

**Meeting Minutes**  
**Town of Indialantic**  
**Regular Meeting of the Town Council**  
**Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903**  
**Wednesday, May 10, 2023, 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 with the following members present:

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

Also attending:

Michael Casey, Town Manager  
Paul Gougelman, Town Attorney  
Rebekah Raddon, Town Clerk  
Michael Connor, Chief of Police  
Sgt. Holstine, IPD

1. The Pledge of Allegiance was led by Mayor McDermott.
2. Changes to Agenda: None.
3. Presentations and proclamations:
  - a) Proclamation –Turquoise Takeover Week for Lung Cancer Awareness:  
Mayor McDermott read the proclamation designating the second week in May as Turquoise Takeover Week to encourage awareness for lung cancer risk factors and early detection.
  - b) Proclamation – In appreciation of Cathy Berkman’s years of volunteer service:  
Mayor McDermott read the proclamation designating May 10, 2023 as Cathy Berkman Day in the Town of Indialantic in recognition and appreciation of her 17 years of volunteer service for the Town; Mrs. Berkman accepted the proclamation.
  - c) Presentation – Town Sustainability Plan  
Trinity DiNunzio and Emily Flint presented the sustainability plan and responded to questions from the councilmembers. In summary, they advised that the plan is a living document and can be applied as needed. The sustainability committee hopes to

accomplish some objectives in the next year. Many tasks are low cost or require upfront costs but will save money in the long run. Partnerships, outreach, and grants will be helpful to achieve their goals.

Vinnie Taranto thanked Ms. DiNunzio and Ms. Flint for their work and suggested a workshop be held to discuss which priorities the Town would like the committee to implement.

- d) Presentation – Computer Experts update, recommendations, and agreement: Mark Mageau provided an update; in summary, the police department firewall and office software have been installed and the email migration will be next. Brief discussion ensued; several councilmembers requested more information regarding the assessment before considering the agreement. No action was taken.

4. Public Comments, Non-Agenda Items:

Dave Berkman, 225 Eighth Avenue, thanked and commended Police Chief Connor and the Indian River Police Department for their response handling a violent felon who threatened an officer with a weapon. It was stressful but was handled well and no one was hurt, and the individual was jailed and is facing charges.

5. Mayor McDermott read the following Public Announcements:

- There are openings on the following boards and committees:  
Board of Adjustment; Budget and Finance; Civil Service; Code Enforcement; Sustainable Community and Resiliency Committee; and Pension Board – General Employees

**B. Consent Agenda:**

1. Approve town council meeting minutes April 12, 2023
2. Adopt Resolution 06-2023 Fiscal Year 22-23 Budget Adjustment
3. Approve/designate special event FIT Homecoming April 5, 2024 in Nance Park 5pm-10:30pm and authorize park closure, amplified music, and alcohol
4. Approve/designate special event Witch Way 5K October 14, 2023, allow placement of a banner and request FDOT road closure, and authorize town manager to enter an agreement with Running Zone Race Management
5. Authorize aerial spraying by Brevard County Mosquito Control for a term of three years
6. Approve the following board and committee appointments/reappointments:
  - a) Board of Adjustment – Reappoint David Justice
  - b) Heritage – Reappoint Carol Andren
  - c) Parks, Recreation, and Beautification – Reappoint Beata Pezzeminti

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

### C. Ordinances and Public Hearings:

1. Ordinance 2023-02, First Reading/Public Hearing, *relating to non-interference of town administrative matters* (Glass):

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO TOWN ADMINISTRATION; MAKING FINDINGS; PROVIDING A NEW SECTION 2-41 TO THE TOWN CODE OF ORDINANCES; PROVIDING THAT MEMBERS OF THE TOWN COUNCIL SHALL NOT INTERFERE IN TOWN ADMINISTRATIVE MATTERS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Gougelman read the ordinance title.

#### **Motion by Deputy Mayor Glass, seconded by Councilmember McKnight to approve on first reading Ordinance 2023-02 [option 'A,' original version].**

Discussion ensued and concerns were raised regarding the potential for this ordinance to restrict communication and transparency. Some felt it was unnecessary and not the correct approach, and that if a councilmember was interfering, it should be handled with that member as it is occurring. Additional concerns include a lack of process for reporting an issue, a lack of process to determine the validity of a complaint, and no penalty for violating the ordinance. It was noted that other neighboring cities have not had any violations. Some in favor of the ordinance advised that it will solidify a chain of command. There was a request to have the town manager define roles and responsibilities.

