

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, February 14, 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 Doug Wright, Councilmember
Honorable Loren Strand, Councilmember
Honorable Brett Miller, Councilmember

Excused Absence:

Honorable Stu Glass, Deputy Mayor
Mollie Carr, Town Clerk

Also present:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Victoria Mercer, Administrative Assistant
Chief Connor, Indialantic Police Department
Chief Flamm, Indialantic Fire Department
Joe Gervais, Public Works Director
Cliff Stokes, Building Official
Sgt. Holstine, Indialantic Police Department
Jim LaRue, Town Planner- by telephone

1. Pledge of Allegiance:

2. Changes to Agenda:

The following items were removed from the agenda-

- Surfrider Foundation Presentation
- Item E-2- Discuss qualifying period

3. Presentations:

- Mayor McDermott read the Proclamation and presented the Proclamation to Dr. Ken Lindeman.

- Cancelled- The Indialantic Parks, Recreation and Beautification Committee and Surfrider Foundation Presentation.
- Introduction and confirmation of the new Fire Chief Keith Maddox- Town Manager Casey introduced Chief Maddox and gave a brief background synopsis about Chief Maddox.

Motion by Councilmember Strand, seconded by Councilmember Wright, to confirm Keith Maddox as the new Indialantic Fire Chief.

Public Comments- None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

4. Public Comments, Non-Agenda Items:

Pam Dunn, 330 Tampa Avenue, Indialantic- Ms. Dunn reminded everyone to join the Indialantic Garden Club for the Pollinator Fair at Nance Park, on March 3, 2024.

5. Mayor McDermott read the following Public Announcements:

- There are openings on the following boards and committees:
Budget and Finance Committee; Civil Service Board; Code Enforcement Board; Heritage Committee; Parks, Recreation and Beautification Committee; and Pension Board – General Employees
- Town Hall will be closed on Monday, February 19th, in observance of President's Day

B. Consent Agenda:

1. Approve Council Regular Meeting Minutes January 10, 2024
2. Approve First Class Grass Amendment to Current Agreement
3. Approve the following appointments:
 - a) Parks, Recreation and Beautification Committee- Logan Watters
 - b) Code Enforcement Board- Isaac Allen
4. Approve the following Reappointments:
 - a) Parks, Recreation and Beautification Committee- Carol DeLuccia
 - b) Parks, Recreation and Beautification Committee- Stacie Miller
5. Approve South Riverside Drive Removal and Replacement of Curbing
6. Approve Piling Removal and Installation at Crossovers
7. Approve the Parks, Recreation and Beautification Committee Easter Event

Councilmember Strand requested Consent Agenda Item #2 and #6 be pulled for discussion.

Motion by Councilmember Wright, seconded by Councilmember Strand, to approve the Consent Agenda with items #2, #6 and #7 being pulled for discussion.

Public Comment: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

Item #2- Approve First Class Grass Amendment to Current Agreement- Councilmember Strand clarified with Joe Gervais that the increase on the contract was \$12,210 and asked why we would choose to accept the price increase with this vendor and not go out for bid. Mr. Gervais explained that he feels it is a fair assessment based on the increased cost of fuel and materials, and he has done a phenomenal job. Mr. Casey advised the contract does not have any CPI included.

Motion by Councilmember Strand, seconded by Councilmember Wright, to approve The Consent Agenda item #2 First Class Grass Amendment to Current Agreement.

Public Comment: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

Item #6- Approve Piling Removal and Installation at Crossovers- Councilmember Strand went over the proposed project with Joe Gervais.

Motion by Councilmember Wright, seconded by Councilmember Strand, to approve The Consent Agenda item #6 Piling Removal and Installations at Crossovers.

Public Comment: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

Item #7- Approve the Parks, Recreation and Beautification Committee Easter Event- Town Manager Casey explained this item is being removed from consideration because food trucks are specifically prohibited at Orlando Park.

C. Ordinances and Public Hearings:

1. Ordinance 2024-02, First 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. Attorney Gougelman explained that the Town has already been platted and more recently development opportunities have changed, and this gives the Town an opportunity to set development standards. Attorney Gougelman advised that replatting is a benefit to the Brevard County Property Appraiser's office and allows the property to be defined without a surveyor. Attorney Gougelman said the ordinance is less regulatory and more administrative. Attorney Gougelman advised the ordinance has been reviewed by the Town Planner, Jim LaRue and was recommended for adoption by the Local Zoning and Planning Board.

Jim LaRue advised that there are provisions for variances in the ordinance and the Local Zoning and Planning Board found it consistent.

Discussion ensued and the following items were discussed:

- The ordinance mainly comes into play with redevelopment.
- The ordinance has no bearing on current requirements.
- The ordinance has minimal impact on single family home development.
- The ordinance does not control aesthetics such as architectural design but does control the process by which the proper layout of a project occurs.
- The purchase of small portions of adjacent properties could be addressed within the ordinance.

