

Town of Indian Shores

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TOWN COUNCIL MEETING

MINUTES - FEBRUARY 9, 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 Yacavone; Marcia Grantham, Town Clerk; Mary Karayianes, Director of Finance; Chief Williams, Town Administrator; Lawrence Nayman, Building Official; Bob Brotherton, Town Engineer.

1.0 REGULAR COUNCIL MEETING

1.1 Consideration of approving Council Agenda for February 9, 2010.

MOTION by Councilor Smith -- seconded by Vice Mayor Herndon -- to approve Council Agenda for February 9, 2010 as published, subject to amending Agenda to add Agenda Item 1.91 for consideration of approving expenditure to re-locate transformer behind Town Hall. Motion carried 5-0.

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

A. MINUTES: Council - 1/12/2010
Workshop - 1/26/2010

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

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

From 1/5/2009 thru 1/26/2010.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve "Consent Agenda" Re-Occurring Expenses, as published. Motion carried 5-0.

1.3 APPROVAL of Committee expenditures: NONE

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

1.4 Correspondence: NONE

- 1.41 Chief Livernois, Suncoast Fire and Rescue District, addressed Council members and advised of rule changes by the State which became effective October 2009, which requires that a specific emblem be placed on all condos and commercial buildings, which identifies the type of trusses in the building's roof for safety purposes in fighting a fire.**

Chief Livernois stated the correct emblem could be purchased from the Department for \$25.00.

- 1.5 PUBLIC HEARING: Second 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 Yacavone conducted the Second Reading of proposed Ordinance 2010-1, by reading the title in full.

Lawrence Nayman, Building Official, reported there were several references to the Town Square area in the Town's Code, however there was no definition and this ordinance clarifies that area.

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

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve Second Reading of proposed Ordinance 2010-1, by title only. Motion carried 5-0.

- 1.6 PUBLIC HEARING: Second 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 Yacavone conducted the Second Reading of proposed Ordinance 2010-2, by reading the title in full.

Lawrence Nayman, Building Official, referred to subsection 2.(d), which is the text that was added to the present Code and provides for a method to track substantial improvements, repairs and additions to existing structures.

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

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

- 1.6 PUBLIC HEARING: First Reading of proposed ORDINANCE 2010-3, enacting Section 14-36 of the Code of Ordinances, to be entitled "Supervision, confinement and tethering of canines", to provide for the protection of tethered canines and for penalties for improperly tethered canines.**

Attorney Yacavone conducted the First Reading of proposed Ordinance 2010-3, by reading the title in full.

Mayor Lawrence reported this proposed Ordinance came about as a result of a situation in Town and some complaints, wherein it was discussed at a Workshop meeting wherein the Council members agreed upon a need for an Ordinance of this type.

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

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve First Reading of proposed Ordinance 2010-3, by title only. Motion carried 5-0.

- 1.7 PUBLIC HEARING: RESOLUTION 2-2010, adopting fiscal financial policies and goals for the Town.**

Attorney Yacavone read the title of proposed Resolution 2-2010, in full.

Mary Karayianes, Director of Finance, reported the purpose of the proposed Resolution is to formalize and put on paper the goals and fiscal policy of the Town, together with the Capital Improvement Plan policies, and to establish a minimum range for carrying an adequate Fund Balance, and reflects setting the minimum Emergency Reserve level at 30%, which is consistent with the historical financial position of the Town.

The Director of Finance stated this Resolution sets a standard and reported the Town's Auditors have reviewed the document.

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

***MOTION** by Councilor Sutch -- seconded by Councilor Smith -- to adopt proposed Resolution 2-2010, as published. Motion carried 5-0.*

1.8 Consideration of awarding bid covering Landscape Improvements for SR 699 – Gulf Boulevard, under the grant from FDOT.

Bob Brotherton, Town Engineer, reviewed his Memo dated February 5, 2010, wherein he recommended awarding the contract to Buccaneer Landscape Management for the construction and 12-month guarantee of landscape improvements on Gulf Boulevard.

