

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, January 12, 2022 at 7:00 p.m.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order by Mayor Berkman at 7:00 p.m., followed by the Pledge of Allegiance. The following members were present:

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

Also attending:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk
Michael Connor, Chief of Police

1. Presentations and proclamations: None
2. Mayor Berkman read the following Public Announcements:
 - There are openings on the following boards and committees: Board of Adjustment, Civil Service, Parks Recreation & Beautification, the General Employees' Pension Board; and Zoning and Planning
 - Town Hall will be closed Jan. 17 in observance of Dr. Martin Luther King, Jr. Day (*pending approval of Ord. 2022-01*)
 - Annual beach parking permits for 2022 are available now; to purchase, bring \$40 and your vehicle registration to Town Hall.

Mayor Berkman asked for Public Comments on non-agenda items:

Brett Miller, 220 Cocoa Ave., thanked Police Chief Connor for helping with the golf cart parade; it went smoothly and many enjoyed the event.

B. Consent Agenda:

1. Approve Council Meeting Minutes 12-8-2021
2. Approve and authorize acceptance of \$35,300 in grant funds from Firehouse Subs Public Safety Foundation for new fire rescue equipment
3. Approve the following Appointments/Reappointments:

- a) Budget and Finance Committee – Reappoint Lorraine Schulte
- b) Heritage Committee – Reappoint Denise Bozeman
- c) Zoning and Planning Board – Reappoint Alan King; reappoint Rick Bertel

Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve the Consent Agenda as written. Motion carried 5-0.

C. Ordinances and Public Hearings:

1. Ordinance 2021-09, Second/Final Reading *Adding a private property rights amendment to the comprehensive plan and authorizing transmittal to state agencies:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; MAKING FINDINGS; AMENDING SECTION 101-23, TOWN CODE OF ORDINANCE OF THE TOWN OF INDIALANTIC, ADDING A PROPERTY RIGHTS ELEMENT AND ACCOMPANYING GOAL, OBJECTIVE AND POLICIES TO THE EXISTING ELEMENTS OF THE COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTION 163.3178; SETTING FORTH THE PROVISIONS OF THE COMPREHENSIVE PLAN AMENDMENT; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no public comments.

Motion by Councilmember Kemp, seconded by Councilmember McKnight to adopt Ordinance 2021-09 on second reading. Mr. Gougelman commented that there was one minor change on page 6 of the ordinance, changing the word 'or' to 'and' which was requested by the state.

Councilmember Kemp modified his motion to adopt ordinance 2021-09 with the amended language on page 6 as noted by the town attorney. Councilmember McKnight concurred with the modified motion. The motion carried 5-0.

2. Ordinance 2022-01 Second/Final Reading, *Adopting the 13th Amendment to the Personnel/Civil Service Manual:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO EMPLOYEES; AMENDING SECTION 2-201, TOWN CODE; ADOPTING THE 13TH AMENDMENT TO THE PERSONNEL/CIVIL SERVICE MANUAL, DATED JANUARY, 2022; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; 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 2022-01 on second reading. Motion carried 5-0.

3. Ordinance 2022-02 Second/Final Reading, *Implementing a Dog-Friendly Beach for a Period of Six Months:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PROVIDING A SECTION OF THE BEACH ON WHICH DOGS ARE PERMITTED; MAKING FINDINGS; ADDING SECTION 8-5(d), TOWN OF INDIALANTIC CODE OF ORDINANCES; PROVIDING A SECTION OF THE BEACH NEAR THE WATSON DRIVE CROSSOVER THAT PERMITS DOGS ON THE BEACH; PROVIDING CONDITIONS THEREOF; PROVIDING FOR A LIMITED DURATION; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Councilmember McKnight, seconded by Councilmember Wright to adopt Ordinance 2022-02 on second reading.

There was brief discussion by the council; Councilmember Kemp reiterated his concerns regarding the small size of the beach and potential crowding issues that could occur as a result of the ordinance. Deputy Mayor Glass noted he is still concerned about public safety, liability, and environmental issues. Councilmember McKnight agreed that crowding could be a concern but she is willing to move forward with the six-month trial period. Councilmember Wright commented briefly regarding enforcement.

Public Comments:

Cynthia Bernstein, 601 N. Miramar Ave., spoke in support of the ordinance. She feels it will not attract nonresidents to the beach and crowding won't be an issue. She anticipates the beach will be cleaner than ever, similar to Sunrise Park.

Jay Michael, 505 N. Miramar Ave., spoke in opposition to the ordinance. He feels it is a bad idea and it does not add value to the area. He is concerned about enforcement and feels police time is better spent elsewhere. He has witnessed dogs on beaches digging up sea turtle nests and expects Canova Beach visitors will come here. Once something is allowed, it is hard to undo. Councilmember McKnight noted that the ordinance can be rescinded sooner than six months if there are issues.

Tim Usher, 505 N Miramar Ave., spoke in opposition to the ordinance. He feels we shouldn't fix what is not broken. He inquired about rumors regarding Bleu Beach Resorts privatizing its beach; Town Attorney Gougelman commented that the public has rights to the beach.

