

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP
February 2, 2010**

The workshop was called to order by Mayor Minning at 7:00 p.m.

I. DISCUSSION ITEMS:

1. Discussion of Determination of Consistency with the Countywide Future Land Use Plan and Rules from the Board of County Commissioners of Pinellas County, in its capacity as the Countywide Planning Authority (Informational Item) (Requested by David Healey, PPC)

Ms. Rosetti introduced Dave Healey from the Pinellas Planning Council. Mr. Healey spoke regarding the determination of consistency and the process to do so. They are asking for four minor changes in the upcoming year. The reason for consistency is to have a common understanding of the rules and language between governments. It promotes the good neighbor policy. It gives local governments the freedom to set the tone for their own communities.

Commissioner Bildz asked if Ms. Rosetti agreed that it was just four minor points. Ms. Rosetti answered in the affirmative. They will incorporate what they have to do with the Comp Plan into the EAR based report, and will tie the changes to the LDR's in to the EAR based amendments. They will have no problem getting this done in the required time.

2. Discussion of Res. 10-09, Updating the Parks and Recreation Facilities Rental Policy for City Not For Profit Groups

Ms. Hayduke gave a brief explanation of this item. This discussion began due to a request received from the Historical Society asking for free use of the Community Center. The existing policy is outdated and needs to be reviewed. She recommended a few small changes to the policy.

Commissioner Coward asked how long they had been giving the facilities to the Art Guild. Ms. Hayduke gave an explanation of what the original policy allowed, and the increased usage by the Art Guild. It has been many years and they have increased their usage. Commissioner Coward suggested that Ms. Hayduke discuss this with the Art Guild. Ms. Hayduke stated that she was waiting for the discussion at tonight's meeting.

Commissioner Bildz stated that if the city currently charges 25% for other classes then the Art Guild should be charged as well.

Commissioner Coward stated again that the Art Guild should have been talked to in advance of this meeting. Commissioner Gayton agreed with Commissioner Coward. Ms. Hayduke explained that in the past the Art Guild only charged a very nominal fee for their classes, but they have increased their fees. Commissioner Bildz stated again that he feels that we should be consistent in what we charge all organizations.

This item will move forward to the February 16th meeting agenda.

3. Consideration of Res. 10-10, Permitting the Isle of Palms Civic Association to Erect a Storage Shed at Triangle Park

Mr. Fant spoke on behalf of the Isle of Palms Civic Association, giving a brief background on the association and its activities. He asked the Commission to consider their proposal to purchase a storage shed. They have chosen an attractive aluminum shed. It would be located in the area of the "top lot" on the Isle of Palms adjacent to Triangle Park. He asked the City Commission to ask the City Attorney about liability factors.

Commissioner Collins asked the size of the building. Mr. Fant stated that it is 8' x 10'.

Mr. Silverboard stated that there are several factors that need to be addressed. The suggested location is on the leased property. Because of this we will need to get the permission of the owners to erect the building on the property. The City Attorney will need to draw up a document regarding the removal of the shed in the event that the property is sold. There are no other pressing issues on this. There are no zoning issues, site plan requirements, or set back issues.

Commissioner Bildz stated that he does not like the idea of putting a storage shed on park land. Mayor Minning stated that the ownership of the property is not with the city. Commissioner Bildz stated that the city is trying to purchase the property. Mayor Minning asked if the owner had been consulted about this. Mr. Fant stated that they have not been. This site was suggested as the location for a recycling storage bin, and people were not in favor of that. He feels that this is a good alternative to that suggestion. Commissioner Gayton stated that the city was in favor of the recycling bin, so there should be no objection to a clean, well maintained storage shed.

Ms. Kiefer stated that due to her being in a federal trial that week she may not be able to attend that meeting. She will provide the liability information before then. Mr. Silverboard stated that it might take longer to get the approval of the property owner, so if this doesn't move forward to the February 16th meeting it will be the first meeting in March. It is required by state statute for the owner to apply for the permit; however, they can make the Civic Association their agent.

