

INDIAN SHORES

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TOWN COUNCIL MEETING MINUTES TUESDAY, JULY 13, 2021, BEGAN AT 5:01 P.M. INDIAN SHORES MUNICIPAL, CENTER 4TH FLOOR

The Workshop convened at 5:01 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, Town Clerk Freddie Lozano, Building Official Neal Mazzei, Interim Town Engineer Jerry Dabkowski, Police Chief Rick Swann, Police Captain Glen Smith, Fire Commissioner Larry Schear, Barbara Soranno, Newspaper Correspondent Jeannie Carlson, Katrina Hale, Peter Bell and Donna Woods.

Those absent: None.

PLEDGE OF ALLEGIANCE TO THE FLAG

ITEM # AGENDA ITEM

1.0 Consideration of approving the Town Council Meeting agenda for July 13, 2021.

Councilor Schear wanted to make a change to schedule non-Council meetings that are not on a Tuesday be scheduled in the morning.

The agenda did not require amending and Council reached a consensus to have the Town Clerk schedule the non-Council meetings in the morning.

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

Motion by **Councilor Smith** – seconded by **Councilor Petruccelli** to approve the Town Council Meeting Agenda for July 13, 2021. **All Ayes.**
Motion carried 5-0.

2.0 Comments from the public on any agenda item.

Local resident Peter Jubell asked the Council to consider voting down the banning of the electric bikes (e-bikes) ordinance. He likes to ride his e-bike, which helps him and the older community with mobility conditions easily travel along and enjoy the beach. He would agree with the ordinance if there was a visible problem with accidents. He has not witnessed any and rarely sees e-bikes on the beach. He asked to consider mitigating by enforcing a speed limit.

Local resident Donna Woods stated that she rides e-bikes because she cannot use the pedals to propel the bicycle. Her e-bike enables her to see the community and the beaches. She encouraged the Council to make a compromise by way of a speed limit.

3.0 Consideration of approving the “CONSENT AGENDA” as follows:

A. MINUTES:

- 1. Town Council Workshop, June 8, 2021.**
- 2. Town Council Meeting, June 8, 2021.**
- 3. Special Town Council Meeting, June 15, 2021.**

B. RE-OCCURRING EXPENSES: for June 2021.

Motion by **Councilor Schear** – seconded by **Councilor Smith** to approve the Consent Agenda. **All Ayes.** **Motion carried 5-0.**

4.0 Correspondence. None.

5.0 Town Attorney’s report.

- Memorandum on Revisions to Emergency Management Rules Under Chapter 2021-08, Laws of Florida.**

Attorney Kardash reported that the memorandum outlines the changes to the emergency management ordinance that was made during the last legislative session. She is still working on the revisions to the state statutes

that affect the building code and the Building Department that she will be going over with the Building Official.

6.0 Report from the Fire Chief.

Fire Commissioner Schear provided the report for Fire Chief Burton who was at the Maryland National Fire Academy. They were well staffed and prepared to work along Chief Swann during Hurricane Elsa. The Department's Finance Director plans to retire next January. He finished his report with the number and types of emergency calls received and response times which were all met.

7.0 PUBLIC HEARING: Second Reading of Ordinance 2021-05

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING SECTION 54-4, ACCESS TO FACILITIES AND BEACHES, OF CHAPTER 54, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE TOWN OF INDIAN SHORES BY PROHIBITING ELECTRIC BICYCLES AND MOTORIZED DEVICES ON THE BEACH; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY OF ACTIONS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Kardash read Ordinance 2021-05 by title.

She noted this is the title for the versions of this ordinance that is on the agenda and in the agenda packet materials. The second version provided to the Council at this meeting was drafted to address the comments from the gentleman at the first reading of this ordinance at a previous meeting regarding the disabled and their mobility devices. The second version adds a Whereas clause and an additional section that says personal assistive devices of any kind that are medically required for mobility are exempt from the provisions of this ordinance. The Council's options are to pass the first version or pass the second version as amended.

Mayor Soranno opened the hearing for public comments.

Local resident Donna Woods stated that she does not have access to a mobility device and felt that she should not need one in order to access the beach. She cannot pedal a regular bicycle.

There were no additional public comments, and the hearing was brought back to the Council.

Motion by **Councilor Smith** – seconded by **Councilor Petruccelli** to approve the second reading of the second version of Ordinance 2021-05 that was provided at the meeting for final passage and adoption.

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

8.0 PUBLIC HEARING: Second Reading of Ordinance 2021-06

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING SECTION 14-34.- ENFORCEMENT AND SECTION 14-35.- REMOVAL OF DOG EXCREMENT, OF CHAPTER 14 – ANIMALS, TO PROVIDE FOR PENALTY IN ACCORDANCE WITH THE TOWN OF INDIAN SHORES ADOPTED SCHEDULE OF FINES AND CITATIONS AND FOR ENFORCEMENT OF STATE AND COUNTY VIOLATIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY OF ACTIONS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Kardash read Ordinance 2021-06 by title.