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

Public Comments: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

2. Ordinance 2024-03, First 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. Attorney Gougelman explained that currently the Town has no set standards for Townhouses, this ordinance will set minimum standards for Townhouses, without changing the permitted density. Attorney Gougelman advised the ordinance will require the replatting of Townhouse developments and will be more regulatory in nature than the platting ordinance.

Jim LaRue explained the ordinance will require a minimum square footage for the Townhouses as well as requiring all the standard setbacks. Mr. LaRue advised the ordinance is consistent with the Comprehensive Plan.

Attorney Gougelman advised that the Local Zoning and Planning Board voted the ordinance was consistent with the Comprehensive plan and recommended the Town Council adopt the ordinance.

Discussion ensued and the following items were discussed:

- The ordinance did not change existing height restrictions.
- Some existing Townhouses would possibly not have been approved with the ordinance.
- The ordinance does not affect existing properties or commercial development.
- The ordinance will assist developers and the building official by providing clear guidelines.
- The ordinance will encourage a more residential feel.
- The ordinance says it promotes public interest, to define for a particular type of development with a minimal standard.
- The ordinance promotes economic order by setting minimal standards and parameters for Townhouse development.
- The ordinance addresses Zones R-3, R-P and T-tourist.
- Councilmember Miller advised he believes the term “grouping” needs to be clearly defined.
- Attorney Gougelman suggested the following changes in line 159, 160, 302, 303, 465 and 466, add a comma after “length” and at the end of the sentence insert “for each building in the grouping” before the period.
- The ordinance does not change the current setback requirements.

Motion by Councilmember Strand, seconded by Councilmember Miller, to accept Ordinance 2024-03 as amended by the Town Attorney.

Public Comments: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

3. Ordinance 2024-04, Second and final Reading/Public hearing, *relating to the required residency prior to qualifying to run for Town Council*:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE REQUIRED RESIDENCY PRIOR TO QUALIFYING TO RUN FOR TOWN COUNCIL; AMENDING SECTION 2.02, TOWN CHARTER; MAKING FINDINGS; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE; AMENDING THE TOWN CHARTER TO PROVIDE THAT A CANDIDATE FOR TOWN COUNCIL MUST HAVE BEEN A RESIDENT FOR A CONTINUOUS PERIOD OF ONE (1) NON-CALENDAR YEAR IMMEDIATELY PRECEDING QUALIFYING TO RUN FOR TOWN COUNCIL; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

Public Comments:

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand thanked Council for clarifying that and she thinks it will help.

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

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

4. Ordinance 2024-05, First 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; 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, explained the origin of the ordinance, and gave a brief summation.

Discussion ensued and the following items were discussed:

- Councilmember Wright and Councilmember Miller feel four days is too short a time frame.
- Councilmember Strand suggested changing “Harris Sanitation” to “approved solid waste collector.”

- Councilmember Strand suggested the words “at the time of pile creation” be added to line 189 after the word amount.
- Councilmember Strand asked that the words; strewn, compact, and curbside be added to the definition section.
- Town Manager Casey will clarify the desired location of pick-up with Waste Management and Attorney Gougelman will update the ordinance on the second reading.
- Line 206 after the word “via” strike the words “telephone or email” and insert the words “method approved by the solid waste vendor”.
- Line 247 add the words “published on the Town’s website”.
- Line 217 after the words “or trash” insert the phrase “visible from the street”.
- Line 234 after the words “the charges, or” and before the words “the code enforcement inspector may” insert “if there have been two previous incidents of a noticed violation that has come into compliance before a hearing”.

Public Comments:

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand thanked Mr. Dunn for bringing the issue up. Ms. Strand asked that the Town publicize the most effective way to contact Waste Management.

Mike Borysiewicz, 443 Tenth Avenue, Indialantic- Mr. Borysiewicz said his biggest concern is the impression of hostility between the Town and residents and he asked that the Town notify Waste Management of the piles. He said there should be consideration for the elderly and disable residents. He asked if there will be an exception during storms. He asked if there is any specific evidence required for proof of the pick-up request.

Vinnie Taranto, 313 Tenth Terrace, Indialantic- Mr. Taranto asked that the ordinance direct the differently abled individuals to contact the solid waste provider for assistance.

Motion by Councilmember Strand, seconded by Councilmember Miller, to accept Ordinance 2024-03 with specified revisions.

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

D. Unfinished Business:

1. Discussion about auditing/updating the Town Code (Miller)- Councilmember Miller advised that the board and committee members have been asked to provide input and he is waiting for additional feedback. Councilmember Miller will prepare a report for the Council on the items to be addressed.

