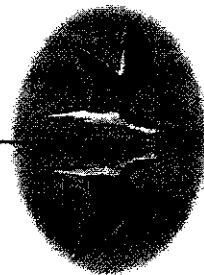


Town of Indian Shores



19305 Gulf Boulevard, Indian Shores, FL 33785
ph 727.595.4020 fax 727.596.0050

www.myindianshores.com

TOWN COUNCIL AGENDA

October 12, 2010

PLEDGE OF ALLEGIANCE TO THE FLAG

1.0 REGULAR COUNCIL MEETING

Begins at 7:00 P.M.

**** POLICE OFFICER RECOGNITION.**

1.1 Consideration of approving Council Agenda for October 12, 2010.

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

A. <u>MINUTES:</u>	Admn. Com.	9/21/2010
	Council	9/22/2010

(Minutes packet distributed separately.)

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

From 9/14/2010 thru 9/28/2010. (Ref.: Pg. 1)

1.3 APPROVAL of Committee expenditures: NONE

1.4 Correspondence: Memo from the Town Clerk dated October 1, 2010, regarding qualification requirements for the upcoming municipal election on March 8, 2011. (Ref.: Pgs. 2 - 3)

1.5 Town Attorney's Report.

PLEASE DISABLE ALL CELL PHONES DURING MEETING.

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

- 1.6 **PUBLIC HEARING:** *Second Reading of proposed ORDINANCE 2010-7, amending Chapter 86 of the Code of Ordinances, entitled "Floods", by amending Article III, entitled "Stormwater Management", by amending the definitions of "Design Storm", "Erosion", "Subsurface Drainage", "Unimproved Land", "Waterbody", "Watercourse", and "Wetland", by defining "Municipal Separate Storm Sewer System"; by amending Section 86-122, entitled "Violations and Penalties" and Section 86-124, entitled "Stormwater Management Plan Required" and by deleting Section 86-123, entitled "Compliance with Article Required"; creating Article IV, entitled "Construction Site Stormwater Runoff Control", to provide requirements for the control of stormwater runoff from construction sites and enacting Sections 86-129 through 86-135 to provide for Definitions, Permit Requirements, Inspections, and Enforcement. (Ref.: Pgs. 4- 21)*
- 1.7 **PUBLIC HEARING:** *First Reading of proposed ORDINANCE 2010-8, repealing the buoy ordinance. (Ref.: Pgs. 22 – 23)*
- 1.8 **PUBLIC HEARING:** *RESOLUTION 14-2010, amending the Town's FY 2010/11 Budget. (Reference material to be distributed.)*
- 1.9 *Consideration of approving expenditure of \$\$5,790.00 to Buccaneer Landscape covering 49 re-generated palm trees for replacement, and additional 9 trees at 200th Avenue. (Ref.: Pgs. 24 – 25)*
- 1.10 *Consideration of approving Vice Mayor Jerry Knight of North Redington Beach, to represent the beach communities on the Pinellas Planning Council, effective January 2011. (Ref.: Pgs. 26 – 27)*
- 1.11 **PROCLAMATION** *declaring the month of November as "Pancreatic Cancer Awareness Month". (Ref.: Pg. 28 – 29)*
- 1.12 *Consideration of approving request from Neighborly Care Network for a donation of matching funds in the amount of \$2,500.00. (Ref.: Pgs. 30 – 34)*

Town Council Agenda
October 12, 2010 - Page 3

- 1.13 **Consideration of approving appointments to Seat #5 and Seat #6 on the Board of Adjustment, with three year terms expiring on October 28, 2010. (Ref.: Pg. 35)**
- 1.14 **Consideration of approving appointments to the Police Pension Board with four (4) year terms for Michael Petrucelli and Bill Priakos expiring in October 2010. (Ref.: Pg. 36)**
- 1.15 **Consideration of approving Police Activity Report covering the month of September 2010. (Ref.: Pgs. 37 – 44)**
- 1.16 **Update Report on status of proposed construction of a new Municipal Center.**
- 1.17 **Town Administrator's Report.**
- 1.18 **Citizens' Comments on any subject.**
(Please limit time to 3 minutes for your comments.)
- 1.19 **Mayor's and Council Members comments on any subject.**

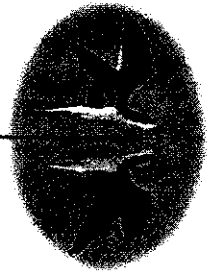

MARCIA GRANTHAM, CMC
Town Clerk

Any person who decides to appeal any decision of the Town Council with respect to any matter considered at any such meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.

Town of Indian Shores

19305 Gulf Boulevard, Indian Shores, FL 33785
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MEMORANDUM

TO: All Potential Candidates

FROM: Marcia Grantham, Town Clerk
Supervisor of Elections

A handwritten signature in black ink, appearing to read 'MG', positioned to the right of the 'FROM' line.

DATE: 1 October 2010

SUBJECT: Qualification Requirements for Municipal Election to be held on 8 March 2011

1. A Municipal Election will be held on Tuesday, 8 March 2011 to fill two (2) Council positions each for a three (3) year term.
2. Voter Registration books, for the registration of voters eligible to vote in the election, will be closed as of 5:00 P.M., Monday, 7 February 2011. Voters can register at the Pinellas County Supervisor of Elections office or mail in a registration form; however, the form must be received by the election office 29 days prior to the election date.
3. To qualify as a Candidate, a person must file with the Town's Supervisor of Elections not earlier than **Noon on Friday, December 3, 2010**, the first Friday of December prior to the scheduled date of the election, nor later than **Noon on Friday, December 10, 2010**, the second Friday of December prior to the scheduled date of the election in which he/she desires to become a candidate, all appropriate forms consisting of the following:

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

Memo – 1 October 2010

Re: Qualification Requirements for Municipal Election

Page 2

- a. Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates. (After submission of this form an election packet will be provided.)
- b. Financial Disclosure.
- c. Loyalty Oath
- d. A tentative total number of **thirty-four (34) Candidate Petition Cards** are required to be submitted for the 2011 election. Each petition form must be signed by only one qualified elector. Candidate Petition Cards are equal to three (3) percent of the Town's registered electors. (**Note:** This number will be adjusted pending the total number of registered voters reported by the Pinellas County Supervisor of Elections on November 30th, 2010, of the year immediately preceding the election.)

Each person seeking to qualify for election to a municipal office shall pay a filing fee of **\$25.00** by check written from the Candidate's Campaign account and payable to the Town of Indian Shores General Fund.

In addition, all candidates for municipal office must pay an election assessment of 1.5 % of the annual salary of the office sought when qualifying for office. This fee equals **\$75.10**.

DEADLINE DATE FOR QUALIFYING AS A CANDIDATE

NOON, FRIDAY 10 DECEMBER 2010.

ORDINANCE NO. 2010-7

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES, ENTITLED "FLOODS", BY AMENDING ARTICLE III, ENTITLED "STORMWATER MANAGEMENT", BY AMENDING THE DEFINITIONS OF "DESIGN STORM", "EROSION", "SUBSURFACE DRAINAGE", "UNIMPROVED LAND", "WATERBODY", "WATERCOURSE", AND "WETLAND"; BY DEFINING "MUNICIPAL SEPARATE STORM SEWER SYSTEM"; BY AMENDING SECTION 86-122, ENTITLED "VIOLATIONS AND PENALTIES" AND SECTION 86-124, ENTITLED "STORMWATER MANAGEMENT PLAN REQUIRED" AND BY DELETING SECTION 86-123, ENTITLED "COMPLIANCE WITH ARTICLE REQUIRED"; CREATING ARTICLE IV, ENTITLED "CONSTRUCTION SITE STORMWATER RUNOFF CONTROL", TO PROVIDE REQUIREMENTS FOR THE CONTROL OF STORMWATER RUNOFF FROM CONSTRUCTION SITES AND ENACTING SECTIONS 86-129 THROUGH 86-135 TO PROVIDE FOR DEFINITIONS, PERMIT REQUIREMENTS, INSPECTIONS, AND ENFORCEMENT; PROVIDING THAT CONFLICTING PROVISIONS OF ORDINANCES BE REPEALED; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE UNIFORM NUMBERING SYSTEM OF THE INDIAN SHORES CODE.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

Section 1: Article III of Chapter 86 of the Code of Ordinances is amended as follows:

ARTICLE III. STORMWATER MANAGEMENT

Sec. 86-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absorption area means any area, designed or natural, capable of allowing stormwater percolation.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, which has enclosing walls for 50 percent or more of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof." For the purpose of this article, each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building inspector means the building inspector of the Town of Indian Shores or an agent of this Town of Indian Shores designated by the committee for the administration or enforcement of this article.

Construction shall mean any onsite activity that will result in the creation of a new stormwater management system, including the building, assembling, expansion, modification, or alteration of the existing contours of the property, the erection of buildings or other structures, or any part thereof, or land clearing.

Construction permit shall mean an SSM permit issued by the Town of Indian

Shores to an entity with the legal ability to construct the stormwater management system in accordance with the system design and permit conditions.

Control device shall mean the element of a discharge structure that allows the gradual release of water under controlled conditions, sometimes referred to as bleed-down.

Control elevation shall mean the lowest elevation at which water can be released through the control device.

Committee means the planning, zoning and building committee of the council.

Design storm means a storm whose magnitude, rate, and intensity do not exceed the design load for a storm drainage system.

Detention refers to the collection and storage of surface water for subsequent controlled discharge at a rate, which is less than the rate of inflow.

Developer means any person engaged in any type of development of improved or unimproved land.

Development shall mean any of the following:

- (1) Construction, installation, alteration, demolition or removal of a structure, impervious surface, or stormwater management system, or
- (2) Clearing, scraping, grubbing, or otherwise removing or killing the vegetation of a site;
- (3) Adding, removing, exposing, excavating, leveling, grading, digging, dumping, or otherwise disturbing the soil or rock of a site in a manner that is contrary to the requirements of this article.

Discharge structure shall mean a structural device, usually constructed of a material such as concrete, metal, or plastic, through which water from a stormwater management system is discharged to a receiving water body.

Drainage facility means any component of the drainage system.

Drainage system means the system through which water flows from the land. It includes all watercourses, waterbodies and wetlands.

