

**MEETING MINUTES**  
**Town of Indialantic**  
**Regular Meeting of the Town Council**  
**Wednesday, March 11, 2020 at 7:00 p.m.**  
**Council Chambers, 216 Fifth Avenue, Indialantic, FL 32903**

**A. Call to Order:**

A regular meeting of the Indialantic Town Council was called to order by Mayor Berkman on Wednesday, March 11, 2020 at 7:01 p.m., with the following members present:

Honorable Dave Berkman, Mayor  
Honorable Stu Glass, Deputy Mayor  
Honorable Simon Kemp, Councilmember  
Honorable Julie McKnight, Councilmember  
Honorable Doug Wright, Councilmember

Also present:

Michael Casey, Town Manager  
Paul Gougelman, Town Attorney  
Rebekah Raddon, Town Clerk  
Michael Connor, Chief of Police  
Joseph Gervais, Director, Public Works

1. Pledge of Allegiance was led by Mayor Berkman.
2. Changes to Agenda: Mayor Berkman reordered the presentations and proclamations, and added a verbal report by Police Chief Connor.
3. Presentations and Proclamations:

a) Presentation of checks to charitable organizations:

Mayor Berkman presented checks to representatives of the SPCA of Brevard and the Children's Home Society, from funds raised by the Witch Way 5K race and the Parks, Recreation, and Beautification Committee's sale of canvas shopping bags.

b) Space Coast Circle of Heroes Challenge

Phoebe Powell, Children's Home Society Regional Executive Director, thanked the Town for its donation and spoke briefly about their efforts to provide educational summer programs for approximately 1500 children to prevent the "summer slide." In addition to their educational programs, they offer mental health counseling services to children and adults.

c) Officer of the Year, 2019

Police Chief Connor presented the Officer of the Year award to Officer Adam Beal and summarized Beal's many accomplishments. As a first responder, Officer Beal performed life-saving interventions utilizing CPR and an AED on two separate occasions and was awarded Life-Saving Medals for both. He also conducted the highest number of traffic stops and arrests and wrote the arrest warrant for a felony drug case which resulted in a guilty plea. In his free time,

he coaches youth soccer and recently got married to his fiancé, Tori. Officer Beal is well respected by the community and his peers and always goes above and beyond in all that he does.

d) Proclamation: Hemophilia and Bleeding Disorders Awareness Month

Councilmember Kemp read the proclamation proclaiming March 2020 as Hemophilia and Bleeding Disorders Awareness Month in the Town of Indialantic.

Alicia Norris, along with her husband and her son Noah, who has hemophilia, accepted the proclamation and thanked the Town for its support.

e) Fiscal Year 2018-2019 Audit by Carr, Riggs & Ingram LLC

Christine Noll-Rhan summarized the audit and explained that it is currently a draft audit report as they are awaiting information from one of the Town's credit card vendors. They expect to receive the information in May. She noted that the Town's audit provided a clean, unmodified opinion and management was great to work with. Deputy Mayor Glass inquired about a comment regarding bond funds; Ms. Noll-Rhan stated that the comment will be remedied simply by not issuing debt next year.

**Motion by Deputy Mayor Glass, seconded by Councilmember McKnight, and vote unanimous to accept the fiscal year 2018-2019 audit. Motion carried 5-0.**

f) Traffic Report

Mayor Berkman asked Police Chief Connor to provide an update on traffic; Chief Connor spoke briefly and indicated he has stepped up patrols especially on Wayne, Watson, and Oakland to ensure people are complying with traffic laws as there has been an increase in people running stop signs since the detour was put in place to accommodate the road construction project. The county sheriff received complaints about people hitting mail boxes and increased their presence in the unincorporated areas.

4. Public Comments, Non-agenda items:

Scott Bell, 1001 S. Shannon Ave., would like to have a swale installed near the storm drain located at his address; he feels that would be more helpful than adding concrete. Mr. Casey explained that the changes being implemented were in accordance with the stormwater drainage plan designed by the Town's engineer. Mr. Casey offered to contact him the following day to further explain the project.

Vinny Taranto, 313 Tenth Terrace, invited everyone to a beach cleanup on March 31 at 9 a. m., across the street from the new Publix. The event is hosted by Keep Brevard Beautiful and Publix Supermarkets.

