

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

DECEMBER 13, 2011

PLEDGE OF ALLEGIANCE TO THE FLAG

1.0 REGULAR COUNCIL MEETING

Begins at 6:00 P.M.

1.1 Consideration of approving Council Agenda for December 13, 2011.

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

A. MINUTES:

Council	-	11/8/2011
Public Services Com.	-	11/15/2011
Workshop	-	12/6/2011

(Minutes Packet distributed separately.)

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

From 11/1/2011 thru 11/29/2011. (Ref.: Pg. 1)

1.3 APPROVAL of Committee expenditures: NONE

1.4 CORRESPONDENCE: NONE

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 2011-5, amending the Code of Ordinances by amending § 26-76 to eliminate the Town's authority to suspend the sale, dispensing or transportation of firearms during a state of emergency, by repealing § 50-2 which makes it unlawful to discharge a firearm in a public place or within the Town limits, and by amending § 54-6 to eliminate the prohibition against firearms in public parks; providing that conflicting provisions of ordinances be repealed; providing that conflicting provisions of ordinances be repealed; providing for an effective date; providing for the uniform numbering system of the Indian Shores Code. (Ref.: Pgs. 2 – 4)*
- 1.7 **PUBLIC HEARING:** *RESOLUTION 10-2011, supporting emergency medical care first response and ambulance transport by the fire service of Indian Shores. (Ref.: Pgs. 5 – 6)*
- 1.8 *Consideration of approving proposals from R.E. Beckner Construction, Inc., covering new parking spaces for 198th, 199th and 200th Avenues E., with asphalt base totaling \$9,042.00. (Ref.: Pgs. 7 – 9)*
- 1.9 *Consideration of approving appointment to Seat #6 on the Board of Adjustment, with term expiring on 10/28/2013, as a result of the resignation of James Sanderbeck.*
- 1.10 *Discussion relative to advanced cost recovery by Progress Energy for nuclear reactors.*
- 1.11 *Consideration of approving Financial Statement for the period ending November 30, 2011. (Ref.: Pg. 10)*
- 1.12 *Consideration of approving Police Activity Report covering the month of November 30, 2011. (Ref.: Pgs. 11 – 15)*
- 1.13 *Update Report on status of construction of the new Municipal Center.*
- 1.14 *Town Administrator's Report.*

*1.15 Citizens' Comments on any subject.
(Please limit time to 3 minutes for your comments.)*

1.16 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.

ORDINANCE NO. 2011-5

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING § 26-76 TO ELIMINATE THE TOWN'S AUTHORITY TO SUSPEND THE SALE, DISPENSING OR TRANSPORTATION OF FIREARMS DURING A STATE OF EMERGENCY, BY REPEALING § 50-2 WHICH MAKES IT UNLAWFUL TO DISCHARGE A FIREARM IN A PUBLIC PLACE OR WITHIN THE TOWN LIMITS, AND BY AMENDING § 54-6 TO ELIMINATE THE PROHIBITION AGAINST FIREARMS IN PUBLIC PARKS; PROVIDING THAT CONFLICTING PROVISIONS OF ORDINANCES BE REPEALED; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE UNIFORM NUMBERING SYSTEM OF THE INDIAN SHORES CODE.

WHEREAS, Section 790.33, Florida Statutes, expressly preempts municipal regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof; and

WHEREAS, the Florida Legislature amended Section 790.33, effective October 1, 2011, to provide severe penalties for any government official or employee who enacts or causes to be enforced any municipal regulation of firearms and ammunition; and

WHEREAS, it is deemed prudent to amend or repeal Town ordinances regulating firearms and ammunition;

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

Section 1: Section 26-76 of the Code of ordinance of the Town of Indian Shores is amended as follows:

Sec. 26-76. Authority and enforcement power.

Upon the declaration of a state of emergency, pursuant to this division, the following emergency ordinance numbers 93-13, 93-14, 93-15 and 93-16 (section 26-92 et seq.) shall be effective during the period of such emergency to protect the health, safety and welfare of the community. The purpose of this division is to provide authority and enforcement power to whatever action is necessary.