Public Comments:

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand informed the Council that she was at the Zoning and Planning Board meeting when they discussed the color palette and the board expressed there was nothing on the books and she feels the Board handed it back to the Council. She said some people might not be clear on what is within their purview.

2. Discuss Capital Improvement Plan- by consensus, this item was tabled until the March Council meeting.

3. Discuss Shipping Containers- Attorney Gougelman asked this item to be deferred until the March meeting so the Building Official Cliff Stokes can reach out to Brevard County regarding the county code and building restrictions affecting shipping containers. Attorney Gougelman cautioned the Council about creating regulations for aesthetic or architectural control because it is no longer within the law.

Public Comments:

Jim Vaidic, 110 Melbourne Avenue, Indialantic- Mr. Vaidic asked if someone was able to build a single-family home out of shipping containers. Councilmember Wright advised they were only addressing shipping containers as accessory structures at this time. Mr. Vaidic said he does not feel someone would spend the amount of money for a lot within the town and put a mobile home on it.

E. New Business:

1. Discuss Potential Form 6 Litigation (Glass)- Attorney Gougelman gave background and overview on the proposed litigation.

Discussion ensued and the following items were discussed:

- Councilmember Strand said he declared his business interests of Form 1 which would have shown a conflict if one existed. He believes Form 6 will show a person's debt in more detail than Form 1.
- Attorney Gougelman said that assets can be shown as a threshold on Form 1 and Form 6 requires more detail.
- Attorney Gougelman expressed his concern regarding information security.
- Councilmember Miller feels this is a grievous unconstitutional overreach.
- The litigation is based on the two-pronged theory of free speech and the right to privacy.
- Currently 22 cities and approximately 60 individual councilmembers have chosen to participate.
- Councilmembers named as plaintiffs will be covered if an injunction is received, unnamed plaintiffs may or may not be covered by the injunction.
- Attorney Gougelman advised that regardless of the findings of the case, he feels there will be an appeal.

- Councilmember Miller explained the difference between Form 1, which is the disclosure that was previously required, and Form 6. In Form 1, you are required to identify all assets and liabilities over \$10,000, but you do not have to state the specific dollar amount. In Form 6, greater than \$1,000 is the threshold for identifying assets and liabilities, and the specific dollar amount is supposed to be provided along with a statement of net worth.
- Councilmember Miller further explained that the type of disclosure required by Form 6 was originally challenged by various state senators in the 1970s when the requirements went into effect. Although the challenge was unsuccessful, things have changed since that time. In the 1980s or 1990s, the Florida Supreme Court ruled that the right to privacy, as enumerated in Florida's constitution, extends to an individual's financial records. Thus, an individual has a fundamental right to privacy in his or her financial information. Since it's a fundamental right, the government must pass the "strict scrutiny" test in order to infringe on the right. To pass strict scrutiny, the government must show: (1) there is a compelling state interest, and (2) the government is seeking to accomplish that interest through the least restrictive or intrusive means.
- Councilmember Miller believes that Form 6's disclosure requirements do not pass strict scrutiny. Although he agrees there's a compelling government interest in having municipal officials disclose assets and liabilities greater than \$1,000, which is to determine if the official potentially has a conflict of interest, Councilmember Miller believes that Form 6 does not accomplish that interest in the least intrusive way by also requiring the official state the dollar amount for each identified asset and liability or in having to provide a statement of net worth. To this day, no one has ever provided him with a legitimate reason, let alone a compelling one, for why the specific dollar amounts should be disclosed to the public.
- As a result, Councilmember Miller plans to comply with the spirit of Form 6's requirements by identifying all of his assets and liabilities that are over \$1,000, but he's not going to provide the specific dollars amounts or state his net worth.
- Deputy Mayor Glass is not present but expressed to the Town Manager that he supports this resolution.
- Councilmember Strand said he spoke to both past councilmembers as well as future potential councilmembers and the number one reason they declined to serve is based on the disclosure of Form 6.
- Councilmember Strand encourages people to search the Form 6 information on various elected officials.
- Only assets under your direct control must be reported.
- Councilmember Strand supports joining the suit but feels the fee needs to come from donations, not tax dollars.
- The City of Melbourne voted in favor of joining the lawsuit.
- Councilmember Wright feels that funding the lawsuit off the Town budget would show a higher bar.
- To be named as an individual plaintiff is an individual decision that does not have to be voted on by the Council.
- Deputy Mayor Glass is not present but confirmed with Town Manager Casey that he will be named as an individual plaintiff in the lawsuit.