#### **Motion by Councilmember Wright, seconded by Councilmember McKnight, to continue the first reading/public hearing at the June 14 town council meeting. Mr. Gougelman advised this motion supersedes the motion to approve.**

#### Public Comments:

Gabrielle Strand, 120 Ormond Dr., advised there is some nuance between “interfere” and “inquiry.” Inquiry makes you smarter and better equipped to make decisions. As a teacher, learning is part of who she is. To suggest that inquiry is not needed is ridiculous.

Dick Dunn, 330 Tampa Ave., provided a printed copy and read aloud a detailed description for “chain of command.” He explained the proper protocol for the Indialantic town council when they need support or to speak to staff to gather information. During his time on the council, he followed the chain of command by speaking to the town manager before interacting with staff or the town attorney. Staff should also provide feedback up the chain of command when visited by elected officials. Military, government, and businesses all follow a chain of command. It helps everyone stay organized and informed and is the professional, respectful, and courteous thing to do.

Brett Miller, 220 Cocoa Avenue, shared his respect for former councilmember Dunn and the chain of command. However, he questioned the motive for and intent of the ordinance and advised that

as drafted, it does not accomplish anything related to a chain of command. He feels there are lots of gaps that need to be filled in. In addition, ordinances are adopted for the office, not for the person in office. What if a rogue manager was in charge and that manager claimed interference? How would that be resolved? He is also concerned about a lack of due process.

Dick Dunn, 330 Tampa Avenue, advised that if there was an issue, it could be discussed at a council meeting and voted on.

Laura Spivey, 450 Watson Avenue, received confirmation that the ordinance wasn't addressing any existing problems. She advised that as a nurse, she wouldn't provide treatment for an issue that doesn't exist.

Greg Harrigan, 120 Orlando Avenue, inquired how new people will be able to learn. He advised that inquiry is the basis for knowledge. As a small town with all information filtered through the manager, information is throttled. Records are in the attic, institution knowledge is in the minds of those with years of experience, and there is no system in place for learning. He feels the ordinance is targeted.

Dick Dunn, 330 Tampa Avenue, advised that he helped inform and educate the candidates he endorsed, as there is no on the job training.

**Motion carried unanimously, 5-0.**

#### **D. Unfinished Business:**

1. Resolution 03-2023 Adopting a Procurement Policy:

Councilmember Wright requested Backyard Hens be discussed before the procurement policy; there were no objections. The council invited Ms. Spivey to speak on the topic.

2. Backyard Hens:

Laura Spivey, 450 Watson Drive, advised that since the last council meeting, she took the \$15 UF Ag extension course which the City of Satellite Beach requires as part of their permitting process for keeping chickens. She shared statistics indicating home values have risen in areas that allow them. She listed benefits such as reduced food waste and a reduced need for pesticides which align with the town's sustainability goals. The neighboring municipalities she contacted successfully adopted ordinances allowing chickens without having to resort to putting the topic on a ballot. She hopes the council will move forward with drafting an ordinance, and added that residents will have more opportunities to provide input through the ordinance hearing process.

Mayor McDermott advised against putting the topic on a ballot as the costs will be high if there are no candidates on the ballot. Discussion ensued. It was the consensus of the council that if an ordinance is

drafted, it should go to council for first reading, then Zoning and Planning, and then council for second reading.

**Motion by Councilmember McKnight, seconded by Councilmember Wright to have the town attorney draft an ordinance allowing chickens based on the parameters adopted by neighboring communities.**

Public Comments:

John Greco, 418 Seventh Avenue, recommended that council make the decision regarding chickens as they are elected to do so. He inquired about the cost to the town and any other downsides to allowing them. He suggested a risk analysis or financial analysis be conducted and mentioned that the county collects fees for dog licenses. He would like to see all aspects discussed.

Shannon Kniffen-Boyd, 109 Tradewinds Terrace, offered to establish an Indialantic Chicken Association if needed.

Brett Miller, 220 Cocoa Avenue, advised that he was initially opposed to allowing backyard hens, but with setting the bar high and requiring courses he is comfortable with it. He noted that only in Florida do you have to get a permit to own a chicken, but not a gun.

**Motion carried unanimously, 5-0.**

Resolution 03-2023 Adopting a Procurement Policy:

**Motion by Councilmember Wright, seconded by Deputy Mayor Glass to adopt Resolution 03-2023.**

Lengthy discussion ensued; it was noted by several councilmembers that the \$20,000 threshold for purchases is too high to catch the FLOCK Safety purchase which was the impetus for creating the policy. Councilmember Strand advised that the council is responsible for oversight and as such, he would like to see the threshold lowered to \$5,000. The town manager expressed concern regarding the ambiguity of urgent or emergency expenditures and recommended the threshold not go below \$10,000.

