

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, April 12, 2023, 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 with the following members present:

Honorable Mark McDermott, Mayor
Honorable Stu Glass, Deputy Mayor
Honorable Julie McKnight, Councilmember
Honorable Doug Wright, Councilmember
Honorable Loren Strand, Councilmember

Also attending:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk
Michael Connor, Chief of Police
Joe Gervais, Public Works Director
Sgt. Timothy Weber, IPD
Sgt. Ryan Dovel, IPD

1. The Pledge of Allegiance was led by Mayor McDermott.
2. Changes to Agenda: Town Clerk Raddon advised there was one item *IT Systems Assessment (Strand)* that should be added to the agenda. Drafters note: Several changes to the agenda were made throughout the meeting.
3. Presentations:
 - a) Indialantic Police Department

Police Chief Connor spoke regarding several outstanding employees. He issued Letters of Commendation and Lifesaving Awards to Officer Cameron Price and Sergeant Ryan Dovel for their intervention that prevented a suicidal man from taking his own life at the causeway last month.

In a separate incident, he acknowledged outstanding work by Senior Communications Officer (SCO) Amanda Konstant, for her quick relaying of information to officers responding to the Spessard Holland beach shooting in Melbourne Beach. Her efforts, combined with the pursuit and action taken by Officer

Cameron Price and Sergeant Ryan Dovel, led to the capture of a homicide suspect. He issued Letters of Commendation and Meritorious Service Awards to all three employees and expressed great pride in his team.

b) Economic Development Commission: Mission Space Coast (Angela Neal)

Angela Neal spoke regarding creating a unified brand for the Space Coast, and asked for input from the community. More information is located online at [Mission Space Coast - Economic Development Commission of Florida's Space Coast \(spacecoastedc.org\)](https://www.spacecoastedc.org).

c) IT Update (Dominic Hamilton, Tom Bradford)

Town Manager Casey advised that Tom Bradford was unable to attend tonight's meeting. Dominic Hamilton, IT Director for the City of Indian Harbour Beach, spoke at length regarding his assessment of Indialantic's IT systems and answered numerous questions posed by the council. In summary, he advised that the most urgent issues that should be addressed quickly include the town's email, domain, and firewall.

d) Security Breach (McDonald Hopkins)

Mayor McDermott advised that this topic would be discussed at 7:30 p.m.

4. Public Comments, Non-Agenda Items:

Vinnie Taranto, 313 Tenth Terrace, Chairman, Sustainable Community and Resiliency Committee, advised that the committee's interns have completed the Town's sustainability action plan and it will likely be on the next council agenda. In addition, the committee submitted a swale ordinance to be reviewed by the town attorney.

5. Mayor McDermott read the following Public Announcements:

- There are openings on the following boards and committees:
Board of Adjustment; Budget and Finance; Civil Service; Code Enforcement; Sustainable Community and Resiliency Committee; and Pension Board – General Employees

B. Consent Agenda:

1. Approve town council special meeting minutes Feb. 16, 2023
2. Approve town council regular meeting minutes March 8, 2023
3. Approve/designate Garden Club By The Sea special event with sound amplification at Nance Park March 3, 2024
4. Approve police vehicle purchase
5. Approve surplus and auction of 2006 F150 public works vehicle, tractor, and tractor accessories
6. Approve the following board and committee appointments/reappointments:
 - a) Board of Adjustment – Reappoint Eileen Mullen
 - b) Budget and Finance – Reappoint Bruce Bogert
 - c) Code Enforcement Board – Reappoint Brett Miller
 - d) Heritage – Reappoint Annette Joyner; reappoint Jenifer Marx

- e) Parks, Recreation, and Beautification – Reappoint John Heilner
- f) Zoning and Planning Board – Reappoint Jeanne Allen; reappoint Alan King

Motion by Deputy Mayor Glass, seconded by Councilmember Wright to approve the Consent Agenda as written.

Councilmember Strand asked to pull item # B. 1 – Special Council Meeting Minutes Feb. 16, 2023 for discussion. Deputy Mayor Glass and Councilmember Wright agreed to amend the motion and approve items 2-6 and pull item #1 for discussion. The amended motion carried unanimously, 5-0.

Councilmember Strand advised there was misspelling of a resident’s name: Beeman should be Beaman and on page 6, he asked to strike the words “if needed” from the motion made by Mayor McDermott to authorize the town manager to work with an urban planner for the boardwalk.

Town Manager Casey advised that he got a quote from an urban planner to consult with regarding the boardwalk.

Motion by Councilmember Strand, seconded by Councilmember McKnight, and vote unanimous to approve the February 16, 2023 minutes with two changes as discussed.

