

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, January 10, 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
Sgt. Holstine, Indialantic Police Department

1. The Pledge of Allegiance was led by Mayor McDermott.
2. Changes to Agenda: No Changes
3. Presentations:
Community Outreach Coordinator for the Florida Department of Agriculture & Consumer Services, the state's clearing house for consumer complaints, information, and protection.
A representative was not present, no presentation.
4. Public Comments, Non-Agenda Items:

David Novaes-Card, 601 North Miramar Avenue, Unit 313- Mr. Novaes-Card had three points to make about the Bleu Beach Resort. The first point is that the loud music at the bar is not consistent with our community. The second point is that he is concerned about the structure located on the dunes and the potential damage being done to the dunes. Lastly, he is concerned about how the bar is "homesteading" the beach and he feels the beach is public domain.

Robert Lowry, 601 North Miramar Avenue, Unit 112- Mr. Lowry expressed his concern over the steady expansion of the Bleu Beach Resort, most recently placing five picnic tables on the beach.

His biggest concern is the live music that is offered on Friday, Saturday, and Sunday. Mr. Lowry advised he must turn his television up to hear it over the music. He feels the resort originally started as a small motel and is now competing to be a nightclub. He encourages the Town Council to go to the resort on the weekend and witness it themselves.

Town Manager Casey addressed the following:

- The Bleu Beach Resort owns the property up to the low or high tide line.
- FDEP considers the picnic tables, “Beach Furniture” which is allowable.
- The Town is communicating with FDEP regarding the ongoing complaints and concerns.
- FDEP is looking into the platform to see if it is permissible.
- The Bleu Beach Resort was sent a Code Enforcement Violation letter for the music violations.
- Town Manager Casey has spoken to Town Attorney Gougelman about making the Town Ordinance addressing noise violations more enforceable.
- The Police Department can and will enforce drinking on the beach at a public beach.

Carla Roediger, 601 North Miramar Avenue, Unit 302- Ms. Roediger said the Bleu Beach Resort started as a nice, little, quaint restaurant and it has gotten out of control. Ms. Roediger cited numerous codes that she feels like the resort is in violation of and is asking the town to investigate the matter. She stated that the violations are affecting their quality of life. Ms. Roediger advised that she does not want the business shut down, just taken back to a small business. Ms. Roediger reported that people are going onto the beach, from the resort, to urinate.

Claudio Esposito, 505 North Miramar Avenue, Unit 203- Mr. Esposito questioned whether the Bleu Beach Resort is treating the dunes in accordance with the State of Florida laws. Town Manager Casey advised that FDEP is aware of the beach furniture placement and regarding the wood platform, it is a temporary structure and FDEP is aware of the platform. Mr. Esposito advised that the Blue Beach Resort does not meet the requirements to have a liquor license. Town Manager Casey advised that the State of Florida controls liquor licenses and he believes the resort only has a beer and wine license. Attorney Gougelman advised that liquor licenses usually designate the area in which liquor can be served and the state enforces the license violations. Mr. Esposito said he can no longer enjoy being out on his terrace because of the noise.

Suzi Eichinger, 112 Niemira Avenue- Ms. Eichinger said she feels a lot of these issues need to be addressed and the code needs to be enforced. She feels that from a human aspect it would be great to keep the resort as a place for people to get together. Ms. Eichinger said that the staff is nice, kind, and welcoming. She asked the Council when making decisions to remember this is a place to gather.

Discussion ensued and the following items were discussed:

- Town Staff has been working on a resolution.
- Town Manager Casey has met with the business owner on several occasions.
- Town Manager Casey will work with Attorney Gougelman over the next several weeks to interpret the codes pertaining to the complaints.
- Town Manager Casey has met with the Homeowner’s Association for Indialantic One in hopes of mediating, but they just want everything shut down. The Surfrider Condominium residents just want the noise addressed.
- The Town does not have a decibel reader which is required to enforce the Town Code.
- Chief Connor will see if the Town can borrow a reader from a neighboring agency.
- Chief Connor advised that if they can hear the music from SRA1A, the business is in violation of the noise ordinance.
- A new ordinance will take several months to write and approve.
- Noise complaints should be reported to the Police Department outside normal business hours and to Code Enforcement during business hours.