Ms. Kiefer stated that she has a reservation about the use of public property by a private entity. She feels that an issue could come up if they allow one private party. Others could ask for use of public property as well. She wants to research this before they vote on it. Commissioner Gayton stated that if she has reservations then they should not have the Civic Association do anything until she has come back with further information. Ms. Kiefer stated that she wants to see a copy of the lease.

This item will move forward when Ms. Kiefer has the answers to the Commission's questions.

4. Report on Spring Break and Summer Beach Activities

Chief Casey stated that they learned many lessons last year, so they will be taking a different approach this year. They will be increasing the patrols at Sunset Beach next weekend. It is a little early, but they want people to see the enforcement and the consistency all around Sunset Beach. March 6th will be the first weekend that they will have the beach detail, which will consist of four officers on the beach, as well as the Community Officer in the Sunset Beach community.

There will also be three officers on duty that can circulate in and out of the area as needed. We will start out with those numbers and work down if we can. We don't know from year to year what the crowds will be like. They are meeting with Mr. Amico regarding changes and reimbursement for officers, communication, and parking. There will be ten porta-potties set up on his property. He feels that it will have a significant impact in reducing the number of calls and complaints that they get. They will move the Communications Officer in later in March if needed.

This Commission has provided for a Community Police Officer. We began our hiring process in October. It typically takes about six months to hire an officer. The economy has had a significant impact on the number of applicants that he has received from candidates from the northern part of the country. There are none at this time. If people have jobs they are not leaving them to move to Florida. The officers that are available are available for a reason and are typically not the type of officers that we would want to hire. We have brought someone in today from Ft. Myers. He has recently completed that academy and has not worked as a police officer in the past. The Community Police officer will come from within the department. They will be in place by March 6th. Typically they would be in place for three to six months. If the officer enjoys it and it works well they may be kept in that position. We use that approach every day. The biggest difference here is that this officer's assignment will be Sunset Beach. They will be available on the weekends and a day or two during the week.

The Community Police Officer will also be involved in the drum circle on Sunday nights. We are hoping that this officer will reduce the aggressive contacts between residents and beach goers. They will be utilized in plain clothes where needed. It is effective in large crowds.

The city is installing video cameras that will be pole mounted at the north and south side of Caddy's on the city right of way, and the top of the building at the park. The cameras will be monitored by our communication staff. The images will be recorded, and will assist the officers as evidence in cases. The staff member monitoring can use them to direct the officers to problem areas. The equipment can be relocated as necessary. It will be paid for by the police forfeiture fund. The cost is approximately \$9,800. The cameras are big enough to be seen so they will be a deterrent.

The plain clothed officers will be working with the ABC board to assist with enforcement of liquor related violations.

The most noticeable change will be stopping the use of the appearance tickets. They will be transported to jail or to PJAC in the case of juveniles. The visual affect of seeing someone taken away is significant.

We will be notifying colleges and others of the changes in enforcement that will be made this year. We are hoping that the media information will give a good notice to the student body. Our officers talk to the students to find out where they are from and how they hear about things. We are responding in a pro-active manner to that. They need to know that if they are going to come here they will have to follow the laws.

We will be enforcing the DUI laws and will set up DUI checkpoints during the peak season. We have started the planning process for that. It will require assistance from officers from other departments. We will be using FWC officers more to relieve the stress of our officers being out on the beach every weekend. This will keep our staff at a better state of readiness to work the details out there.

He cannot provide great detail at this time regarding the one side of the street parking. Last year the concern was that the streets were being blocked making it impossible for emergency vehicles to pass. They have continued to work on this, and have decided where the parking should be allowed to ensure the safe passage of emergency vehicles. They are continuing to work on the other suggestions made by residents in the area. We are waiting for an opinion from the County regarding the public parking spaces and the issue of the beach renourishment. Until he gets that answer he can't really talk about the public parking plan.

Commissioner Collins asked about the cameras being on the cable network. Chief Casey explained that it was a closed circuit network that the public would not have access to but the police would. Commissioner Collins clarified the number of officers that would be on duty. Commissioner Collins asked if people would be transported individually to jail or would be held at our facility. Chief Casey stated that we are allowed to hold them for up to six hours, but we will not do that. We will try to get them transported as soon as possible.

