

# Town of Indian Shores

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

[www.myindianshores.com](http://www.myindianshores.com)



## TOWN COUNCIL AGENDA

January 11, 2011

### PLEDGE OF ALLEGIANCE TO THE FLAG

#### 1.0 REGULAR COUNCIL MEETING

Begins at 7:00 P.M.

1.1 Consideration of approving Council Agenda for January 11, 2011.

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

A. <u>MINUTES:</u>	Council	12/14/2010
	Public Ser. Com.	1/4/2011
	PZB Com.	1/4/2011

*(Minutes packet distributed separately.)*

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

*From 12/6/2010 thru 12/21/2010. (Ref.: Pg. 1)*

1.3 APPROVAL of Committee expenditures: NONE

1.4 CORRESPONDENCE:

*Thank you letter to Waste Services for installing a new white vinyl enclosure for the dumpster located in the Bay Mariner Shops parking lot. (Ref.: Pg. 2)*

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

- 1.5 *Town Attorney's Report.*
- 1.6 **PUBLIC HEARING – QUASI-JUDICIAL:**  
*Consideration of a request from Edwin Murphree, to construct a twelve foot by sixteen foot aluminum patio cover at 18517 Gulf Boulevard. (Ref.: Pgs. 3 – 6)*
- 1.7 **PUBLIC HEARING: RESOLUTION 1-2011,** *declaring Carole Irelan and Steve Sutch to have been elected Council members for a three year term, as a result of being unopposed for the positions of Council members in the Municipal election scheduled for March 8, 2011. (Ref.: Pg. 7)*
- 1.8 **PUBLIC HEARING: RESOLUTION 2-2011,** *in support of the recommendations of the Joint Land Use and Transportation Committee, including amendment to the Pinellas Planning Council's Special Act. (Ref.: Pgs. 8 – 9)*
- 1.9 **PUBLIC HEARING: First Reading of proposed ORDINANCE 2011-1,** *amending Chapter 90 of the Code of Ordinances, entitled "Planning and Development" by enacting Article VII, to be entitled "Development Agreements", to give the Town the authority to enter into Development Agreements with developers by providing for definitions, the Town's authority and requirements, Development Agreement procedures, the required content of Development Agreements, and Public Hearing requirements. (Ref.: Pgs. 10 – 16)*
- 1.10 **PROCLAMATION** *proclaiming the Martin Luther King, Jr., holiday as a Day of Service in Indian Shores to pay tribute through participation in community service projects. (Ref. Pg. 17)*
- 1.11 *Consideration of letter from Mayor Foster, City of St. Petersburg, dated December 15, 2010, requesting each municipality contribute a donation to the Pinellas Safe Harbor for the homeless population. (Ref.: Pgs. 18 – 19)*
- 1.12 *Consideration of approving Financial Statement covering the period ending December 31, 2010. (Ref.: To be distributed.)*

- 1.13 Consideration of approving Police Activity Report covering the month of December 2010. (Ref.: Pgs. 20 – 26)*
- 1.14 Update Report on status of proposed construction of a new Municipal Center.*
- 1.15 Town Administrator's Report.*
- 1.16 Citizens' Comments on any subject.  
(Please limit time to 3 minutes for your comments.)*
- 1.17 Mayor's and Council Members comments on any subject.*

*Marcia Grantham*  
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

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ph 727.595.4020 fax 727.596.0050

[www.myindianshores.com](http://www.myindianshores.com)



*January 3, 2011*

**Mr. Mike Ferguson**  
**Operations/Maintenance Manager**  
**Waste Services of Florida, Inc.**  
**11500 – 43<sup>rd</sup> Street North**  
**Clearwater, Florida 33762**

**Re: Enclosure for Dumpster – Bay Mariner Shops**

**Dear Mr. Ferguson:**

**The Town Clerk, Marcia Grantham, has advised of your generous offer on behalf of Waste Services to improve the unsightly enclosure for the dumpster located in the front of the Bay Mariner Shops at 19701 Gulf Boulevard.**

**The Town of Indian Shores continues to enjoy a long-term business relationship with Waste Services for many reasons, and this just being another reason why your company stands out, as they always look for solutions and ways to assist the Town in various dilemmas which occur.**

**The dumpster enclosure has greatly improved the appearance along Gulf Boulevard for residents and visitors alike.**

**I would like to take this opportunity to personally thank you for your efforts in this regard.**

**Sincerely,**

**JAMES J. LAWRENCE**

**Mayor**

**C: Shari Rheuble, Regional Sales Manager**

James J. Lawrence  
Mayor

Joan G. Herndon  
Vice Mayor

Carole Irelan  
Councilor

Steve Sutch  
Councilor

William F. Smith  
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E.D. Williams  
Town Administrator  
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Marcia Grantham  
Town Clerk

James Yacavone  
Town Attorney

Lawrence G. Nayman  
Building Code  
Administrator

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**TOWN OF INDIAN SHORES**  
**SITE PLAN REVIEW APPLICATION**  
Phone: 727-517-3940, Fax: 727-595-2352

**1. PROPERTY OWNER:**  
 Name EDWIN K. MURPHREE  
 Address 18517 GULF BLVD. City/State INDIAN SHORES, FL  
 Zip 33785 Phone (Home) 595-1683 (Office) N/A  
 Mobile N/A Fax N/A

**2. GENERAL INFORMATION:**  
 Property Location or Address (List all properties involved).  
18517 GULF BLVD. INDIAN SHORES, FL  
 Legal Description(s) SEE ATTACHED  
 Parcel Number(s) \_\_\_\_\_  
 Proposed Use of Property, i.e. multi family (townhome/condominium/duplex), single family, commercial. SINGLE FAMILY  
 Current Use of Property SINGLE FAMILY  
 Number of Existing Units on Property ONE (1)  
 Proposed Number of Units and floors over parking NONE (0)  
 Total Valuation \$ 2,870.00

**3. APPLICANT (If same as Owner, write "same")**  
 Name SAME  
 Address \_\_\_\_\_ City/State \_\_\_\_\_  
 Zip \_\_\_\_\_ Phone (home) \_\_\_\_\_ Office \_\_\_\_\_  
 Mobile \_\_\_\_\_ Fax \_\_\_\_\_

**4. ENGINEER/SURVEYOR**  
 Name FLORIDA BENCHMARK, INC.  
 Address 1882 DREW ST City/State CLARKEVILLE, FL  
 Zip 33765 Office Phone 727-958-0366 Fax 727-461-0696

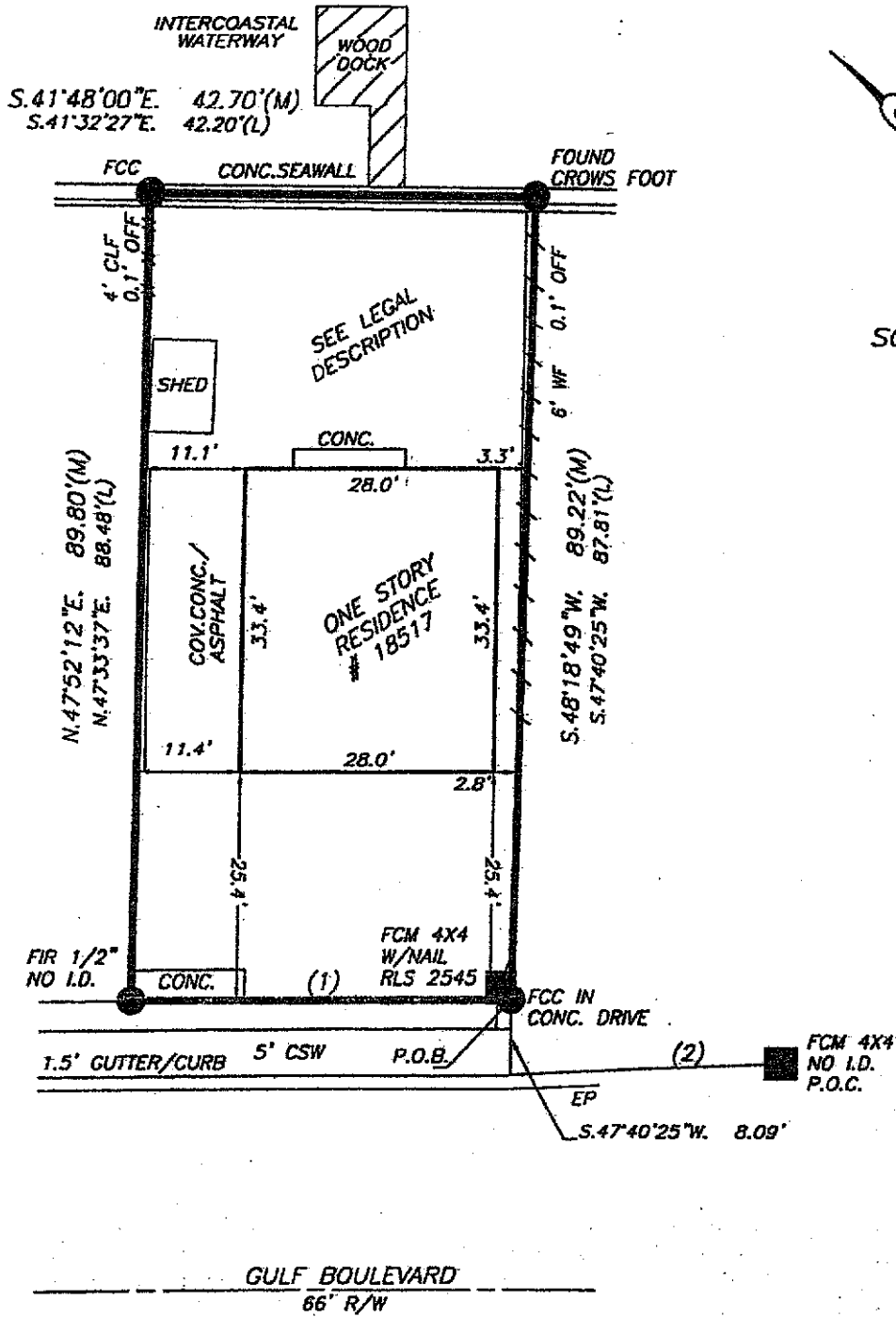
**5. ARCHITECT**  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_ City/State \_\_\_\_\_  
 Zip \_\_\_\_\_ Office Phone \_\_\_\_\_ Fax \_\_\_\_\_

**6. SIGNATURE**  
 I, the undersigned, acknowledge that all representations made in this application are true and accurate to the best of my knowledge.  
Edwin K. Murphree  
 Signature of Owner/Authorized Agent  
 State of Florida, County of Pinellas Sworn to and subscribed before me this 18 day of Nov., A.D. 2010  
 to me and/or by EDWIN K. MURPHREE who is personally known or has produced \_\_\_\_\_ as  
 identification. Notary Public Carole Ireland My commission expires:

NOTARY PUBLIC-STATE OF FLORIDA  
 Carole Ireland  
 Commission #DD880079  
 Expires: APR. 27, 2013  
 BONDED THRU ATLANTIC BONDING CO., INC.

# BOUNDARY SURVEY

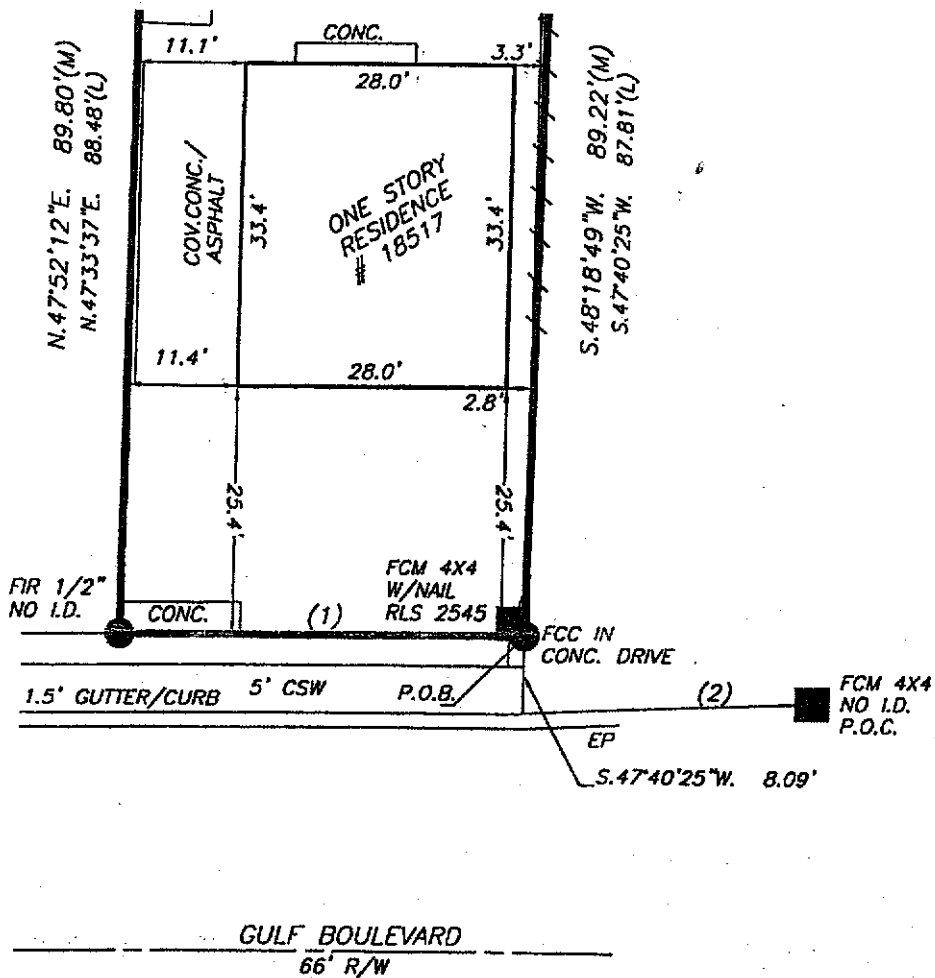
ADDRESS: 10517 GULF BOULEVARD  
INDIAN SHORES, FLORIDA.



NOTE: SUBJECT TO EASEMENTS FOR FOOT TRAVEL FOR ACCESS TO THE WATERS OF THE GULF OF MEXICO.(SEE LEGAL)

## CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	3111.47'	00°46'25"	42.01'	21.01'	42.01'(M) 42.01'(L)	N.42°35'21"W.(M) S.42°35'21"E.(L)
2	2897.93'	03°19'00"	167.75'	83.90'	167.73'(L)	S.43°25'51"E.(L)



NOTE: SUBJECT TO EASEMENTS FOR FOOT TRAVEL FOR ACCESS TO THE WATERS OF THE GULF OF MEXICO.(SEE LEGAL)

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2	2897.93'	03°19'00"	167.75'	83.90'	167.73'(L)	S.43°25'51"E.(L)

NOTE: This survey was conducted without the benefit of an abstract of title, therefore, there may be other easements, right-of-way, setback lines, agreements, reservations, restrictions, or other similar matters of public record, not depicted on this survey.

A = ARC	CHB = CHORD BEARING	DE = DRAINAGE EASEMENT	FH = FIRE HYDRANT	MH = MANHOLE	PP = POWER POLE
BM = BENCH MARK	CH = CHORD	EOP = EDGE OF PAVEMENT	FIP = FOUND IRON PIPE	OHP = OVERHEAD POWER LINE	R = RADIUS
BRG = BEARING	CLF = CHAIN LINK FENCE	EOW = EDGE OF WATER	FIR = FOUND IRON ROD	P = FLAT	SIP = SET IRON PIPE
C = CURVE	CONC. = CONCRETE	FCC = FOUND CROSS CUT	FN = FOUND NAIL	PC = POINT OF CURVATURE	SIR = SET IRON ROD WITH CAP # 4495
CALC = CALCULATED	CSW = CONCRETE SIDEWALK	FCM = FOUND CONCRETE MOUNTMENT	FPP = FOUND PINCH PIPE	PCP = PERMANENT CONTROL POINT	UE = UTILITY EASEMENT
CB = CATCH BASIN	D = DEED		M = MEASUREMENT	PI = POINT OF INTERSECTION	WB = WATER BOX
					WF = WOOD FENCE

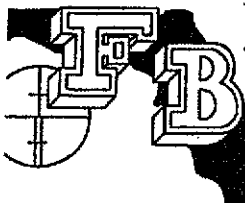
LOAD INFORMATION:  
ONE: A11(EL10)  
NUMBER: 125141-0001B  
DATE: 03-02-83

LEGAL:  
SEE PAGE 2

SECTION: 30 TOWNSHIP: 30S RANGE: 15E

CERTIFIED TO:

EDWIN C. MURPHREE  
G.T.E. FEDERAL CREDIT UNION  
ALAFIA TITLE INSURANCE, INC.  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



FLORIDA BENCHMARK, INC.  
PROFESSIONAL SURVEYOR

1882 DREW STREET  
CLEARWATER, FL 33765

PH. (727) 298-0286  
FAX# (727) 461-0696

AUTHORIZATION NO. LB 6947

### CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. NOT VALID WITHOUT SIGNATURE AND EMBOSSED WITH SURVEYOR SEAL.

*M. G. Mayer*  
4-11-01

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FIELD WORK BY:	RG MW	DATE: 04-11-01	REVISION DATE:	1:	PAGE # 1 OF 2
DRAWN BY:	WDB	DATE: 04-12-01	2:	3:	JOB # 01-1368

M. G. MAYER PLS # 4495 DATE

**TOWN OF INDIAN SHORES  
STAFF REPORT**

Date: December 27, 2010

**TO:** PLANNING, ZONING, AND BUILDING COMMITTEE  
**FROM:** PLANNING & ZONING DEPARTMENT  
**HEARING DATES:** PZB: January 4, 2011 TOWN COUNCIL: January 11, 2011  
**SUBJECT:** 18517 Gulf Blvd

**I. APPLICANT INFORMATION**

- A. Description: Patio Cover
- B. Applicant: Edwin Murphree
- C. Agent: N/A
- D. Owner: Edwin Murphree

**II. PROPERTY INFORMATION**

- E. Location: 18517 Gulf Blvd
- F. Parcel Number/Zoning: 30/30/15/00000/330/0900 - ROR
- G. Surrounding Zoning & Existing Uses: ROR

**III. BACKGROUND**

Description of what currently exists: Single-family residence

**IV. PZB REVIEW AND COMMENTS:**

SITE PLAN REVIEW DATE January 4, 2011  
REQUIRED REVISIONS: None

**V. PUBLIC CORRESPONDENCE** Nothing submitted


**VI. REQUIREMENTS**

- A. The developer is responsible for acquiring all other jurisdictional permits,
- B. Construction plans, signed and sealed by a registered architect/engineer licensed to practice in the State of Florida, must be submitted within six months of the date of final site plan approval, unless an additional six month extension is granted (or site plan will expire).

List of Exhibits: Boundary Survey, Aluminum Structural Design Plans sheets 1-3, 6-8, 9A-130, 9B&10B, 10D, 10G, 11 & 12

**VII. STAFF RECOMMENDATION**

To the best of my knowledge, the following plans are in compliance with the Federal Statues, the State of Florida Statutes, the Pinellas County Ordinances and the Town of Indian Shores Ordinances. Thus, I give my recommendation for approval.

  
LAWRENCE G. NAYMAN  
Building Official

**RESOLUTION 1-2011**

**A RESOLUTION OF THE TOWN OF INDIAN SHORES, FLORIDA, DECLARING CAROLE IRELAN AND STEVE SUTCH TO HAVE BEEN ELECTED COUNCIL MEMBERS FOR A THREE YEAR TERM, AS A RESULT OF BEING UNOPPOSED FOR THE POSITIONS OF COUNCIL MEMBERS IN THE MUNICIPAL ELECTION SCHEDULED FOR 8 MARCH, 2011.**

**WHEREAS, CAROLE IRELAN AND STEVE SUTCH** were the only candidates to file and qualify for the positions of Council Members for the Municipal Election on 8 March, 2011:

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA,** that the inclusion of **CAROLE IRELAN AND STEVE SUTCH** as candidates for the positions of Council Members on the ballot for the municipal election on 8 March, 2011, was not necessary, pursuant to Florida Statutes, Section 101.252 (1):

**BE IT ALSO RESOLVED** that **CAROLE IRELAN AND STEVE SUTCH**, as the only two qualified candidates for the positions of Council Members, are hereby declared to have voted for themselves and are therefore elected to the positions of Council Members beginning 22 March, 2011.

The above and foregoing Resolution, upon Motion by \_\_\_\_\_  
And seconded by \_\_\_\_\_ was duly approved and adopted at a regular Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Voting in favor of the Resolution:

Voting in opposition to the Resolution:

Absent:

Abstaining:

\_\_\_\_\_  
JAMES J. LAWRENCE  
Mayor

ATTEST:

\_\_\_\_\_  
MARCIA GRANTHAM, CMC  
Town Clerk

## RESOLUTION 2-2011

### RESOLUTION OF THE TOWN OF INDIAN SHORES, FLORIDA, IN SUPPORT OF THE RECOMMENDATIONS OF THE JOINT LAND USE AND TRANSPORTATION COMMITTEE, INCLUDING AMENDMENT TO THE PINELLAS PLANNING COUNCIL'S SPECIAL ACT

- WHEREAS**, a Joint Land Use and Transportation Committee ("Joint Committee"), consisting of three (3) representatives from the Pinellas Planning Council ("PPC"), three (3) representatives from the Board of County Commissioners ("BCC"), and three (3) representatives from the Metropolitan Planning Organization ("MPO") was convened in April of 2010 to study the potential for integrating of transportation and future land use planning at the countywide level; and
- WHEREAS**, the Joint Committee deliberated for several months, reaching its conclusions in a consensus driven manner; and
- WHEREAS**, the Joint Committee has recommended that the MPO and PPC functions be more closely aligned on transportation and land use issues to create a more streamlined and integrated process, which should identify and eliminate any redundancies, disconnects, or inefficiencies in the current system; and
- WHEREAS**, the Joint Committee recommended that this integrated process include a new Countywide Future Land Use Plan, which establishes a broad, forward-looking land use planning framework, incorporates and guides multimodal transportation planning, and allows sufficient flexibility to accommodate the redevelopment needs of Pinellas County; and
- WHEREAS**, the Joint Committee determined that the most effective way to achieve these goals would be to unify the membership of the boards of the MPO and the PPC into a single consolidated board that would be empowered to carry out the functions of both the MPO and PPC; and
- WHEREAS**, the establishment of the new consolidated board will require reapportionment of the MPO membership, which must be done in conformance with Section 339.175, Florida Statutes; and
- WHEREAS**, the establishment of the new consolidated board will require amendment of the PPC's Special Act.

**NOW THEREFORE**, be it resolved by the Town Council of Indian Shores, Florida:

The Town hereby declares its support for the recommendations of the Joint Committee, including:

1. The boards of the MPO and the PPC should be consolidated and empowered to carry out the functions of both the MPO and the PPC;
2. The new consolidated board should consist of elected officials and ensure representation for all municipalities;
3. The countywide plan should be reconstituted into a forward-looking plan that is policy driven and broad based;
4. The new consolidated board will be supported by a consolidated, independent staff;
5. The Special Act that created the PPC should be amended to provide the necessary framework to accomplish these recommendations; and
6. The Reapportionment Plan be prepared and approved consistent with these amendments to the Special Act and these recommendations.

The Town encourages the Pinellas County Legislative Delegation to support the legislation necessary to accomplish the recommendations of the Joint Committee, as set forth herein.

This above and foregoing Resolution, upon Motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ was duly approved and adopted at a regular Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

Voting in favor of the Resolution:

Voting in opposition to the Resolution:

Absent:

Abstaining:

ATTEST:

\_\_\_\_\_  
**JAMES J. LAWRENCE**  
Mayor

\_\_\_\_\_  
**MARCIA GRANTHAM, CMC**  
Town Clerk

# DRAFT

## ORDINANCE NO. 2011-1

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES, ENTITLED "PLANNING AND DEVELOPMENT" BY ENACTING ARTICLE VII, TO BE ENTITLED "DEVELOPMENT AGREEMENTS", TO GIVE THE TOWN THE AUTHORITY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH DEVELOPERS BY PROVIDING FOR DEFINITIONS, THE TOWN'S AUTHORITY AND REQUIREMENTS, DEVELOPMENT AGREEMENT PROCEDURES, THE REQUIRED CONTENT OF DEVELOPMENT AGREEMENTS, AND PUBLIC HEARING REQUIREMENTS; 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 VII of Chapter 90 of the Code of Ordinances is hereby enacted to read as follows:

### **Article VII. Development Agreements.**

#### Sec. 90-150. Definitions.

As used in this article the following terms shall have the following meanings:

(a) "Comprehensive plan" means a plan adopted pursuant to the "Local Government Comprehensive Planning and Land Development Regulation Act."

(b) "Developer" means any person, including a governmental agency, undertaking any development.

(c) "Development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(1) The following activities or uses shall be taken for the purposes of this act to involve "development":

i. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

ii. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices,

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or dwelling units in a structure or on land.

iii. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in § 161.021, Florida Statutes.

iv. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

v. Demolition of a structure.

vi. Clearing of land as an adjunct of construction.

vii. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(2) The following operations or uses shall not be taken for the purpose of this act to involve "development":

i. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

ii. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

iii. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

iv. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

v. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

vi. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

vii. A change in the ownership or form of ownership of any parcel or structure.

viii. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(d) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any

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specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this subsection.

(e) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the Town having the effect of permitting the development of land.

(f) "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(g) "Land development regulations" means ordinances enacted by the Town for the regulation of any aspect of development and includes any zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

(h) "Laws" means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, and rules adopted by the Town affecting the development of land.

(i) "Person" means any individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, state agency, or any legal entity.

(j) "Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

(k) "State land planning agency" means the Department of Community Affairs.

### Sec. 90-151. Authority and requirements.

(a) The Town Council shall have the authority to enter into development agreements with the legal and equitable owners of real property within, or to be annexed within, the Town of Indian Shores, as provided for in Chapter 163, Florida Statutes, and as further set forth under the terms of this Article.

(b) The entry into a development agreement by the Town shall not limit or modify any legislative power by the Town to adopt ordinances, resolutions, regulations or to make administrative or legislative decisions of any kind which it had the power to make prior to the entry into such development agreement, except to the degree that the development agreement, by its express terms and not by implication, gives vested rights as to certain development permissions, required improvements and similar matters.

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(c) A development agreement and authorized development shall be consistent with the Town's Comprehensive Plan and Land Development Code.

(d) The duration of a development agreement shall not exceed 20 years. It may be extended by mutual consent of the Town Council and the developer, subject to a public hearing in accordance with this article.

(e) A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest subject to a public hearing in accordance with the requirements of the Article.

(f) The Town's ordinances and regulations governing the development of the land at the time of the execution of the development agreement, with the exception of any fee structure, including impact fees, shall govern the development of the land for the duration of the development agreement. The Town may apply subsequently adopted local ordinances and regulations to a development that is subject to a development agreement only if the Town Council determines the following after undertaking a public hearing and considering all evidence presented at the public hearing:

(1) The subsequently adopted ordinances and regulations are not in conflict with the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;

(2) The subsequently adopted ordinances and regulations are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;

(3) The subsequently adopted ordinances and regulations are specifically anticipated and provided for in the development agreement;

(4) The Town demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or

(5) The development agreement is based upon substantially inaccurate information supplied by the applicant for development agreement.

(g) If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of the development agreement, such agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.

### Sec. 90-152. Development Agreement Procedures.

(a) Upon receipt of a request from a developer to enter into a development agreement, the Mayor or, at his option, the Town Administrator shall obtain from the developer all information deemed necessary and

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negotiate a proposed agreement with the developer. The Town Attorney shall prepare the proposed development agreement in written contractual form.

(b) The written proposed development agreement shall be reviewed by all appropriate Town boards and committees.

(c) After review by appropriate Town boards and committees, the proposed development agreement shall be presented to the Town Council for final action on the development agreement.

(d) If the development agreement is approved by the Town Council, the Town Clerk shall record the agreement with the Clerk of the Circuit Court in Pinellas County within fourteen (14) days after it is executed by all parties. A copy of the recorded development agreement shall be submitted to the State Land Planning Agency within fourteen (14) days after the agreement is recorded. The development agreement shall then be binding upon all successors in interest to the parties of the agreement.

(e) The Town shall review land subject to a development agreement once every twelve (12) months to determine if there has been good faith compliance with the terms of the development agreement. If the Town makes a finding that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the Town after a public hearing held in accordance with the requirements of this Article. For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency.

### Sec. 90-153. Content of Development Agreements.

(a) Any development agreement approved under the provisions of this article shall include the following minimum requirements:

(1) A legal description of the land subject to the agreement and the names of its legal and equitable owners;

(2) The duration of the agreement;

(3) The development uses permitted on the land, including population densities, and building intensities and height;

(4) A description of public facilities that will service the development, including who shall provide such facilities, the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;

(5) A description of any reservation or dedication of land for public purposes;

(6) A description of all development permits approved or needed to be approved for the development of the land; and

## DRAFT

(7) A statement that said development permits will be obtained at the sole cost of the applicant, and in the event that any development permissions are not received, that no further development of the property shall be allowed until such time as the City has reviewed the matter and determined whether to modify or terminate the agreement. Under these conditions, action in reliance on the development agreement shall not vest any development rights in the property.

(8) A finding that the development permitted or proposed is consistent with the Comprehensive Plan and land development regulations, and that if amendments are necessary to the zoning or land use designations, that such development agreement is contingent upon those amendments being made and approved by the appropriate governmental agencies.

(9) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and

(10) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction; and

(11) Phasing and phase timing.

(b) Development agreements shall be executed by all persons having legal or equitable title in the subject property, including the fee simple owner, any contract purchasers and mortgagees; or include joinders or subordination.

(c) A development agreement shall be a legislative act in the furtherance of the Town's powers to zone and regulate development within its jurisdiction.

### Sec. 90-154. Public Hearings Requirements

(a) Before entering into, amending, or revoking a development agreement, the City shall conduct a minimum of two (2) public hearings.

(b) Notice of intent to consider a development agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in Pinellas County. Notice of intent to consider a development agreement shall also be mailed to all property owners within 200 feet of the entire contiguous property which is the subject of the agreement before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

(c) The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and

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height and shall specify a place where a copy of the proposed agreement can be obtained.

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

Section 3: If any provisions of this ordinance be declared invalid, all other provisions hereof 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 an addition or amendment thereto, and shall be renumbered to conform to the uniform numbering system thereof.

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES,  
FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
JAMES J. LAWRENCE  
Mayor

\_\_\_\_\_  
MARCIA GRANTHAM, CMC  
Town Clerk

# PROCLAMATION

- WHEREAS,** Dr. Martin Luther King, Jr. devoted his life to advancing equality, social justice and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and
- WHEREAS,** Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and
- WHEREAS,** the King Holiday and Service Act, enacted in 1994, designated the King Holiday as a national day of volunteer service and charges the Corporation for National and Community Services with leading this efforts; and
- WHEREAS,** since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King, Jr. to serve their neighbors and communities on the King Holiday; and
- WHEREAS,** serving on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our citizens together, and strengthen our communities and nation; and
- WHEREAS,** the King Day of Service is the only federal holiday commemorated as a natural day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and
- WHEREAS,** King Day of Service projects are being organized by a wide range of non-profits including Sonoma County Volunteer Center, community organizations such as the Community Baptist Church, education institutions, public agencies including Alistair Bleifuss with the creek stewardship program, the City's Community Advisory Board Grant program for two murals, private businesses and other organizations across the nation; and
- WHEREAS,** citizens of the Town of Indian Shores, Florida have an opportunity to participate in events throughout our state on the Kind Day of Service, January 17, 2011, as well as create and implement community service projects where they identify the need:
- NOW, THEREFORE, I, JAMES J. LAWRENCE,** Mayor of Indian Shores, Florida, proclaim the Martin Luther King, Jr., Holiday as a Day of Service in Indian Shores, and call upon the people of Indian Shores to pay tribute to the life and works of Dr. Martin Luther King, Jr., through participation in community service projects on Martin Luther King Day and throughout the year.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Town of Indian Shores, Florida, to be affixed this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

ATTEST:

\_\_\_\_\_  
JAMES J. LAWRENCE

Mayor

\_\_\_\_\_  
MARCIA GRANTHAM, CMC

Town Clerk



CITY OF ST. PETERSBURG

CITY OF ST. PETERSBURG, FLORIDA

Office of the Mayor

**BILL FOSTER**, Mayor

December 15, 2010

James L. Lawrence, Mayor  
City of Indian Shores  
19305 Gulf Boulevard  
Indian Shores, FL 33785-2214

Dear Mayor Lawrence:

You may already be aware that at last night's County Commission meeting, the Commissioners committed over \$200,000 in support to the Pinellas Safe Harbor project at the 49<sup>th</sup> Street Complex. In addition, the Sheriff and Public Defender have pledged grant and other funds, and several municipalities, including St. Petersburg, Clearwater, Pinellas Park and Largo have pledged financial and in-kind support for the project.

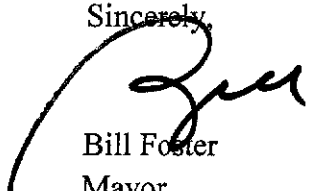
I am requesting that each city in Pinellas County become a financial partner in supporting this program. St. Petersburg is committing to \$100,000 in annual financial support, along with several in-kind services: Clearwater, Pinellas Park and Largo are committing up to \$50,000. I am requesting that your municipality consider a commitment of \$5000 to \$10,000.

Serving our homeless citizens is a multi-faceted issue, with a complexity of problems to be addressed. In Pinellas County, we are blessed with a mix of competent and committed social services which will support this effort. Significant in this endeavor is the joining of the key components in our criminal justice community, the Sheriff, State Attorney, Public Defender and Chief Judge. They recognize the urgency of taking action and have each made an investment of time and a commitment toward moving this forward.

Three years ago, Pinellas Hope seemed like a major challenge, but the collaboration of Catholic Charities, surrounding cities, the County and others produced a highly successful program for a segment of our homeless population. Pinellas Safe Harbor now offers an opportunity to build upon that success and offer services to others who don't qualify at Pinellas Hope.

I urge you to discuss your level of commitment with your Commission and to send me a positive answer at your earliest convenience. While we are all stretched to the limit, this program will take advantage of an underutilized facility and provide a cost effective set of options for citizens throughout Pinellas County who are currently underserved. If we can assist in any way, including providing additional information or appearing at your Council or Commission meeting, we would be happy to do so.

Sincerely,



Bill Foster

Mayor

cc: Mayor Frank Hibbard, Clearwater  
Mayor Pat Girard, Largo  
Mayor Bill Mischler, Pinellas Park  
City Manager Bill Horne, Clearwater  
City Manager Norton Craig, Largo  
City Manager Michael Gustafson, Pinellas Park


3.5



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: 03 January, 2011  
 To: Members of Town Council / Commission  
 From: E. D. Williams, Chief of Police   
 Subject: **MONTHLY ACTIVITY REPORT FOR DECEMBER, 2010**

Following are the monthly Police activity statistics for the month of December, 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	19	26	+07	22	19	-03
• Physical Arrests	05	08	+03	07	07	00
• Traffic Accidents	01	01*	00	01	02**	+01
• Traffic Citations	40	96	+56	07	37	+30
• Parking Tickets	00	03	+03	16	19	+03
• Traffic Warnings	80	105	+25	34	79	+45
• Ordinance Violations	00	00	00	00	00	00
• Miscellaneous Reports	02	05	+03	04	01	-03
• Other Calls for Service	145	238	+93	149	212	+63

\*0 Injuries  
 \*\*0 Injuries

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DECEMBER, 2010 MONTHLY ACTIVITY REPORT – PAGE 2

- 1) Criminal reports were UP slightly in Indian Shores, DOWN in Redington Shores with the same trend in Miscellaneous reports. Calls for service were UP dramatically in both Towns.
  
- 2) Traffic citations, Parking tickets and Traffic warnings were UP in both Towns. There were no reported injuries in any of the accidents. (1 in Indian Shores, 2 in Redington Shores)
  
- 3) Physical arrests were:
  - UP 37% in Indian Shores
  - UNCHANGED in Redington Shores

The Department investigated 7 cases in Indian Shores and 8 cases in Redington Shores. A detailed summary of those cases are attached for closer review.

EDW/th

Attachments

cc: Redington Shores Town Hall  
File  
Officer Ferro

To: Chief E. D. Williams  
From: Detective J. K. Rawson  
Re: Investigative Monthly Report for **December, 2010**

**(INDIAN SHORES)**

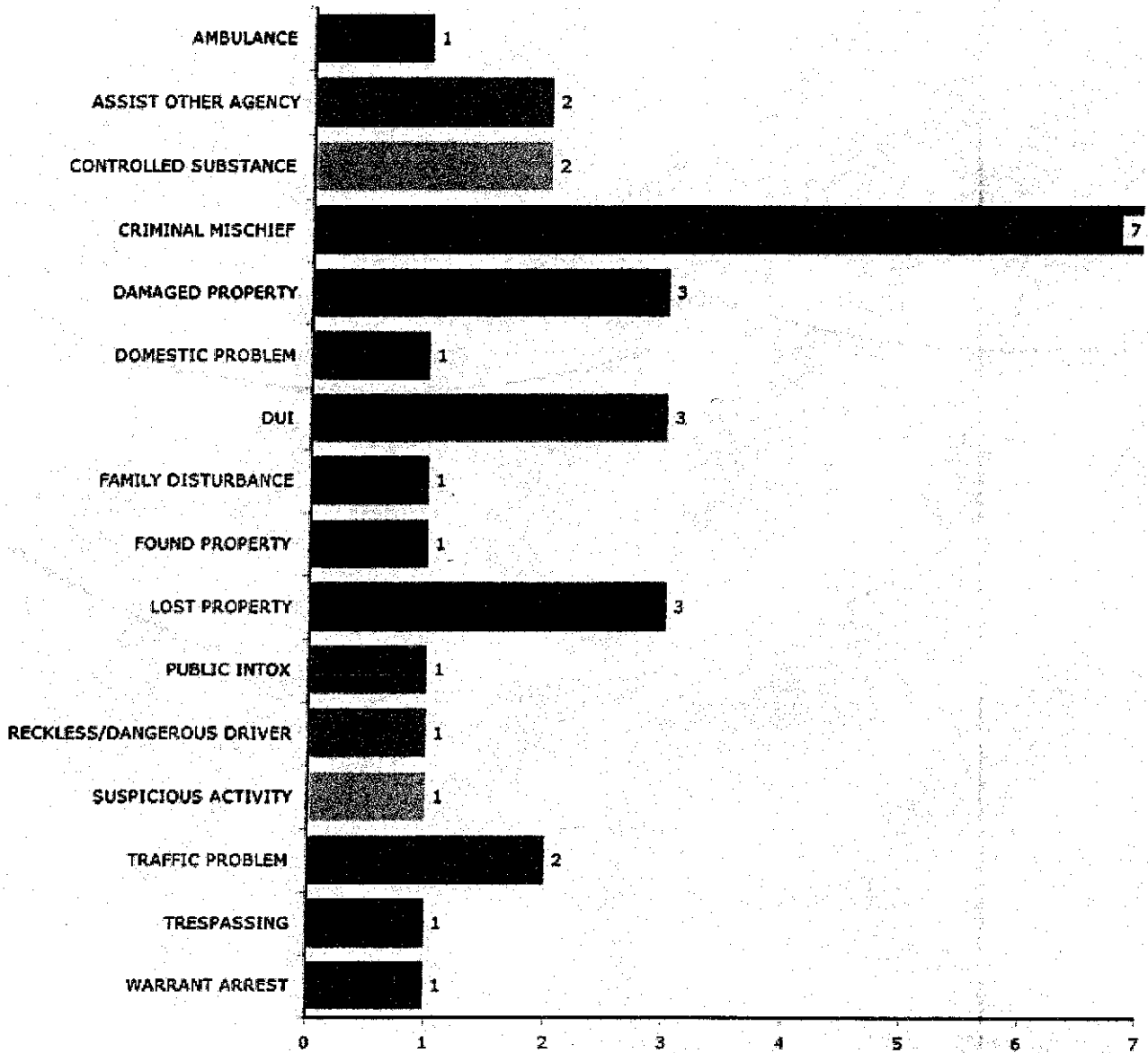
<b>REPORT</b>	<b>OFFENSE</b>	<b>DESCRIPTION</b>	<b>DISPOSITION</b>
10-4770	Theft	Petit Theft	OPEN/ACTIVE
10-4914	Theft	Grand Theft	INACTIVE
10-5382	Theft	Fraud	OPEN/ACTIVE
10-5831	Firearms	Information	CLOSED EXCEPTIONALLY
10-5844	Abuse	Elderly	CLOSED EXCEPTIONALLY
10-6055	Burglary	Grand Theft	OPEN/ACTIVE
10-6594	Theft	Petit Bike	CLOSED EXCEPTIONALLY

**(REDINGTON SHORES)**

<b>REPORT</b>	<b>OFFENSE</b>	<b>DESCRIPTION</b>	<b>DISPOSITION</b>
10-5933	Theft	Grand Theft Firearms	OPEN/ACTIVE
10-5225	Theft	Grand Theft	CLOSED EXCEPTIONALLY
10-5958	Burglary	Residential	INACTIVE
10-6781	Possession	Under Age/Alcohol	CLOSED/ARREST
10-6837	Crim. Mischief	Vandalism	CLOSED EXCEPTIONALLY
10-7035	Property	Lost/Stolen	UNFOUNDED
10-7049	Trespassing	Warning Issued	CLOSED ADMINISTRATIVELY
10-7161	Crim. Mischief	Vandalism	INACTIVE

12/1/2010 - 12/31/2010

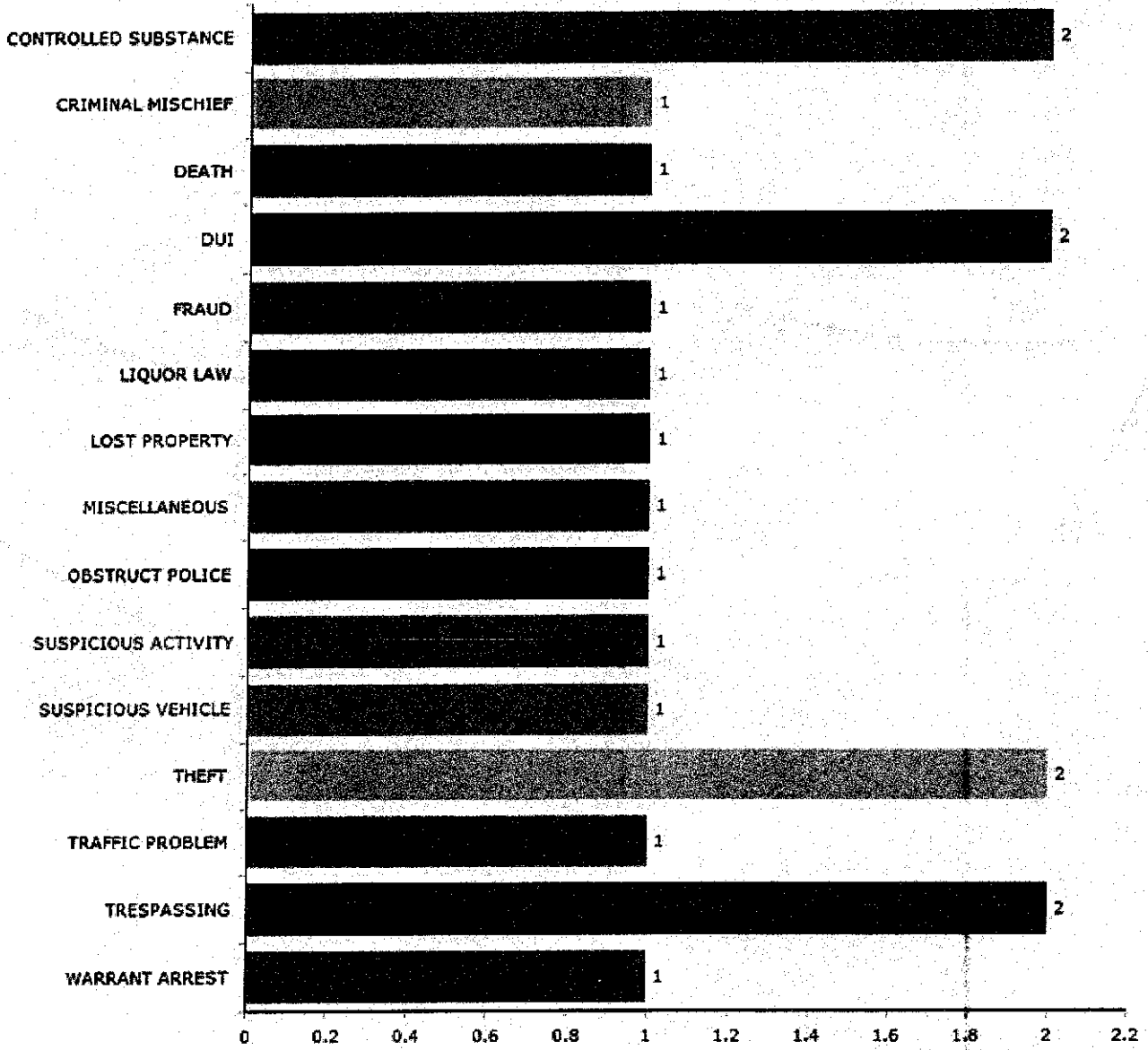
