

INDIAN SHORES

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SPECIAL TOWN COUNCIL MEETING MINUTES TUESDAY, AUGUST 24, 2021, BEGAN AT 10:00 A.M. INDIAN SHORES MUNICIPAL CENTER, 4TH FLOOR

The meeting convened at 10:00 A.M.

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

Also present: Town Administrator Bonnie Dhonau, Town Clerk Freddie Lozano, Police Chief Rick Swann, Police Captain Glen Smith, Building Official Neal Mazzei, Fire Commissioner Larry Schear, Danny Powell of West Central Signs, Artist Steve Graff, and Attorney Brittany Maxey-Fisher of Maxey-Fisher, PLLC.

Those absent: None

PLEDGE OF ALLEGIANCE TO THE FLAG

ITEM # AGENDA ITEM

1.0 Consideration of approving the Special Town Council Meeting agenda for August 24, 2021.

AGENDA AMENDMENTS:

3.0A Consideration of a request from the Police Department to purchase satellite telephones for emergency management and an amendment to the FY 21/22 budget to include an annual reserve of \$10,000 for emergency management expenses.

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

3.0B Consideration of Intellectual Property Rights agreement for the monument project between the Town and Artist Geza Gaspar.

Motion by **Councilor Smith** – seconded by **Councilor Schear** to approve the Special Town Council Meeting Agenda for August 24, 2021, as amended. **Council polled. All ayes. Motion carried 5-0.**

Two additional motions were made:

- 1. Motion to allow Vice Mayor Hackerson to chair the meeting during Mayor Soranno’s physical absence.**

Motion by **Councilor Smith** – seconded by **Councilor Schear** to allow Vice Mayor Hackerson to chair this meeting. **Council polled. All ayes. Motion carried 5-0.**

- 2. Motion to allow Council Members to vote by phone.**

Motion by **Councilor Smith** – seconded by **Councilor Schear** to allow Mayor Soranno and Councilor Petruccelli to attend the meeting and allow them to vote by phone. **Council polled. All ayes. Motion carried 5-0.**

2.0 Comments from the public on any agenda item. None

3.0 Approval of contract with West Central Signs, DBA SignStar for the Tiki Gardens Monument Project in an amount not to exceed \$737,672.57.

Attorney Kardash mentioned that amendments to the contract have been made to include a change to the named contracting party from SignStar to West Central Signs. SignStar is a subsidiary of West Central Signs. Additional intellectual property amendments were made and artist Geza Gaspar was made a signatory so he is aware and can legally acknowledge the intellectual property rights and standards contained for the construction of the monument. She would like to ensure that a date is established with respect to the completion of the sculpture and its anticipated date of installation.

Attorney Maxey-Fisher reiterated Attorney Kadash’s mention of Artist Gaspar’s inclusion to the agreement as a signatory. She asked Attorney

Kardash when the transfer of the rights should take place, to which Attorney Kardash replied during the final payment.

She will look into adding a definition to the agreement with regards to the art installation design concept to cover the art on the arch and the two kiosks. Ms. Mullins' and Mr. Graff's original agreement will be amended to include the Gallery Talk technology, which allows a user to view a video by way of a telephone application. She would also like to ensure that the Town is protected and there is no liability for any recorded video content being played.

Ms. Dhonau stated that her assistant is currently incorporating Attorney Maxey-Fisher's amendments and will bring them to the meeting when completed.

Motion by **Councilor Schear** – seconded by **Councilor Smith** to approve the contract with West Central Signs, Inc., DBA SignStar for the Tiki Gardens Monument Project in an amount not to exceed \$737,672.57, and to allow Vice Mayor Hackerson and Town Administrator Bonnie Dhonau to sign and execute the contracts today. **Council polled. All ayes. Motion carried 5-0.**

AGENDA AMENDMENTS:

3.0A Consideration of a request from the Police Department to purchase satellite telephones for emergency management and an amendment to the FY 21/22 budget to include an annual reserve of \$10,000 for emergency management expenses.

Vice Mayor Hackerson mentioned the new wording out of the recent legislation, which takes effect in December 2022, regarding the Emergency Preparedness and Response Fund and new reporting requirements and financial accountability for emergency management spending.