(1) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives and combustibles.

(2) Establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated, essential services, such as fire, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs and emergency calls by physicians.

(3) Utilize all available resources of the town government as reasonably necessary to cope with the disaster emergency, including emergency expenditures not to exceed \$15,000.00.

- (4) Declare certain areas off limits.
- (5) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
- (6) Establish emergency operating centers and shelters in addition to or in place of those provided for in the town's emergency plan.
- (7) Declare that during an emergency it shall be unlawful and an offense against the town for any person, firm or corporation to use the potable water supplied by the town for any purpose other than cooking, drinking or bathing.
- (8) Declare that during an emergency it shall be unlawful and an offense against the town for any person, firm or corporation operating within the town to charge more than the normal average retail price for any merchandise, goods, or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise goods or services was being sold during the 90 days immediately preceding the emergency or a mark-up which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency.
- (9) Confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement shall be within 60 days and at customary value charged for the items during 90 days previous to the emergency.
- (10) Allow the mayor, vice-mayor, or in their absence, the chief of police, or his/her designee on behalf of the town, to call on the National Guard of the Army, Coast Guard, or other law enforcement divisions as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.

Section 2: Section 50-2 of the Code of ordinance of the Town of Indian Shores is repealed.

~~Sec. 50-2. Discharging firearms in public.~~

- ~~(a) A firearm means any weapon which will or is designed to expel a projectile by the action of an explosive.~~
- ~~(b) It shall be unlawful for any person to discharge a firearm in any public place or area within the corporate limits and boundaries of the town. This section shall not apply to a person lawfully defending life or property or performing official duties requiring the discharge of firearms.~~

Section 3. Section 54-6 of the Code of ordinance of the Town of Indian Shores is amended as follows:

Sec. 54-6. [Municipal parks enumerated; rules.]

- (a) *Municipal parks.* The town has five parks within the town limits that are municipally owned and located at:
 - (1) Street end--186th Avenue, East, abutting the Intracoastal Waterway.
 - (2) Town Square Nature Refuge Park--19019 Gulf Boulevard.
 - (3) Estelle Harper Park--19305 Gulf Boulevard.

- (4) Mayor Bob McEwen Veterans Park--197th Avenue, east, abutting the Intracoastal Waterway.
- (5) Dockway Park--Dockway East, abutting the Intracoastal Waterway.
- (b) The following park rules be promulgated for all town parks municipally owned:
 - (1) Park hours: Dawn until 10:00 p.m. unless fishing.
 - (2) Restrooms closed 10:00 p.m. until dawn.
 - (3) ~~Firearms~~ and Fireworks prohibited.
 - (4) No glass containers.
 - (5) No bicycles on boardwalks.
 - (6) No skateboarding/scooters/roller blades, etc.
 - (7) Restrooms are smoke-free facilities.
 - (8) No alcoholic beverages unless permitted by town.
 - (9) No overnight camping.
 - (10) No pets allowed.
 - (11) Where on-premises parking is provided, parking shall not exceed 24 hours.
- (c) A copy of this resolution be prominently posted at each municipally owned town park to serve as notice to those using the park and/or facilities located thereon.

Section 4: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: If any provisions of this ordinance be declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 6: This ordinance shall become effective immediately upon adoption.

Section 7: 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: 11/8/2011

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

RESOLUTION 10-2011

A RESOLUTION OF THE TOWN OF INDIAN SHORES, FLORIDA, SUPPORTING EMERGENCY MEDICAL CARE FIRST RESPONSE AND AMBULANCE TRANSPORT BY THE FIRE SERVICE OF INDIAN SHORES, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