Commissioner Gayton clarified the number of officers that would be on duty. It will be four on the beach detail, plus the Community Police Officer that is assigned to Sunset Beach. Commissioner Collins asked if Mr. Amico would be continuing to pay for three officers. Chief Casey explained that three of the four officers on the beach detail would be paid for by Mr. Amico. There will be four officers on patrol doing their regularly scheduled patrols. There will be eight or nine officers on duty, including the officers on the beach and the Community Police Officer. We changed hours during the week to enable us to have an additional on duty officer on the weekends. Commissioner Bildz asked if Mr. Amico will be paying for additional officers in addition to the beach patrol officers. Chief Casey stated that they will be paying for the Parking Enforcement Officer and the Communications Officer as in the past.

Commissioner Coward asked for clarification as to what the four additional officers will be patrolling. Chief Casey stated that for the month of March they will be starting with four officers on the beach, plus the Community Police Officer. There will also be four officers scheduled to patrol the rest of the city.

Commissioner Bildz asked about the port-o-lets. We granted Mr. Amico permission to install a restroom trailer. The residents want to see the trailer rather than port-o-lets. Mr. Silverboard stated that it would be up to Mr. Amico to put in the trailer, and if the Commission objects to the port-o-lets then they need to say that. Commissioner Bildz stated that the trailer was to be temporary while the restrooms were added onto his building. Mr. Silverboard stated that that was the plan, but he does not know what Mr. Amico's plans are at this time. Commissioner Bildz stated that he objects to the port-o-lets.

Commissioner Bildz asked if the Community Police Officer will be a uniformed officer. Chief Casey stated that he will be uniformed unless he is needed for a plain clothes detail.

Commissioner Gayton asked what would happen after spring break and whether the Community Police Officer would be left in Sunset Beach. Chief Casey stated that he would be moved wherever needed in the community. They would be utilized throughout the year for city events and wherever needed. Mr. Silverboard reminded the Commission that the residents have told them that though there is a slight lull after spring break, the crowds are just as large throughout the summer. During the off season that officer could be used to help set up neighborhood watches.

Commissioner Gayton asked about the report regarding the non-conforming parking. Mr. Silverboard stated that there will be a report at the next workshop for the Commission to consider in addressing the parking issues throughout the city.

Mayor Minning asked who would be doing the enforcement regarding the coolers on the Caddy's property. Chief Casey stated that Mr. Amico will be prohibiting alcohol in coolers on his property, and it will be enforced by Mr. Amico's staff. There will be surveyor who will mark the property lines. Commissioner Bildz asked if Chief Casey anticipated a problem with the enforcement at Caddy's and whether our officers will need to get involved. Chief Casey stated that they would only get involved in the event that a person was asked to leave the property and refused.

Commissioner Coward asked how many holding cells there are at the Police Department. Chief Casey stated that there are two regular cells and a juvenile area.

Commissioner Bildz stated that these officers are not paid directly by Caddy's. They are paid by the city and the city is reimbursed by Caddy's.

Marie Barba stated that after the media gets this nobody will want to go out there. She finds the cameras scary. She doesn't understand why there needs to be nine officers patrolling. She wants Sunset Beach residents to understand that they can be arrested for drinking and crossing the street. She feels that this is overkill. She finds this all frightening. She doesn't know why anyone would want to go to Caddy's.

Mr. Amico stated that he would be happy to submit plans for an expansion of Caddy's, but he didn't think that the board would approve. Commissioner Bildz stated that nobody would discourage him from developing his property. Mr. Amico stated that they were taking parking away, so he can not further develop.

Mr. Amico gave an explanation of cooler usage on his property. If a family comes with something in their cooler such as baby formula that Caddy's doesn't provide then they will not be asked to remove it. If they come with a cooler full of alcohol they will be asked to remove it. He will have his property surveyed and marked and his staff will enforce the cooler ban on his property. Commissioner Gayton asked for a determination on what is considered public beach and what is owned by Mr. Amico. There are cut backs in beach renourishment and this could be opening up a serious problem.

