



As per City adopted Council Chamber guidelines, the Chamber is a campaign free zone. For more information, please see the placard on the back wall and/or contact the City Clerk.

Indian Harbour Beach City Hall
2055 South Patrick Drive
Indian Harbour Beach, FL 32937
(321) 773-3181 (Phone)
(321) 773-5080 (Fax)

CITY COUNCIL REGULAR MEETING AGENDA

TUESDAY, JUNE 13, 2023

LTC NORMAN C. HAYES AND MARILYN C. HAYES
COUNCIL CHAMBER – 7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

ROLL CALL

EXCUSAL OF COUNCIL MEMBERS

ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA, IF ANY

PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

N/A

APPROVAL OF MINUTES

1. Regular Council meeting minutes from May 9, 2023

REPORTS

2. City Manager's Report
City Attorney's Report
Council Comments
Public Comments (Agenda Items Only)

UNFINISHED BUSINESS

N/A

NEW BUSINESS

3. Fiscal Year 2021-2022 Annual Financial Report

Receive the Fiscal Year 2021/2022 Annual Financial Report from Berman Hopkins CPA's and Associates LLP and accept said report

4. School Resource Officer Memorandum of Understanding

Authorize the City Manager to execute the Memorandum of Understanding for reimbursement of up to \$68,500.00 for a School Resource Officer at Oceans Breeze Elementary School for School Year 2023-2024

5. Department of Environmental Protection Grant Agreement for Stormwater Projects

Authorize the City Manager to execute the grant agreement with the Florida Department of Environmental Protection for \$3,300,000 to fund four (4) stormwater projects

6. City Manager Annual Evaluation

Review the summary results of the City Manager's one-year performance evaluation and, by motion, accept the summary results

PUBLIC FORUM

ADJOURN

ALL PERSONS WISHING TO BE HEARD SHOULD APPEAR IN PERSON AT THESE HEARINGS OR SEND WRITTEN COMMENTS TO THE CITY CLERK. ALL PERSONS AND PARTIES ARE HEREBY ADVISED THAT IF THEY SHOULD DECIDE TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FSS 286.0105. IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT (ADA), ANYONE WHO NEEDS A SPECIAL ACCOMMODATION FOR THIS MEETING SHOULD CONTACT THE CITY CLERK AT 321-773-3181 AT LEAST 48 HOURS IN ADVANCE OF THIS MEETING.

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CITY COUNCIL REGULAR MEETING MINUTES

MAY 9, 2023

CALL TO ORDER

Mayor Scott Nickle called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

Mayor Nickle led the Pledge of Allegiance followed by a moment of silent meditation.

ROLL CALL

City Clerk Sue Frank called roll call:

Mayor Scott Nickle – present

Deputy Mayor David Panicola – present

Council Member Jim Nolan – present

Council Member Frank Guertin – present

Council Member Bob Sharek – absent

Also in attendance was City Manager John W. Coffey. City Attorney Karl Bohne attended by phone.

EXCUSAL OF COUNCIL MEMBERS

Motion made by Council Member Guertin to excuse Council Member Sharek from the meeting, seconded by Council Member Nolan – motion carried 4-0.

ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA, IF ANY

The consensus of Council was to accept the agenda as presented.

PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Women's Lung Health & Turquoise Takeover Week

Mayor Nickle signed the Women's Lung Health & Turquoise Takeover Week proclamation.

Water Safety Month Proclamation

Mayor Nickle issued the Water Safety Month proclamation.

Employee of the year

City Manager Coffey presented Chief Butler the Employee of the Year award.

At 7:12 p.m., Mayor Nickle called for a short recess. At 7:15 p.m., Mayor Nickle called the meeting back to order.

APPROVAL OF MINUTES

Motion made by Deputy Mayor Panicola to approve the Regular Council Meeting minutes from April 25, 2023 as presented, seconded by Council Member Guertin – motion carried 4-0.

REPORTS

City Manager's Report

ACTION ITEMS

May 23rd City Council Meeting

The consensus of Council was to cancel the May 23, 2023 Regular Council meeting.

SOIRL Agreement No. 19-72 Extension (muck removal)

The consensus of Council was to authorize the City Manager to execute Amendment 1 to the SOIRL Agreement No. 19-72 with the County for muck removal.

Informational Items

- 2023 Florida Legislative Session update

City Attorney's Report

City Attorney Bohne had no report.

Council Comments

Council Member Guertin stated that he had attended the Space Coast TPO meeting where discussion included looking at projects 40 years out. He also attended the Space Coast League of Cities Board of Directors meeting where it was announced that Merritt Island is trying to become incorporated.

Public Comments (Agenda Items Only)

There were no public comments.