- Attorney Gougelman added the following amendments to the resolution; interjected the Town of Indialantic to the title of the resolution and changed the term city in last whereas on the first page of the resolution to the Town of Indialantic and all references to the “City” be changed to the “Town.” Additionally, add the words mayor and Councilmembers to the last whereas. On page four, the first full whereas change the City to the Town of Indialantic, any reference to city be changed to town. The resolving clause, “now therefore it be resolved by the town council of the Town of Indialantic Florida as follows”, section two; the town council rather than city council, hereby authorizes the participation of the town and any individual named members of the town council, including but not limited to Stuart Glass, who chose to participate as plaintiffs. Section three- four references to the city which should be the town. Change wording to “The firm will charge a flat fee inclusive of attorney’s fees and cost of \$10,000 to be paid exclusive of public funds, non-tax payer’s monies to represent to Town and the individual elected official who wish to participate as plaintiff’s for the litigations for the trial court”
- The monies will need to be received by February 23, 2024, made payable to the Town of Indialantic.

Public Comments:

Mike Borysiewicz, 443 Tenth Avenue, Indialantic- Mr. Borysiewicz says that from personal experience that this can be very disturbing. Mr. Borysiewicz said people use all sorts of different strategies to avoid disclosing financial information. Mr. Borysiewicz feels that most people in the Town will support them but feels that using taxpayer money to fund could be a conflict.

Dick Dunn, 220 Tampa Avenue, Indialantic- Mr. Dunn asked when the resolution was due. Mr. Dunn suggested that the Council donate their salary to this project and not be paid for the rest of the year.

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand advised some people are choosing not to run because of the form 6 and she knows they would support the council.

Motion by Councilmember Strand, seconded by Councilmember Wright, to approve the Resolution Authorizing Participation in the Form 6 Litigation as amended.

Public Comment:

Dick Dunn, 220 Tampa Avenue, Indialantic- Mr. Dunn suggested that the Town contact their accountants or CRIs because they will be auditing you at some point in time and it is better, they know this is occurring beforehand.

John Greco, 418 Seventh Avenue, Indialantic- Mr. Greco said he worked in the federal government for 30 years and he had to submit similar disclosures. Mr. Greco said it is apparent that the resolution is supporting the councilmembers, but if it is representing the Town of Indialantic so it can maintain a high standard of elected officials than the money should be coming from the Town of Indialantic and

not donations. He has no problem with the Town of Indialantic paying the \$10,000. He feels that if the resolution supports the Town that the council members making donations toward the fee sends a mixed message.

Pam Dunn, 220 Tampa Avenue, Indialantic- Ms. Dunn asked Attorney Gougelman how other towns paid for the attorney fees. Attorney Gougelman said he does not know about all of them, but he knows some just wrote a check.

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand agrees with what most of council is saying and she understands what Mr. Greco is saying but there is a strong push for transparency, and she feels that using public funds make look wrong to some people.

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

2. Discuss Election Qualification Period- this item was tabled until the March Council meeting.

3. Discuss Fifth Avenue Christmas decorations and light pole banners (McDermott)- this item was tabled until the March Council meeting.

4. Discuss Fifth Avenue median landscape lighting plan <https://www.fxl.com/luxor-2> (McDermott)-

Discussion ensued and the following items were discussed:

- Mayor McDermott would like to direct the Town Manager to get a plan for the median landscape lighting.
- The plan would be submitted to the local FDOT for approval.
- The Town Manager will try to have a progress report on the landscaping plan within 30 days.
- FX Luminaire offers programmable lighting.

Public Comment: None

By consensus, the Town Council directed the Town Manager to proceed with obtaining a lighting plan for the Fifth Avenue Median.

5. Discuss Town Hall Sign

Discussion ensued and the following items were discussed:

- The Town does not lose money by switching to the non-digital sign.
- The LED displays on the new sign do not meet our town code.
- Many residents were concerned with the sign affecting the character of the Town.
- The replacement will be a reader board, with a manual changing message board.

- Councilmember Strand feels that any items that might raise concerns or be controversial should be brought before the Town Council first.

Motion by Councilmember Wright, seconded by Councilmember Miller, to direct the Town Manager to replace the digital sign with a reader board cabinet and the two digital signs will be returned for a full refund and approve the Town Manager to sign the agreement with Kendal Signs.

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

F. Administrative Reports:

1. Town Attorney- No Report
2. Town Manager- The Town Manager explained that the Boardwalk was hit again and that the Town's administrative assistant, Sandy, resigned today.

G. Council Reports:

1. Mayor McDermott- None
2. Councilmember Wright- The new website is up and running and thanked the Town Manager. He thanked Councilmember Strand for his attendance in Tallahassee and he thanked Councilmember Strand and Ms. Strand for the contribution of covering the expenses.
3. Councilmember Strand- Councilmember Strand advised that he would include two reports in the meeting minutes. He advised that there is a scholarship being offered by the Space Coast League of Cities, the deadline is March 1, 2024. Councilmember Strand also announced that on March 18, 2024, in Cocoa there will be a meeting on how to fill out Form 6. Councilmember Strand expressed his appreciation for the updated Code Report. He thanked Joe Gervais and Town Manager Casey for the updated street information. He thanked Joe Gervais for the detailed Public Work's report this month. See attached reports.
4. Councilmember Miller- None

H. Staff Reports:

1. Chief Connor- No Report

I. Adjournment:

There being no further discussion, the meeting was adjourned at 9:39 p.m.