Dry detention shall mean water storage with the bottom elevation at least one foot above the control elevation. Sumps and other minor features may be at a lower elevation.

Erosion means the ~~damage change~~ caused by unrestricted flow of surface waters which shall include the movement entrains or suspends particles of silt, soils, sand, or other materials.

Flood means the inundation of areas not ordinarily covered by water.

Grading and land balancing means the moving of earth or materials for the purpose of development or redevelopment or the temporary or permanent alteration of existing topography of the land.

Impervious surface means a surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improved land means land that has been altered ~~or improved~~ from its natural state, including but not limited to grading, paving, drainage, installation of structures, etc., that ultimately increases the land's value to its owner ~~of or that has~~ altered the original integrity of the land. The term improved shall not be construed to

mean that such alteration provides any increase in value or benefit to the public.

Lawful buildable area means the area of a site, exclusive of easements, in which development can lawfully take place without variances.

Municipal separate storm sewer system (MS4), as defined in Florida Administrative Code 62-624.200(8) means the separate storm sewer system¹ owned or operated by the town, or by any other town or county government, or by the Florida Department of Transportation for collecting, storing, and transporting stormwater. Such conveyances may include but are not limited to roads with stormwater systems, storm drains, catch basins, curbs, gutters, ditches, constructed channels, or ponds, and all other structure and devices appurtenant thereto. As used herein, unless otherwise specified, it shall mean that MS4 owned by the town.

One hundred-year storm (rainfall) a 100-year storm is the amount of rainfall measured at certain location, during a specified length of time, which has a one percent chance in any given year of being equaled or exceeded. It is normal in Florida to experience many storms that locally equal or exceed rainfall defined as the 100-year storm. Many "100-year storms" occur somewhere in Florida in a typical year.

Owner means the person in whom is vested the fee ownership, domination or title of property, i.e., the proprietor. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant. Owner shall include a public entity when that entity has a right-of-way easement, interest or any ownership interest.

Overflow elevation shall mean the design elevation of a discharge structure at which, or below which, water is contained behind the outlet of the control device, except for that which leaks out, or bleeds out, through a control device down to the control elevation.

Retention shall mean the prevention of, or to prevent the discharge of, a given volume of stormwater runoff into surface waters by complete onsite storage.

Sediment means solid material, whether mineral or organic and, is in suspension, is being transported or has moved from its site of origin.

Sedimentation facility means any structure or area, which is designed to hold runoff water until suspended sediments have settled.

Site means any tract, lot or parcel or combination of tracts, lots or parcels of land which are in one ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project or which is site-planned as a whole.

Soil conservation plan shall mean a document prepared or approved by a local Soil and Water Conservation District Board organized pursuant to F.S. ch. 582, that outlines a system of management practices to control stormwater and soil erosion, reduce sediment loss, or protect receiving water quality on a specific parcel of property.

Stormwater shall mean the flow of water that results from and occurs immediately following a rainfall event.

Stormwater management plan shall mean a plan for receiving, handling, and

transporting storm and surface-waters within the Town of Indian Shore's stormwater management system.

Stormwater management system shall include all natural and manmade elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable outlet location internal or external to the boundaries of the Town of Indian Shores. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, detention/retention basins, ponds, and other stormwater conveyance and treatment facilities, whether public or private.

Structure means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts, joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

Surface water shall mean water that finds its way to an open channel without infiltrating into the soil.

Surface and stormwater management (SSM) permit shall mean a construction or operation permit issued by the Town of Indian Shores in compliance with the provisions of this article.

Subsurface drainage means any approved method used as a vehicle to transmit water under the ground groundwater, including the use of subsurface conduits to drain surface water from the land surface.

Swale shall mean a natural or manmade trench that:

- (1) Has a top width-to-depth ratio of the cross section equal to or greater than six to one, or side slopes equal to or greater than three feet horizontal to one foot vertical; and
- (2) Contains contiguous areas of standing or flowing water only following a rainfall event, and
- (3) Is planted with or has stabilized vegetation suitable for soil stabilization, surface water treatment, and nutrient uptake; and
- (4) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area to prevent erosion and reduce pollutant concentration of any stormwater.

Twenty-five (25)-year storm means the amount of rainfall, which equates to 3.6 inches for duration of one hour.

Twenty five (25)-year frequency, 24-hour duration storm event and post development runoff not exceeding the pre-development drainage rate shall be the established stormwater quantity level-of-service standard for the Town of Indian Shores. The town establishes stormwater quality level-of-service standard consistent with Ch. 62-25, F.A.C.

Unimproved land means the natural state of the land prior to being altered in any way so as to increase the land's value to its owner or change the natural contours or water flows of the land and including land that has been formerly improved by having returned to its natural state.

Vegetation means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Water or community waters means all water on or beneath the surface of the ground, or in the atmosphere. It includes the water in any watercourse, waterbody or drainage system. It also includes diffused surface water and water percolating, standing or flowing beneath the surface of the ground, as well as coastal waters.

Waterbody means any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline, but not including ponds that are constructed for detention, retention, or treatment of surface runoff.

Watercourse means any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks.

Wet detention shall mean water storage with the bottom elevation lower than one foot below the control elevation of the system.

Wetland means those areas where the soil is ordinarily saturated with water, or where wetlands vegetation, as designated by the state ~~d~~Department of eEnvironmental regulation Protection, is the dominant plant community.

Sec. 86-122. Violations and penalties.

(a) It shall be unlawful for any person to commence or conduct an activity described in this article without an approved drainage plan. To deviate from an approved plan or to fail to maintain drainage facilities under that person's ownership or control so that the facilities can function in accordance with the design criteria in the approved drainage plan, and such person upon conviction shall be punished as provided in section 1-16. Such person shall be guilty of a separate offense for each day during which a violation of this article is committed or continues.

(b) For the purposes of this article, it shall be conclusively presumed that a violation has occurred when one or more of the following conditions exist:

(1) Development, grading or land balancing, or other activity for which approval is required by this section has been undertaken without an approved permit or plan ~~and as a result water has flooded or is reasonably likely to flood land not owned by the owner of the land on which the unlawful activity has taken place or water has flooded or is reasonably likely to flood a building, whether or not located on land owned by the owner of the land on which the unlawful activity has taken place.~~

(2) Drainage facilities are not maintained properly ~~and, as a result, water has flooded or is reasonably likely to flood land not owned by the owner of the land on which the drainage facilities are located or water has flooded or is reasonably likely to flood a building, whether or not located on land owned by the owner of the drainage facilities~~ in accordance with the conditions of an approved permit or plan.

(3) ~~A waterbody entirely surrounded by private property has not been properly maintained and as a result water has flooded or is reasonably likely to flood land other than that owned by the owner of land directly abutting such pond or waterbody or a building, whether or not located on land owned by the owner of~~

~~land directly abutting such pond or body of water. Ponds, swales, ditches, and other waterbodies and watercourses contained on a property, and which serve the purpose of either containing, detaining, settling, conveying or otherwise altering the flow of surface water constitutes a drainage facility as provided in subsection (2).~~

~~Sec. 86-123. Compliance with article required.~~

~~Any development of a site, except as specified in section 86-125, shall conform to this article. If a new development involves over 20 percent of the lawful buildable area of a previously developed site, the entire site shall conform to this article as if the entire site has been developed. If a new development is on a previously undeveloped site, the entire site shall comply with this article, regardless of the percentage of development.~~

~~Except that building permit applications within the Indian Shores Town Square Planning area need only be accompanied by an approved permit, or letter of "no objection", from the Southwest Florida Water Management District and/or other governmental agencies having jurisdiction over the proposed development.~~

~~Additionally, the retrofitting requirements described previously in this paragraph shall not apply to development within the Indian Shores Town Square Planning area. However, this exemption from retrofitting does not exempt the development from any other jurisdictional requirements.~~

Sec. 86-124. Drainage Stormwater management plan required.

A drainage Stormwater management plan prepared by a Florida Licensed Professional engineer shall be required for all new projects, all substantial improvements, and renewal or rehabilitation projects. In accordance with this article, the drainage Stormwater management plan must be submitted with the application for a building permit. No development or grading and land balancing of any land, site or property may begin until the committee has approved the building permit and the drainage Stormwater management plan, when required. Issuance of approval of the drainage Stormwater management plan is contingent upon the following:

- (a) All developments must prevent increases in the 100-year storm peaks.
- (b) The developer shall submit to the committee three copies of a drainage Stormwater management plan prepared by a Florida Licensed Professional Engineer licensed in the state.
- (c) The drainage Stormwater management plan shall provide an up-to-date survey of the proposed land to be developed, redeveloped or graded and land balanced showing the number and location of existing trees; adequate elevations or contours, based on town datum of one and two-tenths feet equaling mean sea level and showing a minimum grid detail of 50 feet, to determine the existing and proposed drainage patterns; proposed changes to topography and contours and all ditches, canals, streams and all other key topographic features located within or directly adjacent to or serving the land to be developed or cleared. The calculations for runoff, detention and pipe sizes shall be submitted. The committee may require such additional information as deemed necessary to

determine if the plan meets the requirements of this article. The drainage Stormwater management plan shall also contain the following:

- (1). The name, address and telephone number of the owner and the developer. In addition, the legal description of the property shall be provided.
- (2). A plan for the control of erosion and sedimentation, which specifies in detail the type and location of control measures, the stage of development at which they will be put into place or used and provisions for the maintenance of them.
- (d) Submission of survey upon completion of the project, an as-built survey shall be submitted showing the location of all structures and all retention areas or other drainage facilities, together with sufficient elevations or contour lines to determine compliance with the drainage plan approved for the project. Sites requiring a Southwest Florida Water Management District (SWFWMD) permit shall provide an approved "license to operate" from the SWFWMD prior to issuance of a certificate of occupancy.

Sec. 86-126. Control requirements for water runoff.

