

Town of Indian Shores



19305 Gulf Boulevard, Indian Shores, FL 33785
ph 727-595.4020 fax 727-596.0050

www.myindianshores.com

TOWN COUNCIL MEETING

MINUTES - JUNE 12, 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 Yacavone; Chief Williams; Marcia Grantham, Town Clerk; Mary Karayianes, Director of Finance; Anne Miller; Art Newsome; Charlie Parrott; Jody Stumpe; Matt Towson; Larry and Diantha Schear; Bob McClure, reporter.

1.0 REGULAR COUNCIL MEETING

1.1 Consideration of approving Council Agenda for June 12, 2012.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve Council Agenda for June 12, 2012, subject to amending Agenda Items 1.10 and 1.12 to include the proposed costs for completing the proposed parking spaces and adding invoice from Attorney Yacavone. Motion carried 5-0.

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

A. <u>MINUTES:</u>	Council	-	5/8/2012
	Workshop	-	5/15/2012
	Special Council	-	5/29/2012

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

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 5/1/2012 thru 5/29/2012.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve "Consent Agenda" covering Re-Occurring Expenses as published, subject to a correction in voiding check to Winn Dixie in the amount of \$833.00, as this expense was reimbursed to Councilor Irelan at the bottom of the list covering picnic expenses. Motion carried 5-0.

1.3 APPROVAL of Committee expenditures: NONE

1.4 CORRESPONDENCE: NONE

1.5 Town Attorney's Report. NONE

Consideration of approving invoice from Attorney Yacavone dated June 5, 2012, in the amount of \$2,271.88.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve payment of invoice from Attorney Yacavone in the amount of \$2,271.88. Motion carried 5-0.

1.6 PUBLIC HEARING: RESOLUTION 2-2012, establishing additional duties and responsibilities to be performed by the Town's Police Chief to provide for the more efficient, coordinated and economical operation of the Town's administration.

Attorney Yacavone read the title of proposed RESOLUTION 2-2012, in full.

Attorney Yacavone reported this proposed Resolution is the result of a recent issue over dual office holding, which in his opinion was proper, and stated he essentially re-wrote the entire contract for an easier read, and this Resolution is needed in connection with the Employment Agreement.

Mayor Lawrence stated when this concept was discussed years ago we decided to arrange it how we are doing it today. In the future, the duties may fall to another Department Head rather than the Police Chief.

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

Anne Miller, resident, stated she thinks it is ridiculous the Town had to spend money due to the stupidity of one person, and further stated the Police Chief has done a hell of a job.

Art Newsome, resident, stated he echoed the comments by Anne Miller, and hopes that everyone remembers this at the next election.

MOTION by **Councilor Smith**-- seconded by **Vice Mayor Herndon** -- to approve adopting proposed **RESOLUTION 2-2012**, as published. **Motion carried 5-0.**

1.7 Consideration of approving Employment Agreement between the Town of Indian Shores and Earl D. Williams.

Attorney Yacavone reported he has re-written the Agreement, with the idea to make it painfully obvious as to what the Town is doing, which is simply assigning different duties to an office.

Councilor Smith stated he noted some sections where he felt there might be some inconsistencies, noting it was not clear whether it was duties of the Chief or administrative duties, and noted the salary section.

Attorney Yacavone stated it covers all the duties, noting there is an Employment Agreement for the Chief, and this is a separate Employment Agreement covering additional duties.

Chief Williams reported this Employment Agreement is a duplicate of the Chief's in the general provisions, and only different in the "whereas" sections, the duties and the salary, and nothing is in conflict.

MOTION by **Councilor Irelan** -- seconded by **Councilor Smith** -- to approve proposed Employment Agreement between the Town of Indian Shores and Earl D. Williams, as presented. **Motion carried 5-0.**

1.8 PUBLIC HEARING: RESOLUTION 3-2012, amending the Town's Budget for FY 2011/2012.

Attorney Yacavone read the title of proposed **RESOLUTION 3-2012**, in full.

Mary Karayianes, Director of Finance, reported her Memo is attached detailing and re-capping the expenses budgeted for the Municipal Center, together with expenses by fiscal year, noting it is necessary to close the books and all has been discussed at prior meetings.

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

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to adopt proposed RESOLUTION 3-2012, as published. Motion carried 5-0.

- 1.9 PUBLIC HEARING: RESOLUTION 4-2012, recommending that Pinellas County Board of County Commissioners adopt a county-wide ordinance regulating taxicab companies and taxicab drivers.**

Attorney Yacavone read the title of proposed RESOLUTION 4-2012, in full.

Mayor Lawrence reported this originated through a request by the Republican National Committee (RNC), as conventions in the past have experienced gypsy like people, who charge high prices, and they would like to see a standard established for regulating taxicabs.

Chief Williams stated he does support the concept of the proposed Resolution, however he noticed a reference in the correspondence to Hillsborough County regulations, and he would speak against the portion establishing a regulatory commission. In Tampa it costs about \$6,000.00 for a limo license. He further stated there is a need for a county-wide standard, and this is progressive.

Mayor Lawrence advised he would share this information regarding Hillsborough County with the County Commissioners.

