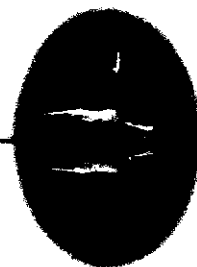


Town of Indian Shores

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TOWN COUNCIL MEETING

MINUTES - FEBRUARY 14, 2012

INDIAN SHORES TOWN COUNCIL MEETING convened at 6:00 P.M. Those present were Mayor Lawrence, Vice Mayor Herndon, Councilor Smith, Councilor Sutch and Councilor Irelan.

Also Present: Attorney Daigneault; Chief Williams, Town Administrator; Marcia Grantham, Town Clerk; Mary Karayianes, Director of Finance; Bob Brotherton, Town Engineer; Art Newsome; Larry and Diantha Schear; Gail Simpson, Progress Energy; Lindsey Noble; Jamie Neumann; Jeannie Carlson, reporter;

1.0 REGULAR COUNCIL MEETING

1.1 Consideration of approving Council Agenda for February 14, 2012.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve Council Agenda for February 14, 2012, as published. Motion carried 5-0.

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

A. MINUTES: Council - 1/10/2012

MOTION by Councilor Irelan -- seconded by Councilor Smith-- to approve "Consent Agenda" covering Minutes, as published. Motion carried 5-0.

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

From 1/5/2012 thru 1/31/2012.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve "Consent Agenda" covering Re-Occurring Expenses, as published. Motion carried 5-0.

1.3 APPROVAL of Committee expenditures: NONE

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

1.4 CORRESPONDENCE: NONE

1.5 Town Attorney's Report. NONE

1.6 PUBLIC HEARING: First Reading of proposed ORDINANCE 2012-1, an ordinance granting to Florida Power Corporation d/b/a Progress Energy Florida, Inc. a non-exclusive electric utility right of way utilization franchise; prescribing the terms and conditions related to the occupancy of municipal streets and rights-of-way in the Town of Indian Shores, Florida, for the purpose of providing electric service.

Attorney Daigneault conducted the First Reading of proposed ORDINANCE 2012-1, by reading the title in full.

Mayor Lawrence reported Chief Williams acted as the main negotiator, meeting with Melissa Seixas and Gail Simpson, reviewing the proposed ordinance from the angle of what has changed from the last franchise ordinance, and questions regarding the changes have all been answered to our satisfaction.

Chief Williams, Town Administrator, reported he and Gail Simpson spoke after Attorney Yacavone reviewed the document, wherein he noted some issues he took exception to and they came up with satisfactory language. He advised one issue related to the "term", noting the prior ordinance was for a 30 year term, the present one was for 10, and the term of 15 years was put in for the proposed ordinance.

Councilor Irelan clarified the Town's monthly franchise payment is based on the amount of electric bills within Indian Shores, and the representative from Progress Energy stated that was correct.

Councilor Irelan also asked the meaning of "retail wheeling", and the Progress Energy representative advised it was an outdated term from the 1980's when electric utilities sold pieces of their system, and refers to the option of taking a piece of infrastructure by which others could profit.

Councilor Sutch noted a typo on page one which appears it was meant to be "city", but should be "town", and clarified the use of the word "generation" on page 4.

Councilor Smith clarified that the 6% base did not include the fuel charge, and the representative stated that was correct.

Chief Williams reported the present franchise ordinance expired on 2/12/2012, and that a Special Council meeting will be held on March 1, 2012 at 6 P.M., for the purpose of holding the public hearing and Second Reading of proposed Ordinance 2012-1, in order to meet the 10 day advertising requirement, and noted this will not affect the franchise dollars.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve First Reading of proposed ORDINANCE 2012-1, by title only. Motion carried 5-0.

1.7 Consideration of approving Letter of Cell Tower Agreement from Crown Castle.

Chief Williams reported that early on Crown Castle presented a boiler plate, noting this document tonight is not the Agreement, but a Letter Agreement, which sets out requirements, which most apply to Crown Castle, and then a formal Agreement will be presented.

Chief Williams further reported there were some issues, such as they mentioned when a \$50.00 payment would be made, but not the \$355,200.00, thus the last sentence was added to include language more comfortable to the Town, and had paragraph "13" added, which reverts to the present contract and has value.

Chief Williams advised they have gone back and forth with the legal side and now all are happy, Attorney Yacavone, attorney for Crown Castle and Chris Felder on behalf of Crown Castle. He further advised Crown Castle will proceed with a title search, survey and present final Agreement, and bring \$355,200.00 to the closing.

Chief Williams explained the math of \$28,000.00 a year (received on a monthly basis), would equal approximately \$1.1 to \$1.2 million of a 30 year life, whereas apply to a 72 year life, the money will double over 30 years, noting you will have the money up front and can invest.

Mayor Lawrence advised this had been discussed some time ago at Workshop and the consensus was to move forward, noting it was felt emerging technology would at some future time render the towers as not valuable.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve the Letter of Cell Town Agreement submitted by Crown Castle, to allow them to proceed with certain items, and present the final Agreement in the near future. Motion carried 5-0.