Mayor Soranno opened the hearing for public comments, which there were none.

Motion by **Councilor Schear** – seconded by **Councilor Smith** to approve the second reading of Ordinance 2021-06 for final passage and adoption.

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

9.0 PUBLIC HEARING: First 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.

Attorney Kardash read Ordinance 2021-01 by title. This comes to the Council as a recommendation from the Planning, Zoning and Building (PZB) Committee that also serves as the Local Planning Agency (LPA).

Mayor Soranno opened the hearing for public comments, which there were none.

Motion by **Councilor Smith** – seconded by **Councilor Schear** to approve the first reading of Ordinance 2021-01 for final passage and adoption.

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

10.0 PUBLIC HEARING: First Reading of Ordinance 2021-07

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING THE TOWN OF INDIAN SHORES COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, BY AMENDING THE FUTURE LAND USE AND COASTAL MANAGEMENT AND CONSERVATION ELEMENTS; UPDATING ALLOWABLE USES IN EACH RESPECTIVE LAND USE CATEGORY; AMENDING ALLOWABLE INCREASES IN DENSITY AND INTENSITY IN THE COASTAL HIGH HAZARD AREA; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS

OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Kardash read Ordinance 2021-07 by title.

She noted that this version of the ordinance is not what was recommended by the PZB Committee. They recommended adopting Version B of Ordinance 2021-07 which she read by title:

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING THE TOWN OF INDIAN SHORES COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, BY AMENDING THE FUTURE LAND USE AND COASTAL MANAGEMENT AND CONSERVATION ELEMENTS; UPDATING ALLOWABLE USES IN EACH RESPECTIVE LAND USE CATEGORY; AMENDING ALLOWABLE INCREASES IN DENSITY AND INTENSITY IN THE COASTAL HIGH HAZARD AREA; ADDING A PROPERTY RIGHTS ELEMENT FOR COMPLIANCE WITH STATE STATUTE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The property rights element was included because as of July 1, new regulations were put into place that requires this element to be added to any local government's comprehensive plan that has proposed amendments. The DEO is now denying comprehensive plan amendments that do not include this element.

Mayor Soranno opened the hearing for public comments, which there were none.

Motion by **Vice Mayor Hackerson** – seconded by **Councilor Petruccelli** to approve the first reading of Version B of Ordinance 2021-07.

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

11.0 PUBLIC HEARING: First Reading of Ordinance 2021-08

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA PROVIDING FOR THE AMENDMENT OF ARTICLE III, DIVISION 4 - INSTITUTIONAL DISTRICT IN THE CODE OF ORDINANCES TOWN OF INDIAN SHORES, FLORIDA AMENDING THE PERMITTED USES OF SAID DISTRICT; PROVIDING FOR INCLUSION IN THE TOWN OF INDIAN SHORES LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH;

PROVIDING FOR SEVERABILITY; CERTIFYING CONSISTENCY WITH THE TOWN'S COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Kardash read Ordinance 2021-08 by title. This comes to the Council as a recommendation from the Planning, Zoning and Building (PZB) Committee that also serves as the Local Planning Agency (LPA).

She mentioned that the version of the ordinance in the backup materials is not the correct version, noting that Section 3 and Section 6 do not match the official version recently provided to the Council. Additionally, there was some holdover language that was removed that is unenforceable in the effective date section regarding the passage of this ordinance by resolution if the Department of Economic Opportunity (DEO) does not approve it. Also, the effective date of this ordinance would not be effective until approval from DEO is received for the Comprehensive Plan amendment. After the DEO's approval, a second reading can be scheduled.

Mayor Soranno opened the hearing for public comments, which there were none.

Motion by **Councilor Smith** – seconded by **Councilor Schear** to approve the first reading of Ordinance 2021-08.

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

12.0 Recognition and presentation of the Florida League of Cities Institute for Elected Municipal Officials (IEMO) Certificate of Completion to Vice Mayor Mike Hackerson.

Mayor Soranno congratulated Vice Mayor Hackerson and presented to him the Certificate of Completion.

13.0 Consideration of change in ancillary insurance services.

Ms. Scrogam provided a summary of the enhanced ancillary benefit dental and vision plans that are offered by Public Risk Management (PRM). If the enhanced plans are approved, there would be an annual cost savings of \$7,700.

Motion by **Councilor Schear** – seconded by **Vice Mayor Hackerson** to approve change in ancillary insurance services. **All ayes. Motion carried 5-0.**

14.0 Consideration of utilizing the current 1.8700% millage rate for FY 21/22 budget preparation purposes.

Motion by **Councilor Smith** – seconded by **Councilor Petruccelli** to approve the utilization of the current 1.8700% millage rate for FY 21/22 budget preparation purposes. **All ayes. Motion carried 5-0.**

15.0 Consideration of retrofitting 184 streetlights with the new amber turtle-friendly lighting at an annual increased cost of \$17,067.84.