Mark McDermott, Mayor. Signature on file.

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

Council Member Loren Strand's Report on 2023 Waste Management Complaints

The Problem

Recently, residents raised concerns about **non-containerized yard waste piles** (green materials) sitting for weeks (or longer) at the edge of some residents' properties. These unsightly piles have sat for so long that grass and weeds are growing into the piles, garbage is being tossed onto the piles, and critters are making their homes in the piles.

In short, these piles detract from the beauty of our residential neighborhoods and pose potential safety risks.

These piles were not being picked up by Waste Management (WM) because the piles:

- Did not meet the contractually required standards for a "clam truck" pickup
- Were not being called into WM for pickup by the resident
- Were not being put into the standard WM green containers

To solve the problem, the council directed the Town Manager to collaborate with Dina Reider-Hicks (the WM Public Relations representative) to report these piles and effect pickup. It seems to be working. Also, our Public Works staff have been politely notifying residents with a door hanger that these yard waste piles should either be: 1) placed into a green container for robotic-arm truck pickup, or 2) placed into a single pile that is approximately three cubic yards (the size of a picnic table).

In addition to paying attention to this matter, I followed up with Waste Management to receive and analyze the 2023 complaints reported to WM by Indianantic residents. I focused on residential issues rather than commercial.

Background

- WM services 1,242 homes in Indialantic.
- Residents have the opportunity for 7 services each week.
 - 2x garbage
 - 1x recycle
 - 1x carted yard waste
 - 1x clam yard waste
 - 1x bulky waste (furniture)
 - 1x white goods/e-waste

Complaint Summary

- Residents
 - 70 total residential complaints in 2023
 - 61 **unique residents** complained
 - 7 residents had two or more complaints
- Yard waste and trash represented 92% of total complaints
 - 76% yard waste issues
 - 16% trash issues
- An average of 1.3 complaints per week
- Per Mrs. Reider-Hicks, the way WM measures complaints is:
 - $1,242 \text{ homes} \times 7 \text{ services} \times 4.33 \text{ weeks} = 37,645 \text{ per month or } 451,740 \text{ per year.}$
 - Out of 451,740 possible services in 2023, 70 total residential complaints per year = 0.00015, or **0.015%** in total residential complaints.
 - The ratio of the number of complaints to the number of services performed is a key component to include when evaluating complaints.

Complaints Grouped By Category

| | |
|-------|-------------------------|
| 41.4% | yard waste carted |
| 34.3% | yard waste clam pickup |
| 15.7% | trash |
| 7.1% | recycle |
| 1.4% | extra yard waste pickup |

Closing

Overall, I was pleased to see that the number of resident complaints are low. I understand that some folks may have had negative experiences with Waste Management and did not complain. If you are having any unresolved issues, feel free to contact me so that I may be aware of your situation and do my best to assist.

I think the current issue of non-conforming yard waste piles is being properly addressed. **I will continue to follow up on this issue.** Solving the root cause is critically important so that issues do not re-occur.

If you are interested in discussing more about trash and yard waste services, please call or text me at 321-300-6168. We'll grab a coffee or a meal at an Indian/Latino eatery at your convenience.

Respectful submitted,
Council Member Loren Strand

Council Member Loren Strand's Report on 2024 Legislative Action Days

On January 30 - 31, 2024, I attended the Florida League of Cities Legislative Action Days. Local elected officials from across Florida gathered to meet face-to-face with Senators and Representatives at the State Capitol in Tallahassee. (See the **2024 Legislative Action Days** attachment.)

I coordinated with members of the Space Coast League of Cities, our local chapter of the Florida League of Cities, comprised of 16 municipalities in Brevard County. **My group consisted of elected officials and staff from Satellite Beach and Melbourne Beach.**

Over two days we met directly with Florida Legislators and their aides on 10 bills with potential major impacts on smaller municipalities. We educated lawmakers on what may be the consequences to our tax rate, town services and residents' lives should certain proposed bills be adopted in the 2024 legislative session. (See the attachment **Florida's Local Revenues Slashed by \$1.51 Billion in 5 Years.**)

We delivered and discussed a handout on key issues that we oppose or support. (See the attachment **Key Legislative Issues.**)

We thanked legislators who voted on issues that support smaller cities and towns. (See the attachment **Legislator Thank You List.**)

One of the many lessons I learned was that many legislators have never held an office in a municipality. Therefore, they may struggle to understand how the proposed laws may affect our town. I had appointments to meet with lawmakers in their offices in the Capitol building.