Jeremy Richer, 313 Seventh Ave., said the untrimmed trees on his street were causing traffic and safety issues. He cannot see around the trees when he is backing out of his driveway, in particular, due to the trees located at 321 Seventh Ave. Mr. Gervais said he would send the truck out to trim the trees in the right-of-way.

Nicholle Rothengass, 904 Wave Crest Ave., spoke regarding the lack of lighting at 14<sup>th</sup> Ave and Wave Crest Ave; she asked if it would be possible to add lighting as it is very dark in that area. Mayor Berkman explained that the overhead lighting she sees in other areas along Wave Crest

Ave. is actually not supposed to be on during sea turtle nesting season. Mr. Casey indicated that FP&L has already been contacted to shut them off. He added that the Town can look into installing low-level turtle friendly lights at that end of the boardwalk.

5. Mayor Berkman read the following Public Announcements:
  - There will be a free fitness class on Saturday, March 14 at 9am in Nance Park hosted by Aquarian Dreams in support of the Mayors' Fitness Challenge
  - The Annual Easter Egg Hunt is on Saturday, April 4 at 9am in Orlando Park
  - There are current openings on the Code Enforcement Board and the Board of Adjustment.

## **B. Consent Agenda:**

1. Approve Council Meeting Minutes for February 12, 2020
2. Approve Board and Committee Appointments/Reappointments:
  - a) Board of Adjustment – Reappoint Jeffrey Schulte
3. Approve Agreement with the Florida Dept. of Financial Services to accept Firefighter Assistance Grant funding for self-contained breathing apparatuses
4. Approve Interlocal Agreement with Brevard County for Ocean Rescue Lifeguard 2020 Season
5. Approve Resolution No. 04-2020 in support of Brevard Zoo's efforts to bring a world-class aquarium to Port Canaveral (Berkman)

**MOTION by Deputy Mayor Glass, seconded by Councilmember Kemp, and vote unanimous to approve the consent agenda. Motion carried 5-0.**

## **C. Ordinances and Public Hearings:**

1. Mr. Gougelman read aloud the following:

### **Ordinance 2020-02 Public Hearing/Second Reading**

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE POLICE OFFICERS AND FIREFIGHTERS PENSION PLAN; MAKING FINDINGS; AMENDING SECTION 2-228 OF THE TOWN CODE TO IMPLEMENT THE CONCLUSIVE CANCER PRESUMPTION ESTABLISHED BY SECTION 112.1816, FLORIDA STATUTES AND TO ADOPT ALL APPLICABLE PRESUMPTIONS AS PROVIDED FOR IN FLORIDA LAW; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no public comments.

**MOTION by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to adopt Ordinance 2020-02. Motion carried 5-0.**

2. Mr. Gougelman read aloud the following:

### **Ordinance 2020-05 First Reading**

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT AND ZONING; MAKING FINDINGS; AMENDING SECTION 16.5-36 RELATING TO STORMWATER EXEMPTIONS; CREATING ARTICLE X. LANDSCAPING, SECTIONS 17-170 THROUGH 17-172, CODE OF ORDINANCE OF THE TOWN OF INDIALANTIC, FLORIDA, PROVIDING DEFINITIONS AND PURPOSE; SETTING FORTH REQUIREMENTS AND OPTIONS FOR RESIDENTIAL SURFACE RUNOFF MANAGEMENT SYSTEM; SETTING FORTH STANDARDS FOR COMMERCIAL LANDSCAPING; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION by Councilmember Kemp to approve the ordinance with an amendment adding language which specifies a location for swales.**

Mr. Gougelman suggested inserting language on page 6, line 195, after the words 'shall be managed' and before the words 'on residential property,' to read "... in the front yard of interior lots or in the front or side non-interior yard of corner lots adjacent to the right-of-way."

Mr. Gougelman clarified that this would prevent swales from being installed in backyards; Councilmember Kemp asked for his motion to include the language provided by Mr. Gougelman.

**MOTION seconded by Councilmember McKnight.**

Councilmember Wright asked for clarification on Section 16.5-36, paragraph a, sub paragraph 6, Exemptions: "Single-family or duplex residential construction on lots that are located within developed areas where the stormwater runoff pattern is historically established."

