

**CITY OF TREASURE ISLAND, FLORIDA**  
**BOARD OF COMMISSIONERS MEETING MINUTES**  
**July 7, 2009**

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

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

**B. ROLL CALL:**

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

**C. PUBLIC COMMENTS:**

Kim Driscoll stated that she went to the beach on July 4<sup>th</sup>. It was full of public intoxication, public vulgarity and should be an embarrassment to Treasure Island. She spoke about the different situations including being cursed at by a group of men, and two drunken women fighting over lost keys. There were young children around. On Sunday July 5<sup>th</sup> she did a beach clean up and thanked the city for doing their part. Many of the Sunset Chateau's residents had things stolen. She believes the City is inviting crime and vandalism into the neighborhood. Ms. Driscoll said she knows the residents want to keep the alcohol on the beach. She suggested limiting the size of the coolers. She believes kegs should not be allowed, or those that bring kegs should get a permit from the City. She's not against young adults having a good time, but the people coming to the beach are there only to get intoxicated, trash the property and then drive on the streets. They need to know they should respect the families that come here. She asked the Commission to address the situation on Sunset Beach to bring it back to normal because it is totally out of hand.

Kevin Johnson discussed several different statistics concerning injuries from fireworks.

Dan Beauchesne, Treasurer of the Lions Club said that he was here for the emergency meeting held after Spring Break. He was told the partying would taper off and it has not happened. In the past few months, there has been public intoxication, public urination, public nudity, mass littering, disorderly conduct, underage drinking, near drowning, vulgar language towards guests and trespassing. The members don't come out with families and several events have been cancelled. He is dumbfounded about the lack of concern from the City as well as the Police Department. He doesn't approve of this activity on the beach and fears future lawsuits. He gave photos to the Commission. The pictures were taken at 6 p.m. on July 4<sup>th</sup>. The pictures taken at the bar south of the Lion's Club property don't have coolers or kegs. The employees of the bar tell the people they cannot have coolers or kegs and the young adults and teenagers move north to the Lion's Club property. He is begging for help with this situation. He appreciates the City of Treasure Island cleaning the beach, but there was a lot of small litter that wasn't being picked up. He doesn't know what we can do, but it needs to be addressed.

Noel Johnson stated that she got up on July 5<sup>th</sup> at 7 a.m. and walked from her house to the tip of the Island Inn and there were tents left out there over night. There is a law which states all tents and volleyball nets are to be taken down by sunset, if not they are supposed to be confiscated by the police, and the owners pay a fee to get them back. The City of Treasure Island is not a campground. She had photos of tents upside down with beer cans next to them. She showed the Commission some of the garbage she picked up from the beach. She said the City should be concentrating on the environment. People should preserve and respect the beaches not ruin it. She said it should be called "Trash Island" instead of Treasure Island. She would like the kegs to be removed, and enforcement of DUI check points. She believes fireworks should be banned. She showed some of the firework debris left by the visitors. Something needs to be done. It has been going on far too long. It isn't just Sunset Beach. It is all over the beach. There just needs to be a little control. There shouldn't be advertising for fireworks and Publix should not sell them. Other counties ban them, and she believes Treasure Island should enforce it as well.

Andrew Becker stated that lives three doors down from Caddy's. He feels things are out of hand. It is not a Spring Break problem for it seems to get worse every week. He said two weeks prior he witnessed a girl trespassing through the neighbor's property. She couldn't stand up. Then he heard the fire sirens. His neighbor, Ray Green, found this girl on his front steps. She was unconscious and under aged. Mr. Becker questioned the officers and they said that this is just the way it is. There is no enforcement. He often views the two officers that are walking up and down the beach. He feels they are not doing a thing. Mr. Becker said he thinks Tony Amico is paying them. He believes it is not a good thing if a hundred of the residents lose money in real estate. Sunset Beach used to be a quaint community. He said that approximately 90% of the visitors are not Treasure Island residents. The residents are paying for these people to come to the beaches and ruin them. He believes something needs to be done and be done right away.

