

Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, May 11, 2022 at 7:00 p.m.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order at 7:02 p.m. by Mayor Berkman, followed by the Pledge of Allegiance. The following members were present:

Honorable Dave Berkman, Mayor
Honorable Stu Glass, Deputy Mayor
Honorable Simon Kemp, Councilmember
Honorable Doug Wright, Councilmember
Honorable Julie McKnight, Councilmember, by phone

Motion by Councilmember Kemp, seconded by Deputy Mayor Glass to allow Councilmember McKnight to attend by phone. Motion carried unanimously, 5-0.

Also in attendance:

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

1. Proclamations: American Lung Association “Turquoise Takeover Week” May 9 - 15
Debra Smith, a school teacher and stage IV lung cancer survivor, spoke regarding her battle with the #1 cancer killer in America. A nonsmoker, Ms. Smith’s hip pain led to her eventual diagnosis. Mayor Berkman read the proclamation and thanked Ms. Smith for sharing the information and raising awareness about the disease.

2. Presentations:

a. Florida Department of Transportation (FDOT) US 192/Fifth Avenue Resurfacing and Roadway Improvements

Eliode Joseph, P.E., spoke regarding project 442883-1 and did a Powerpoint presentation explaining the changes which are based on the public input they received.

Lengthy discussion ensued; in summary, councilmembers shared their dissatisfaction with the proposed changes and felt there was not enough outreach to and input from the community.

Police Chief Connor advised against installing a traffic light; he feels it will cause significantly worse traffic back-ups. He suggested that Shannon, Palm, and Ramona Avenues be right-turn only to reduce the number of traffic accidents.

Public Comments were given by the following:

Scott Smith, 321 Seventh Avenue.

Mike Smith [no address provided].

John Newton, 1217 S. Riverside Dr.

Lisa Frazier, [no address provided]

Vinnie Taranto [no address provided]

In summary, the following suggestions and comments were made by the public:

- Utilize the median if more space is needed
- Traffic on other streets will increase during construction
- Traffic calming devices will lead to traffic clogging.
- Support for the HAWK beacon signal, not a traffic light.
- Install a red light that is activated by pedestrians; too many flashing yellow lights cause confusion which lead to accidents.
- Lowering the speed limit can be accomplished by simply changing the signs.
- Increased development in Melbourne will impact Indialantic and Florida is already #1 for pedestrian/bicyclist deaths.
- Bicycles sharing the roadway on Fifth Avenue is not safe; sidewalks are safer for bicycles.
- FDOT should allow 18 months to collect input from the community, and they should advertise the meetings using social media sites such as Nextdoor.

After further lengthy discussion, and with the consensus of the council, Mayor Berkman asked FDOT to do the following:

Reevaluate and/or remove the proposed bike lane.

Do not install a traffic light.

The HAWK system is preferred.

If the 30 mph speed limit is the reason for the proposed traffic light, reinstate the 35 mph limit as there is no support for a traffic light.

Limit the construction timeframe.

Schedule a call with town manager Michael Casey and public works director Joe Gervais.

Bring revisions back to the town council.

Mr. Joseph said he will take the town's comments back to his team. He noted that the HAWK beacon system is only allowed at the midblock, not at an intersection.

b. Fifth Avenue Median Landscaping by Susan Hall Landscape Architect, Inc.

Susan Hall explained that the median landscaping project is a stand-alone project that will be done after FDOT completes their roadway improvement project. The overall design has not changed, but she suggested some alternatives due to disease and availability.

Due to the prevalence of lethal bronzing disease in Florida, she recommends Royal Palms be used instead of Date Palms. They are the second-best choice for a significant statement tree. For ground cover, she recommended perennial peanut which is drought tolerant. It was noted that juniper is still an option.

Public Works director Joe Gervais recommended the Foxtail Palm over the Royal Palm. He doesn't have equipment to maintain Royal Palms which grow very tall and have heavy palm fronds that can fall, which several people noted can be hazardous. Ms. Hall explained that you typically have 1-3 days to remove them after it becomes apparent that the frond will be coming down.

Discussion ensued; it was the consensus of the council to have the Parks, Recreation, and Beautification Committee review the proposed changes and make a recommendation to the council.

