

Agenda
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, February 14, 2024, at 6:00 p.m.

A. Call to Order:

Honorable Mark McDermott, Mayor
Honorable Stu Glass, Deputy Mayor
Honorable Doug Wright, Councilmember
Honorable Loren Strand, Councilmember
Honorable Brett Miller, Councilmember

1. Pledge of Allegiance:

2. Changes to Agenda:

3. Presentations:

- Presentation of a Proclamation for Dr. Ken Lindeman, to be accepted by Dr. Hamid Rassoul, Interim Provost at Florida Tech, by Mayor McDermott.
- The Indialantic Parks, Recreation and Beautification Committee and Surfrider Foundation Presentation.
- Introduction and confirmation of the new Fire Chief Keith Maddox.

4. Public Comments, Non-Agenda Items:

Persons wishing to address the Town Council on a matter not listed on the agenda may speak at this time. Speakers must provide their name and address, observe the 3-minute time limit, and speak only after being recognized by the Mayor.

5. Public Announcements:

- There are openings on the following boards and committees:

Board of Adjustment; Budget and Finance; Civil Service; Code Enforcement; Parks, Recreation and Beautification Committee; and Pension Board – General Employees

- Town Hall will be closed on Monday, February 19th, in observance of President’s Day

B. Consent Agenda:

1. Approve Council Regular Meeting Minutes January 10, 2024
2. Approve First Class Grass Amendment to Current Agreement
3. Approve the following appointments:
 - a) Parks, Recreation and Beautification Committee- Logan Watters
 - b) Code Enforcement Board- Isaac Allen
4. Approve the following Reappointments:
 - a) Parks, Recreation and Beautification Committee- Carol Deluccia
 - b) Parks, Recreation and Beautification Committee- Stacie Miller
5. Approve South Riverside Drive Removal and Replacement of Curbing
6. Approve Piling Removal and Installation at Crossovers
7. Approve the Parks, Recreation and Beautification Committee Easter Event

C. Ordinances and Public Hearings:

1. Ordinance 2024-02, First Reading/Public Hearing, *relating to platting and subdivisions*:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PLATTING AND SUBDIVISIONS; MAKING FINDINGS; AMENDING SECTION 1-2, TOWN CODE OF ORDINANCES, REVISING AND ADDING DEFINITIONS AND A SHORT TITLE TO SECTION 111-1, TOWN CODE; AMENDING SECTION 111-2, TOWN CODE, TO ADD A JUSTIFICATION AND PURPOSE AND AMENDING PROVISIONS REQUIRING PLAT APPROVAL PRIOR TO FILING OF A PLAT; AMENDING SECTION 111-3, TOWN CODE, DELETING TEXT AND PROVIDING FOR A PLAT APPROVAL PROCESS; AMENDING SECTION 111-4, TOWN CODE, PROHIBITING THE RECORDING OF A PLAT ON OR AFTER APRIL 1, 2024, THAT HAS NOT BEEN DESIGNED AND APPROVED SUBJECT TO THIS ORDINANCE; PROVIDING SECTION 111-5, TOWN CODE, SETTING FOR REQUIRED IMPROVEMENTS, DESIGN, PLANS, AND DRAWINGS; PROVIDING SECTION 111-6, TOWN CODE, PROVIDING FOR SUBDIVISION VARIANCES; PROVIDING SECTION 111-7, TOWN CODE, SETTING FORTH THE METHOD OF INTERPRETATION AND AMENDMENT TO THE SUBDIVISION CODE; PROVIDING SECTION 111-8, TOWN CODE, RELATING TO TECHNICAL SPECIFICATIONS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Ordinance 2024-03, First Reading/Public Hearing, *relating to the zoning code*:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-

334, 113-335, AND 113-337, TOWN CODE OF ORDINANCES, TO PROVIDE FOR TOWNHOUSE RESIDENTIAL UNIT DEVELOPMENT WITHIN THE R-3, R-P, AND T ZONING DISTRICTS; DEFINING "TOWNHOUSE RESIDENTIAL UNIT;" SETTING STANDARDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Ordinance 2024-04, Second and final Reading/Public hearing, *relating to the required residency prior to qualifying to run for Town Council:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE REQUIRED RESIDENCY PRIOR TO QUALIFYING TO RUN FOR TOWN COUNCIL; AMENDING SECTION 2.02, TOWN CHARTER; MAKING FINDINGS; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE; AMENDING THE TOWN CHARTER TO PROVIDE THAT A CANDIDATE FOR TOWN COUNCIL MUST HAVE BEEN A RESIDENT FOR A CONTINUOUS PERIOD OF ONE (1) NON-CALENDAR YEAR IMMEDIATELY PRECEDING QUALFYING TO RUN FOR TOWN COUNCIL; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinance 2024-04, First Reading/Public hearing, *relating to the Solid Waste Collection:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SOLID WASTE COLLECTION; MAKING FINDINGS; AMENDING SECTIONS 26-19, 26-20, 26-21, 26-22, AND 26-23, TOWN CODE OF ORDINANCES, RELATING TO YARD TRASH, COLLECTION THEREOF, AND DUTY TO DISPOSE OF SAME; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

D. Unfinished Business:

1. Discuss about auditing/updating the Town Code (Miller)
2. Discuss Capital Improvement Plan
3. Discuss Shipping Containers

E. New Business:

1. Discuss Potential Form 6 Litigation (Glass)
2. Discuss Election Qualification Period
3. Discuss Fifth Avenue Christmas decorations and light pole banners (McDermott)
4. Discuss Fifth Avenue median landscape lighting plan <https://www.fxl.com/luxor-2> (McDermott)
5. Discuss Town Hall Sign

F. Administrative Reports:

1. Town Attorney
2. Town Manager

G. Council Reports:

H. Staff Reports:

I. Adjournment:

Notice: Pursuant to Section 286.0105, Florida Statutes, the Town hereby advises the public that if a person decides to appeal any decision made by this board, agency, or council with respect to any matter considered at its meeting or hearing, they will need a record of the proceedings, and that for such purpose, affected persons 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. This notice does not constitute consent by the Town for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. Americans with Disabilities Act: Persons planning to attend the meeting who need special assistance must notify the office of the town clerk at 321-723-2242 no later than 48 hours prior to the meeting.

TOWN OF INDIALANTIC
Brevard County, Florida 32903
PROCLAMATION

WHEREAS, the Town of Indialantic recognizes the critical importance of sustainable practices and resilience in the face of environmental and other challenges; and

WHEREAS, the Sustainable Community and Resilience Committee has been steadfast in its commitment to fostering a more and sustainable and resilient community; and

WHEREAS, Dr. Ken Lindeman has dedicated his time, expertise, and passion to the Town of Indialantic over the past three years, collaborating himself, and his provided Florida Tech interns with the Sustainable Community and Resiliency Committee to create and maintain the town's Sustainable Action Plan; and

WHEREAS, Dr. Ken Lindeman's leadership, knowledge, and tireless efforts have played an instrumental role in shaping the town's approach to sustainability, providing a roadmap for a more consciously sustainable and resilient future; and

WHEREAS, his guidance and contributions have significantly enhanced the implementation of sustainable and eco-friendly practices, contributing to the overall well-being of our community and the preservation of our quality of life; and

NOW, THEREFORE, BE IT PROCLAIMED, that the Town of Indialantic expresses its deepest gratitude to Dr. Ken Lindeman for his outstanding contributions and unwavering dedication to the development and maintenance of the Sustainable Action Plan; and

BE IT FURTHER PROCLAIMED, that we commend Dr. Ken Lindeman for his visionary leadership, which has inspired positive change and elevated the town's reputation as a responsible and environmentally conscious community; and

BE IT FINALLY PROCLAIMED, that this proclamation be duly executed and presented to Dr. Ken Lindeman as a token of the Town of Indialantic's acknowledgement of the impact his expertise has had in guiding the town towards a more sustainable future, leaving an enduring legacy for generations to come.

IN WITNESS WHEREOF, I, Mark McDermott, Mayor of the Town of Indialantic, do hereby set my hand and cause the official seal of the Town to be affixed this 10th day of January 2024.

