

# Town of Indian Shores

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## TOWN COUNCIL MEETING

MINUTES - APRIL 13, 2010

**INDIAN SHORES TOWN COUNCIL MEETING convened at 7:00 P.M. Those present were Mayor Lawrence, Vice Mayor Herndon, Councilor Smith, Councilor Sutch and Councilor Irelan.**

**Also Present: Attorney Yacavone; Marcia Grantham, Town Clerk; Mary Karayianes, Director of Finance; Chief Williams, Town Administrator; Lawrence Nayman, Building Official.**

### 1.0 REGULAR COUNCIL MEETING

**Mayor Lawrence stated two prominent citizens have passed, Keith Simpson who served on the Public Services Committee and the Police Pension Board and Carole McBaine, the wife of John McBaine who serves on the Planning, Zoning and Building Committee, and requested all share a moment of silence.**

**\*\* Chief Williams presented a "Recognition Award" TO OFFICER PAUL HAYES.**

**1.1 Consideration of approving Council Agenda for April 13, 2010.**

**MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve Council Agenda for April 13, 2010, as published. Motion carried 5-0.**

**1.2 Consideration of approving "CONSENT AGENDA", as follows:**

<b>A. <u>MINUTES:</u></b>	<b>Council</b>	<b>-</b>	<b>3/23/2010</b>
	<b>Workshop</b>	<b>-</b>	<b>3/25/2010</b>
	<b>PZB Com.</b>	<b>-</b>	<b>4/6/2010</b>

**MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve "Consent Agenda" covering Minutes, as published. Motion carried 5-0.**

James J. Lawrence  
Mayor

Joan G. Herndon  
Vice Mayor

Carole Irelan  
Councilor

Steve Sutch  
Councilor

William F. Smith  
Councilor

E.D. Williams  
Town Administrator  
Chief of Police

Mary Karayianes  
Director of Finance  
and Personnel

Marcia Grantham  
Town Clerk

James Yacavone  
Town Attorney

Lawrence G. Nayman  
Building Code  
Administrator

**B. RE-OCCURRING EXPENSES: (Resolution 7-2008):**

*From 3/2/2010 thru 3/30/2010*

*MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve "Consent Agenda" covering Re-Occurring expenses, as published. Motion carried 5-0.*

**1.3 APPROVAL of Committee expenditures: NONE**

**1.4 Correspondence: NONE**

**1.5 PUBLIC HEARING: Consideration of a request from Bruce Duncan to construct a new single family garage with storage above, and exterior parking, located at 19906 Gulf Boulevard.**

*Attorney Yacavone reviewed the quasi-judicial process, determined from Council members that there had been no ex-parte communication and administered the Oath to those individuals who would be presenting testimony.*

*Lawrence Nayman, Building Official, reported the plan is for a two story building valued at \$16,000.00, noting Mr. Duncan is an architect and it will be a very nice looking building for a garage.*

*Mr. Nayman further reported the project meets all local and State codes, as well as FEMA rules, and he recommends approval of the proposed project, as he did to the PZB Committee.*

*Attorney Yacavone called for anyone present who wished to speak in opposition or support of the project, however there were no comments from the public.*

*MOTION by Councilor Irelan -- seconded by Vice Mayor Herndon -- to approve request from Bruce Duncan for site plan approval to construct a new single family garage with storage above, and exterior parking, located at 19906 Gulf Boulevard. Motion carried 5-0.*

**1.6 PUBLIC HEARING: RESOLUTION 3-2010, amending the Town's FY 09/10 Budget.**

*Attorney Yacavone read the title of proposed Resolution 3-2010, in full.*

*Mary Karayianes, Director of Finance, reported the amendments were to recognize two grants received for the Police Department, together with legal fees on a Code Enforcement case the prior year.*

*Mayor Lawrence stated this was a public hearing and called for any comments from the public, however there were none.*

**MOTION by Councilor Sutch -- seconded by Councilor Irelan -- to adopt Resolution 3-2010, as published. Motion carried 5-0.**

**1.7 Consideration of approving proposed settlement of Code Enforcement case against Vista Village North, Inc., by executing a Mutual Release Agreement.**

*Attorney Yacavone reported this involved a defective dock case coming before the Code Enforcement Board, and addressed his Memo dated April 5, 2010, and recommended the Town execute the Mutual Release settlement for \$1,823.91.*

*Mayor Lawrence noted they did comply, but feels the Town needs to be more rigid in the notification process.*

*Councilor Smith stated Mr. Straubinger's attorney took issue with wording on technical items.*

*Attorney Yacavone stated the Code Enforcement statute is a technical statute and feels this hearing was a learning curve.*

**MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to authorize Mayor Lawrence to execute a Mutual Release to settle the Code Enforcement case against Vista Village North, Inc. Motion carried 5-0.**

**1.8 Consideration of approving amending Town's present procedure for sending notifications regarding Code Enforcement Violations to include notification of Registered Agent, in addition to information received from Pinellas County Property Appraiser's Office.**

*Councilor Smith reported on a situation wherein a violation notice went to the condo address instead of the President or the Registered Agent, as the address never got changed when the developer turned it over and no one received the notice.*

*Attorney Yacavone reported notices are sent to owner as listed on the Tax Assessor records, and anything in excess of that is better.*

**MOTION by Councilor Irelan – seconded by Councilor Smith – to approve continuing the Town’s present procedure for sending notifications regarding Code Enforcement Violations to include notification of Registered Agent, in addition to information received from Pinellas County Property Appraiser’s Office . Motion carried 5-0.**