- WHEREAS,** the Town of Indian Shores currently provides emergency services to residents and visitors in Indian Shores and Pinellas County; and
- WHEREAS,** it is the mission of the Fire Department to protect the lives and property of the people from fire, natural disasters, and hazardous materials incidents, to save lives by providing emergency medical services, and to prevent fires through prevention and education programs; and
- WHEREAS,** the provision of pre-hospital emergency medical care has been an integral part of the fire departments of Pinellas County for over 30 years; and
- WHEREAS,** the International Association of Fire Chiefs has published a position paper that urges all elected and appointed government officials, professional associations and health care providers to recognize and support the provision of emergency medical care first response and ambulance transport by the fire service; and
- WHEREAS,** the Pinellas County Board of County Commissioners and current fire department providers seek to provide equity in funding to providers, contain costs, and provide for a sustainable system into the future; and
- WHEREAS,** the proposed Pinellas County Emergency Medical Service Providers Cost Containment and Sustainability Model would shift both the emergency and non-emergency transport functions of the Pinellas County EMS system from the current private contractor to the current fire department providers, a model already in use in a majority of urbanized areas throughout the State of Florida; and
- WHEREAS,** this proposed model may be a viable alternative to the IPS Model, but has not been fully vetted.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA THAT:

SECTION I: The Town of Indian Shores believes the assumption of emergency and non-emergency EMS transport functions by the current local fire department providers is an idea worthy of discussion.

SECTION II: The Town of Indian Shores urges the Pinellas County Board of County Commissioners to refrain from renewing the current private transport contract or, alternatively to renew the current contract for a one year term in order to allow for that discussion.

SECTION III: The Town of Indian Shores urges the Pinellas County Administrator to work with current fire departments to create and implement a system that truly represents the best interest of all residents of Pinellas County and current fire departments.

SECTION IV: This Resolution shall take effect immediately upon its adoption.

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:

ATTEST:

JAMES J. LAWRENCE

Mayor

MARCIA GRANTHAM, CMC

Town Clerk

R.E. BECKNER CONSTRUCTION, INC.

SITE DEVELOPMENT CONTRACTING - PAVING - BUILDING - UNDERGROUND UTILITY CONTRACTORS

ADDRESS 6981 S. ALOYSIA AVENUE FLORAL CITY, FL 34436

PHONE (352) 726-8890 FAX (352) 726-8898 EMAIL INFO@REBECKNER.COM

STATE CERTIFIED - CBC010339 - CUC043092

September 20, 2011

To: TOWN OF INDIAN SHORES

Attn: Chief Williams

Re: 198TH AVENUE - BASE & PAVE FOR NEW PARKING SPACES

BID FROM FIELD REVIEW & SCOPE FROM CHIEF WILLIAMS

PROPOSED SCOPE OF WORK TO INCLUDE AND LIMITED TO:

BASE & PAVE FOR 3NEW PARKING SPACES INCLUDES 4 CAR STOPS		2,430.00
	SPACES SUB-TOTAL	2,430.00
	+10%OH&P	243.00
	TOTAL	\$ 2,673.00
OPTIONAL: INSTALL WASHED SHELL IN LIEU OF PAVING		1,890.00

***PLEASE NOTE THAT THE FOLLOWING ARE NOT INCLUDED IN THE SCOPE OF WORK
FOR THIS BID UNLESS NOTED SPECIFICALLY ABOVE:***

**PERMITS - FEES - BONDS - CERTIFIED AS-BUILTS (REDLINE OF PLANS ONLY) - LAYOUT - TESTING OF
MATERIALS OR DENSITIES - REMOVAL OR REPLACEMENT OF UNSUITABLE SOILS OR MATERIALS, IF
ENCOUNTERED, CONFLICTS OR REPAIRS TO EXISTING UTILITIES OR IRRIGATION, IF ENCOUNTERED -
DEWATERING FOR OTHER TRADES - TREE BARRICADES - REPLACEMENT OR RELOCATION OF TREES -
FENCEWORK - TOPSOIL - LANDSCAPING - SODDING OR SEEDING - IRRIGATION - TAPS - WATER METERS -
DCVAS - SEALCOATING - HAND RAKING OR RESTORATION - FIRE HYDRANT ASSEMBLY - THERMOPLASTIC
PAVEMENT MARKINGS**

*Thank you for having R.E. BECKNER CONSTRUCTION, INC. prepare this proposal for you.
We look forward to doing business with you.*

*This project was bid by Mr. R.E. Beckner.
If you have any questions, please call him at the Citrus County office (727) 639-4624.*

R.E. BECKNER CONSTRUCTION, INC.