James Goostree stated that he owns an apartment on the water on the Isle of Capri. He's been a resident and property owner for 10 years. He enjoys being able to go to Sunset Beach and also enjoys the fireworks. He would like to have an opportunity to view the fireworks there. He stated that it is a public beach. He said the property owners who bought houses down in Sunset Beach knew there was a business down there for 35-40 years. Every year there are fireworks in Treasure Island, but all of sudden a few people want to change the whole thing. He stated that the City needs business. The homeowners knew these businesses were there. The same people who are complaining probably have homestead exemption. He doesn't get homestead exemption, and he wants to encourage the visitors to come to the beach and spend money. He's tired of hearing the complaining. Let's leave Treasure Island open to the public so businesses can make a living.

Dominique Reiter, President of Chamber of Commerce, stated that she is very proud of the Chamber and the City for putting on such a wonderful event. She listened to both sides. The City and Chamber's fireworks were under a controlled situation. There was insurance and people stood guard. Treasure Island should be proud to have a 4<sup>th</sup> of July celebration. The event collected \$30,000 for fireworks, and there will be advertising for fireworks, and for the businesses, and they will have people come to the beach. Ms. Reiter stated that \$12,000 was given for fireworks by a Vietnam Veteran who was injured on the 4<sup>th</sup> of July. She asked people to have respect for those who do want the fireworks under a controlled situation and those who bring business to the island.

James Hayden said that he finds it hard to believe that residents would talk about people coming to beaches in the middle of a recession. He stated Tony Amico is paying off-duty police for their time. He said everyone was young once. There are laws in place for bottles on the beach,

public urination, under-aged drinking and DUI's. The City is cutting costs instead of making money off the issue. Mr. Hayden said in Key West, if a person is caught drinking under-age, they are forced to wear an orange jumpsuit and clean the beaches. He made this as a suggestion to the problem in Treasure Island. He said if the beaches are kept clean people will keep coming. Mr. Hayden said he sympathizes with the problems at the Lion's Club, but believes they are making very good money off of parking, and if they don't want the people there, they should close their parking lot. He stated it is difficult for a family to park on 104<sup>th</sup> and walk the 700 (or so) feet to the water. They should be allowed to bring their coolers for it is a long walk back and forth to the car. Mr. Hayden also commented on the tents saying they are not there during the week. He believes the visitors should be allowed to keep them up from Friday until Sunday, because they are difficult to put up. Spring Break and the 4<sup>th</sup> of July are the biggest extremes and this is when the most people go to the beach.

Mayor Minning said he appreciated everyone coming tonight and said he can empathize with what the people experienced. He believes there are two sides to the story. The Commission tried to work out the situation, the residents spoke, and the Commission abided. If there are any new ideas, he would be willing to consider it. The Mayor said that according the Police Reports, the numbers of incidences have decreased dramatically between Spring Break and Saturday, July 4<sup>th</sup>. He invited the Commission to consider readdressing the situation.

Marybeth Angel stated that she doesn't pay homestead exemption. She also lives in Hillsborough County. She is a drug and alcohol prevention specialist there. She works in the high school and according to teenagers there, Sunset Beach and Caddy's are the places to go for under aged drinking, and not just for special occasions like Spring Break and 4<sup>th</sup> of July. She constantly hears the teenagers talking about it. It is a real problem and it needs to be addressed. She offered her assistance to the Commission. She also said there is lots of sexual activity taking place in her yard and she lives nowhere near Caddy's. She's picked up things in her yard that she is tired of picking up.

Mike Masterson is on the Lion's Club Board of Directors. He has been keeping his grandchildren away because of the under-age drinkers. The people there are out of hand. The garbage is increasing. Two weeks before the 4<sup>th</sup> of July, Mr. Masterson had problems with people publicly urinating on the building and in the sea oats.

A Sunset Beach resident addressed the Commission. She said the beach is covered with debris such as plastic straws and cigarette butts. The beach is turning into a disaster. She's been a resident for 10 years and has never seen such an environmental disaster. No one wants to keep people from the beach, but the mobs of people and their lack of respect are ruining the beaches, and she believes it goes hand in hand with drinking. She saw young adults bringing many kegs of beer and bottles of booze to the beach, and returning with no garbage. She said a lot of the trash ended up in her yard. She doesn't know what the answer is, but there is huge environmental impact to the beaches.

