

**CITY OF TREASURE ISLAND, FLORIDA**  
**BOARD OF COMMISSIONERS WORKSHOP MINUTES**  
**August 18, 2009**

The workshop was called to order at 7:13 p.m. by Mayor Minning.

**I. DISCUSSION ITEMS:**

1. Discussion of a Charter Amendment Regarding Banning Alcohol on the Beach  
(Requested by Commissioner Bildz)

Commissioner Bildz stated that he asked to bring this up because he feels that the Commission can put this in front of the electorate. It would ensure that we do this at a regular election to save the money it would cost to do a special election. His other question is, is there an ordinance dealing with alcohol on the beach. Technically there is not. He would like to see the Commission do a temporary emergency ban on alcohol on the beach before 6:00 p.m. until this is voted on by the citizens.

Mayor Minning asked Ms. Kiefer to give her legal opinion on this. She explained that when the Charter Review Committee convened in 2004 there was a discussion regarding citizen initiatives. There was nothing in the charter that would prohibit the Commission from overturning issues that were voted on by the electorate. That is why the item prohibiting the Commission from doing so was added to the Charter. The intent was that any law changed by the electorate could only be amended by the electorate. It doesn't prevent the Commission from putting a question on the ballot, or an ordinance posing a question for a charter amendment.

Mayor Minning asked if the Commission could initiate the sequence that Commissioner Bildz was suggesting regarding the temporary ban. Ms. Kiefer answered in the affirmative. Mayor Minning asked how it would be done. Ms. Kiefer explained that they would put a date in their ordinance when the ordinance would sunset. Commissioner Bildz stated that technically there is no alcohol ordinance, so they would have the legal right to pass a permanent ban, but he would not feel comfortable doing so without the voters voting on it. He wants to see the Commission pass a temporary ban. Ms. Kiefer suggested a change in the Charter language that would clarify this. Commissioner Gayton stated that the intent of the charter amendment was to keep the Commission away from anything that was passed by citizen initiative.

Commissioner Gayton asked Ms. Kiefer to clarify her answer given at the last workshop regarding citizen initiatives. She apologized if her answer was unclear. He then asked if what was in the memo that was sent to the City Manager was her legal opinion. She answered in the affirmative. He stated that it is different than her opinion stated at the last meeting. He wants to see a memo from her directly to the Commission. It is her position that the Commission can put anything that they want before the voters. Commissioner Gayton read an excerpt from the memo and asked what it meant. Ms. Kiefer stated that it was exactly as Commissioner Bildz had stated. Because we don't have the words "or repeal" they can now draft an ordinance banning alcohol. It doesn't say that the Commission can't be instrumental in getting something on the ballot. It

doesn't have to come from signatures in the referendum process. She apologized for her previous explanation and wants to set the record straight.

Commissioner Bildz stated that he favors a temporary ban as a trial period. Citizens might be hesitant to vote on something that may not work. If they try this and it works the citizens would be happy to vote for it. He feels that a temporary ban up until 6:00 will give them a good trial. Commissioner Gayton stated that he agrees, but has questions and concerns. Commissioner Collins asked about whether this would include property eastward of the mean high water line. Ms. Kiefer stated that she didn't think that it could be enforced in that area as it was private property. Mayor Minning stated that at Sunset Beach there is no ECL, and the mean high water line is not a property line.

B.C. Acton stated that she is opposed to this. The same fifty people are the ones that are always complaining. Nobody else has a problem. She asked why we are using underhanded attempts to go against what the people have voted.

Marie Barba stated that she moved from Sunset Beach because she didn't want to deal with the noise coming from KaTiki and the Commission didn't deal with it. She then discussed the Charter Review Committee discussions regarding citizen initiatives. She disagrees that it needs the word repeal in it. They want them to follow due process. The intent of the charter is to put a democratic system in place to allow the citizens to have their say. She doesn't feel that it is prudent for the Commission to do this. This is not an emergency situation. In the spirit of the charter and not to start unnecessary litigation, there is no reason why this group can not go out and get a petition. She is also suggesting that they approach the parking situation. They are talking about something that was discussed with the City Attorney present. There is no emergency and no reason why they can't do their petition.

Fred Stern stated that before they pass anything they should give some consideration to what kind of impact there would be on the city and the businesses. They listened to the discussions, and Ms. Kiefer put out her opinion. There is a faction that doesn't want drinking in Treasure Island. Is this the beach only? Commissioner Gayton stated that the original ordinance stated that it was all of Treasure Island. The faction that wants to ban alcohol would have to get a committee, and then a petition with 20% of the registered voters' signatures to get it on the March, 2010 ballot. Now they are saying that they need an emergency ordinance. They had this meeting before, and the people spoke, so the motion was withdrawn. He is annoyed at this. Let the people vote, put it to referendum, and let this be done.

Mayor Minning asked people to be respectful of other's positions.

