



Town of
INDIAN SHORES, FLORIDA

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TOWN COUNCIL MEETING

MINUTES - OCTOBER 13, 2009

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

1.0 REGULAR COUNCIL MEETING

**** Mayor Lawrence presented a plaque with a Proclamation recognizing the Town's 60th Anniversary sent to the Town from Mayor Mischler at the City of Pinellas Park.**

1.1 Consideration of approving Council Agenda for October 13, 2009.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve Council Agenda for October 13, 2009 as published, subject to adding Item 1.51 to consider a settlement offer of a code enforcement lien against Tuscan Bay. Motion carried 5-0.

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

A. <u>MINUTES:</u>	Council	-	9/23/09
	PZB	-	10/6/09

MOTION by Councilor Sutch -- seconded by Councilor Smith -- to approve the "Consent Agenda" Minutes and Re-Occurring Expenses, as published. Motion carried 5-0.

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

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

From 9/3/09 thru 9/30/09. (See approval above.)

1.3 APPROVAL of Committee expenditures: NONE

1.4 Correspondence:

The Town Clerk addressed her Memo dated October 1, 2009, regarding qualification requirements for Municipal Election to be held on March 9, 2010, advising the first day of qualifying for the election is Noon, December 4, 2009 and the deadline for qualifying is Noon, December 11, 2009.

1.5 Town Attorney's Report. None

1.5.1 Consideration of approving a settlement offer from Bank of America to settle a Code Enforcement Lien against Tuscan Bay.

Attorney Yacavone reported that Tuscan Bay was cited as a repeat violation for trash and debris on property. He further reported this was a special situation as the property was in foreclosure by the bank, noting the bank doesn't really own it and Tuscan Bay does not care. He also reported the bank was performing maintenance on the property and something slipped the crack and when the bank became aware of the situation they took care of the matter. He noted when the bank noticed the lien they offered to settle.

Attorney Yacavone advised the Town's lien would probably be wiped out in foreclosure and recommended accepting the settlement offer of \$1,000.00.

Councilor Smith questioned a recent ordinance which the Town passed to make a Code Enforcement Lien superior to other liens.

Attorney Yacavone stated that was correct, however the Town does not want to be the test case.

Lawrence Nayman, Building Official, reported the bank was working with the Town.

Attorney Yacavone suggested the Town send the notice to him and he would forward to the attorney for the affected party.

MOTION by **Vice Mayor Herndon** – seconded by **Councilor Sutch** – to approve accepting the offer of \$1,000.00 from Bank of America for settlement of a code enforcement lien against Tuscan Bay. **Motion carried 5-0.**

1.6 PUBLIC HEARING: Consideration of request from Sunburst Cove Condominium Association for site plan approval to convert existing gazebo into a swimming pool restroom at 19730 Gulf Boulevard.

Attorney Yacavone reviewed the quasi-judicial process, determined from Council members that there had been no ex-parte communication and administered the Oath to those individuals who would be presenting testimony.

Lawrence Nayman, Building Official, reported this site plan request went to the PZB Committee with his recommendation for approval, and the Committee recommended approval by the Council. He noted the proposal was to close in 3 walls on the Gazebo to provide for a pool restroom, with the roofline remaining the same.

Mr. Hernan Molina, designer stated the condominium desires to have a restroom by the pool for its owners, advising the building will stay the same.

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

Mary Lois Harrison, 19738 Gulf Boulevard, stated she understood FEMA would not allow plumbing on the ground floor.

The Building Official advised plumbing was permitted if it was in an auxiliary building, which the restroom would be.

Larry Schear, 19829 Gulf Boulevard, stated his condo has a pool restroom, and expressed concern with ensuring security of the building.

MOTION by **Councilor Sutch** – seconded by **Councilor Smith** -- to approve request from Sunburst Cove Condominium Association for site plan approval to convert existing gazebo into a swimming pool restroom at 19730 Gulf Boulevard. **Motion carried 5-0.**

1.7 PUBLIC HEARING: *Consideration of a request from Ms. Elizabeth Barrett for site plan approval to construct a new two story residence, built over existing swimming pool and pool deck, located at 19646 Gulf Boulevard.*

Attorney Yacavone stated this was also a quasi-judicial hearing with the same hearing rules applying, determined the Council members had not participated in any ex-parte communications, and noted the Oaths were taken with the last hearing.

Lawrence Nayman, Building Official, reported he had recommended approval of the project, with limitations, which were carried forward by the PZB Committee in recommending approval to Council.

The Building Official also reported that today at 2:32 P.M. new plans arrived which show no balconies, noting this has met the limitations of no balconies and he requested the Council to carry the limitations forward as building over pool is not to be enclosed, agree that the two duplex units will become two-single family units, and any additional changes in the site plan would result in a new site plan being required and new fees would be applied.

Ms. Liz Barrett, presented a rendering of the proposed project.

Councilor Irelan recommended the item be tabled until the plans are more fully reviewed.

The Building Official stated he felt confident the plans meet the Town's requirements.

Councilor Smith questioned a Certificate of Occupancy being issued for the project, and the Building Official stated there would not be a permit issued if the plans do not include conversion of the duplexes to single family units.

