

Town of Indian Shores

19305 Gulf Boulevard, Indian Shores, FL 33785
ph 727-595-4020 fax 727-596-0050

www.myindianshores.com



TOWN COUNCIL MEETING

MINUTES - MAY 11, 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.

1.0 REGULAR COUNCIL MEETING

1.1 Consideration of approving Council Agenda for May 11, 2010.

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve Council Agenda for May 11, 2010 as published, subject to deleting Item 1.13, as it was a duplication of Item 1.10. Motion carried 5-0.

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

A. <u>MINUTES:</u>	Council	-	4/13/2010
	Workshop	-	4/28/2010
	Sp. Council	-	4/30/2010
	PZB Com.	-	5/4/2010

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

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

From 4/6/2010 thru 4/27/2010.

MOTION by Councilor Sutch -- seconded by Councilor Smith -- to approve "Consent Agenda" for Re-Occurring Expenses, 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

1.3 APPROVAL of Committee expenditures: NONE

1.4 Correspondence: NONE

1.5 Town Attorney's Report.

Attorney Yacavone reported that legislation raised the statutory cap on Tort Claims, i.e. negligence claims such as trip and falls and police vehicle accidents, from \$100,000.00 to \$200,000.00 for a single individual and \$300,000.00 for multiple individuals.

1.6 PUBLIC HEARING: Consideration of a request from Arlene and Michael Lia, to construct an addition to a single family home located at 19714 Gulf Boulevard, consisting of an exterior, three story stair tower and elevator.

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, addressed his Staff Report advising all local and State Codes have been met.

The Building Official reported this was a tear down of an open type stairway and would be replaced with an enclosed stair tower and elevator, which will be an improvement and look better, advising he recommended approval and the PZB Committee had recommended approval of the request.

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 Smith -- to approve request from Arlene and Michael Lia, to construct an addition to a single family home located at 19714 Gulf Boulevard, consisting of an exterior, three story stair tower and elevator. Motion carried 5-0.

1.7 PUBLIC HEARING: RESOLUTION 4-2010, adopting the Local Mitigation Strategy Developed for Pinellas County and recommending adoption by the Board of County Commissioners.

Attorney Yacavone read the title of proposed Resolution 4-2010, in full.

Chief Williams reported this Resolution was more or less housekeeping, and advised the Town had approved the original which has been updated and more added which the Town has complied with, noting it allows participation in grants and recommended approval.

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

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to adopt proposed Resolution 4-2010, as published. Motion carried 5-0.

- 1.8 PUBLIC HEARING: RESOLUTION 5-2010, exempting Hennessy Construction Services, their construction managers, contractors and sub-contractors from certain Code of Ordinances for the duration of construction of the Town's new Municipal Center.**

Attorney Yacavone read the title of proposed Resolution 5-2010, in full.

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

MOTION by Councilor Sutch -- seconded by Vice Mayor Herndon -- to adopt proposed Resolution 5-2010, as published. Motion carried 5-0.

- 1.9 PUBLIC HEARING: RESOLUTION 6-2010, amending the Town's FY 09/10 Budget.**

Attorney Yacavone read the title of proposed Resolution 6-2010, in full.

Chief Williams reported this proposed Resolution appropriates funds covering three areas, as follows: 1) Public Services position not filled and this transfers funds to cover part-time employee for remainder of year; 2) Code Enforcement legal fees; 3) Transfer of \$300,000.00 from General Fund for new Municipal Center.

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

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to adopt proposed Resolution 6-2010, as published. Motion carried 5-0.

- 1.10 PUBLIC HEARING: RESOLUTION 7-2010, providing that Committee Chairpersons and the Mayor are authorized to expend amounts in excess of their limits in §2-136 for the purpose of issuing Direct Purchase Orders and Checks for the Direct Purchase Program with Hennessy Construction Services, which represents approximately one-fourth of the cost of construction of the new Municipal Center.**

Attorney Yacavone read the title of proposed Resolution 7-2010, in full.

Chief Williams reported this was discussed by Staff and felt the authorization of the Contract embraced the cost of construction materials, and since the Town is going into the Direct Purchase Program, which entails the purchase of materials outside of Council approval this authorization is needed.

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

MOTION by Councilor Smith -- seconded by Councilor Sutch -- to adopt proposed Resolution 7-2010, as published. Motion carried 5-0.

- 1.11 PUBLIC HEARING: First Reading of proposed ORDINANCE 2010-4, amending Article VII of the Code of Ordinances entitled "Beaches" of Chapter 106 entitled "Waterways" by enacting Section 106-90 to be entitled "Unattended or abandoned umbrellas, canopies, volleyball nets, etc., on beach" to prohibit umbrellas, canopies, volleyball nets, etc., on Town beaches and parks between the hours of 10:00 P.M. and 6:00 A.M.**

Attorney Yacavone conducted the first reading of proposed Ordinance 2010-4, by reading the title in full.