Dave Boyd, 601 North Miramar Avenue, Unit 211- Mr. Boyd asked Councilmember Wright what the Council’s position is, when he said their position needs to be clarified to the business owner. Councilmember Wright said we need to be clear in our position that they need to turn down the noise and at a minimum they need to be in accordance with the ordinance.

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, January 15th, in observance of Martin Luther King Jr. Day

B. Consent Agenda:

1. Approve Council Regular Meeting Minutes December 13, 2023
2. Approve the following Reappointments:
 - a) Board of Adjustment- David A. Justice
 - b) Parks, Recreation and Beautification Committee- Laura Baughn
 - c) General Employee’s Pension Board- Joe Gervais
 - d) Heritage Committee- Pam Dunn
3. Adopt Resolution 04-2024 FDOT Fifth Avenue Road Resurfacing and Improvements
4. Adopt Resolution 05-2024 Building Department Fee Schedule- Revision
5. Approve Councilmember Strand’s travel expenses for Legislative Action Days in Tallahassee on January 29-31, 2024.
6. Approve the purchase of a DART Firearms Training Simulator for the Police Department.
7. Approve Nance Park Special Event (January 13, 2024, 2PM- 6PM) with amplified music, and authorize the serving of alcoholic beverages.

Councilmember Strand requested Consent Agenda Item # 3 and # 7 be pulled for discussion.

Mayor Mc Dermott requested Consent Agenda Item # 5 be pulled for discussion.

Motion by Councilmember Wright, seconded by Councilmember Strand, to approve The Consent Agenda with items #3, #5 and #7 being pulled for discussion.

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

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Item # 3 Adopt Resolution 04-2024 FDOT Fifth Avenue Road Resurfacing and Improvements-

Discussion ensued and the following items were discussed:

- Councilmember Strand was concerned the wording of the resolution downplayed safety and made traffic slowing down for the businesses sound like the priority.
- Councilmember Strand requested electronic speed signs be added.
- Chief Connor said the electronic speed signs are traffic calming but not enforceable.
- Lower speeds result in less sound.
- Councilmember Miller requested language to be added referencing the design of the Melbourne Municipal Crosswalk.

Motion by Councilmember Miller, seconded by Councilmember Wright, to approve Item #3 Adopt Resolution 04-2024 FDOT Fifth Avenue Road Resurfacing and Improvements with the addition of language referencing the Melbourne Municipal Crosswalk as a design configuration, change the wording regarding lowering the speed limit to increase visibility and the addition of electronic speed signs.

Public Comments:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan advised that he had brought up the radar speed signs while on the Fifth Avenue Committee, while discussing speed and pedestrian safety. He advised the statistics regarding speed and mortality rate vary, by study. He said the Fifth Avenue Committee had agreed 30 miles per hour was a reasonable speed for the environment. He advised he was not in support of the speed table, but he does support the active radar speed signs. He would like to see the signs placed right after drivers come off the bridge.

David Novaes-Card, 601 North Miramar Avenue, Unit 313- Mr. Novaes-Card said that he had almost been run over several times in the crosswalk on A1A, in front of the park. He asked that the police patrol that area because he never sees them there unless there is an event at the park. He feels the presence of a police car will help traffic slow down.

Stephen Rider, 601 North Miramar Avenue, Unit 103- Mr. Rider advised that he was almost hit by a car twice on his way to the meeting. He questioned whether cars must stop on red prior to turning right, he explained his experience at an intersection on A1A. He asked for a sign that says stop on red. Councilmember Strand advised Mr. Rider to contact Chief Connor regarding his traffic concerns.

Vinnie Taranto, 313 Tenth Terrace- Mr. Taranto thinks the electronic speed sign is a good idea but suggests the Council request the locations of the signs, to guide FDOT.

The motion was amended to include requesting the location of the electronic speed signs to be at the east and west ends of Fifth Avenue.

