

**Meeting Minutes**  
**Town of Indialantic**  
**Regular Meeting of the Town Council**  
**Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903**  
**Wednesday, March 13, 2024, at 6:00 p.m.**

**A. Call to Order:**

A regular meeting of the Indialantic Town Council was called to order at 6:00 p.m. by Mayor McDermott.

**Present:**

Honorable Mark McDermott, Mayor  
Honorable Stu Glass, Deputy Mayor  
Honorable Doug Wright, Councilmember  
Honorable Loren Strand, Councilmember  
Honorable Brett Miller, Councilmember

**Also present:**

Michael Casey, Town Manager  
Paul Gougelman, Town Attorney  
Mollie Carr, Town Clerk  
Chief Connor, Indialantic Police Department  
Joe Gervais, Public Works Director  
Cliff Stokes, Building Official  
Officer Morrow, Indialantic Police Department

1. Pledge of Allegiance:
2. Changes to Agenda: New Business Item E-1 Discuss paid parking at Sunrise Park will be moved to the beginning of the agenda. Councilmember Strand requested to add an item to the end of the agenda. Attorney Gougelman advised that he will give an update on the Form 6 litigation at the end of the meeting and requested that all the members wishing to be named as an individual plaintiff sign the agreement and turn it over to him.
3. Presentations:
  - Presentation of a proclamation for “Florida’s Water Conservation Month” presented to the Water Management Districts by Mayor McDermott- The Water Management District did not have a representative present to receive the proclamation so the presentation was not done, and the proclamation will be mailed to the recipients.
  - Presentation of a proclamation for “Monarch Butterflies”- The presentation was moved to the April 10, 2024, agenda.
4. Public Comments, Non-Agenda Items:

Pam Dunn, 330 Tampa Avenue, Indialantic- Ms. Dunn thanked the Town Council, Michael Casey, Joseph Gervais, and all those who helped with the Pollinator Fair. Ms. Dunn said the event was fabulous, over 2,000 people attended.

Richard Adams, 1033 Wave Crest Avenue, Indialantic- Mr. Adams asked if someone could help him determine the right of way across from him and the location that he is supposed to put his trash cans. Mr. Adams said they have always placed the cans across from their property and now some residents at the Casuarina Club are upset about the trash can placement. Mr. Adams said there was a confrontation that resulted in someone being physically assaulted and the police had to be called. Joe Gervais, the Public Work's director, told Mr. Adams that he would call him the following day with the requested information.

5. Public Announcements:

- There are openings on the following boards and committees:  
Board of Adjustment; Budget and Finance; Civil Service; Code Enforcement; Parks, Recreation and Beautification Committee; and Pension Board – General Employees

**E-1 Paid Parking at Sunrise Park (out of agenda order)**- Councilmember Wright requested this item be removed from the agenda and not considered any further. Councilmember Wright expressed his appreciation for the rigorous and respectful feedback.

**B. Consent Agenda:**

1. Approve Council Regular Meeting Minutes February 14, 2024
2. Approve agreement with Joseph G. Colombo, P.A., Code Enforcement Board Attorney
3. Approve Seasonal Lifeguard agreement with Brevard County
4. Approve Resolution 07-2024 Budget Adjustment #1
5. Approve quotes from Atlantic Development for the following projects:
  - a. Three top replacements along South Riverside Drive
  - b. 1304 South Riverside Drive riprap
  - c. South Riverside Drive pipe crossing at Orlando Boulevard

**Councilmember Strand requested Consent Agenda Item #2 and #3 be pulled for discussion.**

**Motion by Deputy Mayor Glass, seconded by Councilmember Strand, to approve the Consent Agenda with items #2 and #3 being pulled for discussion.**

**Public Comment: None**

**Ayes: McDermott, Glass, Wright, Strand, and Miller**

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

Consent Agenda item #2- Approve agreement with Joseph G. Colombo, P.A., Code Enforcement Board Attorney

Councilmember Strand explained that this is a renewal. He advised that the rate for the attorney went up \$30.00 an hour and the paralegal rate dropped \$5.00 an hour, this is a 15% increase with the same terms and a 3% automatic increase year over year.