**1.9 Consideration of approving Financial Statement for the period ending March 31, 2010.**

**Mary Karayianes, Director of Finance, reported the Town was in good financial condition, with a General Fund balance of \$1,714,680.00, with 89% of ad valorem taxes received amounting to \$1,110,000.00.**

**The Director of Finance further reported the Capital Improvement Program expenditures includes \$246,000.00 for debt service payment for the Undergrounding Project, \$34,000.00 for grants and \$162,000.00 for CIP project, noting new parking machine installed in March and additional revenue should show up in April, with the Beautification and restricted balances at the bottom of the page.**

**MOTION by Councilor Smith – seconded by Councilor Sutch – to accept Financial Statement for the period ending March 31, 2010, and hold for audit. Motion carried 5-0.**

**1.10 Consideration of approving Police Activity Report covering the month of March 2010.**

**Chief Williams reported criminal reports and arrests were up, with increases in crashes and traffic citations, together with tickets, warnings and calls for service all up, noting it was a busy month with spring break and beach week.**

**Chief Williams again warned the “balcony burglars” were still active, with two break-ins in Indian Shores and two in City of Indian Rocks Beach, noting they hit around 2:30 A.M. on both the Gulf and Intracoastal sides, and advised all to lock balcony doors.**

**Chief Williams also reported the Records Management system under the grant will be operational by May 1, 2010, and the new Police car has arrived.**

**MOTION** by **Vice Mayor Herndon** -- seconded by **Councilor Sutch** -- to approve **Police Activity Report** covering the month of **March 2010**, as published.  
**Motion carried 5-0.**

**1.11 Update Report on status of proposed construction of a new Municipal Center.**

**Chief Williams** reported last week the **Annex building** was demolished, noting it was more difficult than anticipated as part of the old equipment room for the **County lift station** and the original construction of the initial **Indian Shores treatment plan** were underground.

**Chief Williams** also reported staff had reviewed a list of deducts on the new **Municipal Center** by the selected **Contractor**, in the range of **\$250,000.00**, and he will bring forward a recommendation on the deducts and has requested a draft **Contract** from the contractor, who would like to keep moving and are looking at a completion date of **November 27, 2010**.

**Lawrence Nayman, Building Official**, reported the bottom of the pit under the **Annex building** was not penetrated, and they will have to look at a re-design of the **pile caps** in that area.

**The Building Official** further reported he met with the **Architect and Contractor** last week and reviewed the **laundry list**, noting some items were too high and not enough was given on other items, and he is looking at a deduct total of about **\$250,000.00**, noting there are some he will not recommend. He advised they are shopping it hard, but it will need refinement on both sides.

**1.12 Town Administrator's Report.**

**Chief Williams** reported on the following items:

- (1) Landscaping project** back on schedule, noting the delay was in harvesting the trees due to flooding in south Florida.
- (2) New Trash Receptacles** in at the **Bus Shelters**, advising they look very nice and they are working on securing the lids.
- (3) New benches** installed at **195<sup>th</sup> Avenue Access W.**, which is a memorial bench and looks really nice.
- (4) Police Contract** to be presented to **Town of Redington Shores** at Commission meeting tomorrow night.

**1.13 Citizens' Comments on any subject.**

- (1) Lawrence Dasenbrock, 18650 Gulf Boulevard, thanked the Council for considering an ordinance at their next meeting addressing problems with canopies and their frames left on the beach for prolonged periods of time.**
- (2) Art Newsome, President, Indian Shores Property Owners' Association, reported the first ISPOA Happy Hour would be at Salt Rock Grill on April 14, 2010.**
- (3) Larry Shear, Fire Board Commissioner, reported the Fire District received a new fire engine, which they were very proud of.**

**1.14 Mayor's and Council Members comments on any subject.**

**Councilor Irelan** stated it was nice to be out again, as she had been sick, and reported she would be attending the advanced IEMO class on Friday.

**Councilor Sutch** reported the Women's Club had donated money for a computer in the Library. **Councilor Sutch** further reported he had heard that Indian Shores was the lowest in the County for returned census forms, and thought the address reflecting Indian Rocks Beach rather than Indian Shores might have something to do with it.

**Councilor Irelan** advised that the last four digits differentiate Indian Shores from Indian Rocks Beach. **Mayor Lawrence** reported the return was 43% for Indian Shores, and advised he would be speaking with the census representative tomorrow and would try and clarify.

**Councilor Smith** stated he was sorry to hear about Carole McBaine, noting John McBaine was a member of the PZB Committee, and advised he had gone to St. Jerome's Church today and spoke to John.

**Vice Mayor Herndon** stated the Town is going to be very beautiful when the landscaping is completed and everything is in place.

***Town Council Meeting Minutes  
April 13, 2010 - Page 7***

***Mayor Lawrence thanked Mary Sutch and the Board for the Library computer, and made a note to write a letter to Sunshine Bakery thanking them for donation of donuts for the Coastal Clean-up event.***

***Mayor Lawrence advised if anyone had a volunteer to submit for replacing Keith Simpson on the Committee, to let him know as he would fill the position at the next meeting of the Council.***

***Mayor Lawrence reported the Town's 4<sup>th</sup> Annual Hurricane Party would be held on May 4, 2010 at 6:00 P.M., in conjunction with the Town of Redington Shores.***

***Mayor Lawrence further reported the BIG-C would again hold "Rays' Appreciation Day" on June 27, 2010 at 1:40 P.M., when they play Arizona, and tickets are now available.***

***INDIAN SHORES TOWN COUNCIL MEETING adjourned at 8:05 P.M.***

  
**MARCIA GRANTHAM, CMC**  
**Town Clerk**