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

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Item #5 Approve Councilmember Strand’s travel expenses for Legislative Action Days in Tallahassee on January 29-31, 2024-

Mayor McDermott stated that he does not have an issue with the item but would like Deputy Mayor Glass to give a synopsis for the record. Deputy Mayor Glass explained that this is a yearly meeting that almost every large organization hosts a similar yearly event. The meeting gives elected officials an opportunity to meet with legislators and voice their opinions. Deputy Mayor Glass advised that the opportunity is very important because there are over 1000 bills being considered and some of the bills will severely limit revenues.

Councilmember Strand explained that the Space Coast League of Cities comes together to try to advocate for towns, especially our size town. Councilmember Strand said that though we have a lobbyist he feels it is still effective to go there and have our voice heard. Councilmember Strand said it is an opportunity to get down to business, not eat and drink. Councilmember Strand advised there are two bills of concern; the additional homestead exemption which will limit our budget and sovereign immunity limits which could affect insurances. Councilmember Strand stated that if you look at his record, he generally does not ask money back from the Town, but he wants the support and approval from his colleagues and residents to go tell our Legislatures what we need.

Public Comment:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan expressed that to influence we must participate and build relationships, we must be part of the process as a Town. He supports the Town being part of the legislative process.

Vote to approve Consent Agenda Item# 5

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

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Item #7 Approve Nance Park Special Event (January 13, 2024, 2PM- 6PM) with amplified music, and authorize the serving of alcoholic beverages-

Councilmember Strand questioned if there were signs saying the people shouldn’t be drinking within the playground perimeter during these events. Chief Connor said there are signs in the area prohibiting public drinking, but he is not sure if the special event approval will preempt them. Town Manager Casey said he can exclude the playground area in the letter of non-enforcement.

Motion by Councilmember Strand, seconded by Deputy Mayor Glass, to approve The Consent Agenda with item #7 with the additional language, in the event approval letter, exempting the playground.

Public Comment: None

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

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

C. Ordinances and Public Hearings:

1. Ordinance 2024-01, Second Reading/Final Public Hearing, *relating to parking fines for public parking on rights-of-way:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PARKING FINES FOR PUBLIC PARKING ON RIGHTS-OF-WAY; MAKING FINDINGS; REVISING A REFERENCE IN SECTION 32-32(h), TOWN OF INDIALANTIC CODE OF ORDINANCES; AMENDING SECTION 32-36, TOWN OF INDIALANTIC CODE OF ORDINANCES; REVISING FINES FOR PARKING VIOLATIONS; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

Motion by Deputy Mayor Glass, seconded by Councilmember Strand, to accept Ordinance 2024-01 as presented.

Public Comments: None

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

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

2. Ordinance 2024-04, First 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 QUALFYING 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.

Motion by Deputy Mayor Glass, seconded by Councilmember Wright, to accept Ordinance 2024-04 as presented.

Discussion ensued and the following items were discussed:

- The ordinance is mainly just to clean-up language.
- The ordinance will be on the ballot in November.

- The ordinance addresses the one year of continuous residency for election qualification.
- The ordinance is based on an appellate court decision.

Public Comment:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan and Attorney Gougelman discussed the definition of residency and its enforcement.

Vinnie Taranto, 313 Tenth Terrace- Mr. Taranto suggested listing examples of proof of residency. Mr. Taranto said that the Sustainable Community and Resiliency Committee would like to extend the period of qualification to two weeks.

Discussion ensued and the following items were discussed:

- Election Paperwork is available months in advance of the qualifying period.
- It takes two full days to open a Campaign bank account.
- Candidates can declare to run at any time.
- Previous years there has not been a volume of people to run for Town Council.
- A charter amendment might not be required for a change of the qualifying period.
- The Council asked that staff bring a recommendation to the February meeting.

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

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

D. Unfinished Business:

1. Drown Zero International Program- tabled until February meeting
2. Lifeguard Agreement-

Discussion ensued and the following items were discussed:

- Two seasonal lifeguards will cost \$102,000.
- Mayor McDermott suggested just approving the amount of \$102,000 but not make the staffing part of the agreement.
- Deputy Mayor Glass feels the fee is a double tax because the resident's taxes already pay for lifeguards.
- The Brevard County Commission has not discussed how much they will pay.
- Councilmember Strand asked if the amounts given were sustainable without going to the taxpayers. Town Manager Casey answered, not for a full-time lifeguard.
- The Enterprise Zone is currently economically self-sufficient.
- For the current year we have two seasonal lifeguard towers that we contribute 20% to the County for a total of \$41, 000, which is approximately 7% of the Enterprise Fund.
- The Town Council's intent in raising the parking cost was to fund park improvements.
- The negotiations are the result of one County Commissioners actions.
- The consensus from the lifeguard community is that Brevard County will not remove a full-time lifeguard.