- (a) Drainage plans shall be approved only if they demonstrate that the proposed development or grading and land balancing has been planned and designed and will be constructed and maintained to meet the following standard: Any development or grading and land balancing specified in this article shall not be allowed to shed more stormwater onto adjacent right-of-way or property than was discharged from the site prior to the proposed development/redevelopment.
- (b) No drainage of water directly into the Intracoastal Waterway or Gulf of Mexico is allowed.
- (c) The difference between the volume of runoff, in cubic feet per second, calculated for the natural, unimproved state of the property and the volume calculated to occur after development is the volume of runoff for which an appropriate means of detention will have to be designed.
- (d) Adequate precautions shall be taken during all grading, filling, excavating, land balancing and construction phases of a project to prevent damage to or pollution of adjacent areas or waterways during or after construction as required by Southwest Florida Water Management District (SWFWMD) regulations. Surface cover vegetation lost during construction operations shall be replaced to minimize erosion and flood damage.
- (e) In addition to all other specifications and criteria contained in this article, all drainage plans for new projects or substantial improvements shall meet minimum criteria established by the county master drainage plan, as amended, and shall be approved by the SWFWMD and the Town of Indian Shores.
- (f) In planning all development and redevelopment of a site, every effort shall be made to protect and preserve the natural environment, the quality of adjacent waters, mangroves and other unique and irreplaceable species, dune systems, coastal vegetative communities or wildlife habitats and all species of flora and fauna listed in the coastal and conservation element of the current comprehensive plan as endangered, threatened or species of special concern, as defined and required by the State Endangered and Threatened Species Act of 1977 and the

Federal Endangered Species Act of 1973.

(g) No dredging or filling operations and no clearing of trees or wetland vegetation shall be permitted without first having obtained all required county, state and federal permits and approvals.

(h) The following stormwater management techniques shall also be required by this section:

(1) Front, rear and side line swales for retention and stormwater conveyance shall be used wherever possible.

(2) The flood-carrying and flood-storage capacity of the 100-year floodplain shall be maintained.

(3) Expansion and regular maintenance of retention swales adjacent to town roadways are encouraged, wherever possible.

(4) Construction of drainage retention areas in the public right-of-way shall be considered by the town council if a public purpose is served.

Sec. 86-127. Water detention--Generally.

(a) All proposed water detention areas shall be designed using the recommended criteria listed in this article, and the design calculation shall be submitted with the drainage plan. For calculation of volume required, minimum storm duration of two-hour 100-year storm shall be used. If the time of concentration exceeds one hour, the time of concentration shall be used.

(b) All stormwater management systems water quality shall be evaluated based on their ability to prevent degradation of receiving waters and adverse impacts on the site's natural systems, their efficiency in removing pollutants, and their ability to conform to state water quality standards as established in Chapters 17-3 and 17-4 of the Florida Administrative Code.

(c) Detention or retention treatment volume in the stormwater management system shall be provided for the first inch of runoff from the project site, including offsite areas draining to the system.

(d) Detention areas shall be designed, where possible, so that they will be completely dry within 36 hours following rain. Drawdown may be accomplished by the use of under-drains or by percolation if the soil conditions permit. Data supporting drawdown calculations (i.e., soil type, seasonal high water tables, tide conditions, etc.) shall be submitted to support the calculations.

(e) Mosquito control. Drainage facilities that contain water continuously or more than 24 hours following rain shall be designed to the maximum extent possible to provide for the destruction of mosquito larvae.

(f) Responsibility for installation of walls where any runoff of water from property in excess of the quantity calculated for the natural, unimproved condition of that property, which causes or is reasonably likely to cause, flooding of adjacent property, shall require the installation of retention walls by the owner of the property from which the runoff may occur.

Sec. 86-128. Same--Approved methods.

Design of proposed water detention areas shall be in accordance with the following best management practices and approved by the building official:

designed according to site requirements.

(b) Grass, loose rock or landscaped absorption areas surface area, configuration and type shall be designed according to site requirements and shall be subject to review by the building inspector and his approval. A percolation test to verify ground absorption capabilities may be required at the discretion of the building official.

(c) Retention tank, dry well, subsurface drain or percolation facility length, size and depth of drainpipe, size and type filter material and overall size and location of facility shall be designed according to site requirements and shall be subject to the review and approval of the building official. A percolation test to verify ground absorption capabilities may be required at the discretion of the building official.

(d) Vehicular use areas designed with restrictive stormwater inlets or restrictive pipe sizes. Parking areas shall be designed with sufficient detention areas to provide control of the volume of water runoff to conform to this section.

(e) The retention system shall be designed to receive and retain the volume generated from the two-hour 100-year run-off event falling over the entire development including all rights-of-way, excluding off-site flows.

Section 2. Chapter 86 of the Code of Ordinances is amended by enacting Article IV,

entitled "Construction Site Stormwater Runoff Control" to read as follows:

ARTICLE IV. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL NOTE: ALL OF ARTICLE IV IS NEW.

Sec. 86.129. Title.

This part shall be known as the "Town of Indian Shores Construction Site Stormwater Runoff Control Ordinance" and may be so cited.

Sec. 86.130. Areas included.

This part shall apply to all incorporated areas within the legal boundaries of the town, as well as to any portion of the municipal separate storm sewer system (MS4) owned by another town or county, or the Florida Department of Transportation, that may exist within the corporate limits of the town.

Sec. 86.131. Construction and interpretation.

(a) Where any provision of this part refers to another provision, ordinance, statute, policy, reference, manual, rule, regulation, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

(b) The standards set forth herein and promulgated pursuant to this part are minimum standards intended to minimize the offsite discharge of pollutants to the maximum extent practicable, therefore this part does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S., waters

of the state, or the town's MS4. This part shall not create liability on the part of the town, or any agent or employee thereof for any damages that result from any person's reliance on this part or any administrative decision lawfully made hereunder.

Sec. 86.132. Definitions.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Best management practices (BMP) means any program, technology, process, siting criteria, operating method, or device employed to control, prevent, remove, or reduce discharges of soil and other pollutants to the MS4 or surrounding coastal waters. BMPs include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spills or leaks of non-stormwater, waste disposal, and drainage from raw materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such provisions as the town determines appropriate and necessary for the control of pollutants including the improper lawn maintenance practice of blowing of grass clippings onto walks, streets and surface waters.

Clean Water Act (CWA) means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing means any activity which results in exposure of soil to wind or rain, through removal of the vegetative surface cover, or removal of pavement or other structures from any construction site.

Construction activities for purposes of this section means any activities undertaken for the purpose of erecting structures, or otherwise altering the existing character of land, including but not limited to clearing, excavating, grading, stockpiling earth materials, paving, and placement or removal of earth material. Any activities which result in the temporary or permanent exposure of unvegetated land surface.

Construction site means any parcel of land, or portion thereof, or a contiguous combination thereof, where clearing, grading, or construction activities are performed as a single unified operation, regardless of size, upon which construction activities are undertaken.

Discharge for purposes of this section means any direct or indirect introduction of any solid, liquid or gaseous matter into the separate storm sewer system or to the coastal waters of the town. It includes, but is not limited to, any release, spilling, leaking, seeping, pouring, emitting, emptying, pumping, placing or dumping, of any substance or material.

Erosion control means BMPs or other measures that prevent erosion of exposed soils or sediments, or other exposed materials that may be subject to erosion.

Erosion and runoff control plan means a set of plans prepared by or under the direction of a licensed professional engineer which indicate the specific measures and sequencing to be used controlling sediment and erosion on a development

site; before, during and after construction.

Grading means excavation or fill of material, or relocation of soil, resulting in a change in topography or the exposure of unvegetated soil.

Illicit discharge means any discharge or addition to any MS4 system or private stormwater system, Intracoastal Waterway, or the Gulf of Mexico, that is not composed entirely of stormwater except discharges pursuant to an NPDES permit, or authorized by a town permit, or other discharges specifically identified as authorized exceptions pursuant to the town stormwater pollution control ordinance Sec. 90-103 of this code. Any discharge in violation of a NPDES or town permit shall constitute an illicit discharge.

Inspection includes, but is not limited to, any on-site physical examination of all facilities and grounds, and all construction activities thereupon, or a review of all records on operation and maintenance of facilities and the results of any monitoring performed, for compliance with local, state, and federal regulations and permit conditions.

Municipal separate storm sewer system (MS4), as defined in Florida Administrative Code 62-624.200(8) means the separate storm sewer system owned or operated by the town, or by any other town or county government, or by the Florida Department of Transportation for collecting, storing, and transporting stormwater. Such conveyances may include but are not limited to roads with stormwater systems, storm drains, catch basins, curbs, gutters, ditches, constructed channels, or ponds. As used herein, unless otherwise specified, it shall mean that MS4 owned by the town.

National pollutant discharge elimination system (NPDES) means the federal water pollution control program authorized by the Clean Water Act, and by the provisions of F.S. § 403.0885, and applicable rules of the Florida Administrative Code pursuant to the state's federally-approved NPDES program.

NPDES permit means general, group, and individual discharge permits issued by the U.S. Environmental Protection Agency pursuant to Sections 307, 402, 318, or 405 of the Clean Water Act, or by the state pursuant to the state's federally-approved NPDES regulatory program and applicable rules of the Florida Administrative Code. Unless otherwise specified, as used herein it shall mean the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems issued by the State to the Town pursuant to Section 62-621.300(7)(a), F.A.C.

Operator or site operator means the person in responsible charge of construction activities at a construction site.

Owner for purposes of this section means the owner of a building or land, and shall include any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Perimeter control means a barrier that prevents sediment or other materials from leaving a site or entering any surface water or MS4, either by filtering sediment-laden runoff, or by diverting it to a sediment trap or basin, or by any other means.

Person means any individual or group of individuals, and shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and

corporate as well.

Phasing means clearing a parcel of land, or construction upon a parcel of land, in distinct phases, with the stabilization of each phase before the clearing of the next.

Pollutant means anything that causes or contributes to pollution as defined in F.S. § 403.031(7).

Qualified inspector means anyone having received specialized training from an erosion and sedimentation control training course acceptable to the town, or having experience or knowledge in erosion and sediment control measures and practices acceptable to the town.

Sediment control means measures that are intended to prevent eroded sediments or other erodible material from leaving a construction site.

Site unless otherwise specified means a construction site.

Stabilization means the seeding or sodding of exposed land, or the use of any other practices acceptable to the town that prevent exposed soil from eroding.

Start of construction for purposes of this section means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for footings, piers or foundations; excavation of ponds, vaults, culverts, or other purposes; erection of temporary forms; and installation of accessory buildings such as garages.

State means the State of Florida.

Stormwater for purposes of this section means any surface runoff and drainage from land surfaces, including the surfaces of buildings and other hardened surfaces on the land, consisting entirely of water from rainfall events.