First, I listened to understand. I listened to what legislators had to say about their bills and the value these bills are supposed to create.

Second, I spoke up clearly and directly to legislators or their aides to advocate for Indialantic residents. I helped the legislators understand how their bills may affect our daily lives. Using a handout given to each legislator, I focused on bills which pass through committees they serve on.

Areas of focus:

- Maintain adequate revenue to provide town services
- Keep insurance rates from rising
- Stopping bills that preempt our ability to make local decisions (preserve Home Rule)
- Preserve the ability to deliver services with our existing town staff – which has fewer staff members compared to neighboring cities – let alone staff sizes in Jacksonville, Miami, Tampa, Orlando, etc.

I spoke with:

- Senator Debbie Mayfield, 19th District
- Senator Jason Brodeur
- Senator Joe Gruters
- Senator Keith Perry
- Senator Tom Wright, 8th District
- Representative Randy Fine, District 33
- Representative Thad Altman, District 32
- Representative Tyler Sirois
- Representative Robert Brackett
- Representative Case Tramont

Lawmakers listened and considered what I and the officials and staff from Satellite Beach and Melbourne Beach had to say. I learned that there aren't guarantees that our strong advocacy will stop harmful bills or create changes to the bill in support of smaller municipalities. The goal was to speak in a unified voice and, at the same time, educate how the bills would affect citizens.

This advocacy effort was a collective effort. Both days, Senators and Representatives had additional meetings with colleagues from Melbourne, Palm Bay, Cocoa, Rockledge and other Brevard municipalities. Likewise, we coordinated with local officials from counties across Florida. **The goal was to visit, advocate, visit, and advocate!**

I would like to emphasize that **Representative Fine, Representative Altman, and Senator Mayfield** were highly receptive and clearly understood potential impacts of the proposed bills on Indianalantic residents. They are paying attention to our needs. They may not sit on committees where they could oppose harmful legislation as bills move through the process, and stated such.

I spent a brief time with our town lobbyist, **Mike Haridopolos**. I followed up with him via phone upon my return for a more in-depth discussion. I expect that when the legislative session ends, Mr. Haridopolos may attend a council meeting to update citizens on the results of the 2024 session and explain how we are likely to be affected by new laws.

I would like residents to know that I was “up early to work and early to sleep.” I ate simple meals and focused on the work at hand. While I prefer humility, in this case I would like you to know that I paid for my travel, hotel, and meals. Taxpayers gained value without expense.

I express my sincere gratitude to the council and residents for their support in my ability to learn this process and directly advocate for our needs. **If our voice is not represented directly to our lawmakers, from officials elected to represent citizens’ interests, how would we expect lawmakers to consider how their decisions affect our daily lives?**

I have many more lessons learned and observations to share. If you are interested in discussing more about the 2024 Legislative Action Days and why it matters to Indianalantic residents, please call or text me at 321-300-6168. We’ll grab a coffee or a meal at an Indianalantic eatery at your convenience.

In closing, your voice matters as much as my voice. I politely encourage you to call your Senator or Representative, share your concerns and viewpoint, ask questions and remind lawmakers in our districts that you will vote in upcoming elections. If you are feeling adventurous, set an appointment and travel to Tallahassee to meet lawmakers in person. **Many of these lawmakers are your representatives. Make your voice heard. Be the change you wish to see in the world.**

Respectful submitted,
Council Member Loren Strand

Attn: Lawmakers

Florida's Local Revenues Slashed by \$1.51 Billion in 5 Years!

Every major revenue source for your city facing imminent threats

It is crucial to recognize the far-reaching consequences of the proposed actions that aim to cut or eliminate legislatively authorized local revenue sources.

Drastic cuts or eliminations pose a significant risk to Florida's communities by:

- Ø Compromising our ability to maintain crucial services (*Public Safety*)
- Ø Hindering progress on vital projects (*Infrastructure Improvements and Replacement*)
- Ø Adversely affecting the quality of life for those we represent (*Parks, Libraries and Senior Centers*)

PROPOSED DRASTIC CUTS:

HJR 7015: Constitutional Amendment

Creates an additional \$25,000 homestead exemption

FY26 **-\$1.1 Billion**

FY27 **-\$1.12 Billion**

FY28 **-\$1.14 Billion**

FY29 **-\$1.16 Billion**

Estimated Impact by Year 5: **\$1.16 Billion**

HJR 7017: Constitutional Amendment

Applies an annual increase in exemption values tied to the CPI

FY26 **-\$23 Million**

FY27 **-\$47 Million**

FY28 **-\$84.5 Million**

FY29 **-\$111.7 Million**

Estimated Impact by Year 5: **\$111.7 Million**

COMPLETE REPEAL:

HB 609/SB 1144: Elimination of Local Business Tax

FY26 **-\$226 Million**

FY27 **-\$231 Million**

FY28 **-\$237 Million**

FY29 **-\$242.5 Million**

Estimated Impact by Year 5: **\$242.5 Million**

TOTAL 5-YEAR IMPACT TO LOCAL GOVERNMENTS:

A Staggering \$1.51 Billion

Additional Threats to Local Dollars:

- Ø Reduction in utility revenues
- Ø Prohibition of return on utility investments
- Ø Higher cost sovereign immunity payouts

Bottom Line:

These legislatively authorized revenue sources are not arbitrary impositions; they are mechanisms to sustain essential services, foster infrastructure development and support local economies.

