



Town of
INDIAN SHORES, FLORIDA

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TOWN COUNCIL MEETING

MINUTES - JULY 28, 2009

MAYOR

James J. Lawrence

VICE MAYOR

Joan G. Herndon

COUNCILORS

Carole Irelan
William F. Smith
Steve Sutch

TOWN CLERK

Marcia Grantham

**DIRECTOR OF
FINANCE**

Mary Karayianes

**CHIEF OF POLICE
TOWN ADMINISTRATOR**

E. D. Williams

**BUILDING CODE
ADMINISTRATOR**

Lawrence G. Nayman

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 Daigneault; Marcia Grantham, Town Clerk; Mary Karayianes, Director of Finance; Chief Williams, Town Administrator; Lawrence Nayman, Building Official.

1.0 REGULAR COUNCIL MEETING

Mayor Lawrence reported that Item 1.19 was to be deleted, and to add Items 1.13A, 1.13B and 1.13C concerning beautification matters to the Agenda.

1.1 Consideration of approving Council Agenda for July 28, 2009.

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve Council Agenda for July 28, 2009 as published, subject to deleting Item 1.19 and adding Items 1.13A, 1.13B and 1.13C to the Agenda. Motion carried 5-0.

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

A. MINUTES:

Council	-	6/9/09
Workshop	-	7/13/09 & 7/21/09
Public Ser.	-	7/21/09

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

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

From 6/2/09 through 6/26/09

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

1.3 APPROVAL of Committee expenditures: NONE

1.4 Correspondence: None

1.5 Town Attorney's Report.

Attorney Yacavone was absent and there was no report.

1.6 Determine figures to provide the Pinellas County Property Appraiser the proposed and rolled-back millage rates, the proposed aggregate millage rate, and the date, time and place of the two (2) required public hearings, at which the budget and millage rate for FY 2009/2010 will be estimated and adopted.

Mary Karayianes, Director of Finance, reviewed the DR-420 form, reflecting the proposed aggregate millage rate of 1.7500, the rolled-back rate of 1.9425, with the adjusted rolled-back rate being 2.3086.

The Director of Finance reported she is recommending the 1.7500 millage rate, advising once this figure is submitted to the Property Appraiser's office it can be reduced, but not increased. The Director of Finance further reported the first public hearing on the proposed FY 2009/10 Budget will be held on September 9, 2009 with the second public hearing being held on September 23, 2009, both at 7:00 P.M.

Mayor Lawrence stated that for several years the Town maintained a millage rate of 1.7129, and noted that three years ago with better revenue, the rate went down to 1.6700 and for the last two years went to 1.600. Mayor Lawrence further stated this year the Town's depreciation was the highest of any coastal city at 17.04%, noting one reason is the 10 to 1 ratio of condos vs private homes.

Mayor Lawrence briefly reviewed the process the Council went through initially in cutting the budget about \$40,000.00 without any personnel cuts, and when faced with the anticipated shortfall, decided to take some from General Fund and slightly increase the millage, noting it was well below the rolled-back rate. He advised when the shortfall went to 17.04 % a little more was taken from both areas.

Councilor Smith stated Indian Shores is a one road town, with all property on Gulf Boulevard, noting many other cities are more heavily homesteaded and the Town only has about 20% of properties which are homesteaded.

MOTION by **Councilor Sutch** – seconded by **Vice Mayor Herndon** – to submit to the Pinellas County Property Appraiser the following information: Rolled-back rate of 1.9425 for FY 2009/10; proposed aggregate millage rate of 1.7500; together with the two (2) public hearings being held on September 9 and September 23, 2009 at 7 PM at the Town Hall. **Motion carried 5-0.**

- 1.7 **PUBLIC HEARING:** **Second Reading of proposed ORDINANCE 2009-4, amending Chapter 18, Buildings, Section 122(A), Building Code – adopted, to adopt the current edition of the Florida Building Code as the Building Code of the Town of Indian Shores, or as amended by the Pinellas County Construction Licensing Board (PCCLB).**

Attorney Daigneault conducted the Second Reading of proposed **Ordinance 2009-4**, by reading the title in full.

Mayor Lawrence reported this is the Second Reading of a proposed ordinance amending the Town's present Code which reflected a specific date, and are changing to now use the "current edition" of the Florida Building Code, as amended.

Mayor Lawrence stated this was a public hearing and called for any comments from the public, however there were none.