Motion carried 5-0.

Motion by Councilmember Strand, seconded by Councilmember McKnight to discuss **New Business agenda item D. 1 Backyard Chickens:**

Discussion ensued with some councilmembers in favor of allowing backyard chickens and some opposed. It was noted that the topic was discussed in 2020, but public engagement was limited due to Covid-19. It was also discussed in 2010. At both meetings, the majority voted against allowing backyard hens.

Mayor McDermott invited resident Laura Spivey to speak, as she had requested the item be considered by the council.

Laura Spivey, 450 Watson Avenue, in response to several comments and questions, advised that a well maintained chicken coup is much more desirable and better for property values than a feral cat colony or a neighbor with more than a dozen dogs, both of which she has observed. In other communities, she has kept chickens and her neighbors were completely unaware, since they were quiet and didn’t pose a nuisance. In addition to providing eggs, raising chickens provides a good learning opportunity for children and she brought her

children to the meeting to learn how to do things the right way and be respectful of neighbors.

Public Comments:

Dave Berkman, 225 8th Avenue, in response to council comments, suggested putting the issue on the ballot as he feels that will be more effective than holding a workshop.

Shannon, [last name, address inaudible] spoke in support of allowing chickens and advised that the City of Cocoa recently approved chickens and the City of Orlando also allows them and requires a \$20 University of Florida course before issuing a permit. Regarding the concern about dogs barking at chickens, she advised that some dogs will bark at nothing. The town could issue permits and conduct yearly inspections to ensure compliance.

Jim Vaidic, 110 Melbourne Ave, suggested that dogs be blamed for barking, not chickens; coyotes are already here; lot size is not an issue with just 4 chickens; and enforcement is no different than if a fence was down. If an issue occurs, it can be investigated from the complainant's property. Chickens are good for the environment in that pesticides, fertilizer, and weed control aren't needed, and their lifespan is short and they usually go unnoticed. Dogs cause more complaints than chickens, and Nextdoor polls are given credence when they agree with the pollster's opinion and are deemed irrelevant when they don't agree with the pollster's opinion.

Matt Boyd, 109 Tradewinds Terrace, spoke regarding supply chain issues in the past few years and noted that it is hard to get eggs and other products. It would be great to not prohibit chickens considering the very low burden they present.

Town Attorney Gougelman advised that there is a cost associated with drafting an ordinance and this change would require an expensive legal ad so it would be good for council to reach a consensus before moving forward. The clerk was asked to determine the cost of putting this on the November ballot and the cost of a special election. After further debate regarding the pros and cons of backyard hens, no consensus was reached. Areas of concern were enforceability, issues with revoking/sunsetting an ordinance after people already have purchased chickens and supplies, and allowing something that is not overwhelmingly needed or desired by residents. The council discussed ways to inform residents and gather more input. Suggestions included sending mailers, publishing an article in the newsletter, and a workshop.

It was the consensus of the council to table this discussion until next month when ballot and special election costs can be considered.

**New Business agenda item D. 2 MelBoom
2023 Sponsorship:**

Motion by Councilmember Wright, seconded by Councilmember Strand and vote unanimous to approve a \$500 sponsorship for Melboom. Motion carried 5-0.

C. Ordinances and Public Hearings:

1. Ordinance 2023-02, First Reading/Public Hearing, *relating to non-interference of town administrative matters:*

Mr. Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO TOWN ADMINISTRATION; MAKING FINDINGS; PROVIDING A NEW SECTION 2-41 TO THE TOWN CODE OF ORDINANCES; PROVIDING THAT MEMBERS OF THE TOWN COUNCIL SHALL NOT INTERFERE IN TOWN ADMINISTRATIVE MATTERS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

Deputy Mayor Glass spoke in support of the ordinance and advised that he had recommended it to the town manager. Councilmembers questioned the necessity of the ordinance and what spurred it, and some felt the language was harsh, in particular, where it describes elected officials as lacking in education and experience with regard to government. There was a request to clarify the recital definitions. Mr. Gougelman advised this ordinance provides guardrails and it doesn't prohibit elected officials from speaking to staff; rather, as a matter of collegiality, the elected official should let the manager know if they need research done or assistance with something instead of going straight to the employee. He gave examples of scenarios that have occurred in other municipalities.

Mayor McDermott advised that it was 7:30 p.m. and the McDonald Hopkins attorneys were available to speak via telephone conference regarding the findings of the breach investigation.

Agenda item A. 3 (d) Security Breach (McDonald Hopkins):

Blair Dawson, McDonalds Hopkins, introduced herself and stated her colleague Kate Jarrett was also on the line. Ms. Dawson answered numerous questions posed by councilmembers and staff regarding the forensic investigation done by Lodestone after the breach of personally identifying information.