Surface water for purposes of this section means all bodies of water existing or flowing upon the land surface, whether natural or manmade, including, but not limited to ponds, lakes, streams, canals, ditches, swales, wetlands, bays, the Intercoastal Waterway, or the Gulf of Mexico.

Waters of the state means waters within the State of Florida that are defined as such in F.S. § 403.031.

Waters of the United States means surface waters and other water bodies as defined at 40 CFR § 122.2. or any amendment thereto, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Sec. 86.133. Permit requirements.

(a) General conditions.

(1) Discharges to the town's MS4 shall be controlled so that they do not impair the operation of the town's MS4 or contribute to the failure of the town's MS4 to meet any applicable local, state, or federal law or regulation, or singly or in combination with other discharges cause a violation of state water quality standards in the MS4.

(2) Stormwater from construction sites shall be controlled onsite using BMPs to protect water quality to the maximum extent practicable prior to discharge to the town's MS4 or to surrounding coastal waters.

(3) The owners or operators of construction sites that will discharge stormwater to the town's MS4 or adjacent coastal waters must provide to the town written notification and obtain approval in the form of a site permit development prior to start of construction.

(4) Any person responsible for illicit discharges determined by the town to be contributing to the degradation of ~~the town's~~ any MS4 system, private property, Intracoastal Waterway, or the Gulf of Mexico, either directly or indirectly, shall provide corrective measures in accordance with a schedule approved by the town and may be subject to paying fines and damages pursuant to the town stormwater pollution control ordinance Sec. 90-103 of this code.

(b) Municipal and state permits.

(1) Any person proposing to engage in construction activity shall file an erosion and runoff control plan with the town, as follows:

a. For construction activity greater than a single family residential site, or for a commercial site, the erosion and runoff control plan must be submitted to the town along with an application for site development permit.

b. For construction sites less than one acre of land, instructions for a short-form erosion plan will be provided by the town, and must be satisfactorily completed and submitted to the town prior to permit approval.

(2) Any person proposing to engage in construction activity which disturbs one acre of land or greater, or is part of a construction activity that will disturb one acre of land or greater is required to obtain coverage under the FDEP Generic Permit for Stormwater Discharge from Construction Activities That Disturb One or More Acre of Land; pursuant to Section 62-621.300(4)(a), Florida Administrative Code, and shall submit proof of coverage to the town prior to the town's site development approval.

(3) Any person who holds a NPDES permit which authorizes stormwater discharge to the town's MS4 shall provide proof of such stormwater discharge permit to the town prior to beginning discharge, but not later than 60 calendar days after the effective date of this part or 60 calendar days after issuance of the permit.

(4) Any person proposing to engage in construction activities that require coverage from FDEP or the Southwest Florida Water Management District Stormwater Discharge or Environmental Resource Permit (ERP), shall obtain such coverage as required by state or district regulations. Permit coverage must be obtained, and proof of such permit coverage shall be submitted to the town, prior to the commencement of any land clearing or construction activities.

(c) Erosion and runoff control plan.

(1) Prior to the approval of any construction or land clearing activities, the permitted site operators shall prepare and submit an erosion and runoff control plan to the town. This plan shall be consistent with requirements of FDEP, the Southwest Florida Water Management District, all erosion and sedimentation control regulations of the town, and the stormwater pollution prevention plan (SWPPP) prepared for the site pursuant to Section 62-621.300(4)(a), Florida Administrative Code.

(2) The erosion and runoff control plan shall include, at the minimum:

- a. A natural resources map identifying soils, surface waters, wetlands, forest cover, and resources protected under other rules, ordinances or laws of the town and/or the state.
 - b. A statement providing the "nature of activity" and the "sequence of construction" of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the phasing of clearing, installation of temporary erosion and sediment measures, and establishment of permanent vegetation.
 - c. All erosion and sediment control measures and BMPs necessary to meet the objectives of this part throughout all phases of construction and permanently, after completion of development of the site. BMPs proposed for use must be consistent with criteria set forth in the most recent version of the Florida Development Manual, Chapter 6 Stormwater and Erosion and Sediment Control (Florida Department of Environmental Protection) or the EPA document Storm Water Management for Construction Activities (EPA 832-R-92-005 September 1992). Measurable goals for each BMP must be defined in the plan.
 - d. Provisions for containment or protection of construction-related materials and wastes temporarily stored on the site, including discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, and other materials subject to solution or entrainment in runoff.
 - e. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime or fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - f. Provisions for ongoing maintenance and inspection of control facilities, including easements.
 - g. Measures that would be implemented in the event of discharge of sand or soils, or other materials, into the MS4 or roadways.
 - h. Measures that would be implemented in the event of the discharge or release of any harmful chemical, petroleum product, or toxic substance which may have an adverse impact to water quality in any onsite or offsite surface or ground waters, or which may threaten or endanger public health or safety. Reporting requirements for such discharges or releases is provided in 40 CFR 117 and 302, or any amendment thereto.
 - i. Procedures to receive and respond to information regarding construction activities submitted by the general public.
- (3) Contractor and subcontractor certification.
- a. The erosion and runoff control plan must clearly identify, for each measure identified in the plan, any contractor and/or subcontractor that will implement the measure.
 - b. All contractors and subcontractors identified in an erosion and runoff control plan in accordance with this part shall sign a copy of the following certification statement before conducting any activities at the site:
"I certify under penalty of law that I understand, and shall comply with, the terms

and conditions of this Erosion and Runoff Control Plan."

The certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; and the date the certification is made.

All certifications must be included in the erosion and runoff control plan. In the event of subsequent change of any contractor or subcontractor, the new contractor or subcontractor shall sign the certification, and such certification must be submitted to the town, and included in the erosion and runoff control plan.

(4) The operator shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or an MS4, and which has not otherwise been addressed in the plan. The operator shall also amend the plan if it proves to be ineffective in eliminating or significantly minimizing pollutant discharges, or in otherwise achieving the general objectives of controlling pollutants in stormwater discharge associated with construction activity. Significant amendments to the erosion and runoff control plan shall be submitted to the town and shall be processed and approved, or disapproved, in the same manner as the original plans prior to implementing any changes in procedures established by the plan.

(5) Grading, erosion control practices, sediment control practices, and stabilization practices shall meet the design criteria set forth in the most recent version of the Florida Development Manual (Florida Department of Environmental Protection), or the EPA document Storm Water Management for Construction Activities (EPA 832-R-92-005 September 1992) and shall be adequate to prevent transportation of sediments or other pollutants from the site to the satisfaction of the town.

(6) Clearing and grading shall be conducted in accordance with the following requirements:

a. Clearing and grading of natural resources, such as trees or wetlands, shall not be permitted, except when in compliance all other applicable rules of the town and state.

b. Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in the Florida Development Manual shall be used wherever possible to the satisfaction of the town.

c. Clearing, except that necessary to establish sediment control devices pursuant to the approved site development plan, shall not begin until all sediment control devices and BMPs have been installed and have been stabilized.

d. Cut and fill slopes shall be no greater than 2:1, except as approved by the town to meet other community or environmental objectives.

(7) Erosion and sedimentation control procedures shall be employed in accordance with the following requirements:

a. Soil stabilization measures must be initiated within seven days of clearing or inactivity in construction of any disturbed area.

b. If vegetative erosion control methods, such as seeding, have not become established within 60 days, the town may require that the site be reseeded or sodded, or that a non-vegetative option be employed.

c. Sand and/or soil stockpiles must be stabilized, controlled, or covered at the end of each workday.

d. Techniques that divert upland runoff past disturbed slopes shall be employed until the slopes have become stabilized.

(8) Sediment controls shall be employed in accordance with the following requirements:

a. Sediment controls shall be provided in the form of settling basins or sediment traps as needed, and perimeter controls will be properly installed prior to the commencement of clearing or construction.

b. Adjacent properties shall be protected by the use of a vegetated buffer strip when practical, in combination with perimeter controls.

(9) Provisions must be made in the Erosion and Runoff Control Plan for containment of construction-related materials and wastes temporarily stored on the site; they must be stored and maintained in a manner to prevent discharge into surface waters or the town's MS4, or onto adjacent properties. These materials may include but are not limited to unused or discarded building materials, stockpiled soil or sand, concrete truck washout, fertilizers, chemicals, solvents, petroleum products, litter, debris, sanitary waste, or any other materials which may be dissolved in or transported by stormwater, or blown from the site by wind.

(10) Construction site access.

a. A temporary road for access to the site shall be provided at stages of development.

b. Stabilization measures in the form of gravel or other measures described in the Florida Development Manual or the EPA document Storm Water Management for Construction Activities are required at the construction entrance in order to ensure that soil is not tracked onto public roads by construction vehicles, or washed from the site by runoff.

c. Stabilization measures at the construction entrance shall be satisfactorily provided before commencement of clearing of the site.

Sec. 86.134. Inspections.

(a) The town shall conduct inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the site operator where the work fails to comply with the erosion and runoff control plan as approved. Plans for grading, stripping, excavating, and filling work previously approved by the town shall be maintained at the site during the progress of the work.

(b) The permittee, owner, site operator or their authorized agent(s) shall make regular inspections of all erosion and runoff control measures and BMPs in accordance with the inspection schedule outlined on the approved erosion and runoff control plan(s). These inspections shall be conducted weekly and after any 0.5-inch rain event, by a qualified inspector as herein defined. The purpose of such inspections will be to determine the overall effectiveness of the control plan, the condition of the BMPs, and the need for additional control measures. All inspections shall be documented in written form, signed by the inspector, and maintained onsite for review by the town.

(c) When inspections disclose failure or imminent failure of erosion and

sediment controls, measures shall be taken by the operator to restore, repair or replace such controls, and the measures shall be documented in written form, and signed by the operator on the inspection report.

(d) Failure or imminent failure of perimeter controls shall be corrected before continuation of work at the site.

(e) The town shall be allowed to enter the site as deemed necessary to make regular inspections to ensure implementation of the submitted plan, and control of offsite sedimentation and polluted runoff.

Sec. 86.135. Enforcement.

(a) Stop-work order; revocation of permit.

(1) In the event that any person holding a town site development permit pursuant to this part violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the town or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the town, the town may suspend or revoke the site development permit.

