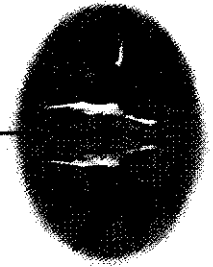


Town of Indian Shores

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TOWN COUNCIL MEETING

MINUTES - JANUARY 12, 2010

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

1.0 REGULAR COUNCIL MEETING

1.1 Consideration of approving Council Agenda for January 12, 2010.

MOTION by Councilor Sutch -- seconded by Councilor Irelan -- to approve Council Agenda for January 12, 2010, as published. Motion carried 5-0.

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

A. <u>MINUTES:</u>	Workshop	-	12/7/09
	Council	-	12/8/09
	Public Ser.	-	12/15/09
	PZB Com.	-	1/5/10

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve Minutes "Consent Agenda", 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 12/1/2009 thru 12/28/2009.

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

1.3 APPROVAL of Committee expenditures: NONE

1.4 Correspondence: NONE

1.5 PUBLIC HEARING: Consideration of approving a request for a site plan review from the Town of Indian Shores for a new Municipal Center located at 19305 Gulf Boulevard.

Mayor Lawrence reported the Town held the public informational meeting, which was attended by over 50 people, with ARC3 making an excellent presentation, noting there was a good response from everyone in attendance.

Attorney Daignault reviewed the quasi-judicial process, determined from Council members that there had been no ex-parte communication and administered the Oath to the Town's Building Official who would be presenting testimony.

Lawrence Nayman, Building Official, reviewed the Staff Report for the proposed site plan, noting the footprint was smaller than it could be with the new building being placed directly behind the present building.

The Building Official reported the proposed site plan meets all State, Federal and local codes as well as FEMA requirements, and will withstand a high category five (5) storm, and noted landscaping is above what is required.

The Building Official stated he was giving his recommendation for approval of the proposed project and site plan.

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

Mayor Lawrence introduced Mr. Steve Vinci from ARC3, and thanked him for attending the meeting to respond to any technical questions which may have come up.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve request for a site plan review from the Town of Indian Shores for a new Municipal Center located at 19305 Gulf Boulevard. Motion carried 5-0.

- 1.6 PUBLIC HEARING: RESOLUTION 1-2010, declaring Joan G. Herndon and William F. Smith to have been elected Council members for a three year term, as a result of being unopposed.**

Attorney Daignault read the title of proposed Resolution 1-2010, in full.

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

MOTION by Councilor Sutch -- seconded by Councilor Irelan -- to adopt proposed Resolution 1-2010, as published. Motion carried 5-0.

- 1.7 PUBLIC HEARING: First Reading of proposed ORDINANCE 2010-1, amending Article IV of Chapter 110 of the Code of Ordinances by creating Division 8, to be entitled "Overlay Districts" and by creating Section 110-290 of the Code of Ordinances, to be entitled "Town Square Plan Area" which defines the boundaries of the Town Square Plan area.**

Attorney Daignault conducted the First Reading of proposed Ordinance 2010-1, by reading the title in full.

Lawrence Nayman, Building Official, reported when the initial plan was drawn up there was no specific description in the book and he had spoken to Chief Williams and Attorney Yacavone for the purpose of making clear the boundaries for future reference.

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 Vice Mayor Herndon -- to approve First Reading of proposed Ordinance 2010-1, by title only. Motion carried 5-0.

- 1.8** **PUBLIC HEARING:** *First Reading of proposed ORDINANCE 2010-2, amending Section 86-86 of the Code of Ordinances, entitled "General Standards", which is contained in Division 3, entitled "Standards For Flood Hazard Protection", of Chapter 86 of the Code of Ordinances, entitled "Floods", by adding a subsection (d) to explain how the value of substantial improvements, repairs and additions to existing structures shall be determined.*

Attorney Daignault conducted the First Reading of proposed Ordinance 2010-2, by reading the title in full.

Lawrence Nayman, Building Official, reported that FEMA pushes for substantial improvements and he felt the Town's new plan did not have a good tracking system, and feels the proposed revision to the plan will provide more consistency in tracking these improvements.

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

Mr. Larry Schear questioned how FEMA determines if property is in A Zone or V Zone.

Lawrence Nayman, Building Official, explained that areas experiencing over three (3) ft. waves are in the V Zone, and areas which experience less than three (3) ft. waves are in the A Zone. He further stated that typically the West side of Gulf Boulevard is in the V Zone and the East side of Gulf Boulevard is in the A Zone.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve the First Reading of proposed Ordinance 2010-2, by title only. Motion carried 5-0.

- 1.9** *Consideration of approving purchase of eight (8) trash receptacles and molds from Florida Statuary and Mold Company at a cost of \$613.00 each, for a total expenditure of \$4,904.00.*

Chief Williams reported these items were recommended by the Beautification Ad Hoc Committee and approved by the Public Services Committee, Bob Brotherton, Engineer, and staff, noting it is part of the Phil Graham Beautification Plan.