**Motion by Councilmember Strand, seconded by Deputy Mayor Glass, to approve the Consent Agenda with items #2.**

**Public Comment: None**

**Ayes: McDermott, Glass, Wright, Strand, and Miller**

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

Consent Agenda item #3- Approve Seasonal Lifeguard agreement with Brevard County

Councilmember Strand explained that this is a renewal specific to the same agreement as the previous agreement and is for the same type of service and has an 8% CPI increase over the previous year.

**Motion by Councilmember Strand, seconded by Deputy Mayor Glass, to approve the Consent Agenda with items #3.**

**Public Comment: None**

**Ayes: McDermott, Glass, Wright, Strand, and Miller**

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

**C. Ordinances and Public Hearings:**

1. Ordinance 2024-02, Second/Final Reading/Public Hearing, *relating to platting and subdivisions:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PLATTING AND SUBDIVISIONS; MAKING FINDINGS; AMENDING SECTION 1-2, TOWN CODE OF ORDINANCES, REVISING AND ADDING DEFINITIONS AND A SHORT TITLE TO SECTION 111-1, TOWN CODE; AMENDING SECTION 111-2, TOWN CODE, TO ADD A JUSTIFICATION AND PURPOSE AND AMENDING PROVISIONS REQUIRING PLAT APPROVAL PRIOR TO FILING OF A PLAT; AMENDING SECTION 111-3, TOWN CODE, DELETING TEXT AND PROVIDING FOR A PLAT APPROVAL PROCESS; AMENDING SECTION 111-4, TOWN CODE, PROHIBITING THE RECORDING OF A PLAT ON OR AFTER APRIL 1, 2024, THAT HAS NOT BEEN DESIGNED AND APPROVED SUBJECT TO THIS ORDINANCE; PROVIDING SECTION 111-5, TOWN CODE, SETTING FOR REQUIRED IMPROVEMENTS, DESIGN, PLANS, AND DRAWINGS; PROVIDING SECTION 111-6, TOWN CODE, PROVIDING FOR SUBDIVISION VARIANCES; PROVIDING SECTION 111-7, TOWN CODE, SETTING FORTH THE METHOD OF INTERPRETATION AND AMENDMENT TO THE SUBDIVISION CODE; PROVIDING SECTION 111-8, TOWN CODE, RELATING TO TECHNICAL SPECIFICATIONS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

**Motion by Councilmember Wright, seconded by Councilmember Strand, to accept Ordinance 2024-02 as presented.**

Public Comments: None

**Ayes: McDermott, Glass, Wright, Strand, and Miller**

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

2. Ordinance 2024-03, Second/Final Reading/Public Hearing, *relating to the zoning code:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-334, 113-335, AND 113-337, TOWN CODE OF ORDINANCES, TO PROVIDE FOR TOWNHOUSE RESIDENTIAL UNIT DEVELOPMENT WITHIN THE R-3, R-P, AND T ZONING DISTRICTS; DEFINING "TOWNHOUSE RESIDENTIAL UNIT;" SETTING STANDARDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

**Motion by Councilmember Strand, seconded by Councilmember Miller, to accept Ordinance 2024-03 as presented.**

Public Comments: None

**Ayes: McDermott, Glass, Wright, Strand, and Miller**

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

3. Ordinance 2024-05, Second/Final Reading/Public Hearing, *relating to the Solid Waste Collection:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SOLID WASTE COLLECTION; MAKING FINDINGS; CREATING SECTION 26-18, TOWN CODE OF ORDINANCES KNOWN AS THE DICK DUNN SOLID WASTE COLLECTION ORDINANCE; AMENDING SECTIONS 26-19, 26-20, 26-21, 26-22, AND 26-23, TOWN CODE OF ORDINANCES, RELATING TO YARD TRASH, COLLECTION THEREOF, AND DUTY TO DISPOSE OF SAME; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

Discussion ensued and the following items were discussed:

- Attorney Gougelman advised that an error on line 229 needs to be corrected from “four days” to “seven days.”
- Mayor McDermott requested Dick Dunn’s name be removed.
- Cliff Stokes, Building Official, requested an opportunity to work with the attorney on a redraft because he feels there are areas conflicting with state statues.
- Cliff Stokes advised that Florida State Statue Chapter 162 addresses code enforcement procedure.
- Councilmember Strand wants to make sure the ordinance addresses trash piles not the upkeep of a property.
- Deputy Mayor Glass questioned if construction debris is addressed in the Town Code.