Mr. Brotherton reported the Town went to bid and received five (5) bids, with Buccaneer being the lowest at \$88,808.77, noting the bids ranged lower than the engineer's estimate. He noted there is approximately a \$15,000.00 savings to the Town on the irrigation system.

Mr. Brotherton further reported he had contacted Mr. Simpson, FDOT, to discuss the possibility of adding work to take advantage of the very good bid prices, however Mr. Simpson advised the Town could not add to the scope of work outside the current limits of construction as approved without a total re-design and re-permitting process. However, he did advise that Town could add to quantities of materials or negotiate for better quality of landscape materials within the current limits of construction.

Mr. Brotherton stated that Mr. Simpson did recommend he would approve the substitution of Medjool Palms, rather than the proposed Sable Palms in the medians.

Discussion followed among Council members with Chief Williams and Mr. Brotherton responding to various questions by members of Council regarding the landscape grant and the option of substituting Medjool Palms.

Mr. Brotherton stated in light of the savings to the town, and that the Medjool Palms matches the Phil Graham study, noting they would provide consistency with the Medjool Palms at the South end of town, he would recommend the change order and use Medjool Palms.

Chief Williams stated he had spoken with Mr. Simpson and discussed two or three different approaches, i.e., extending landscaping to North end of town and a possible 90 day extension.

Chief Williams advised that presently the choices are, as follows: 1) Given the problems in the North end of Town, could put in the Medjool Palms in the South end; 2) Use Town funds committed in this budget and apply to continuation of Sable Palms in the North end and have the owners sign the Agreement developed by Attorney Yacavone for encroachments on private property.

MOTION by Councilor Sutch – seconded by Councilor Smith – to approve a change order to substitute initially planned Sable Palms with Medjool Palms for landscaping at the South end of Town. **Motion fails 2-3.** **Mayor Lawrence, Councilor Sutch and Councilor Irelan voted in opposition to the Motion.**

MOTION by Councilor Smith -- seconded by Vice Mayor Herndon --to approve awarding bid covering Landscape Improvements for SR 699 – Gulf Boulevard under the \$150,000.00 Grant from FDOT to Buccaneer Landscape Management in the amount of \$ 88,808.77. **Motion carried 5-0.**

- 1.9 **Consideration of approving the Town applying for a second grant from FDOT with funds to be used for landscaping in the northern end of Town.**

This Agenda Item was briefly discussed under Agenda Item 1.8 (see above), and it was a consensus of Council to table at this time.

Chief Williams stated if the landscape contractor will extend his prices to cover the North end of Town, a Workshop will be held to discuss a future plan.

- 1.91 **Consideration of approving the re-location of the electrical transformer on the Annex building, as it will soon be scheduled for demolition.**

Chief Williams reported he looked into accomplishing this in-house, however it was too complex, and the Building Official had obtained three estimates, noting funds were available and he was requesting authorization to approve a cap of \$3,600.00 to relocate the transformer. **Chief Williams** noted funds were available.

MOTION by Councilor Smith – seconded by Vice Mayor Herndon – to authorize Chief Williams to re-locate the electrical transformer on the Annex building at a cost not to exceed \$3,600.00. **Motion carried 5-0.**

1.10 Consideration of approving the selection of a vendor for the Police Department Records/Communications Grant, subject to further negotiations.

Chief Williams reported on reimbursable Byrne Grant Funds in the amount of \$60,000.00, for which a part was for a Records Management Grant for the Police Department.

Chief Williams further reported on discussing with several vendors before issuing an RFP, noting some of the vendors he spoke with early on were as high as \$120,000.00. He advised the RFP was placed on the Town's website along with an internet posting, and stated E-Force was the only vendor who came back and met the deadline and was within the price range.