UNFINISHED BUSINESS

N/A

NEW BUSINESS

Public Hearing and Second Reading of Ordinance No. 2023-02

Mayor Nickle read the title of Ordinance No. 2023-02 and opened the public hearing. There being no speakers, the public hearing was closed.

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 2 RELATING TO LIMITATIONS ON CONTRACTS AND PURCHASES WITHOUT COMPETITIVE BIDDING; ESTABLISHING LIMITATIONS ON THE CITY MANAGER FOR APPROVAL OF CHANGE ORDERS TO CONTRACTS BY THE CITY MANAGER; PROVIDING FOR SOLE SOURCE PROCUREMENT; PROVIDING FOR SEVERABILITY, REPEAL, CODIFICATION AND AN EFFECTIVE DATE

Motion made by Council Member Nolan to approve the second reading and adoption of Ordinance No. 2023-02, seconded by Deputy Mayor Panicola – motion carried 4-0.

Public Hearing and Second Reading of Ordinance No. 2023-03

Mayor Nickle read the title of Ordinance No. 2023-03 and opened the public hearing. There being no speakers, the public hearing was closed.

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 10 RELATING TO LAWNS AND WEEDS ON IMPROVED PROPERTY; PROVIDING SEVERABILITY, REPEAL, CODIFICATION AND AN EFFECTIVE DATE

Motion made by Council Member Guertin to approve the second reading and adoption of Ordinance No. 2023-03, seconded by Deputy Mayor Panicola – motion carried 4-0.

Presentation of the Traffic calming study

Chief David Butler gave a presentation on the traffic calming study that the Police Department conducted.

Council requested that street parking and points be added to the study.

PUBLIC FORUM

Mrs. Marilyn Hayes, Anona Place, spoke.
Ms. Linda Cope, Panama City Beach, spoke.

ADJOURN

Motion made by Deputy Mayor Panicola to adjourn the meeting at 7:47 p.m., seconded by Council Member Guertin – motion carried 4-0.

X

Scott Nickle
Mayor

ATTEST:

X

Sue Frank, MMC
City Clerk

Revised CITY MANAGER'S REPORT: June 13, 2023
(New or updated information is underlined)

A. ACTION ITEMS

1. Florida League of Cities, Inc. Voting Delegate Selection

The FLC is requesting the City Council select a voting delegate for the upcoming annual conference (correspondence is attached).

2. Brevard County Ocean Rescue Program

I received the attached correspondence from Brevard County Manager Abbate requesting a meeting to discuss the City's possible participation in the Countywide lifeguard program. Although details are yet to be determined, based on Indialantic's two sites, seasonal lifeguards could cost the City approximately \$157,000 a year and full-time life guards could cost approximately \$363,000 a year. I have tentatively scheduled a meeting on June 27th with County Manager Abbate and County Attorney Richardson to discuss the proposal.

I request general guidance on how to proceed.

B. INFORMATIONAL ITEMS

3. Joint Training with the City of Satellite Beach

Management Analyst Covert represented the City on June 5th in a joint "Crisis Track Training" exercise to improve each agency's ability to better track resources to improve FEMA reimbursements for future declared emergencies.

4. Old Police Department Renovations Project Update

A request for proposals was issued on May 25, 2023 with a closing date of July 5, 2023. Four prospective bidders attended the mandatory pre-submittal site inspection on Monday, June 12th.

5. Gleason Park Restroom Project Update

Due to the need to de-conflict differences in plumbing specifications between the utilities extension design and the pre-fabricated restroom building, the issuance of the invitation to bid for construction services (to extend utilities lines) was delayed. Staff anticipates the invitation to bid to be released by the end of the month.

6. Recreation Center and City Hall Security Upgrades Project Update

The installation of the new hurricane rated electronic access capable doors is scheduled for this week. Staff will be facilitating the public's alternate entry into the buildings during the work.

7. Millennium Boardwalk Project Update

The vendor anticipates completing the project within the next week at which time the park will be re-opened to the public.

8. Algonquin Sports Complex Scrub Jay Survey Update

Attached is the report indicating no observable scrub jays. A request for a clearance letter from United States Fish and Wildlife Service was requested by the vendor.

9. Pool Heater Replacement Update

On October 25, 2023, the City Council authorized the procurement of a replacement 1.44 Million BTU heater for the pool which also included a loaner heater for the City to use until the replacement unit arrived. The replacement unit has yet to be shipped from the overseas manufacturer. Problematic is the need for the replacement heater to arrive before the final plumbing of the piping can be done for the new chiller.

