

# Town of Indian Shores

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## TOWN COUNCIL MEETING

### MINUTES - SEPTEMBER 21, 2011

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

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

#### 1.0 REGULAR COUNCIL MEETING

##### 1.1 **Consideration of approving Council Agenda for September 21, 2011.**

**MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve Council Agenda for September 21, 2011 as published, subject to adding a presentation by Jason Shearn, with the U.S. Department of Justice, FBI. Motion carried 5-0.**

##### 1.11 **Mr. Shearn addressed Council members and stated their office had undertaken a project to meet all elected officials and let them know who they are and what they do.**

**Mr. Shearn stated their office does have a presence in Pinellas County and are located in Clearwater, advising while terrorism is a top priority they also investigate scams, mortgage fraud, etc.**

##### 1.2 **PUBLIC HEARING: Announcement of proposed final Ad Valorem millage and percent, if any, by which final millage exceeds the rolled-back rate.**

**Mary Karayianes, Director of Finance, stated the Town's proposed final Ad Valorem millage is 1.8500 mills, which is 1.48% less than the rolled-back rate of 1.877.**

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

*Mayor Lawrence* addressed a letter received from Wes Westphal at 20116 Gulf Boulevard, distributed before the meeting taking exception that the buoys were not included in the FY 2011/12 Budget. *Mayor Lawrence* stated this item was still on the table and would again be looked at in the future.

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

- 1.3 **PUBLIC HEARING:** Adoption of final Ad Valorem millage of 1.8500 mills per \$1,000.00 of assessed valuation for FY 2011/2012, by RESOLUTION 8-2011.

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

**MOTION** by Vice Mayor Herndon -- seconded by Councilor Sutch -- to adopt final Ad Valorem millage of 1.8500 mills per \$1,000.00 of assessed valuation for FY 2011/2012, by RESOLUTION 8-2011. **Motion carried 5-0.**

- 1.4 **PUBLIC HEARING:** Amendment of proposed Budget and adoption of final Budget for FY 2011/2012, by RESOLUTION 9-2011.

*Mary Karayianes, Director of Finance*, advised the proposed Budget was a "balanced budget", predicting that revenues would equal expenditures, noting the General Fund, Road & Bridge Fund and CIP went through very detailed cutting procedures.

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

**MOTION** by Councilor Smith -- seconded by Councilor Irelan -- to adopt final Budget for FY 2011/2012, by RESOLUTION 9-2011. **Motion carried 5-0.**

- 1.5 Consideration of approving "CONSENT AGENDA", as follows:

A. **MINUTES:** Council - 9/7/2011

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

- 1.6 **APPROVAL of Committee expenditures: NONE**

**1.7 CORRESPONDENCE:**

*Memo from Town Clerk dated September 16, 2011, regarding Qualification Requirements for Municipal Election to be held on March 13, 2012.*

*Marcia Grantham, Town Clerk, addressed her Memo regarding qualification requirements for the Municipal election to be held on March 13, 2012, reporting qualifying dates beginning at noon on 12/2/2011 and the deadline date at noon on 12/9/2011.*

**1.8 Town Attorney's Report. NONE**

**1.9 PUBLIC HEARING: - Quasi-Judicial:**

*Consideration of a request from the Town of Indian Shores to construct a Community Garden for the purpose of providing recreational gardening activities on a 50' X 80' lot which will include vegetable and landscape gardens, sidewalks, esthetics, drainage, fencing and walkways for pedestrians and will be ADA accessible, with site to be located at 19109 Whispering Pines Drive*

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

*Mayor Lawrence advised that Mr. Nayman, Building Official was unable to attend tonight's meeting.*

*Councilor Smith, reported the PZB Committee had met on 9/20/2011 and recommended approval of the proposed project.*

*Councilor Smith further reported that property is a vacant lot, which is zoned ROR and is compatible for that zoning, and is a project designed for residents to participate in, and the Building Official has recommended approval of the project.*

*Councilor Sutch stated that guidelines for the Community Garden need to be developed.*

*Attorney Yacavone stated this is a public hearing and called for any comments from audience members, however there were none.*