SITE DEVELOPMENT CONTRACTING - PAVING - BUILDING - UNDERGROUND UTILITY CONTRACTORS

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September 20, 2011

To: TOWN OF INDIAN SHORES

Attn: Chief Williams

Re: 199TH AVENUE - BASE & PAVE FOR NEW PARKING SPACES

BID FROM FIELD REVIEW & SCOPE FROM CHIEF WILLIAMS

PROPOSED SCOPE OF WORK TO INCLUDE AND LIMITED TO:

BASE & PAVE FOR 4 NEW PARKING SPACES INCLUDES 4 CAR STOPS	3,360.00
1 ADDITIONAL SPACE IF ACCEPTED	840.00
	4 SPACES SUB-TOTAL 3,360.00
	+10%OH&P 336.00
	TOTAL \$ 3,696.00
OPTIONAL: INSTALL WASHED SHELL IN LIEU OF PAVING	1,440.00

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DEWATERING FOR OTHER TRADES - TREE BARRICADES - REPLACEMENT OR RELOCATION OF TREES -
FENCEWORK - TOPSOIL - LANDSCAPING - SODDING OR SEEDING - IRRIGATION - TAPS - WATER METERS -
DCVAS - SEALCOATING - HAND RAKING OR RESTORATION - FIRE HYDRANT ASSEMBLY - THERMOPLASTIC
PAVEMENT MARKINGS**

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PHONE (352) 726-8890 FAX (352) 726-8898 EMAIL INFO@REBECKNER.COM

STATE CERTIFIED - CBC010339 - CUC043092

September 20, 2011

To: TOWN OF INDIAN SHORES

Attn: Chief Williams

Re: 200TH AVENUE - BASE & PAVE FOR NEW PARKING SPACES

BID FROM FIELD REVIEW & SCOPE FROM CHIEF WILLIAMS

PROPOSED SCOPE OF WORK TO INCLUDE AND LIMITED TO:

BASE & PAVE FOR 3NEW PARKING SPACES INCLUDES 4 CAR STOPS		2,430.00
	SPACES SUB-TOTAL	2,430.00
	+10%OH&P	243.00
	TOTAL	\$ 2,673.00

OPTIONAL:

INSTALL WASHED SHELL IN LIEU OF PAVING 1,890.00

***PLEASE NOTE THAT THE FOLLOWING ARE NOT INCLUDED IN THE SCOPE OF WORK
FOR THIS BID UNLESS NOTED SPECIFICALLY ABOVE:***

**PERMITS - FEES - BONDS - CERTIFIED AS-BUILTS (REDLINE OF PLANS ONLY) - LAYOUT - TESTING OF
MATERIALS OR DENSITIES - REMOVAL OR REPLACEMENT OF UNSUITABLE SOILS OR MATERIALS, IF
ENCOUNTERED, CONFLICTS OR REPAIRS TO EXISTING UTILITIES OR IRRIGATION, IF ENCOUNTERED -
DEWATERING FOR OTHER TRADES - TREE BARRICADES - REPLACEMENT OR RELOCATION OF TREES -
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DCVAS - SEALCOATING - HAND RAKING OR RESTORATION - FIRE HYDRANT ASSEMBLY - THERMOPLASTIC
PAVEMENT MARKINGS**

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If you have any questions, please call him at the Citrus County office (727) 639-4624.*