The service company that staff uses (who the replacement heater was procured through) presented staff with an option to cancel the 1.44 Million BTU heater already ordered and replace it with lower costing two 400,000 BTU heaters that would be placed in series and capable of similar heating as the larger single unit. On May 25th I approved this change order, thereby reducing the obligated cost to the City by approximately \$17,451.00.

The vendor began the installation of the heaters and chiller this week.

10. April Revenue and Expenditure Report

In accordance with Article VI, Section 4 (H) of the Charter of the City of Indian Harbour Beach, attached is a copy of the General Fund and ARPA Revenue and Expenditure Reports for the period ending April 30, 2023.

This General Fund report reflects fiscal year-to-date (58.33% of the year) revenue receipts of \$8,434,316.58 or 83.72% of budget (excluding use of Fund Balance), expenditures/encumbrances of \$5,757,308.25 or 48.80% of budget, and a fiscal year to date surplus of \$2,677,008.33.

The ARPA Fund report reflects fiscal year-to-date (58.33% of the year) expenditures/encumbrances of \$415,394.58 or 11.31% of budget.

11. 2023 Florida Legislative Session Update

The 125th Regular Session since Statehood in 1845 was declared Sine Die at 11:00 a.m. on Friday, May 5, 2023.

The monitoring of bills possibly impacting IHB are attached and will be updated until all bills that passed are signed, vetoed or become law. Paper copies are available upon request and will be provided at the meetings.

12. FY24 Budget Preparation Update

Staff received preliminary estimated property valuation numbers recently indicating an approximate 7.91% increase in overall valuations. Conversely, staff received notice of an approximate 200% increase in the preliminary property insurance renewal cost from FMIT. Staff met with an alternate insurance provider last week to seek a second bid for property, liability and worker's compensation coverage.

13. Employee Recognition

- Chief Butler received the following email thanking his department for their caring and professionalism.

Hi Chief Butler

This morning my good friend Beverly Zygmunt phoned IHB Police to help her home after a bad attack of vertigo while walking on South Patrick.

Even though I left IHB and Atlantic Blvd, I am reminded of how lucky residents are to have you and your team of caring officers!!

Big hugs from my new home in Palm Bay.

Wendy Yanis

- Chief Butler received from following message from a staff person detailing a resident's comments about Officer Perez and Detective Gannon.

On June 23, 2023, the Police Department received a phone call from a resident who lives on School Road. The resident is a healthy 93-year-old woman! She has recently begun to worry about something happening to her in her home and no one would know. She was also worried that if she needed help no one would have a way to get inside of her home. Officer

Perez was asked to go by during his shift and talk to her and possibly get the names of family members, emergency contacts or key holders that we can keep in our CAD system and possibly see what services she required. **Officer Perez** did have a chance to go by and speak to the resident and was able to gather information as well as talk to her about the key lock box.

The resident called again on the 24th mentioning several times how nice Officer Perez was and she enjoyed speaking to him. She was very thankful that he took the time to come by. The resident asked about the lockbox and where to buy one. Staff checked with CIS and they had a few left so we let the resident borrow one. **Detective Gannon**, set the code on lock box and Officer Perez delivered the lock box to her. She expressed joy in the fact that the Police Department was so helpful and really could not believe that the Police Department took the time to do this for her.

The resident was very happy with the service the Indian Harbour Beach Police Department provided and especially the caring attitude and kindness that Officer Perez showed.

C. Upcoming Events

14. Flag Day

Wednesday, June 14th

Gleason Park placement of flags at 7:30 a.m. and retrieval at 5:00 p.m.

Volunteers appreciated for placement and retrieval

15. Juneteenth

Monday, June 19th

Gleason Park placement of flags at 7:30 a.m. and retrieval at 5:00 p.m.

Volunteers appreciated for placement and retrieval

16. Ad Hoc Tree Ordinance Committee Meeting

7:00 p.m., Monday, June 19th

City Council Chamber

17. City Council Meeting

7:00 p.m., Tuesday, June 27th

18. Independence Day

Tuesday, July 4th

City Offices closed

Gleason Park placement of flags at 7:30 a.m. and retrieval at 5:00 p.m.

