

**Meeting Minutes**  
**Town of Indialantic**  
**Regular Meeting of the Town Council**  
**Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903**  
**Wednesday, May 12, 2021 at 7:00 p.m.**

**A. Call to Order:**

A regular meeting of the Indialantic Town Council was called to order on Wednesday, May 12, 2021 at 7:03 p.m., by Mayor Berkman with the following members 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  
Michael Connor, Chief of Police  
Rebekah Raddon, Town Clerk

1. Pledge of Allegiance was led by Mayor Berkman.
2. Proclamations and Presentations:
  - a) Mayor Berkman read a proclamation designating the second week in May as Women's Lung Health Week. Debra Smith received the proclamation and spoke regarding her diagnosis with lung cancer as a nonsmoker.
  - b) Mayor Berkman read a proclamation designating May 12 as Indialantic Garden Club by-the-Sea Day. Numerous members of the Garden Club by-the-Sea were present to accept the proclamation.
  - c) Presentation – Fiscal Year 2019-2020 Audit Report from Carr, Riggs, & Ingram  
Christine Noll-Rhan spoke in detail and answered councilmembers' questions regarding the Town's audit. She noted the audit resulted in a clean, unmodified opinion.
3. Public Comments, Non-agenda items: None.
4. Mayor Berkman read the following Public Announcements:
  - There are openings on the following boards and committees: Civil Service; Pension – General Employees, and Environmental Advisory Taskforce.
  - Town Hall will be closed on Monday, May 31 – Memorial Day

## **B. Consent Agenda:**

1. Approve Council Meeting Minutes 4-7-2021
2. Approve Deputy Mayor Glass's request to attend the Florida League of Cities conference (Aug. 12-14)
3. Approve/designate special event Indialantic Boardwalk Triathlon (Aug. 1) and authorize placement of banner
4. Authorize disposal of surplus property - 2004 Ford Ranger and 2008 EZ Go golf cart
5. Approve the following Appointments/Reappointments:
  - a) Budget & Finance Committee – Reappoint Michael Melhado; Reappoint Bruce Bogert
  - b) Environmental Advisory Taskforce – Appoint Christine Bamberger
  - c) Pension Board of Trustees – Police & Fire – Reappoint Carrie Foy
  - d) Zoning and Planning Board – Reappoint Dan Sullivan

**Motion by Councilmember McKnight, 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 2021-05 First Reading/Public Hearing (*Mobile Food Dispensing Vehicles*)  
Mr. Gougelman read the ordinance title:

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 113-251, 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 SC ZONING DISTRICTS IN SECTION 113-338 AND 113-339 OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY/INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

**Motion by Councilmember Wright, seconded by Councilmember McKnight to approve Ordinance 2021-05 on first reading.**

There was discussion regarding allowing the dates and times to be set by resolution. Mayor Berkman suggested the motion be amended to strike the listed hours of operation [11:00 a.m. – 5:00 p.m.] in line 323 and implement that requirement via resolution instead of by ordinance. Councilmembers Wright and McKnight agreed to amend the motion as noted.

Further discussion ensued regarding requirements for a paved parking area; it was the consensus of the council to strike the requirement for a paved surface described on line 350. Councilmembers Wright and McKnight agreed to amend the motion to include striking the requirement for paved parking in line 350.

There were no public comments.

**The amended motion carried unanimously, 5-0.**

**D. Unfinished Business:**

Mayor Berkman added this item to the agenda:

Special Event – Friday Fest (October 1, 2021) to raise funds for the Nance Park playground.

**Motion by Mayor Berkman, seconded by Deputy Mayor Glass, and vote unanimous to approve a Special Event on Oct. 1, 2021 to raise funds for the playground. Motion carried 5-0.**

**1. Ballot results for Speed Cushion Request – Miami Ave, 100 Block**

Mayor Berkman explained that the ballots returned to the Town in favor of speed cushions did not reach the [75%] threshold required for installation, as such, speed cushions will not be installed.

**2. Traffic Calming Policy**

Mr. Casey noted a change on page 2 [copies on the dais] adding a timeframe [six months] that a person must wait before resubmitting a request for a traffic calming device subsequent to a previous, unsuccessful request. Chief Connor noted that the police department implemented a zero tolerance campaign for traffic enforcement on Miami Ave., and presently there appears to be more issues with drivers rolling through stop signs than speeding.

After some discussion, it was the consensus of the council to have Chief Connor speak meet with the Town of Melbourne Beach to discuss their traffic calming policy. Mr. Gougelman commented that this policy would come back to council in the form of a resolution.

**Motion by Councilmember Wright, seconded by Deputy Mayor Glass to adopt the policy as written.**

Brett Miller, 220 Cocoa Ave., spoke. He feels the policy is too onerous and the threshold for speeders should be 50%, not 75%. If the threshold for speeders remains at 75%, he feels speed cushions should be installed without requiring the additional step of having owners vote. He suggested property owners be allowed to pay for speed cushions if desired.

**Motion failed 1-4. Nay votes by Berkman, Glass, Kemp, and McKnight.**

Mayor Berkman asked Police Chief Connor to bring back information and recommendations for traffic calming to next month's meeting.

**3. Low Speed Vehicle (LSV) Registration/Permitting**

Councilmember Kemp spoke in favor of implementing a policy for registering low speed vehicles; he noted that residents of other municipalities enjoy having the option to travel by LSV and it's an environmentally-friendly option. In addition, some areas in Town are designated for LSV parking. Discussion ensued regarding safety issues. Chief Connor explained how the City Satellite Beach enforces their policy; in particular, they keep a list of authorized users for each LSV and the owner is contacted and rights are suspended if the policies are violated.

**Motion by Councilmember Kemp, seconded by Deputy Mayor Glass to draft an ordinance for LSV registration similar to the City of Satellite Beach’s policy.**

Chief Connor commented that the Town of Melbourne Beach considered but did not adopt an ordinance for low speed vehicles in 2018, mostly due to safety and liability concerns. He added that if we adopt a policy, he recommends LSV’s not be prohibited from traveling on the unpaved right-of-way as that is too limiting.

Brett Miller, 220 Cocoa Ave., spoke in favor of adopting a LSV registration policy.

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

**E. New Business:** None.

**F. Administrative Reports:**

1. Town Attorney – None.
2. Town Manager – Mr. Casey stated the council workshop regarding the sewer lift station is scheduled for Tuesday, June 1<sup>st</sup> at 6:30 p.m. A representative from the county will be here as well as the town’s engineer.

**G. Council Reports:**

Councilmember Kemp spoke briefly regarding the litter signage project.

**H. Adjournment:**

There being no further discussion, the meeting was adjourned at 8:25 p.m.

Dave Berkman, Mayor. Signature on file.

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