

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

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order on Wednesday, April 7, 2021 at 7:00 p.m. by Deputy Mayor Glass with the following members present:

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

Also present:

Michael Casey, Town Manager
David Tolces, Acting Town Attorney
Michael Connor, Chief of Police
Rebekah Raddon, Town Clerk

1. Pledge of Allegiance was led by Deputy Mayor Glass.
2. Presentations:

Mark Ryan, City Manager for Indian Harbour Beach, presented a Certificate of Recognition to Town Manager Michael Casey on behalf of the Florida City & County Management Association honoring the 40th anniversary of the Town's operation under the council-manager form of government. Mr. Ryan spoke briefly regarding Florida House Bill 239, Regulation of Smoking by Counties and Municipalities.

Jason Steele, Town Lobbyist, provided a legislative update regarding several bills that preempt home rule power; he urged residents to contact their state representatives and ask them to vote 'no' on those bills.

David Tolces, Acting Town Attorney, introduced himself and noted he was working on behalf of attorney Paul Gougelman who is out due to illness.

3. Public Comments, Non-agenda items: None.

4. Public Announcements:

Deputy Mayor Glass read the following announcements:

- There are openings on the following boards and committees: Civil Service; Heritage; Pension – General Employees, and Environmental Advisory Taskforce.

B. Consent Agenda:

1. Approve Council Meeting Minutes 3-10-2021
2. Adopt Resolution 13-2021 amending Fiscal Year 2020-2021 budget
3. Approve Special Event application for Turtle Krawl 5K Fun Run/Walk at Nance Park on Sept. 11, 2021 (5:30 a.m. – 11 a.m.) and authorize FDOT road closure for a portion of S.R. A1A
4. Approve aerial spraying for mosquitos – Brevard County Mosquito Control
5. Approve the following Appointments/Reappointments:
 - a) **Heritage Committee** – Appoint Annette Joyner; reappoint Carol Andren

Motion by Councilmember Kemp, seconded by Councilmember McKnight, and vote unanimous to approve the consent agenda as written. Motion carried 4-0.

C. Ordinances and Public Hearings:

1. (Discussion) Ordinance 2021-05 (*Mobile Food Dispensing Vehicles*):

An Ordinance Of The Town Of Indialantic, Brevard County, Florida, Relating To Zoning Requirements For Mobile Food Dispensing Vehicles; Exempting Mobile Food Dispensing Vehicles From Concurrency Management In Chapter 105; Creating Section 113-49, Town Code Of Ordinances, Authorizing The Operation Of “Mobile Food Dispensing Vehicles” As A Temporary Accessory Use In Certain Limited Zoning Districts In Furtherance Of Section 509.102(2), Florida Statutes, And At Special Events Authorized By The Town; Providing General Standards For Operating Mobile Food Dispensing Vehicles; Amending Permitted Accessory Uses In The CH And SH Zoning Districts In Section 113-338 And 113-339 Of The Town Code Of Ordinances; Providing For Severability/Interpretation; And Providing An Effective Date.

Mr. Casey provided background information regarding the ordinance; it was noted that the first reading will be on next month’s agenda to allow for additional advertising. After some discussion, it was the consensus of the council to remove the specified time period limitation and adopt that separately by resolution which will be easier to update if changes are needed. Deputy Mayor Glass asked for public comments; the following people spoke:

Candice Gallion, 1390 Stewart Ave, Melbourne, spoke. In summary, she noted that business owners pay taxes which adds value to the Town, and the local business she works for draws people from as far as an hour away. She owns a food trailer and would like to operate it in Town for supplemental income, but she feels that limiting food truck operators to just a few days a month prevents food trucks from building a following which is necessary to be successful.

D. Unfinished Business:

1. North Riverside Drive/Second Avenue Sewer Lift Station

Mr. Casey explained that the county has an aging sewer lift station in Town and they are requesting to build a new lift station at Riverside Drive and Second Avenue. He noted that the county would need to first buy the property from the Town which requires a referendum to be approved by voters.