Volunteers appreciated for placement and retrieval

19. Space Coast League of Cities Meeting
Monday, July 10th
IHB hosting at Hilton Melbourne Beach Oceanfront
20. City Council Meeting
7:00 p.m., Tuesday, July 11th
21. City Council FY24 Proposed Budget Review Workshop
6:00 p.m., Tuesday, July 18th
22. City Council Meeting
7:00 p.m., Tuesday, July 25th
23. City Council Meeting
7:00 p.m., Tuesday, August 8th
24. Florida League of Cities, Inc. Annual Conference
August 10th – 12th
Orlando, FL



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Fiscal Year 2021/2022 Annual Financial Report from Berman Hopkins CPA's and Associates LLP

Meeting Date: June 13, 2023

Attachments:

Electronic copy of the report will be provided to the City Council and posted on the City's website prior to the meeting

Staff Recommendation:

Review and acceptance of the Fiscal Year 2021/2022 Annual Financial Report

Background Information:

The City entered into an agreement for auditing services with Berman Hopkins CPA's and Associates LLP in 2022. The firm recently completed the audit of FY22 and will be at the meeting to present the results to the City Council.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

School Year 2023-2024 School Resource Officer Memorandum of Understanding

Meeting Date: June 13, 2023

Attachments: Memorandum from Brevard Public Schools and Proposed Memorandum of Understanding

Staff Recommendation:

Authorize the City Manager to execute the Memorandum of Understanding for reimbursement of up to \$68,500.00 for a School Resource Officer at Oceans Breeze Elementary School for School Year 2023-2024.

Background Information:

In 2018, the Marjory Stoneman Douglas Public Safety Act was adopted by the Florida Legislature and signed into law by Governor Rick Scott following the tragic incident in February of that year. This legislation provided local School Boards funding to provide School Resource Officers in schools throughout Florida. In previous years, the City entered into an Interlocal Agreement with the Brevard County School Board to provide funding for this important and successful program. Late last month, staff received the attached proposed memorandum of understanding from Brevard Public Schools for School Year 2023-2024. During said period, the City will be reimbursed up to \$68,500.00 for a School Resource Officer to be assigned to Oceans Breeze Elementary School.

Staff recommends the City Council authorize the City Manager to execute the proposed memorandum of understanding from Brevard Public Schools.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

Department of Environmental Protection Grant Agreement for Stormwater Projects

Meeting Date: June 13, 2023

Attachments:

DEP Standard Grant Agreement

Staff Recommendation:

Authorize the City Manager to execute the grant agreement with the Florida Department of Environmental Protection for \$3,300,000 to fund four (4) stormwater projects.

Background Information:

In January 2023, the City was notified of a tentative award of \$3,300,000 ARPA pass through grant funding for four (4) stormwater projects from the Florida Department of Environmental Protection. Said projects are:

- \$200,000 Ronnie Exfiltration Extension
- \$500,000 Alhambra Exfiltration
- \$1,200,000 Atlantic Exfiltration West
- \$1,200,000 Atlantic Exfiltration East

The design of the Ronnie Exfiltration Extension was assigned to the City's engineer of record while request for qualifications were issued for the design of the other three projects. Staff anticipates award of design contracts will be on the June 27, 2023 City Council agenda for consideration.

The actual designs will be dependent upon soil testing which will be a component of the design contracts. If needed, the design contracts will be amended if alternate designs are required. Additionally, if the lowest responsible bidder for each project is significantly higher than budgeted funding, staff plans on reducing the scope of work to stay within funding parameters. Said possible modifications to the scope of work for the projects was vetted through DEP and is contained within the work plans.

Since the DEP grant is ARPA pass through monies, similar time limitations exist: construct contracts must be signed no later than December 31, 2024 and all monies must be spent no later than December 31, 2026.

Therefore, staff recommends the City Council authorize the City Manager to execute the grant agreement with DEP for \$3.3 Million in stormwater funding.



City of Indian Harbour Beach Staff Report

City Council Agenda Item

City Manager Annual Evaluation

Meeting Date: June 13, 2023

Attachments:

Combined evaluation summary

Staff Recommendation:

Review the summary results of the City Manager's one-year performance evaluation and, by motion, accept the summary results.

Background Information:

City Manager Coffey started his employment with the City on May 16, 2022.

Per Section 9 (Performance Evaluation) of the City Manager's Employment Agreement, "Council shall review and evaluate the performance of the employee at least annually. Said review and evaluation shall be in accordance with specified criteria developed jointly by the Employer and Employee. Said criteria may be added to or deleted from as the Council may from time to time determine in consultation with the Employee. Further, the Employer shall provide the Employee with a summary written statement of the findings of the Council and provide adequate opportunity for the Employee to discuss his/her evaluation with the Council. The evaluation shall be used for deliberations and determinations for salary and benefit increases.

Annually, the Council and Employee shall define such goals and performance objectives that they determine necessary for the proper operation of the City and in the attainment of the Council's policies and objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided."

In the past, after the discussion and acceptance of the performance evaluation, Council discussed a pay increase and made it retroactive to the anniversary date of the City Manager. As a reminder, October 1, 2022 all other employees received a 5% COLA for fiscal year 2023.