Chief Williams stated he had viewed the demo, noted it was recommended by the Town's IT as adequate for the Police Department's records. He further stated the quote was \$33,000.00, but was negotiated down to \$30,000.00, with some distance interaction substituted for on-site visits involved and the Town's IT would load some of the data, and requested approval for use of the funds for this purpose and E-Force as the vendor.

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve \$30,000.00 being used for a Records Management Program utilizing reimbursed Byrne Grant funds, together with approval to use E-Force as the Vendor. Motion carried 5-0.

1.11 Consideration of approving renewal of Town's Dental and Long Term Disability Insurance coverage with Assurant Employee Benefits, with a 3% increase in the dental rates and amendment to the Long Term Disability Insurance to remove Department Heads and increase their life insurance coverage.

Mary Karayianes, Director of Finance, addressed her Memo dated February 3, 2010, which reflected a 3% increase in the dental rates and amendment to the Long Term Disability Insurance to remove Department Heads and increase their life insurance coverage.

The Director of Finance reported after review of the program and the diminishing value of life insurance coverage for Department Heads, that Assurant has agreed to allow a class out of Department Heads under the disability plan, and they will receive additional life insurance coverage.

The Director of Finance stated the increase was very small, in comparison with paying for a benefit the Department Heads would not be eligible for, should a disability occur.

***MOTION** by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve a 3% increase in the dental rates with Assurant, together with the proposed amendment to the Long Term Disability Insurance to remove Department Heads and increase their life insurance coverage. Motion carried 5-0.*

1.12 Consideration of approving the Annual Library Report.

Mayor Lawrence addressed the Town's Annual Library Report, and Councilor Irelan stated the report was correct, advising volunteers do a lot of work for nothing, and noted last year the Library spent \$3,300.00 for books and the Library was very inexpensive to run.

Councilor Irelan recognized Alice Lawrence, stating she puts out 200% working for the library, and that is why the Town is seeing \$2,800.00 coming back in.

***MOTION** by Councilor Sutch -- seconded by Councilor Irelan -- to approve, the Town's Annual Library Report, as submitted. Motion carried 5-0.*

1.13 Consideration of approving contribution in the amount of \$1,000.00 from the Beach Welcome Center.

***MOTION** by Councilor Smith -- seconded by Vice Mayor Herndon -- to approve contribution of \$1,000.00 to the Beach Welcome Center. Motion carried 5-0.*

1.14 Consideration of approving appointment of an alternate Citizen Member for the Administrative and Finance Committee and appointment to Seat #1 on the Board of Adjustment, as a result of the resignation of Larry Shear who was appointed to the Pinellas Suncoast Fire and Rescue Board.

Mayor Lawrence reported on a resume from Steve Uhlhorn, and conversations with Joe Tawil to serve on a Town Committee and Board.

***MOTION** by Vice Mayor Herndon -- seconded by Councilor Sutch -- to approve Steve Uhlhorn being appointed as alternate Citizen Member on the Administrative and Finance Committee and appointment of Joe Tawil to Seat #1 on the Board of Adjustment, with term expiring 10/28/2012. Motion carried 5-0.*

1.15 Consideration of approving Financial Statement for the period ending January 31, 2010.

Mary Karayianes, Director of Finance, pointed out that she had added a "Fund Balance" column to better reflect the fund for review.

The Director of Finance reported the General Fund was lagging behind a little, and noted that 78.2% of tax money has been collected, advised Road and Bridge reflects several months of accrued receivables, CIP had a debt service payment in January, parking fund is down and referred to Police Education and Beautification funds at bottom of the page.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to accept Financial Statement for the period ending January 31, 2010, and hold for audit. Motion carried 5-0.

1.16 Consideration of approving Police Activity Report covering the month of January 2010.

Chief Williams reported criminal reports and arrests were up. He advised that Detective Routzahn made a couple of good arrests involving an attempted murder, armed robbery and his companion for grand theft, and preparing to arrest a burglary suspect. He further reported that traffic citations and warnings were down, as well as calls for service.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve Agenda Item 1.17, as published. Motion carried 5-0.