- The Town Council discussed the proposed motion wording at length.
- \$51,200 negotiation point is approximately a \$10,000 increase.
- One drowning death occurred at a beach that does not staff a lifeguard, and some occurred after the lifeguards had left for the day.
- 2023 had an unusually high number of drownings.
- USLA, the lifeguarding accrediting agency, did a 2007 study and recommended that twelve or thirteen full-time stations for Brevard County, the County did five. The updated study still recommends twelve or thirteen stations and the County added two.
- Most drowning victims were from out of county or out of state.

Motion by Councilmember Wright, seconded by Deputy Mayor Glass, to authorize Town Manager Casey to negotiate with Brevard County for a lifeguard at Wave Crest Avenue and Nance Park, to pay \$51,200 (FY 2025) for one seasonal lifeguard and one full-time lifeguard and authorize the Town Manager to enter into such agreement.

Public Comments:

Gabrielle Strand, 120 Ormond Drive- Ms. Strand wanted to reiterate how important she feels it is to lobby for the full-time lifeguard. Ms. Strand wants the Town to do what it takes to get a full-time lifeguard but would like to have the Town start with a reasonable low price.

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

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

E. New Business:

1. Rough Draft of the 2024 Capital Improvement Plan-

Town Manager Casey explained that the Capital Improvement Plan is required per the Town's Comprehensive Plan. The Capital Improvement plan entails infrastructure improvements and if the Town Council wants to add items, we need to figure out where the needed revenue would be sourced from. Attorney Gougelman informed the Town Council that when they come to a consensus on the Capital Improvement Plan that it will need to be adopted by ordinance, which will require two readings. The Town is due to submit an update to the Comprehensive plan this year and will need to submit it to the State by July 2024.

Discussion ensued and the following items were discussed:

- The estimated project figures are computed with consideration with anticipated inflation.
- The Fiscal Year 2026-2027 does not have a lot of projects listed.
- The Fund Balance Forward is not reflected in the Capital Improvement Plan.
- The revenue figures presented are the minimum amounts unless the Town receives grant monies.
- The Plan reflects the revenue from the new parking fees.
- The Town Council would like to see a narrative for the projects on the Plan.

- The Town Council would like to see more unallocated projects in the later years of the Plan.
- The plan does not include any of Mr. Buchanon's projected projects.
- The Town Council would like to see a fund breakout with more detail to include goals, benefits, statement of work, etc.
- Councilmember Strand said he is championing the street and road work.
- Councilmember Miller advised he sits on a Strategic Planning committee and has Cocoa Beach's template for their strategic plan, which is more detailed.
- A series of proposed bills being considered by the Florida Legislature could potentially affect our budget.
- Social Media comments support creating a nicer boardwalk.
- Mr. Haridopolos told Mayor McDermott that the Town needs 25% for most grants.

By consensus the Town Council asked the Town Manager to add the following items to the Capital Improvement Plan:

- Description of projects.
- A narrative to summarize projects.
- A list of all the parks.
- Details for Enterprise Zone to include Stu Buchanon's input.
- More vision on the capital items.
- Goals for each line item.
- Expected benefits.
- Statement of work.
- Expected end project.

Public Comment:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan advised that tools are available to organize assets, inspections, maintenance, and repairs. He encourages the Town to get the right people and tools in place.

Gabrielle Strand, 120 Ormond Drive- Ms. Strand expressed the desire to have construction contractors be responsible for the roadway damage caused during construction projects. She suggested the Town have an agreement with the developers to replace any damaged roadway.