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

Larry Shear, Fire Board Commissioner, stated that paragraph two of the proposed Resolution references Hillsborough County regulations, which could be construed as an endorsement, and suggested deleting that paragraph.

MOTION by Vice Mayor Herndon -- seconded by Councilor Sutch -- to approve adopting proposed RESOLUTION 4-2012 as published, subject to deleting paragraph two wherein reference is made to Hillsborough County regulations. Motion carried 5-0.

- 1.10** *Consideration of approving Agreement between the Town of Indian Shores and Piper's Bay Condominium, for the purpose of paving a portion of property depicted in Exhibit A of the Agreement, at the same time as and in connection with the paving of 199th Avenue East, providing the Association pays to cover their portion, and proposed estimate from Acerbo, Inc. in the amount of \$19,470.00, which includes the portion covering Piper's Bay property amounting to \$2,700.00.*

Mayor Lawrence introduced Jody Stumpe, representative for Piper's Bay Condominium.

Jody Stumpe stated she had spoken to all of the Board members and everyone was in agreement with the proposed plan, advising she could sign the Agreement tonight, however she requested that if it was possible they would like the number 8 parking space to be parallel rather than diagonal.

Chief Williams stated that he had asked the Town Engineer if that space could be parallel, and it was his opinion it would intrude into the wetland, however he advised he would re-visit that matter.

Chief Williams reported that historically this condo had maintained the street end under a 20 year Agreement, but did not wish to continue. He advised this project would be beneficial to both parties and will delineate the Town's property.

MOTION** by Vice Mayor Herndon -- seconded by Councilor Sutch to approve Agreement between the Town of Indian Shores and Piper's Bay Condominium, for the purpose of paving a portion of property depicted in Exhibit A of the Agreement, at the same time as and in connection with the paving of 199th Avenue E. providing the Association pays their portion amounting to \$2,700.00 thirty (30) days from date of commencement of the project, which is included in the total cost of \$19,470.00 covering four (4) additional parking spaces. **Motion carried 5-0.

- 1.11** ***PROCLAMATION** declaring the month of June 2012, as 'HURRICANE AWARENESS MONTH', in the Tampa Bay Region.*

Mayor Lawrence reported he will be signing a Proclamation declaring the month of June 2012 as "Hurricane Awareness Month".

Mayor Lawrence announced tomorrow night at 7 P.M. the Town would be holding their Annual Hurricane Party with Brian McClure, Channel 9 meteorologist and Tom Iorvino, Pinellas County Communications Management, noting the program has been shortened and refreshments will be served.

- 1.12 Consideration of approving proposed plan to install additional parking spaces to be located at 199th Avenue W. (2 spaces) for future consideration; and 198th Avenue W. (4 parking spaces), and cost estimate from Acerbo, Inc. in the amount of \$8,730.00.**

Chief Williams reported at this point in time plans to proceed with additional parking spaces on 199th Avenue W. (2 spaces) would be deferred, unless these are needed in the future.

MOTION by Councilor Smith – seconded by Councilor Irelan – to approve proposed plan to install additional parking spaces to be located at 199th Avenue W. (2 spaces) for future consideration; and 198th Avenue W. (4 parking spaces), and cost estimate from Acerbo, Inc. in the amount of \$8,730.00. Motion carried 5-0.

- 1.13 Consideration of approving the Town contract Building Department inspection services with the Town of Redington Shores.**

Mayor Lawrence reported that at this point in time the Building Official cannot make inspections, and Steve Andrews, Building Official with Town of Redington Shores has been helping the Town with inspections, however it needs to be formalized.

Chief Williams reported meeting with Mayor Adams, Steve Andrews and Clerk Mary Palmer to discuss the matter, and came back and discussed with Building Department staff, and negotiated a proposal to conduct the inspections by stops rather than by inspection, as possibly 2-3 can be done at one stop, and seems more equitable for both parties, at a cost of \$35.00 per stop. He noted this figure was rounded to a workable number of \$1,200.00 per month to cover inspections, and Attorney Denhardt will prepare an Agreement, after the Commission meeting tomorrow evening.

Chief Williams further reported there was a licensing issue as the Building Official can do all inspections under the Building Official title, however if he comes from another town he is operating without expanded duties license. If our Building Official is here, he could not do the inspections, so they will be scheduled on days when Mr. Nayman is out of the office.

MOTION by Councilor Smith -- seconded by Vice Mayor Herndon -- to approve the Town contract Building Department inspection services with the Town of Redington Shores for the sum of \$1,200.00 a month. Motion carried 5-0.

- 1.14 Consideration of approving Town's voting delegate for the Florida League of Cities 86th annual Conference in Hollywood, August 23-25, 2012.**

Mayor Lawrence noted after discussion that only he and Councilor Smith were planning on attending the conference this year.

MOTION by Councilor Irelan-- seconded by Vice Mayor Herndon -- to approve Mayor Lawrence as voting delegate and Councilor Smith as alternate for the Florida League of Cities annual meeting. Motion carried 5-0.