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

Chief Williams reported the Town is awaiting the asbestos report, and advised the Annex building is cleaned out and ready for demolition, the County is to remove the odophos tank as soon as possible. He noted the only other issue is that the water feeds this building in the footprint, advising he is searching out options to cut black top and cap off. He stated he would defer to the Building Official on SWFWMD and FDOT issues.

Lawrence Nayman, Building Official, reported on submitting an application to SWFWMD for a drainage permit, to which they have agreed. He reported on a meeting with FDOT, regarding the Town's two (2) entrances which are grandfathered in. If the Town should close one, they would have to request permission to re-open the second one, advising he would meet with the Contractor to work this out.

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The Building Official reported the asbestos report is due any day, and advised 2/12/2010 at 1:00 P.M. is the deadline for receiving RFQ's and the Staff will have two weeks to screen.

1.18 Town Administrator's Report.

Chief Williams reported on the following: 1) New parking machine is in and signs have been ordered for the different processes; 2) Public Services Supervisor working on water shut-offs for re-claimed water for landscaping; 3) Ordered a demo lighted Christmas display ornament and different types of lighting for street light poles on Gulf Boulevard to acquire over time; 4) Public Services Committee meeting to be held on 2/23/2010 at 2:00 P.M.; 5) Conducting interviews for Public Services position on 2/11/2010; 6) Town putting on a St. Patrick's Day Street Fest on 197th Avenue E.

1.19 Citizens' Comments on any subject. NONE

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

Councilor Irelan announced the Library would hold another "Read and Feed" event on February 24, 2010, on the book entitled "The Help". She reported the Library would hold a book sale on 2/20/2010 from 9 AM to Noon, and a fashion show would be held on 2/13/2010.

Councilor Sutch announced in conjunction with Keep Pinellas Beautiful a Coastal Clean-up event would be held on 3/20/2010, with the schools being solicited for help again, with coffee and donuts to be served, noting a special treat will be given when all turn in their bags. He reported that Councilor Irelan had again agreed to co-sponsor and assist with the event.

Councilor Smith announced the "Hands Across the Sand" event to be held on 2/13/2010 at 1:30 P.M., wherein all will join hands to show legislators their opposition regarding proposed drilling rigs coming to the shore, and advised of the various meeting locations.

Vice Mayor Herndon reported she was tentatively hoping to schedule a Beautification Ad Hoc Committee meeting near the end of February, and possibly might have the trash receptacles and benches by then.

Mayor Lawrence reported that Chief Williams previously addressed the Agreement needed for the Town to place landscaping on private property, and asked Council members if they were all in agreement with Chief Williams moving forward with the project. All Council members concurred with Chief Williams moving ahead with the Agreements, when needed.

Mayor Lawrence announced that AED and CPR emergency training would be held for the Town staff tomorrow at 10:30 A.M.

Mayor Lawrence reported the Town's groundbreaking ceremony for the new Municipal Center went well, with over 70 people present, and a representative from Congressman Young's office and Representative Jim Frishe made presentations, and he thanked all who attended.

Mayor Lawrence announced the Town would be putting on a Street Fest on St. Patrick's Day sponsored by Mickey Quinn's on 197th Avenue East, with the street being closed and vendors and music from 11 A.M. to 4 P.M., with more to be announced and Jason Routzahn in charge of the event.

Mayor Lawrence announced there would not be a Council meeting on 3/9/2010, and would be combined with a meeting scheduled for 3/23/2010, wherein the newly elected Council members would be sworn-in.

Mayor Lawrence stated a special Council meeting would be held on 3/30/2010 at 2:00 P.M. to award the bid for General Contractor for the new Municipal Center.

Mayor Lawrence advised an Administrative and Finance Committee meeting would be held on 3/2/2010 at 2:00 P.M. to review the Police Budget for FY 10/11.

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


MARCIA GRANTHAM, CMC
Town Clerk