1.8 Consideration of approving proposed Community Garden Policy.

Mayor Lawrence introduced Bob Brotherton, Town Engineer, who had requested to address the Council regarding some items pertinent to the proposed Community Garden Project.

Bob Brotherton reported on the following:

- 1) Forwarded a copy of his proposed Community Garden Policy to Pinellas County Agricultural office, and it was received with a favorable response and indicated they might use it in some unincorporated areas.*

Discussed with someone at the County's Agricultural office the Town's possible need for a Master Gardener, and they have a Master Gardener Program, and they may have someone who may meet the Town's qualifications. He advised he could pursue if the Town would like for him to at no cost to the Town.

It was a consensus of the Council for Mr. Brotherton to pursue the possibility of using someone from the County Agricultural office as the Town's Garden Coordinator.

- 2) Been in contact with Barbara Solis, Florida League of Cities, and she is requesting he put together a presentation for the annual League's Conference, and other areas in Florida, with Mayor Lawrence also attending, and he requested permission from the Council to submit his request.*

It was a consensus of the Council for Mr. Brotherton to submit a request to the Florida League to put together a power point presentation for the annual conference.

- 3) Been in contact with someone at DEP regarding a grant opportunity for "containerized gardening", which would monitor the impact to the site and ensure that fertilizer is not put on the ground. He advised there may be the potential to receive money from other grants to cover payment of some sort to a "garden coordinator", and also cover expenses for the Mayor and himself to conduct public education presentations across Florida. He reported the grant needed to be submitted by March 1, 2012, and he felt he could meet that deadline. He also noted the Town would receive credit from NPDES for implementing these items.*

**Town Council Meeting Minutes
February 14, 2012 - Page 5**

It was a consensus of the Council for Mr. Brotherton to proceed with applying for the "containerized gardening" Grant, as presented.

MOTION by **Vice Mayor Herndon** – seconded by **Councilor Smith** – to approve the proposed "Community Garden Policy" submitted by Bob Brotherton, Town Engineer. **Motion carried 5-0.**

1.9 Consideration of approving Bid(s) submitted for Community Garden Project.

Mayor Lawrence reported that only one (1) bid had been submitted.

Chief Williams reported the bid specification had been placed on a website for advertising for these projects, and on the Town's website.

Chief Williams reported the Town Budget for FY 2011/12 has \$8,745.00 in available funds for this project. Depending upon Council's acceptance of the submitted bid price, remaining funds would come from the Restricted Funds account for Beautification, which has a positive balance of \$43,579.71.

MOTION by **Councilor Smith** – seconded by **Vice Mayor Herndon** -- to approve bid submitted by Acerbo Inc., in the amount of \$16,475.00, with the caveat that any funds not recaptured from the sale of earth boxes, will come from Restricted Funds account for Beautification. **Motion carried 5-0.**

1.10 Consideration of retro-active approval of invoice from International Sign Company in the amount of \$2,325.00, covering letters for front of the Municipal Center building.

Mayor Lawrence reported the letters on the building look very nice.

MOTION by **Councilor Sutch** – seconded by **Councilor Irelan** – to retro-actively approve invoice from International Sign Company in the amount of \$2,325.00, covering letters installed on the front of the Municipal Building. **Motion carried 5-0.**

1.11 Consideration of approving Financial Statement for the period ending January 31, 2012.

Mary Karayianes, Director of Finance, reported General Fund revenue of \$1,251,595.00, with \$903,000.00 being tax revenue which equals 80.3% of budgeted tax revenue.

The Director of Finance further reported that the Road and Bridge funds, like the CIP fund, accruals are on the revenue side the first couple of months, and will work out by the end of the year. She noted that the debt payments were broken out on the report together with the restricted funds at the bottom of page for Police Education and Beautification.

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to accept Financial Statement for the period ending January 31, 2012, and hold for audit. Motion carried 5-0.

1.12 Consideration of approving Police Activity Report covering the month of January 2012.

Chief Williams reported criminal reports down, with subsequent reduction in physical arrests, one crash, citations down remarkably, parking tickets up and warnings down, with calls for service up.

Chief Williams further reported he had worked up a tentative budget for next fiscal year, and was anticipating no increase over last year, noting it would soon be presented at an Administrative Committee meeting or a Workshop meeting.

MOTION by Councilor Smith -- seconded by Councilor Sutch-- to approve Police Activity Report covering the month of January 2012. Motion carried 5-0.

1.13 Update Report on status of construction of the new Municipal Center.

Chief Williams reported on the following items: 1) Work being done on the fire system due to a ground fault caused by nicked wiring; 2) Plaque for front of the building will be in Odessa in the morning and plans are for Brad to pick it up and Mike will install at 14.00 hours; 3) Amended letter received from Mohammed, and Joe Fullone where both have agreed for Joe Fullone to accept responsibility on the truss bearing plate retrofit design and lentil retrofits, with Larry Nayman, Building Official, only have to concur, then all will sign and Joe Fullone will be the engineer of record for anchoring of the trusses and lentils to be retrofitted; 4) E-mail from Bronson Alexander advising roof work will be completed today and Joe Fullone was to inspect, noted two window openings a day will be retrofitted, and Bronson Alexander has requested a meeting on 2/29/2012 to close on building;

1.14 Town Administrator's Report.

Chief Williams reported on the following items: 1) Lettering up on building, together with a portion of restricted parking signs, noting he tried to be fair with public parking after hours; 2) Howard Kent is still out, but should be back in about 10 days; 3) Former Chief Hess was in town recently and was given a tour of the new Municipal Center.

