

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, January 13, 2021 at 7:00 p.m.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order on Wednesday, January 13, 2021 at 7:00 p.m. by Mayor Berkman with the following member present:

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

Also present:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk
Sergeant Ryan Dovel, Indialantic Police Dept.

1. Pledge of Allegiance was led by Ari Kemp and Eve Kemp.
2. Oath of Office: Mr. Gougelman swore in Simon Kemp, Councilmember, Seat #2, for a term of two years.
3. Presentations and Proclamations: None.
4. Public Comments, Non-agenda items: None.
5. Mayor Berkman read the following Public Announcements:
 - There are openings on the following boards and committees: Civil Service; Code Enforcement; Heritage; Parks, Recreation & Beautification; and Pension – General Employees.
 - The Mayors' Fitness Challenge begins Feb. 6, a link to register is on the Town website www.indialantic.com. All are welcome to join this free competition to earn the title Most Fit City.
 - 'Shop Local' Indialantic canvas bags with local business coupons are for sale at Town Hall for \$10 each.
 - Beach Parking decals are for sale for \$40; car registration is required for purchase. Anyone can purchase a decal, you don't have to be a resident of Indialantic.

B. Consent Agenda:

1. Adopt Resolution 01-2021 Temporarily Waiving Sign Code and Outdoor Dining Code (extends Res. 18-2020)
2. Adopt Resolution 02-2021 Election Qualifying Fee
3. Adopt Resolution 03-2021 Election Qualifying Fee for Write-In Candidates
4. Adopt Resolution 04-2021 Alarm Permit Fee
5. Adopt Resolution 05-2021 Wireless Co-location Fee
6. Adopt Resolution 06-2021 Lien Search Fee
7. Adopt Resolution 07-2021 Administrative Fee for Unmaintained Pools
8. Adopt Resolution 08-2021 Adopting the Brevard County Local Hazard Mitigation Strategy Plan
9. Approve Council Meeting Minutes 11-12-2020
10. Approve Council Meeting Minutes 12-9-2020

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

C. Ordinances and Public Hearings:

1. **Ordinance 2021-01 Second Reading/Public Hearing (*Adopting proofs showing changes for recodification of the Town Code of Ordinances*)**

Mr. Gougelman read the ordinance title:

An Ordinance Adopting And Enacting A New Code For The Town Of Indialantic, Brevard County, Florida; Making Findings; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing For The Inclusion Of Subsequently Adopted Future Ordinances; Requiring The Town Clerk To Maintain Codes And Copies; Specifying That No Zoning Or Comprehensive Planning Ordinances Designating The Use Of Certain Properties Are Amended Or Repealed; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.

There were no public comments.

Motion by Councilmember Kemp, seconded by Councilmember Wright, and vote unanimous to adopt Ordinance 2021-01 on second reading. Motion carried 5-0.

2. **Ordinance 2021-02 Second Reading/Public Hearing (*Adopting the recodified Town Code of Ordinances*)**

Mr. Gougelman read the ordinance title:

An Ordinance Adopting And Enacting A New Code For The Town Of Indialantic, Brevard County, Florida; Making Findings; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing For The Inclusion Of Subsequently Adopted Future Ordinances; Requiring The Town Clerk To Maintain Codes And Copies; Specifying That No Zoning Or Comprehensive Planning

Ordinances Designating The Use Of Certain Properties Are Amended Or Repealed; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; Providing A Severability Clause; And Providing For An Effective Date.

There were no public comments.

Motion by Deputy Mayor Glass, seconded by Councilmember McKnight, and vote unanimous to adopt Ordinance 2021-02 on second reading. Motion carried 5-0.

3. Ordinance 2021-03 First Reading/Public Hearing (*Native Plant Landscaping Requirements for Commercial Properties*)

Mr. Gougelman read the ordinance title:

An Ordinance Of The Town Of Indialantic, Brevard County, Florida, Relating To The Land Development And Zoning; Making Findings; Creating Article X. Landscaping, Sections 17-170 Through 17-171, Code Of Ordinance Of The Town Of Indialantic, Florida, Providing Definitions And Purpose; Setting Forth Standards For Commercial Landscaping; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.

Motion by Councilmember Kemp, seconded by Councilmember McKnight to approve Ordinance 2021-03 on first reading.

Mr. Casey answered councilmembers' questions, explaining that the ordinance adds requirements for new commercial and multi-family residential construction to utilize Florida native plants in 75% of the landscaping. Site plans submitted before adoption of the new ordinance aren't required to comply.

There were no public comments.

Motion carried 5-0.

D. Unfinished Business:

1. (Discussion) Food Trucks – Draft ordinance

Mr. Gougelman indicated that the ordinance was modeled after the City of Cape Canaveral's ordinance, and explained that the Florida legislature passed a bill [HB 1193] that prohibits municipalities from banning food trucks and limits how municipalities can regulate them. He noted that this ordinance is not intended to chase off free enterprise competition, and excessive limitations on food trucks could put the Town at risk for a lawsuit. The intent is to allow the Town to have some control over where food trucks are located. Lengthy discussion ensued and councilmembers asked for clarification on several items; Mr. Gougelman will make the changes based on the council's feedback and bring it back for further review and discussion next month.

E. New Business:

1. (Discussion) Ramona Avenue right-of-way

Mr. Gougelman explained the requirements for selling town-owned property such as a right-of-way. It must go on a ballot and be approved by the Town's residents and it must not affect access to utilities or ingress/egress to a property.

John and Kristen Juckiewicz, 401 Miami Ave, spoke. They explained that they maintain the right-of-way next to their home and they would like to improve it with landscaping but they don't want to invest a lot of money into it since they don't own the property. If they owned the property, they would be able to plant trees and add landscaping for privacy and potentially build onto their existing home.

Lengthy discussion ensued. Mr. Casey expressed concerns that this would encourage other residents to make similar requests. He noted that in 1987 the issue of selling town-owned property was very contentious.

Mayor Berkman suggested the Juckiewicz's contact their neighbors for their input and revisit this topic next month after further research.

2. Effective date for Parking Permits

It was the consensus of the council to make future-year parking permits become valid and effective on the date they are purchased. For example, a 2021 parking decal purchased on Dec. 1, 2020 would be valid for parking on Dec. 1, 2020 through Dec. 31, 2021.

F. Administrative Reports:

1. Town Attorney – None.
2. Town Manager

Mr. Casey is working with Waste Management on a new contract; he asked for council's input regarding two items: 1) The agreement requires residents to place yard debris in carts and 2) The agreement requires residents to contact Waste Management to schedule a clam truck pickup. There were no objections from the Council regarding either item.

The Easter egg hunt is tentatively scheduled for the last Saturday in March; with the current rate of positive COVID tests in Brevard County, Mr. Casey recommends it be cancelled. He will ask the council to decide next month.

G. Council Reports:

Councilmember McKnight would like to invite Jason Steele to a future meeting to provide direction on how the Town can best utilize his services.

Deputy Mayor Glass commented that he has communicated with Mr. Steele regarding legislation that affects municipalities. He thanked Fire Chief Flamm for providing annual statistics in the agenda packet.

Councilmember Kemp will be looking into options for socially-distanced outdoor exercise events for the upcoming Mayors' Fitness Challenge which begins Feb. 6; United Way provided free masks and sanitizer for participants.

H. Adjournment:

There being no further discussion, the meeting was adjourned at 8:29 p.m.

Dave Berkman, Signature on file.

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