Cathy Delong said that she's been hearing this for a year; same people saying the same thing. Although the Mayor said the violations have gone down, people are still complaining. She said the citizens have better things to do than come to the meetings and readdress the same issues.

Dianna Busboom stated that she is a business woman. She wants Treasure Island businesses to succeed. She says the people who are coming to the beaches are not going to the hotels or eating at the restaurants. Ms. Busboom and her husband were sitting on their terrace a few weeks ago, and they got into an altercation with one of the drunken visitors from the beach who

accused them of giving him a ticket. This person threatened to fire bomb her house, and also got into an altercation with her neighbor who came to her defense. She rents on Sunset Beach, but since this happened she has given her landlord 30 days notice and is moving. Property values are going to fall for no one wants to be around the atmosphere in Sunset Beach. The right kinds of people are not coming to the beaches. There are videos all over the internet of what goes on at Caddy's. Sunset Beach was not like this five (5) years ago.

Janie Hermann stated that she lives in the Isle of Capri. She expressed to those who live in Sunset Beach that they bought property in a mixed use area. These things do not happen all the time, but rather on holiday weekends with larger crowds. The issues will never go away, but they can be managed appropriately and the City does want this. There needs to be a general consensus. Ms. Hermann was at the Lion's Club for six hours on Memorial Day and had nothing inappropriate happen. She believes there needs to be a happy medium. She said kegs can be bought on Treasure Island. Ms. Hermann suggested that more people volunteer for the beach clean-up and she thought the idea of the beach being cleaned up by the violators was an excellent idea.

Robbie Wellborn said that there are issues every weekend on Sunset Beach, and not just on major holidays. The residents of Sunset Beach cannot enjoy their beach on the weekends. It is an absolute shame that one business can do what it is doing to the residents of Sunset Beach. Many people are selling their houses due to the clientele of Caddy's. Ms. Wellborn was unable to rent her house on Sunset Beach because the people who went to look at the house went on a non-holiday weekend and said they didn't want to live in a neighborhood like that. She also has a house for sale and people are refusing to look at the home because of the issues on the beach. It is impacting land values. Ms. Wellborn has been coming to the Commission meetings for over a year, and has asked repeatedly that something be done to help assist the residents.

Tony Amico, owner of Caddy's, said that he does not profit from all the drinking that happens north and south of Caddy's. His employees spend hours cleaning the beach and picking up garbage that is not from his establishment. Caddy's does not serve anyone unless they have I.D. He doesn't know what else to do. The problem area is not behind Caddy's. He hires off duty police and his own security force. If people are out of line in his establishment he brings them to the police. He hires a policeman to direct traffic and a dispatcher to dispatch the parking enforcement officer when he gets calls from neighbors. He spends an average of \$1800-\$2000 a weekend on extra security. He cannot control what people do north and south of Caddy's. They are there because the proximity from the sand to the water is the closest there than on any other part of Treasure Island Beach. He spoke to the City Manager about restrictive parking and spoke to the Police Chief about the boating restrictions, and Mr. Amico will support them in whatever they decide. He wants to run his business as well as he can, and he doesn't know what the answer is, however he won't shut down his business. He does everything the City asks him to do and then some. He suggested restricting the drinking behind all beaches except for Caddy's. He can police that. He apologized to the Sunset Beach residents in the audience. He stated that all the under-age drinkers are not helping his business. He has no way to control them because they are out of his property line.

Debra Milton stated that she has been a resident of Treasure Island for over 20 years. Ms. Milton said Sunset Beach has always been a party beach. She suggested that the parking permit might be a solution as it would keep people off the side streets. She feels it is unfair for the adults to suffer and not be able to have a few drinks on the beach because of some disorderly kids.

Dan Corson stated that he has been a resident for many years. He believes that the City can make a negative a positive and make an income. There are a lot of laws being broken, but no one is being caught. He wanted to know how many people actually called the police when they saw illegal things going on. He suggested more neighborhood watch and call the police, there is money to be made.