Commissioner Coward asked if a barrier would be placed around Mr. Amico's property. Mr. Amico explained how the lines would be marked. It would not be a barrier. He stated that he is trying to mitigate the problems with coolers, parking, bathrooms, and people disrespecting the residents' property. He feels by doing that they will be able to cut back on the officers necessary. This should cut back on the crowds at the beach in his area. Commissioner Coward urged Mr. Amico to share his plans for restrooms and expansion with the Commission.

Commissioner Bildz asked for clarification as to where the markers will be located. Mr. Amico explained where the poles would be located. Commissioner Bildz stated that they appreciate the effort that Mr. Amico is making in this. Commissioner Gayton stated that there are two streets, one located on each side of Mr. Amico's property. They are city streets and beach right of ways. Mr. Amico stated that they will ask people not to leave coolers in the right of way. Commissioner Gayton stated that he is trying to avoid a problem, and they cannot tell people that they can't have coolers on public property. Mr. Amico suggested that the Commission pass a rule stating that coolers are not allowed on public rights of way.

Marie Barba stated that this came up at the Lion's Club. They say that they own the beach in front of their property. She asked if the Lion's Club could ask that there be no drinking on their beach area. Commissioner Bildz stated that Caddy's isn't saying that people can't drink on their property. They are saying the people can't bring their own alcohol onto his property. Could the Lion's Club ban coolers on their property as well? Mr. Silverboard stated that Mr. Amico has litigated with the state and they have ruled that he owns some of the sand area behind his property. The Lion's Club has not litigated this with the state or received a ruling, so until that happens that is public beach area. Mayor Minning suggested that if the Lion's Club wants to provide proof of ownership of the beach area then they are free to do so.

Commissioner Bildz asked who would be monitoring the cameras at the beach and whether there would be someone designated to monitor them. Chief Casey stated that they would be monitored by existing staff. A second dispatcher is brought in when they get busy with Caddy's, so that person could assist in monitoring.

Commissioner Collins wanted to clear up the camera issue for Ms. Barba. There would be cameras around Caddy's, but would not be placed all around Sunset Beach.

5. Discussion of reevaluating term limits concerning Board and Committee Members

Commissioner Collins stated that he asked to discuss this due to the shortage of volunteers for boards and committees.

The City Clerk provided the Commission with an explanation of what she had found in the records regarding the passage of this ordinance.

Mr. Silverboard asked for clarification of what they are looking for regarding the vote that was taken in November of 2004. The Commission would like to see the vote results by district.

Ms. Kiefer explained that the current ordinance allows them to reappoint someone in the event that there is not a qualified volunteer, so it may be unnecessary to change it at this time.

This item will not move forward at this time.

6. Financial Report for the 1st Quarter of FY 2010

Mr. Keranen was present to answer the questions from the Commission.

Commissioner Coward asked if the current system allows a report to compare last year versus this year. She finds it helpful when she looks at things for clients. Mr. Keranen stated that there are still reports that he has not run in the system. Mr. Silverboard stated that there is a report that will print that column, but if we have added additional accounts you won't get a clean comparison. Commissioner Coward stated that she is more concerned with the revenue. Mr. Silverboard stated that they will try to print out the January reports that way.

Commissioner Bildz stated that the police budget is already at 25%, and we have not hired the additional officer yet. Mr. Keranen stated that there are times when a P.O. encumbers money now that it spent at a later time. Mr. Silverboard stated that we budgeted for the overtime, and

there is a second account for the revenue to offset it. Commissioner Bildz stated that we should not be at 25% at this time. Mr. Keranen explained the adjustments that would be made that will offset some of these costs.

Commissioner Coward asked if we ever finished figuring out how we were charging for the officers. Mr. Silverboard stated that they agreed that it was being charged for correctly.

Mayor Minning asked how the additional staff was working out. Mr. Keranen stated that the bank reconciliations are current, and the part time accountant is assisting with the audit and filing the schedules for the CAFR. We will be able to submit the CAFR timely without asking for an extension this year.

Commissioner Coward asked about the utility bill accounts receivable and whether it was for a quarter. Mr. Keranen explained that there were two months to a cycle, and it was for a single cycle.