Mayor Mark McDermott

SUBJECT: Fire Chief Appointment Confirmation

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Council is being requested to confirm the Town Manger’s appointment of Keith Maddox for the position of Fire Chief.

The position was posted in house, on Indeed and the Florida Fire Chiefs Association website. We received twenty-five applications for the position and invited five for interviews. Four of the candidates showed up and one cancelled with short notice. The applicants were interviewed on January 16, 2024, by a board of five in which Keith Maddox was the top selection.

Keith Maddox started his career in 1992 with the Orlando Fire Department before retiring in 2022 with thirty years of service. Keith Maddox Deputy and Assistant Chief positions within the Orlando Fire Department. Keith Maddox’s resume is attached to the item.

Recommendation:

Confirm the Town Manger’s appointment of Keith Maddox as Fire Chief

MOTION:

Confirm the Town Manager’s appointment of Keith Maddox as Fire Chief.

Submitted by:

Approved for agenda:

Mollie Carr
Mollie Carr
Town Clerk

Michael Casey
Michael L. Casey
Town Manager

Keith Maddox



SKILLS

Emergency Response

Firefighting Operations

Public Administration

Paramedic Certified

EXPERIENCE

Orlando Fire Department - Assistant Chief

Orlando, FL • 02/2017- 11/2022

- Supervised all emergency responses for the City of Orlando consisting of 17 fire stations, 6 battallions, with approximately 170 personnel
- Responsibilities included fire ground operational safety supervision as well as facility and training oversight
- Assisted with training and development of new firefighters through the development of extensive job-related modules
- Responded to all active fires and scenes requiring second alarm responses in order to command fire rescue resources, eliminate danger, and assist those in need
- Assigned as the Assistant Chief in our EMS division for one year, where I supervised all aspects of our EMS response, including QA review, recertification requirements, SOP implementation, product evaluation, and the city's vaccine and covid response

Orlando Fire Department - Deputy Chief

Orlando, FL • 04//2015 - 02/2017

- Established new fire training programs to address training needs for terrorism response, active shooter response, and de-escalation of use of force

- Evaluated complaint and emergency request information to determine response requirements
- Recommended and prepared long-range plans for fire service programs by developing specific proposals for action on current and future needs
- Was assigned to the Field Operations Bureau where I managed all fire personnel, our training division, health and safety, as well as our Arson/Bomb unit, all consisting of close to 600 personnel
- My responsibilities included budgeting, payroll oversight, the oversight of promotional examinations and the completion of annual performance evaluations
- Managed contractual agreements and represented the department in all union contract negotiations and labor management meetings
- Represented the fire department in quarterly city safety meetings and safety protocol reviews to include after-action safety briefing

Orlando Fire Department - Assistant Chief

Orlando, FL • 03/2012 - 04/2015

- Worked for one year in administration as an aide to the Fire Chief where I developed, edited, and added to the department's Standard Operating Procedures
- Initiated, reviewed and edited over 200 fire department policies in an effort to update and streamline operational efficiency
- Implemented a variety of process improvement initiatives by restructuring, organizing, retraining, and establishing performance goals
- Assigned as a 24 hour shift Assistant Chief for the other two years

Orlando Fire Department - District Chief

Orlando, FL • 10/2006 - 03/2012

- Managed performance within assigned District and monitored execution of operational plans
- Coordinated recruitment, interviewing, and acquisition of district staff to include supervisory personnel
- Assessed knowledge, skills, and abilities of staff, coordinated regular skill training, and implemented reinforcement techniques to address weaknesses in our operations
- Led and developed a team of district associates and oversaw the creation of district-specific plans
- Performed weekly facility safety inspections
- Performed weekly vehicle and equipment inspections
- Was assigned for two years to our training division where I implemented and supervised various training sessions, which included fire, special teams technical, EMS, and inter-agency training
- Designed and administered various promotional exams

Orlando Fire Department - Fire Lieutenant

Orlando, FL • 08/2000 - 10/2006

- Prepared fire, equipment, and personnel reports
- Supervised cleaning and maintenance of buildings and equipment
- Directed work of firefighters engaged in extinguishing fires and EMS operations
- Conducted annual firefighter written performance evaluations and completed written recommendations on probationary firefighters
- Responded to emergency medical calls to perform life-saving procedures and other emergency medical services
- Assigned to both engine and ladder companies
- Assigned to our department's high angle/rope rescue, dive rescue, and trench rescue teams while assigned to various special team truck units

Orlando Fire Department - Engineer/Paramedic

Orlando, FL • 05/1997 - 08/2000

- Performed preventative maintenance to keep tools and equipment functional
- Trained and mentored various EMTs and paramedics to meet department needs and goals
- Transported patients and supported other fire department personnel at emergency scenes
- Operated and represented the department as a Paramedic Preceptor to ensure paramedics were fully operational and were prepared to operate independently

Orlando Fire Department - Firefighter

Orlando, FL • 11/1992 - 05/1997

- Responded to emergency medical calls to perform life-saving procedures and other emergency medical services
- Assigned to the Hazardous Materials team and operated the City's HazMat mobile unit
- Operated fire hoses, hydrants, and extinguishers to eliminate fire and prevent it from spreading
- Collaborated with other emergency responders on the scene to establish adequate fire suppression and EMS operations

Education

Valencia College

Orlando, FL – 6/1990

Associate of Arts Degree

University of Central Florida

Orlando, FL - 12/1992

Bachelor of Science Degree

Valencia State College

Orlando, FL - 12/97

Licensed State of Florida Paramedic

Professional Summary

I am an effective leader who remains steady during times of emergency, while directing and motivating team members throughout the crisis. Having been in fire service for 30 years, I am equipped with a strong background overseeing group efforts across diverse facilities, ranging in size and complexity. I respect and understand the importance of safety in all operations and strive to ensure all personnel are prepared for any situation that may occur in the workplace.

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, January 10, 2024, at 6:00 p.m.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order at 6:00 p.m. by Mayor McDermott.

Present:

Honorable Mark McDermott, Mayor
Honorable Stu Glass, Deputy Mayor
Honorable Doug Wright, Councilmember
Honorable Loren Strand, Councilmember
Honorable Brett Miller, Councilmember

Also present:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Mollie Carr, Town Clerk
Chief Connor, Indialantic Police Department
Sgt. Holstine, Indialantic Police Department

1. The Pledge of Allegiance was led by Mayor McDermott.
2. Changes to Agenda: No Changes
3. Presentations:
Community Outreach Coordinator for the Florida Department of Agriculture & Consumer Services, the state's clearing house for consumer complaints, information, and protection.
A representative was not present, no presentation.
4. Public Comments, Non-Agenda Items:

David Novaes-Card, 601 North Miramar Avenue, Unit 313- Mr. Novaes-Card had three points to make about the Bleu Beach Resort. The first point is that the loud music at the bar is not consistent with our community. The second point is that he is concerned about the structure located on the dunes and the potential damage being done to the dunes. Lastly, he is concerned about how the bar is "homesteading" the beach and he feels the beach is public domain.

Robert Lowry, 601 North Miramar Avenue, Unit 112- Mr. Lowry expressed his concern over the steady expansion of the Bleu Beach Resort, most recently placing five picnic tables on the beach. His biggest concern is the live music that is offered on Friday, Saturday, and Sunday. Mr. Lowry advised he must turn his television up to hear it over the music. He feels the resort originally started as a small motel and is now competing to be a nightclub. He encourages the Town Council to go to the resort on the weekend and witness it themselves.

Town Manager Casey addressed the following:

- The Bleu Beach Resort owns the property up to the low or high tide line.
- FDEP considers the picnic tables, “Beach Furniture” which is allowable.
- The Town is communicating with FDEP regarding the ongoing complaints and concerns.
- FDEP is looking into the platform to see if it is permissible.
- The Bleu Beach Resort was sent a Code Enforcement Violation letter for the music violations.
- Town Manager Casey has spoken to Town Attorney Gougelman about making the Town Ordinance addressing noise violations more enforceable.
- The Police Department can and will enforce drinking on the beach at a public beach.