Mayor Minning thanked the audience for their opinions and their courtesy. He then asked the Commission if they would like to workshop the issue again. Commissioner Gayton stated he would like to workshop it again, and Commissioner Collins concurred. Commissioner Bildz said what was discussed today was just the tip of the iceberg. He said the owner of Caddy's has offered his help, but until a solution is figured out the same thing will happen every meeting.

City Manager Reid Silverboard suggested the Commission hold a special workshop to go over the issue as opposed to a regular meeting date. Commissioner Collins suggested an evening meeting so people could attend. Mayor Minning said that was a good idea considering budget meetings are coming up. Mayor Minning asked the audience if that was acceptable, and an unidentified audience member said he would like solutions. Mayor Minning responded by saying the Commission had listened to the audience's issues, and the Commission has been diligent in trying to find a resolution, and they are more than receptive. The majority of the Commission takes it personally for they have a great interest in moving the City forward in a proper manner. He asked that the audience give suggestions to their Commissioners. He said he asked Police Chief Casey to come forth with a memo about the feasibility of DUI checkpoints throughout the City. The Special Workshop will at be held at 6 p.m., and it will be well publicized. He invited the audience to come with their ideas or get their suggestions to their Commissioners ahead of time.

Commissioner Gayton said one of the growing problems is kegs on the beach. He then asked the City Attorney Maura Kiefer to explain what needs to be done to ban the kegs on the beach. City Attorney Kiefer said the Commission can ban kegs on the beach. It isn't banning alcohol, but rather a container, similar to banning glass bottles on the beach. Commissioner Gayton said he would like an ordinance to come forward that bans kegs on the beach. Mayor Minning said it would certainly be a topic for the workshop. Commissioner Collins stated he is not opposed to have alcohol on the beach, but is against the kegs. He wasn't opposed to coolers.

Commissioner Gayton said he would like to see a report from the Police Department detailing how many people they approach for under aged drinking. Commissioner Gayton asked City Attorney Kiefer if the police had the right to card people who are drinking on the beach. The City Attorney said the Police are allowed to I.D. a person if they look under-age and are drinking alcohol in plain view.

Commissioner Coward suggested the citizens talk among themselves to come up with some reasonable solutions. It is important to get together even if the opinions differ. She said the Commission can only do so much and they need help and reasonable solutions from the citizens. If there is another workshop where people only complain about what they don't like, she doesn't think it will do any good.

Mayor Minning thanked the audience again, and told them that the future workshop will be well publicized and citizen input is very important.

#### **D. APPROVAL OF MINUTES:**

None

## E. ITEMS OF BUSINESS

1. Consideration of Res. 09-38, Traffic Signal Warrant Analyses for the Gulf Blvd Intersections with 104<sup>th</sup> Avenue and 108<sup>th</sup> Avenue.

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

Mayor Minning asked if there was any discussion. Commissioner Collins wanted to know if there was any additional money that needed to be spent on the warrant study for 108<sup>th</sup> Avenue. Mr. Silverboard said the warrant study was conducted at both intersections and no additional money was needed. The study at 104<sup>th</sup> met three warrants and the study at 108<sup>th</sup> met two warrants. Mr. Silverboard believes they have a strong case for a traffic signal at 104<sup>th</sup>. Technically only one warrant needs to be met. Two warrants being met at 108<sup>th</sup> may not be as strong as the findings at 104<sup>th</sup>. The question is if the City should try and get both signals at both intersections, or just the one at 104<sup>th</sup> and try to press 108<sup>th</sup> at a later time. He believes there was a consensus at the workshop to proceed with submitting both warrant studies and see what happens. He thinks the City should at least get them on DOT's and MPO's work plan.

Commissioner Coward said she would like to see the one on 104<sup>th</sup> pushed forward. She was contacted by a citizen who said he needed to get off his bike to help an elderly couple across the 104<sup>th</sup> intersection because traffic wasn't stopping at the crosswalk. She was happy to tell the citizen the Commission was going forward with getting the signal there. Mr. Silverboard said the flashing lights were moved from Sloppy Joe's crosswalk to in front of the north/southbound crosswalk at 104<sup>th</sup>.

