

Meeting Minutes
Town of Indialantic
Special Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Thursday, February 16, 2023, at 5:30 p.m.

A. Call to Order:

A special meeting of the Indialantic Town Council was called to order by Mayor McDermott at 5:32 p.m. with the following members present:

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

Also attending:

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

1. Pledge of Allegiance was led by Mayor McDermott
2. Changes to Agenda: Mayor McDermott added discussion regarding the Fifth Avenue median landscaping.

B. Agenda items:

Fifth Avenue Median Landscaping:

Susan Hall, 244 McLeod Street, Merritt Island, landscape architect of record for this project, introduced herself. She advised that the landscaping plans have been approved by FDOT but the town had questions and wanted to review the plans again prior to going out to bid. She advised there is a tight timeframe as deadlines are approaching. The project is scheduled to go out to bid on Tuesday and the contract needs to be awarded by June 30 or the grant will be forfeited.

She wanted to go on the record that she will support whatever the town wants, and she wants the town to be happy. She also noted for the record that due to FDOT processes and response times being so slow, she doesn't believe there is adequate time to make design changes, get FDOT approval, go out to bid and award the contract by the June 30 deadline.

She provided a history of the project, which began in 2018. Medjool Date Palms were chosen at the first meeting, after which FDOT strongly discouraged them due to prevalent lethal bronzing disease. Council then opted to go with the Royal Palm, which FDOT denied due to the tree's large root ball. At the last council meeting where landscaping was discussed, council approved the Foxtail Palm. She noted that there will be a total of ten palms, spaced 135' apart in accordance with FDOT regulations. Foxtail palms are not susceptible to lethal bronzing and large ones 25-30 ft. tall can be planted. Shrubs will be no higher than 18". She advised that Medjools can be inoculated to prevent disease but there would be a significant expense to remove and replace the tree if it dies.

To date, FDOT has not provided a response to the town's question regarding leaving the existing Washingtonian Palms in place. Ms. Hall noted that FDOT could come back and say the Washingtonian Palms are interfering with the safety of the crosswalk and demand they be removed. She referenced a fatal accident on SR 405 which occurred due to landscaping blocking visibility in the median. Safety and visibility trump everything else with FDOT.

The current landscaping is not in compliance with FDOT standards. There was discussion regarding leaving things "as is" and what liability the town would have in doing so. In summary, Town Attorney Gougelman advised that maintenance, and duty of care to maintain safe conditions, can be a liability issue. Compliance issues can lead to substantial damages awarded against the town. FDOT standards can change from time to time and the town will need to pay for any changes to remain in compliance.

Councilmember McKnight advised that the Parks, Recreation, and Beautification committee spent a lot of time on the project and council should take this decision under careful consideration. She has received feedback that the ten Foxtail palms will look insignificant compared to the number of trees that are currently in the median. She loves the Washingtonian palms but the risk of doing nothing and later having to remove them is too high. She recommended moving forward with Medjool Date Palms, even with the added expense and risk of disease. The money allocated for holiday lights could be spent on the median instead.

Councilmember Strand spoke in favor of adding electrical to the plans as discussed in 2022. Councilmember McKnight concurred that in a previous meeting, council reached consensus to put electricity in the median, and she too would like to see that happen.

Town Manager Casey noted the Medjools are significantly more expensive than the Foxtail Palms and cost more to maintain as Foxtails are self-cleaning. Regarding adding electrical,

additional funds were budgeted due to rising cost, but the higher cost of Medjools may use up those funds.

Public Comments:

Jim Vaidic, 110 Melbourne Avenue, suggested rolling the dice and keeping the existing trees. Why spend the money if compliance rules are always changing? In addition, the plans don't appear compliant as the shrubs are taller than 18 inches.

Lisa Esrock, 38 S. Riverside Drive, a Parks, Recreation, and Beautiful Committee member, advised that the committee has worked hard to maintain compliance and raise money for the median for years. It's the front door of the town and it should look nice. A great deal of thought and effort have gone into it and it is disrespectful to the donors to throw it all away. Credibility will be questioned going forward. She spoke in favor of Medjools, and advised that the town should do something rather than nothing.

Greg Harrigan, 120 Orlando Blvd., advised that in studying Fifth Avenue he has learned that there are not many opportunities to make a difference, but this is an opportunity and it should be done right. We should find the money to put in electrical. He recommended Medjools over the Foxtails, as the latter tend to get beat up by storms.

Linda Beaman, 217 Sixth Avenue, was surprised that the town is in favor of choosing a high-risk palm [Medjool] that requires extensive maintenance. With a limited budget, why put more pressure on the town?

Ms. Hall answered additional questions about the inoculation of Medjools, noting that they have excellent results.

Simon Kemp, 211 Eighth Avenue, advised that much time and effort has been put into this project and he too is concerned that the Foxtails won't achieve the desired effect. He feels the Medjools may not be the answer either due to the high cost and intensive maintenance requirements. He would like to see the money spent on adding electrical. The existing trees are nice and look classy while driving over the causeway, but the shrubs are unsightly and a safety hazard and should be removed.

Jim Vaidic, 110 Melbourne Avenue, spoke regarding maintenance requirements of fast-growing shrubs.

Further discussion ensued regarding design speed, crash data, and the option of taking no action, or just removing shrubs.

Public Comments:

Brett Miller, 220 Cocoa Avenue, feels that having only ten Foxtails will look very sparse and they won't hold up well in a storm. He is in favor of Medjools as they can be inoculated

against disease and they look good. He advised that with sovereign immunity, liability is not as big of an issue as it seems and pointed out that vehicles could crash into power poles or any other object.