In summary, Ms. Dawson confirmed the following:

Lodestone's findings were provided to McDonald Hopkins and edited prior to being sent to the town.

They oversaw the investigation, but they are not forensic analysts.

They did not interview staff; the investigation was solely forensic.

They did not investigate third parties as that is out of their scope.

Forensic evidence indicates the town network was not compromised. As such, the town does not need to provide notice to affected individuals. They cannot comment regarding providing identity theft remediation and credit monitoring for employees as that is up to Beasley.

They cannot speculate how the breach occurred; they rely on evidence. Lodestone made the choice regarding what data to review and which machines to analyze.

The findings regarding Hostgator were inconclusive because logs were not obtained.

No third party IT systems were investigated. The town's contracts don't obligate third parties to participate in the investigation. BS&A said they had no suspicious activity on their network, however, this cannot be verified. Florida Accounting Computer Service Inc. (FACS) emailed an unencrypted document containing personally identifiable information (PII) to the town which was then forwarded unencrypted to BS&A. "Breach" is defined as unauthorized access [to the town's network] and Lodestone did not find any unauthorized access.

Public Comments:

Amanda Konstant, town employee, 216 Fifth Avenue, Indialantic, inquired about how far back in time the data was analyzed; if the timeframe for analysis is Feb. 22 – March 15 that is not helpful as her social security number was used to file taxes fraudulently some time before Jan. 26, which was the date she tried to file her taxes. She would like to know how the data was breached and who will be held accountable for it. She requested the town manager get the timeframe from Lodestone as well as any logs. She and other town employees have been greatly inconvenienced by the breach and now have to jump through many hoops to accomplish any tasks involving their credit.

Shaun Warburton, town employee, 216 Fifth Avenue, inquired what "no intrusion" means and received confirmation that malicious tools were not found on the network. He received confirmation that Lodestone did not investigate Hostgator. Town Manager Casey advised that he has a ticket open with Hostgator to get the logs as the C Panel does not allow the town to access the logs.

In response to questions from councilmembers, Ms. Dawson confirmed they did not speak to the sheriff in their investigation. Police Chief Connor advised there were two investigations: the cyber security breach investigation handled by Lodestone and the identity theft involving debit cards opened in employees' names which is being investigated by the county sheriff.

Ashley Rodriguez, town employee, 216 Fifth Avenue, spoke regarding a recurrent email issue. On several occasions, someone sent emails with attachments to other employees from her email address. She changed her password as recommended, but it didn't solve the issue. She confirmed that Lodestone was not made aware that the town was having email issues. Ms. Dawson advised that issue was probably unrelated to the breach.

Chief Connor advised he received word from the secret service yesterday that an active brute force attack was actively occurring on February 7 while Lodestone was investigating the breach. He does not have a written report at this time. He advised that the PDF containing PII is a crucial piece of evidence and indicates a singular event highly demonstrative of a breach. Lodestone's report states that emails were not ruled out as a source of the breach.

Mr. Casey explained that Lodestone was made aware of the email containing PII but they were not provided the PDF.

Lengthy discussion ensued; one concern raised is that the town is still vulnerable since the source of the breach has not been determined.

New Business:

1. Backyard chickens – this item was discussed out of order.
2. MelBoom 2023 Sponsorship – this item was discussed out of order.

Resolution 04-2023 relating to Identity Theft Protection for Affected Parties:

Councilmember Strand spoke in support of providing identity theft protection to employees and explained the potential risks and benefits. It was noted that in a letter of reservation the town received from Beazley Insurance, Mr. Tyler stated that offering an Identity Protection benefit could be perceived as traceability that the town is liable for a data breach. Therefore, it is Beazley's position that the benefit should not be offered to those affected until some future date, with Beazley's position that they may exercise their option to remove representation of the town in this insurance claim. Discussion ensued; Town Attorney Gougelman advised that the town has a duty to cooperate with its insurer.

Public Comments:

Ashley Rodriguez, town employee, 216 Fifth Avenue, expressed frustration regarding poor communication from town hall regarding the breach, and financial issues she has encountered and additional expenses she has taken on due to the breach. Moral has plummeted and she has lost trust in the town. She reiterated the ongoing issues with the town's email and is concerned that the individual who helps with IT issues isn't effective. She recommended the town provide identity theft protection to employees.

Savannah Pando, town employee, 216 Fifth Avenue, advised that many employers provide identity theft protection to their employees as a regular benefit. She recommends the town do so. She would like to see communication between town hall and the police department improved and the breach taken seriously and not joked about. She is concerned that the individual tasked with protecting the firewall did not do so and he accesses the police department regularly without providing an explanation.