Protect Vital Revenue Sources for Cities: Oppose these Detrimental Proposals

KEY LEGISLATIVE ISSUES

OPPOSE

Increased Homestead Property Tax Exemption HJR 7017 + HB 7019 (Buchanan)

Adjusts the \$25K by Consumer Price Index for homestead properties

- This is Not a Tax Break – This is a Tax Shift Hurting Renters and Businesses

Repeal of Local Business Tax HB 609 (Botana) + SB 1144 (DiCeglie)

Repeals Local Business Tax

- Eliminates One of Four Municipal General Revenue Sources

Municipal Utilities – Enterprise Fund Transfers HB 1277 (Busatta Cabrera) + SB 1510 (Brodeur)

Caps transfers of utility revenues and eliminates surcharges on extraterritorial customers

- Punishes Good Actors, Hurts Fiscally Constrained Communities and May Jeopardize Bond Financing and Planned Projects

Municipal Utilities – Surcharges HB 777 (Brackett) + SB 1088 (Martin)

Eliminates surcharge on extraterritorial water and sewer service and requires all rates to be the same

- This may Lead to City Residents Subsidizing Service to Nonresidents
- Municipalities Should Not be Punished for Serving Others

Millage Rates/Supermajority Vote HB 1195 (Garrison) + SB 1322 (Ingoglia)

Requires super majority approval of governing body to increase the millage rate

- Creates an Unreasonable Bar for Basic Funding for Public Services

Sovereign Immunity HB 569 (McFarland) + SB 472 (Brodeur)

Increases the current caps to \$400,000 per person/\$600,000 per incident

- Unreasonable Limits
- Handout to Trial Lawyers

KEY LEGISLATIVE ISSUES

OPPOSE

Short-Term Rentals

HB 1537 (Griffitts) + SB 280 (DiCeglie)

Fails to provide local governments with the tools needed to capture the growth of vacation rentals

- Further Erodes Tools to Fix Problems

Local Government Actions

HB 1547 (McClure) + SB 1628 (Collins)

Eliminates comprehensive plan and land use exemptions from business impact estimate and ordinance suspension requirements

- State Agency Review of Ordinances and 45-day Suspension of Enforcement

Expedited Approval of Residential Building Permits

HB 267 (Esposito) + SB 684 (DiCeglie)

Shortens permit review time frames

- Unworkable Time Frames
- Threat to Public Safety

SUPPORT

Mobility Fees

HB 479 (W. Robinson) + SB 688 (Martin)

Defines mobility fee and mobility plan and clarifies current law stating that only one local government may charge for transportation impacts

- Provides Clarity to Current Law

Ratification of Statewide Stormwater Rule

SB 7040 (Environment and Natural Resources) + WST1 (Water Quality, Supply and Treatment Subcommittee)

Modernizes stormwater rules to protect water quality

- Protects Water Quality

Legislator Thank You List

If you meet with any of the legislators listed below, please **thank** them for their efforts to help or support cities. Specific examples of their legislative actions are included below.

The Florida Senate

Senator **Lori Berman** – For Voting Yes on SB 688 on Mobility Fees in committee

Senator **Alexis Calatayud** – As Chair of the Senate Community Affairs committee, she heard & Voted Yes on SB 688 on Mobility Fees

Senator **Dennis Baxley** – For Voting Yes on SB 688 on Mobility Fees in committee

Senator **Jennifer Bradley** – For Voting Yes on SB 688 on Mobility Fees in committee

Senator **Jason Brodeur** – For Voting Yes on SB 688 on Mobility Fees in committee

Senator **Jonathan Martin** – For Sponsoring & Defending SB 688 on Mobility Fees in committee

Senator **Rosalind Osgood** – For Voting Yes on SB 688 on Mobility Fees in committee

Senator **Clay Yarborough** – For Voting No on SB 280 on Vacation Rentals



The Florida House of Representatives

Representative **Anna Eskamani** – For Voting No and debating against HB 7015/7017/7019 which increased Homestead Exemptions amounts in committee

Representative **Joe Casello** – For Voting No and debating against HB 7015/7017/7019 which increased Homestead Exemptions amounts in committee