2. Discuss about auditing/updating the Town Code (Miller)- tabled until February meeting

3. Discuss possible resolutions regarding the collection and storage of large not containerized trash (Dunn)

Discussion ensued and the following items were discussed:

- The Town Manager expressed the Town's concerns with the language in the code.
- The Town is working with Waste Management to help get the large trash piles picked up.
- Waste Management will educate their drivers to look for side yard waste piles.

- The Town Manager will provide a weekly list for pick-up to Waste Management.
- Waste Management will not pick up small trash piles not in containers.
- Councilmember Strand suggested having Public Works employees go around Town and pick up small trash piles.
- Councilmember Miller explained the code enforcement process and believed the Town should utilize the Town Code to resolve the trash pile issues.
- The Town Manager is working on an education campaign.
- Any complaints to Code Enforcement, for enforcement, cannot be anonymous but they can be added to the trash pile pick-up list.
- The time frame between education and enforcement should be swift.
- Email seems to be the best way to get service from Waste Management.

Public Comments:

Dick Dunn, 330 Tampa Avenue- Mr. Dunn said he feels the problem is that residents have no incentive to comply. He suggested that the Town send a letter to the violator then fine them. Mr. Dunn said he doesn't feel Waste Management is responsible for identifying violators, it is the residents' issue, and the Town has not made them comply.

Pam Dunn, 330 Tampa Avenue- Ms. Dunn relayed her experience when she had to call Waste Management for service. She explained that she was not able to speak to a human and ultimately, they did not show up on their scheduled date. She also said she was previously charged \$80.00 for an additional cart.

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan advised he feels Waste Management makes reporting difficult and is making it harder to get service. He suggested creating a "Bounty" for volunteer hours for picking up trash.

John Greco, 418 Seventh Avenue- Mr. Greco suggested that if the Town were thinking about changing the code, a fine amount should be included.

4. Discuss the use of storage containers as accessory buildings. (McDermott)-

Mayor McDermott explained that this agenda item came about after county-resident of Indialantic was in the news for building a two-story shipping container structure in his backyard. The Building Official constructed a written report regarding addressing storage containers in the Town Code. Councilmember Strand read the Building Official's report, for the record. Mayor McDermott explained that our current code only addresses the structures being used as accessory structures not living spaces.

Discussion ensued and the following items were discussed:

- The storage container structure would be permitted and inspected by the building official.
- Storage containers are currently allowed as sheds.
- Councilmember Miller stated that this issue is why he wants to address the Town codes.

- Cliff Stokes, the Building Official, will prepare a report and be present at the February meeting.

Public Comments:

Todd Harrison, 330 Miami Avenue- Mr. Harrison explained that he sits on the Code Board and is hesitant to say what he wants the code to be but as a resident he feels that we should discourage this type of building structure not find a way to make it look good. His initial ask was if our code is “tight enough” to prevent this from happening at all. Mr. Harrison explained to the Council that the code enforcement process takes a long time, he advised that we are not aggressive. He advised that we need to decide if we want to be aggressive or more neighborly when addressing the code.

Councilmember Miller requested the Town Staff reach out to the other boards and committees to inquire about what Town Codes they feel need to be updated or improved.

The Town Council discussed the possibility of a future workshop to work on updating the Town Code.

F. Administrative Reports:

1. Town Attorney- No Report
2. Town Manager- Town Manager Casey stated that the new website (CivicsPlus) should be live by the end of the month.

G. Council Reports:

1. Mayor McDermott- No Report
2. Deputy Mayor Glass- Deputy Mayor Glass advised that if anyone was interested in what was going on in the legislature that every evening during the week The Florida Channel has a Capital Update for viewing.
3. Councilmember Wright- No Report
4. Councilmember Strand- Councilmember Strand thanked Councilmember Miller for attending the Space Coast League of Cities dinner. He thanked the Town Clerk for continuously improving the agenda packet and he congratulated Lieutenant Weber for his promotion.
5. Councilmember Miller- Councilmember Miller thanked everyone who attended the golf cart parade and gave a huge shoutout to Chief Connor for the help. The Golf cart parade raised \$1100 for The Candle Lighters.

H. Staff Reports:

1. Chief Connor- No Report

I. Adjournment:

There being no further discussion, the meeting was adjourned at 9:57 p.m.

Mark McDermott, Mayor. Signature on file.

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