TOWN OF INDIAN SHORES FINANCIAL SUMMARY November 30, 2011									
FUND	FY1112 BUDGET	POSITION YTD BUDGET	% YTD	ACTUAL YTD REVENUE	% ACTUAL	ACTUAL YTD EXPENSE	% ACTUAL	YTD CHANGE IN FUND BALANCE	
GENERAL	\$ 2,662,177	\$ 443,696	17%	\$ 413,272	15.5%	\$ 312,919	11.8%	\$ 100,353	
ROAD & BRIDGE	\$ 133,600	\$ 22,267	17%	\$ 1,510	1.1%	\$ 9,442	7.1%	\$ (7,932)	
CAPITAL IMPROVMT	\$ 757,610	\$ 126,268	17%	\$ 1,435	0.2%	\$ 60,255	8.0%	\$ (58,819)	
MUNI CENTER EXP.	\$ 415,827								
**									
								9/30/2011	CURRENT
								BALANCE	balance
								\$ 2,095.89	\$ 2,283.89
								restricted for:	
								POLICE EDUCATION	
								BEAUTIFICATION	
								\$ 40,157.49	40,692.44



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: 01 December, 2011
To: Members of Town Council / Commission
From: E. D. Williams, Chief of Police
Subject: MONTHLY ACTIVITY REPORT FOR NOVEMBER, 2011

Following are the monthly Police activity statistics for the month of November, 2011 compared to the same month last year:

	<u>INDIAN SHORES</u>			<u>REDINGTON SHORES</u>		
	<u>10</u>	<u>11</u>	<u>VAR</u>	<u>10</u>	<u>11</u>	<u>VAR</u>
• Criminal Reports	19	13	-06	14	19	+05
• Police Action Reports	04	02	-02	08	06	-02
• Physical Arrests	05	03	-02	03	05	+02
• Traffic Accidents	03	00*	-03	01	00**	-01
• Traffic Citations	42	44	+02	47	07	-40
• Parking Tickets	07	06	-01	15	08	-07
• Traffic Warnings	148	91	-57	73	52	-21
• Ordinance Violations	01	00	-01	00	00	00
• Other Calls for Service	177	211	+34	212	245	+33

*0 Injuries

**0 Injuries

NOVEMBER, 2011 MONTHLY ACTIVITY REPORT - PAGE 2

- 1) Criminal Reports were DOWN in Indian Shores, UP slightly in Redington Shores. There was a DECREASE in Police Action Reports and an INCREASE in Calls for Service in both Towns.

- 2) Traffic Citations were UP slightly in Indian Shores and DOWN dramatically in Redington Shores. Parking Tickets and Traffic Warnings were DOWN in both Towns. There were no reported accidents in either Town for the month of November.

- 3) Physical arrests were:
 - DOWN 60% in Indian Shores
 - UP 60% in Redington Shores

The Department investigated 5 cases in Indian Shores and 18 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

NOTATION¹: In an effort to differentiate reports that encompass an actual crime from reports that dictate minimal Police action, where a crime has not been committed. The two are now listed separately with the elimination of miscellaneous reports. The "Police Action Reports" will depict reports such as: lost or found property, suspicious persons, assist other agency, welfare and business checks, etc.