Chief Williams further reported the receptacles will be placed at bus stops and a couple of other locations, advising he thinks they will look very nice.

Vice Mayor Herndon reported the receptacles were purchased locally and price includes bringing them to the site, and there is a place on the receptacle to reflect a supporting contributor.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve Agenda Item 1.9, covering expenditure of \$4,904.00 for eight (8) trash receptacles and molds. Motion carried 5-0.

- 1.10 Consideration of approving purchase of ten (10) "Museum" style benches from Florida Statuary and Mold Company at a cost of \$300.00 each, for a total expenditure of \$3,000.00.**

Chief Williams reported the history on this item was the same as the previous item, noting this style was chosen from three different styles and will be placed at various locations and replace some of the unsightly benches. He advised funds are available for this item.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve Agenda Item 1.10, covering expenditure of \$3,000.00 for ten (10) "Museum" style benches. Motion carried 5-0.

- 1.11 Consideration of approving request from Chief Williams for authorization to expend \$2,487.00 in grant monies awarded to the Town for the purchase of firearms and accessories.**

Chief Williams reported this was an additional grant as part of a larger Grant package, noting this expenditure would continue building the Department's armory, and would put a new firearm with each officer. Chief Williams pointed out in light of recent events he sees the necessity, and advised it is a consistent use of funds.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve expenditure of \$2,487.00, as presented in Agenda Item 1.11. Motion carried 5-0.

- 1.12 Consideration of request from Florida Shore and Beach Preservation Association for cities to contribute to their legal fund for the U.S. Supreme Court case involving beach re-nourishment in Walton County.**

Councilor Smith reported some homeowners in Walton County have brought suit against the Department of Environmental Protection (DEP), when they attempted to re-nourish the beach, claiming the laws to re-nourish were unconstitutional.

Councilor Smith further reported the Florida Supreme Court ruled in favor of the State and the owners have now taken the case to the U.S. Supreme Court. He stated if it is now ruled unconstitutional it would devastate the State's beach plan, and Florida Shore and Beaches Association (FSBPA) has requested funds to help defray the cost of hiring a knowledgeable attorney to defend the State's case.

Councilor Smith advised the FSBPA requested a \$1,000.00 donation from the BIG-C, which declined, and they are now requesting the beach cities to contribute \$92.00 to the cause. He stated that Treasure Island has donated \$500.00 and Belleair Beach contributed \$100.00.

Councilor Smith recommended the Council consider donation \$200.00 for the help in defending this lawsuit.

MOTION by **Councilor Smith** -- seconded by **Vice Mayor Herndon** -- to approve the Town donating of \$200.00, for the purpose of off-setting legal costs for the court case involving Walton County. **Motion carried 5-0.**

- 1.13** **Consideration of request from Quiet Waters Condominium Association to be allowed to use the Town's conference room for their Association meetings, subject to security personnel being present for security purposes.**

Mayor Lawrence reported on the disruptive meeting last held by Quiet Waters Condo Association on November 7, 2009, as a result of an unruly member, which resulted in their privileges being revoked to use the Town Hall Conference room for their meetings.

Mayor Lawrence further reported on meeting with the Board President Ed Johnson, who was profoundly apologetic about the incident, and the ensuing letter from Quiet Waters Condo Association requesting their meeting privileges be re-instated, as they have agreed to have security personnel on hand at all future meetings.

Mr. Ed Johnson and Mr. Tom Moroelli were in attendance and confirmed this request, and their desire to have security personnel present.

MOTION by **Councilor Irelan** -- seconded by **Vice Mayor Herndon** -- to approve request from Quiet Waters Condo Association to re-instate meeting privileges to use the Town's conference room for their Association meetings, subject to security personnel being present for security purposes. **Motion carried 5-0.**

- 1.14 Consideration of approving request from Life-Line Screening to use the Town's Auditorium on Friday, April 30, 2010, to provide screening tests for the public.**

Mayor Lawrence addressed letter from Life-Line Screening requesting approval to conduct another screening event on April 30, 2010.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve Agenda Item 1.14, as presented. Motion carried 5-0.

- 1.15 Consideration of approving Financial Statement for the period ending December 31, 2009.**

Mary Karayianes, Director of Finance, reported she is involved in activity of year end accruals, noting the General Fund balance is \$976,000.00, of which \$704,000.00 represents tax money. She further reported the Town is still in a good position with Road and Bridge reflecting a deficit as gas tax is behind due to the accruals.

The Director of Finance further reported Capital Improvement Funds have only been spent for ARC3 Architecture for work on the Site Plan for the new Municipal Center, noting more expenditures will start to be seen in that area.

The Director of Finance advised the Penny money is coming in based on accruals, and noted the parking fund is inactive as the machine has been out of commission and a new one is being installed.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to accept Financial Statement for the period ending December 31, 2009, and hold for audit. Motion carried 5-0.