What exactly does this mean and who determines if a property has a historic runoff pattern? Does this exempt them from this ordinance?

Mr. Gougelman spoke about historical stormwater runoff patterns and explained that engineers typically determine if an area has a historic runoff pattern by looking at aerial photographs and old stormwater studies. It would not exempt a property from the landscaping [rain garden] provisions in the ordinance, rather, it would exempt them from the stormwater requirements in section 16.5.

Councilmember Wright asked whether or not Section 17. 171, part b, limits owners to just the six rain garden designs shown or does it allow for modifications? Mr. Gougelman said this is a good question to ask the committee that provided the designs; he added that a variance could be applied for if there is a practical difficulty in implementing the specific designs.

Deputy Mayor Glass expressed concern about the requirement for woodchips as many contain arsenic or other harmful chemicals. Mr. Casey said the owner would be responsible for purchasing and installing the woodchips as they are not provided by the Town. He added that the Town has a free swale program but this ordinance is not related to that program. This ordinance would mandate that owners install a rain garden at their expense if they make certain improvements to their property.

Vinny Taranto, 313 Tenth Terrace, Chairman for the Town's Environmental Advisory Task Force, said the committee's designs are based on recommendations from the county and the woodchips have a 30-year lifespan and their purpose is to reduce nitrogen in the stormwater.

He will review the county specifications for woodchips to see if they allow woodchips treated with chemicals.

Heather Thalwitzer, Unincorporated County District 5, stated that mulch from the landfill may or may not contain arsenic; there is no way to be certain what it contains. She suggested 'Flora Mulch' made from invasive melaleuca trees be used as a green alternative. It's a sustainable option as melaleuca is an invasive species that are being removed.

Brett Miller, 220 Cocoa Ave, suggested referring to the state's guidelines for toxic substances.

Councilmember McKnight expressed concern about woodchips introducing fungus which can be difficult and costly to eradicate once it takes hold.

Mr. Taranto explained that the committee's intent was to incorporate the design into the Town's swale program, where the Town would partner with residents to build swales with the Town digging the hole and installing woodchips and the owner purchasing and installing plants and rocks to complete the project. The Environmental Advisory Task Force has not reviewed the ordinance as they were unable to hold their most recently scheduled meeting due to a lack of quorum.

Mr. Gougelman said he will make the changes to the ordinance based on Councilmember Kemp's recommendations regarding the location of rain gardens. Language can be added regarding specifications for the woodchips if desired. He suggested the ordinance be referred back to the Environmental Advisory Task Force for their review and input.

**No vote was taken on first reading; it was the consensus of the Council to refer the ordinance back to the Environmental Advisory Task Force for their review and input.**

#### **D. Unfinished Business:**

1. (Discussion/Action) Special Events:
  - a. Prohibition of single-use plastics/polystyrene at special events

Councilmember Kemp spoke in favor of prohibiting single-use plastics at special events in Town. Mr. Casey suggested an effective date of Jan. 1 to give organizations time to comply. It was the consensus of the Council to have the town attorney draft a resolution implementing a ban on single-use plastics at special events effective August 1, 2020; any exceptions would have to be approved by Council.

- b. Imposing a fee on racing events

Deputy Mayor Glass spoke in favor of imposing a participant fee on racing events with proceeds going to parks and recreation improvements. After some discussion, Mr. Gougelman explained that a fee must offset expenses to the Town otherwise it is considered a tax.

**Imposing a fee on racing events -- FAILED due to lack of motion.**

- c. Designate Turtle Krawl (Sept. 12, 2020) as Special Event and authorize their request to FDOT for road closure on SR A1A

**MOTION by Councilmember Kemp, seconded by Councilmember McKnight to approve the Turtle Krawl special event and authorize road closure. Motion carried 4-1; nay vote by Deputy Mayor Glass.**

- d. Approve Running Zone Special Events: Firecracker 5K (July 4, 2020), Space Coast Turkey Trot 5K & 10K (Nov. 26, 2020)

**MOTION by Councilmember Wright, seconded by Councilmember Kemp to approve the Firecracker 5K and Space Coast Turkey Trot 5K & 10K. Motion carried 5-0.**

## **E. New Business:**

### **1. Nance Park Emergency Boardwalk Repairs**

Mr. Casey provided an update regarding damage to the boardwalk and asked for authorization to move forward with repairs. The Town's insurance will cover damages minus a \$500 deductible.