TO: CHIEF E. D. WILLIAMS
 FROM: DETECTIVE J. K. RAWSON
 RE: INVESTIGATIVE MONTHLY REPORT FOR **NOBEMBER, 2011**

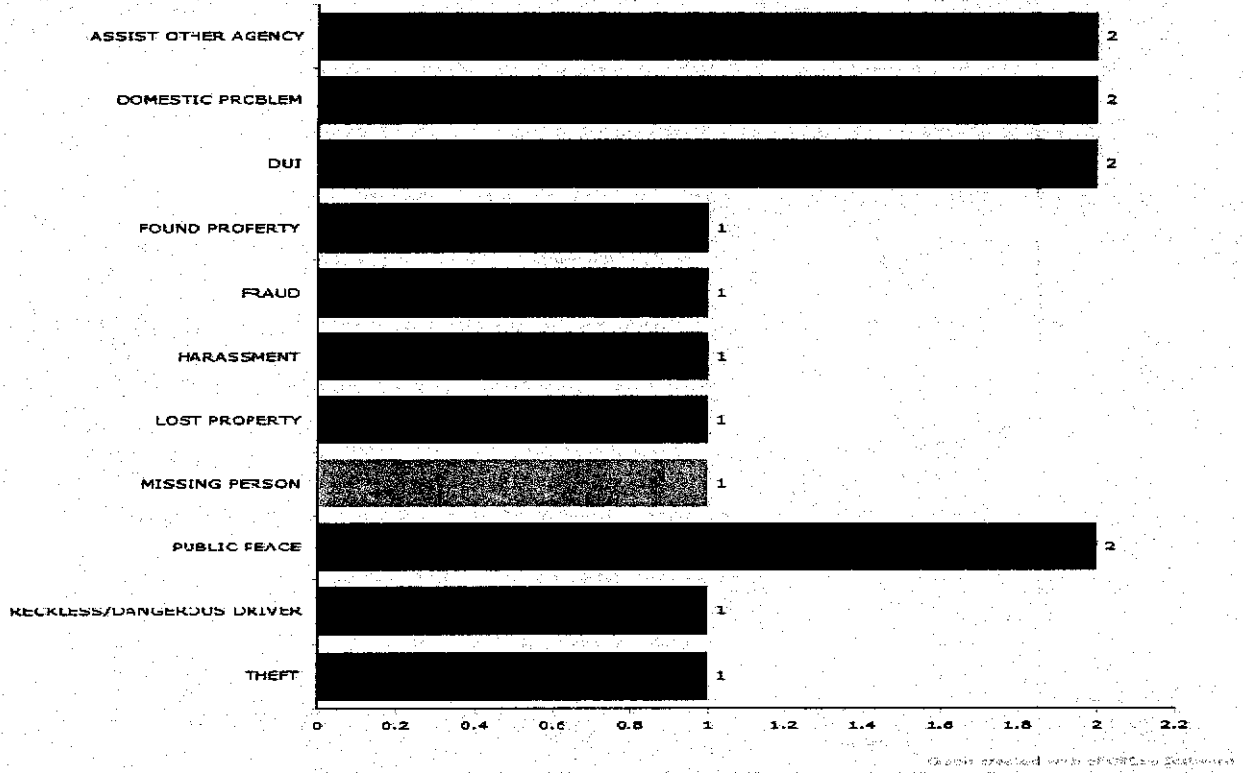
INDIAN SHORES

<u>REPORT</u>	<u>OFFENSE</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
11-2148	Fraud	Exploitation of Elderly	Open/Active
11-7388	Theft	Petit Theft	Inactive
11-7757	Theft	Grand Theft	Inactive
11-7867	Fraud	Credit Card	Closed Administratively
11-7986	Information	Missing Person	Closed Administratively