**Motion by Councilmember Wright, seconded by Councilmember Strand, to continue the second reading/public hearing for Ordinance 2024-05 to the April 10, 2024, meeting.**

Public Comments: None

**Ayes: McDermott, Glass, Wright, Strand, and Miller**

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

**D. Unfinished Business:**

1. Discuss Capital Improvement Plan- Town Manager Casey told the Council that he had been working with Councilmember Wright on the plan and had added more detailed information to the plan.

Discussion ensued and the following items were discussed:

- Councilmember Strand expressed his appreciation for the addition of the street measurements and characteristics.
- Councilmember Strand expressed concerns regarding the lack of objective standards and the completion of the H&H plan. He requested a scope and definitive time frame for the completion of the H&H study and a description of how it will be implemented in the CIPP.
- Councilmember Wright advised the H&H study is a budgeted item not funded as a Capital item.
- Councilmember Miller stated that he feels the CIPP has come along nicely and includes more details. He requested more details in the parks portion.
- Attorney Gougelman advised that the CIPP will come before the Council as an ordinance.
- Councilmember Wright will continue to work with the Town Manager on the CIPP.
- Deputy Mayor Glass requested to see an inventory of the park equipment that will be obsolete.

Public Comments: None

2. Discuss Shipping Containers- The Building Official, Cliff Stokes informed the Council that he spoke with the Brevard County Building Official, Mr. Talbert, who advised their shipping container case was still being considered in court. Mr. Talbert told Mr. Stokes that the county ordinance prohibits stacking the containers but does not forbid or disallow them. Mr. Stokes advised the Council that the Town Code has a maximum height of fourteen feet for an accessory structure, so he feels the shipping containers are properly addressed.

Discussion ensued and the following items were discussed:

- Florida State Statute prohibits the Town from disallowing shipping containers or controlling aesthetics, in residential areas.
- The shipping containers are required to be anchored and meet the windspeed requirements of an accessory structure.
- Mr. Stokes stated that shipping containers are not inhabitable because the Town Code does not allow accessory structures to be inhabited.
- Mr. Stokes told the Council that he does not feel there is any action required, the Code covers the concerns about shipping containers.
- Councilmember Miller suggested that if the Council wanted to consider additional regulations for accessory structures, addressing plumbing or electricity could be effective.
- Mr. Stokes said he does not approve showers and toilets in accessory structures, but they are not specifically prohibited under the code, he does not allow them based on the Code prohibiting the structures from being inhabitable.
- The building official does a final inspection of accessory structures.
- Currently there are no shipping containers in the Town.

Public Comments: None

#### **E. New Business:**

1. Discuss paid parking at Sunrise Park (Wright)- this item was moved to the beginning of the agenda.
2. Discuss Election Qualification Period- Councilmember Strand moved to open discussion, seconded by Councilmember Wright.

Discussion ensued and the following items were discussed:

- Election Qualifying Packets can be submitted 14 days prior to the Qualifying Period but will not be reviewed until the Qualifying Period.
- The Election Qualifying Packet can be submitted in-person, by proxy or by mail.
- The Town will not pay for postage for mailed in packets.

- The Town Clerk will notify candidates of any errors found in the “four corner” inspection by phone, email, or letter to ensure proper notification is given.

Public Comments:

Vinnie Taranto, 313 Tenth Terrace, Indialantic- Mr. Taranto expressed that he and the members of the Sustainable Community and Resiliency Committee were concerned over there not being enough time to submit the qualifying paperwork during the five-day qualifying period. Mr. Taranto said that he feels with the additional time period before the qualifying period there is a very low bar barrier. Mr. Taranto asked how the information will be provided to the community. The Town Clerk explained to Mr. Taranto that the election information is contained within the Election Qualifying Packet and will be available at the front desk and online on the Town website.

3. Discuss using an urban planner to develop a concept for the Boardwalk (McDermott)- Mayor McDermott said that this was his initiative, and he would like to redo the boardwalk and make it a “place to be”. Mayor McDermott made a motion to open discussion, seconded by Deputy Mayor Glass.