Hugh Ruckdeschel stated that he stopped drinking alcohol five years ago, but he did vote on the ballot the last time. Once the people vote the Commission can't put another resolution on for the same thing. You are passing things that the public rescinds. He is tired of the people on Sunset Beach complaining. Parks have been built there. Everything that they do there creates more people coming there. Build a park on Sunshine Beach. They don't have one. Sid Rice offered them a park in exchange for the city vacating a ten foot easement and they refused. If they put an item on the ballot to ban alcohol they had better put one on regarding the tall buildings. Commissioner Collins had proposed term limits in the past, and they should pass them. He suggested that Commissioner Gayton start looking at Sunshine Beach.

Tom Fitzgerald stated that when he moved to Sunset Beach five years ago it was a quiet beach. Then the word got out that Caddy's was the place to party for spring break. It is sad that every weekend is now spring break. You can't walk without someone stumbling into you. It is becoming another Daytona Beach. The police are trying to help. He can't bring his elderly parents to his house because he is worried that an emergency vehicle couldn't get there if needed. It is every weekend. If it was only for spring break it would be one thing. He is in favor of trying the ban before 6:00. He went to a restaurant like Caddy's at Ana Maria Island. There is no alcohol allowed at the beach there, and it is still crowded. He doesn't want to ban it totally. The worst is from 10:00 or 11:00 until about 5:00.

Commissioner Bildz stated that they are not involved in antics up there. They are trying to hear from the residents in their districts and try to come up with solutions to the problems that they have. We are trying to come up with an agreement on a solution that they can work with.

Commissioner Coward stated that she has gotten e-mails from factions all over the city. When we had the issue in the past we got the biggest turnout ever of people who did not want to ban alcohol on the beach. Every citizen has the right to bring a petition forward. It would be wonderful if we didn't have to spend the money, but if we have to, then we have to. The police are trying to enforce there. She has gotten e-mails from some people on Sunset Beach saying that it is getting better, and some saying that it is not. If the citizens want to do it then they will have to do the work. She doesn't think that the Commission should jump in and save them. Commissioner Gayton stated that he agrees with that 100%

Mayor Minning stated that there is consensus on the Commission that they are not willing to move forward on their own to put a referendum on the ballot. The citizens are within their right to initiate a petition to do so.

## 2. Consideration of Ord. 09-06, Banning Kegs on the Beach and Parks

Mr. Silverboard gave a brief explanation of this item. At the last workshop the Commission requested that we put a proposed ordinance on the agenda that would ban kegs on the public beaches. This is not a ban of alcohol; it is a ban of a container. They contacted Great Bay Distributors for information about the types of kegs that are out there. This ordinance would prohibit kegs having a capacity of five or more gallons. If they want to change that to a lower number he doesn't see a problem with that. There are some beers that can be purchased at convenience stores that come in a small keg of about a one gallon size. The main purpose of the ordinance that the commission wanted to address was the typical kegs that are seen. Commissioner Gayton asked about the size of a pony keg. Mr. Silverboard stated that it holds five gallons, or the equivalent of almost three cases. That is the smallest keg that you get from a distributor.

Mayor Minning proposed that they change it to four or more gallons. Commissioner Coward asked if they could have pictures of the sizes so that the police officers could have them when it is passed.

John Burke asked if this will affect the use of the beer truck for activities on the beach. Mr. Silverboard explained that the City Manager could issue a special permit for functions on the beach.

It was agreed to drop the limit to four gallons and move the ordinance forward for first reading.

3. Discussion of a Request for a License for Providing Temporary Tattoos on the Public Beach

Mr. Silverboard explained that they have received a request from someone wanting to sell temporary tattoos on the beach. That type of activity is not permitted without a license being issued by the Commission. He suggested that the Commission take no action on this.

Commissioner Bildz stated that in most license agreements the city makes a little bit of money from them. He asked if there was anything in this one. Mr. Silverboard stated that all we have is his letter of interest, and he doesn't think that he was proposing a payment to the city. Commissioner Bildz asked if we could tell the City Manager that if there is no payment involved then we are not interested.

Mayor Minning stated that he wasn't sure that we wanted to turn our beach into a tattoo parlor, and he is not in favor of this at all. The line needs to be drawn.

This item will not move forward at this time.

4. Consideration of Res. 09-59, Grapple Truck Purchase

Mr. Bruce gave a brief explanation of this item. The city currently picks up yard waste and white goods with a packer and manual labor. This truck could be used to pick up the larger items. It would make it easier for the citizens. It could also be used on the beach in the event of a fish kill, or for clean up after a storm. They were originally going to pay for it with a five year lease, but since the budget is going better than anticipated in the sanitation area they are proposing to pay for it now.

Commissioner Bildz asked if the picture that was supplied was an accurate depiction of what they are proposing to purchase. Mr. Bruce answered that the cab was slightly different, but the rest was the same. Commissioner Bildz asked if it would damage the streets. Mr. Bruce stated that it would not. Commissioner Bildz then asked if it would need a lot of clearance. Mr. Bruce stated that it would not. They took it out to Lagoon Lane to try it and it worked out ok.