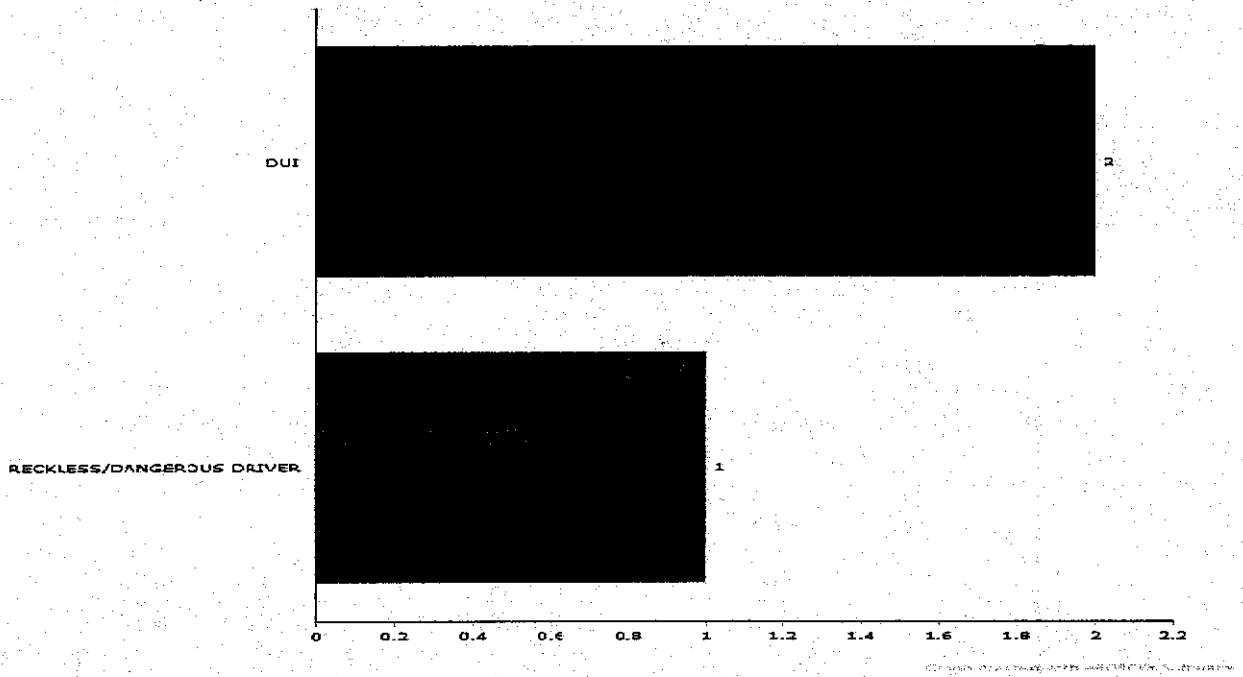
REDINGTON SHORES

<u>REPORTS</u>	<u>OFFENSE</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>
11-4546	Death	Unattended Death	Closed Exceptionally
11-5545	Theft	Grand Theft	Inactive
11-5711	Theft	Theft of Firearm	Inactive
11-5829	Theft	Petit Theft	Closed Administratively
11-6109	Theft	Grand Theft	Active
11-6173	Crim. Misch.	Vandalism	Closed/Arrest
11-7333	Crim. Misch.	Vandalism	Inactive
11-7437	Battery	Simple Battery	Closed/Arrest
11-7446	Disorderly	Intoxication	Closed/Arrest
11-7567	Crim. Misch.	Graffiti	Closed Administratively
11-7704	Fraud	Credit Card	Closed Exceptionally
11-7733	Burglary	Residence	Inactive
11-7857	Theft	Petit	Inactive
11-7860	Information	Suicidal Subject	Closed Administratively
11-7863	Animal	Dog Bite	Closed Exceptionally
11-7877	Juvenile	Run-a-way/Violation Probation	Closed/Arrest
11-7909	Theft	Petit	Closed/Arrest
11-7923	Information	Missing Adult (Suicide)	Closed Exceptionally

