

CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP MINUTES
October 5, 2010

The workshop was called to order at 6:43 p.m. by Mayor Minning.

I. DISCUSSION ITEMS:

1. Discussion regarding city ordinances regarding on street parking (Requested by Mr. Charles O'Dell)

Chief Casey gave a brief explanation of the issues that Mr. O'Dell is concerned with regarding people parking on his lawn. Chief Casey explained that with the new one side of the street parking his side of the street is the side that they are to park on. Mr. O'Dell has called tow services, and they are reluctant to tow vehicles that are partially on the street without a police order. They are reluctant to order that because the vehicles are partially parked on private property. There are no state statutes that address this. It is a problem for Mr. O'Dell, but there is no immediate solution. What others have done is place an ornament in their yard to prevent people from parking there.

Mr. Silverboard stated that there are things that he can do if he chooses to. The right of way is only 20 feet wide in that area. The grass area is his private property. He could put up a fence adjacent to his property line. Because his property is only 30 feet wide and his driveway takes up 10 or 15 feet of that there isn't sufficient room on his property to park a car parallel to the street. There is not a city or state law that solves his problem. People are permitted to park in front of his property on the weekends. If he wants to keep people from doing that he can erect a fence or hedge no more than 36 inches in height.

Commissioner Bildz asked for clarification regarding his ability to park a car on his lot. Mr. Silverboard explained that the lot was originally 60 feet and was split into two. Commissioner Bildz stated that we have an ordinance that allows for a vehicle that is blocking a driveway to be towed. Can we pass an ordinance that would require a vehicle to be parked either totally on private property, or totally on public property? Chief Casey stated that a towing company does not have to tow a vehicle that is parked partially on public and partially on private property. We can pass a law and issue a citation and compel a vehicle to be towed. The parking situation in Sunset Beach is working well, but there will always be situations that arise. If they try to address each one individually they could cause greater problems. Commissioner Bildz asked if he were to put up a "No Trespassing" sign would that help. Chief Casey stated that the towing company would still not tow vehicles if they are partially on public property. They cannot order the towing companies to tow a vehicle unless a law is broken. Mr. Silverboard stated that in this case the vehicle could be partially on Mr. O'Dell's property, partially on the abutter's property, and partially on public property. Whose property would it be towed from?

Chief Casey stated that most everyone on that street has put up a fence or other barrier, and he feels that that would be the easiest solution to this problem.

Commissioner Collins asked for clarification regarding why the tow trucks won't tow the cars. He asked if the car was parked totally on private property would they tow it. Chief Casey stated that they likely would do so. Commissioner Collins asked if the city could pass an ordinance prohibiting parking in this manner. Mr. Silverboard stated that the police would be obligated to avoid selective enforcement issues. They would have to ticket for this all over the city if they see it. It is not a problem if the person parks in the street in Sunset Beach. Almost all of the streets in the northern part of Sunset Beach have this situation. It has not been a problem throughout the entire area, and there is a way to solve his problem relatively inexpensively without having to change the laws. He could put in bushes or a fence right to the edge of his property line.

Commissioner Bildz stated that the only difference between Sunset Beach and the other areas of the city are the set backs. Passing a law would likely only affect Sunset Beach or Sunshine Beach as the set backs are further back in other areas of the city. Mr. Silverboard stated that it hasn't been a problem other than this one case. Commissioner Bildz stated that he has not received any other complaints, but he is surprised that you have no recourse if someone parks on your property. Commissioner Bildz stated that he would like to see a law passed prohibiting parking partially on private property and partially on public property. Mayor Minning stated that he has an inexpensive option to solve the problem quickly.

Commissioner Bildz asked that Mr. O'Dell be contacted and told the Commission's decision. Mr. Silverboard stated that the City Clerk will contact him.

2. Consideration of Ord. 10-03, Land's End Swim Zone

Chief Casey gave a brief explanation of this item. The ordinance would create a swim zone in the area that was formerly an idle speed no wake zone. The procedure has changed for creating swim zones. The ordinance gives the specifics of where the swim zone would be located.