- 1.16 Consideration of approving Police Activity Report covering the month of December 2009.**

Chief Williams reported criminal reports and arrests were up, as well as traffic citations, parking tickets were down and warnings were up, and there was a decrease in calls for service.

MOTION by Councilor Sutch -- seconded by Vice Mayor Herndon -- to approve Agenda Item 1.16, as published. Motion carried 5-0.

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

Chief Williams reported results of Geo-Technical survey pending, current topographical survey due in tomorrow and noted the Building Official met with FDOT on driveway issue and it is pending and he also met with SWFMD on drainage as a reduction in non-pervious and may get by with amended plan, and it is also pending.

Chief Williams further reported Dave Berger, Public Services Supervisor, has been re-arranging the Public Services facility, and moving items from the Annex, and putting lockers in the Captain's office and moving the Captain's office to the Chief's office, and will be disconnecting the A/C to the Annex.

Chief Williams advised he had contacted Paul Giuliani with Pinellas County regarding removal of the "odophos tank".

Lawrence Nayman, Building Official, reported that Friday announcements will go out for "Request for Qualifications", for construction of the new Municipal Center, and paperwork ready Monday for pickup.

The Building Official stated the project is moving along rapidly and he is happy with how it is going.

Mayor Lawrence reported that Bonnie Dhonau is working on a new website link for construction of the new building for a running update for the public.

Mayor Lawrence announced the official groundbreaking ceremony would be held on Friday, January 29, 2010 at 10:30 A.M. He reported he has been working with David Jolly, a former member of Congressman Young's staff and he has offered to help in obtaining funds for the EOC, and he is talking with his office for a private briefing with Congressman Young.

1.18 Town Administrator's Report.

Chief Williams reported the Christmas banners are coming down, and stated he had received a couple of inquiries for some lighted displays in next year's budget.

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Chief Williams further reported that Dave Berger, Public Services Supervisor, has completed a lot of clean-up work. He advised the Police Department had posted an RFP for records management due by 1/29/2010. He stated he had reviewed systems ranging in cost from \$17,000.00 to \$120,000.00, noting he has \$20,000.00 to spend and will move forward. He advised he had received \$66,000.00 of grant funds for communication equipment and a server.

Chief Williams briefly addressed following: 1) Police lockers moved; 2) Follow-up on odophos tank; 3) By Town Resolution there are no dogs allowed in parks, and there will be larger signs for the park rules applying to dogs; 4) Met with Acerbo regarding dead Palm tree on 197th Avenue E., and believes it is under warranty; 5) Four (4) Landscape packages picked up; 6) New Parking machine should be installed on 1/20/2010, and will accept credit cards.

Chief Williams reported the parking fees had been increased from \$.50 cents to \$1.00 per hour, in order to be consistent with surrounding areas and costs associated with processing parking tickets.

Chief Williams requested approval by consensus for the increase, advising that initially the parking fee had been proposed to be set at \$1.00, but was lowered to \$.50 cents.

Council members briefly discussed the increase and it was a consensus of the Council members to approve increasing the parking fees at Tiki Park from \$.50 cents an hour to \$1.00 an hour.

Mayor Lawrence announced that Mr. Larry Schear will be the new representative on the Fire Board to replace Linda Snook.

1.19 Citizens' Comments on any subject. NONE

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

Councilor Irelan reported she too had received a few comments relative to the Town not having any type of lighted Christmas displays. **Councilor Irelan** also reported the Christmas Boat parade held on 12/20/2009 was very nice, although it was very late arriving and they are trying to work on fixing that aspect.

Councilor Irelan announced the yearly Librarian Appreciation dinner at Salt Rock Grill would be held on January 27, 2010 at 5:00 P.M.

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Councilor Sutch stated that 2009 had not been a good year, as his family had lost friends and acquaintances, and wished all a safe new year.

Councilor Smith reported the other threat to the beaches is the major effort to allow off-shore drilling, noting it is quiet now, but the issue will heat back up. He stated if the legislature allows drilling Florida waters only extend out about 10 miles, and proposed legislation would be only three (3) miles.

Councilor Smith advised there is an opportunity coming up to demonstrate opposition to proposed off-shore drilling, and this "Hands Across the Sand" event will be held on Saturday, February 13, 2010 at 1:30 P.M., and they are promoting this event for everyone to go to the beach and join hands to demonstrate opposition. He noted they have a website which is handsacrossthesand.com.

Mayor Lawrence reported on seeing a copy of a review service of the Florida article on a number of the lobbyists debating and points are given to Senator Atwater who ordered a study on long-term effects of drilling on the coastline.

Vice Mayor Herndon reported she wanted the Beautification Ad Hoc Committee to hold a meeting near the end of February, however she wanted to see the trash receptacles and other items to get a better idea of where they were in the beautification process.

Mayor Lawrence stated he had already discussed most of his items earlier in the meeting, and announced the BIG-C meeting was scheduled for January 27, 2010 at Town of Redington Shores with Commissioner Morrone being a speaker.

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 8:20 P.M.


MARCIA GRANTHAM, CMC
Town Clerk