**MOTION by Mayor Berkman, seconded by Deputy Mayor Glass and vote unanimous to allow the Town Manager to proceed with repairs to the boardwalk. Motion carried 5-0.**

### **2. Beach Fire Permit Rules and Fees**

Councilmember Kemp spoke in favor of increasing the fee from \$25 to \$40 and increasing the refundable deposit from \$25 to \$100 for beach bonfire permits, due to complaints he received from residents who say debris left over from the bonfires is hazardous. He feels a higher deposit would encourage people to do a better job of cleaning up after their bonfire. He suggested the fee increase be used to pay for staff to monitor bonfire activities to ensure compliance.

**MOTION by Councilmember Kemp, seconded by Councilmember Wright to increase the bonfire permit fee to \$40 and refundable deposit to \$75.**

Councilmember Kemp clarified that his motion includes making the \$40 fee non-refundable for cancelled plans but a permit-holder can reschedule if alternate dates are available. It was noted that the Town's administrative staff can update the refund/cancellation policy at their discretion.

Mr. Gervais, Public Works Director, said his staff had been regularly cleaning up bonfire debris left on the beach. He recently retrained his staff to notify him when debris remains so he can document it and have the deposit withheld. Mayor Berkman asked about deposits, many of

which are donated to the Fire Department. He felt if the deposit amount was increased, people would be less likely to donate it to the Fire Department.

**MOTION FAILED 1-4; nay votes by Berkman, Glass, McKnight, and Wright.**

3. Nance Park Playground

Mayor Berkman explained that the play set at Nance Park was removed recently due to rust. The park is maintained by the Town's enterprise fund and revenue comes from parking meters, not taxes. There is currently a negative balance as funds are being used to purchase new digital kiosks to replace the old meters this year. He offered several ideas for funding a new playground: Long Doggers and local residents have expressed interest in helping to raise funds; residents could form a charitable 501c3 organization; the Town could set up a Go Fund Me account. He supports drafting a resolution to allow a volunteer Nance Park Advisory Group, open to both residents and non-residents, to organize the fundraising efforts. The group would report to the Town Manager. He would like to have a concept or design to show people so they will know what they are raising funds for.

Nicholle Rothengass, 904 Wave Crest Ave., said she was a member of the Melbourne Beach Rotary Club and offered to help with fundraising and planning; Mayor Berkman suggested Ms. Rothengass be part of the advisory group.

Dick Dunn, 330 Tampa Ave., offered information regarding tax-deductible donations.

Councilmember Kemp spoke in favor of a community project where residents could work together to form an organization to raise funds and build a playground and donate it to the Town.

**MOTION by Mayor Berkman, seconded by Councilmember McKnight to draft a resolution recognizing a volunteer Nance Park advisory group for next month's agenda. After further discussion, the motion carried unanimously 5-0.**

**F. Administrative Reports:**

1. Town Manager Report

Mr. Casey said beach renourishment trucks will be here through the end of April and will return in December to do renourishment on Town beaches.

2. Town Attorney Report

None.

### **G. Council Reports:**

Councilmember Wright inquired about the Beach House Motel; Mr. Casey said there was no new information at this time.

Councilmember Kemp spoke about the South Beaches Coalition meeting he attended; topics on the agenda included reducing the speed on both A1A and Riverside Drive for pedestrian safety.

Deputy Mayor Glass said the legislative regular session ends tomorrow and by next month he will have information regarding bills that passed.

Mayor Berkman asked Publix to donate two radar speed signs; he is hoping they will provide \$15,000 so they can be placed on streets near the new store. He spoke about the possibility of the old diner beach property being demolished and used for green space.

There being no further discussion, the meeting was adjourned at 9:02 p.m.

Dave Berkman, Mayor. Signature on file.

Attested By: Rebekah Raddon, Town Clerk. Signature on file.