Commissioner Collins stated that in the past we have had problems with some people wanting it, and some not wanting it. He asked what the consensus was from the residents at Land's End. He wanted to avoid the situation that they have had in the past. Mr. Silverboard explained that the Board President and the manager came to the Commission asking for this and the Commission indicated that they would be willing to do so. Commissioner Bildz stated that they had asked them to get a consensus from Mansions by the Sea as well, and they did so. Mr. Silverboard stated that based on that it appears that the residents there support this.

Commissioner Coward asked if we had heard from them since they were in last year. Chief Casey stated that he has not talked with them. Commissioner Bildz stated that he has gotten calls asking what was taking so long. Commissioner Coward asked if the delay was due to the new process. Chief Casey answered in

the affirmative. Once the ordinance is passed they could get the permit within 60 days. Mr. Silverboard stated that they have to approve the ordinance before it is done, and they have seen it and approved it as written.

This item will move forward to the next meeting agenda.

3. Consideration of Res. 10-88, Facility rental fee increases for FY 2010-2011

Ms. Hayduke gave a brief explanation of this item. They are recommending increases in rental fees, overtime fees, and security deposits. The city is losing revenues from parking when the facilities are rented. We have had a lot more rentals than in the past. The staff has worked a lot of weekends and we consistently hear that our amenities are great and rental fees very reasonable. Our rates are lower than our closest competitors. Their main concern is to be sure that the staffing costs and overtime are covered. She read her proposed increased fees. This increase would bring in an additional \$5,140.

Commissioner Collins asked if security deposits are retained if staff has to do additional cleaning after events. Ms. Hayduke stated that often the security deposit is used when the parties run over. She is tweaking their program to cover things like this.

Commissioner Coward asked for clarification regarding the difference in our rates compared to St. Pete Beach. Ms. Hayduke stated that St. Pete Beach's rates are very high. This will not affect our free usages that are allowed by resolution.

Commissioner Bildz pointed out the cleaning fee charged by St. Pete Beach and asked if we would be doing that. Ms. Hayduke stated that our rates are all inclusive. It is in the rules now that they will be charged in the event that excessive clean up is necessary. Commissioner Bildz stated that if the deposits were increased there would be more room to recoup some of this.

Commissioner Caldwell asked if we were able to cover expenses on the party that stayed way over. Ms. Hayduke stated that she kept the entire security deposit. Commissioner Caldwell stated that when it starts running an hour or more over we need to draw a line.

This item will move forward to the next meeting agenda.

4. Discussion regarding City Manager and City Attorney evaluations

Mr. Silverboard gave a brief explanation of this item. He has provided them with evaluation forms that have been used in the past, as well as another one for their consideration.

Mayor Minning stated that they have an obligation to provide the City Manager and City Attorney with annual evaluations. The question is how they want to do so.

Commissioner Collins stated that they can use the forms both ways – to initiate a discussion.

Commissioner Bildz stated that he doesn't like annual evaluations. If they have concerns they need to tell them immediately. He feels that if they are going to do evaluations it should be done on paper so that it can be made part of the official record.

Commissioner Caldwell asked what the source of the documents provided was. Mr. Silverboard explained that they were forms that had been used in the past.

Ms. Kiefer stated that in the past she has done one-on-one conferences with Commissioners. Some brought the forms and some didn't, and some did telephone evaluations.

Commissioner Bildz stated that this is the right time of year to do these.

Mayor Minning asked what format the Commission would like to use. Commissioner Collins stated that he would like to use the form as a guideline and have a one-on-one discussion.

Commissioner Caldwell stated that she has used ratings in the past, and suggested that they think about the process. She prefers to use the form as a guideline and have a one-on-one discussion.

Commissioner Coward stated that she feels that a one-on-one discussion could be an intimidating situation.

Mayor Minning suggested that they use the form and leave the decision to have a one-on-one discussion up to each individual Commissioner.

It was agreed to use the forms, and have optional one-on-one discussions. This should be done individually by the end of the month. Commissioner Collins stated that if there is a common concern then they should workshop it again, but if everyone is satisfied they should leave it. Mayor Minning will compile the results and report on them under City Commissioner reports.