Ed Fontanin, Utility Services Director, Brevard County, spoke. In summary, he noted that the lift station, built in 1961, needs to be replaced with a new system to prevent potential failures which would result in sewage backing up into residents' homes. There is only a small radius where the new station can be located. An alternative would be to acquire private property and demolish a home. Lengthy discussion ensued regarding the project; it was noted the old B-06 location would be abandoned and only a manhole cover would remain on site. At the Town's request, a concrete wall and/ or lighting could be installed at the new location. The county would pay for all ballot costs. Construction would take several months and could require traffic detours.

Deputy Mayor Glass asked for public comments; the following people spoke:

Mike Borysiewicz 443 Tenth Ave., inquired about what would remain at the old lift station site; it was noted that it would be removed and only a manhole cover would remain.

Brett Miller, 220 Cocoa Ave., supports a new lift station and asked what the negative consequences will be if the Town takes no action; Mr. Fontanin explained that the likelihood of failure increases every year and when the existing lift station fails, residents will not be able to flush toilets.

After further lengthy discussion, it was the consensus of the council to schedule a public workshop for this agenda item.

The meeting recessed at 7:54 p.m. and was called back to order at 8:00 p.m.

E. New Business:

1. Award contract to Atlantic Development of Cocoa, Inc. for B-6 Wayne/Riverside crossing stormwater management rehabilitation and improvement \$66,853.50

Motion by Councilmember Kemp, seconded by Councilmember Wright to award the contract to Atlantic Development of Cocoa, Inc. Motion carried unanimously 4-0.

2. Traffic Calming Policy

Mr. Casey explained that residents on several streets have requested speed cushions in recent months. He drafted a formal written policy for speed cushions after reviewing policies adopted by other local municipalities.

Police Chief Connor stated that he receives less complaints from streets that have speed cushions; he spoke at length regarding traffic enforcement methods and the speed trailer which was used to collect

traffic data. It was the consensus of the council that a written policy is needed to provide a set of guidelines for the installation of speed cushions in Town. Lengthy discussion ensued regarding specific details of the policy and parameters for determining if speed cushions should be installed. Acting attorney Mr. Tolces commented that the policy will give staff and the public a written document that can be handed out and an understanding of what is required so the procedures can be applied consistently. It also will provide guidance for council so they can determine if it's appropriate to install speed cushions. The council will still retain its legislative authority however and ultimately can decide if and when they should be installed. He pointed out that there could be budgetary or some other concerns that may be a factor, and council is not hamstrung by the policy.

Deputy Mayor Glass asked for public comments; the following people spoke:

Mike Borysiewicz, 443 Tenth Avenue, inquired about the percentage of speeders and number of owner signatures required by the policy.

Michael Lentini, 131 Miami Avenue, received clarification that property owner signatures are needed from the specific block and not the entire street, clarification regarding the timeframe for drafting the policy and the streets that have inquired about speed humps, the miles-per-hour threshold, and the procedural steps in the policy.

Rob Carty, 141 Miami Avenue, noted that 19 owner signatures were obtained on a petition for speed cushions.

Brett Miller, 220 Cocoa Avenue, suggested two revisions to the policy; 1) reduce threshold for the percentage of speeders from 75% to 50%, and, 2) add a provision to allow owners to buy speed cushions if they meet the criteria.

It was the consensus of the council to table this item and place it on next month's agenda when the entire council is present to vote.

3. Petition for speed cushions – Miami Ave., 100 block

Mr. Casey explained that the Town conducted a speed study after receiving a petition for speed cushions in the 100 block of Miami Avenue. Police Chief Connor explained how the study was conducted and noted that during the study, the majority of vehicles were not speeding.

Deputy Mayor Glass asked for public comments; the following people spoke:

Mike Borysiewicz, 443 Tenth Avenue, inquired about the overall percentage of speeders and other data in the study.

Kathleen Bracket, 140 Miami Avenue, received clarification regarding the hours during which the study was conducted; she feels the peak hours for traffic are 7:30 a.m. – 9:00 a.m. and 4:00 p.m. – 5:30 p.m. She sees school buses and other vehicles frequently speeding and she has nearly been hit while walking on Miami Avenue. She inquired about the range of the speed trailer radar and she disagrees with the findings of the study.

