

MEETING MINUTES
Town of Indialantic
Regular Meeting of the Town Council
Wednesday, February 12, 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, February 12, 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

1. Pledge of Allegiance was led by Mayor Berkman followed by a moment of silence in memory of Indialantic Communications Officer Donald Emory who passed away on Jan. 27, 2019, and former Indialantic Town Clerk Joan Clark who passed away on Feb. 10, 2020.
2. Changes to Agenda: None.
3. Public Comments (Non-agenda items): None
4. Mayor Berkman read the following Public Announcements:
 - The Mayors' Fitness Challenge runs from Feb. 1 – March 27; participants can still register at www.uwbrevard.org for this free event. All ages are encouraged to register to help Indialantic win the title, "Most Fit Town." Councilmember Kemp, Team Captain, suggested residents check the bulletin boards for a list of fitness events; the Town is hosting free activities every Saturday through the end of March.
 - There are current openings on the Code Enforcement Board.

A. Consent Agenda:

1. Approve Council Meeting Minutes for January 8, 2020
2. Approve Board and Committee Appointments/Reappointments:
 - a) Budget and Finance Committee – Reappoint Karen Turja
 - b) Board of Adjustment – Reappoint David Justice
 - c) Code Enforcement Board – Appoint Brett Miller
 - d) Heritage Committee – Reappoint Pam Dunn
3. Designate Turtle Krawl (Sept. 12, 2020) as Special Event and authorize their request to FDOT for road closure on SR A1A
4. Approve Special Events: Firecracker 5K Run/Walk (July 4, 2020) and Space Coast Turkey Trot 5K & 10K Run/Walk (November 26, 2020) by Running Zone
5. Approve Stormwater Maintenance Agreement and Limited Liability Company Affidavit – Hill/Gray Seven LLC
6. Approve First Amendment to the Restated Interlocal Agreement for Creation of the Transportation Planning Organization
7. Approve Resolution 01-2020 Amending the Building Department Fee Schedule
8. Approve Resolution 02-2020 Amending the Budget for the Town of Indian River Fiscal Year 2019-2020

MOTION by Councilmember Kemp, seconded by Deputy Mayor Glass to approve the Consent Agenda excluding items 3, 4, and 7. Motion carried unanimously 5-0.

Item 7. Approve Resolution 01-2020 Amending the Building Department Fee Schedule:

Deputy Mayor Glass asked Mr. Casey for details regarding the changes to the fee schedule; Mr. Casey explained that some permits were deemed unnecessary and were removed, such as pool resurfacing, irrigation, and satellite dishes. Other fees, such as rezonings, comprehensive plan amendments, and residential construction plans, were added or increased to cover the actual cost incurred by the Town. This shifts the cost from the tax-payer to the applicant. The costs include legal review and ordinance drafting, review and analysis by the Town planner and staff, and advertising and postage.

MOTION by Councilmember Wright, seconded by Deputy Mayor Glass, and vote unanimous to adopt Resolution 01-2020, Building Department Fee Schedule. Motion carried 5-0.

Item 3. Designate Turtle Krawl (Sept. 12, 2020) as Special Event and authorize their request to FDOT for road closure on SR A1A, and

Item 4. Approve Special Events: Firecracker 5K Run/Walk (July 4, 2020) and Space Coast Turkey Trot 5K & 10K Run/Walk (November 26, 2020) by Running Zone:

Councilmember Kemp asked Mr. Gougelman about prohibiting single-use plastics used at racing events; Mr. Gougelman said it could be made a requirement of a special event permit.

Deputy Mayor Glass suggested a \$5 fee per racer be collected to fund the Town's Parks, Recreation, and Beautification Committee, capped at \$5,000 per race. Without a fee, Deputy Mayor Glass feels the Town is subsidizing Running Zone. He has received complaints from residents regarding the frequency of races and the inconvenience caused by lane and road closures and hopes a fee would help limit the number of races and reduce the burden on the Town's residents.

Councilmember McKnight pointed out that some races support important causes such as sea turtle preservation. Mayor Berkman added that there are additional benefits, such as providing opportunities for healthy activities in Town. He does not support imposing a fee on non-profit races.

Mayor Berkman asked to table items 3 and 4 until such time that the proposed fee and single-use plastic prohibition can be addressed; there were no objections.

B. Ordinances and Public Hearings:

1. Ordinance 2020-01 Public Hearing/Second Reading:

Mr. Gougelman read the following title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; RELATING TO BUILDINGS OR STRUCTURES AND UNSAFE OR DANGEROUS STRUCTURE ABATEMENT; MAKING FINDINGS; AMENDING SECTIONS 6-27 AND 6-28, TOWN CODE OF ORDINANCES; PROVIDING CONTEXTUAL LANGUAGE CHANGES; REPEALING SECTION 6-220 RELATING TO THE STANDARD CODE FOR THE ELIMINATION OF UNSAFE BUILDINGS; CREATING SECTION 6-221 PROVIDING DEFINITIONS; CREATING SECTION 6-222 PROVIDING FOR DUTIES AND POWERS OF THE BUILDING OFFICIAL; CREATING SECTION 6-223 RELATING TO APPROVALS BY THE BUILDING OFFICIAL IN THE EVENT OF PRACTICAL DIFFICULTIES; CREATING SECTION 6-224 RELATING TO VIOLATIONS; CREATING SECTION 6-225 PROVIDING FOR THE METHOD OF ISSUANCE OF NOTICES AND ORDERS; CREATING SECTION 6-226 REGULATING UNSAFE OR DANGEROUS STRUCTURES AND EQUIPMENT; CREATING SECTION 6-227 PROVIDING FOR MEASURES THAT MAY BE TAKEN IN THE EVENT OF AN EMERGENCY; CREATING SECTION 6-228 PROVIDING FOR DEMOLITION OF STRUCTURES; CREATING SECTION 6-229 PROVIDING FOR DUE PROCESS AND THE MEANS OF APPEAL OF DECISIONS RELATING TO UNSAFE OR DANGEROUS STRUCTURES; CREATING SECTION 6-230 PROVIDING FOR STOP WORK ORDERS; CREATING SECTION 6-231 RELATING TO THE FINALIZATION OF ORDERS RELATING TO UNSAFE OR DANGEROUS STRUCTURES; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no public comments.