Commissioner Bildz asked if the issue will need to be brought before the Commission if the City finds out that FDOT isn't going to pay for the signals. The City Manager said that was correct and the Commission would have to authorize the project. In the proposed budget there is funding to get it signalized next year if possible. At best DOT may enter into a LAP Agreement with the City. The City would front the money and get the signal installed and when funding was available they would pay the City back, but the City is going to go in and ask for them to pay for it as soon as possible, but there are hundreds of lights all over the county that need to be installed also.

Commissioner Gayton asked if the City has contacted Publix about their portion of the warrant study. Mr. Silverboard said not yet. Commissioner Gayton said last April Publix agreed to pay 50% of the monies up to \$300,000, which included the warrant study. He thinks before the City submits to DOT Publix should be contacted. The City Manager said the entity that committed to do that was the developers, and they are no longer in control. The City tried to get the warrant study and commitment done before the certificate of occupancy was issued, but the Commission chose to approach it a different way. Commissioner Gayton said that Publix was approached and gave a confirmation. Mr. Silverboard said hopefully they will pay for it. Commissioner Bildz said the pedestrians are their customers. Commissioner Gayton reiterated that they said they would pay for it.

Upon roll call the vote to approve the resolution was unanimous.

2. Consideration of Res. 09-37, Award of Bid for Purchase of Solid Waste Dumpsters.

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

Commissioner Collins wanted some clarification on the part of the Resolution which says "the staff recommends Commission's authorization to purchase additional dumpsters if needed". Commissioner Collins asked if this would need to come before the Commission again if/when the dumpsters are needed. Mr. Silverboard said the way the Resolution is structured it allows the City to purchase the dumpsters at the unit prices. It is never certain how many dumpsters will break throughout the course of the year. Commissioner Collins wanted to know if it was good for a year, and Mr. Silverboard clarified it was good for as long as they held the unit price.

Upon roll call the vote to approve the resolution was unanimous.

3. Consideration of Res. 09-40, Award of Contract for Sewer Main Relining.

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

Commissioner Bildz wanted to point out that this is how the City is keeping the salt water intrusion out and that is helping to keep the sewer bill down.

Upon roll call the vote to approve the resolution was unanimous.

4. Consideration of Res. 09-39, Eliminating the Boat Anchorage Area in the North Section of Sunset Beach (Caddy's Restaurant Area).

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

Commissioner Collins asked if it would be the appropriate time, or if they should wait for the Workshop, to discuss changing the distance from 300 to 200 feet. He believes there are a lot of people in favor of decreasing the distance and he thinks it is a good idea. Mayor Minning said it was moved and seconded and open for discussion.

Mr. Michael Stern has been a resident for quite some time. He's been a boater all his life and believes the distance of 300 feet or even 200 feet would be too excessive. He has several friends who live on Sunset Beach and visits them often. Many of his friends have children and it is difficult for the parents to get the children from the boat to the beach. Boaters bring their boats near the beach because they don't want to stay on their boats all day. He would like the Commission to consider that during the winter, the water is too cold, and during certain times of the year there are a lot of stingrays and sharks. He believes there should be two or three areas that are wider than the areas that are there right now, move it away from Caddy's so that people can go and park.

Janie Hermann is a resident on the Isle of Capri. She is an active boater. She was at the original meeting when the anchorage was established, and she asked the Commission to recognize that 200 feet was too narrow to safely accommodate the boats. She wants to be able to take her boat and use the beach. She stated she pays for the beach. There are numerous swim zones in Treasure Island and very few places where a boat can go to the beach. For years they were able to do so south of Caddy's, but this is no longer possible. She was asked by Commissioner Collins to give some suggestions about what to do. She wanted the Commission to know she

travels about 5,000 miles a year on her boat, so she has some information on this issue. There isn't very good signage in that area. It says "Vessel Exclusion Zone", which are words people may not be familiar with. The public needs to be educated about the appropriate parking areas. Sunset Beach is a mixed area, and it is established as a public beach not a private beach. There are few tickets being issued by the Marine Police. For the most part Ms. Hermann sees the boaters being courteous and safe. The Police Chief made a recommendation to modify the existing anchoring zone to 650 ft wide. The 300 ft distance is about 12 feet deep and it is difficult to wade into shore. Ms. Hermann reiterated her suggestions, and also added making a map for the public. She said the Police Chief told her that most of the issues were because the public was uneducated. She asked the Commission to recognize the wishes of the local boaters who want to use the beaches, and allow them an area where they can do that. Ms. Hermann thanked Commissioners Coward and Collins for be so courteous in writing her back.