MOTION by **Councilor Smith** – seconded by **Councilor Irelan** --to approve the Second Reading of proposed **Ordinance 2009-4**, by title only. **Motion carried 5-0.**

- 1.8 **PUBLIC HEARING:** *First Reading of proposed ORDINANCE 2009-5, amending Article V of Chapter 2 of the Code of Ordinances, dealing with Code Enforcement, by amending the definitions in Section 2-161 of the Code to define the costs recoverable by the Town, by amending Section 2-207 of the Code to provide that the Town may recover its costs in a successful code violation prosecution, and by amending Section 2-208 of the Code to make a Code Enforcement lien superior to other liens.*

Attorney Daigneault conducted the First Reading of proposed Ordinance 2009-5, by reading the title in full.

Lawrence Nayman, Building Official, reported this proposed Ordinance was drafted by Attorney Yacavone and addresses Code Enforcement by defining the costs recoverable by the Town and to make a Code Enforcement lien superior to other liens, wherein it would have a higher standing under a bankruptcy or foreclosure.

Councilor Smith stated having a priority lien was very significant for the town.

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

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve First Reading of proposed Ordinance 2009-5, by title only. Motion carried 5-0.

- 1.9 **PUBLIC HEARING:** *First Reading of proposed ORDINANCE 2009-6, amending Chapter 18, Buildings, Section 18-280. Adoption of Standard Existing Building Code; Section 18-281. Code on file; and Section 18-282. Board of Appeals, for the purpose of adopting the "Florida Existing Building Code" with amendments.*

Attorney Daigneault conducted the First Reading of proposed Ordinance 2009-6, by reading the title in full.

Lawrence Nayman, Building Official, reported this was basically housekeeping, as the proposed Ordinance was adopting the "Florida Existing Building Code", with amendments, rather than a specific date being reflected in the Town's Code.

Mayor Lawrence stated this was a public hearing and called for any comments from the public, however there were none.

MOTION by Vice Mayor Herndon seconded by Councilor Ssmith -- to approve First Reading of proposed Ordinance 2009-6, by title only. Motion carried 5-0.

- 1.10 PUBLIC HEARING:** *First Reading of proposed ORDINANCE 2009-7, amending Chapter 110, Zoning, by amending Section 110-1, Definitions, to add a definition for "Outpatient Clinic", and by amending the permitted uses in an Institutional District in Section 110-202(a) to substitute outpatient clinics in place of hospitals and nursing homes. (Ref.: Pgs.*

Attorney Daigneault conducted the First Reading of proposed Ordinance 2009-7, by reading the title in full.

Lawrence Nayman, Building Official, reported this proposed Ordinance amends the Code to have it fit in with FEMA requirements, as hospitals cannot meet evacuation requirements, therefore are substituting "outpatient clinic", rather than hospitals.

Mayor Lawrence stated it was a public hearing and called for any comments from the public, however there were none.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve First Reading of proposed Ordinance 2009-7, by title only. Motion carried 5-0.

- 1.11 PUBLIC HEARING:** *RESOLUTION 6-2009, supporting the "7th Annual Florida Gulf Beaches Marathon" races.*

Attorney Daigneault read the title of proposed Resolution 6-2009, in full.

Mayor Lawrence stated this was a public hearing and called for any comments from the public, however there were none.

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to adopt proposed Resolution 6-2009, subject to deleting the word "tremendous" in the first sentence. Motion carried 5-0.

- 1.12 PUBLIC HEARING:** *RESOLUTION 7-2009, supporting the "8th Annual Florida Gulf Beaches Holiday Halfathon".*

Attorney Daigneault read the title of proposed Resolution 7-2009, in full.

Mayor Lawrence stated this was a public hearing and called for any comments from the public, however there were none.

MOTION by Vice Mayor Herndon -- seconded by Councilor Sutch -- to approve adopting proposed Resolution 7-2009, subject to deleting the word "tremendous" in the first sentence. Motion carried 5-0.

1.13 PUBLIC HEARING: RESOLUTION 8-2009, adopting the Town's Floodplain Management Plan.

Attorney Daigneault read the title of proposed Resolution 8-2009, in full.

Lawrence Nayman, Building Official, reported this amendment is to update the Ordinance by Resolution to have the Flood Plain Management Plan blend in with FEMA requirements, and includes the Evaluation Appraisal Report (EAR), and consolidates it into one document. The Building Official stated all that really has been added is an index and reference section and put into booklet form. He noted there has been a lot of discussion on this with other agencies and will be forwarded to the State for review, and hopefully it will give the Town some additional points.