Lengthy discussion ensued.

Amanda Konstant, town employee, 216 Fifth Avenue, described the issues the police department encountered as a result of the breach. The police department did not have access to email and they

had to log 911 calls on paper. Town hall staff continued to send emails to the police department which they couldn't check. She recommended Mr. Morris's computer be moved to the town hall side so he doesn't access the department after hours.

Councilmembers expressed their concerns regarding the breach and the wellbeing of employees.

Motion by Councilmember Strand to have the town manager diligently pursue the earliest effective date that Beasley will allow in writing for offering of employee benefits for ID protection.

Mr. Gougelman suggested the conversation be deferred. He advised that the manager understands the issue and is currently working on it.

Motion failed due to lack of second.

The meeting was recessed at 9:07 p.m. and reconvened at 9:15 p.m.

Ordinance 2023-02, first reading/public hearing:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO TOWN ADMINISTRATION; MAKING FINDINGS; PROVIDING A NEW SECTION 2-41 TO THE TOWN CODE OF ORDINANCES; PROVIDING THAT MEMBERS OF THE TOWN COUNCIL SHALL NOT INTERFERE IN TOWN ADMINISTRATIVE MATTERS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

Lengthy discussion resumed regarding the ordinance. In summary, it was the consensus of the council to soften the language, remove ambiguity, provide definitions, and bring it back next month for first reading.

Public Comments:

Lisa Packard, 441 Wayne Avenue, thought it was unusual to see this on the agenda as it had not been mentioned in a meeting before tonight. She inquired how it got drafted without council's input. She feels that not everything rises to the level of requiring an ordinance and just because someone throws it on the table doesn't mean it's worthy of adoption. It's overly bureaucratic for a small town, and some of the language is negative and derogatory. She feels the need for the ordinance has not been established.

D. Unfinished Business:

1. Resolution 05-2023 Joint Partnership Agreement for Fifth Avenue Median Landscaping

Susan Hall, 244 McLeod St. Merritt Island, provided an update and answered the councilmembers' questions.

Motion by Deputy Mayor Glass, seconded by Councilmember Strand, and vote unanimous to approve Res. 05-2023. Motion carried 5-0.

2. Agreement with Computer Experts for IT Management Services:

Mark Mageau, Vice President of Computer Experts, and David Church, Owner, Computer Experts, answered the councilmembers' questions. Councilmember Strand expressed concerns about the proposal because the town is responsible for outcomes and no service level agreement was provided. In addition, there is no high level assessment and no other quotes.

Chief Connor spoke in support of adopting the agreement and advised that Computer Experts will assist with the technical audit and ensure that everything in the police department is in compliance. Other municipalities speak very highly of Computer Experts.

Motion by Councilmember Wright, seconded by Deputy Mayor Glass, and vote unanimous to allow the town manager to enter an agreement with Computer Experts for migration to Microsoft Office 365; email server, installation of the sonic wall and associated labor, Office 2021, and Barracuda for email security.

Motion carried 5-0.

Further discussion ensued regarding the best course of action. Councilmember McKnight referenced a Computer Experts quote provided by Councilmember Strand for an IT assessment/analysis at a cost of \$750, and suggested that as an option.

Motion by Councilmember McKnight, seconded by Councilmember Strand, and vote unanimous to approve entering an agreement for Computer Experts to perform an IT Analysis.

Motion carried 5-0.

3. Resolution 03-2023 Adopting a Procurement Policy:

It was the consensus of the council to put this on next month's agenda due to the late hour.

4. Resolution 04-2023 relating to Identity Theft Protection for Affected Parties:

Discussed out of order earlier in the meeting; motion to adopt failed due to lack of second.

5. Data Breach Forensics Report and Legal Response:

Discussed out of order earlier in the meeting; no action taken.

E. Administrative Reports:

1. Town Attorney – None.
2. Town Manager – Written report provided in the agenda packet.

F. Council Reports:

Councilmember Strand advised that the Space Coast League of Cities is sponsoring college scholarships; please help spread the word. They are soliciting contributions from businesses who want to help fund them. He thanked Mr. Casey for persevering to obtain the Lodestone report and getting the attorneys to commit to speaking at the meeting. He thanked Mr. Gougelman for providing historic information and institutional knowledge regarding resolutions and ordinances, and Ms. Raddon for researching and vetting identity theft protection benefits.

G. Staff Reports: None.

H. Adjournment:

There being no further discussion, the meeting was adjourned at 10:43 p.m.

Mark McDermott, Mayor. Signature on file.

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