Carla Roediger, 601 North Miramar Avenue, Unit 302- Ms. Roediger said the Bleu Beach Resort started as a nice, little, quaint restaurant and it has gotten out of control. Ms. Roediger cited numerous codes that she feels like the resort is in violation of and is asking the town to investigate the matter. She stated that the violations are affecting their quality of life. Ms. Roediger advised that she does not want the business shut down, just taken back to a small business. Ms. Roediger reported that people are going onto the beach, from the resort, to urinate.

Claudio Esposito, 505 North Miramar Avenue, Unit 203- Mr. Esposito questioned whether the Bleu Beach Resort is treating the dunes in accordance with the State of Florida laws. Town Manager Casey advised that FDEP is aware of the beach furniture placement and regarding the wood platform, it is a temporary structure and FDEP is aware of the platform. Mr. Esposito advised that the Blue Beach Resort does not meet the requirements to have a liquor license. Town Manager Casey advised that the State of Florida controls liquor licenses and he believes the resort only has a beer and wine license. Attorney Gougelman advised that liquor licenses usually designate the area in which liquor can be served and the state enforces the license violations. Mr. Esposito said he can no longer enjoy being out on his terrace because of the noise.

Suzi Eichinger, 112 Niemira Avenue- Ms. Eichinger said she feels a lot of these issues need to be addressed and the code needs to be enforced. She feels that from a human aspect it would be great to keep the resort as a place for people to get together. Ms. Eichinger said that the staff is nice, kind, and welcoming. She asked the Council when making decisions to remember this is a place to gather.

Discussion ensued and the following items were discussed:

- Town Staff has been working on a resolution.
- Town Manager Casey has met with the business owner on several occasions.
- Town Manager Casey will work with Attorney Gougelman over the next several weeks to interpret the codes pertaining to the complaints.
- Town Manager Casey has met with the Homeowner's Association for Indialantic One in hopes of mediating, but they just want everything shut down. The Surfriider Condominium residents just want the noise addressed.
- The Town does not have a decibel reader which is required to enforce the Town Code.
- Chief Connor will see if the Town can borrow a reader from a neighboring agency.
- Chief Connor advised that if they can hear the music from SRA1A, the business is in violation of the noise ordinance.
- A new ordinance will take several months to write and approve.
- Noise complaints should be reported to the Police Department outside normal business hours and to Code Enforcement during business hours.

Dave Boyd, 601 North Miramar Avenue, Unit 211- Mr. Boyd asked Councilmember Wright what the Council's position is, when he said their position needs to be clarified to the business owner. Councilmember Wright said we need to be clear in our position that they need to turn down the noise and at a minimum they need to be in accordance with the ordinance.

5. Mayor McDermott read the following Public Announcements:

- There are openings on the following boards and committees:
Budget and Finance Committee; Civil Service Board; Code Enforcement Board; Heritage Committee; Parks, Recreation and Beautification Committee; and Pension Board – General Employees
- Town Hall will be closed on Monday, January 15th, in observance of Martin Luther King Jr. Day

B. Consent Agenda:

1. Approve Council Regular Meeting Minutes December 13, 2023
2. Approve the following Reappointments:
 - a) Board of Adjustment- David A. Justice
 - b) Parks, Recreation and Beautification Committee- Laura Baughn
 - c) General Employee's Pension Board- Joe Gervais
 - d) Heritage Committee- Pam Dunn
3. Adopt Resolution 04-2024 FDOT Fifth Avenue Road Resurfacing and Improvements
4. Adopt Resolution 05-2024 Building Department Fee Schedule- Revision
5. Approve Councilmember Strand's travel expenses for Legislative Action Days in Tallahassee on January 29-31, 2024.
6. Approve the purchase of a DART Firearms Training Simulator for the Police Department.

7. Approve Nance Park Special Event (January 13, 2024, 2PM- 6PM) with amplified music, and authorize the serving of alcoholic beverages.

Councilmember Strand requested Consent Agenda Item # 3 and # 7 be pulled for discussion.

Mayor Mc Dermott requested Consent Agenda Item # 5 be pulled for discussion.

Motion by Councilmember Wright, seconded by Councilmember Strand, to approve The Consent Agenda with items #3, #5 and #7 being pulled for discussion.

Ayes: McDermott, Glass, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Item # 3 Adopt Resolution 04-2024 FDOT Fifth Avenue Road Resurfacing and Improvements-

Discussion ensued and the following items were discussed:

- Councilmember Strand was concerned the wording of the resolution downplayed safety and made traffic slowing down for the businesses sound like the priority.
- Councilmember Strand requested electronic speed signs be added.
- Chief Connor said the electronic speed signs are traffic calming but not enforceable.
- Lower speeds result in less sound.
- Councilmember Miller requested language to be added referencing the design of the Melbourne Municipal Crosswalk.

Motion by Councilmember Miller, seconded by Councilmember Wright, to approve Item #3 Adopt Resolution 04-2024 FDOT Fifth Avenue Road Resurfacing and Improvements with the addition of language referencing the Melbourne Municipal Crosswalk as a design configuration, change the wording regarding lowering the speed limit to increase visibility and the addition of electronic speed signs.

Public Comments:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan advised that he had brought up the radar speed signs while on the Fifth Avenue Committee, while discussing speed and pedestrian safety. He advised the statistics regarding speed and mortality rate vary, by study. He said the Fifth Avenue Committee had agreed 30 miles per hour was a reasonable speed for the environment. He advised he was not in support of the speed table, but he does support the active radar speed signs. He would like to see the signs placed right after drivers come off the bridge.

David Novaes-Card, 601 North Miramar Avenue, Unit 313- Mr. Novaes-Card said that he had almost been run over several times in the crosswalk on A1A, in front of the park. He asked that the police patrol that area because he never sees them there unless there is an event at the park. He feels the presence of a police car will help traffic slow down.

Stephen Rider, 601 North Miramar Avenue, Unit 103- Mr. Rider advised that he was almost hit by a car twice on his way to the meeting. He questioned whether cars must stop on red prior to turning right, he explained his experience at an intersection on A1A. He asked for a sign that says stop on red. Councilmember Strand advised Mr. Rider to contact Chief Connor regarding his traffic concerns.

Vinnie Taranto, 313 Tenth Terrace- Mr. Taranto thinks the electronic speed sign is a good idea but suggests the Council request the locations of the signs, to guide FDOT.

The motion was amended to include requesting the location of the electronic speed signs to be at the east and west ends of Fifth Avenue.

Ayes: McDermott, Glass, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Item #5 Approve Councilmember Strand's travel expenses for Legislative Action Days in Tallahassee on January 29-31, 2024-

Mayor McDermott stated that he does not have an issue with the item but would like Deputy Mayor Glass to give a synopsis for the record. Deputy Mayor Glass explained that this is a yearly meeting that almost every large organization hosts a similar yearly event. The meeting gives elected officials an opportunity to meet with legislators and voice their opinions. Deputy Mayor Glass advised that the opportunity is very important because there are over 1000 bills being considered and some of the bills will severely limit revenues.

Councilmember Strand explained that the Space Coast League of Cities comes together to try to advocate for towns, especially our size town. Councilmember Strand said that though we have a lobbyist he feels it is still effective to go there and have our voice heard. Councilmember Strand said it is an opportunity to get down to business, not eat and drink. Councilmember Strand advised there are two bills of concern; the additional homestead exemption which will limit our budget and sovereign immunity limits which could affect insurances. Councilmember Strand stated that if you look at his record, he generally does not ask money back from the Town, but he wants the support and approval from his colleagues and residents to go tell our Legislatures what we need.

Public Comment:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan expressed that to influence we must participate and build relationships, we must be part of the process as a Town. He supports the Town being part of the legislative process.

Vote to approve Consent Agenda Item# 5

Ayes: McDermott, Glass, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Item #7 Approve Nance Park Special Event (January 13, 2024, 2PM- 6PM) with amplified music, and authorize the serving of alcoholic beverages-

Councilmember Strand questioned if there were signs saying the people shouldn't be drinking within the playground perimeter during these events. Chief Connor said there are signs in the area prohibiting public drinking, but he is not sure if the special event approval will preempt them. Town Manager Casey said he can exclude the playground area in the letter of non-enforcement.

