

City Commission and Beach Stewardship Committee Joint Workshop

July 28, 2023

10:00 a.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrilă, Mayor

Mark Grill, Vice Mayor, Commissioner, District 2

Chris Graus, Commissioner, District 1

Ward Friszolowski, Commissioner, District 3

ELECTED OFFICIALS ABSENT:

Chris Marone, Commissioner, District 4

BEACH STEWARDSHIP COMMITTEE MEMBERS PRESENT:

Dan Rothenberger, Chair

John Kurzman, Vice Chair

Betty Rzewnicki

Michael Welch

STAFF PRESENT:

Matthew McConnell, Assistant City Attorney – present via ZOOM

Amber LaRowe, City Clerk

Jennifer McMahon, Chief Operating Officer

Mayor Petrilă called the workshop to order at 10:00 a.m. followed by the Pledge of Allegiance.

1. DISCUSSION:

a. Minutes

b. Beach Regulation and Management Draft Ordinance

Regarding the presence of a court reporter, Attorney McConnell stated that the court reporter was asked to attend by a private attorney who is representing some hoteliers within the City.

Today's discussion began with Section 95-21 of the Ordinance. The discussion was had on the following:

- 95-21 (b) requiring permits to be approved by the City Commission as opposed to administratively.
 - Complications with bringing forward wedding permits to the City Commission for approval.
 - Current process: if alcohol consumption is requested on public property, then a permit always comes to the City Commission – if on private property then three permits a month with Mrs. McMahon's approval. The Sheriff's Office is copied on the permits when approved for enforcement purposes.
 - Possible removal of 95-21(b)(3).
 - 95-21(b)(4):
 - Attorney McConnell opined that this is redundant and can be shifted to Section 95-22. He stated that non-resort private properties who request alcohol consumption on their property are required to have a permit – this is current practice with no intent to change in the proposed Ordinance.
- 95-22:
 - Current operations – hotels receive cabana permits annually if desired. When the City receives the permit application, it is brought to the Technical Review Committee and then approved administratively by the Planning Department, who issues the permits within the guidelines of the Ordinance. The City receives 7-8 cabana permit applications a year.
 - The current permit designates area, hours, and that alcohol must stay within the defined zone. No changes are being proposed in Section 95-22 compared to current operations.

- Some issues mentioned by Mrs. McMahon involved the designated area size and proper signage. Signage will be addressed via the Sign Ordinance.
- Discussion:
 - Wristbands – no longer appropriate. Staff to discuss with the Sheriff's Office and Code Enforcement what would assist them with proper enforcement to ensure alcohol stays within the permitted zone.
 - Commissioner Friszolowski suggested that 95-22 (d) be modified to say, "Alcohol must remain in the cabana service area at all times."
 - Mayor Petrila discussed the removal of the consumption of alcohol on the beach except for special events, i.e., weddings.
 - Mayor Petrila suggested that cabana service permit applications with site plans come before the City Commission for approval.
 - The Commission and Board agreed to a modified approach to this suggestion by having the first year of permits and site plans come before the City Commission for approval, subsequent years can be approved administratively if no changes and no prior year violations.
 - Commissioner Friszolowski opined if the permit holder has a second violation, then it comes before the City Commission.
 - Attorney McConnell suggested adding Special Magistrate language and accrual of fines under (k) penalties. The Commission and Board agreed.
 - Comments were made regarding Paradise Grille and alcohol sale/consumption. Attorney McConnell stated that the City will be reviewing the lease agreement as it is up for renewal.
 - Member Kurzman suggested changing the term "cabanas" to something else because of the confusion it creates; it was suggested that for this section it is changed to mean alcohol service area.
 - Attorney McConnell was asked to mirror the designated areas for alcohol service as outlined in the cabana section of this Ordinance – 75 feet from water and 75 feet from the side if residential.
 - Boundary markers were discussed as mentioned in (j). Staff prefers to have some type of marker to allow for clear enforcement boundaries.

Mrs. McMahon confirmed that staff will be reviewing the associated fee schedule as it relates to this Ordinance.

Attorney McConnell laid out realistic expectations for preparing the changes to the Ordinance as mentioned at the meetings. There will be ample time for the public to comment and the Board and City Commission can have another workshop to discuss the final version once he has compiled it.

Mayor Petrila adjourned the meeting at 11:59 a.m.

MINUTES APPROVED: AUGUST 8, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR