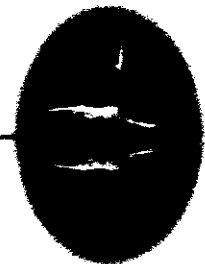


Town of Indian Shores



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TOWN COUNCIL MEETING

MINUTES - February 8, 2011

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

Absent: Councilor Smith

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

**** Mayor Lawrence announced that Councilor Smith was attending a Board of Directors meeting for Florida Shore and Beaches Association.**

1.0 REGULAR COUNCIL MEETING

1.1 Consideration of approving Council Agenda for February 8, 2011.

MOTION by Councilor Irelan -- seconded by Councilor Sutch to approve Council Agenda for February 8, 2011, as published. **Motion carried 4-0.**

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

A. <u>MINUTES:</u>	Council	1/11/2011
	Workshop	1/18/2011

MOTION by Vice Mayor Herndon -- seconded by Councilor Sutch -- to approve "Consent Agenda" covering Minutes, as published. **Motion carried 4-0.**

James J. Lawrence
Mayor

Joan G. Herndon
Vice Mayor

Carole Irelan
Councilor

Steve Sutch
Councilor

William F. Smith
Councilor

E.D. Williams
Town Administrator
Chief of Police

Mary Karayianes
Director of Finance
and Personnel

Marcia Grantham
Town Clerk

James Yacavone
Town Attorney

Lawrence G. Nayman
Building Code
Administrator

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

From 1/4/2011 thru 1/25/2011.

MOTION by Vice Mayor Herndon -- seconded by Councilor Sutch -- to approve "Consent Agenda" covering Re-Occurring Expenses, as published. Motion carried 4-0.

- 1.3 APPROVAL of Committee expenditures: NONE*
- 1.4 CORRESPONDENCE: NONE*
- 1.5 Town Attorney's Report. NONE*
- 1.6 Consideration of approving Contract with Audio Visual Innovations, Inc. (AVI), covering Audio/Video requirements for the new Municipal Center.*

Mayor Lawrence introduced Rebecca Criswell, representing Audio Visual Innovations, Inc.

Ms. Criswell addressed Council members advising she had met with Councilor Smith and Staff a few times to determine the Town's needs and had prepared a proposal using some of the Town's present equipment, noting it would be a much improved system.

Mayor Lawrence addressed the Memo sent by Councilor Smith to all Council members, wherein he recommended approval of the Audio/Video proposal for the new Municipal Center, noting the cost is more than the goal, however he believes Ms. Criswell has utilized some of the Town's present equipment, while addressing the shortcomings of the present system, as well as providing an advanced system with the expandability for additional features in the future.

Councilor Smith further advised in his Memo he looks at it as three (3) systems, and explained in detail how each would work relative to the meetings which are held by the Town.

MOTION by Vice Mayor Herndon -- seconded by Councilor Sutch -- to approve proposal from AVI in the amount of \$25,998.24, covering Audio/Video requirements for the new Municipal Center. Motion carried 4.0.

- 1.7 **PUBLIC HEARING:** *Second 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.*

Attorney Yacavone conducted the Second Reading of proposed Ordinance 2011-1, by reading the title in full.

Mayor Lawrence reported when the first public hearing was held this proposed Ordinance was discussed and explained it was for the purpose of having the opportunity to enter into future Development Agreements.

Mayor Lawrence stated this is a public hearing and called for comments from the audience, however there were none.

MOTION by Councilor Irelan -- seconded by Councilor Sutch -- to approve Second Reading of proposed Ordinance 2011-1, by title only. Motion carried 4-0.

- 1.8 **PUBLIC HEARING:** *Consideration of approving a Development Agreement to allow the development of a single multifamily residential building consisting of three single family units with a maximum allowable height of fifty feet on land located at 20256 Gulf Boulevard.*

Attorney Yacavone reported this was a proposed Development Agreement between the Town and Mr. and Mrs. Parker Willis.

Mayor Lawrence stated this is a public hearing and called for any comments from the audience.

Steve Westphal, owner of property at 20254 Gulf Boulevard, stated he was concerned with setbacks on the South side of the property, advising he and Mr. Willis had an agreement as he wanted to build on the 57.3 ft., but if the Town gives him the 7.3 ft., there would need to be a 10 ft. setback.

Lawrence Nayman, Building Official, stated the side setback is 5 ft., possibly more or less as it varies a little, and probably with the three (3) units the setback would be 15 ft.

Steve Westphal stated if he builds the three (3) floors, then the 10 ft. setback would be insufficient, and Mr. Nayman stated that was correct.

Steve Westphal further stated he was asking for proper setbacks on the South side and would want the Town to enforce the 5 ft. setback for each floor.

Mayor Lawrence advised there is no intent of the Town not to enforce the Town's Code, and the concerns are on the North side, noting there are many rules to comply with should the development occur. The Development Agreement does not waive any setback rules on the south property line and Mr. Willis will need to go through the entire site plan approval process if he proceeds with development.

Attorney Yacavone reported he had reviewed the upcoming meetings in regard to this matter, and because the proposed Development Agreement is tied to the possibility of settling the lawsuit with City of Indian Rocks Beach and Mr. and Mrs. Willis, the Town will need to hold an Executive Session, on February 15, 2011 at 6:00 P.M., noting this is referred to as a "shade" meeting, as it is out of the sunshine and not open to the public. The only persons attending will be the Council members, Town Attorney and court reporter.

Attorney Yacavone further reported he was recommending the Town defer second hearing initially scheduled for 2/15/11 at 4:30 P.M., and reschedule for a Council meeting on March 8, 2011 at 7:00 P.M., as papers would need to be signed and entered before the second hearing to vote on the Development Agreement.

Council members concurred with the rescheduling of meetings.

MOTION by Councilor Sutch – seconded by Vice Mayor Herndon -- to approve a Development Agreement to allow the development of a single multifamily residential building consisting of three single family units with a maximum allowable height of fifty feet on land located at 20256 Gulf Boulevard. Motion carried 4-0.

1.9 PUBLIC HEARING: RESOLUTION 3-2011, approving a Membership Reapportionment Plan for the Pinellas County Metropolitan Planning Organization.

Attorney Yacavone read the title of proposed Resolution 3-2011, in full.

Mayor Lawrence reported the Council approved a Resolution at the last meeting which he thought would suffice for input, however they advised they needed this one on the reapportionment plan.

Mayor Lawrence stated this is a public hearing and called for comments from audience members, however there were none.

MOTION by Councilor Sutch -- seconded by Councilor Irelan to approve adopting proposed Resolution 3-2011, as published. Motion carried 4-0.

1.10 PUBLIC HEARING: RESOLUTION 4-2011, amending the Town's Budget for FY 2010/2011.

Attorney Yacavone read the title of proposed Resolution 4-2011, in full.

Mary Karayianes, Director of Finance, reported her cover Memo explains, however the amendment consists of moving the Parking Fund into the General Fund.

Mayor Lawrence stated this is a public hearing and called for comments from audience members, however there were none.

MOTION by Councilor Irelan -- seconded by Councilor Sutch -- to approve adopting Resolution 4-2011, as published. Motion carried 4-0.

1.11 Consideration of approving and awarding bid for conducted energy devices (Tasers/Stinger), pursuant to FDLE JAG-C Countywide grant.

Chief Williams reported the cover Memo explains the grant amount of \$10,000.00 to be received, and that two RFP's were sent and received two bids back and was recommending Karbon Arms be awarded the bid, for 15 conducted energy devices at a cost of \$10,185.00, with the additional cost of \$185.00 being absorbed by the Police FY 10/11 Budget.

MOTION by **Vice Mayor Herndon** -- seconded by **Councilor Irelan** -- to approve bid from Kabon Arms in the amount of \$10,185.00 for conducted energy devices (Tasers/Stinger), pursuant to FDLE JAG-C Countywide grant. **Motion carried 4-0.**

- 1.12** **Consideration of approving request from Chief Williams to purchase a firearm and accessories with funds awarded by the United States Department of Justice for JAG funds.**

Chief Williams reported this was an annual grant based on the crime rate, noting the Town's rate is low, and thus will receive a minimal amount. He advised his request is for a shoulder, close combat weapon, which will give him sufficient weapons to issue each officer their own.

MOTION by **Vice Mayor Herndon** -- seconded by **Councilor Sutch** -- to approve request from Chief Williams to purchase a firearm and accessories in the amount of \$1,000.00, with funds awarded by the United States Department of Justice for JAG funds. **Motion carried 4-0.**

- 1.13** **Consideration of approving amendment to the Town's present capitalization threshold for Fixed Asset Inventory from \$750.00 to \$5,000.00.**

Mary Karayianes, Director of Finance, addressed her Memo dated January 18, 2011, regarding her recommendation, and updated Capitalization Policy for the Town to amend the present capitalization threshold for Fixed Asset Inventory from \$750.00 to \$5,000.00, with a normal life of two (2) years and with Department Heads responsible for the Fixed Assets under their control.

Mayor Lawrence advised this was discussed at length at the Workshop on 1/18/2011.

MOTION by **Councilor Sutch** -- seconded by **Councilor Irelan** -- to approve amending the Town's present capitalization threshold for Fixed Asset Inventory from \$750.00 to \$5,000.00, extend normal life to two (2) years and Department Heads will be responsible for Fixed Assets under their control. **Motion carried 4-0.**

1.14 Consideration of approving payment of invoice from the Beach Welcome Center in the amount of \$1,000.00.

Mayor Lawrence reported the Town has supported the Center since its inception, noting they have 60 to 70 visitors a day, and have expanded the ad for the Town to a full page.

MOTION by **Councilor Sutch** -- seconded by **Vice Mayor Herndon** -- to approve payment of invoice from the Beach Welcome Center in the amount of \$1,000.00. **Motion carried 4-0.**

1.15 Consideration of approving Financial Statement covering the period ending January 31, 2011.

Mary Karayianes, Director of Finance, advised the General Fund is in a good position, and reported General Revenue Fund is at \$1,288,813.00, with tax revenue of \$902,295,000.00 representing 78.9% of budgeted tax revenue to date.