- 1.15 Consideration of retro-actively approving the hiring of former employee Ann Johnson, to fill the vacant part-time receptionist position in the front Administrative office, effective 5/21/2012.**

Mayor Lawrence reported that Ann Johnson had previously worked as the Chief's Administrative Secretary for several years.

Chief Williams reported Ann Johnson was an eligible re-hire, advised he had mentioned it to her when she came to tour the new building and she expressed her interest in the part-time Receptionist position.

MOTION by Councilor Sutch -- seconded by Councilor Smith -- to approve Agenda Item 1.15, as presented. Motion carried 5-0.

- 1.16 Consideration of approving Financial Statement for the period ending May 31, 2012.**

Mary Karayianes, Director of Finance, reported General Fund revenue of \$2,251,748.00, with \$1,082,000.00 being tax revenue, noting the Town has collected over 96% of budgeted revenue, and is in a good position.

The Director of Finance further reported Road and Bridge reflects a deficit as the internal transfers have not been done and the revenue is two months behind; noted the debt payments were broken out in the CIP fund, and also noted the two restricted funds for Police Education and Beautification.

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

1.17 Consideration of approving Police Activity Reports covering April and May 2012.

Chief Williams reported he had discussed with Major Hughes a question from Councilor Sutch regarding the use of single and double asterisks in the reports beside the accidents, which refers to footnotes.

Chief Williams addressed the April report noting criminal reports were up, citations down a lot, parking tickets down slightly, warnings were up, general calls for service were down, advising it was a slower month.

Chief Williams addressed the May report noting criminal reports and physical arrests were down, crashes up, citations down, warnings increased (due to crosswalks), and advised May was busier than the prior year. Chief Williams reported that a grant from FDOT in the amount of \$7,500.00 was being used for crosswalk education.

MOTION by Councilor Sutch -- seconded by Vice Mayor Herndon -- to approve Police Activity Reports covering April and May 2012, as published.
Motion carried 5-0.

1.18 Chief William's Report.

Chief Williams reported the Community Garden is complete except for the fencing which is to arrive by Monday. He further reported the Garden looks really good and he has a couple of plants from home he will be bringing in.

Chief Williams further reported four (4) Sanibel lights from the old parking lot will be connected up in the back of the Municipal Center park area to light up the fishing area. He advised prep work is being done at McEwen Park to put in two lights and connect a water pipe to the existing water supply to do selective watering, noting the condo will let us know if they will allow this hookup. He advised the Department is again tagging cabanas being left up.

Chief Williams stated he appreciated the support of the Council and audience members and thanked the Town Attorney during recent events.

**** Fire Board Commissioner, Larry Shear, reported the Fire Department is half way through the 9/11 memorial fund raising project, and thanked the Town for their support and donation.**

Commissioner Schear further reported that someone has been selected for the vacant position on the Fire Board, and that would be announced at the next meeting.

1.19 Citizens' Comments on any subject.

- 1) *Art Newsome*, noted the error on the flyer for the Property Owners' "happy hour" on Thursday at Jimmy Guana's, announcing it is from 5:30 PM to 7 PM.
- 2) *Jody Stumpe, resident*, reported that 18 wheeler trucks were parking overnight on the old Hungry Fisherman Restaurant property and running their generators all night, and asked if the Town could assist with the problem and place "No Trespass" signs on the property.

Chief Williams reported he would look into the matter and take necessary steps accordingly.

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

Councilor Irelan reported the Library held a Read and Feed yesterday on the Great Gatsby, which was very good, and advised that on July 19, 2012 author Laura Kehoe will be at the Library to review a chapter from her book titled "Beach Chaos".

Councilor Sutch reported watching traffic stop on Gulf Boulevard to observe a mother duck and her 8 babies cross the road.

Councilor Smith reported it was great to see the revival of the Town's Memorial Day picnic event, which was enjoyed by all who attended. *Councilor Smith* also reported that beach re-nourishment is underway near Sand Key Park, and Indian Shores is now scheduled for October 2012.

Vice Mayor Herndon reported watching a Sea Turtle crawl out of the water early one morning and went into the Sea Oats and then crawled back to the water. She advised she called the Police Department and Marine Patrol, and they advised later that two new nests had been identified.

Mayor Lawrence reported the County has suspended the Sea Oats program in Indian Shores this year due to the beach re-nourishment project.

Mayor Lawrence noted that chicken, beans, potato salad, coleslaw and cookies would be served at the Hurricane Party tomorrow evening.

Mayor Lawrence advised all to take note that depending on Agenda items the regularly scheduled Council meeting for July 10, 2012 may be re-scheduled for July 24, 2012, wherein the Town has to meet to establish a proposed millage rate.

Mayor Lawrence reported that while attending the annual Tampa Bay Chamber Luncheon he ran into Phil Compton from the Sierra Club who asked if the Town would be interested in hosting the "Hands Across the Sand" event scheduled for August 4, 2012, and asked Council members to give this some thought.

Mayor Lawrence advised he has a busy day tomorrow with a Tourist Development Council meeting in the morning and a luncheon with Progress Energy at the Sea Breeze Restaurant, followed by the Hurricane Awareness Gathering.

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 7:35 P.M.


MARCIA GRANTHAM, CMC
Town Clerk