

INDIAN SHORES

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TOWN COUNCIL MEETING MINUTES TUESDAY, MAY 11, 2021, BEGAN AT 5:00 P.M. INDIAN SHORES MUNICIPAL CENTER 4th

The meeting convened at 5:00 p.m.

Those present: Mayor Patrick C. Soranno, Vice Mayor Mike Hackerson, Councilor Mike Petruccelli, Councilor Diantha Schear, Councilor Bill Smith, and Town Attorney Regina Kardash.

Also present: Town Administrator Bonnie Dhonau, Personnel and Finance Director Susan Scrogam, Town Clerk Freddie Lozano, Chief Rick Swann, Captain Glen Smith, Town Engineer Larry Fluty, Building Official Darin Cushing, Fire Chief Mike Burton, Fire Commissioner Larry Schear, Attorney Jeremy Simon, Esq. of Trask Daigneault, LLP accompanied by a Court Reporter, Tomasz Kopczynski of Polarg, LLC, Inter-Krewe Vice President Robin Conn, Newspaper Correspondent Jeannie Carlson, Town Residents: Barbara Soranno, Janet and Mark McKee, and Sue Lynch.

Those absent: None

PLEDGE OF ALLEGIANCE TO THE FLAG

ITEM # AGENDA ITEM

1.0 Consideration of approving the Town Council meeting agenda for May 11, 2021.

AGENDA AMENDMENTS:

- Consent Agenda Item 3.0 subsection C. for the consideration of a Special Event Permit application from Inter-Krewe was reassigned to 3.0A.
- 3.0 B Consideration of directing staff to move forward with the land use change process discussed at an earlier Workshop.

Patrick C. Soranno
Mayor

Mike Hackerson
Vice Mayor

Diantha Schear
Councilor

Michael (Mike) Petruccelli
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Richard (Rick) Swann
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Freddie G. Lozano
Town Clerk

Regina Kardash, Esq.
Town Attorney

- Item 11.0 regarding the Quasi-Judicial hearing for the site plan review for 19103 Gulf Boulevard was reassigned to 3.0C

Motion by **Councilor Petruccelli** – seconded by **Councilor Smith** to approve the Town Council Meeting Agenda for May 11, 2021 as amended.

Motion carried 5-0.

2.0 Comments from the public on any agenda item.

Dr. Candiss Rinker, 19340 Gulf Boulevard, had two comments:

- Regarding the quasi-judicial hearing for 19103 Gulf Boulevard, the one condition pending its site plan approval was the easement which has been looked into and cleared. Therefore, it has passed all of the PZB quasi-judicial requirements and should be passed during its Council consideration.
- The Inter-Krewe event permit for consideration raised concern due to the number of people attending, the noise from the DJ going past 11 p.m., and it is turtle season. For these reasons, she felt that there would be a problem with the permit being approved.

Jody Armstrong, Director of Outreach for Disability Achievement Center, received a call from an individual who wanted to donate their recently passed mother's durable medical equipment. One of the items was a beach chair that Ms. Armstrong thought would work well with the Mobi-Mat that the Town is currently working on being permitted. This chair will provide everyone equal access to the beach at Indian Shores.

Katrina Hale, 19316 Gulf Boulevard, mentioned that the Inter-Krewe event would be near her Sand Glo Villas hotel and did not think it is a good idea nor is it a good fit for the Town, especially for her renters who prefer a quiet and private environment.

Ken Zylich, 19450 Gulf Boulevard, asked the Council to reconsider the installation of a parking meter at the Nature Park, stating that those utilizing the parking spaces are citizens, families, and senior citizens who are here to enjoy the beach.

John Anderson, 19312 Gulf Boulevard, concurred with Dr. Rinker's and Ms. Hale's comments on the Inter-Krewe event.

3.0 Consideration of approving the "CONSENT AGENDA" as follows:

A. MINUTES:

- 1. Town Council Workshop, March 23, 2021.**
- 2. Town Council Meeting, March 23, 2021.**
- 3. Special Town Council Meeting, April 6, 2021.**
- 4. Town Council Workshop, April 13, 2021.**
- 5. Town Council Meeting, April 13, 2021.**

The April 13 Town Council Meeting minutes were tabled pending further review until the June 8 Council meeting.

B. RE-OCCURRING EXPENSES: for April 2021.

C. Reassigned to 3.0A

SPECIAL EVENTS PERMIT APPLICATION:

Private invite-only dining and dancing event hosted by Inter-Krewe scheduled for Saturday, July 17, 2021, 1 p.m. – midnight, at the New Hotel Collection Beachside, 19306 Gulf Blvd.

