

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS MEETING
October 7, 2008
6:00 PM**

The meeting was called to order by Mayor Maloof at 6:01 p.m.

A. PLEDGE OF ALLEGIANCE: Led by Mayor Maloof

B. ROLL CALL:

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

C. PUBLIC COMMENTS:

None

D. APPROVAL OF MINUTES:

The minutes of the July 22, 2008 Budget Workshop, July 23, 2008 Budget Workshop, July 24, 2008 Budget Workshop, July 29, 2008 Budget Workshop, August 20, 2008 Executive Session Meeting, September 17, 2008 Executive Session and the September 17, 2008 Meeting and Workshop were available for approval.

It was moved by Commissioner Bildz and seconded by Commissioner Minning to approve the minutes as printed. Upon roll call the vote to approve was unanimous.

E. ITEMS OF BUSINESS

1. Consideration of Ord. 08-11, Revision of Parking Fines (Second Reading & Public Hearing)

Commissioner Gayton stated that he believed that this should be the first reading. He listed the times that it was discussed previously and stated that he felt that there were substantial changes to the ordinance. City Manager Reid Silverboard stated that it is acceptable to make changes at first reading, and it was approved, so it can be heard on second reading. Commissioner Gayton stated that there were items added and deleted, and the ordinance here tonight is different than the ordinance that was previously read. Mr. Silverboard read an excerpt from the September 17th minutes where the ordinance was amended, and stated again that it does not have to have another first reading. Commissioner Gayton stated that due to the substantive changes it needed to have another first reading. Mr. Silverboard stated that changes can be made at first reading. Commissioner Gayton stated again that changes were made, and stated that he would not vote on an ordinance on second reading that had substantial changes. They went through this in 2002 with Ordinance 02-06. Commissioner Bildz stated that it was his

recollection that the changes were made at second reading on 02-06. The changes were not made at first reading. He agrees with Mr. Silverboard that changes can be made at first reading. Commissioner Collins asked if there would be a problem with changing this to first reading. Mr. Silverboard explained that it would need to be re-advertised and that expense paid again. He has been doing this for thirty years, and it has always been allowed to make changes on first reading. Commissioner Collins suggested that they err on the side of caution and re-advertise. City Attorney Maura Kiefer stated that it is not a substantive change; it is the general purpose of the ordinance that is important. The standard is if you change the general purpose of the ordinance. The purpose of the first reading is to make changes. 02-06 was not overturned due to changes. She stated that she agreed with the City Manager on this. Commissioner Gayton asked if it was her legal opinion that substantive changes could be made at first reading. She answered in the affirmative, because it did not change the general purpose of the ordinance. Commissioner Gayton read an excerpt that was removed. Ms. Kiefer stated that it did not change the general purpose of the ordinance. Commissioner Gayton then read an addition and asked if it was substantive. Ms. Kiefer stated again that it did not change the general purpose of the ordinance. Commissioner Gayton stated that it should be done right the first time, and changes made at the workshop, not at the first reading. Commissioner Gayton stated that he disagreed and would be seeking an Attorney General's opinion on it, and he would not be voting on this tonight. Commissioner Bildz asked if they would be contemplating any changes tonight. They would not be. Mr. Silverboard read excerpts from the minutes explaining the changes in the ordinance that were voted on at the last meeting. Commissioner Gayton stated again that there are substantive changes and he disagrees with the City Attorney. Commissioner Collins stated that the City Attorney didn't think the changes were substantive. Commissioner Gayton stated that he has voiced his opinion and would be requesting an Attorney General's opinion.

It was moved by Commissioner Minning and seconded by Commissioner Bildz to approve the Ordinance as read.

The public hearing was opened by Mayor Maloof at 6:24 p.m.

Kevin Johnson stated that he and his wife travel around the state taking pictures of signs. He suggested that when they put up signs they put the amount of the fines on the signs. People pay more attention when they see the dollar amount. Mayor Maloof and Commissioner Collins felt that it was a good idea.

The public hearing was closed by Mayor Maloof at 6:25 p.m.

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

2. Discussion of Library Cooperative. Requested by Commissioner Collins

Commissioner Collins stated that he has done some research on this himself. People are very passionate about this issue. He has come up with what he feels is a workable solution. It will cost the City a little bit of money, but he feels that it is do-able. He gave an explanation of his solution. His calculations came up with 1,146 families. He suggested that the City reimburse \$50 to each of those families. This would give the library more than the needed amount from Treasure Island, and save the City some

money. Once we do this we will get an accurate count of how many people have cards in Treasure Island. The fee would go directly to the Gulf Beaches Library, and they would get more than they requested. The resident would have to show documentation that they are a Treasure Island resident, and this would only be for the first 1,146 people.

Commissioner Bildz asked if the \$100 fee would cover a family for all the libraries in the co-op. Commissioner Collins answered in the affirmative. Commissioner Bildz stated that he didn't like the cost, but felt that Commissioner Collins did a nice job on his analysis. He suggested that they cut it back to either \$25, or 500 families. Commissioner Collins explained that he wanted to try to help everyone that used the library, but not burden everyone else. Commissioner Bildz stated that they did burden the taxpayers when they took money out of the general fund.