3. Mayor Berkman read the following Public Announcements:

- There are openings on the following boards and committees: Board of Adjustment, Budget & Finance, Civil Service, and the General Employees' Pension Board
- Candidate Qualifying packets for the 2022 municipal election are available at Town Hall and on the town [website](#)
- The grand opening and ribbon cutting for the Mikey Goodwin Playground will be on Friday, May 13 at 6 p.m. in Nance Park. Kudos to Joe Gervais and the entire Public Works team for their efforts on the playground. There will be music, food trucks, and drinks at the event.

B. Consent Agenda:

1. Approve Council Meeting Minutes 4-5-2022
2. Approve/designate Special Event playground ribbon-cutting in Nance Park, May 13 at 6 p.m.
3. Authorize attendance at Florida League of Cities 2022 conference
4. Approve Resolution 03-2022 Commending the Florida League of Cities legislative team
5. Approve the following Appointments/Reappointments:

- a) Budget and Finance Committee – Appoint Carrie Foy
- b) Civil Service Board – Reappoint Pam Dunn
- c) Parks, Recreation & Beautification Committee – Reappoint Beata Pezzeminti

Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve the consent agenda as written. Motion carried 5-0.

C. Ordinances and Public Hearings:

- 1. Ordinance 2022-05 Second/Final Reading, *Relating To Accessory Structures And Utility Sheds*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-225, 113-285, 113-331(2), 113-332(2), 113-333(2), 113-334(2), 113-335(17), TOWN CODE OF ORDINANCES TO PERMIT SHEDS IN CERTAIN AREAS OF A SIDE YARD, ALL IN THE R-1A, R-1B, R-2, R-3, AND R-P ZONING DISTRICTS; AMENDING PROVISIONS RELATING TO ACCESSORY STRUCTURES AND UTILITY SHEDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Councilmember Wright, seconded by Councilmember Kemp to adopt Ordinance 2022-05.

Councilmember Kemp noted that the Zoning and Planning Board reviewed the ordinance and removed the requirement for fencing. He will support the change. Mayor Berkman indicated there was a concern that there is no setback requirement from the front line of the house.

Brett Miller, 220 Cocoa Avenue, was hoping there would be a special classification for sheds under 8’ that would allow smaller setbacks such as 2’ from the principal structure. It was noted that the setbacks are for fire safety and prevention.

Motion carried unanimously, 5-0.

D. Unfinished Business: None.

E. New Business:

- 1. Salaries for hourly public works employees

Town Manager Casey spoke regarding the current starting hourly rate of \$13.51 which is not competitive and makes it difficult to find and retain employees. In addition, the Florida minimum wage will be raised incrementally each year through 2026, bringing the minimum

wage to \$15 an hour. He suggested raising the starting pay to \$15 and increasing all hourly public works employees wages \$1.49.

Motion by Deputy Mayor Glass, seconded by Councilmember Kemp, and vote unanimous to increase all public works hourly employees' pay rate by \$1.49 and increase the minimum/maximum salary range accordingly for Maintenance Worker I and Maintenance Worker II, effective June 2, 2022. Motion carried unanimously, 5-0.

2. Authorize out-of-state travel for BS&A software training

Mr. Casey explained that the Town implemented BS&A software for permitting and business tax receipts. The town would like to begin utilizing the software in the finance department, as recommended by the town's auditor. Mollie Carr has been tasked with training employees on the software, as such, attendance would be beneficial for her. Mrs. Carr has opted to forego other training so this won't affect the budget. Training will held in Savannah, GA, October 16 – 19 and the total cost is approximately \$1,800.

Motion by Deputy Mayor Glass, seconded by Councilmember Kemp, and vote unanimous to allow Mollie Carr to travel out-of-state for the BS&A annual software user training conference. Motion carried 5-0.

3. Request for lien relief - 1615 S. Miramar Ave.

Mr. Casey provided background information on the request; in summary, the previous owner was fined for code violations and did not pay, resulting in a \$109,500 lien on the property in 2013. A portion of the lien was paid off for through the sale of other properties, reducing the lien amount to \$74,500.