Commissioner Gayton asked where the 25% surcharge for wastewater was shown. Mr. Keranen explained how the auditors wanted it shown and where it was on the report. Commissioner Gayton asked if it was kept in an interest bearing account. Mr. Keranen answered in the affirmative and stated that it was earning one half of a percent. Commissioner Gayton suggested that it be placed in an account earning higher interest. Mr. Keranen stated that the most we could probably get would be one percent. Last year we were getting zero for a period of time. Commissioner Gayton stated that we should take a look at it and consider changing.

Mr. Keranen was thanked for his report.

II. OLD BUSINESS:

Commissioner Gayton asked Mr. Silverboard about his interpretation of what we can and cannot do in the no-maintenance zone. Mr. Silverboard stated that what they cannot rake without a permit is anything that is considered a dune. They must keep ten feet away from any dune and transplant any protected plant or dune vegetation by hand. They are asking Steve West to come out to go over the rules again. Once the vegetation that has to be transplanted has been transplanted they will begin disking the affected area. They will apply for the required permits.

Commissioner Collins asked if they are not allowed to rake within ten feet of the dunes, do the dunes grow larger. Mr. Silverboard stated that that is the issue. That is one of the reasons why we are having Steve West come out. At some point the dunes start growing together, so unless the state says something different or modifies our permits at some point we will end up installing dune walkovers in those areas. Commissioner Collins asked if we would continue disking the areas near the water for the sea weed. Mr. Silverboard explained that we only disk the areas where there is vegetation to be removed or areas that need to be softened, and then we groom it by raking. The shoreline is raked and sea weed is returned to water line in order for it to be returned to the water. We are currently in the process of working with other cities to create agreements for an exchange of the usage of equipment for various purposes.

Commissioner Gayton asked about the areas between the dunes that have weeds growing in them, and whether we will start disking and raking them. Mr. Silverboard stated that as soon as we finish transplanting the plants that we are required to transplant we will begin disking and raking. Commissioner Gayton asked if we are allowed to remove the excess sand from against the sand

wall. Mr. Silverboard stated that we need a permit to do so, and read an excerpt from the statute. Commissioner Gayton asked how high the sand had to be before they required a permit. He stated that he didn't think Chapter 62B-33 referred to the area of the sand wall. Mr. Silverboard explained that according to Steve West that drifting sand was considered a dune. Commissioner Gayton asked that Mr. West put that opinion in writing. He feels that there is nothing in that chapter to prohibit us from removing the sand. Mayor Minning stated that our permit refers to Chapter 62B-33, and read an excerpt giving the definition of a dune. Commissioner Gayton stated that the motel owners want something in writing, and he wants the answers in writing. Mr. Silverboard stated that he will try to get it. Commissioner Collins asked about the CCL line. Mr. Silverboard stated that it is an established line that varies according to where you are. It typically runs along the property line. Commissioner Gayton stated that he doesn't feel that the definition is applicable to sand against the sea wall.

Commissioner Coward stated that it is important that we set a meeting to discuss the wall.

Mr. Amico asked if the sand wall was westward of the coastal construction line. Mr. Silverboard answered in the affirmative. Mr. Amico stated that they would need to get a permit. Commissioner Coward stated that it would be worth it. We know that we have to get a permit and we know that we have to spend money, but it is necessary.

Commissioner Gayton asked Ms. Kiefer if she had come up with a draft contract for the BIG-C and County Commission regarding the Penny for Pinellas money for undergrounding on Gulf Boulevard. Ms. Kiefer stated that she feels that they should do an interlocal agreement. We will soon receive an estimate of the cost, and we need that before we can submit a proposed interlocal agreement. Commissioner Gayton stated that we are not going to submit our proposal to the county. Those funds need to be funneled through the BIG-C. We have already submitted to the BIG-C. We have already asked for a firm, fixed quote, and have received the cost of getting that quote. Ms. Kiefer gave an explanation of what Indian Rocks Beach did to submit their proposal to the County. She feels that we should have a specific amount in it to submit an interlocal agreement. She recommended that they spend the money to get that information. She will discuss the information that Mr. Silverboard has received with him. Commissioner Gayton asked Mr. Silverboard to submit to the Commission the proposals for the firm fixed quotes. Mr. Silverboard explained that he has the authority to expend the funds without going to the Commission. The additional information is that the City Managers are meeting tomorrow to discuss this agreement. St. Pete Beach has also been working on an agreement. He will provide the information that he receives to Ms. Kiefer to help her in what she is trying to do. If the agreement that St. Pete Beach is working on is adequate then we will use that, utilizing Ms. Kiefer's comments.