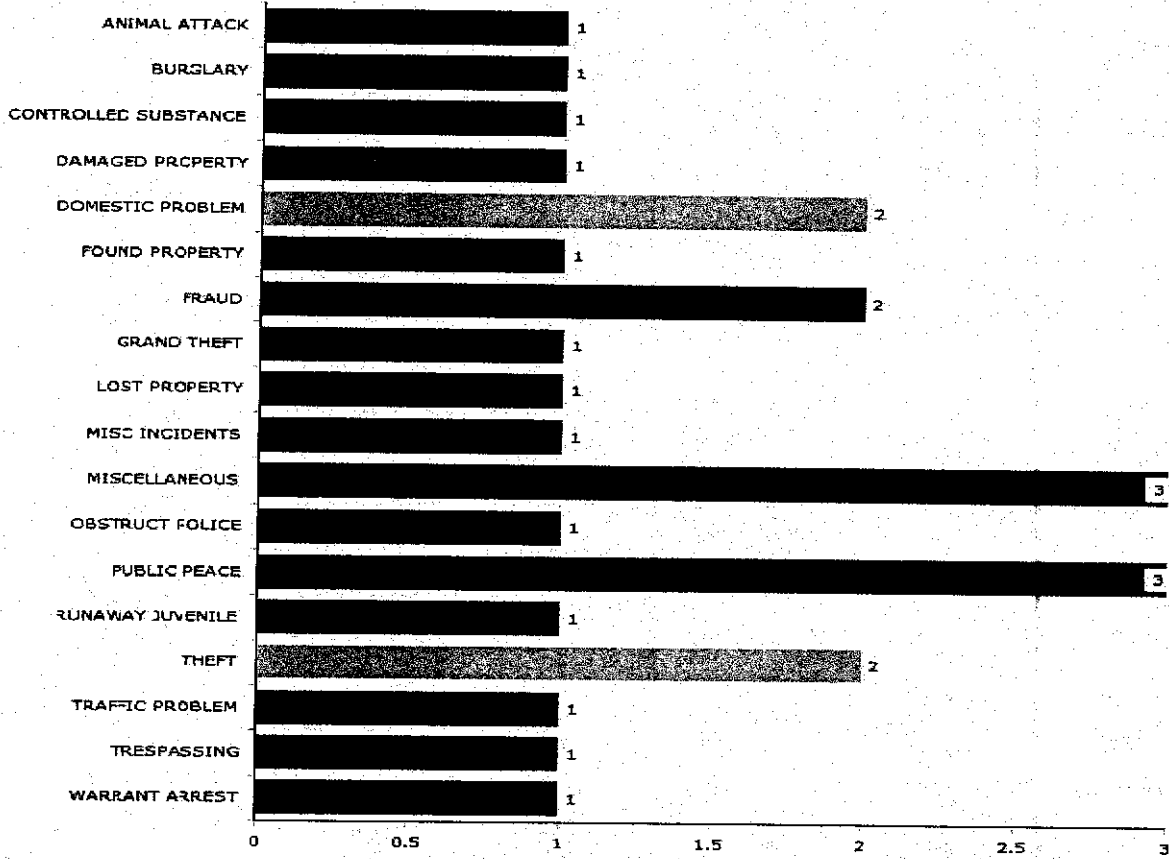
NOVEMBER 2011 INDIAN SHORES REPORTS



NOVEMBER 2011 INDIAN SHORES ARRESTS

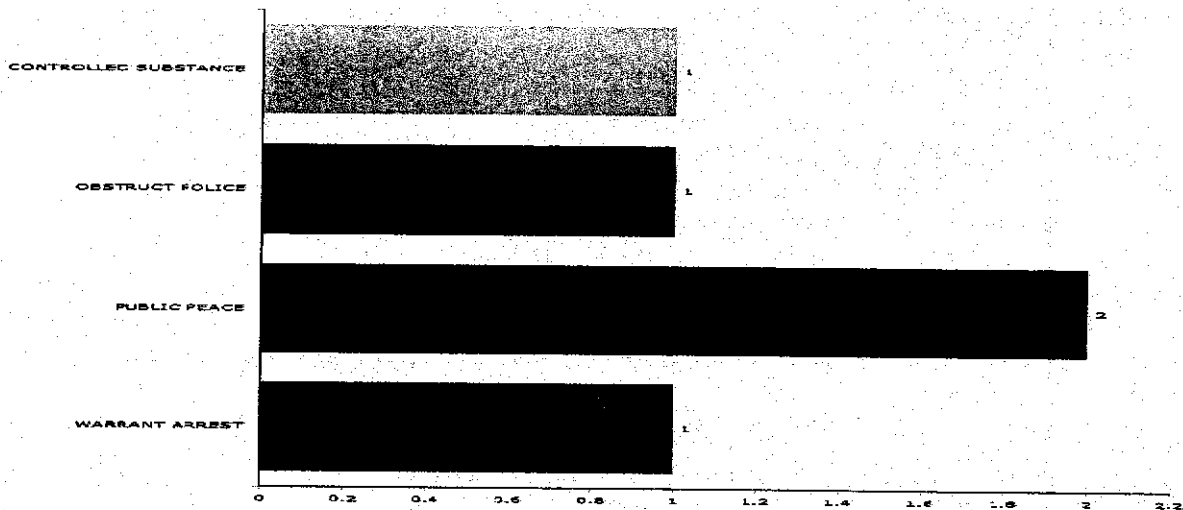


NOVEMBER 2011 REDINGTON SHORES REPORTS



Graph created with eTableSoft.com

NOVEMBER 2011 REDINGTON SHORES ARRESTS



Graph created with eTableSoft.com