Motion by Councilmember Strand, seconded by Deputy Mayor Glass, to approve The Consent Agenda with item #7 with the additional language, in the event approval letter, exempting the playground.

Public Comment: None

Ayes: McDermott, Glass, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

C. Ordinances and Public Hearings:

1. Ordinance 2024-01, Second Reading/Final Public Hearing, *relating to parking fines for public parking on rights-of-way:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PARKING FINES FOR PUBLIC PARKING ON RIGHTS-OF-WAY; MAKING FINDINGS; REVISING A REFERENCE IN SECTION 32-32(h), TOWN OF INDIALANTIC CODE OF ORDINANCES; AMENDING SECTION 32-36, TOWN OF INDIALANTIC CODE OF ORDINANCES; REVISING FINES FOR PARKING VIOLATIONS; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

Motion by Deputy Mayor Glass, seconded by Councilmember Strand, to accept Ordinance 2024-01 as presented.

Public Comments: None

Ayes: McDermott, Glass, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

2. Ordinance 2024-04, First Reading/public hearing, *relating to the required residency prior to qualifying to run for Town Council:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE REQUIRED RESIDENCY PRIOR TO QUALIFYING TO RUN FOR TOWN COUNCIL; AMENDING SECTION 2.02, TOWN CHARTER; MAKING FINDINGS; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE; AMENDING THE TOWN CHARTER TO PROVIDE THAT A CANDIDATE FOR TOWN COUNCIL MUST HAVE BEEN A RESIDENT FOR A CONTINUOUS PERIOD OF ONE (1) NON-CALENDAR YEAR IMMEDIATELY PRECEDING QUALFYING TO RUN FOR TOWN COUNCIL; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

Motion by Deputy Mayor Glass, seconded by Councilmember Wright, to accept Ordinance 2024-04 as presented.

Discussion ensued and the following items were discussed:

- The ordinance is mainly just to clean-up language.
- The ordinance will be on the ballot in November.
- The ordinance addresses the one year of continuous residency for election qualification.
- The ordinance is based on an appellate court decision.

Public Comment:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan and Attorney Gougelman discussed the definition of residency and its enforcement.

Vinnie Taranto, 313 Tenth Terrace- Mr. Taranto suggested listing examples of proof of residency. Mr. Taranto said that the Sustainable Community and Resiliency Committee would like to extend the period of qualification to two weeks.

Discussion ensued and the following items were discussed:

- Election Paperwork is available months in advance of the qualifying period.
- It takes two full days to open a Campaign bank account.
- Candidates can declare to run at any time.
- Previous years there has not been a volume of people to run for Town Council.
- A charter amendment might not be required for a change of the qualifying period.
- The Council asked that staff bring a recommendation to the February meeting.

Ayes: McDermott, Glass, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

D. Unfinished Business:

1. Drown Zero International Program- tabled until February meeting
2. Lifeguard Agreement-

Discussion ensued and the following items were discussed:

- Two seasonal lifeguards will cost \$102,000.
- Mayor McDermott suggested just approving the amount of \$102,000 but not make the staffing part of the agreement.
- Deputy Mayor Glass feels the fee is a double tax because the resident's taxes already pay for lifeguards.
- The Brevard County Commission has not discussed how much they will pay.
- Councilmember Strand asked if the amounts given were sustainable without going to the taxpayers. Town Manager Casey answered, not for a full-time lifeguard.
- The Enterprise Zone is currently economically self-sufficient.

- For the current year we have two seasonal lifeguard towers that we contribute 20% to the County for a total of \$41, 000, which is approximately 7% of the Enterprise Fund.
- The Town Council’s intent in raising the parking cost was to fund park improvements.
- The negotiations are the result of one County Commissioners actions.
- The consensus from the lifeguard community is that Brevard County will not remove a full-time lifeguard.
- The Town Council discussed the proposed motion wording at length.
- \$51,200 negotiation point is approximately a \$10,000 increase.
- One drowning death occurred at a beach that does not staff a lifeguard, and some occurred after the lifeguards had left for the day.
- 2023 had an unusually high number of drownings.
- USLA, the lifeguarding accrediting agency, did a 2007 study and recommended that twelve or thirteen full-time stations for Brevard County, the County did five. The updated study still recommends twelve or thirteen stations and the County added two.
- Most drowning victims were from out of county or out of state.

Motion by Councilmember Wright, seconded by Deputy Mayor Glass, to authorize Town Manager Casey to negotiate with Brevard County for a lifeguard at Wave Crest Avenue and Nance Park, to pay \$51,200 (FY 2025) for one seasonal lifeguard and one full-time lifeguard and authorize the Town Manager to enter into such agreement.

Public Comments:

Gabrielle Strand, 120 Ormond Drive- Ms. Strand wanted to reiterate how important she feels it is to lobby for the full-time lifeguard. Ms. Strand wants the Town to do what it takes to get a full-time lifeguard but would like to have the Town start with a reasonable low price.

Ayes: McDermott, Glass, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

E. New Business:

1. Rough Draft of the 2024 Capital Improvement Plan-

Town Manager Casey explained that the Capital Improvement Plan is required per the Town’s Comprehensive Plan. The Capital Improvement plan entails infrastructure improvements and if the Town Council wants to add items, we need to figure out where the needed revenue would be sourced from. Attorney Gougelman informed the Town Council that when they come to a consensus on the Capital Improvement Plan that it will need to be adopted by ordinance, which will require two readings. The Town is due to submit an update to the Comprehensive plan this year and will need to submit it to the State by July 2024.

Discussion ensued and the following items were discussed:

- The estimated project figures are computed with consideration with anticipated inflation.
- The Fiscal Year 2026-2027 does not have a lot of projects listed.
- The Fund Balance Forward is not reflected in the Capital Improvement Plan.
- The revenue figures presented are the minimum amounts unless the Town receives grant monies.
- The Plan reflects the revenue from the new parking fees.
- The Town Council would like to see a narrative for the projects on the Plan.
- The Town Council would like to see more unallocated projects in the later years of the Plan.
- The plan does not include any of Mr. Buchanon's projected projects.
- The Town Council would like to see a fund breakout with more detail to include goals, benefits, statement of work, etc.
- Councilmember Strand said he is championing the street and road work.
- Councilmember Miller advised he sits on a Strategic Planning committee and has Cocoa Beach's template for their strategic plan, which is more detailed.
- A series of proposed bills being considered by the Florida Legislature could potentially affect our budget.
- Social Media comments support creating a nicer boardwalk.
- Mr. Haridopolos told Mayor McDermott that the Town needs 25% for most grants.

By consensus the Town Council asked the Town Manager to add the following items to the Capital Improvement Plan:

- Description of projects.
- A narrative to summarize projects.
- A list of all the parks.
- Details for Enterprise Zone to include Stu Buchanon's input.
- More vision on the capital items.
- Goals for each line item.
- Expected benefits.
- Statement of work.
- Expected end project.

Public Comment:

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan advised that tools are available to organize assets, inspections, maintenance, and repairs. He encourages the Town to get the right people and tools in place.

Gabrielle Strand, 120 Ormond Drive- Ms. Strand expressed the desire to have construction contractors be responsible for the roadway damage caused during construction projects. She suggested the Town have an agreement with the developers to replace any damaged roadway.

2. Discuss about auditing/updating the Town Code (Miller)- tabled until February meeting

3. Discuss possible resolutions regarding the collection and storage of large not containerized trash (Dunn)

Discussion ensued and the following items were discussed:

- The Town Manager expressed the Town's concerns with the language in the code.
- The Town is working with Waste Management to help get the large trash piles picked up.
- Waste Management will educate their drivers to look for side yard waste piles.
- The Town Manager will provide a weekly list for pick-up to Waste Management.
- Waste Management will not pick up small trash piles not in containers.
- Councilmember Strand suggested having Public Works employees go around Town and pick up small trash piles.
- Councilmember Miller explained the code enforcement process and believed the Town should utilize the Town Code to resolve the trash pile issues.
- The Town Manager is working on an education campaign.
- Any complaints to Code Enforcement, for enforcement, cannot be anonymous but they can be added to the trash pile pick-up list.
- The time frame between education and enforcement should be swift.
- Email seems to be the best way to get service from Waste Management.