Motion by Councilor Schear – seconded by Councilor Petruccelli to approve Consent Agenda Items A. MINUTES: 1-4 and B. Re-occurring Expenses.

AGENDA AMENDMENTS

3.0A SPECIAL EVENTS PERMIT APPLICATION:

Private invite-only dining and dancing event hosted by Inter-Krewe scheduled for Saturday, July 17, 2021, 1 p.m. – midnight, at the New Hotel Collection Beachside, 19306 Gulf Blvd.

Inter-Krewe Vice President Robin Conn mentioned approximately 180 guests will be attending the event and is willing to work with the Town with regards to the timing of the event and tent breakdown. Food and drinks will be restricted to the pool area.

Inter-Krewe's good work with charities was acknowledged. Concerns from the Council and the public regarding the number of attendees, the noise, turtle season along with the Town's "Leave no Trace" ordinance were expressed.

Motion by Councilor Schear – seconded by **Vice Mayor Hackerson** to deny Inter-Krewe’s special events permit application.

Motion carried 5-0.

3.0B Consideration of directing staff to move forward with the land use change process discussed at an earlier Workshop.

Motion by Vice Mayor Hackerson – seconded by **Councilor Petruccelli** to move forward with the process of a land use change to the Town’s Comprehensive Plan to add residential density of 12.5 Units Per Acre to Institutional zoning. **Motion carried 5-0.**

3.0C PUBLIC HEARING: Quasi-Judicial

Consideration of the recommendation of a site plan review application from Delsada McLaren for the construction of a single-family home with 2 floors over parking, located at 19103 Gulf Boulevard, Indian Shores, Florida 33785, Parcel # 30-30-15-34722-002-0200.

The Quasi-Judicial Hearing convened at 5:30 p.m.

Attorney Kardash gave the Quasi-Judicial Hearing announcement and asked those testifying at the hearing to be sworn in prior to proceeding with their testimony.

Mr. Fluty, Chief Swann, and Tomasz Kopczynski were sworn in by Town Clerk Mr. Lozano.

Attorney Kardash then asked if any members of the Council had any required disclosures they would like to state for the record, which there were none.

The hearing proceeded with Mr. Fluty presenting his testimony beginning with referencing the site plan’s approval at a previous Planning, Zoning and Building Committee (PZB) and Town Council Meeting where he presented his Engineer’s Letter of Recommendation of approval dependent upon the property owner obtaining a driveway permit from the Florida Department of Transportation (FDOT). He mentioned the question that arose regarding the right-of-way encroaching onto the property and if there was an FDOT easement onto the property. He found that based on the certified surveys

he received from the applicant, FDOT does not extend onto the property and are good in that respect.

Mayor Soranno asked if there were any issues with regards to safety.

Mr. Fluty replied that there is a safety concern that has been communicated to FDOT. That road near the property transitions from two to one lane and the concern was for vehicles entering, exiting, and particularly backing out of the property onto Gulf Blvd. with respect to the daily traffic activity on this road. The property has a dual driveway with access from Gulf Blvd. and Whispering Pines. The contractor was asked to use Gulf Blvd. for entry only and to exit onto Whispering Pines. Mr. Fluty was directed to contact FDOT to discuss the situation. After FDOT's review of the matter, they advised Mr. Fluty that the Council should review and decide if the proposed plan is acceptable.

Vice Mayor Hackerson asked Mr. Fluty who on Council voted for him to speak for the Town in his letter to FDOT as he does not recall a Council meeting that made a formal vote for him to do so. He felt that there was inaccurate information in Mr. Fluty's and Chief Swann's letters to FDOT, and that the site plan should be voted on during today's meeting since it was approved at a previous meeting.

Mr. Fluty perceived that he was under the direction of the Town to investigate the safety issues with FDOT after the last Council discussions and meetings with the Mayor and the Town Administrator.

Councilor Petruccelli asked about the turning radius of the property with respect to safety issues as the property seems to have a greater turning radius than many of the properties in Town. if the turning radius at the property is sufficient.

Mr. Fluty determined that the turning radius was sufficient through measurements taken from aerial photography. The safety concern was determined through a review of Pinellas County's average daily traffic information.

Vice Mayor Hackerson noted that the two properties next to it are closer to the merge lane and another property next to it has no access to Whispering Pines.

Councilor Petruccelli asked Mr. Fluty if he was directed to send the letter or if he did it on his own. He also asked if he spoke with Chief Swann before sending the letter.

Mr. Fluty replied that he had a meeting with the Mayor and Town Administrator to discuss outlining the driveway concerns so they can be communicated to FDOT for review. The concerns were emailed to FDOT.