5. Consideration of Res. 10-90, Chapter 164 Mediation with the City of St. Petersburg regarding strong waste surcharges

Ms. Kiefer explained that this is the next step in the process. The Mayor has sent a letter, but has not received a response. The Chapter 164 Mediation would be required as a first step if they decide to pursue this further. It can be waived by both parties if they both choose to do so. There is a five year statute of limitations. The changes in the reading of the flow were made in 2008. They can only go back from 2005 to 2008. Mayor Minning asked what the date would be. Ms. Kiefer explained that it was five years back from the date that the complaint is filed.

Commissioner Caldwell asked about the 2004 charges. Ms. Kiefer stated that the statute of limitations is five years, so there could be a year of losses already. It could still be about \$300,000 with interest.

Commissioner Bildz asked when the time would start. Ms. Kiefer stated that it was from the day that they file a complaint. When they did the wastewater complaint they did a double resolution that authorized both the Chapter 164 mediation as well as the litigation.

Mayor Minning asked that the Commission follow through with his previous request to give him time to get a response from Mayor Foster. Ms. Kiefer stated that she is trying to get an idea of what the Commission is considering. Commissioner Collins stated that he thinks this should be moved forward to the next meeting, and it could be dropped from the agenda if it was not necessary.

Ms. Kiefer stated that she intended to put a resolution on the next workshop agenda that would authorize the initiation of the litigation. It would be four weeks before it could be passed.

Commissioner Coward asked if they could discuss the dollar amount. Ms. Kiefer stated that the amount is approximately \$300,000, including interest. The amount without is around \$200,000.

Mayor Minning stated that he would like to see them explore as many avenues as possible before they go forward with litigation. He is not willing to do that at this time.

Commissioner Bildz suggested that Mayor Minning contact Mayor Foster and try to work something out.

Commissioner Coward pointed out a typographical error in the resolution.

Commissioner Bildz asked who the "appropriate city officials" noted in Section 5 were. Ms. Kiefer stated that it was spelled out in the resolution.

Mayor Minning stated that he would make every effort to take care of this in a non-litigious way.

Commissioner Coward asked about the language regarding a conflict. Ms. Kiefer stated that she will research the statute to see if we would have to list the current lawsuit as a conflict.

It was agreed to move this forward to the next meeting agenda.

6. Discussion regarding the size of the Beach Stewardship Committee (Requested by Commissioner Coward)

Commissioner Coward explained that she brought this up for discussion because there was concern expressed at the last meeting regarding attendance and the size of the committee.

Commissioner Bildz commented that there are members appointed from each district.

Commissioner Coward stated that there are rules regarding attendance at meetings.

Commissioner Collins stated that it should be discussed internally by the board and then they should make a recommendation to the Commission.

Commissioner Bildz stated that he feels that if people do not attend they should be removed from the board.

Mayor Minning stated that the idea is to have the people that are appointed to show up. Adding members will not solve that problem.

John Burke stated that each district has a representative. It is the Commissioners that are responsible for the attendance. Some of them will run out of time on their term limits. The Commissioners will have to find some good people to serve.

Commissioner Collins stated that if someone is being termed out and there is no replacement they are allowed to stay.

7. Consideration of Ord. 10-11, Amending purchasing procedures

Mr. Silverboard gave a brief explanation of this item. The city's current regulations are very minimal. He is proposing to expand the purchasing regulations. He has also developed companion administrative policies that address the day to day procedures for purchasing. He is recommending changes to the authority. He has also given definitions that will clarify the purchasing process.

Commissioner Collins stated that he has a problem with increasing the City Manager's purchasing powers above \$8,000. The residents would expect the City Commission to make those decisions. He feels that they should update their ordinances. Mr. Silverboard stated that the last time the amount was increased was 11 years ago.

Commissioner Caldwell stated that she has a concern with the top end of some of the approvals. She understands increasing it somewhat, but is hesitant to increase it as much in some areas. She agrees that it is appropriate to clarify the ordinance.

Commissioner Coward stated that she concurs. She asked what has been the hardship in the past with the way we have been doing it. Mr. Silverboard stated that there would be fewer items that would need to go to the Commission, and there would be clarification as to when an item will have to be specifically budgeted for as opposed to making sure that there is money available. We have had a number of items where he has gone to the Commission because the ordinance is not clear.