Public Comments:

Dick Dunn, 330 Tampa Avenue- Mr. Dunn said he feels the problem is that residents have no incentive to comply. He suggested that the Town send a letter to the violator then fine them. Mr. Dunn said he doesn't feel Waste Management is responsible for identifying violators, it is the residents' issue, and the Town has not made them comply.

Pam Dunn, 330 Tampa Avenue- Ms. Dunn relayed her experience when she had to call Waste Management for service. She explained that she was not able to speak to a human and ultimately, they did not show up on their scheduled date. She also said she was previously charged \$80.00 for an additional cart.

Greg Harrigan, 120 Orlando Boulevard- Mr. Harrigan advised he feels Waste Management makes reporting difficult and is making it harder to get service. He suggested creating a "Bounty" for volunteer hours for picking up trash.

John Greco, 418 Seventh Avenue- Mr. Greco suggested that if the Town were thinking about changing the code, a fine amount should be included.

4. Discuss the use of storage containers as accessory buildings. (McDermott)-

Mayor McDermott explained that this agenda item came about after county-resident of Indialantic was in the news for building a two-story shipping container structure in his backyard. The Building Official

constructed a written report regarding addressing storage containers in the Town Code. Councilmember Strand read the Building Official's report, for the record. Mayor McDermott explained that our current code only addresses the structures being used as accessory structures not living spaces.

Discussion ensued and the following items were discussed:

- The storage container structure would be permitted and inspected by the building official.
- Storage containers are currently allowed as sheds.
- Councilmember Miller stated that this issue is why he wants to address the Town codes.
- Cliff Stokes, the Building Official, will prepare a report and be present at the February meeting.

Public Comments:

Todd Harrison, 330 Miami Avenue- Mr. Harrison explained that he sits on the Code Board and is hesitant to say what he wants the code to be but as a resident he feels that we should discourage this type of building structure not find a way to make it look good. His initial ask was if our code is "tight enough" to prevent this from happening at all. Mr. Harrison explained to the Council that the code enforcement process takes a long time, he advised that we are not aggressive. He advised that we need to decide if we want to be aggressive or more neighborly when addressing the code.

Councilmember Miller requested the Town Staff reach out to the other boards and committees to inquire about what Town Codes they feel need to be updated or improved.

The Town Council discussed the possibility of a future workshop to work on updating the Town Code.

F. Administrative Reports:

1. Town Attorney- No Report
2. Town Manager- Town Manager Casey stated that the new website (CivicsPlus) should be live by the end of the month.

G. Council Reports:

1. Mayor McDermott- No Report
2. Deputy Mayor Glass- Deputy Mayor Glass advised that if anyone was interested in what was going on in the legislature that every evening during the week The Florida Channel has a Capital Update for viewing.
3. Councilmember Wright- No Report
4. Councilmember Strand- Councilmember Strand thanked Councilmember Miller for attending the Space Coast League of Cities dinner. He thanked the Town Clerk for continuously improving the agenda packet and he congratulated Lieutenant Weber for his promotion.
5. Councilmember Miller- Councilmember Miller thanked everyone who attended the golf cart parade and gave a huge shoutout to Chief Connor for the help. The Golf cart parade raised \$1100 for The Candle Lighters.

H. Staff Reports:

1. Chief Connor- No Report

I. Adjournment:

There being no further discussion, the meeting was adjourned at 9:57 p.m.

Mark McDermott, Mayor. Signature on file.

Attested by: Mollie Carr, Town Clerk. Signature on file.

DRAFT

Agenda Item B-2

SUBJECT: 1st Class Grass agreement amendment

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Mr. Perillo from 1st Class Grass contacted the Town regarding a proposed increase due to rising economic factors. The Town may accept the proposal and extend the agreement for 12 months. If the Town does not want to accept the proposal, the current agreement expires February 2024, and the Town could go out to bid for the mowing service.

Recommendation:

Joe Gervais, Public Work’s Director, would like to accept the proposed increase, extending the agreement for 12 months with the additional service of the Fire Department being added to the agreement.

Town Staff has no recommendation.

MOTION:

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

Proposed Price Increase

1st Class Grass
 407 Orlov Road NW
 Palm Bay, Florida 32907
 (321) 557-7709

Statement Date:
 Date Due:

STATEMENT OF ACCOUNT
 Town of Indialantic
 216 Fifth Avenue
 Indialantic, Florida 32903

Proposed 4 cut month	DESCRIPTION	Charges Per Cut	Cuts Made	ACCOUNT BALANCE
	<i>James Nance Park</i>	\$200.00	39	\$7,800.00
	<i>Orlando Park</i>	\$175.00	39	\$6,825.00
	<i>Douglas Park</i>	\$125.00	39	\$4,875.00
	<i>Ernest Kouwen Riverside Park</i>	\$125.00	39	\$4,875.00
	<i>Lily Park/DRA</i>	\$150.00	39	\$5,850.00
	<i>Wavecrest Avenue Park</i>	\$50.00	39	\$1,950.00
	<i>Sunrise Park</i>	\$110.00	39	\$4,290.00
	<i>Sunset Park</i>	\$75.00	19	\$1,425.00
	<i>192 Causeway</i>	\$500.00	19	\$9,500.00
			Total	\$47,390.00

Signature: _____

Good morning, Town of Indialantic,

I just want to say it's been our pleasure being your lawncare professional and provider over the years and we look forward to working with you again this upcoming year. As much as it upsets me to write this, due to rising economic factors, 1st Class Grass will be raising our rates to compensate the increases in costs of labor, equipment, fuel, office, and many other expenses. Because of this increase in rates, you will see us working even harder to keep your trust. We believe we are still the best value and service in the area, and we will continue to prove it in the years to come. I believe we have proven ourselves to be highly effective and punctual with our services for you.

After reviewing our labor increases, we realized that we were only profiting \$200.00 a month from our services with the Town of Indialantic during the winter months. That does not include our fuel and spraying that we have been doing as a courtesy all along. If we added in the spray and fuel, we are in the negative.

Thank you so much for your understanding.

Sincerely,

Jymmy Perillo

Jymmy Perillo

Owner/Operator 1st Class Grass Inc.

BID SHEET - MOWING AND LANDSCAPE MAINTENANCE

FACILITY	BID AMOUNT PER MOWING		NUMBER OF CUTS	ANNUAL BID AMOUNT
James H. Nance Park	<u>120</u>	x	39	<u>4680</u>
Orlando Park	<u>115</u>	x	39	<u>4485</u>
Douglas Park	<u>100</u>	x	39	<u>3900</u>
Ernest Kouwen-Hoven Riverside Park	<u>100</u>	x	39	<u>3900</u>
Lily Park	<u>100</u>	x	39	<u>3900</u>
Wavecrest Park	<u>50</u>	x	39	<u>1950</u>
Sunrise Park (Watson Avenue)	<u>110</u>	x	39	<u>4290</u>
Sunset Park	<u>75</u>	x	19	<u>1425</u>
192 Causeway	<u>350</u>	x	19	<u>6650</u>
TOTAL ANNUAL BID \$				<u>\$35,180.00</u>

Name of individual or corporation: 1ST Class Grass, Inc.