Discussion ensued and the following items were discussed:

- The Town Manager will check to see if the Town or the pervious urban planner has intellectual property rights to the current design plan.
- Mayor McDermott would like the boardwalk to be wider and longer, with a walking path, bump outs for seating and low-level lighting.
- Councilmember Miller suggested calisthenic and exercise equipment toward the south end of the boardwalk. He said Desoto Park, in Satellite Beach, has very cool equipment to check out.
- Widening the boardwalk could affect parking.
- Councilmember Strand suggested using Upwork to create a few conceptual designs.
- Councilmember Wright would like to start with a scope of work and concept before going out for a request for bid.
- Deputy Mayor Glass asked the Town Manager to discuss with the other Town Manager’s at his Manager’s meeting.
- Mayor McDermott will ask the town consultant, Mr. Haridopolos, what he needs to get started.
- The Town has budgeted \$25,000 for a planner.
- Upwork has professional planners available.

By consensus it was decided that Councilmember Wright will assist the Town Manager with creating a scope and deliverables, Councilmember Strand will work with the Town Manager on starting the process with Upwork and Mayor McDermott will create an ideas list and speak to the interviewer from Upwork with the Town Manager.

Vinnie Taranto, 313 Tenth Terrace, Indialantic- Mr. Taranto said he would discuss the boardwalk concept with the members of the Sustainable Community and Resiliency Committee and create a list of words and terms to help create community support.

**Non-Agenda Item Presentation by Councilmember Strand-** Councilmember Strand went over a list of ideas and polled the Councilmembers on a scale of one to ten on their interest in pursuing any action or initiatives on the items.

The following ideas were presented:

- QR codes for rip current information.
- Create an ordinance regarding residential lighting.
- Create an ordinance regarding cameras recording beyond their residential property.
- Create a youth council.
- Create a multi-municipality bike path.
- Purchase and implement a computerized maintenance system.
- Economic Development.
- Secure location to store bicycles and scooters, in the parks or business area.
- The Fire Department provides additional well checks for residents.
- Town Council meeting twice a month.

#### **F. Administrative Reports:**

1. Town Attorney- Attorney Gougelman advised that the Form 6 lawsuits have been filed in federal court and in state court. Currently there are 37 municipalities that have joined, three from Brevard County. Currently four of the five Indialantic Town Council members have joined as named plaintiffs. All the funds to pay for the Town and Councilmember's involvement were privately raised and no taxpayer dollars were used. On Friday, the lawsuit will be amended to add the cities and individuals that have joined.
2. Town Manager- Town Manager Casey informed the Council that the County Commission had a meeting and as a non-agenda item, they voted to have the town pay 50% of the lifeguard agreement. He advised that he has not heard from the Brevard County Manager regarding the lifeguard agreement.

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

1. Mayor McDermott- No Report
2. Deputy Mayor Glass- Deputy Mayor Glass said that the Florida Legislature completed its session last week and it was grossly unfavorable to local municipalities. The Brevard Delegation was very unfavorable to local municipalities.
3. Councilmember Wright- Councilmember Wright thanked Town Manager Casey and staff for getting the Waste Management information into the Indialantic monthly magazine.
4. Councilmember Strand- Councilmember Strand thanked all the residents that donated to the Form 6 litigation. He thanked Deputy Mayor Glass and Councilmember Miller for attending the Space Coast

League of Cities Dinner. He thanked the previous Town Council and staff for their forward thinking because we are protected from some new laws because we already have laws in the book. He thanked Attorney Gougelman and the Town Clerk for tracking the changes in the ordinances. He thanked Lisa Packard for her assistance in updating the newsletter and the Town Clerk for engaging with residents. He thanked Town Manager Casey for the current project list. He commended the residents who reached out to him and the Town Council to express their opinions.

5. Councilmember Miller- Councilmember Miller said he would like to curtail or regulate the young kids on E-bikes riding through the neighborhoods at 30 miles per hour.

**H. Staff Reports:**

**I. Adjournment:**

There being no further discussion, the meeting was adjourned at 8:01 p.m.

Mark McDermott, Mayor. Signature on file.

Attested by: Mollie Carr, Town Clerk. Signature on file.