**Motion by Councilmember Wright to amend the motion to approve the resolution, with a change to Section 3, paragraphs A. and B. from \$20,000 to \$10,000.**

Mr. Gougelman advised that the document will need to be renumbered so that the provision applies to all sections.

**Councilmember McKnight seconded the amended motion.**

Brett Miller, 220 Cocoa Avenue, suggested that the term for contracts be limited to a year or less.

**Motion by Councilmember Wright to amend the amended motion to adopt the resolution with one additional change: limiting the term of contracts to 12 months or less.**

**Councilmember McKnight seconded the amendment to the amended motion.**

Councilmember McKnight briefly departed the meeting at 8:07 p.m. and returned at 8:08 p.m.

**Motion carried 4-1; nay vote by Councilmember Strand.** [Drafters note: Resolution 03-2023 was adopted with these changes: the threshold for purchases is lowered from \$20,000 to \$10,000 and the term of contracts is limited to 12 months or less, and the document will be renumbered.]

## **E. New Business:**

### 1. Goals for 2023-2024

Councilmember Strand would like to create a prioritized list of goals to guide the town budgeting process. Discussion ensued and many ideas were proposed. Town Manager Casey advised that ad valorem taxes can only increase revenue by approximately \$300,000 as tax increases are limited to the roll-back rate plus ten percent. Councilmember Strand provided a handout of proposed projects and staff positions that he would like considered.

Town Manager Casey suggested the councilmembers email him a list of their priorities for discussion at the next council meeting.

Mayor McDermott advised he will be unable to attend the June council meeting.

**Motion by Councilmember Strand, seconded by Councilmember McKnight to have tonight's discussion list and notes sent to the town manager and have the town manager make a list of his recommendations in order of priority and send to the council in two weeks for discussion at a future council meeting.**

Gabrielle Strand, 120 Ormond Drive, suggested the town lobbyist be utilized to go to bat for Indialantic in Tallahassee. She would like to see improvements on Wave Crest in particular.

Brett Miller, 220 Cocoa Avenue, suggested a pickle ball court be considered.

**Motion carried unanimously, 5-0.**

### 2. Architectural Review Committee

Mayor McDermott spoke in support of forming an architectural review committee (ARC) for the business district, to give the town more oversight on the appearance of commercial construction. It was noted that former councilmember Simon Kemp has experience that might be useful regarding ARCs.

Mr. Gougelman advised that it is a commendable yet difficult endeavor. The state can preempt the town. Councilmember Strand suggested the committee, if formed, be provided with funding and sunshine law training, a flexible reporting schedule, and the ability to add and remove their own members.

Greg Harrigan, 120 Orlando Blvd., advised that a committee may not be the best choice as getting volunteers to consistently participate is difficult and the sunshine law makes it impossible to work together to solve problems. Discussion ensued.

Mr. Gougelman advised that the town will need help from an urban planner and an architect. The town can define its standards in writing so that they are enforceable.

Greg Harrigan, 120 Orlando Blvd., spoke regarding the challenges of dealing with landlords who don't live here and don't care about the appearance of their property.

**F. Administrative Reports:**

1. Town Attorney – No report.
2. Town Manager – Mr. Casey briefly spoke regarding FMIT's cyber liability vendor, Beasley.

**G. Council Reports:**

Deputy Mayor Glass expressed relief that the legislative session is over.

Councilmember Wright advised he will not be able to attend the July council meeting.

Councilmember Strand thanked the mayor for organizing the volunteers for Phase II of the Mikey Goodwin Playground. He thanked Public Works Director Joe Gervais and his staff, in particular, LeRoy Nisiewicz and David Kuhn for their long hours of hard work and exceptional teamwork with the volunteers. He thanked Jennifer Small, Finance Director, for sharing her institutional knowledge regarding vendor payments. He thanked Mr. Casey for pursuing the data breach issue and advocating for our needs. He thanked Councilmember Wright and Mr. Casey for their work on the procurement policy.

Town Clerk Raddon asked for clarification regarding the motion to approve the minutes on the consent agenda and advised that there were two proposed changes to the minutes, printed copies on the dais. It was the consensus of the council that the motion to approve included those two proposed changes.

Gabrielle Strand, 120 Ormond Drive, inquired if residents are notified when mosquito spraying is occurring; Mr. Casey advised that the town will post information on Nextdoor to notify residents.

**H. Staff Reports:** - None.

**I. Adjournment:**

There being no further discussion, the meeting was adjourned at 9:20 p.m.

Stu Glass, Deputy Mayor. Signature on file.

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