Commissioner Bildz stated that the ordinance is not clear that the Commission has that power either. Mr. Silverboard stated that he understands their concerns with the purchasing authority, but feels that they should recognize that prices have increased in 11 years, and it should be increased some. Commissioner Coward stated that it is her understanding that this is a clarification, and they could lower the amount of the increase in purchasing authority. She asked for an example of what Section G referred to. Mr. Silverboard explained that there is state statute that addresses those sorts of consultants. Anything that is covered under that act would not be part of these requirements. We are regulated by the state for certain types of services. He clarified that this only applies to items that the Commission has already approved in a budget. It is not additional spending.

Commissioner Bildz stated that he doesn't have a problem with the dollar amounts. What he doesn't like is the last phrase "provided that sufficient funding is available in the city budget". He feels that it should go to the Commission if it is not in a line item. They have already approved the budget. Mr. Silverboard stated that he has no problem if it says that it has to be in a specific line item, but they would be tying staff's hands too much if they say any purchase that isn't in a line item has to go to the Commission. He suggests that they set the limit at \$10,000 if there are funds available, and it must be specifically listed between \$10,000 and \$15,000.

Mayor Minning asked if \$10,000 would be acceptable to the Commission. There was a consensus on that amount. Commissioner Bildz expressed concern that there is something in the ordinance giving the Commission authority to make purchases that are not included in the budget. Mr. Silverboard stated that the Commission is allowed to spend any money that is appropriated. The new ordinance would require any purchases above \$10,000 to go out to bid, and be approved by the Commission.

This item will move forward to the next meeting agenda.

II. OLD BUSINESS:

Commissioner Coward asked if FDOT has stopped our crosswalks. Mr. Silverboard explained that they were concerned with signage.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer reported that the Gulf Coast Recovery trial is still set for next month. They should start planning now for who will be attending when. She is asking for all of their available dates now. It will likely be the second week of November. Commissioner Collins asked how many times they would have to be available. Ms. Kiefer asked that they all report every date that they have available to the City Clerk.

Ms. Kiefer stated that they will need an executive session at 5:00 p.m. on October 19th regarding the Gulf Coast Recovery case. She will be retaining coverage counsel to assist the city in the event that there are coverage issues.

Ms. Kiefer reported that the judge dismissed the Becker case. They have until next week to file an amended complaint.

Ms. Kiefer stated that she needs to retain a consultant on the wastewater case. She will provide them with more information as to who it is and a budget at a later date.

Ms. Kiefer reported that she was in court with the Police Department recently regarding the citations that have been issued to the Sloppy Pelican, which is located in St. Pete Beach. The judge granted a motion to dismiss on the grounds that we do not have jurisdiction to issue citations for occurrences in St. Pete Beach. There is no case law for cases of this nature. She has spoken with the Sheriff's office who indicated that St. Pete Beach should be dealing with this. Commissioner Bildz asked if Land's End could hire a sheriff's officer to cite them. Ms. Kiefer stated that they could not, but they could file a civil claim against the Sloppy Pelican.

Mr. Silverboard reported that we will be having a haunted glow golfing event on October 28th at Treasure Bay. There will be the Halloween Spooktacular and Fall Festival for the kids being held on October 29th. It is always very well attended.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins offered to attend condo association meetings to answer questions.

Commissioner Coward stated that Progress Energy has been very good about advising them how the project is going. They are hoping to be done by the end of the year. Commissioner Bildz reported that they had a library meeting. The new executive board was elected.

Commissioner Bildz reported that the Sunset Beach Civic Association will hold its meeting on Monday evening at the Beach Pavilion.

V. PUBLIC COMMENTS:

Mary Maloof thanked Mr. McLure for the article that he wrote regarding the Visioning Committee. She reported on the committee's activities at the Isle of Palms recently. They have also covered the Paradise area. They will be at the Spooktacular. Their first community event will be Saturday, October 30th. It will be a participant led event. Collaborative labs will do the same kind of process that they did for their committee and the Commission's retreat. They will be switching their focus to those events. There will be three of those sessions. She urged people to attend one of the events. She thanked the Commission and staff for their support.

VI. ADJOURNMENT:

The workshop was adjourned at 8:38 p.m. by Mayor Minning.