Ms. Dhonau pointed out that the lighting survey conducted by Pinellas County shows all our streetlights are non-compliant for the turtles. Duke Energy and the Florida Department of Transportation (FDOT) has finally figured out a way to have turtle-friendly lighting on Gulf Boulevard that would comply with the State statutes and the Town’s code. With this comes an increased cost per fixture, which would not be included as part of the FDOT reimbursement for streetlighting.

Conversation ensued on the possible diminished brightness of the turtle lights that may impact visibility for those traveling on Gulf Boulevard. It was thought that the light spectrum is what is being changed and not the brightness.

Captain Smith commented that the City of St. Pete Beach already have the turtle lighting installed.

Motion by **Councilor Schear** – seconded by **Vice Mayor Hackerson** to approve the retrofitting of 184 streetlights with the new amber turtle-friendly lighting at an annual increased cost of \$17,067.84. **Four ayes and one nay (opposed by Councilor Petruccelli). Motion carried 4-1.**

16.0 Consideration of entering into an agreement for interim engineering services with Jerry Dabkowski, PE of Infrastructure Consulting & Engineering.

Motion by **Vice Mayor Hackerson** – seconded by **Councilor Petruccelli** to approve the agreement for engineering services with Jerry Dabkowski, PE of Infrastructure Consulting & Engineering. **All ayes. Motion carried 5-0.**

17.0 Consideration of any action relative to the 40-year Building Safety Inspection Program.

There was extensive discussion on this subject at an earlier Workshop. No action for this agenda item was taken as there are no plans to move forward yet.

18.0 Report from the Building Official for June 2021.

Mr. Mazzei is looking forward to working with the Town. He would like to address the Town's permit fee schedule at a future meeting. He thinks that some of the fees are too low.

19.0 Report from the Town Administrator.

Ms. Dhonau provided a handout that illustrated the Red Tide concentration amounts in Pinellas County. She reported on what the County has done so far with fish cleanup. Day laborers will be hired to help Public Services with the cleanup. The Town ordered the most sea oats seeds of any other municipalities in the County. We will be the point of their distribution. She welcomed Mr. Mazzei and Mr. Dabkowski. Still awaiting word from a contractor regarding the Library counter. She attended the City Manager's Lunch where the County gave a presentation on the American Rescue Plan. The County is still waiting for guidance to further define what the monies can be used for.

20.0 Consideration of approving the Financial Statement for period ending May 2021.

Motion by Councilor Schear – seconded by **Councilor Smith** to approve the Financial Statement for period ending May 2021. **All ayes. Motion carried 5-0.**

21.0 Report from the Fire Commissioner.

This was covered under the Fire Chief's report.

22.0 Police activity report for June 2021.

Captain Smith reported on the preparations made for Hurricane Elsa and that they will continue prepare for future storms. The Police Department's annual training cycle was completed this month. No problems were reported during the Fourth of July holiday. Planning for no e-bikes and dogs on the beach signs are in progress. The Department is in the process of hiring to fill

former Detective Bittrich's position and for another Police Officer position. The Department's accreditation process is underway.

23.0 Citizen's comments on any subject.

None

24.0 Council members' comments on any subject.

Councilor Schear reported:

- The Library Read & Feed is scheduled for August 18, featuring the book "Anxious People" by Fredric Backman.
- She has received the approval of 157 seats for the Holiday Party scheduled for December 4.
- She provided the estimated number of people from the Town Staff and Police Department that may be attending the Holiday Party to ISPOA.
- She welcomed Mr. Mazzei and Mr. Dabkowski.

Councilor Petruccelli was thankful that Hurricane Elsa moved on. He also welcomed Mr. Mazzei and Mr. Dabkowski and are pleased to have them on board.

Councilor Smith is optimistic that the drainage project is actually working as they have not seen any flooding in front of their condominium even after a heavy rain.

Vice Mayor Hackerson will be announcing an October Community Yard Sale at the next meeting.

Mayor Soranno commented on the difference between Hurricanes Elsa and Irma with regards to the amount cooperation between the Administration and Police Department to bring the Town up to speed with emergency management planning. He commended the Public Services Staff for the great job they are doing with keeping the beach clean. He expressed great confidence in Mr. Mazzei who is working on the Town's Community Rating System (CRS) designation. He is looking forward to working with Mr. Dabkowski on the monument project.

25.0 Meeting adjournment.

6:03 P.M.

A handwritten signature in blue ink, appearing to read "Freddie Lozano", with a long horizontal flourish extending to the right.

Freddie Lozano
Town Clerk