(2) Any action that results in impairment to the operation of the town's MS4 or that causes pollution of surface waters shall be considered detrimental to the public welfare and injurious to the property of the town.

(b) General violations.

(1) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this or any other town ordinance. Failure to comply with the requirements of this part or any permit or approval granted or authorized under this part shall be punished as provided in section 86-48 of this code.

(2) In addition to the penalties provided in section 86-48 of this code, the town council may institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this part. The town council may also institute proceedings to impose and recover damages or civil penalties in a court of competent jurisdiction for each violation of this part. If a violation of this part is continued, each day of such violation shall constitute a separate offense.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: If any provisions of this ordinance be declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 5: This ordinance shall become effective immediately upon adoption.

Section 6: The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the Town of Indian Shores, Florida, as an addition or amendment thereto, and shall be renumbered to conform to the uniform numbering system thereof.

PASSED ON FIRST READING: September 22, 2010

PASSED ON SECOND READING: _____

ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA,
THIS 12th DAY OF October 2010.

ATTEST:

JAMES J. LAWRENCE
Mayor

MARCIA GRANTHAM, CMC
Town Clerk

ORDINANCE NO. 2010 - 8

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, REPEALING SECTION 106-78 OF THE CODE OF ORDINANCES, ENTITLED "WATER SAFETY ZONE", WHICH ESTABLISHES A WATER SAFETY ZONE MARKED BY A BUOY LINE OFF CERTAIN BEACHES OF THE TOWN OF INDIAN SHORES ; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE UNIFORM NUMBERING SYSTEM OF THE INDIAN SHORES CODE.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

Section 1: Section 106-78 of the Code of Ordinances is hereby repealed and deleted from the Code of Ordinances.

Section 2: All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section of this ordinance is declared invalid, all other provisions of this ordinance shall remain valid and enforceable.

Section 4: This ordinance shall become effective immediately upon adoption.

Section 5: The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the Town of Indian Shores, Florida, as additions or amendments to the Code, and shall be renumbered to conform to the uniform numbering system of the Code of Ordinances.

Passed on First Reading: _____

Passed on Second Reading: _____

ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES,
FLORIDA, THIS _____ DAY OF _____, _____.

ATTEST:

JAMES J. LAWRENCE
Mayor

MARCIA GRANTHAM, CMC
Town Clerk

Bonnie Dhonau

From: Bob Brotherton [rhbrother@verizon.net]
Sent: Monday, September 27, 2010 3:55 PM
To: David Berger; Bonnie Dhonau
Subject: Fwd: Sabal Palm Replacement

Chief, Dave, Bonnie,

The following E-mail just came from Chris. Let me know if this is OK and I can have him schedule the work.

Bob Brotherton

Sep 27, 2010 03:38:13 PM, witherington@buccaneerlandscape.com wrote:

>
>xmlns:w="urn:schemas-microsoft-com:office:word"
>xmlns:m="http://schemas.microsoft.com/office/2004/12/omml"
>xmlns="http://www.w3.org/TR/REC-html40">

>
Bob,

I counted the trees that need to be replaced and came up with
>49, one or two of those may make it but I don't want to do this more than
>once. We can use regenerated palms for an additional \$75 per tree totaling \$3,675.00.
>Let me know if this works.

Additional trees at 200th Ave. We can use regenerated here also and do them for \$210 each or
>9 trees total \$1,890.00.

Please let me know ASAP on both of these so I can get it scheduled.
>Thanks

Chris Witherington

President

Buccaneer Landscape Management

P 727-209-0393

F 727-499-9564

600 Cleveland Street, Suite 850 • Clearwater, Florida 33755-4160
Telephone 727.464.8250 • Fax 727.464.8212 • www.pinellasplanningcouncil.org

Mayor Pat Gerard, Chairman
Vice Mayor John Doran, Vice Chairman
Mayor Jim Ronecker, Secretary
Commissioner John Morroni, Treasurer
Mayor David O. Archie
Commissioner Nina Bandoni
Councilmember Sandra L. Bradbury
Vice Mayor Dave Carson
Deputy Mayor Stephen Fowler
Councilmember Jim Kennedy
Vice Mayor Jerry Knight
School Board Member Linda S. Lerner
Mayor Patricia J. Shontz

David P. Healey, AICP
Executive Director

September 27, 2010

Ms. Marcia Grantham, Town Clerk
Town of Indian Shores
19305 Gulf Boulevard
Indian Shores, Florida 33785-2257

Marcia
Dear Ms. Grantham:

Re: Appointment to Pinellas Planning Council

This is to remind you that all current appointments to the Planning Council expire on December 31, 2010. The Special Act governing the countywide planning process calls for all subsequent appointments to be made biennially, on or before January 1 of the year following the expiration of the term.

The appointment for your group of communities will be effective for the two-year period, January 2011 through December 2012. Current members are eligible for reappointment, and I urge your community to coordinate this action with your current Planning Council representative, Vice Mayor Jerry Knight, and the other communities represented by this seat on the Council.

The process for appointment by the communities of Indian Shores, Belleair Beach, Belleair Shore, Indian Rocks Beach, North Redington Beach, Redington Beach and Redington Shores is that each community may nominate a person from their respective council or commission to the Board of County Commissioners who shall then make the appointment from among those nominated. The communities can, of course, collaborate and nominate a single representative as has typically been done in the past.

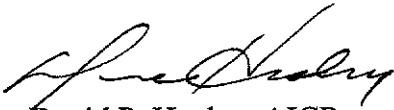
Consistent with the Planning Council's Strategic Plan that encourages continuity of membership on the Council¹, we encourage the reappointment of Vice Mayor Jerry Knight, as your representative on the Council if he is willing to serve. Vice Mayor Knight is considered a valuable member of the Council and currently serves on the Joint Land Use/Transportation Committee which is examining the potential of integrating the transportation planning

¹ Goal No. 1, Objective 1.2, Actions: "Encourage participating jurisdictions to establish a policy for appointments to the Council that provides for continuity of Council membership and direction."

function of the MPO with the land use planning function of the PPC. It will be particularly important to the successful conclusion of this process to maintain the current membership of the Council during the next year. Vice Mayor Knight's continued participation in the transition will be invaluable.

In order that we can prepare the agenda item for appointment by the Board of County Commissioners by early December, please forward your City Councilors nomination to me not later than November 17, 2010.

Sincerely,



David P. Healey, AICP
Executive Director

cc: Mayor James Lawrence, Town of Indian Shores
Vice Mayor Jerry Knight, Pinellas Planning Council Representative

PROCLAMATION

DECLARING THE MONTH OF NOVEMBER, 2010 "PANCREATIC CANCER AWARENESS MONTH" IN THE TOWN OF INDIAN SHORES, FLORIDA.

WHEREAS, in 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer this year in the United States and more than 36,800 will die from the disease;

WHEREAS, approximately 2,560 deaths will occur in the state of Florida;

WHEREAS, pancreatic cancer is one of the deadliest cancers and the fourth leading cause of cancer death in the United States;

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 75 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in early detection, treatment methods, or survival rates in the last 40 years;

WHEREAS, incidence of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups;

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Indian Shores, Florida, and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS, the Pancreatic Cancer Action Network and its Florida affiliates support those patients currently battling pancreatic cancer, as well as honor those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS, the good health and well-being of the residents of Indian Shores, Florida, are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, I, JAMES J. LAWRENCE, Mayor of the Town of Indian Shores, Florida, do hereby designate the month of November 2010 as "Pancreatic Cancer Awareness Month" in Indian Shores, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Indian Shores, Florida, to be affixed this 12th day of October 2010.

ATTEST:

JAMES J. LAWRENCE
Mayor

MARCIA GRANTHAM, CMC
Town Clerk



13945 Evergreen Avenue
Clearwater, Florida 33762
727-573-9444 | www.Neighborly.org

Health, Wellness and Independent Living

September 22, 2010

Mayor Jim Lawrence
Town of Indian Shores
19305 Gulf Blvd
Indian Shores, FL 33785-2257

Dear Mayor Lawrence:

As you may know, Neighborly Care Network is a private not-for-profit agency of dedicated staff and volunteers providing people with home and community-based services that help them live in their own homes with independence and dignity.

Currently, Neighborly serves approximately 3 clients who reside in the Town of Indian Shores.

We need the support of the Town of Indian Shores to ensure continuation of these services provided by Neighborly Care Network to the elderly and homebound in your community. We ask that your community provide funds to Neighborly so that we may continue to earn the grant moneys necessary to provide services to your residents. Enclosed, you will find an application for funding. We hope that this will give you a better understanding of the vital programs and services Neighborly Care Network offers to individuals in your area. We urge you to share in the responsibility and cost of providing essential services to the vulnerable senior population of your community.

Please let me know if I can be of any assistance to you and/or meet with you to discuss your support for the residents of Indian Shores. I would also like to extend an open invitation to visit any one of our sites or centers so that you can personally see the difference our organization makes in the lives of so many. I look forward to working with you and can be reached at (727) 573-9444 ext. 271 or by e-mail at mbacklund@neighborly.org.

Sincerely,

A handwritten signature in black ink that reads "Michelle Backlund". The signature is written in a cursive, flowing style.

Michelle Backlund
Vice President, Administration/CFO

/jw
Enclosures

**NEIGHBORLY CARE NETWORK
2010/2011 APPLICATION FOR FUNDING
TO
THE TOWN OF INDIAN SHORES**

BACKGROUND/HISTORY

Neighborly Care Network is a private not-for-profit agency chartered in 1966 under the laws of the State of Florida and is tax exempt under Section 501 (c) (3) of the Internal Revenue Code. After conducting a needs assessment of the elderly in 1967, Neighborly began delivering its first services to Pinellas County seniors in 1968 through its Meals on Wheels and Adult Day Care programs. The agency opened the Group Dining Program in 1973 followed by the Transportation Program in 1977. These four core programs are still in operation today. Since 1980, Neighborly provided a system of care which not only included those services listed, but other home and community based services under the state's Community Care for the Elderly (CCE) program. NCN served as lead agency under this program until 2003.

Neighborly is committed to the seniors we serve. We have distinguished ourselves in the community by continually stepping forward to advocate for seniors. Through our creative and innovative services, Neighborly Care Network has demonstrated that we can meet the changing needs of our clients.