Mayor Lawrence stated as a result of a couple of incidents the Town had been thinking along these lines, and obtained copies of ordinances adopted by other cities, and requested Attorney Yacavone draft one for the Town to consider.

Mayor Lawrence stated this was a public hearing and called for any comments from audience members and Larry Schear questioned the process for handling abandoned property.

Attorney Yacavone stated State Statutes provide a process which includes an effort to locate the owner and posting on the property, and finally custody of the property and removal.

Councilor Smith asked for clarification on page 2, (d)a. relative to the location of chairs and lounges which can remain on the beach.

Attorney Yacavone stated the ordinance provides that "upland property owners are able to have chairs or lounges placed on the beach between the hours of 10 PM and 6 AM, if securely fastened or anchored in a manner which prevents them from become a hazard in high winds".

MOTION by **Councilor Smith** -- seconded by **Vice Mayor Herndon** -- to approve First Reading of proposed **Ordinance 2010-4**, by title only. **Motion carried 5-0.**

- 1.12** **Consideration of request for retroactive approval from Chief Williams for relocation of transformer, which resides in the footprint of the planned Municipal Center, at a cost of \$9,425.91 by Progress Energy.**

Chief Williams reported the need to relocate the transformer was holding up the contractor, noting he had initially spoken with Mike Mozo at the groundbreaking, and he had to put it on the fast track to get accomplished and a check was required to complete this relocation, noting it was moved today.

MOTION by **Councilor Smith**-- seconded by **Councilor Irelan**-- to approve retroactively Agenda Item 1.12, to relocate a transformer which resides in the footprint of the planned Municipal Center, at a cost of \$9,425.91. **Motion carried 5-0.**

- 1.13** **Consideration of approving pre-authorization under Construction Contract with Hennessy Construction Services for issuance of Direct Purchase Orders and Checks for the Direct Purchase portion of the Contract, which represents approximately one-fourth of the construction cost.**

Agenda Item 1.13 deleted, as covered under Agenda Item 1.10.

- 1.14** **Consideration of approving appointment of citizen members to serve on the Town's Police Pension Board and Public Services Committee.**

Mayor Lawrence reported speaking with Mr. Jolly who could not serve on the Pension Board due to his schedule, and advised of his back-up plan to recommend Bill Priakos of Barefoot Beach Resort, who has a background in management.

MOTION by **Vice Mayor Herndon** -- seconded by **Councilor Irelan** -- to approve the recommendation of Mayor Lawrence to appoint Bill Priakos to serve on the Town's Police Pension Board. **Motion carried 5-0.**

Mayor Lawrence further recommended the release of Mr. Jolly from the Public Services Committee, and the appointment of Janet McKee as Citizen Member and Neil Rode as the Alternate Citizen Member to serve on the Public Services Committee.

MOTION** by Councilor Smith -- seconded by Vice Mayor Herndon -- to approve Mayor's recommendation to appoint Janet McKee as the Citizen Member and Neil Rode as the Citizen Alternate on Public Services Committee. **Motion carried 5-0.

- 1.15 Consideration of accepting donation of a computer from the Women's Club to be used by the Town Library.*

Councilor Sutch reported there had been a couple of additions to the computer in the amount of \$56.00, which the Women's Club would pay for.

MOTION** by Councilor Sutch -- seconded by Councilor Smith -- to accept the donation of a computer from the Indian Shores Women's Club for the Town's Library. **Motion carried 5-0.

- 1.16 Consideration of approving Financial Statement for the period ending April 30, 2010.*

Mary Karayianes, Director of Finance, reported General Fund revenue was at 51% at \$1,912,263.00, with ad valorem collected being \$1,169,000.00 of that amount, noting the Town is in good shape. The Director of Finance also noted current balance for Police Education of \$2,508.788 and Beautification balance of \$43,491.51.

MOTION** by Councilor Smith -- seconded by Councilor Sutch -- to accept Financial Statement for the period ending April 30, 2010, and hold for audit. **Motion carried 5-0.

- 1.17 Consideration of approving Police Activity Report covering the month of April 2010.*

Chief Williams reported it was an active month particularly with criminal reports and arrests, noting warnings, miscellaneous calls and service calls were up. Chief Williams further reported the grant received for the Record Reporting System was operational as of May 1, 2010, and is a much improved system.

Chief Williams commended Tom Lancto, IT, for all the good work he performed.

MOTION by Vice Mayor Herndon – seconded by Councilor Smith – to approve Police Activity Report covering April 2010, as published. Motion carried 5-0.