Councilor Smith addressed the still needed additional parking spaces for beach re-nourishment purposes, and wondered if the plan was to still piggy-back off the Community Garden project to do the street ends.

Chief Williams responded stating he has asked Bob Brotherton to review the plan from R.E. Beckner for the proposed 10 spaces, and Bob feels that there cannot be any put in at 200th Avenue, and reduced the number at 198th and 199th, but advised there are some other possibilities and it will take another evaluation, noting he may do a change order and have Bob evaluate.

Mayor Lawrence reported that Larry Shear, Fire Board Commissioner, has been named as the Board Chairman for the Fire Board, noting he has built up a lot of confidence in the short time that he has served on the Board.

Larry Shear, Fire Board Commissioner, reported on the following: 1) Fire Department is participating in discussions with City of Largo regarding annexing a piece of property the Department will have the responsibility for and in turn will receive a lump sum payment; 2) Negotiated Employment Agreement for 3 ½ years with Fire Chief Polk, who serves as President of the Fire Chiefs' Association of Pinellas County; 3) Continuing to look at ways of expanding EMS for Indian Shores, noting paper article costs will increase for unincorporated area; 4) No change for the present time in the \$260.00 a year fee.

1.15 Citizens' Comments on any subject.

1) Larry Shear, resident, stated the dedication bricks around the flagpole look very good.

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

Councilor Irelan congratulated Larry Schear, and advised that Diantha Schear has taken over as President of the Women's Club, and the membership has increased nicely. She further reported of the Library book sale on 2/19/2012, in conjunction with the Mayor's Pancake breakfast, and tickets are on sale for the fashion show on 3/24/2012. She advised the last Read and Feed went very well, and the next one would feature the book "The Ape House".

Councilor Sutch reported the Coastal Clean-Up event has been re-scheduled to March 10, 2012, as there was too much happening at Town on 3/17/2012 with the St. Patrick's Day Festival. **Councilor Sutch** stated there would be donuts, coffee and a special prize for kids.

Councilor Smith reported attending the FSBPA Board of Directors meeting, wherein Debbie Flack from the Florida League of Cities reported the House approved \$12 million for beach re-nourishment, noting there are 20 projects which equal \$20 million, and are hoping when the decision process moves to the Senate they will get the \$20 million.

Councilor Smith stated this conference was held in conjunction with the National Beach Technology Seminar and he saw Nicole Elko and Andy Squires there.

Councilor Smith further reported the Federal portion of beach nourishment is done under projects back in the 60's and were 50 year projects, with the oldest being Treasure Island, which was started in 1969. The Sand Key project was also developed in the 60's, therefore they are working on how to renew for these projects so that 60% of the money does not disappear.

Councilor Smith advised that Andy Squires is going to the National Conference in D.C., and will be visiting Congressman Young's office to discuss beach re-nourishment.

Councilor Smith stated the Sand Key Project would start at the north end in March, and they would be in Indian Shores around May/June.

Town Council Meeting Minutes
February 14, 2012 - Page 9

Vice Mayor Herndon reported the recreation classes are getting fuller, and the painting class was highlighted in the Newsletter.

Vice Mayor Herndon advised the Suncoast League of Cities is always looking for a place to meet, and is happy that she can now offer our new Municipal Center as a place to hold some of their meetings.

Vice Mayor Herndon advised at one of their prior meetings the League showcased improvements in Temple Terrace, and last month discussed revenue consolidation, and felt Bob Brotherton's program on Community Gardening would be perfect.

Mayor Lawrence reported attending the Read and Feed which was limited to 24, and 24 tickets were sold out in no time.

Mayor Lawrence announced the ribbon cutting ceremony tomorrow with 70 RSVP's received, with an eclectic mix, and feel there may be about 100 attend. He stated Salt Rock Grill will provide the appetizers, and he will hold the ribbon cutting out front with the help of the Tampa Bay Beach Chambers. He advised he had invited channels 8, 10, and 13, as well as a representative from the Tampa Bay Times, He noted all will adjourn to the 4th floor for appetizers and beverages after the ceremony.

Mayor Lawrence announced the Mayor's Pancake Breakfast on 2/19/2012 from 9 AM to Noon, with proceeds being donated to the Pinellas Suncoast Fire & Rescue Department for the "911 Memorial".

Mayor Lawrence also announced the Town would be partnering with Salt Rock Grill for the St. Patrick's Day Festival, with Salt Rock providing the food and the Town selling beverages.

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 7:40 P.M.


MARCIA GRANTHAM, CMC
Town Clerk