CURRENT PROGRAMS & SERVICES

Currently, Neighborly has 8 separate programs which include: Group Dining at 12 sites, Meals on Wheels on 128 routes, 5 adult day care centers, 33 vehicles providing transportation services daily, home health care to Medicare clients, a non-profit pharmacy that provides prescription medications to seniors *at cost*, a long term care diversion program and our newest program, PACE (Program of All-Inclusive Care for the Elderly).

On January 1, 2004, Neighborly opened the first non-profit pharmacy in the state of Florida in response to the growing dilemma of seniors choosing between medication and food. Neighborly's pharmacy assists seniors by providing medications at cost thereby alleviating the difficult decision of choosing one commodity over the other. To date, our Pharmacy program has helped 11,375 clients save, on average, \$50-\$100 per month.

Likewise in 2004, Neighborly collaborated with the State of Florida, Department of Elder Affairs to begin a pilot program of the Nursing Home Diversion Program. The goal of this program compliments Neighborly's mission to keep seniors in their own homes and out of Nursing Homes and Skilled Nursing Facilities. The program was such a success that it became a permanent program in 2006 and is saving the State's already overburdened Medicaid system. Studies done by OPPAGA have shown that clients have less frequent hospital stays and of the hospital stays that occur, they are shorter than those patients not participating in the Nursing Home Diversion Program.

In 2009, Neighborly was certified by CMS (Centers for Medicare and Medicaid Services) as a licensed PACE provider. In November 2009, Neighborly began delivering its first services to clients in the PACE program. PACE is a program similar to the Nursing Home Diversion program in that it encompasses home and community based services in its service delivery continuum. However, PACE focuses much more medical supervision by administering our own on-staff, primary care physician who closely monitors each client. Furthermore, the program's core service of Adult Day Care is on-site in the same location as the clinic and all PACE staff. Therefore, constant communication between the medical staff, case workers, service personnel and client/caregiver is achieved. The program won instant popularity and by March 2010 all 50 slots allocated to PACE in Pinellas County through Florida Legislation had been filled.

These programs and approximately 180 dedicated staff are augmented by over 1,200 volunteers, most notably the 900 volunteers in the Meals on Wheels program who provided 57,553 hours of service. Neighborly actively pursues all available funding, including the submission of proposals to all Pinellas County municipalities and appropriate foundations, and conducts fundraising activities, including special events, direct mail, annual membership drives and planned giving programs.

MISSION STATEMENT

Neighborly Care Network strives to improve health, wellness and independent living for individuals and families.

VISION STATEMENT

Neighborly is a pioneer of innovative quality solutions that enhance our customers' way of life. We are a leader in providing superior health, home and community-based services, education, consultation and support for wellness and self-directed care.

NEIGHBORLY CARE NETWORK BOARD OF DIRECTORS

Neighborly Care Network is governed by a volunteer Board of Directors composed of professional and lay Pinellas County residents who have a deep concern for the problems of the elderly and handicapped in Pinellas County. A list of the members of the Neighborly Board of Directors follows:

Evelyn Bethel, Chair
Jay Morgan, Vice Chair
Kimberly G. Jackson, Esq., Secretary
Gershon Faulkner, Treasurer
Debra Mitchell, RN, BSN, MBA, Immediate Past Chair

Members

Thomas Stepanovsky, Jr
James Gillespie
Jason Clement
Karen Griffin, Ph.D.
William E. Hale, M.D.
Shelia Love, M.D.
David Metz
Bertha Watts

Honorary Board Members

The Honorable Gus Bilirakis
The Honorable C.W. "Bill" Young

John Wilson, WTVT-TV Channel 13

NEIGHBORLY TYPICAL CLIENT

The typical Neighborly client is a female, 81 years of age, living alone or with a disabled spouse or sibling, and with \$700 income per month. Common health problems include a heart condition, diabetes, arthritis and difficulties with vision. Usually, this typical client is unable to leave home without the assistance of an escort and/or walker or wheelchair. Worst of all, the client is forced to choose between food and medicine.

FUNDING REQUESTED FROM THE TOWN OF INDIAN SHORES

Attached is a spreadsheet documenting services Neighborly provided to your residents during 2009. The first column displays the type of service received. The second column lists the total number of units (number of hours, meals, trips, etc.) provided. The third column displays the total number of clients that received those units of service. The fourth column details the unit cost Neighborly incurred providing these services; and the fifth and final column reveals the total value of services received. For comparison, the lower portion of the spreadsheet details the entire County's utilization of Neighborly's services.

Neighborly Care Network receives its primary source of funding through Title III of the Older Americans Act. This funding requires that Neighborly provide local matching funds on a 90%/10% basis; i.e., for every nine dollars of federal funds received, Neighborly must raise one dollar of local matching funds.

Neighborly provided multiple services to Indian Shores residents in 2009; therefore, we request the financial support of your community during the 2010/2011 fiscal year to ensure the continuation of these vital services that are designed to meet the basic needs of your most vulnerable elderly and disabled residents. We are requesting that you consider supporting the residents of your community with an appropriation of \$2,500 to be used as either local matching funds or a direct contribution to provide services to additional seniors.

Neighborly Care Network hereby certifies that all moneys received from Indian Shores will be utilized exclusively for the benefit of Indian Shores residents.

**Neighborly Care Network
Service Utilization Report by Municipality
January 1, 2009 thru December 31, 2009**

Indian Shores				
<i>Service Code</i>	<i>Total Units</i>	<i>Client Count</i>	<i>Cost per svc.</i>	<i>Total Cost</i>
Adult Day Care	837.25	1	\$ 13.06	\$ 10,934.49
Case Management			\$ 19.48	\$ -
Counseling-Nutrition			\$ 71.64	\$ -
Home Health Aide			\$ 154.45	\$ -
Meals	174.00	1	\$ 6.28	\$ 1,092.72
Medical Social Worker			\$ 238.68	\$ -
Nursing Services			\$ 170.59	\$ -
Occupational Therapy			\$ 238.68	\$ -
Physical Therapy			\$ 238.68	\$ -
Risk Reduction-Nutrition			\$ 54.56	\$ -
Transportation	15	1	\$ 12.21	\$ 183.15
Totals	1,026.25	3		\$ 12,210.36
Pinellas County				
<i>Service Code</i>	<i>Total Units</i>	<i>Client Count</i>	<i>Cost per svc.</i>	<i>Total Cost</i>
Adult Day Care	177,623.75	438	\$ 13.06	\$ 2,319,766.18
Case Management	4,329.50	268	\$ 19.48	\$ 84,338.66
Counseling-Nutrition	502.00	372	\$ 71.64	\$ 35,963.28
Home Health Aide	344.75	26.00	\$ 154.45	\$ 53,246.64
Meals	493,103.00	4,078.00	\$ 6.28	\$ 3,096,686.84
Medical Social Worker	15.00	5.00	\$ 238.68	\$ 3,580.20
Nursing Services	2,477.50	91.00	\$ 170.59	\$ 422,636.73
Occupational Therapy	157.00	22.00	\$ 238.68	\$ 37,472.76
Physical Therapy	1,822.25	66.00	\$ 238.68	\$ 434,934.63
Risk Reduction-Nutrition	7.00	3.00	\$ 54.56	\$ 381.92
Transportation	122,230.00	1,831.00	\$ 12.21	\$ 1,492,428.30
Totals	802,611.75	7200		\$ 7,981,436.14

Town of Indian Shores

19305 Gulf Boulevard, Indian Shores, FL 33785
 ph 727.595.4020 fax 727.596.0050

www.myindianshores.com



BOARD OF ADJUSTMENT 2009 - 2010

SEAT # - NAME	ADDRESS	PHONE	TERM EXP.
1. Joe Tawil	19450 Gulf Blvd., # 701 tawilj@msn.com	517.7557 667.9110	10/28/2012
2. Lindsey Noble	19823 Gulf Blvd., # 38 Lindsey-noble@hotmail.com	813.714.9462 686-4233	10/28/2012
3. David Jolly	19417 Gulf Blvd., # C-209 djolly@VSADC.com	254.4741	10/28/2011
4. Karl Olander	19616 Gulf Blvd. #301 kolander@tampabay.rr.com	517.8014	10/28/2011
5. Joe Canetta	18720 Gulf Blvd., Bldg 4, Unit A joecajr@aol.com	596.4168	10/28/2010
6. James Sanderbeck	19701 Gulf Blvd., # 131 jsander830@verison.net	517.1968	10/28/2010

Declined
Re-Apppt.

CODE ENFORCEMENT

SPECIAL MAGISTRATE: Herbert E. Langford, Jr., P.A. 725.8774 Fax 724-0603
 Certified Arbitrator
 Post Office Box 15632
 Clearwater, FL 33766-5632
 mediator@tntpc.com

- All appointments to BA are for a 3-year term.
 Updated July 2010

WDFORMS/BA and CEB List 2010

James J. Lawrence
Mayor

Joan G. Herndon
Vice Mayor

Carole Ireland
Councilor

Steve Sutch
Councilor

William A. Smith
Councilor

E.D. Williams
Town Administrator
Chief of Police

Mary Karvianis
Director of Finance
and Personnel

Marcia Grantham
Town Clerk

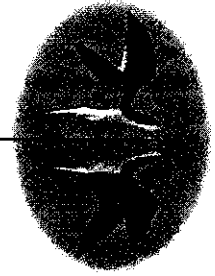
James Facavone
Town Attorney

Lawrence G. Nayman
Building Code
Administrator

Town of Indian Shores

19305 Gulf Boulevard, Indian Shores, FL 33785
ph 727.595.4020 fax 727.596.0050

www.myindianshores.com



RETIREMENT BOARD

TOWN OF INDIAN SHORES

POLICE OFFICERS RETIREMENT SYSTEM

<u>NAME</u>	<u>TWO-YEAR TERMS</u> <u>EXPIRE ON</u>
<i>Officer Joe Ferro</i> 19305 Gulf Boulevard Indian Shores FL 33785	<i>October 2010</i>
<i>Officer Paul Hayes</i> 19305 Gulf Boulevard	<i>October 2010</i>
<i>Bill Priakos</i> 19417 Gulf Blvd. - Indian Shores, FL 33785 593-5303	<i>October 2010</i>
<i>Michael Petruccelli</i> 19616 Gulf Boulevard - #102 Indian Shores FL 33785	<i>October 2010</i>
<i>Alfred Noto</i> 19627 Gulf Boulevard - #401 Indian Shores FL 33785 593-1111	<i>October 2010</i>