Mayor Soranno interjected that the meeting he and the Town Administrator had was to understand what the issues were and to make sure that FDOT understood them. He went on to say that Mr. Fluty was never told that the Council agreed on him speaking for the Town and that such a direction would have required a Council vote.

Attorney Kardash renewed her inquiry to the entire Council as to whether any were involved in any ex parte communications regarding this specific property with any member of the Town Staff, the applicant, or anyone else.

Vice Mayor Hackerson replied to Attorney Kardash's inquiry stating that he had a conversation with Chief Swann regarding several items on his letter to FDOT.

Mayor Soranno stated that Mr. Fluty was asked to find out about the approval process as this was new to them and that the approval process was not clearly understood for this type of situation.

Mr. Fluty stated that the email discussion with FDOT involved the outlined concerns and that was all.

The public hearing continued into the cross examination of Mr. Fluty, Chief Swann, and Contractor Tomasz Kopczynski by Attorney Simons and Attorney Kardash regarding their qualifications, the site plan review process, the right-of-way concerns and curb cuts/ingress/egress with regards to the driveway on Gulf Blvd. relating to safety concerns, any Town code or statutes violations present in the site plan, and Mr. Fluty's recommendation to the PZB for the site plan's approval.

Attorney Simons and Chief Swann provided documentation to Mr. Lozano to add to the record. **(Additional reference materials for meeting minutes: pgs:)**

The cross examination ended, and Mayor Soranno opened the floor for public comments.

Larry Schear, 19829 Gulf Blvd., commented that he is in favor of the two curb cuts, one on Whispering Pines and the other on Gulf Blvd., to allow the owner to enter from one road and exit onto the other.

Attorney Simons provided his final statements to the Council. Based on the evidence presented for the application for 19103 Gulf Blvd., the site plan met all legal requirements and that no violations to the Town Code and statutes were present in the site plan. He thanked the Council for their consideration for approving the site plan so it can move forward.

Motion by Vice Mayor Hackerson – seconded by Councilor Petruccelli to approve the site plan application from Delsada McLaren for the construction of a single-family home with 2 floors over parking, located at 19103 Gulf Boulevard, Indian Shores, Florida 33785, Parcel # 30-30-15-34722-002-0200.

Mr. Lozano polled the Council. All ayes. **Motion carried 5-0.**

Vice Mayor Hackerson asked Counsel if the correspondence from Mr. Fluty and Chief Swann to FDOT should be retracted due to incorrect statements with regards to who directed them to send the correspondence, to which Attorney Kardash responded yes.

Chief Swann stated that he was under the impression that the letter to FDOT was a request from the Town and have since learned that it was not made by the Council.

A second motion by Councilor Smith was made to contact the FDOT and advise them to consider the safety issues with regards to the site plan. There was no second motion resulting in a dead motion.

The hearing ended at 7:11 p.m.

4.0 Correspondence.

- **Emails from Whit Blanton and County Commissioner Karen Seel regarding pedestrian safety and sidewalks.**
- **Email from Stanley Hinde of KCI Technologies Inc. regarding Gulf Boulevard landscape improvements.**
- **Email from District Director Steven Cary regarding acceptable expenditures under the American Rescue Plan (ARP).**

- **Email from Harry Emilio Gottlieb of Free Government Relations regarding the Freebee On-Demand Door-To-Door Transportation program.**
- **House Senate BILL HB 353 regarding electric bicycles.**

HB 353 will take effect on July 1, 2021. Attorney Kardash will prepare an ordinance for first reading at the June meeting and second reading in July.

5.0 Town Attorney's report.

Attorney Kardash asked for an update on the approved charter review process and was advised that she will be notified when the staff is ready to proceed.

6.0 Report from the Fire Chief.

Fire Chief Burton reported that their department volunteered 135 hours to the Largo central vaccination site. There was only one Covid related call in April. Emergency calls have gone up due to the increase in visitors and all response times were met.

7.0 PUBLIC HEARING: Resolution 04-2021

A RESOLUTION OF THE TOWN OF INDIAN SHORES, FLORIDA, SUPPORTING THE PINELLAS SUNCOAST FIRE RESCUE DISTRICT'S EFFORTS TO RELOCATE A DISTRICT FIRE STATION TO AN OPTIMAL LOCATION NEAR TOWN HALL IN AN EFFORT TO MANAGE AND IMPROVE RESPONSE TIMES THEREBY SAVING LIVES AND BETTER PROTECTING THE LIFE, HEALTH AND SAFETY OF RESIDENTS AND VISITORS IN INDIAN SHORES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS CONFLICTING HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Kardash read Resolution 04-2021 by title.

