

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS MEETING MINUTES  
April 20, 2010**

The meeting was called to order at 6:00 p.m. by Mayor Minning.

**A. PLEDGE OF ALLEGIANCE:** Led by Mayor Minning

**B. ROLL CALL:**

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

**C. PUBLIC COMMENTS:**

Dominique Reiter gave a brief report on the Taste of Treasure Island event. It gave a lot of publicity to the city's restaurants. It went perfectly. Mayor Minning congratulated the Chamber on a great event.

**D. APPROVAL OF MINUTES:**

The minutes of the April 6, 2010 meeting and workshop are available for approval. It was moved by Commissioner Bildz and seconded by Commissioner Caldwell to approve the minutes as printed. Upon roll call the vote to approve the minutes as corrected was unanimous.

**E. ITEMS OF BUSINESS:**

**1. Motion, Acceptance of Donation From the Gulf Beaches Rotary**

It was moved by Commissioner Bildz and seconded by Commissioner Collins to approve the motion as read. Commissioner Bildz asked for clarification on the amount of the actual donation. Ms. Hayduke reported that the actual donation was \$4,193.50. The difference was due to credit card charges being collected by the City.

Harry Black commented on the event, and thanked all who participated in any way. They will be doing it again next year and intend for it to be bigger and better. He also thanked Treasure Island's "Chef Dave" for a great job on the food on Saturday. He then presented the check to Mayor Minning and Ms. Hayduke.

Mayor Minning explained that the amount received helps to pay for scholarships to summer camp.

Upon roll call the vote to approve the motion as read was unanimous.

2. Motion, CC-2010-01-VR (PZ-2009-08-VR), Variance Request for Property Located at 371 Bay Plaza (Quasi-Judicial)

Ms. Kiefer explained the procedure that would be followed for the quasi-judicial hearing and then swore in all witnesses. A presentation was made by City Planner Lynn Rosetti. The Planning and Zoning Board approved a variance for a swimming pool at their March 18, 2010 meeting. It was later decided by the City Attorney Maura Kiefer that the proper place to hear a variance of this nature was at the City Commission meeting. Ms. Rosetti presented all of the information regarding the case, and then presented a slide show of pictures of the subject property.

Commissioner Collins asked for clarification of the footage needed to support the sea wall. The proposed structure will be located five feet from the sea wall if approved. Ms. Rosetti reported that a structural engineer has stated that the five feet will be fine. Commissioner Collins then asked about Ms. Rosetti's statement regarding the structure being in "harmony" and how that would affect future cases. Ms. Kiefer explained that they need not be concerned with the affect on future cases as each case is heard on its own merit. Ms. Rosetti explained that the term "in harmony" was in reference to the code, and that there are sometimes reasons to grant a variance contrary to the code.

Commissioner Bildz asked if it was allowed to build a pool under a balcony. Ms. Rosetti stated that there are times when pools have been built under structures in the past. Commissioner Bildz then asked who writes the notes and if they are written according to our code. He then read an excerpt from the materials and asked for clarification. Ms. Kiefer explained that it meant that the owner takes the land as he finds it and does not find fault or make him responsible for something that was done 50 years ago. Commissioner Bildz asked for clarification regarding the structural integrity of the deck structure. Ms. Kiefer stated that it is not up to staff or the Commission to re-engineer. It is their responsibility to approve or deny the application as presented. Commissioner Bildz commented that if actions were taken with the deck they may not need a variance at all, and that according to the materials presented the issue with removing the deck was due to weather concerns.

David Bacon was present to represent the applicant. He stated that everyone thought this case was simple when it was presented two years ago. He became involved in March of that year by issuing an opinion letter. The surveyor determined that the legal descriptions on the original plat did not match the location of the sea wall. The sea wall was built in the 1950's. When his client submitted the application to get approval, as well as to do the sea wall, they spent months resolving the issue. His client has done part of the construction in order to reinforce a deteriorating sea wall. He suggested that they consider the purposes of a variance. It is to allow the City to look at each property and weigh all the considerations to see if the request is reasonable and if it has adverse impact. The only item, which they want to state or clarify, is, is this a self-imposed hardship. His client did not cause this hardship. There is always a test of reasonableness. Without the variance they could put in a pool, but due to the odd configuration of the lot it would be narrowed to four feet on each end with a maximum width of only eight feet. It is reasonable to request a variance to build a larger pool. The balcony could be modified, but it would be a great expense. They need to keep in mind the purpose of the set back rules. The primary functions are to make sure the integrity of the property is maintained, to protect neighboring properties, or to ensure that safety

access is maintained. There is nothing to affect the public's interest, or the neighboring interest. The engineers have designed a system called a span beam that would create a new continuous beam. On top of that they pour a continuous cap which gives it solid support. On each end there is an enhanced dead man that further reinforces it. This will protect the integrity of this property. He stated that staff is correct and that it meets the tests and should be approved. He stated that the City Attorney has done a thorough job in researching the process. Originally the Planning and Zoning Board was allowed to grant all variances, including for pools. In 2003 language was rewritten which inadvertently removed the Planning and Zoning Board's authority to grant variances on swimming pools.