Now: 4 yr. TERMS

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



INDIAN SHORES POLICE DEPARTMENT
SERVING
INDIAN SHORES & REDINGTON SHORES

E.D. WILLIAMS
CHIEF OF POLICE

19305 Gulf Boulevard
Indian Shores, Florida 33785
Tel: (727) 595-5414 • 596-8775
FAX (727) 595-4785

DATE: 04 October, 2010
TO: Members of Town Council / Commission
FROM: E. D. Williams, Chief of Police *EDW*
SUBJECT: MONTHLY ACTIVITY REPORT FOR SEPTEMBER, 2010

Following are the monthly Police activity statistics for the month of September, 2010 compared to the same month last year:

	<u>INDIAN SHORES</u>			<u>REDINGTON SHORES</u>		
	<u>09</u>	<u>10</u>	<u>VAR</u>	<u>09</u>	<u>10</u>	<u>VAR</u>
CRIMINAL REPORTS	09	15	+06	17	13	-04
PHYSICAL ARRESTS	02	08	+06	07	04	-03
TRAFFIC ACCIDENTS	04	03*	-01	01	01**	00
TRAFFIC CITATIONS	30	68	+38	36	39	+03
PARKING CITATIONS	17	04	-13	19	19	00
TRAFFIC WARNINGS	61	97	+36	84	60	-24
ORDINANCE VIOLATIONS	00	00	00	00	00	00
MISCELLANEOUS REPORTS	06	01	-05	06	02	-04
OTHER CALLS/NO REPORTS	180	167	-13	259	138	-121

* = 0 Injuries

** = 1 Fatality

SEPTEMBER, 2010 MONTHLY ACTIVITY REPORT - PAGE 2

- 1) Criminal reports are the only statistical reports **UP** for Indian Shores. Criminal reports are down in Redington Shores while Miscellaneous reports and Calls for service were **DOWN** in both Towns.

- 2) Traffic Tickets and Parking Citations are **UP** in Indian Shores, while Traffic Tickets were **UP** slightly in Redington Shores, yet Parking Citations were **UNCHANGED**. Traffic Warnings were **UP** in Indian Shores, **DOWN** in Redington Shores. There were four (4) accidents in both Towns. Of the four (4) a **fatality** was reported for a one vehicle accident in Redington Shores, (still under investigation)

- 3) Physical arrest was:
 UP 300% in Indian Shores
 Down 75% in Redington Shores

The Department investigated **15** cases in Indian Shores and **7** cases in Redington Shores. A detailed summary is attached for closer review.

EDW/th

Attachments

cc: Redington Shores Town Hall
 Ofc. Ferro
 File

CRIMINAL INVESTIGATIONS DIVISION

To: Chief E. D. Williams
From: Detective J. K. Rawson, C.I.D.
Subject: Investigative Monthly Report for September, 2010

(INDIAN SHORES)

<u>REPORT</u>	<u>OFFENSE</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
10-0255	Theft	Grand Theft	CLOSED/ARREST
10-3836	Battery	Sexual Battery	UNFOUNDED
10-4014	Theft	Petit Theft	INACTIVE
10-4043	Crim. Mischief	Vandalism	INACTIVE
10-4167	Auto Theft	Recovered	ACTIVE
10-4293	Burglary	Auto Burglary	INACTIVE
10-4296	Theft	Grand Theft	INACTIVE
10-4376	Crim. Mischief	Vandalism	INACTIVE
10-4490	Theft	Grand Theft	UNFOUNDED
10-4598	Theft	Lost Property	INACTIVE
10-4611	Theft	Grand Theft	ACTIVE
10-4684	Suspicious	Incident	CLOSED/ EXCEPTIONALLY
10-4770	Theft	Grand Theft	ACTIVE
10-4858	Forgery	Uttering	CLOSED/ARREST
10-4914	Theft	Grand Theft	ACTIVE

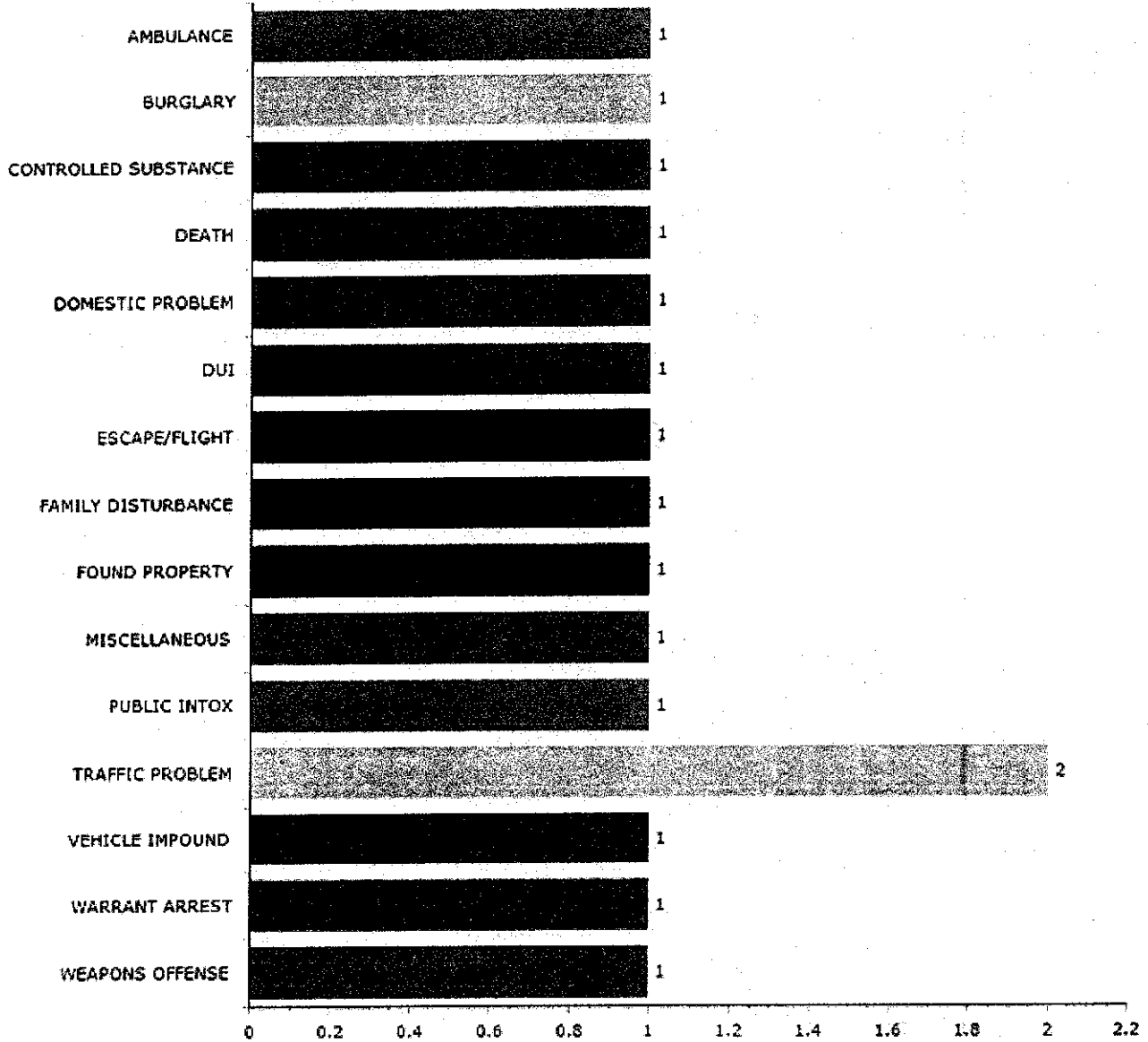
CRIMINAL INVESTIGATIONS DIVISION

To: Chief E. D. Williams
From: Detective J. K. Rawson, C.I.D.
Subject: Investigative Monthly Report for September, 2010

(REDINGTON SHORES)