Michael Lentini, 131 Miami Avenue, received clarification regarding other requests for speed cushions received by the Town, the total cost for speed cushions, and the negative consequences associated with them. He noted that it appears that one in six vehicles are speeding more than 26 miles per hour. He received clarification that speed humps are typically placed midblock and one crossing consists of a pair of humps to cover both directions of traffic. He added that speeders engage in threatening behavior when being called out for speeding.

Brett Miller, 220 Cocoa Avenue, suggested isolating the data to specific, shorter time periods at peak times.

Diane Carty, 141 Miami Avenue, suggested the speed trailer be placed closer to the middle section of the road near her house as there are trees that can be used to conceal the trailer. She said she has almost been hit twice and speeders are hostile. The street is a thoroughfare to A1A and Shannon Avenue. If they don't meet the threshold for number of speeders, she suggested having a sign installed that lists the fees for speeding tickets similar to signs in Melbourne Beach. She inquired about other speed cushions recently installed in Town and indicated that she is not opposed to paying for speed bumps. It was noted that many of the speed bumps for sale online are not rated for driving.

Rob Carty, 141 Miami Avenue, stated that all residents that he approached on Miami Avenue were in favor of installing speed bumps. He is concerned regarding hostile behavior exhibited by speeders. He has estimates for speed bumps rated for driving. He inquired about the number of signatures needed and feels that that all were in favor except for a councilmember who lives on the block.

Mike Borysiewicz, 443 Tenth Ave, walks on Miami Avenue and wondered if the policy should require input from more than just one block since Indianlantic is a small Town and speed cushions affect more than just those that live on the block they are installed on.

Rob Carty, 141 Miami Avenue, inquired about the number of speeders documented per day.

Deputy Mayor Glass closed public comments and lengthy council discussion followed.

Motion by Councilmember Kemp, seconded by Councilmember McKnight to move forward with speed hump installation if all criteria for the current verbal Town policy are met. At staff and council's request, Mr. Tolces reiterated for the record that the motion is to: move forward with speed humps in the 100 block of Miami Avenue subject to Town staff verifying that the petition meets the criteria and that the vote of the designated homeowners is taken and meets the required threshold.

He asked if council would like this brought back to them again after staff reviews the petition and homeowner votes are tallied; the consensus was no.

Roll call vote on the motion as follows:

Kemp – Yes;

Glass – No;

McKnight – Yes;

Wright- Yes.

Motion carried 3-1.

4. Low Speed Vehicle registration/permitting

Councilmember Kemp spoke regarding neighboring cities' policies for low-speed vehicles. In summary, he explained that developing a Town registration program for low-speed vehicles would save residents the expensive and onerous task of registering with the state. He noted there are parking spaces available for low-speed vehicles in Town parks and felt it would be convenient and environmentally friendly for residents to be able to travel utilizing low-speed vehicles. He referenced the City of Satellite Beach's ordinance as an example of a good policy.

Chief Connor explained that statutorily, golf carts and low speed vehicles are treated differently. Golf carts cannot exceed 20 miles per hour and may be driven by an unlicensed person aged 14 or older. Low speed vehicles can travel up to 25 miles per hour but drivers must be licensed and at least 16 years old. He is neutral on the proposal but noted that low speed vehicles are not crash safety rated and don't offer protection that cars and SUVs have. A database and system would need to be created to track expiration dates and a list of authorized drivers, which could be challenging. Signs would need to be purchased and installed.

After further discussion, it was the consensus of the council to bring this item back next month for additional discussion and action.

F. Administrative Reports:

Town Manager Casey verbalized his written report.

Acting Town Attorney Tolces said it was good to be here and he is available as needed.

G. Council Reports:

Councilmember Kemp provided an update on litter signage.

Councilmember McKnight said the virtual Easter egg hunt had good participation and she commended the Parks and Rec committee for their work.

Councilmember Wright stated he received the COVID-19 vaccination at the Indian River Fire Department. He noted that Keep Brevard Beautiful will be presenting an award to the Garden Club by the Sea at Lily Park on April 14 at 9 a.m.

Deputy Mayor Glass spoke briefly regarding the Florida League of Cities deadline to apply to serve on a policy committee.

H. Adjournment:

There being no further discussion, the meeting was adjourned at 9:43 p.m.

Dave Berkman, Mayor. Signature on file.

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