The public hearing was opened at 6:40 p.m. There being no public comment the public hearing was closed at 6:40 p.m.

Commissioner Bildz stated that he didn't feel that a swimming pool was required to enjoy the use of your land.

Commissioner Coward stated that she feels comfortable with it due to the engineering work. She sees nothing wrong with someone wanting a pool and there are no neighbors being affected. She would be in favor of it.

Commissioner Collins stated that he has no problem with it as his questions were answered satisfactorily.

It was moved by Commissioner Collins and seconded by Commissioner Coward to approve the motion with all staff recommendations.

Commissioner Bildz stated that the motion at the Planning and Zoning Board required an "as built" survey, and asked if staff was recommending that as well. Ms. Rosetti explained that the building department requires that for a pool. Ms. Kiefer stated that this really doesn't apply to this situation.

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

**3. Consideration of Res. 10-30, Acceptance of Annual Audit for Fiscal Year 2009**

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

Commissioner Bildz stated that the auditors did a great job, and credit goes to city staff.

Upon roll call the vote to approve was unanimous.

**4. Consideration of Res. 10-22, Extending Contract for Auditing Services for Fiscal Year 2010**

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

Commissioner Coward stated that she objects to extending the contract. She felt that the response to her question regarding the adjustment was too cavalier for her taste. She is disappointed that at this point we are told that we should have gone out for bid.

Commissioner Bildz stated that he agrees with her on the time-line, but feels that this accounting firm has pulled the city out of some difficult circumstances. There have been some extenuating circumstances with our accounting department and he feels that we should extend for this year.

Commissioner Collins stated that he agrees with Commissioner Coward on her observations, but would be in favor of extending the contract.

Commissioner Caldwell stated that in the resolution we are guiding the City Manager to go out to bid in February, so that will ensure that it is done in the future.

Commissioner Bildz stated that our current firm will be encouraged to submit a bid, so we are not telling them that we don't want them any more.

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

**5. Consideration of Res. 10-29, Award of Proposal for Facilitation and Related Services for Vision Plan Update**

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

Commissioner Collins read an excerpt from the staff report regarding the city seeking additional funding. He asked what the time frame is for that. Mr. Silverboard explained that the city would enter into the contract in such a way that it would be for the \$15,000 and it would identify what would be done for \$15,000. If the additional funding is not secured then the contract will be terminated. Commissioner Collins asked if it would be a waste of the \$15,000 if we are unable to get the additional funding. Mr. Silverboard stated that if we are unable to secure the funding the City Commission should consider funding the entire cost as it is an important issue in the City's future. He does not feel that the \$15,000 would be wasted. Commissioner Collins asked who would make the decision regarding the additional \$10,000. Mr. Silverboard stated that the final decision would be made by the Commission.

Mayor Minning stated that the \$15,000 would take the project through three facilitated public sessions. The fact-finding portion would be funded. There has already been some commitment of funds.

Mary Maloof stated that she is pleased that the Commission has moved forward with this project. It is vital to the community. She is pleased with the selection of Collaborative Labs. They are a local firm and some of their team lives in Treasure Island. The next committee meeting will be this Thursday at 5:30. They are moving to the Garden Room, and are hoping to move into this room soon so that they can be televised. Right now they are contacting citizens and businesses in the community, asking them to come to talk to the committee. In 1998 they had a meeting with 60 people present. There is

better access to the community now, so she is encouraged that they will have more than 60 people present. On their agenda for their meeting on Thursday they will be forming a subcommittee to seek funds. They already have some of the money committed. She suggested that people go on the website. She encouraged citizens to call her with comments.

Commissioner Bildz asked how much work the committee could do without hiring the consultant. Ms. Maloof explained that they are organizing the speakers that they want to bring in. They will be working on issues and questions that they would like to see in the survey. They are setting up and staying busy. They are out in the community talking to people and inviting them to participate. Commissioner Bildz asked if she could tell him how much was pledged so far. Mr. Amico has pledged \$1,000.