MOTION by Councilmember McKnight, seconded by Councilmember Wright, and vote unanimous to adopt Ordinance 2020-01 on second reading. Motion carried 5-0.

2. Ordinance 2020-02 First Reading:

Mr. Gougelman read the following title:

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/INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no comments from the public.

MOTION by Councilmember Kemp, seconded by Councilmember McKnight, and vote unanimous to approve Ordinance 2020-02 on first reading. Motion carried 5-0.

3. Resolution 03-2020 Relating to the Use and Operation of Town Social Media

Mr. Gougelman read the following title:

A Resolution of the Town Council of the Town of Indialantic, Brevard County, Florida, Relating to the Use and Operation of Town Social Media; Making Findings; Providing a Policy Therefore; Providing for Purpose and Applicability; Providing Definitions and for Compliance With Regulations; Setting Forth Content Management Requirements and Procedures; Providing Methodology for the Establishment of a Social Media Account; Providing Disclaimers and Regulations for User Terms of Service; Providing for Records Retention; Setting Forth Regulations Regarding Violation of the Social Media Policy; Providing a Severability Clause; and Providing for an Effective Date.

MOTION by Deputy Mayor Glass, seconded by Councilmember Wright to adopt Resolution 03-2020.

Mr. Gougelman explained the importance of conducting Town business using Town email to ensure records are archived, and adhering to the Sunshine Law. When dealing with Town business, records must be preserved. He advised staff and council members to utilize only Town email and official Town sites when conducting Town business. Mayor Berkman noted that derogatory comments can be hidden from a post but they are still preserved for the record. Deputy Mayor Glass suggested creating an outline and possibly holding a workshop on social media to discuss it if necessary.

There were no public comments.

Motion carried unanimously, 5-0.

C. New Business:

1. Award the following contracts for Rehabilitation and Improvement of Town Stormwater Management System

Mr. Casey said the Town's engineer reviewed all the bids received and recommended the Town award the contracts as follows:

- a) \$62,718.35 **Atlantic Development of Cocoa**, B-5 2nd Avenue / Riverside Drive
- b) \$219,134.00 **Johnson Davis, Inc.**, B-4 Bike Path / 9th to Melbourne Avenue
- c) \$88,194.25 **Atlantic Development of Cocoa**, B-6 Outfall Repair II at Wayne Avenue and Riverside Drive
- d) \$69,522.00 **Hinterland Group**, B-3 Orlando Blvd. / Ramona Avenue to Riverside Drive
- e) \$136,194.80 **Atlantic Development of Cocoa**, B-5 2nd Avenue / Riverside Drive to Ramona Avenue
- f) \$115,390.70 **Atlantic Development of Cocoa** B-4 10th Avenue / Ramona Avenue

Councilmember McKnight inquired about the cost difference in certain line items; Mr. Casey explained that some contractors are able to purchase pipes at a lower cost which allowed them to bid lower. Deputy Mayor Glass inquired about utilizing permeable materials on the pedway; Mr. Casey said the Town does not have equipment to clean that type of material and it is hard to access with machinery. Parts of the pedway are currently located on private property and will be relocated to the west. Mayor Berkman read items a) – f) aloud and asked if there was a motion to approve them.

MOTION by Councilmember Wright, seconded by Councilmember McKnight, and vote unanimous to award projects a-f as written. Motion carried 5-0.

D. Administrative Matters:

1. Town Manager Report

Mr. Casey reminded Council that Donald Emory's funeral will be at noon on Saturday; he recommended members contact Chief Connor if they are attending.

2. Town Attorney Report

None.

E. Council Reports:

Councilmember Wright said he will be absent from the June Council meeting. He inquired about the swale ordinance; Mr. Gougelman anticipates it being ready for the March meeting.

Councilmember Wright suggested scheduling a traffic workshop after Publix and Starbucks open to discuss traffic patterns. He recommended educating the public on steps the Town is taking to alleviate traffic issues.

Councilmember McKnight encouraged everyone to support local businesses. The Parks, Recreation, & Beautification Committee gets support from local businesses to pay for beautification projects so we should support them by shopping locally as much as possible.

Councilmember Kemp said several local businesses are holding free fitness classes in support of the Mayors' Fitness Challenge; contact him if you know of a business that might be interested in showcasing their business with a free class. This Saturday, Fitness on Fifth is hosting in Douglas Park at 10 a.m.

Deputy Mayor Glass stated the Space Coast Transportation Planning Organization is meeting on Feb. 13 to discuss traffic and crosswalks on A1A. Anyone who is concerned should attend the meeting. He advised Council to contact Ms. Raddon if they want legislative updates on bills being considered by the Florida Legislature; he indicated there are many preemptive bills that will affect municipalities and he is forwarding information to Ms. Raddon on a regular basis.

There being no further discussion, the meeting was adjourned at 7:51 p.m.

Dave Berkman, Mayor. Signature on file.

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