Mayor Maloof asked what we should do about the contract that we are in. Commissioner Bildz asked if there was an executed contract. Commissioner Collins stated that in all contracts the common thread was a six month notice before withdrawing from the library. He has been in business his whole life, and if something is expected of you then you need to do it. The consortium was expecting us to do something. Legally we are not obligated, and they have not been forthcoming with assistance, but he feels that he has come up with a good compromise. Commissioner Bildz stated that he remembers that there was an item in the contract stating that if there was no funding we could withdraw at any time. Mr. Silverboard explained that the six month provision was to withdraw from the three year contract altogether. The provision that was added was to ensure that a city that didn't have funding for the library could vote not to fund. Commissioner Bildz stated that some of the reason we don't have funding was due to the bridge, and if the other communities had to pay for that they wouldn't have the money either.

Commissioner Minning stated that he didn't feel that we have a valid contract. It was not signed by all parties. The contract that we approved included Section 5, subject to funding. He stated that he likes Commissioner Collins' proposal, but also feels that they need to be very cognizant of the taxpayers' money and the budget that was passed. We have saved money on insurance, and the fuel prices that were estimated were high. Those two things together could enable us to support this reimbursement program without taking money out of the general fund. Indian Rocks Beach has a reimbursement program, and offered our residents the opportunity to use their library for \$10. It would not enable people to use the rest of the county library system. Within 10 miles of this building there are four other libraries besides Gulf Beaches. We close schools when there is not enough money to go around, and it is not inappropriate to close libraries for the same reason. He is going to support this funding plan.

Commissioner Collins stated that he feels that the 3600 figure is high, and it might be less than 1146 cards that we would be reimbursing. He suggested that they also require people to get their card at the Gulf Beaches Library so that we can be supportive of that library. Commissioner Bildz stated that residents should be able to get their cards wherever they prefer to go. They were not helpful when we asked for time to work this out, they have not provided information when asked for it, and they have not been good neighbors. Mayor Maloof stated that she disagreed, and discussed the 10% discount that we had negotiated in prior years. Commissioner Bildz stated that he would like to see it capped at \$25,000 and them be able to go to any library and be reimbursed. Commissioner Minning and Mayor Maloof stated that they would approve the plan as

presented. Commissioner Gayton stated that he didn't know why this was on a meeting agenda rather than a workshop agenda and he didn't feel it was appropriate. Mr. Silverboard explained that Commissioner Collins felt that this was old business in relation to the previous discussions, and this could be placed on the next meeting agenda for vote. Commissioner Gayton stated that he felt it was a good compromise, and that he has had an equal amount of emails in favor and against funding the library.

Mayor Maloof commented that the rollback rate was a revenue neutral rate. Commissioner Collins stated that this would be less than what the rollback rate was, and asked Mr. Silverboard if this money could come out of the enterprise fund. Mr. Silverboard stated that it would have to come out of fund balance. Mayor Maloof stated that in retrospect, she is sorry that they did not pass the rollback rate. We have no wiggle room for anything at this point, and the rollback rate would not have increased anyone's taxes. Commissioners Bildz and Gayton stated that we raised enough rates and didn't need to increase taxes.

Rosemary O'Connor stated that she has never met anyone in her life that didn't want to pay for a library, and has never had to pay for a library card. It is not that she can't afford it; it is the ethics of it. She doesn't understand how it got to this point. She worked for the City of Madeira Beach in 1973 and went to the Gulf Beaches Library frequently. It is a special place in our community. Nobody wants their taxes raised. She has not examined the budget, but wants to look at it. Most people want this fee reduced, and she hopes that they can work it out. Bay News 9 was at the library when she was being told that she had to pay the \$100 fee. She doesn't understand why the library board can't deal effectively with the management at the library. There are people in the community that cannot afford to pay this at this time. She doesn't understand anybody that will not advocate for a library.

Paul Starr thanked Commissioner Collins for making an attempt for a compromise. The last meeting was about budget, and a large portion was taken up with the library. He normally goes to the St. Pete Beach library, and could do that because we were part of the Gulf Beaches Library. If we are not part of the library he can't go to any library. There was a lot of discussion about the number of people that use the library. He stated that we passed \$80,000 to do a feasibility study for the boat slips at the marina, and would be spending even more money to build the marinas. How many people will be using the boat slips? There is no such thing as free money – no matter where it comes from it is taxpayer money. The state has a deficit. He doubts there will be grant money available. They don't need to be spending money on more boat slips when they can't afford to support a library. You need to keep taxes down. You raised all the fees and left out the library. You could have found the money other ways. You can take grant money or Penny for Pinellas money or other city money and divert it to fund the library. He is not saying not to build a marina some day, but with the financial situation as it is right now this is not the time to do it. The good times will come again, and when we do you can have those things. Right now we have to focus on basic services, and in America a library is a basic service. On the radio this morning they were talking about library use being up because business is bad. The marina can wait for two years and we can take care of the library now. The budget has passed, but you can amend the budget. If you don't have the revenue expected you can put projects on hold. You can move money around. Thank you for considering it. He is now asking them to think about how things can be moved around, or what can be put on hold.