### DECEMBER 2010 INDIAN SHORES REPORTS



Graph created with of ORF Es Software

12/1/2010 - 12/31/2010

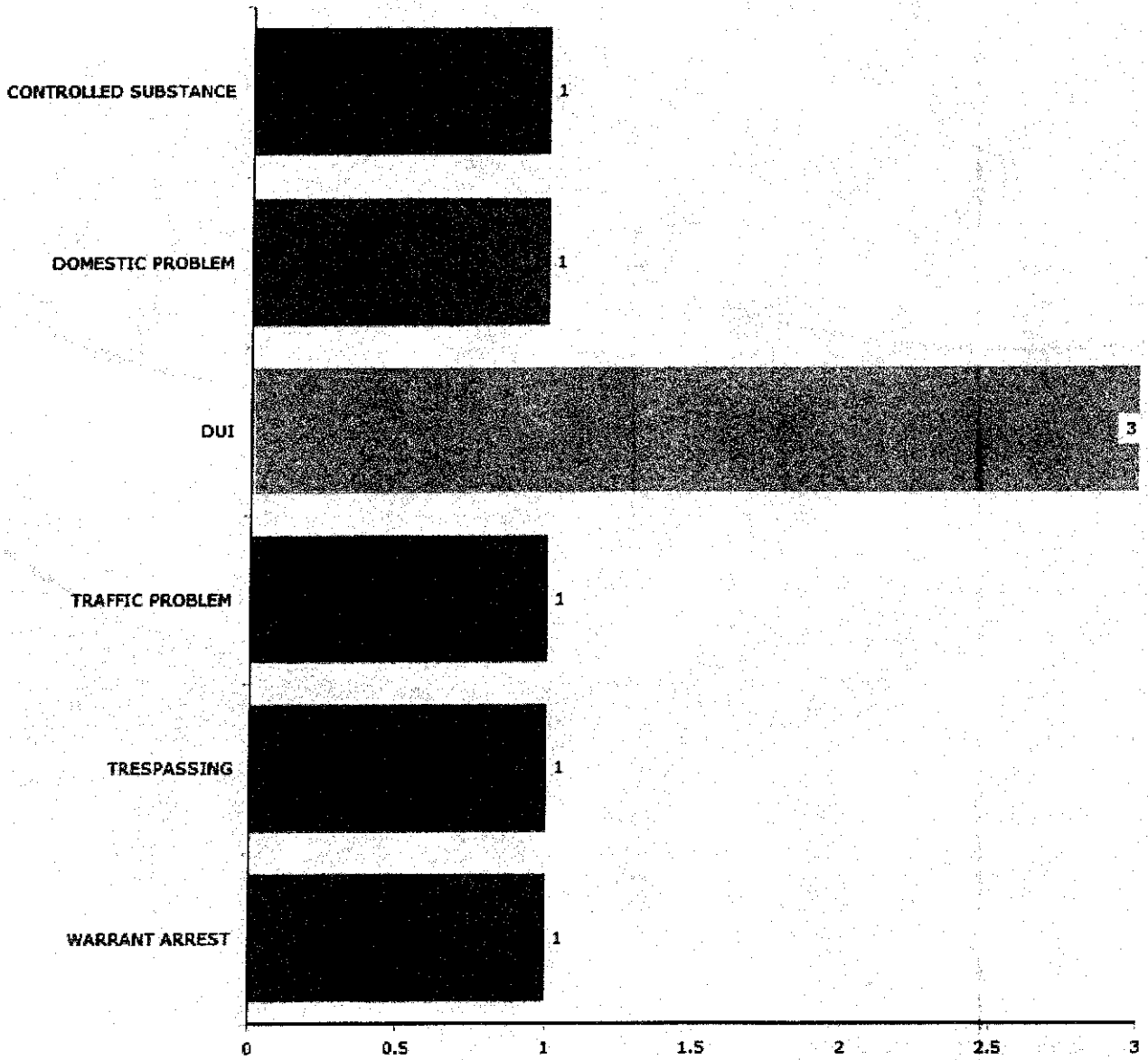
### DECEMBER 2010 REDINGTON SHORES REPORTS



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12/1/2010 - 12/31/2010

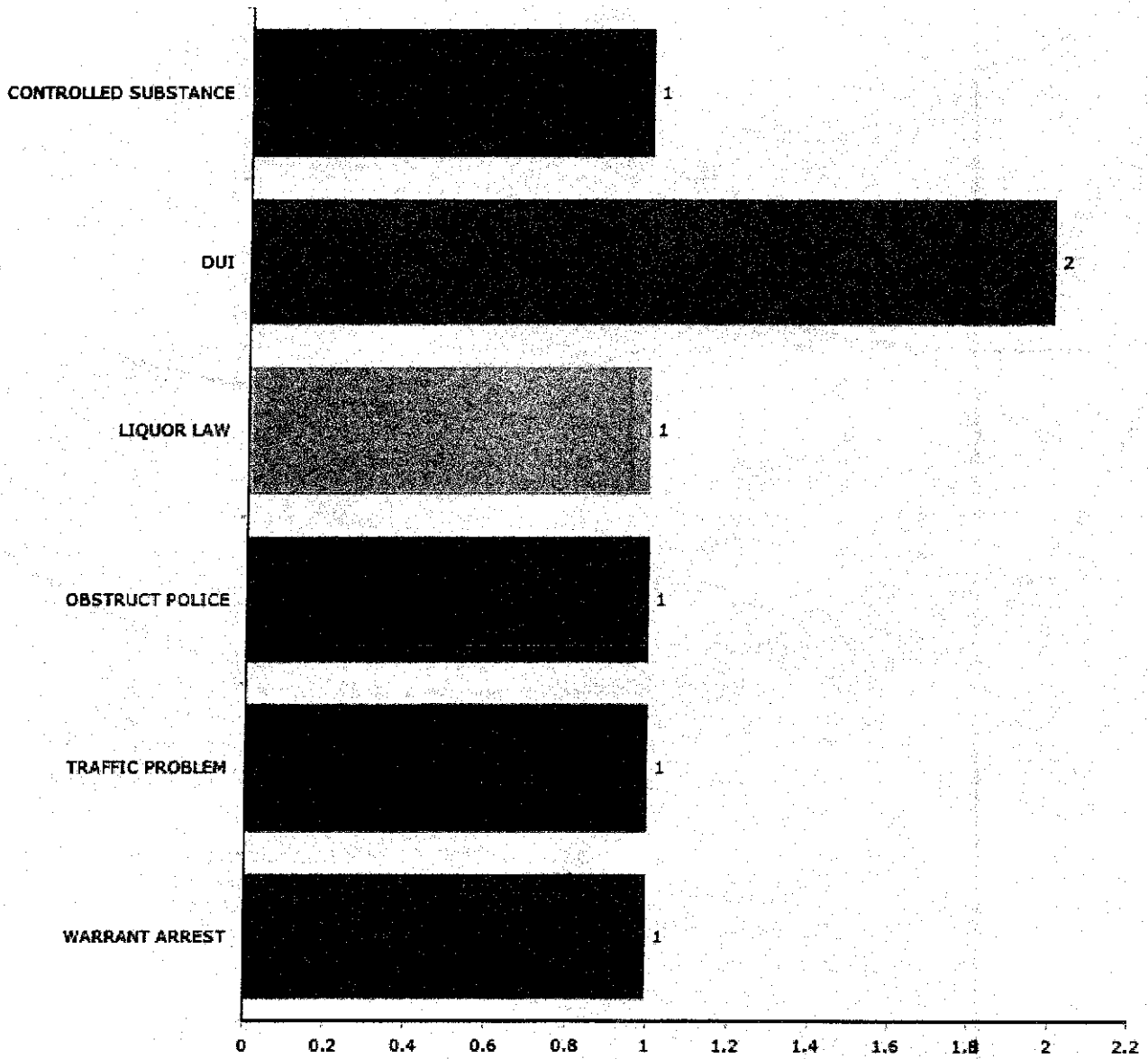
### DECEMBER 2010 INDIAN SHORES ARREST REPORTS



Graph created with of ORCA's Software

12/1/2010 - 12/31/2010

### DECEMBER 2010 REDINGTON SHORES ARREST REPORTS



Graph created with eFORCE Software