Councilor Smith stated it is an 18 page report with 80 pages of exhibits, with the changes being relatively minor. Councilor Smith further stated that the Building Official and Joyce Ciccarello, Administrative Assistant, both deserve to be commended for having prepared a top-notch Flood Plan in order to receive a discount for citizens, and hope the Town will get to the next notch.

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

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to adopt proposed Resolution 8-2009, as published. Motion carried 5-0.

1.13A Consideration of recommendation from Public Services Committee to approve the selection of the white, Rubbermaid Classic I mailbox for uniformity on Gulf Boulevard and the purchase of twelve boxes to be installed in the showplace area from 193rd Avenue going north on the west side of Gulf Boulevard, as well as providing help with installation and numbering.

Chief Williams reported he had the mailboxes re-priced at \$49.80 each, for a total of \$750.00.

MOTION by Councilor Smith -- seconded by Councilor Ireland -- to approve the purchase of twelve (12) mailboxes to be installed in the showplace area from 193rd Avenue going north on the west side of Gulf Boulevard, as well as providing help with installation and numbering.

1.13B Consideration of recommendation of the Ad Hoc Beautification Committee to approve trash receptacles made of white concrete, rectangular with rounded corners, with a white, blue and yellow tile design, and with a permanently affixed top designed with one or two side drops for use in bus shelter areas.

Vice Mayor Herndon reported there are only seven (7) cans and they would like them to be white concrete and to use the Town colors in the trim, advising it would make the area look much nicer.

Chief Williams reported after his research the cost range was around \$400.00, with shipping costs of \$140.00 each

MOTION by Councilor Smith – seconded by Councilor Sutch – to approve purchase of seven (7) trash receptacles, as specified, at a cost not to exceed \$4,000.00. Motion carried 5-0.

1.13C Consideration of recommendation of the Ad Hoc Beautification Committee to approve the landscaping concept in bus shelter areas with Crepe Myrtle trees, Downey Jasmine bushes and Vinca Cora ground cover, as presented by Bob Brotherton.

Chief Williams reported the cost for twenty-one (21) 12 ft. Crepe Myrtle trees at \$135.00 each would total \$2,835.00, plus the cost of some minor annuals.

Chief Williams further reported on his meeting with Dave Del Monte with Pinellas County, and their discussion involving three bus shelters which is believed to be on County property, with two near Tiki Park and one south of the County boat launch, noting he had agreed to obtain an Agreement for the Town to work on private property.

Chief Williams stated he would like to move forward quickly and complete three (3) shelters, but noted he was not sure how Mr. Simpson at FDOT would feel about the remaining four.

Chief Williams reported that funds were available.

Councilor Smith expressed his concern in planting Crepe Myrtle trees, stating he had not seen any that looked healthy on the Gulf side, and he did not believe they were the best tree selection.

MOTION by Vice Mayor Herndon -- seconded by Councilor Irelan -- to approve the landscaping concept in bus shelter areas with Crepe Myrtle trees, Downey Jasmine bushes and Vinca Cora ground cover, subject to trees and related bushes not exceeding \$5,000.00. Motion carried 5-0.

1.14 Consideration of approving Traffic Signal Maintenance and Compensation Agreements with the State of Florida Department of Transportation from July 2008 through June 2009.

Chief Williams reported the Agreement needed to be executed to receive reimbursement even though the date has passed, noting the whole system is very complex.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve the Town executing the Traffic Signal Maintenance and Compensation Agreement with the State of Florida Department of Transportation from July 2008 through June 2009. Motion carried 5-0.

1.15 Consideration of approving Agreement with Pinellas County Sheriff's Department for Computer Aided Dispatch.

Chief Williams reported this Agreement covers dispatch service, call out for forensics and fingerprint service, noting it went up this year, but there is an escape clause.

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve the Town executing Agreement with Pinellas County Sheriff's Department for Computer Aided Dispatch. Motion carried 5-0.

1.16 Consideration of approval of Changer Order #1, with Acerbo, Inc., for 197th Avenue East Road Repairs and Resurfacing Project, to include work on 193rd Avenue East.

Chief Williams reported Change Order #1 was to include the work on 193rd Avenue East, advising the work has been completed, the drains work and they did a great job. Chief Williams also reported on an addition to Change Order #1, submitted by Bob Brotherton for a cost of \$561.48 to include re-striping and bumpers for 9 parking spaces back in the Park area. Chief Williams advised they were looking at moving the dumpster and the spaces would be reduced to 8 spaces.