Councilor Smith addressed Ms. Barrett and expressed his concerns with the plans being delivered so late in the day for review by the Building Official, advising he had discussed with Mr. Nayman whether this item would be considered at the meeting tonight.

Councilor Smith advised Ms. Barrett that from the last meeting she knows the Town does not do business this way, and will not do business this way in the future, emphasizing the Town has to rely on plans and review in a timely manner, stating she was very fortunate that the plans are being considered at the meeting tonight.

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 approve request from Ms. Elizabeth Barrett for site plan approval to construct a new two story residence, built over existing swimming pool and pool deck, located at 19646 Gulf Boulevard, contingent upon the following conditions:

- 1) Sign an agreement that no additional finishes (such as carpet or drywall), walls or partitions, electrical devices, plumbing fixtures, or air conditioning, can be erected below the first living level.**
- 2) Prior to issuance of a Certificate of Occupancy, the two existing units will be converted into a single unit.**
- 3) Balconies on the North, East and South elevations show balconies that are not compliant with Ord. 110-337(b)(8)(A)(c) and therefore need to be removed from the drawings.**
- 4) Any future changes will result in a new site plan and fees being required.**

MOTION CARRIED 4-1. Councilor Irelan voted in opposition to the Motion.

Attorney Yacavone stated he would prepare an Agreement to be signed by Ms. Barrett, reflecting the conditions to be adhered to.

1.8 Consideration of request from Chief Williams to approve Second Amendment to Agreement for Parking Device(s)

Chief Williams reported he had previously briefed the Council about the parking machine at Tiki Park being down, advising the County's real estate department has amended the present Agreement, noting the Town prevailed on all issues, and the Town will be purchasing a new machine under their contract and vendor for \$15,000.00.

Chief Williams further reported he will be ordering the machine and will bring the expenditure back to Council at a future meeting, noting the Town will own the machine and the 60/40 split remains the same, with all revenue going to pay off the machine.

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve Second Amendment to Agreement for Parking Devices(s), as presented. Motion carried 5-0.

1.9 Update Report on status of proposed construction of a new Municipal Center.

Chief Williams reported the Town advertised and received 17 Request For Qualifications from architects and engineers, and have assigned a point system for ranking purposes, with Councilor Smith serving on the review committee with four (4) staff members. After review the Town will go forward with negotiations.

Chief Williams further reported a Workshop will be held soon regarding interim financing and permanent funding. He advised there will be an interim committee and an Advisory Committee of people in the community.

Chief Williams advised a public meeting would be scheduled in January to present more information, and he stated he would like to break ground on January 15, 2010.

1.10 Town Administrator's Report.

Chief Williams reported completion of the dumpster and recycling area while he was on vacation by Bob Brotherton, with oversight by the Director of Finance, acting as Interim Town Administrator. Chief Williams encouraged all to view the project as it looks very nice with brick pavers in place.

Chief Williams also reported completion of the paving and drainage work in the Public Services area, which turned out very nice.

Chief Williams advised of four respondents from condominiums wishing to join in co-operative efforts to beautify private property in the Town's beautification efforts, with Agreements to be signed by the condos for future maintenance and upkeep. He will be contacting the condos soon to view the areas for compatibility.

1.11 Citizens' Comments on any subject. NONE

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

Councilor Irelan announced the Luau on October 17, 2009 @ 6:30 P.M., and the Library book sale at 9:30 A.M. on the same day.

Councilor Irelan reported the annual Boat Parade would be held on December 20, 2009, and a boat judge was needed if anyone would be interested in serving in this capacity.

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Councilor Irelan also announced the Library's High Tea event to be held on November 1, 2009 @ 4:30 P.M.

Councilor Sutch announced the Coastal Clean-up at 8:00A.M. on October 17, 2009, noting 20 students from Seminole High School and 30 students from Seminole Middle School would be participating, and encouraged all to attend the event.

Councilor Smith reported Indian Shores and the BIG-C are members of the Florida Shore and Beach Preservation Association beach watch, however there is a National American Shore and Beach Preservation Association annual conference at the Tradewinds Hotel tomorrow, and he and Mayor Lawrence will be attending the opening session to welcome delegates, with an awards dinner being held Thursday night wherein the BIG-C will be receiving the annual Local Government Award.

Vice Mayor Herndon reported receiving a letter from a citizen who requested help to create activities for a family environment. She stated she was going to suggest he join the Property Owners Association and for his wife to join the Womens' Club.

Vice Mayor Herndon announced that the Barriers Islands Gazette was out of business.

Mayor Lawrence stated that Chief Williams advised of four (4) condos that responded relative to participating in landscaping private property in they sign Agreements, noting these will be inspected soon.

Mayor Lawrence advised the final activity celebrating the Town's 60th anniversary will be the Anniversary Ball held on November 7, 2009 at 7:00 P.M., with a five piece band and Salt Rock Grill catering, noting the tickets are \$25.00 each, which includes 2 drinks, with door prizes and a nice memento.

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 8:00 P.M.


MARCIA GRANTHAM, CMC
Town Clerk