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

#### 6. Consideration of Res. 10-32, Fourth of July Fireworks

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

Commissioner Collins asked if this was the same company that was used in the past. Mr. Silverboard stated that we used Bell's in the past. Ms. Reiter stated that they are using Garden State this year.

Ms. Reiter reiterated how important having fireworks was. The article in the Beacon made it sound like it was a mystery donor. She publicly thanked the Edwards Family and the Bill Edwards Foundation for their generous donation.

Commissioner Bildz stated that he cannot approve this due to all of the private fireworks that are out there. If they were banned he would approve this.

Commissioner Collins clarified that there is a city ordinance banning private fireworks. Commissioner Bildz stated that every year the police confiscate barrels of fireworks.

Commissioner Coward stated that the quality that the city provides is far greater than what individuals shoot off. She would be in favor.

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

#### 7. Consideration of Res. 10-28, Approval of Local Mitigation Strategy Plan

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

Commissioner Bildz read an excerpt from the staff report and asked where he could find appendix 9, and also asked where the excerpts were. Mr. Silverboard stated that they were notified that the information was available for their review in the City Clerk's office.

Commissioner Bildz then asked for a list of the projects that would qualify. Chief Fant gave a list of some qualifying projects.

Upon roll call the vote to approve was unanimous.

**8. Consideration of Res. 10-33, Approval of Engineering Services for NOAA Funded Crosswalks**

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

Commissioner Collins asked for an explanation of the 5% contingency fee, and asked if it meant that it could go up or down the 5%, and was it a foregone conclusion that it would go up. Mr. Murphy explained that it was not a foregone conclusion that it would go up. It was a place holder in the event that the project does not go exactly as designed. It is an allowance for unforeseen circumstances. The project will go out to bid, and the price will be based on the price that comes back. Mr. Silverboard stated that it is not a contingency that goes to the engineer. Commissioner Collins then asked if there was a reason why we couldn't use previous designs. Mr. Murphy explained that it had to be designed for the particular crosswalk, ADA rules must be complied with, and we have to submit exact documents to the FDOT. Two weeks ago we provided drawings that showed four locations, but they were not the final locations. We will choose the locations when we are ready to move forward. He will bring the locations in for Commission review as they get more information.

Commissioner Coward clarified that even with the contingency we are still within the \$380,000 that we are receiving from NOAA. Mr. Murphy stated that they have no intention of going over the NOAA funding amount.

Commissioner Bildz stated that this is the end of the NOAA funding, regardless of how much we spent.

Upon roll call the vote to approve was unanimous.

**9. Consideration of Res. 10-34, SWFWMD Cooperative Funding Agreement Amendment**

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

Commissioner Coward asked Mr. Murphy to explain why this project may go higher than originally approved. Mr. Murphy explained that it was originally planned to use the existing drainage infrastructure. It was based on a study that was done years ago. When the project was kicked off and a work authorization issued, part of the project was to validate the prior information. It was found that there are some troubling issues with the way the project was originally planned to proceed. The analysis showed that we need to provide larger discharge piping to the intracoastal waterway which increased the cost of the project significantly. We plan to phase the project into four segments. He has discussed this with the project manager from SWFWMD, who feels that this is a good approach. Commissioner Coward asked what would happen if we use this approach and we don't get additional SWFWMD money down the road. Mr. Murphy

stated that there is no guarantee, and some phases would not have the same drainage as the beginning phases. He explained that the advantage was that we would be improving the worst areas, and though we might not be improving some areas, we wouldn't be making them any worse. Commissioner Coward clarified that even if we don't get future funding we still will get some benefit. Mr. Murphy answered in the affirmative. This will improve the drainage, as well as the water quality.

Commissioner Bildz stated that on the map it shows three eight inch drains into the gulf, and asked if they actually drain out to the gulf. Mr. Murphy stated that those were in the original plan, and they have been plugged and are no longer operational. Commissioner Bildz stated that if we did no more than phase one then we would be making an improvement. Hopefully SWFWMD will have grant money available to complete the project.

Upon roll call the vote to approve was unanimous.

**10. Consideration of Res. 10-38, Referring Animated Signage to the Planning and Zoning Board**

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

Clyde Smith thanked the Commission for bringing this forward. Neighboring towns have been addressing this. He feels that it is important that the Commission continue to take the approach to help the businesses.

Upon roll call the vote to approve was unanimous.

**F. ADJOURNMENT**

The meeting was adjourned at 7:22 p.m. by Mayor Minning.