Mayor Maloof commented that the budget cover letter comes out when the budget first comes out, and then they make changes. She has spoken with the City Manager about the marina. When we first discussed this there was a severe lack of marina space available. That is not the case now, so that is a project that we do not plan to keep in the agenda for the present time. If we still had the need for the space it would be a tremendous revenue source for the city. Commissioner Collins stated that when we were looking at the marinas it was from a revenue standpoint.

Gwenda Barnitz urged the Commission to support the library. She supports what Commissioner Collins has done. She doesn't know if the residents understand that if they don't support Gulf Beaches Library we will be barred from all libraries. We help support all libraries in the county. Libraries have a long history of support in America. The first lending library was started in 1751. Ben Franklin opened the first library because he understood that if they pooled their funds they could buy more books than they could as individuals. It is a sad day when a community fails to support its library. Our country is in crisis, but how can we solve the problems if children don't have access to the visionaries of the country?

B C Acton stated that she is glad that Commissioner Collins is trying to come up with a solution. She asked how much fluff is in the budget, and asked what the police asked for that could be cut. She felt it would easily save all the money that we need. She appreciates Commissioner Collins' attempt, but feels that this is a fake problem that they have created.

Hugh Ruckdeschel stated that he got out of the hospital at 4:00 this afternoon. He is not and never has been opposed to a library. He has worked hard all his life for a library. He wondered why the lady with the accounting degree wasn't here for all the budget hearings like he was. They wasted more time with city employees sitting here while they discussed the library at several meetings, and even heard from someone from Madeira Beach. If you want to know how many people truly have library cards and got them from Madeira Beach, all you have to do is say come to City Hall with your library card and sign this sheet, and turn in your library card. He has a library card, and didn't bring it because he was afraid that they would be done with a discussion that should have been on a workshop. You have voted on the budget. The other communities have more condos and businesses and more people than we do. In his opinion we have been ripped off for years. The budget is completed. You have not only withdrawn the budget fund for the library, you have knocked some people out of work and made our service fees ungodly high. This proposal would not pass first base in St. Petersburg. You cannot give a few certain individuals taxpayers' funds. There will be people who will get a library card that never had one before because all it will cost as \$50. If we had been paying our fair share he would let it ride, but we have been paying more than we should. We have spent more time than what is worthwhile. You should pull it from the budget, and put it on a workshop. Don't try to get votes from people because they have a library card. He is going home. Get this off the agenda, get the work done tonight, and get it on a workshop. By then he will have time to talk to them.

This item will be placed on the workshop agenda for the 21st.

3. Consideration of Res. 08-97, Supporting a Ban on Offshore Oil Drilling in the Gulf of Mexico. Requested by Commissioner Collins

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

Commissioner Collins asked for clarification regarding the two resolutions that were provided. Mr. Silverboard stated that 2008-2 was the draft resolution that he had provided from the BIG-C. We have to provide our own ordinance.

Commissioner Minning stated that it is hard to argue with the intent of the resolution, but there were some inaccuracies in parts of it. He is a geologist and has visited oil rigs and understands some of the regulations. Governmental regulations prohibit the dumping of those materials. Some of the statements are probably taken out of context and are not factually correct. He supports the concept, but does not support the unfactual "whereases".

Commissioner Collins asked if what they were referring to in the third "whereas" from the bottom was correct. Commissioner Minning stated that it is prohibited. Commissioner Collins stated that he thinks that they mean accidental discharge. Commissioner Minning stated that the "whereas" says routinely discharged. Commissioner Bildz stated that he has visited beaches in the states that allow drilling offshore, and they are not as nice as the Florida beaches. Commissioner Minning stated that he is 100% in favor of protecting Florida's beaches, but he is not in favor of some of the statements in this resolution as he feels they are inflammatory. Mayor Maloof stated that the Mayor's Council has decided to hear both sides of the story on this issue before they make a recommendation.

Commissioner Collins asked for Commissioner Minning's recommendations for changes to this resolution. Mayor Maloof asked if Commissioner Minning wanted to amend the resolution. He stated that he wanted to hear the Mayor's Council presentation. Congress has banned offshore drilling off the Pacific coast, the Atlantic coast, and certain areas in the Gulf.

Jeff Warner asked who put the wording together on this. It was the BIG-C. He stated that he would extend the word inflammatory to almost be propaganda. We need to get good data on this. It seems a little bit one sided, and he hopes that they take the time to research this and get factual information before they move on this.

It was moved by Commissioner Minning and seconded by Commissioner Gayton to table this until after the Mayor's Council meeting. Upon roll call the vote to table was unanimous.

G. ADJOURNMENT

The meeting was adjourned at 7:30 p.m. by Mayor Maloof.