MOTION by Councilor Sutch -- seconded by Councilor Smith -- to approve Change Order #1, with Acerbo, Inc., for 197th Avenue East Road Repairs and Resurfacing Project, to include work on 193rd Avenue East, and the addition to Change Order #1 to include re-striping and bumpers for 8 spaces in Park area, and also to include any other needed re-striping on the Avenues. Motion carried 5-0.

- 1.17 Consideration of approving cost estimate of \$4,495.00 from Kron & West covering air-conditioning unit in front lobby of Town Hall.**

Chief Williams reported this A/C unit was a program budgeted replacement item.

Councilor Irelan recommended in keeping with the "green initiatives" that the Town make sure the unit has a high seer number.

Chief Williams stated he would verify the seer number.

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve cost estimate of \$4,495.00 from Kron and West covering air-conditioning unit in front lobby of Town Hall. Motion carried 5-0.

- 1.18 Consideration of retro-active approval of purchase of 25 HP Kawasaki motor from Doudna Seminole Mowers in the amount of \$2,205.00.**

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve Agenda Item 1.18, as presented. Motion carried 5-0.

- 1.19 Consideration of approving request from Life Line Screening to conduct another health screening event on Monday, September 28, 2009.**

This item was deleted from the Agenda.

- 1.20 Consideration of approving Financial Statement for period ending June 30, 2009.**

Mary Karayianes, Director of Finance, reported the General Fund balance of \$2,378,833.00, includes tax revenue of \$1,404,000.00, which equates to 102% of budgeted revenue. The Director of Finance further reported the Road and Bridge, CIP and Parking funds are doing well, and noted the restricted fund and Beautification balances.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to accept Financial Statement for period ending June 30, 2009, and hold for audit. Motion carried 5-0.

1.21 Consideration of approving Police Activity Report covering June 2009.

Chief Williams reported the Activity Report was unremarkable, noting reductions in crime, physical arrests and citations, with service calls up in both towns, as it was a busy month. Chief Williams further reported there was one death investigation, a couple of thefts and some recovered stolen property.

MOTION by Councilor Sutch -- seconded by Vice Mayor Herndon -- to approve Police Activity Report covering June 2009. Motion carried 5-0.

1.22 Town Administrator's Report.

Chief Williams reported that he and the Director of Finance had met with Dave Del Monte with Pinellas County and he had anticipated that he wanted to discuss an increase in the park fee split, as they had discussed a 60/40 split with Redington Shores and settled on a 50/50 split with Redington Shores taking over the maintenance.

Chief Williams further reported that he had advised Mr. Del Monte the Town was not interested in changing the 60/40 split, and that both were losing revenue while the machine was down, and he advised he would take the information to his boss about approval for a new machine for Tiki Park, as he was not in a position to recommend. Chief Williams stated he also advised them that the Town never received Phase II improvements for the Park.

Chief Williams advised we would wait to hear from the County and this item would be re-visited at the Workshop level.

Chief Williams invited everyone to look at 197th Avenue East as it is a major improvement and looks very nice, and advised there is no FRDAP Grant for this year, but possibly next year.

1.23 Citizens' Comments on any subject. NONE.

1.24 Mayor and Council Members Comments on any subject.

Councilor Irelan thanked Anne Miller for always attending the meetings.

Councilor Irelan reported that on July 1, 2009 she and Vice Mayor Herndon attended a "green" meeting and she is amazed at what some of the larger cities are doing, and believes there are some things the Town can do in the future.

Councilor Sutch announced the Coastal Clean-Up scheduled for October 17, 2009, advising that Councilor Irelan would be the Co-Chairman for the event. He further reported that he and his wife had driven through Town and the signs have improved a great deal.

Councilor Smith stated he wanted to commend the Staff, particularly Chief Williams and Mary Karayianes, Director of Finance, for putting together such a good budget.

Vice Mayor Herndon stated she was happy to be doing the Beautification projects. She reported that the Council members and some citizens visited the Vincent House for a field trip, which was very informative and interesting. She complimented Chief Williams' work on 197th Avenue East.

Mayor Lawrence stated he had sent a letter to FDOT requesting them to consider lowering the speed limit to 30 mph, and to erect "No Passing on the Right" signs, noting the letter was sent to the Traffic Department for evaluation.

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 8:50 P.M.


MARCIA GRANTHAM, CMC
Town Clerk