back to them for approval. He is asking for approval to move forward to get the cost for the project.

Commissioner Coward asked what would happen if St. Pete Beach decided that they can't do it at this time. Mr. Murphy explained that they would have to agree to share the cost of cleaning the primary shared line. They could decide to not do their line. They are very concerned about the condition of their line, and they are concerned that they have never cleaned their line. Short of a budgetary problem that they may find when the costs come in there shouldn't be a problem.

Commissioner Bildz stated that he thought it was a good idea to inspect the lines, and asked if Mr. Murphy had a guess as to what they might find. Mr. Murphy stated that the hydrogen sulfide sewer gas erodes the inside of the lines. They will open up areas of the lines to look for corrosion. They will also be looking for air pockets or gas that will cause corrosion. They will also look at the wet/dry area of the pipe. Bob Brown, who was involved in the original design, has stated that they are well constructed. We will be addressing the serviceability of these pipes for a long time. His recommendation would be routine cleaning of these lines.

Commissioner Bildz asked if the foam pigs will cause damage to the lines. Mr. Murphy stated that they are soft foam pigs and should not do any damage.

Commissioner Coward asked if this will help with the problems with the ongoing lawsuit with the City of St. Petersburg. Mr. Murphy stated that this will not have an affect on that. He stated that working with them on this project may assist with working with them on other issues.

This item will move forward to the next meeting agenda.

#### 4. Financial Report, FY09 Year End Report

Jim Keranen gave a brief explanation of this item. This report has been forwarded to the auditors and they have been working on it.

Commissioner Coward asked if Mr. Keranen felt comfortable with the balance sheet and the amount of revenue from the sale of the house. Mr. Keranen stated that the \$179,000 for the sale of the house was included in the increase in fund balance. The \$770,000 was the net gain for the year. He explained that the whole column added up to the \$770,000 when taking into account the increases and decreases.

Mayor Minning asked what the fund balance was for the end of the year. Mr. Keranen stated that the undesignated fund balance would be \$1,950,000.

Mr. Silverboard asked Mr. Keranen when we could expect to have the audit completed and when we would have the final numbers. Mr. Keranen stated that they would be finishing the audit this month and would be presenting the audit and CAFR to the Commission at the first meeting in April.

Commissioner Gayton asked what the final percentage was of the fund balance. Mr. Keranen stated that it is close to 20%. The auditors have recommended that we be at around 25%.

Mr. Keranen explained that in some of the funds he has started a project numbering scheme in order to track them year by year and within the year. This will enable them to monitor them throughout the year. Commissioner Coward asked if they would be carried over if they were not completed during the year. Mr. Keranen answered in the affirmative. Commissioner Coward asked what would happen in the event that a project was not going to happen. Mr. Keranen explained that the Commission could reallocate money to another project.

## II. OLD BUSINESS:

Commissioner Collins discussed the Kiwanis Club's 5K run. They have requested that the route be changed from Paradise Island to the Isle of Capri. They will need the board's approval to do so. Mr. Silverboard explained that they cannot take a vote at a workshop, but since it is being discussed tonight it could be brought to the next meeting for a vote. This item will appear on the next meeting agenda.

Commissioner Collins commented on the power outages. He asked if Mr. Silverboard could explain anything on this and if it had anything to do with the trunk line. Mr. Silverboard stated that it did not, and that the power company is still trying to negotiate easements with property owners in order to run new lines. We are waiting for them to come to us with a proposal on what they are planning on doing. Commissioner Collins asked if there is anything we can do about the frequent power outages. Mr. Silverboard stated that there is not.

Commissioner Collins gave a reminder of the beach clean up to be held this weekend.

Commissioner Collins asked if progress has been made on the naming of the new city park located at the former county park. Mr. Silverboard stated that Ms. Hayduke will be presenting this to the board this month.

Commissioner Collins offered to address condo association meetings upon request.

Commissioner Gayton asked Mr. Silverboard to ask the Public Works Director why we are having so many power outages.

Commissioner Gayton discussed Triangle Park on the Isle of Palms. The portion as you enter the island belongs to the city. The other portion of it is a 100 year lease. The lease states that either party can terminate the lease with a one year notice to the other. It also states that we have the right of first refusal. He had asked about putting up a shed on the property, and in doing so he found out information about the lease. He asked if the city could look for funding to purchase the property. It has been a park for the children for many years. Can we ask Mr. Silverboard to try to find available funding? Mr. Silverboard stated that all he needed was a consensus. He commented that the main source of funding would be a FRDAP grant. The grant application would go in this spring. We should make an offer to purchase the property, particularly if we get indication that we will get approval for the funding. Commissioner Coward suggested that they get the information from the tax rolls as to the amount of taxes we would be giving up. Mr. Silverboard stated that we are not getting anything from it as it is being used for public use. It was the consensus of the board to ask Mr. Silverboard to investigate this further.

Commissioner Coward asked for a status update on the swale project along the causeway. She also requested an idea of when it will be paved. There are big holes on Paradise that need attention. Mr. Silverboard will have Mr. Murphy provide that information.

Commissioner Bildz asked about the holiday schedule for recycling. Mr. Silverboard stated that the question came up about recycling because the south end didn't have a pick up for about three weeks during the holidays. According to our contract the only days they do not have to provide recycling are Thanksgiving and Christmas, and those were the days assigned to the south end. Their facilities and all of the county facilities were closed on New Year's Day. We will need to amend our contract and address the holidays in the next contract. We will have those conversations with Waste Management and have our contract with them clarified. It will not be an issue again until the contract is renewed, and it will probably be the north end that will have the contract during the next renewal period.

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

None

The City Clerk reported that there will be no election in March. Gail Caldwell has qualified for Commissioner in District 2, and Commissioner Bildz has qualified for Commissioner for District 4.

The City Clerk was asked to provide the list of applicants for the Charter Review Committee and the Visioning Committee to the Commission.

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

Commissioner Bildz invited everyone to attend the Library's Food for Thought event to be held on February 27<sup>th</sup>.

Mayor Minning encouraged citizens to serve on the Charter Review Committee or the Visioning Committee.

**IV. PUBLIC COMMENTS:**

Arthur Czyszczonek complimented the Police Department on how they are handling the drum circle, and thanked the Commission for the work done on that.

**VI. ADJOURNMENT:**

The workshop was adjourned at 8:45 p.m. by Mayor Minning.