Chief Swann has worked with Redington Shores, local Fire Departments and emergency management partners, and the Town's emergency supplies have been updated. Satellite phones ensure that communication continues when all other means of communications are down. To solidify the Town's emergency management plan, he is asking for authorization to purchase two satellite phones with basic talk and text service. There will be additional charges incurred for communications data such as emails. Redington Shores will purchase their own.

The budget amendment for a separate line item for the \$10,000 will be discussed further at the upcoming budget discussion.

Motion by **Councilor Smith** – seconded by **Councilor Schear** to approve the purchase of two satellite telephones. **Council polled. All ayes. Motion carried 5-0.**

3.0B Consideration of Intellectual Property Rights agreement for the monument project between the Town and Artist Geza Gaspar.

Attorney Maxey-Fisher stated that the Intellectual Property Rights Agreement will be incorporated in the Tiki Gardens art monument construction agreement. This is a separate agreement that transfers all of the rights from Artist Gaspar to the Town, and also an agreement that transfers the rights from Artist Gaspar to DBA SignStar, and then to the Town. It also includes the right to reproduce the art and Visual Artists Rights Act (VARA) verbiage.

Once the transfer is done, all of the rights will be bestowed upon the Town. There is a filing fee of \$65 to apply for copyright protection for the art. Currently, the Copyright Act does not require any maintenance, and the copyright would be good for 70 years after the death of Artist Gaspar.

Motion by **Councilor Smith** – seconded by **Councilor Schear** to approve the Intellectual Property Rights agreement for the monument project between the Town and Artist Geza Gaspar. **Council polled. All ayes. Motion carried 5-0.**

4.0 Approval of Application 1 for Payment per Schedule of Values and Progress = \$193,099.84. This represents 10% for most of the items on the Schedule of Values, with 33% on some of the custom items.

Ms. Dhonau believed that with the additional fees for attorneys, Ms. Mullins and Mr. Graff, and upcoming project management fees, that we are on schedule to expend the Penny III monies by the September 30 deadline.

Motion by **Councilor Smith** – seconded by **Councilor Schear** to approve the payment in the amount of \$193,099.84 for Application 1. **Council polled. All ayes. Motion carried 5-0.**

5.0 Consideration of contracting with Nichols Landscape Architecture for Monument Construction Administration Services in the amount of \$13,340.

Ms. Dhonau recommended bringing Celia Nichols under contract to manage the monument project. She is very detail oriented and has experience with managing large scale projects. She is the landscape architect that our engineer contracted with to create the construction drawings for the landscape, irrigation and hardscape.

Attorney Kardash outlined the addendums to this agreement for construction administration.

Motion by **Councilor Schear** – seconded by **Councilor Smith** to approve the contract with addendums with Nichols Landscape Architecture for Monument Construction Administration Services in the amount of \$13,340.

Council polled. All ayes. Motion carried 5-0.

6.0 Citizens' comments on any subject. None

7.0 Council members' comments on any subject.

Councilor Schear mentioned there will be an International Cleanup that will be scheduled in October. She also suggested purchasing the N95 or KN95 masks as they reportedly provide more protection than the regular paper masks.

Councilor Smith commented that the Governor is violating our principles of home rule with regards to the issue of masks for school kids.

Vice Mayor Hackerson mentioned that the Town Yard Sale will be on the first Saturday of October.

Mayor Soranno advised everyone to be safe and careful.

Councilor Petruccelli thanked everyone who has checked in on them during their absence.

Ms. Dhonau was asked by the Florida Department of Transportation (FDOT) to ask the Council if they would be willing to forgo the test patch of the Skidabrader. FDOT felt that with the way the road has faded, the bike and pedestrian pathway will look like the roadway if Skidabradered.

Council reached a consensus to move forward with the Skidabrader test patch.

She also reported that I.T. Director Tom Lancto has given his notice due to a promotion at the Sheriff's Office. The search for his replacement is underway.

8.0 Meeting adjournment.

10:47 A.M.



Freddie Lozano
Town Clerk