

**Meeting Minutes**  
**Town of Indialantic**  
**Regular Meeting of the Town Council**  
**Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903**  
**Wednesday, February 10, 2021 at 7:00 p.m.**

**A. Call to Order:**

A regular meeting of the Indialantic Town Council was called to order on Wednesday, February 10, 2021 at 7:08 p.m. with the following members present:

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

Also present:

Michael Casey, Town Manager  
Paul Gougelman, Town Attorney  
Rebekah Raddon, Town Clerk  
Michael Connor, Chief of Police  
Jim LaRue, Town Planner, via teleconference

1. Pledge of Allegiance was led by Mayor Berkman.
2. Presentations and Proclamations: ~~Jason Steele, Town Lobbyist~~. Absent; removed from agenda. Mayor Berkman commented that Mr. Steele spoke in opposition of a bill regarding short-term vacation rentals today, but the legislative committee voted in favor of the bill.
3. Public Comments, Non-agenda items: None.
4. Public Announcements were read by Mayor Berkman:
  - There are openings on the following boards and committees: Civil Service; Code Enforcement; Heritage; Parks/Recreation/Beautification; and Pension – General Employees.
  - T-shirts for the Mayors' Fitness Challenge are available now for pick up at Town Hall. The challenge began on Feb. 6, but you can still register at [www.uwbrevard.org](http://www.uwbrevard.org). All are welcome to join this free competition to help us earn the title Most Fit City.

**B. Consent Agenda:**

1. Approve Council Meeting Minutes 1-13-2021
2. Approve/authorize letter from the Town to the United States Dept. of Transportation in support of a Small Community Air Service Development Program Grant for the MLB Orlando Melbourne International Airport (Berkman).
3. Approve the following Appointments/Reappointments:
  - a) Board of Adjustment – Reappoint David Justice

- b) Budget & Finance Committee – Reappoint Lorraine Schulte
  - c) Heritage Committee – Reappoint Pam Dunn
  - d) Parks, Recreation, & Beautification Committee – Appoint Susan “Stacie” Miller; Reappoint Carol DeLuccia;
  - e) Pension Board of Trustees, General Employees – Reappoint Lorraine Schulte
  - f) Zoning & Planning Board/Local Planning Agency – Reappoint Rick Bertel; Reappoint Alan King
4. Approve Annual Ocean Rescue Lifeguard Agreement - 2021 Season \$39,162.46

**Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve the consent agenda as written. Motion carried 4-0.**

**C. Ordinances and Public Hearings:**

1. Ordinance 2021-03 Second Reading/Final Public Hearing (*Native Plant Landscaping Requirements for Commercial Properties*):
- Mr. Gougelman read the ordinance title:
- An Ordinance Of The Town Of Indialantic, Brevard County, Florida, Relating To The Land Development And Zoning; Making Findings; Creating Article Vii. Landscaping, Sections 113-400 Through 113-401, Code Of Ordinance Of The Town Of Indialantic, Florida, Providing Definitions And Purpose; Setting Forth Standards For Commercial Landscaping; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.

There were no public comments.

**Motion by Councilmember Kemp, seconded by Deputy Mayor Glass, and vote unanimous to adopt Ordinance 2021-03 on second reading. Motion carried 4-0.**

2. Ordinance 2021-04 First Reading/Public Hearing (*Annual Update to the Town’s Capital Improvement Element of the Comprehensive Plan*):
- Mr. Gougelman read the ordinance title:
- An Ordinance Of The Town Indialantic, Florida Updating The Five-Year Schedule Of Capital Improvements Of The Town’s Comprehensive Plan As Mandated By Florida Statutes Sections 163.3177(3)(B); Providing A Conflicts Clause And Severability Clause; Providing An Effective Date.

Mr. LaRue spoke briefly, explaining that these changes are made by ordinance and not treated like a comprehensive plan amendment. There were no public comments.

**Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve ordinance 2021-04 on first reading. Motion carried 4-0.**

**D. Unfinished Business:**

1. (Discussion) Food Truck Ordinance – second draft

Mr. Gougelman explained that he made changes to the ordinance based on councilmember comments at last month's meeting. If council is comfortable with the ordinance, it will go before the Zoning and Planning Board and then come back to council for first and second reading.

Councilmember Wright inquired about the site plan requirements, which appear to be significant. He would like clarification regarding the requirement for professional drawings and asked about the burden on staff as well as the applicant. Deputy Mayor Glass inquired about lines 273-283 requiring no foods be cooked to order; it was noted that this applied to ice cream trucks.

Mr. Casey commented that this issue is evolving and many other cities are updating their policies on food trucks. Currently, the Town does not have the authority to regulate them whatsoever, due to the legislation adopted by the state. He added that the property owner gets approval for a food truck, not the food truck vendor.

After some discussion, Mr. Gougelman suggested that Sec. 113-27 *Site Plan Review* be included in the agenda packet for reference. He asked the council to consider the following questions: do food truck [locations] need to be regulated and if so, how much? More regulation is more onerous for food truck vendors. He added that this change would require significant advertising costs to adopt and should be reviewed thoroughly.

Brett Miller, 220 Cocoa Ave., inquired about the Zoning and Planning Board meeting schedule and agendas.

It was the consensus of the council to send the draft ordinance to the Zoning and Planning Board/Local Planning Agency for their review.

New Business item E. 2. was heard out of order:

Resolution 09-2021 Opposing Senate Bill 62 regarding regional planning councils:

**Motion by Councilmember Kemp, seconded by Councilmember Wright, and vote unanimous to adopt Res. 09-2021. Motion carried 4-0.**

2. Easter Egg Hunt

After some discussion, it was the consensus of the council to cancel this event due to COVID-19.

3. Ramona Avenue right-of-way

Mr. Casey indicated the homeowners had not contacted him since last month's meeting. He did speak with the Town engineer who indicated the area could be used for drainage or retention in the future. Mayor Berkman asked to have staff reach out to the Juckiewicz family and request they attend the next meeting.

**E. New Business:**

1. Approve Mowing & Landscaping Agreement with 1<sup>st</sup> Class Grass, Inc. with an annual cost of \$35,180

Mr. Casey answered the council's questions regarding the agreement.

**Motion by Mayor Berkman to approve the agreement with 1<sup>st</sup> Class Grass, Inc. with an annual cost of \$35,180.**

Mr. Gougelman indicated he has not reviewed the contract and he suggested making all the bid specifications part of the contract.

**Mayor Berkman amended his motion to include the provision that the town attorney review the contract and incorporate his comments. The amended motion was seconded by Councilmember Wright.**

**Motion carried unanimously, 4-0.**

2. Resolution 09-2021 Opposing Senate Bill 62 regarding regional planning councils – *Heard out of order subsequent to Food Truck Ordinance discussion; adopted unanimously 4-0.*
3. Approve/Award Emergency Stormwater Pipe Repairs at B-4 Melbourne Ave., Palm Ave. to Ramona Ave. to Atlantic Development of Cocoa, Inc. at a cost of \$67,516.40.

Mr. Casey summarized the urgent repairs needed on Melbourne Avenue due to a pipe collapse.

**Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve the emergency repairs. Motion carried 4-0.**

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

1. Town Attorney – Mr. Gougelman noted the passing of a fellow city attorney.
2. Town Manager – Mr. Casey provided an update on the stormwater repairs. Town Hall roof repairs are underway and may require the lobby to be closed while repairs are made.

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

Councilmember Kemp spoke briefly regarding the Mayors' Fitness Challenge and provided an update on litter signage.

Deputy Mayor Glass spoke briefly regarding legislation regarding short term vacation rentals.

Mayor Berkman commented that the Town received several letters of appreciate for the police, fire, and staff 'drive-by' honoring long-time resident Wally Marshall's 100<sup>th</sup> birthday.

#### **H. Adjournment:**

There being no further discussion, the meeting was adjourned at 7:50 p.m.

Dave Berkman, Mayor. Signature on file.

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