Tracey Cushing, 560 Watson drive, spoke in support of the ordinance, noting that dog owners regulate themselves and keep the areas they use clean. Her experience with dog parks has been positive with owners keeping dogs on leashes. She pledged to help keep the beach clean.

Maggie Leone, 735 N Highway A1A, spoke in support of the ordinance; she feels if the dogs behavior is good and the sea turtle nests aren't disturbed, they should be allowed on the beach.

Motion carried 3-2; nay votes by Deputy Mayor Glass and Councilmember Kemp.

4. Ordinance 2022-03 Second/Final Reading, *Adopting Procedures for Street Renaming:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO FACILITY OR STREET NAMING OR RENAMING; AMENDING SECTION 28-1, AND ADDING SECTION 28-1.1, TOWN OF INDIALANTIC CODE OF ORDINANCES; PERMITTING STREET RENAMING; PROVIDING A PROCEDURE

FOR STREET, PARK, OR PUBLIC FACILITY NAMING OR RENAMING; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Deputy Mayor Glass, seconded by Councilmember McKnight to adopt Ordinance 2022-03 on second reading.

Councilmember Kemp explained why he was opposed to the ordinance; he noted that the streets north of Fifth Avenue are named after places in the northern U.S. and streets south of Fifth Avenue are named after places in the southern U.S. He prefers to forego the ordinance altogether and not consider renaming streets. Deputy Mayor Glass spoke in support of the ordinance simply because it provides standards for how to handle requests if they come in. It was noted that the ordinance was drafted in response to a request for a street renaming which has since been rescinded.

There were no public comments.

Motion carried 4-1; nay vote by Councilmember Kemp.

5. Ordinance 2022-04 First Reading, *Adopting Rules of Procedure for Town Council Meetings:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS; MAKING FINDINGS; AMENDING SECTION 2-34, TOWN OF INDIALANTIC CODE OF ORDINANCES; SETTING FORTH RULES OF PROCEDURE, DEBATE, AND PUBLIC COMMENT; PROVIDING FOR AGENDA PREPARATION; AMENDING SECTION 2-35 RELATING TO INTERRUPTION OF DELIBERATIONS AND MAINTENANCE OF ORDER AND DECORUM; REPEALING PREVIOUS RULES OF PROCEDURE; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion ensued; several typos were pointed out that need to be corrected. It was noted that *public comments, non-agenda items* can be moved on the agenda at the discretion of the mayor or town manager.

Motion by Mayor Berkman, seconded by Deputy Mayor Glass to approve ordinance 2022-04 on first reading, with revisions as noted, and omitting the language regarding seating order.

It was noted that the intent of the ordinance was to help maintain order during meetings. It was the consensus of the council to make the ordinance applicable to all town boards.

Public Comments:

Brett Miller, 220 Cocoa Avenue, suggested that the ordinance be applicable to town boards and committees and noted that the presiding officer should be indicated for each board/committee.

Motion carried 5-0.

D. Unfinished Business: None.

E. New Business: None.

F. Public Comments, Non-Agenda items: *Heard out-of-order after Public Announcements.*

G. Administrative Reports:

Town Manager:

Mr. Casey spoke regarding promotions in the police department and a new hire to replace Sgt. Baker who recently retired. The dog beach ordinance doesn't become effective until Feb. 1. The town received funds to repair the boardwalk which was damaged by two vehicle accidents in November and December.

Town Attorney:

Mr. Gougelman spoke regarding legislation sponsored by Representative Randy Fine that would require municipalities, school boards, and special districts in Brevard County to hold partisan elections. The local bill would only be applicable to Brevard County, and only has one committee stop before being voted on. He feels it is inconsistent with state law.

H. Council Reports:

Councilmember Wright thanked Councilmember Kemp for his help with the post-holiday bonfire; Mayor Berkman clarified it is not a town event.

Councilmember McKnight spoke regarding the playground fundraiser which will be held on Sunday, Jan. 16 at Djon's Village Market from 5pm-8pm; tickets are available for purchase. Mayor Berkman added that Sheriff Wayne Ivey will be helping with the auction and donating a swat team experience.

Councilmember Kemp commented there were no TPO meetings this month.

Deputy Mayor Glass spoke regarding bills being considered in Tallahassee currently that, if adopted, would be detrimental to municipalities. He will have Ms. Raddon add links with information on the Town website. He urged residents to contact their representatives.

Mayor Berkman spoke regarding 7-11; he anticipates they will be changing their plan based on community feedback.

Town Attorney Gougelman stated that no application has been submitted to the town, and if the applicant pursues a rezoning, it will go before the Zoning and Planning Board and then two Town Council meetings. The town could enter into a binding development agreement with provisions in the interest of the town. In response to councilmembers' questions, he further explained that if council members discuss the proposed project with anyone, they will need to disclose that at the public

hearings. The council acts in the capacity of a judge at a trial; as such, opinions and conclusions shouldn't be reached before the evidence is presented at the hearing.

I. Adjournment:

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

Dave Berkman, Mayor. Signature on file.

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