By: *Jymmy Perillo*
 (signature)
Jymmy Perillo
 (printed name)

President
 (title)
January 14, 2021
 (date)

Mailing Address: 407 Orlov Road, NW Palm Bay, Florida 32907

Phone number: (321) 557-7709

Email Address: jimjymmyp@yahoo.com

Public Works

Park Name:	Fund:	Proposed Increase:	Adopted Budget:	Adjustments:
Orlando Park	General	\$6,825.00	\$9,085.00	-\$2,260.00
Douglas Park	General	\$4,875.00	\$5,685.00	-\$810.00
Ernest Kouwen-Hoven Riverside Park	General	\$4,875.00	\$4,585.00	\$290.00
Lily Park/DRA	General	\$5,850.00	\$4,885.00	\$965.00
WaveCrest Park	General	\$1,950.00	\$2,535.00	-\$585.00
Sunset Park	General	\$1,425.00	\$2,585.00	-\$1,160.00
Town Hall/Fire Department	General	\$2,925.00	\$2,785.00	\$140.00
192 Causeway Maintenance	General	\$9,500.00	\$9,500.00	\$0.00
	Total	\$38,225.00	\$41,645.00	-\$3,420.00
Sunrise Park	ENT. I & II	\$4,290.00	\$4,000.00	\$290.00
James Nance Park	ENT. I & II	\$7,800.00	\$10,000.00	-\$2,200.00
	Total	\$12,090.00	\$14,000.00	-\$1,910.00

- 1. Name: Logan Watters Home: 221-514-1378
- 2. Home Address: 400 Melbourne Ave Cell Phone: _____
- 3. Email: Loganwatters80@gmail.com
- 4. Business: _____ Business Phone: _____
- 5. Business Address: _____
- 6. Resume of Education and Experience: _____
(Use additional sheets or submit resume if you prefer)
- 7. Are you a registered voter? Yes No _____
- 8. Are you a resident of the Town? Yes No _____
- 9. Do you hold a public office? Yes _____ No
- 10. Do you serve on a Town Board at present? Yes _____ No
- 11. If yes, which Board/Committee? N/A

12. PLEASE NUMBER THE BOARDS OR COMMITTEES OF INTEREST TO YOU, IN ORDER OF PREFERENCE:

- _____ *BOARD OF ADJUSTMENT
- _____ *BUDGET & FINANCE COMMITTEE
- _____ CIVIL SERVICE BOARD
- *CODE ENFORCEMENT BOARD
- HERITAGE COMMITTEE
- 1 PARKS, RECREATION AND BEAUTIFICATION COMMITTEE
- _____ *PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
- _____ *PENSION BOARD OF TRUSTEES POLICE/FIRE
- _____ SUSTAINABLE COMMUNITY AND RESILIENCY COMMITTEE
- _____ *ZONING & PLANNING BOARD



*Florida Statute requires Financial Disclosure Form upon appointment.

How do you feel your experience has qualified you for service on this Board/Committee?

SIGNATURE: [Signature] DATE: 11/19/23

Please submit completed applications to: Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903
NOTE: If you have any questions, please call the Town Clerk's office at 321-723-2242.

TOWN OF INDIALANTIC

APPLICATION TO SERVE ON TOWN BOARDS

- 1. Name: Isaac Allen Home: N/A
- 2. Home Address: 101 Ocean Terrace Apt C, Indialantic, FL 32903 Cell Phone: 321-302-2096
- 3. Email: iallen@dsklawgroup.com
- 4. Business: DSK Law Business Phone: 321-421-5509
- 5. Business Address: 1825 Riverview Dr., Melbourne, FL 32901
- 6. Resume of Education and Experience: See Attached Resume
(Use additional sheets or submit resume if you prefer)
- 7. Are you a registered voter? Yes X No _____
- 8. Are you a resident of the Town? Yes X No _____
- 9. Do you hold a public office? Yes _____ No X
- 10. Do you serve on a Town Board at present? Yes _____ No X
- 11. If yes, which Board/Committee? N/A

12. PLEASE NUMBER THE BOARDS OR COMMITTEES OF INTEREST TO YOU, IN ORDER OF PREFERENCE:

- _____ *BOARD OF ADJUSTMENT
- _____ *BUDGET & FINANCE COMMITTEE
- _____ CIVIL SERVICE BOARD
- X _____ *CODE ENFORCEMENT BOARD
- _____ HERITAGE COMMITTEE
- _____ PARKS, RECREATION AND BEAUTIFICATION COMMITTEE
- _____ *PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
- _____ *PENSION BOARD OF TRUSTEES POLICE/FIRE
- _____ SUSTAINABLE COMMUNITY AND RESILIENCY COMMITTEE
- _____ *ZONING & PLANNING BOARD

*Florida Statute requires Financial Disclosure Form upon appointment.

How do you feel your experience has qualified you for service on this Board/Committee?

I am an attorney practicing in the area of local government and am familiar w/ such issues.

SIGNATURE: ISAAC ALLEN DATE: 01/25/24

Please submit completed applications to: Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903
 NOTE: If you have any questions, please call the Town Clerk's office at 321-723-2242.

Isaac D. Allen

isaacdavidallen@gmail.com | 321.302.2096 | Indialantic, FL

Florida Bar Member Number: 1039844

EXPERIENCE

DSK Law Group

Associate Attorney

Melbourne, FL

Aug. 2023 - Present

Drafting litigation documents; reviewing contracts; representing clients in local and state government matters; performing legal research, including statutory analysis; employment law; land use law; and construction law.

E Light Electric Services, Inc.

Contracts Manager

Englewood, CO

Aug. 2022 - Aug. 2023

Facilitated the execution of solar development construction contracts by reviewing and negotiating key terms, communicating with outside counsel, and carrying out final due diligence.

Florida Department of Transportation

Legal Intern

Tallahassee, FL

Jan. 2022 - Apr. 2022

Assisted FDOT attorneys with drafting legal documents, crafting legal arguments, and legal research, including statutory and regulatory analysis. Experience also involved public records and Sunshine laws, utility company disputes, regulatory and statutory compliance issues, surety bond disputes, and attending legal proceedings.

Green Street Power Partners

Law Clerk

Tallahassee, FL

Jan. 2022 - Apr. 2022

Reviewed solar leases; performed due diligence on solar sites; worked with title summaries and title commitments to identify and reduce risks; managed company documents; and performed tasks with minimal supervision.

L3Harris Technologies, Inc.

In-house Corporate Counsel Intern

Melbourne, FL

May 2021 - Jul. 2021

Worked with corporate counsel resolving commercial disputes, reviewing IP licenses, and managing contracts. Experience also included drafting demand letters, cataloging important FAR regulations and employment laws, and performing legal research and analysis.

Environmental Protection Commission of Hillsborough County

Pro Bono Intern

May 2021 - Jul. 2021

Worked on regulatory compliance and land use matters. Experience also included reviewing agreements between EPC and regulated parties, attending commission proceedings, and performing legal research and analysis.

Florida Public Service Commission

Legal Intern

Tallahassee, FL

May 2020 - Jul. 2020

Assisted the PSC with its regulatory and administrative duties toward utility companies and consumers; reviewed and drafted legal documents for PSC attorneys; gained understanding of utility regulation; attended regulatory approval and disciplinary proceedings; and attended commission hearings.

EDUCATION

Florida State University College of Law

Juris Doctor, Business Law Certificate, GPA: 3.42, Rank: 66/178

Tallahassee, FL

May 2022

Book Awards: Legal Writing & Research II and International Trade Transactions

University of Florida

B.S., Forest Resources and Conservation, Emphasis: Business Management, GPA: 3.86

Gainesville, FL

May 2018



TOWN OF INDIALANTIC

216 Fifth Avenue, Indialantic, Florida 32903
321-723-2242 Fax 321-984-3867

MAYOR
Mark McDermott
DEPUTY MAYOR
Stuart Glass
COUNCIL MEMBERS

Doug Wright
Loren Strand
Brett Miller
Michael L. Casey, Town Manager
Mollie Carr, Town Clerk

Stacie Miller
220 Cocoa Avenue
Indialantic, Florida 32903



December 20, 2023

Dear Ms. Miller:

On behalf of the Indialantic Town Council, we would like to thank you for your service on the Parks, Recreation and Beautification Committee.

Your term will expire on February 10, 2024, but we hope you are willing to be reappointed to this very important Committee.

If you would like to continue serving, please sign below and return to Town Hall. Your reappointment will go before the Town Council on February 14, 2024.

Attached to this letter you will find a "contact information update" form. It is requested that you return the form with any changes and your signed appointment confirmation.