Ed Paradis, 1615 S. Miramar Ave, spoke regarding his request. He purchased the property through an auction in 2019, unaware of the lien. He is requesting the town reduce or forgive the lien.

Lengthy discussion ensued. In summary, the town incurred costs through extensive staff time handling the code enforcement issues and it was the consensus that funds should be recouped. It was noted that Mr. Paradis did not cause the code enforcements issues or lien, but he should have taken the necessary due diligence before bidding on the property. Town Attorney Gougelman answered a question regarding setting a precedent; he advised that no precedent will be set by council's action. He also explained that if the council decides to reduce the lien amount, it cannot be increased later.

Motion by Councilmember Wright, seconded by Deputy Mayor Glass, to reduce the lien to \$37,250 which is 50% of the total.

Further discussion ensued; Councilmember Kemp felt the full lien amount should be collected. Mayor Berkman suggested an alternative, having Mr. Paradis make a charitable donation to the town for a higher amount (\$45,000) that would be mutually beneficial to all parties. Mr. Paradis offered to write a check tonight for \$37,250.

There were no public comments.

Mayor Berkman suggested the motion be modified to authorize the town manager to negotiate with Mr. Paradis to find an agreeable amount no less than \$37,250. Councilmembers Wright and Deputy Mayor Glass agreed to the modification.

Motion carried 4-1; nay vote by Councilmember Kemp.

4. Resolution 02-2022 forming a Fifth Avenue Study Committee

Mayor Berkman explained some changes he made to the resolution, copies of which are on the dais. He read the objectives for the committee which are based on feedback from residents who would like to explore ways to improve the aesthetics of Fifth Avenue. The committee will not look at traffic patterns or removing the median.

Motion by Mayor Berkman, seconded by Councilmember Kemp to approve Resolution 02-2022, draft version dated 5/9/2022.

It was the consensus of the council to add a requirement for committee progress reports every three months.

Lisa Frazier, [no address provided], asked if Fourth and Sixth Avenues will be included; Mayor Berkman confirmed his intent to include those streets as well.

Brett Miller, 220 Cocoa Ave., received confirmation that members sitting on other boards and committees may apply for the Fifth Avenue Study Committee.

Mayor Berkman asked for vote on the motion, noting that the Fifth Avenue Study Committee will include Fourth and Sixth Streets and be required to submit progress reports every three months.

Motion carried unanimously, 5-0.

F. Public Comments, Non-Agenda items:

Ann Vickers, 432 Melbourne Avenue, spoke; in summary, she requested to be placed on a future agenda to allow time for her to share photos and soil samples from the right-of-way in front of her home. She is unhappy regarding the outcome of the storm drainage and pedway projects which were staged near her home, and she feels the town has dismissed her complaints. She would like the sod and the top six inches of soil in the right-of-way replaced as the sod the town planted contains torpedo grass, marle, and clay. She passed out copies of her emails to the councilmembers.

Discussion ensued; in summary, Mr. Gougelman asked Ms. Vickers how much it would cost to restore the right-of-way to her satisfaction. Ms. Vickers estimated it would cost \$4,500. Mr. Gougelman suggested the council discuss this at the next meeting. If the town desires to expend additional funds improving the right-of-way near Ms. Vicker's home, he recommended that Ms. Vickers be provided with funds to hire her own contractor since she is not happy with the sod provided by the town's contractor.

G. Administrative Reports:

1. Town Attorney – Mr. Gougelman spoke regarding the condo collapse in Surfside, FL.
2. Town Manager – Written report in the agenda packet, no additional report.

H. Council Reports:

Councilmember Wright gave kudos to all involved with the construction of the Mikey Goodwin Playground.

Councilmember Kemp echoed the comment regarding the playground.

Deputy Mayor Glass echoed the comment regarding the playground, and spoke regarding House Bill 7049 which amends the advertising requirements for public notices.

Mayor Berkman echoed the comments regarding the playground and commented that Senator Debbie Mayfield and Melbourne Mayor Paul Alfrey will be attending the ribbon-cutting.

Police Chief Connor spoke regarding a recent arrest warrant and his department's response.

I. Adjournment:

There being no further discussion, the meeting was adjourned at 9:24 p.m.

Dave Berkman, Mayor. Signature on file.

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