*Attorney Yacavone advised that no one spoke in support of or opposition to the proposed project.*

*Attorney Yacavone stated that Councilor Smith and Councilor Sutch were recused from voting as Councilor Smith offered testimony and Councilor Sutch was a witness.*

**MOTION by Councilor Irelan -- seconded by Vice Mayor Herndon -- to approve request from the Town to construct a Community Garden for the purpose of providing recreational gardening activities on a 50' X 80' lot which will include vegetable and landscape gardens, sidewalks, esthetics, drainage, fencing and walkways for pedestrians and will be ADA accessible, with site to be located at 19109 Whispering Pines Drive. Motion carried 3-0. Councilor Smith and Councilor Sutch were recused from voting.**

*Mayor Lawrence reported he will be putting out some information on the project.*

- 1.10 Consideration of retro-active approval for proposal from Haskell Termite & Pest Control, Inc., in the amount of \$2,675.00, for the purpose of tenting and fumigating the present Town Hall building for drywood termites prior to demolition.**

**MOTION by Vice Mayor Herndon -- seconded by Councilor Irelan -- to re-tractively approve Agenda Item 1.10, covering expenditure to Haskell Termite & Pest Control, Inc., in the amount of \$2,675.00. Motion carried 5-0.**

- 1.11 Consideration of ratifying the Collective Bargaining Agreement between the Town and the Fraternal Order of Police, effective October 1, 2011.**

*Chief Williams reported the Collective Bargaining Agreement reflected the following: 1) No wage increase; 2) Stipend of \$1,150.00 for those maxed out in the step plan; 3) Increase from \$32.00 to \$38.00 for off-duty security; 4) Creation of a sick bank; 5) Three (3) year contract with economic re-openers in years 2 & 3.*

*Chief Williams reported the Agreement is on file for review.*

**MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to ratifying the Collective Bargaining Agreement between the Town and the Fraternal Order of Police, effective October 1, 2011. Motion carried 5-0.**

- 1.12 Consideration of retro-active approval for proposal from Cross Construction Services in the amount of \$3,720.00 asbestos abatement of Town Hall.**

**MOTION by Councilor Irelan -- seconded by Councilor Sutch -- to retro-actively approve Agenda Item 1.12, for expenditure of \$3,720.00, covering asbestos abatement of Town Hall. Motion carried 5-0.**

- 1.13 Consideration of accepting donation of one (1) Automatic Defibrillator, serial number 0301025607, from Dr. Nicholas Colmenares, which has a fair market value of \$2,500.00.**

**Chief Williams reported his daughter worked for Dr. Colmenares and he closed his practice. An AED was part of his equipment and she asked if he would donate it to the Town.**

**MOTION by Vice Mayor Herndon -- seconded by Councilor Sutch -- to accept donation of one (1) automatic defibrillator from Dr. Nicholas Colmenares, with a fair market value of \$2,500.00. Motion carried 5-0.**

- 1.14 Consideration of approving that Chief Williams and Major Hughes be allowed to carry over accrued vacation time in excess of 240 hours.**

**MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve Chief Williams and Major Hughes being allowed to carry over accrued vacation time in excess of 240 hours. Motion carried 5-0.**

- 1.15 Consideration of approving Council meetings beginning at 6 PM, instead of 7 PM, and also reschedule the date of the Council meeting in October which is scheduled for October 11, 2011.**

**Mayor Lawrence addressed the Memo from the Town Clerk recommending consideration be given to starting future Council meetings at 6:00 P.M., and noted the PZB meeting had been changed from 4:30 P.M. to 2:00 P.M.**

**Councilor Smith stated this time would be looked at for future meetings for site plans, as it needed to be compatible for the applicant, and Mayor Lawrence concurred.**

**All Council members were in agreement with this recommendation. Discussion followed on moving the October 11, 2011 Council meeting to later in the month due to the anticipated move into the new Municipal Center.**

**MOTION** by **Councilor Irelan** -- seconded by **Councilor Smith** -- to approve starting future Council meetings at 6:00 P.M., and to hold the October Council meeting on October 25, 2011, rather than the normally scheduled second Tuesday of the month due to the Town moving into the new Municipal Center. **Motion carried 5-0.**

**1.16 Update Report on status of construction of the new Municipal Center.**

**Chief Williams** reported the building was scheduled for a walk-thru at 10:00 A.M., and a "punch list" had been prepared earlier in the week. One had also been received from Hennessy, noting they were working on the items and looking at issuing a "temporary" Certificate of Occupancy, conditional upon a few items, with one being the "punch list" and the window lentils issue, and conditions set forth based on advice of counsel.

