

# Town of Indian Shores



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## TOWN COUNCIL SPECIAL MEETING

MINUTES - MAY 29, 2012

**INDIAN SHORES SPECIAL COUNCIL MEETING convened at 2:00 P.M.  
Those present were Mayor Lawrence, Vice Mayor Herndon, Councilor Smith and  
Councilor Irelan.**

**Absent: Councilor Sutch**

**Also Present: Attorney Yacavone; Marcia Grantham, Town Clerk; Mary Karayianes,  
Director of Finance; Violet Butler Humlicek, Jim Humlicek; Matt Towson.**

- 1.0 PUBLIC HEARING: RESOLUTION 1-2012, approving and authorizing the Mayor to execute a Grant of Easement and Assignment of Lease between Global Signal Acquisitions IV LLC (GSA IV) and the Town of Indian Shores granting GSA IV a perpetual easement in the cell tower and cell tower property located near Town Hall, together with appropriate access and maintenance easements, for the sum of \$355,200.00; and providing for an effective date.**

**Attorney Yacavone read the title of proposed RESOLUTION 1-2012.**

**Mayor Lawrence stated by way of review this matter had been under consideration by the Council for about a year.**

**Mayor Lawrence reported that under the current lease the Town receives \$28,000.00 annually, and Crown Castle proposed offering a lump sum for the purpose of obtaining a twenty (20) year lease for the cell tower.**

**Mayor Lawrence further reported this subject has been discussed at several Workshops and meetings, with updates from the Town Administrator, which ultimately led to an offer from Crown Castle about three months ago, noting the Town reviewed their proposed draft and negotiations began between Chief Williams and Attorney Yacavone. He noted they are ready to close on May 30, 2012, and the Town has to pass a Resolution and approve the Agreement prior to the closing.**

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

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

**Matt Towson, resident,** stated he had spoken with Councilor Smith regarding this matter, and he had showed him some figures where it would be more profitable, however he noted that he was unclear as to the reasons why the Council was considering approving this item.

**Mayor Lawrence** stated the Council had reviewed in depth as to whether to take the lump sum payment or string the funds out over the years, noting if you took the \$355,200.00 and spread it out and compared to the figure the Town would receive over a 20 year period, the two figures were fairly close.

**Mayor Lawrence** stated he had done some research and felt that emerging technology may well change the face of cell tower technology, and reached the conclusion the Town could minimize risk by taking the money now and possibly avoid, at some point in the future, Crown Castle walking away from the lease.

**Attorney Yacavone** reported that he had discussed this with Chief Williams and both agreed that the technology would be out moded in 20 years.

**Matt Towson** stated he believes the tower operates on a line of site and feels it is for the traffic in the Gulf, not on the road, noting technology will become smaller and more powerful, however he believes they will still need the tower.

**Mayor Lawrence** stated he has also read several blogs, and they all have an economic agenda, based on the technology they philosophically support.

**Councilor Irelan** reported she read a blog which noted "cell towers will be obsolete when Chevy and Ford can get 70 mpg on the road". She also reported that they will be putting small receivers on telephone poles in residential areas, which will reduce the need for the large unsightly cell towers.

**Attorney Yacavone** noted another subtle concern in that several years ago the State took away certain communication revenue, and that would be a possibility that could occur again in the future. **Attorney Yacavone** noted later in the meeting that by eliminating lease renewals they could reduce the number of personnel to oversee all of the redundant paperwork

*Councilor Smith reported that in order to refresh his mind, he went back to the meeting on 7/26/2011, wherein the annual amount of \$28,000.00 was discussed with a 4% increase, noting if this was put in the bank with a 5% increase, and ran these numbers again.*

*Councilor Smith reported he used the \$28,000.00 with a 4% increase and determined that in 14 years that would grown to \$44,829.00. Then take the annual payment and invest at 2% a year, and at the end of 14 years would have accumulated revenue on \$28,000.00 amounting to a total of \$466,000.00.*

*Councilor Smith further reported in the same 14 years \$355,200.00 would have grown to \$474,862.00. Based on these calculations, he felt he could no longer support the proposal and would have to vote against Resolution 1-2012.*

**Mayor's note:** *The final negotiation phase was instituted by the Town Attorney and Town Administrator based on the unanimous 5-0 vote to approve the proposed Letter of Cell Tower Agreement (with minor negotiated wording changes) at the February 14, 2012 Indian Shores Town Council meeting.*

**MOTION by Councilor Irelan – seconded by Vice Mayor Herndon – to approve proposed Resolution 1-2012, as published. Motion carried 3-1. Councilor Smith voted in opposition to the Motion.**

- 2.0** ***Consideration of approving Lease Agreement between the Town and Violet C. Butler Humlicek, for a two (2) year period on described property at 198<sup>th</sup> Avenue W., for the purpose of constructing four (4) parking spaces for public parking purposes, with appropriate fencing being installed.***

*Mayor Lawrence reported at the last meeting four items were requested for inclusion in the Lease Agreement, noting that all four had been incorporated into the proposed Lease Agreement, which is being presented for approval.*

*Mayor Lawrence advised that Violet Butler Humlicek is present and has already executed the Lease Agreement.*

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**MOTION** by Vice Mayor Herndon – seconded by Councilor Smith – to approve the Lease Agreement between the Town and Violet C. Butler Humlicek, for a two (2) year period on described property at 198<sup>th</sup> Avenue W., for the purpose of constructing four (4) parking spaces for public parking purposes, with appropriate fencing being installed.  
**Motion carried 4-0.**

Mayor Lawrence thanked all parties for their cooperation in helping the Town solve this parking issue.

**INDIAN SHORES SPECIAL TOWN COUNCIL MEETING adjourned at 2:45 P.M.**

  
**MARCIA GRANTHAM, CMC**  
Town Clerk