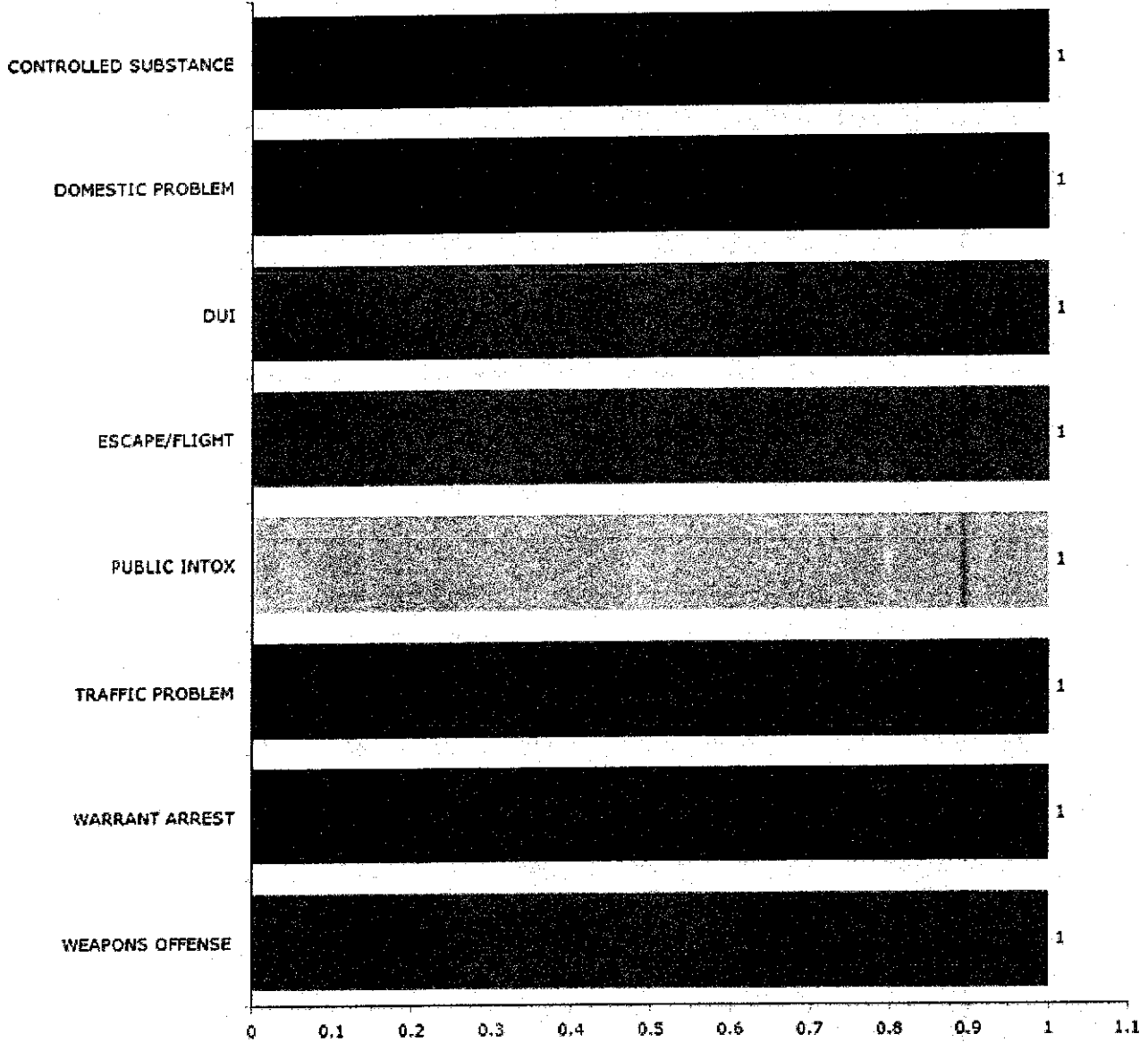
<u>REPORT</u>	<u>OFFENSE</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
10-3740	Theft	Grand Theft	ACTIVE
10-4327	Crim. Mischief	Vandalism	INACTIVE
10-4794	Burglary	Conveyance	ACTIVE
10-4872	Lew&Lascivious	Indecent Exposure	CLOSED/ARREST
10-4916	Theft	Civil Matter	UNFOUNDED
10-5174	Battery	Domestic Battery	CLOSED/ARREST
10-5225	Theft	Grand Theft	ACTIVE

INDIAN SHORES REPORTS /SEPTEMBER



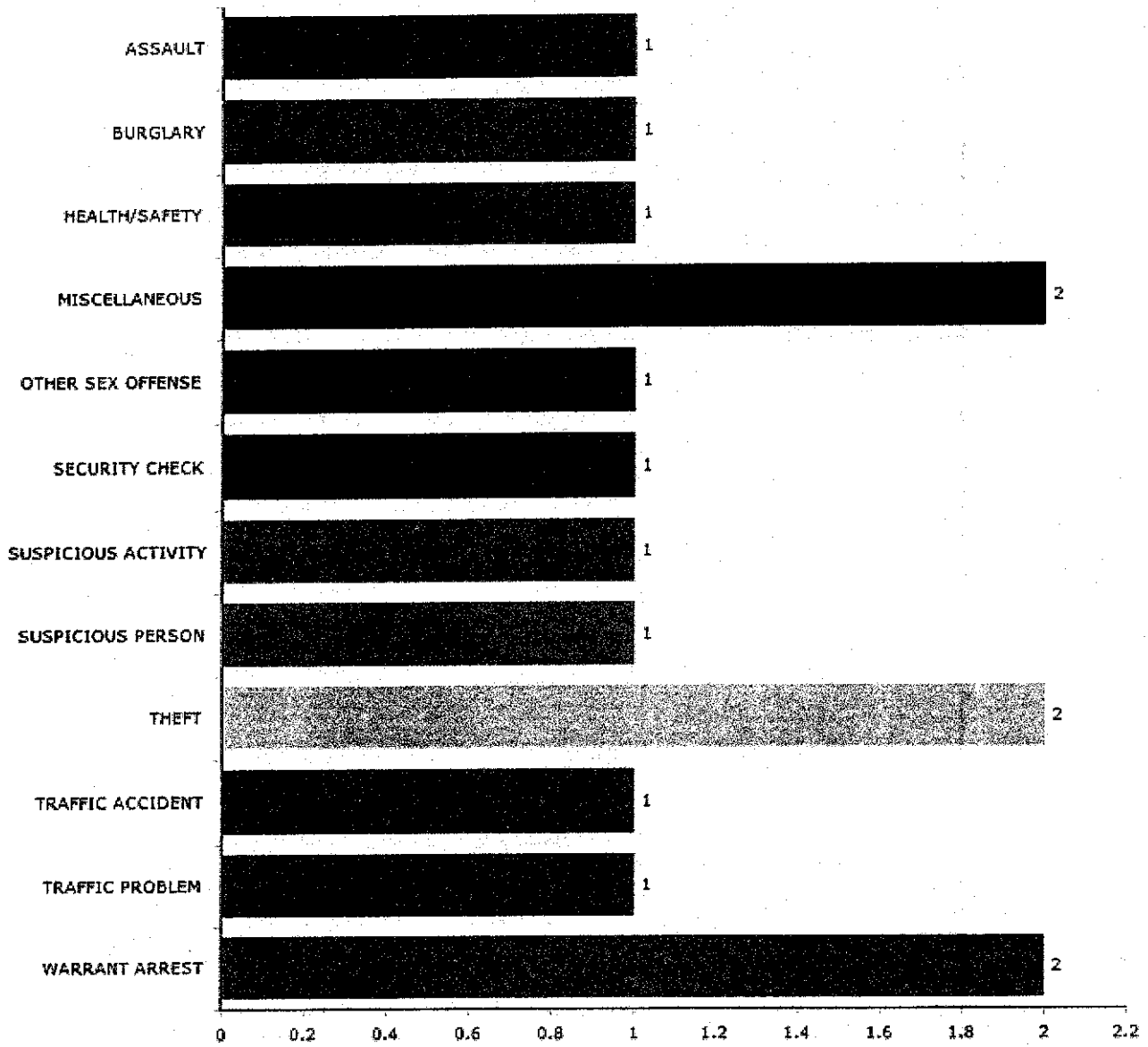
Graph created with iFOCUS Software

INDIAN SHORES ARRESTS/SEPTEMBER



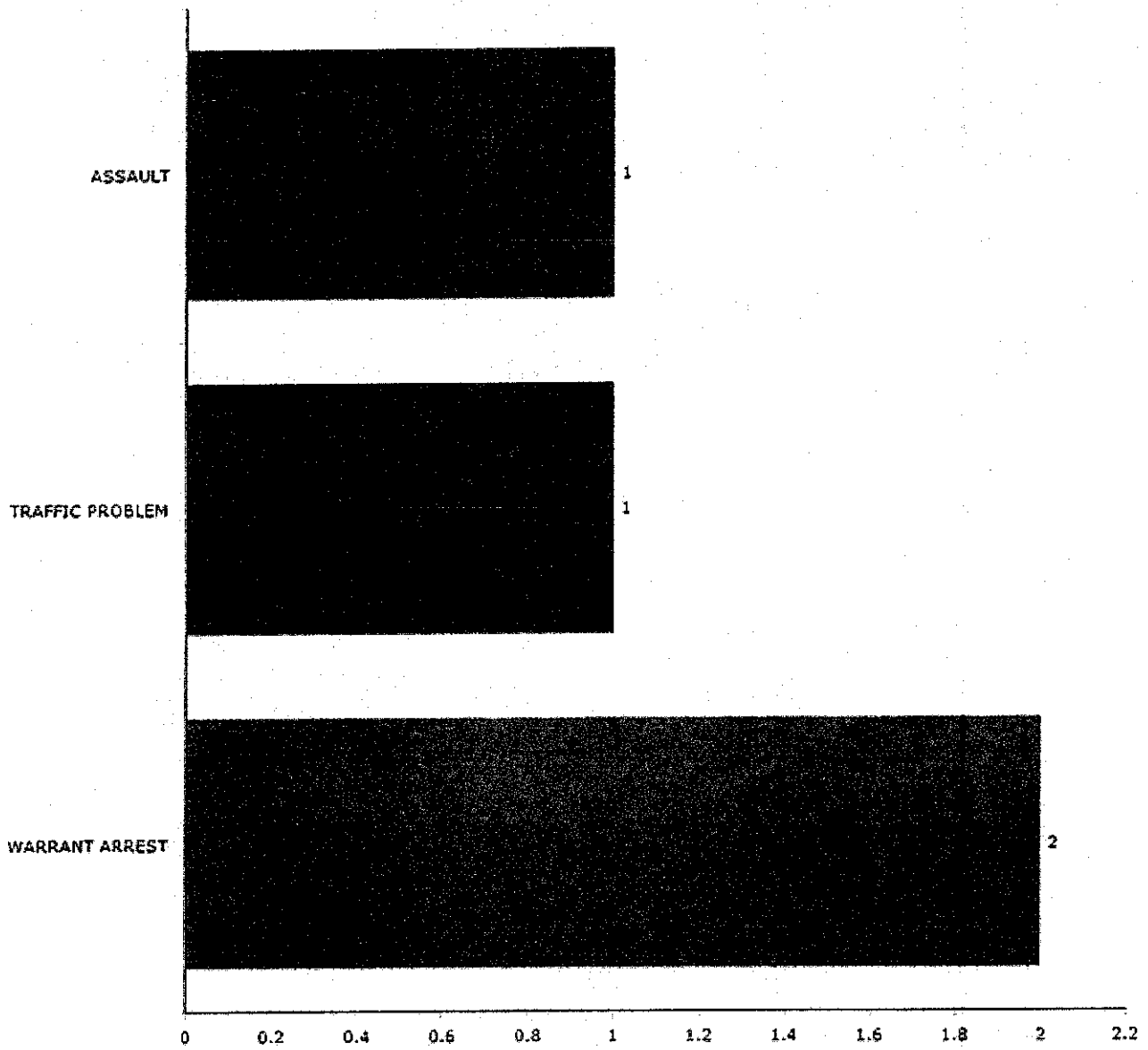
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REDINGTON SHORES REPORTS /SEPTEMBER



Created with eCHARTS software

REDINGTON SHORES ARRESTS/SEPTEMBER



Graph created with eCRIME software