Commissioner Coward has had a request regarding the time line for the downtown special area plan. Someone had the idea that it was completed, but it is not. She has received information from Ms. Rosetti, and will provide it to her constituent.

Commissioner Bildz reported that the Suncoast League of Cities was supporting the Hands Across the Sands event. He asked if the Police Department would participate as requested, and if we could advertise as requested. Mr. Silverboard explained that he has discussed this with the Mayor, and because this is a political issue we do not permit political issues on our website. He doesn't feel that it is appropriate to use city resources to present an opinion on a political issue. Commissioner Bildz stated that he doesn't think we are advertising a political view. He feels that we are simply telling people that the event is happening.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer stated that we had mediation on the Schwartz case on Friday and continued on Monday. Impasse was declared, so we will be proceeding to trial. Technically she is not council of record on the federal case. She has been working closely with the attorneys for over four years. She is trying to protect the city's interest in this case. We are required to have a city representative sit at council table during the trial. She was planning on serving a dual role and do this. Unless the Mayor or City Manager wants to serve as the representative at council table, it is her plan to do so, but they will be charged attorney's fees for that. She anticipates an appeal, regardless of what happens. The League of Cities has funded this and will continue to do so in the event of an appeal. She explained what will follow in the event that Mr. Schwartz prevails. Commissioner Collins asked if the League would be paying for her time. Ms. Kiefer stated that they would not. It will be about a week of her time.

Commissioner Coward asked if she would be sitting at the table with the attorneys. Ms. Kiefer answered in the affirmative. Commissioner Gayton stated that we were supposed to have an executive session tonight to discuss the mediation. Ms. Kiefer stated that it was to discuss any settlement or terms that arose during the mediation. Commissioner Gayton stated that he didn't know what happened there, and would like to know about it. Ms. Kiefer stated that it was in part monetary damages, and the League was not in favor of a settlement in them, so there was nothing to bring forward to the Commission. Commissioner Gayton stated that they were not given the opportunity to discuss a settlement in the issue of necessity. Ms. Kiefer stated that the issue of necessity was not a settlement issue. The only areas for settlement are whether they want to relax their requirements regarding turn over, and the monetary damages issues. The issue of necessity is a jury issue. Commissioner Gayton asked for the reason for the mediation. Ms. Kiefer stated that it is always in the client's best interest to resolve conflicts. Commissioner Gayton stated that we have control over the issue of relaxing the requirements. Ms. Kiefer stated that both issues would have to be settled, and the League was not in favor of settling on their end of it. Only the Commission as a whole can approve any mediation settlement, so it would have been brought to them in the event of a settlement.

Ms. Kiefer reported that they are trying to schedule mediation in April for the Brown Construction case.

Mr. Silverboard reported that the Beach Stewardship Committee was going on a field trip tomorrow. They will meet here at 9:00 to open the special meeting, and then will go on a bus to Clearwater. He invited the Commission to attend, and cautioned them to be mindful of the Sunshine laws. Commissioner Collins asked what time they would return. Mr. Silverboard stated that it shouldn't take much more than an hour and a half, but he didn't know for sure when they would return. Commissioner Gayton asked where they would be starting. Mr. Silverboard stated that they would start at Pier 60.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Bildz reported that the annual Sunset Beach Italian Night was held last night and was a huge success. He stated that he still has Food for Thought tickets to sell. He then announced the Hands Across the Sand event.

Mayor Minning gave a report on the BIG-C meeting held last week. The County has a new procedure in place for issuing hurricane warnings. Commissioner Morrone reported on various county issues.

Mayor Minning announced that the name the park contest is going on now.

Mayor Minning reported that he had a good meeting with the new Mayor in St. Pete last week.

V. PUBLIC COMMENTS:

None

VI. ADJOURNMENT:

The workshop was adjourned by Mayor Minning at 9:50 p.m.