

# INDIAN SHORES

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## SPECIAL TOWN COUNCIL MEETING MINUTES TUESDAY, APRIL 6, 2021, BEGAN AT 2:00 P.M. INDIAN SHORES MUNICIPAL CENTER 4<sup>th</sup> FLOOR (Social distancing observed)

**The meeting convened at 2:00 p.m.**

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

**Also present:** Town Administrator Bonnie Dhonau, Finance and Personnel Director Susan Scrogam, Town Clerk Freddie Lozano, Town Engineer Larry Fluty, Police Captain Glen Smith, Sarah Lynn Westmoreland Mullins, LLC, Artist Steve Graff, Attorney Brittany Maxey-Fisher of Maxey-Fisher, PLLC, and Newspaper Correspondent Jeannie Carlson.

**Those absent:** None

### PLEDGE OF ALLEGIANCE TO THE FLAG

#### ITEM # AGENDA ITEM

**1.0 Consideration of approving the Special Town Council meeting agenda for April 6, 2021.**

**Motion by Vice Mayor Hackerson** – seconded by **Councilor Smith** to approve the Special Town Council Meeting Agenda for April 6, 2021.  
**Motion carried 5-0.**

**Patrick C. Soranno**  
Mayor

**Mike Hackerson**  
Vice Mayor

**Diantha Schear**  
Councilor

**Michael (Mike) Petrucci**  
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

## 2.0 Comments from the public on any agenda item.

**Fire Commissioner Schear** suggested rotating the monument sculpture 45 degrees counterclockwise to provide a better view for those traveling northbound on Gulf Boulevard. He would like to make sure that there is a force majeure clause in the contract to cover acts of God that are out of our control.

## 3.0 Discussion and consideration of bid package for the Monument Project.

**Mr. Fluty** presented the bid package that provides detailed specifications and technical specifications of the drawings, landscaping lighting, and structural design. He addressed Fire Commissioner Schear's suggestion regarding the sculpture's orientation saying that he will work with the artist on repositioning it for maximum visibility. These types of details can be addressed by revisions to the bid process.

There will be a pre-bid conference scheduled on April 22, 2021, when the project will be presented followed by questions and answers. Attendance is mandatory. The bid opening is scheduled for May 10, 2021.

The discussion included:

- Obtaining county boundaries that define the legal limit of the area
- Bike racks
- Construction days and times as allowed by the Town's code
- Working with county on irrigation and reclaimed water
- Landscaping
- Performance bonds requirements
- All documents signed in ink (not e-signatures)
- Tax exemption for the project's purchased items
- Addition of time and completion and liquidated damages language to the bid package
- Attorney Kardash and Ms. Dhonau provided their input and revisions to be made to the bid package
- The monument's audio component will be addressed at a later date and will require an addendum to Ms. Mullins' and Mr. Graff's contract.

**Motion by Vice Mayor Hackerson** – seconded by **Councilor Schear** to approve the Monument Big Package with the revisions made to the items indicated in the discussion. **Motion carried 5-0.**

#### 4.0 Request for Special Counsel.

**Attorney Kardash** mentioned the email regarding the Town's flood ordinance from Conn Cole of the Florida Division of Emergency Management (FDEM), which essentially says that the FDEM does not approve of the ordinance the Town recently passed and that the Town could face expulsion from the National Flood Insurance Program (NFIP). She felt that the ordinance has not made any progress given the 4.5 years of work the Town has put into it and suggested hiring a special counsel to handle.

She recommended hiring the law firm of Baker Donelson, which is a disaster recovery group and FEMA specific law firm who are familiar and specialize in these types of issues and appeals. Ernest Abbott, a former general counsel for FEMA, has dealt with this issue the Town flood ordinance is currently facing. The firm is also offering Amy Schader from their Tallahassee office at \$445 per hour. The firm would communicate directly with FEMA and FDEM on the matter. She can discuss with the firm what their upper end number is with regards to billing.

**Attorney Kardash** listed some of the items on the ordinance that the FDEM is opposing.

Council consensus was that the Town has done everything to try and have the ordinance approved by the FDEM without success.

**Motion by Councilor Schear** – seconded by **Councilor Smith** to approve the request to higher special counsel from the law firm of Baker Donelson.  
**Motion carried 5-0.**

#### 5.0 Citizens' comments on any subject.

**Fire Commissioner Schear** noted that construction on Saturdays for the monument project may impact the county's parking revenues. He requested to formally change the name of the Monument Project to the "James J. Lawrence Monument Project". He thought it would be appropriate to face the monument statue's face towards the water and suggested Quick Response (QR) code technology that can be scanned using a cell phone that would provide more information on the monument's various displays.

**6.0 Mayor's and Council Members' comments on any subject.**

**Councilor Schear** mentioned the success of the recent Beach Cleanup, which had 52 volunteers, and thanked Mr. Schear and Alice Lawrence for their support.

The Council expressed sympathy for Ms. Dhonau's loss.

**The meeting adjourned at 4:01 p.m.**



Freddie Lozano  
*Town Clerk*