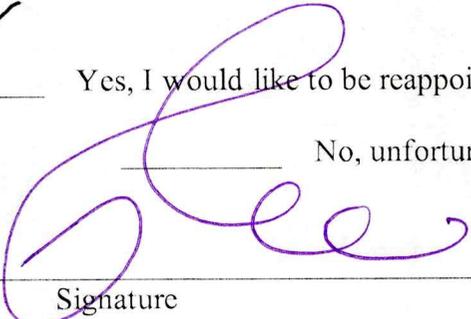
Again, thank you for your past service.

Sincerely,

Victoria Mercer
Administrative Assistant

Yes, I would like to be reappointed to the Parks, Recreation and Beautification Committee.

No, unfortunately I am unable to continue at this time.


Signature

01/26/24
Date

SUBJECT: S. Riverside Dr. Removal and Replacement of Curbing.

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Public Works Director Joe Gervais got bids on removal and replacement on curbing on S. Riverside Dr in preparation for the repaving of the roadway this year. Three companies were contacted to bid on the project but only two gave bids and the other company did not want to bid on the project. The bid from Palm Bay Concrete was based upon a current contract with the City of Melbourne. Don Bo, Inc., which is a company we have previously used for other town projects, was the lowest bidder and included the traffic control of the project. This project will not replace all the curbing but approximately 500 linear feet identified by the Public Works Director.

Recommendation:

Approve the Town Manager to sign an agreement with Don Bo, Inc. to complete the removal and replacement of the curbing on S. Riverside Dr.

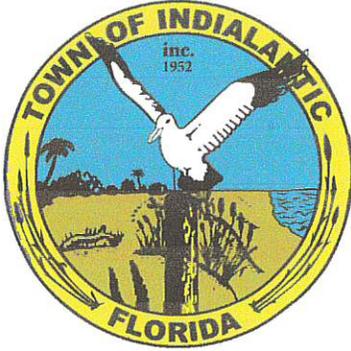
MOTION: Approve the Town Manager to sign an agreement with Don Bo, Inc. to complete the removal and replacement on the curbing on S. Riverside Dr.

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager



TOWN OF INDIALANTIC
216 Fifth Avenue, Indialantic, Florida 32903
321-723-2242 Fax 321-984-3867

MAYOR
Mark McDermott
DEPUTY MAYOR
Stuart Glass
COUNCIL MEMBERS
Doug Wright
Brett Miller
Loren Strand
Michael Casey, Town Manager
Mollie Carr, Town Clerk

TO: Michael Casey, Town Manager

FROM: Joseph F. Gervais, Public Works Director

DATE: February 06, 2024

SUBJECT: Miami curb removal, form and pour along S. Riverside Drive

Mike, after receiving quotes it turns out that Don Bo, Inc. Concrete Contractors are the best pricing, coming in at \$29,500 which includes M.O.T., however additional chargers may be added due to stump grinding and or asphalt work (which will be needed at NE corner of 8th Avenue and S. Riverside Drive), which Don Bo, Inc. will sublet out and bill.

Sincerely,

Joseph Gervais
Director of Public Works



Don Bo, Inc.

concrete

contractor

Proposal

Submitted To: Town of Indialantic

Dated: 02/05/2024

Attn: Joe

Phone:

Fax:

Email: jgorvais@indialantic.com

Project / Job Name: South Riverside Dr

Description of work to be performed: Price based on 500LF @ 50.00 per LF

Remove and replace Miami curb.

Price. \$25,00.00

1 mobilization fee. \$4,500.00

Note there may be some root grinding needed on the 8th and South River side.

All Florida stump grinding who I work with they will charge \$350.00 per hour.

\$ _____

Owner to supply:	Grade +/- 1/10 th	Access for concrete trucks
	Survey Bldg. Corner's with Elevation	Soil Treatment
	All Testing Required	Locate and relocate all sprinkler systems to accommodate concrete work
	Permitting	

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements are contingent upon strike, accidents, or delays beyond our control. Owner to carry necessary insurance. Our employees are fully covered by Worker's Compensation insurance.

Authorized Signature: Lewis Marin Date: _____

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to perform the work as specified. *Note: This proposal may be withdrawn by Don Bo, Inc. if not accepted within 30 days of the bid due date. Payment is due within 5 days of completion. For jobs that are over \$10,000 a 10% deposit will be required.*

Authorized Signature: _____ Date: _____

Licensed • Insured
Commercial • Residential

PALM BAY CONCRETE & MATERIALS, INC.

RIVERSIDE DRIVE ESTIMATE

500 linear feet of Miami Curb-Riverside Dr.

- Price good through 2/29/24
- Concrete \$196.78/yard (approx. 25-30 yards) \$4,919.50 - \$5,903.40
- Miami Curb - remove, form & pour \$48.46/linear foot (500 linear feet)
\$24,230.
- Root Grinding \$1.31/ft (approx. 100 ft) \$131.00.
- Root Grinding Machine rental (2 weeks) \$800
- Price for MOT pending ?.
- Compactable Base \$416.78
- Hauling Base \$275.56/load (approx. 4-5 loads) \$1,102.24 - \$1,377.80

For a total of \$31,599.52 - \$32,858.90

All concrete is 3500psi with fiber

SUBJECT: Piling Removal and Installation at Crossovers

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Pilings at three crossovers have deteriorated and need replaced bu demo existing crossovers @ Sunrise Park, Sea Park, and access # 8 along the boardwalk. Public Works will rebuild crossover at Sunrise Park, Sea Park, and access # 8 once the new pilings are in place. Three quotes were obtained, and the lowest quote was from Shoreline Marine Contractors. Public Works Director Joe Gervais has a memo attached to this package.

Recommendation:

Approve the Town Manager to sign an agreement with Shoreline Marine Contractors to perform the demolition and installation of the new pilings.

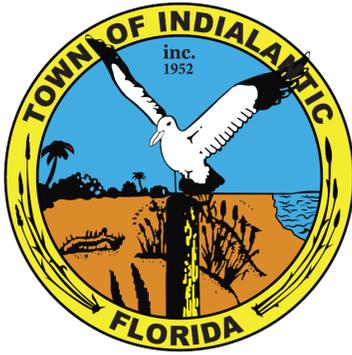
MOTION: Approve the Town Manager to sign an agreement with Shoreline Marine Contractors to perform demolition and installation of the new pilings.

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager



TOWN OF INDIALANTIC
216 Fifth Avenue, Indialantic, Florida 32903
321-723-2242 Fax 321-984-3867

MAYOR
Mark McDermott
DEPUTY MAYOR
Stuart Glass
COUNCIL MEMBERS
Doug Wright
Brett Miller
Loren Strand
Michael Casey, Town Manager
Mollie Carr, Town Clerk

TO: Michael Casey, Town Manager

FROM: Joseph F. Gervais, Public Works Director

DATE: February 06, 2024

SUBJECT: Piling removal and Installation at Crossovers

Mike, after receiving the three quotes it turns out that Shoreline Marine Contractors is the best pricing, coming in at \$15,764 to demo existing crossovers @ Sunrise Park, Sea Park and access # 8 along the boardwalk. Then Public Works will rebuild crossover at Sunrise Park, Sea Park and access # 8.

Sincerely,

Joseph Gervais
Director of Public Works



January 22,2024

Mr. Joseph Gervais
Town of Indialantic
216 5th Avenue
Indialantic, FL 32903
jgervais@indialantic.com

Dear Mr. Gervais,

We respectfully submit our proposal for removal of the existing beach walkover pilings and the install of new pilings per the attached sketches. An option is provided for demo of the entire crossover.

PROJECT SCOPE

Install new pilings for three new beach walkovers at the three locations shown per the attached sketch.

Piling to be installed as follows (Sunrise):

- 14 - Pilings to be 8" - 2.5 CCA treated and extend 42" above deck. The deck support pilings shall be installed 8'-0" into sand bottom.

Piling to be installed as follows (Sea Park):

- 6 - Pilings to be 8" - 2.5 CCA treated and extend 42" above deck. The deck support pilings shall be installed 8'-0" into sand bottom.