The floor was open for comments, which there were none.

Chief Burton thanked the staff for their help with getting the process started for finding an optimal location for a fire station.

Motion by Councilor Smith – seconded by **Councilor Schear** to approve Resolution 04-2021.

8.0 PUBLIC HEARING: Second Reading of Ordinance 2021-01

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING THE INDIAN SHORES CODE OF ORDINANCES, CHAPTER 86 – FLOODS, SUBPART B LAND DEVELOPMENT CODE, TO REFERENCE TOWN CONTRACTORS RESPONSIBILITIES AS TOWN OFFICIALS, TO UPDATE AND IMPLEMENT DEFINITIONS CONSISTENT WITH THE FLORIDA BUILDING CODE AND FEMA REGULATIONS WHILE MAINTAINING THE TOWN'S HIGHER COMMUNITY BUILDING STANDARDS, TO CLARIFY THE BURDEN OF PROOF AND CONDITIONS FOR VARIANCES, REMOVE EXTRANEOUS DEFINITIONS AND REFERENCES TO FLOODWAYS REMAINING FROM THE FEMA MODEL ORDINANCE, AND REAFFIRM LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE BY AMENDING SECTION 86-14.- DESIGNATION.; AMENDING SECTION 86-16.- APPLICATIONS AND PERMITS; AMENDING 86-17.- SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS AND CALCULATIONS; AMENDING 86-37.- BUILDINGS, STRUCTURES AND FACILITIES EXEMPT FROM THE FLORIDA BUILDING CODE, LOWEST FLOOR INSPECTION; AMENDING SECTION 86-45.- CONDITIONS FOR ISSUANCE OF VARIANCES; AMENDING SECTION 86-52.- DEFINITIONS; AMENDING SECTION 86-63.- FLORIDA BUILDING CODE, RESIDENTIAL; AMENDING SECTION 86-64.- FLORIDA BUILDING CODE, BUILDING; AMENDING SECTION 86-65.- FLORIDA BUILDING CODE, EXISTING BUILDING; AMENDING SECTION 86-75.- CONCRETE SLABS USED AS PARKING PADS, ENCLOSURE FLOORS, LANDINGS, DECKS, WALKWAYS, PATIOS, AND SIMILAR NONSTRUCTURAL USES IN COASTAL HIGH HAZARD AREAS (ZONE V AND AE); AMENDING SECTION 86-77.- OTHER DEVELOPMENT IN COASTAL HIGH HAZARD AREAS (ZONE V AND AE); PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE TOWN OF INDIAN SHORES LAND DEVELOPMENT CODE; PROVIDING FOR CERTIFICATION BY THE TOWN COUNCIL THAT THIS ORDINANCE IS IN COMPLIANCE WITH THE TOWN'S COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Dhonau and Mr. Cushing have communicated with Special Counsels Amy Schrader and Michelle Zaltsberg regarding issues with the Town's flood ordinance. Ms. Schrader recommended tabling the reading to the next meeting, which is scheduled for Tuesday, July 13.

Motion by **Councilor Schear** – seconded by **Councilor Smith** to table the second reading of Ordinance 2021-01 to July 13, 2021.

9.0 PROCLAMATION: A Proclamation of the Town of Indian Shores, designating May 2021 as Older Americans Month.

Mayor Soranno read the Proclamation.

10.0 Consideration of accepting a donation from Indian Shores Resident Gary Howsom of a brand-new WheelEEZ All-Terrain Beach Wheelchair valued at approximately \$1,300.

Ms. Dhonau mentioned that Jody Armstrong coordinated this donation. It will require a process on how to check it out and how it will be transported to the beach. She will be contacting the county regarding the Mobi-Mat 's placement. The county said that a permit is not required as long as it stays above the mean high water line.

Motion by **Vice Mayor Hackerson** – seconded by **Councilor Petruccelli** to accept the WheelEEZ All-Terrain Beach Wheelchair donation.

11.0 Reassigned to 3.0C

Consideration of site plan review application approval from Delsada McLaren for the construction of a single-family home with 2 floors over parking, located at 19103 Gulf Boulevard, Indian Shores, Florida 33785, Parcel # 30-30-15-34722-002-0200.

12.0 Consideration of Interlocal Agreement between the Town and Pinellas County regarding a local option fuel tax of up to five cents (\$0.05).