Representative **Dianne Hart** – For Voting No and debating against HB 7015/7017/7019 which increased Homestead Exemptions amounts in committee

Representative **Sam Killebrew** – For Voting No on HB 7015/7017/7019 which increased Homestead Exemptions amounts in committee

Representative **Michelle Rayner** – For Voting No on HB 7015/7017/7019 which increased Homestead Exemptions amounts in committee

Representative **Allison Tant** – For Voting No and debating against HB 7015/7017/7019 which increased Homestead Exemptions amounts in committee

Representative **Susan Valdes** – For Voting No and debating against HB 7015/7017/7019 which increased Homestead Exemptions amounts in committee



Legislator Thank You List

If you meet with any of the legislators listed below, please **thank** them for their efforts to help or support cities. Specific examples of their legislative actions are included below.

The Florida House of Representatives continued



Representative **Daryl Campbell** – For Voting No on HB 7015/7017/7019 which increased Homestead Exemptions amounts, and for asking questions & Voting No on HB 777 related to Municipal Utilities in committee

Representative **Hillary Cassel** – For Voting No and asking questions on HB 777 related to Municipal Utilities in committee

Representative **Dottie Joseph** – For Voting No and asking questions on HB 777 related to Municipal Utilities in committee

Representative **Daniel Alvarez** – For asking questions and debating on HB 777 related to Municipal Utilities in committee

Representative **Jennifer Canady** – For asking questions and debating on HB 777 related to Municipal Utilities in committee

Representative **Michael Caruso** – For asking questions and debating on HB 777 related to Municipal Utilities in committee

Speaker Pro Tempore **Chuck Clemons** – For asking questions and debating on HB 777 related to Municipal Utilities in committee

Representative **Peggy Gosset-Seidman** – For asking questions and debating on HB 777 related to Municipal Utilities in committee

Representative **William Robinson** – For Sponsoring and Defending HB 479 on Mobility Fees



Sign Up for Legislative Text Alerts:

To receive call-to-action alerts and updates about important legislative issues via text message during legislative session, email textalerts@flcities.com with your mobile number to sign up today! We will never share your information, and you may opt out at any time.



Get engaged on social!
Tag @FLCities and use #LocalVoices in your event-related posts, tweets and photos so we can share your experiences during Legislative Action Days.

#LocalVoices

Florida League of Cities

2024 Legislative Action Days

January 29-31, 2024

Monday, January 29, 2024

12:30 p.m. - 5:30 p.m.

Registration Desk Open

Sittig Hall, Florida League of Cities, 301 S. Bronough St.

1:00 p.m. - 5:00 p.m.

Continuing Education in Ethics Workshop

Sittig Hall, Florida League of Cities, 301 S. Bronough St.

5:15 p.m. - 5:45 p.m.

Know Before You Go Session

Sittig Hall, Florida League of Cities, 301 S. Bronough St.
(All are welcome to attend)

Legislative Counsel; *Rebecca O'Hara*, Deputy General Counsel;
Sam Wagoner, Legislative Advocate

10:15 a.m.

Group Photo at Capitol

(Location TBD), Capitol, 400 S. Monroe St.

10:15 a.m. - 12:00 p.m.

Capitol Visits

Capitol, 400 S. Monroe St.

12:00 p.m. - 1:30 p.m.

Box Lunch (Grab-N-Go)

Governors Club, Second Floor, 202 S. Adams St.

Tuesday, January 30, 2024

8:30 a.m. - 11:00 a.m.

Registration Desk Open

City Hall Chambers, Second Floor, 300 S. Adams St.

9:00 a.m. - 10:00 a.m.

Conversation with the FLC Lobbying Team

City Hall Chambers, Second Floor, 300 S. Adams St.

Presiding

Greg Ross, FLC President,
Mayor, City of Cooper City

Invocation and Pledge of Allegiance

Michael Blake, FLC First Vice
President, Mayor, City of Cocoa

FLC Lobbying Team

Casey Cook, Chief of Legislative
Affairs; *Jeff Branch*, Senior
Legislative Advocate; *Charles
Chapman*, Legislative
Consultant; *David Cruz*,

1:00 p.m. - 5:00 p.m.

Capitol Visits

Capitol, 400 S. Monroe St.

5:30 p.m. - 6:30 p.m.

FLC Legislative Action Days Reception

Doubletree Hotel, 101 S. Adams St.

Wednesday, January 31, 2024

9:00 a.m. - 11:00 a.m.

FLC Board of Directors Meeting

Sittig Hall, Florida League of Cities,
301 S. Bronough St.

9:00 a.m. - 12:00 p.m.

Capitol Visits (on own)

Capitol, 400 S. Monroe St.

10:00 a.m. - 11:00 a.m.

Capitol Tour with FLC staff

(Meet staff on Third Floor Rotunda
of the Capitol, 400 S. Monroe St.)