This item will move forward to the next meeting agenda.

5. 3<sup>rd</sup> Quarter Financial Update

Mr. Keranen gave the Commission a handout of the most current information. He explained some minor changes that he had made based on questions that he had received from Commissioners. He then went over changes in projected revenues.

Mayor Minning asked about the negative variance of \$106,000 on the County EMS line. Mr. Silverboard stated that the number should be \$460,000. He isn't sure why we are so far behind right now. Mr. Keranen stated that the number as of today is \$397,000.

Mr. Keranen then went over the expenses for the General Fund. Commissioner Bildz asked about the salaries in the IT Department. The variance is the exact amount of the part time salary. Mr. Keranen stated that the \$14,000 deficit can be removed as it appears to be stated twice.

Commissioner Coward asked about the contingency fund. Mr. Keranen stated that there were overages in other areas that would use those funds. Mr. Silverboard stated that it would be used. He has instructed departments to use some of that money for various projects. Commissioner Gayton stated that it is all part of the pot that will fall out at the end of the year.

Commissioner Gayton asked about the police overtime account and whether it was for the special duties, or for regular overtime. Mr. Keranen stated that we are already over in the private detail. We have billed out more than we have spent. Mr. Silverboard stated that the \$190,000 represents the actual overtime as opposed to the special detail.

Mayor Minning asked about the contractual services in the Community Improvement budget. Mr. Silverboard stated that it is the HDR contract. Commissioner Gayton stated that he thought that it was brought forward from last year. Mr. Keranen answered in the affirmative. This report shows the original budget. The budget amendments are not posted to this. The deficit there is covered by the budget amendment.

Mayor Minning asked for an explanation of the reclass in the beach improvement line. Mr. Keranen stated that it has been done and the \$24,000 is reduced to \$2800. Mr. Silverboard stated that it also decreases the revenue, so the bottom line would be the same.

Commissioner Bildz commented that when they go page to page it would help if what was on the bottom of one page was also shown on the top of the next page. Mr. Keranen explained that he is working on a system generated report as he currently has to do this as an excel report.

Mayor Minning asked if there were offsetting revenues to cover the part time temporary salaries. Mr. Silverboard stated that it was offset by the summer camp fees.

Mayor Minning asked if there was offsetting revenue for the sports grant expense. Mr. Keranen answered in the affirmative and explained that the variance was due to it not being in the original budget. He also explained that the line below that was for the air conditioning repairs at the Community Center.

Commissioner Bildz commented that if there is only a differential of \$597 in the General Fund for the whole year then the City has done well.

Commissioner Bildz has a question in the water pollution control improvement to building line. He asked if the repair to the master pump station was going to be done. Mr. Silverboard stated that they will be going out to bid, and isn't sure that it will be done this

year. That money consists of grant money and revolving loan money, and will all get carried over.

Commissioner Gayton asked why grant money has been included in the LOISS fund. Mr. Keranen explained that some projects have several different funding sources. If the project was paid for out of LOISS funds and then grants were received it is put back into the LOISS fund. Mr. Silverboard explained that they are trying to get away from the appearance of double budgeting.

Mayor Minning asked about the contractual services line in the refuse account. Mr. Keranen explained that the initiatives that Mr. Murphy has taken have saved a substantial amount of money.

## **II. OLD BUSINESS:**

Commissioner Gayton stated that they had requested an update from HDR regarding when they would be coming to the Commission. He asked Mr. Silverboard to ask Ms. Rosetti when they would be coming in. Mr. Silverboard stated that Ms. Rosetti had given them information during the budget workshops, but he will ask her for another update.

Commissioner Bildz stated that they had talked about parking lots at the special workshop, and asked if they would be having another discussion on them. Mr. Silverboard stated that he hoped to address it after they got through the budget. It is complicated, as they were all build under different codes. He thinks they should look at the code and possible amendments to address the issue. Commissioner Bildz stated that it is his understanding that several residents have filed code complaints regarding several of the parking lots. Commissioner Gayton stated that it was part of the requests from that meeting. We are going to spend another \$60,000 on police. Why aren't we enforcing the laws? He would like to see a workshop sooner rather than later on this issue. Mayor Minning requested that it be moved forward as soon as possible.

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

None

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

Commissioner Gayton reported that John Morton passed away last week. He was a long time president of the Sunshine Beach Civic Association.

Commissioner Coward stated that she attended the Florida League of Cities conference last week. It was quite good. A group of people from the other side of the state came to her to tell her that our Police Department is very good and were very helpful when they were here visiting.

Commissioner Bildz asked Commissioner Collins if the beach renourishment was going to be discussed at the next BIG-C meeting. Commissioner Collins answered in the affirmative.

Mayor Minning gave a reminder that this month is the two year anniversary of our bascule bridge.

**V. PUBLIC COMMENTS:**

**VI. ADJOURNMENT:**

The workshop was adjourned at 8:57 p.m. by Mayor Minning.