Motion by **Councilor Petruccelli** – seconded by **Vice Mayor Hackerson** to deny the Interlocal Agreement. **Motion carried 4-1 (Opposed by Councilor Smith).**

13.0 Consideration of Emergency Warning Siren System (EWSS) replacement.

Chief Swann stated that the siren has become inoperable due to its outdated technology that is no longer supported. He is seeking Council direction to get on the contractor's list to re-establish the early warning system and find the funding to approve the contract for its replacement. The citizens will need to be informed that the siren is no longer a part of their emergency management if it is not replaced. The proposal will be brought forward to Redington Shores' for their share of the cost. The Town's portion is approximately \$80,000 and Redington Shores' is \$40,000. There will be a a recurring cost which would be included in the annual budget.

Motion by **Vice Mayor Hackerson** – seconded by **Councilor Schear** to move forward with the EWSS replacement of the EWSS.

Mr. Lozano polled the Council. All ayes. **Motion carried 5-0.**

14.0 Consideration of a request for a Capital Budget Amendment in the amount of \$40,422.00 for the purchase of 12 tasers, 12 bola wraps, and 12 stop sticks for the Police Department.

Chief Swann stated that bola wraps are less dangerous than a taser. He added that the tasers purchased under the previous administration did not have warranties and only half of their current tasers are functional. New training cycle begins this Sunday.

Motion by **Councilor Smith** – seconded by **Councilor Petruccelli** to approve the request for a Capital Budget Amendment in the amount of \$40,422.00 for the purchase of 12 tasers, 12 bola wraps, and 12 stop sticks for the Police Department.

15.0 Consideration of proposed revisions to the Indian Shores board and committee member assignments.

Mayor Soranno revised the member assignments based on experience and qualifications.

The revisions are as follows:

- Administration and Finance Committee Vice Chair – Vice Mayor Hackerson

- Administration and Finance Committee Council Alternate – Councilor Smith
- PZB Chair – Councilor Schear
- PZB Vice Chair – Councilor Smith
- PZB Alternate – Councilor Petruccelli
- Public Services Committee Vice Chair – Vice Mayor Hackerson
- Mayors' Council Alternate 1 – Vice Mayor Hackerson
- Mayors' Council Alternate 2 – Councilor Petruccelli
- BIG C Alternate 1 – Vice Mayor Hackerson
- BIG C Alternate 2 – Councilor Smith
- Board of Adjustment & Appeals Alternate – Al Dreher
- Police Pension Board – Lori Kauffman

The Arts Council Ad Hoc Committee will be discussed at a future meeting to determine if it's still needed.

Motion by **Councilor Schear** – seconded by **Councilor Smith** to approve the proposed revisions to the Indian Shores board and committee member assignments.

16.0 Report from the Building Official for April 2021.

Mr. Cushing reported that all of April's Building Department permit data was processed through the new Building software. They are currently working with the vendor to resolve some of the application's minor issues and glitches.

17.0 Report from the Town Engineer on the status of the monument project.

Mr. Fluty reported that the Request for Proposal bids received from SignStar and David Nelson Construction exceeded the monument's original budget. He has communicated with both bidders who commonly said that the statue's detail is the driving cost. He will research further to see about value-engineering and modifications that can bring the cost down.

18.0 Report from the Town Administrator.

Ms. Dhonau reported that the Library Curbside Service is resuming on Monday. The Library counter should be installed in about 3-4 weeks.

Carpet replacement on the 3rd and 4th Floors will begin the first or second week of June.

19.0 Consideration of approving the Financial Statement for period ending March 2021.

Motion by **Councilor Smith** – seconded by **Councilor Petruccelli** to approve the Financial Statement for period ending March 2021.

20.0 Police activity report for April 2021.

Chief Swann had nothing further to report.

21.0 Report from the Fire Commissioner.

Fire Commissioner Schear mentioned that the Pig Roast was a success and the Honor Guard raised over \$3,000. The Pinellas Suncoast Fire & Rescue District turned 70 years old. PSFRD continues to search for a fire station location close to Town.

22.0 Citizens' comments on any subject. None.

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

Councilor Schear reported signing a contract with the band Sequel for the Holiday party scheduled for December 4th. The Library will have a Book Sale at the last Sunday Morning Market for 2021 this Sunday.

Councilor Petruccelli encouraged friends and families to get vaccinated.

Councilor Smith added to Councilor Petruccelli's comments stating that herd immunity cannot be reached if people do not get vaccinated.

Vice Mayor Hackerson and Councilor Schear attended the recent National Travel and Tourism luncheon and learned that hotels are now back up to 80% in capacity with no drops forecasted over the summer.

Mayor Soranno echoed Councilor Petruccelli's and Councilor Smith's comments on encouraging getting vaccinated.

24.0 Meeting adjournment.

7:43 p.m.

A handwritten signature in black ink, appearing to read "Freddie Lozano", is written over a horizontal line.

Freddie Lozano
Town Clerk