Ruth Klose, 223 Sixth Avenue, asked several questions and commented that she liked seeing the Washingtonian palms from her balcony. She is concerned that we don't have a definite answer from FDOT regarding whether or not the existing palms must be removed, as this is a \$400,000 project. She noted that the maintenance of the landscaping is poor.

Cathy Berkman, 225 Eighth Avenue, long-time Parks, Recreation, and Beautification Committee member, recommended Medjools as that was the original tree chosen by the committee.

Simon Kemp, 211 Eighth Avenue, spoke regarding the code which requires 75% native plants for commercial and multi-family projects. He is concerned that the plans may not be compliant.

Greg Harrigan, 120 Orlando Blvd., inquired if we want the town to look nicer. He noted that several people are worried about maintenance. He asked and received confirmation from the public works director that it will be maintained.

Mr. Casey advised that the planting will be done in the next fiscal year and the maintenance costs can be budgeted.

Discussion was held regarding what motion needed to be made. Town Attorney Gougelman advised that council should approve the JPA to move forward with the project, and make a separate motion asking the town manager and landscape architect to approach FDOT with the requested changes.

Motion by Councilmember Strand, seconded by Councilmember McKnight to adopt Resolution 02-2023: Joint Participation Agreement with FDOT for Landscaping and Irrigation Improvements at SR 500/US 192.

Councilmember Strand reiterated that his motion includes the language changes made by Mr. Gougelman. He expressed frustration that FDOT wasn't present for this meeting. Mr. Casey advised that this was a last minute request.

Ms. Hall spoke regarding bidding Medjools as an alternate, as no answer has been provided yet by FDOT regarding changing the plans and it may be too late.

Motion carried unanimously, 5-0.

Motion by Councilmember McKnight, seconded by Mayor McDermott to have the town manager find money for lighting in the median and Medjool Date Palms.

Dave Berkman, 225 Eighth Avenue, commented that if the town is asking to change the plans to include electricity and switch the trees to Medjools, we should also ask if keeping the Washingtonian Palms is an option.

Councilmember McKnight amended her motion to the following:

- 1. Have the town manager find money to install lighting/power/electrical in the median;**
- 2. Switch the trees to Medjool Date Palm; and**
- 3. Inquire if the Washingtonian Palms can be kept in the median.**

Deputy Mayor Glass seconded the amended motion, which carried unanimously 4-0.

Approve Addendum #1 to Brevard County Seasonal Lifeguard Agreement:

Motion by Deputy Mayor Glass, seconded by Councilmember Strand, and vote unanimous to approve Addendum #1 to the Brevard County Seasonal Lifeguard Agreement. Motion carried 4-0.

Approve Storm Water Pipe repair at Fifth Ave. and Wavecrest Avenue:

Motion by Councilmember McKnight, seconded by Mayor McDermott to authorize the Town Manager to sign a contract for storm water pipe repairs at Fifth Avenue and Wave Crest Avenue.

Scott Glaubitz, BS&E, town engineer, introduced himself and spoke regarding the project. After reviewing the video, he determined that the structural integrity of the pipe is poor due to extensive rust, roots, and holes. Lining the pipe is an economic solution that buys time, but he feels it would be a waste of money in this case. He recommended replacing the pipe which would involve removing the row of sea grapes, or, the town could replace and relocate the pipe into the parking lot. He advised that reinforced concrete pipes can last 75-100 years, and high density polyethylene (HDPE) can also last that long and the costs are similar. The downside to HDPE pipes is that they can be damaged by digging when utility cables are being installed, but that's not likely to be an issue on Wave Crest. The town may want to bid both to see which option is least expensive.

Regarding the boardwalk on Wave Crest, he advised that a lot of money is spent on maintenance and the town may want to consider modernizing it. Shortening the boardwalk into a meandering, non-elevated path made of different materials is an option that would require much less maintenance. Mr. Glaubitz suggested allowing him to work with an urban planner and the town manager to develop a concept for the boardwalk.

Discussion ensued regarding the stormwater pipe, the boardwalk, and potential funding.

Town Manager Casey advised that the council does not need to approve either the replacement or slip lining of the pipe tonight; rather, he would like authorization to move forward with developing short and long term plans.

[Drafter's note: No vote was taken on the motion.]

Town Attorney Gougelman suggested authorizing the manager to work with the Public Works Director and Scott Glaubitz for stormwater repairs, and an urban planner for the boardwalk. Mr. Glaubitz suggested authorization be given to the manager to choose an urban planner without additional approval from council due to the critical timeframe of the pipe repairs.

Motion by Mayor McDermott, seconded by Councilmember Strand to authorize the town manager to work with Mr. Glaubitz and the Public Works Director to address urgent drainage issues, and an urban planner for vision casting at the boardwalk.

Public comments:

Greg Harrigan, 120 Orlando Blvd., spoke regarding his experiences with cast iron piping in his home, and advised the council to consider implementing stop gap measures to avoid the potential for expensive emergency repairs.

Joe Gervais, Public Works Director, spoke in favor of slip lining the pipe. He advised that the host pipe can deteriorate completely and the slip liner becomes the pipe. He has done many slip lining projects in his 19 years of managing stormwater drainage systems and has never had an issue.

Further discussion ensued regarding slip lining versus replacing the pipe.

Public Comments:

Greg Harrigan, 120 Orlando Blvd., spoke in favor of fixing both the pipe and boardwalk at the same time and offered to help with the project.

The motion carried unanimously, 4-0.

Councilmember McKnight asked for the police and fire departments to have the opportunity to speak at council meetings similar to how councilmembers speak under *Council Reports*. It was the consensus of the council to have department heads speak if they have something they would like to share.

Mr. Casey advised that department heads are always welcome to speak at council meetings.

C. Adjournment:

There being no further discussion, the meeting was adjourned at 7:26 p.m.

Mark McDermott, Mayor. Signature on file.

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