The Director of Finance also reported the Parking Fund had been eliminated, the new Municipal Center expenses has been broken out, and noted the Road & Bridge, CIP, Beautification and Police Education funds.

MOTION by **Vice Mayor Herndon** -- seconded by **Councilor Irelan** -- to accept Financial Statement covering the period ending January 31, 2011, and hold for audit. **Motion carried 4-0.**

1.16 Consideration of approving Police Activity Report covering the month of January 2011.

Chief Williams reported criminal reports were down, no traffic crashes in either town, citations and warnings were up, parking tickets were down and service calls were up more than twice from last year, noting it was a busy month.

MOTION by **Councilor Sutch** -- seconded by **Vice Mayor Herndon** -- to approve Police Activity Report covering January 2011, as published. **Motion carried 4-0.**

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

Chief Williams reported yesterday a meeting was held with Bronson Alexander, engineers, Larry Nayman and the Project Manager, wherein the lentils and trusses were discussed which are not meeting the requirements of the structural engineer. He advised that if these two issues get resolved they may be back on schedule.

Chief Williams also reported the building is wet, and has dried out some today, however they need electricity, which is being installed for A/C units, and they are being shipped from Oklahoma and are to arrive this week. He stated they cannot make the building water tight until the trusses go on, advising the Town and Building Official have done their part, and it is now a contractor issue,

Chief Williams further reported on items as follows: (1) 193rd Avenue will be closed off due to site-work; (2) Swale back of building being increased; (3) Looking at demo and abatement and electric lighting, and have accepted lighting package, and will be furnishing costs, using Mongoose interlaced with Sanibel, with 12 light poles and 15 fixtures; (4) Only remaining budgetary item is site work, with initial estimate of \$12,000.00 to demo present building, and meeting with representative tomorrow to update on minor abatement issues and will then know more.

Lawrence Nayman, Building Official, reported they are doing stucco work on the south side of building and will circle around, advising all going good except for some technical problems with the trusses, advising that ARC3's engineer agreed with the Town's engineer.

The Building Official further reported on working on center core of roof to slope drainage and set the trusses, which is a slow procedure, and advised they have not produced product approval for the windows.

1.18 Town Administrator's Report.

Chief Williams reported most of his time had been spent on building issues.

Chief Williams further reported submitting the annual light inventory to Progress Energy, noting he does not accept overhead signage lighting, and the Town will receive reimbursement; Public Works Department has re-done landscaping at Gateway and it looks very nice, noting Buccaneer Landscaping is removing the bracing from the Palm trees.

Mayor Lawrence requested Chief Williams to have the Town entry sign at the north end re-painted.

**** Larry Shear, Fire Board Commissioner,** reported as follows: (1) Commission meetings on first and third Tuesday of each month; (2) Union negotiations began two weeks ago; (3) Governor has reduced salaries by 5% for retirement plan; (4) District only receives about one-fourth of all EMT funds collected, and according to their lawyer the District has exclusive rights to furnish EMT service to residents; (5) Jaguar donated to District for extraction practice and some parts have been sold on e-bay; (6) District has the lowest fire rates in Pinellas County.

**** Mayor Lawrence** advised Mr. Shear that he had spoken with the Mayors of Redington Beach and North Redington Beach and they would like to continue the discussion they had last week.

1.19 Citizens' Comments on any subject.

(1) **Mary Lois Harrison** read a letter from Bill Ebsary expressing to the Town how much he wished he could still be involved and attend Council meetings, however he wanted them to know that he felt the Town was in very good hands.

(2) **Art Newsome** announced that ISPO's "happy hour" would be tomorrow at 5:30 P.M. at the Friendly Tavern.

1.20 Mayor's and Council Members comments on any subject.

Councilor Irelan reported Woman's Club meeting 2/10/2011 at 5 PM; Library Read & Feed on 2/16/2011 at 11:30 A.M. on book entitled "Hotel on Corner of Bitter and Sweet"; Library book sale on 2/27/2011 from 9:30 A.M. to 12:30 P.M., and Property Owners' meeting on 2/15/2011 at 5:30 P.M.

Councilor Sutch reported he had again called Mr. Vernon, representative for Tiki Park, and had not received a call back, and reminded everyone of the beach clean-up event on 3/19/2011.

Vice Mayor Herndon reported recreation events were going well and everyone is looking forward to the new building. She announced her family just adopted a 10 week old baby girl, a Whippet dog.

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Mayor Lawrence reported he was hoping to hold only one Council meeting during March, however, if possible will try to just schedule the swearing-in ceremony for newly elected unopposed Council members at the March 22, 2011 meeting.

Mayor Lawrence advised he would like to schedule a meeting with Chief Williams and Art Newsome next week to discuss plans for the dedication pavers for the new Municipal Center.

ITEMS REQUIRING FOLLOW-UP ACTION: (1) *Painting of entry sign at north end of Town.*

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 8:07 P.M.

Marcia Grantham
MARCIA GRANTHAM, CMC
Town Clerk