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

Chief Williams reported last Friday he was trying to finalize the Contract with Hennessy Construction Services, and had issued a Memo which had to do with the insurance and they had gone back and forth with Mary and Larry going back and forth to resolve the matter with pros and cons both ways, with the result being a \$30,000.00 savings off the deduct price, noting there would be a 24 hour surveillance camera on-site. He advised the Contract was forwarded to Hennessy and they kicked off the project almost immediately.

Lawrence Nayman, Building Official, reported the construction fence has been installed, asphalt is being taken up, re-wrapping a water line and the construction trailer is to arrive tomorrow.

The Building Official further reported there were some things going on with the pilings and pre-cast issues, which the engineer was researching to ensure it meets the required criteria, noting each day there are new items to address.

1.19 Town Administrator's Report.

Chief Williams reported on the following items: 1) Oil Spill – ordered a fly-over with a series of pictures of the coast line to be used as a base line in case any damage from the oil spill, with Redington Shores joining in, noting the pictures will be posted in the Conference Room; 2) Landscape Grant is completed and has been inspected by FDOT, noting there is a "line-of-sight issue" with the third median going South where a couple of trees were suggested, and they are being removed and will relocate to Progress Energy sub-station site; 3) Memo issued relative to construction site is now a "hard-hat" area, with the back door being an "emergency" only exit, except for Police Department back door for prisoners. Noted the generator will be moved tomorrow and the overhead parking cover has been removed. Advised communication with Mark McClearnon, Project Manager, would best be accomplished by using e-mail; 4) FDOT annual reimbursement form signed for 144 light fixtures; 5) FDOT Agreement for Debris Removal signed with debris to be removed within three days, or Town will remove and request reimbursement; 6) FDOT Maintenance notified of pothole in front of Alta Vita Condo, whereby they can take corrective action; 7) Water line broke out back, but will be repaired tomorrow; 8) Dumpster on Second Street E. re-located. Chief Williams recognized the work efforts of Dave Berger in completing this project;

9) Request for Proposal being drafted by the Director of Finance for the Municipal Center loan; **10) Oil Spill Disaster** – Believes it is bigger than they are reporting and advised he has spoken with Sally Bishop, Pinellas County Emergency Operations, and stated he feels various groups in the area should meet and discuss situation. Further advised receiving much information from various sources and will place in a folder for all to review. Reported he has read the Stafford Act requiring FEMA authority, and has been requested to furnish information by Noon tomorrow regarding blocking off of passes; **11) Ashbritt e-mail** received relative to disaster removal, which he suggested forwarding to Pinellas County. **It was a consensus of the Council members for Chief Williams to proceed with sending the e-mail to Pinellas County, Environmental Protection Division.**

1.20 Citizens' Comments on any subject.

- 1) Art Newsome, President of Indian Shores Property Owners',** announced they would be holding a Happy Hour on 5/13/2010 at 5:30 P.M. at The Pub.
- 2) Larry Shear, Fire Board Commissioner,** thanked Chief Livernois for bringing down the new fire engine for all to see, which is part of the on-going equipment replacement program and reported a variety of training exercises had been held. He further reported that Station #26 handles a little more than 3 calls a day, and Indian Rocks Fire Station hosted a 4 day Census Training Course.

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

Councilor Irelan apologized to the Chief for a prior statement about disliking the trees in the medians, as they are blooming and are beautiful. **Councilor Irelan** thanked the Building Official for over-seeing the start up of the new building. She stated the new bench at Tahitian Towers looks very nice.

Councilor Irelan thanked the Women's Club for the Library computer and advised the Club would hold a meeting Thursday at Salt Rock Grill.

Councilor Sutch advised the Women's Club thanked the Council for acceptance of the donation of the computer and announced Town Clean-up Day was tomorrow, and to place all items at curbside for pickup.

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Councilor Smith reported sending e-mails to BIG-C colleagues when oil spill first started, and noted Tampa Bay Regional Planning Council is considering a Resolution to ban oil drilling, with Senator Bill Nelson speaking to President Obama about increasing the distance for drilling sites and Governor Crist is considering calling a special session to discuss the oil spill disaster.

Councilor Smith advised he would be attending the FSBPA Board of Directors meeting in Tampa.

Councilor Smith reported he felt the census return percentage was low from Indian Shores due to that fact that they sent to all units.

Vice Mayor Herndon reported the Public Services Committee would hold a meeting tomorrow and Art Newsome would present a report regarding the work promoting new mailboxes.

Vice Mayor Herndon further reported she and Councilor Ireland had met with Dave Berger, Public Services Supervisor regarding the trash cans and benches, and the Town was looking beautiful.

Mayor Lawrence that just under 60 people attended the annual Hurricane Party, which ran longer than Town wanted it too.

Mayor Lawrence reported on receiving the scenarios on the annual Sheriff's award, and the Town's shooting incident was one of the nominees, noting the Town's Officer will be recognized on May 19, 2010.

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 8:45 P.M.


MARCIA GRANTHAM, CMC
Town Clerk