Andrew Becker said there are several places on Treasure Island where boaters can come up within a foot of the beach and anchor. He asked why boaters need to use Sunset Beach for it is so small. If boaters dock close to the shore they are jeopardizing the safety of the swimmers. Mr. Becker is a boater himself and there are areas that a person is able to come up close to the beach.

Ron Barcena is a resident of Sunset Chateau. He suggested that the distance be 175 feet off shore from Caddy's all the way to the end of the beach. There are laws in place to regulate the loud and unruly boaters who anchor in front of people's houses. At high tide, it is 5 feet deep 150 feet off shore, and 6 or 7 feet deep about 175 feet off shore. Mr. Barcena said from the jetties and south of them is a public beach. The most populated portion is where the public parking is, and yet boater can pull their boat ashore there. However, in front of houses and in front of the Sunset Chateau, boats are only allowed 300 ft away from the shore. Mr. Barcena went to Caddy's on Saturday July 4<sup>th</sup>, and said there were 39 boats inside and outside the corral. Out of the 39, nine of them were anchored past the 300 ft mark, which is really dangerous. If those boats carried an average of five people per boat that is only 200 people that came ashore to Caddy's, so he believes the boat traffic is not causing the problems on Sunset Beach. His suggestion is to create a 175 ft swim zone from Caddy's to the Public Beach, and he said the Commission will never hear from his condo association again, for that is a compromise they can live with. He said over the weekend there were jet skiers and boaters that anchored in 150 feet and the police didn't bother them. Mr. Barcena wanted to know if the police were enforcing this or ignoring it.

Kevin Johnson has been a resident of Treasure Island for close to 35 years. He is a boater and most people who boat know how to swim or if they don't they have row boats or a dingy. He believes 300 ft is good enough for the safety of the public.

A resident came up to the podium and said he would like the distance to be closer to the shore. He said it is difficult to swim for a lot of boaters, especially children. He went out a few days last week and did a survey. He found that 98% of the people do not go out beyond the sandbars which are approximately 75 ft from shore. Beyond 150 ft there were only two swimmers that were out that far. He didn't bring his grandchildren out on the boat this week because the anchorage is too far for them to swim. If the City is trying to restrict boats from coming to the beach then 300 ft is a good, but if it is for swim zone safety, then he feels 150 -175 ft is good enough.

Mary Beth Becker stated that she feels that the 300 ft. should be enforced. She said it is consistent with the rest of the beaches. It is easy for the Marine Patrol to keep up with a straight line all the way down the beach. She did some investigating on the internet. Accidents increase

when boating is mixed with alcohol. Ms. Becker gave some statistics. She said most drownings occur with boats being closer to shore; many people do not use life jackets and flotation devices. Most people will not try to swim in without a flotation device if the boat is further out and that is why the drownings decrease. If there is a designated line all the way down the beach it will be easier for the Marine Patrol to find those who are disobeying the law.

Randy Kah, reminded everyone that the issue was whether or not to close the corral in front of Caddy's and discuss the swim zone.

James Goostree stated that he goes out in the area in question about 10 to 12 times a year. Many years ago people were allowed to anchor south of Caddy's. For those years, he never remembers an issue. All of a sudden when Caddy's became popular, it became an issue.

Commissioner Gayton wanted to get back to the resolution at hand which discussed closing up the corral area where both the Police Department and Marine Patrol say it is a navigational hazard.

After no more discussion from the Commission and upon roll call the vote to approve the resolution was unanimous.

## **F. ADJOURNMENT**

The meeting was adjourned at 7:35 p.m. by Mayor Minning.