**Chief Williams** further reported he walked the building today, noted the furniture is to start coming in, the phone system is looking good, a couple of issues finalizing with Stanley, and the elevators should be functional.

**1.17 Town Administrator's Report.**

**Chief Williams** stated there was not a lot to report, advising he was taking care of issues with developing additional parking at 198th, 199th and 200<sup>th</sup> Avenues E., and needs to review the plans with the Building Official. He reported the price was within range and will bring back to the next Council meeting, and it will be tied in with phase II of the new parking lot.

**Chief Williams** advised the street lights are on at Second Street E. and Whispering Pines E., and need a couple of junction boxes. He reported the beach looks better, even though there are a few stragglers with canopies still on the beach.

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

(1) **Lindsey Noble, resident**, asked if the beach re-nourishment had been scheduled, and the status of RV vehicles being parked at Mahuffer's.

**Councilor Smith** responded and stated it might be as early as November 2011 or as late as May, 2012, with no definitive date at this time.

**Chief Williams** responded stating this was the Building Official's area and was on his radar screen, noting some history has to be done as there was a parking agreement several years ago.

(2) **Mary Lois Harrison, resident**, asked if it would be possible to see the proposed parking layout on the street ends. **Chief Williams** advised he was sure it would come to a Committee for review.

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

**Councilor Irelan** reported the Library would hold a book sale on 10/15/2011, the Women's Club will meet 10/13/2011 in St. Pete, and there will be a "Read and Feed" sometime in November.

**Councilor Irelan** stated she was feeling a little nostalgia knowing this is the last meeting to be held in this building.

**Councilor Sutch** announce the Coastal Clean-up to be held on 10/15/2011, and reported there were four (4) men working on cleaning up the grounds at Tiki Park.

**Councilor Smith** reported attending the FSBPA conference in Miami Beach, and met with Diana Ferguson who assists Debbie Flack with lobbying efforts. He noted that with term limits about one-third of the legislators each year are new.

**Councilor Smith** also reported that trust funds are a big issue, as with beach nourishment funds getting delayed and going into a trust fund, and then that money becomes a barrier. **Councilor Smith** advised this was the final presentation for Dennis Jones as a legislator, noting he started in 1978.

**Councilor Smith** pointed out the Documentary Stamp money has dried up and funding at the Federal level is very difficult.

**Councilor Smith** advised of a continuous dune on the beach in Miami with rich foliage, and they have built a beach walk on the top of the dune, and it provides great shore protection.

**Vice Mayor Herndon** reported she had several steps to present in drafting the guidelines for the Community Garden.

**Vice Mayor Herndon** reported the panel at the Suncoast League meeting was very good, and the legislators are focusing on three issues, jobs, insurance and education.

*Mayor Lawrence stated he was invited to the premier of the "Dolphin Tale" movie being held at Ruth Eckerd Hall tonight, however he felt it important to attend tonight's meeting.*

*Mayor Lawrence reported last week he and Chief Williams met with Commissioner Seel and discussed Penny for Pinellas funds, and tomorrow morning he will be meeting with the County Attorney and Attorney Yacavone regarding verbiage in the Agreement for reimbursement of funds.*

*Mayor Lawrence stated he would be on vacation next week.*

*Mayor Lawrence stated he also shares some retrospection and melancholy with the old building and this being the last meeting, as he has been in this building for 13 years.*

**INDIAN SHORES TOWN COUNCIL MEETING adjourned at 8:00 P.M.**

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