Piling to be installed as follows (Access #8):

- Pilings to be 8" x 8" square 0.6 CCA treated and extend 42" above deck. The deck support pilings shall be installed 8'-0" into sand bottom.

TOTAL COMPENSATION

We propose to provide the above-described basic scope of services as described below:

Sunrise

Demo 12 Existing Pilings:	\$ 1,500.⁰⁰
Demo Entire Crossover:	\$ 1,350.⁰⁰ (add to above demo)
14 -8" dia. pilings (material):	\$ 2,040.⁰⁰
Install 14 pilings:	\$ 3,800.⁰⁰

SeaPark

Demo 6 Existing Pilings:	\$ 1,250.⁰⁰
Demo Entire Crossover:	\$ 1,350.⁰⁰ (add to above demo)
6 -8" dia. pilings (material):	\$ 874.⁰⁰
Install 6 pilings:	\$ 1,900.⁰⁰

Access #8

Demo 4 Existing Pilings:	\$ 750.⁰⁰
Install 4 pilings:	\$ 950.⁰⁰
4 -8"x8" posts (material):	Provided by the town

*This proposal is valid for 15 days. Due to the material price fluctuation, we will re-estimate within 15 days of your target start day.

NOT INCLUDED IN CONTRACT

The following items are not included in the contract:

- Permitting.
- Surveying of location.
- Dumpsters

PAYMENT SCHEDULE

The following payments shall be made as follows:

- Final (Sunrise) \$ 7,340.⁰⁰ (not including option for full demo)
- Final (Seapark) \$ 4,024.⁰⁰ (not including option for full demo)
- Final (Access #8) \$ 1,700.⁰⁰

Payments must be paid when due upon request. Any delay in payment outlined above will stop work on the project and crews will be moved to a new project. Upon payment, arrangements will be made to continue work. Expect delays for non-payment. Shoreline Marine Contractors, LLC is not responsible for minor damage caused by the construction including but not limited to sprinkler heads, underground utilities, grass and pavers. We will do the best to mitigate any damage to the yard.

All material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only under written orders and will be a change order above the written estimate.

Shoreline Marine Contractors, LLC is a fully licensed and insured company. Our insurance

includes Marine General Liability, Jones Act, Workers Compensation and the Federal USL&H or Longshoreman's Insurance required to work over water.

Please return a signed copy authorizing us to proceed. This authorization constitutes your commitment to pay the fees and represents that approval has been received by you.

We look forward to the opportunity to assist you for this and future projects. Please give me a call with any questions or comments.

Sincerely,

Michael A. Kalajian

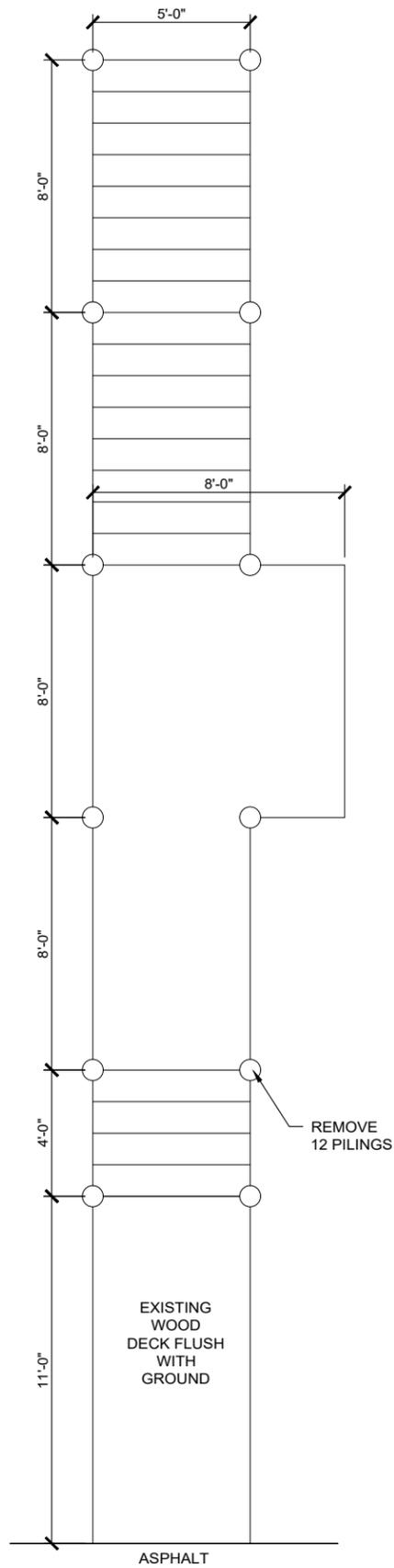
Terry Aater

Authorization by **Mr. Joseph Gervais**

For Shoreline Marine Contractors to provide the above described services:

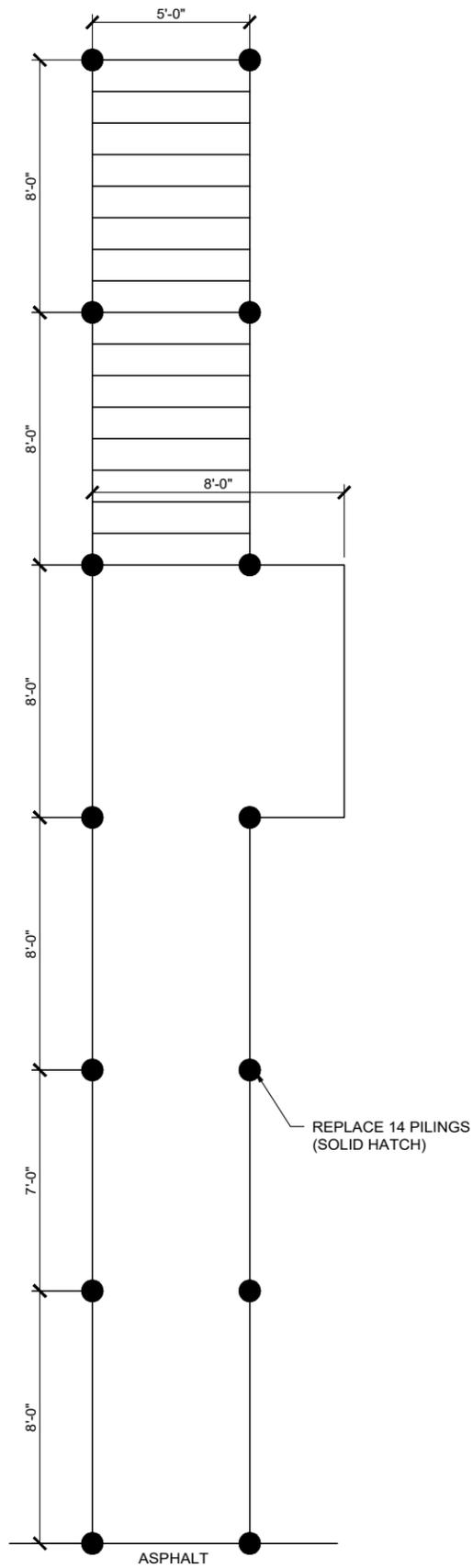
Name: _____ Date: _____

Signed: _____



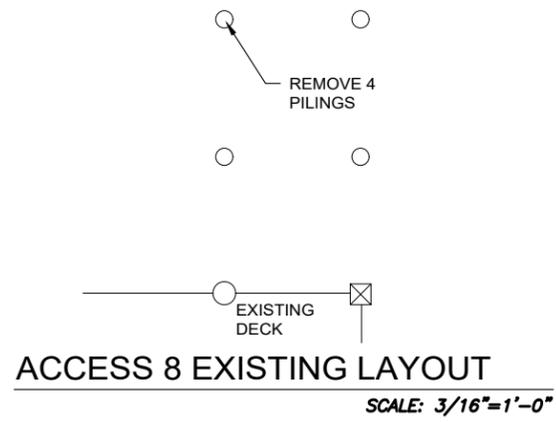
SUNRISE EXISTING LAYOUT

SCALE: 3/16"=1'-0"



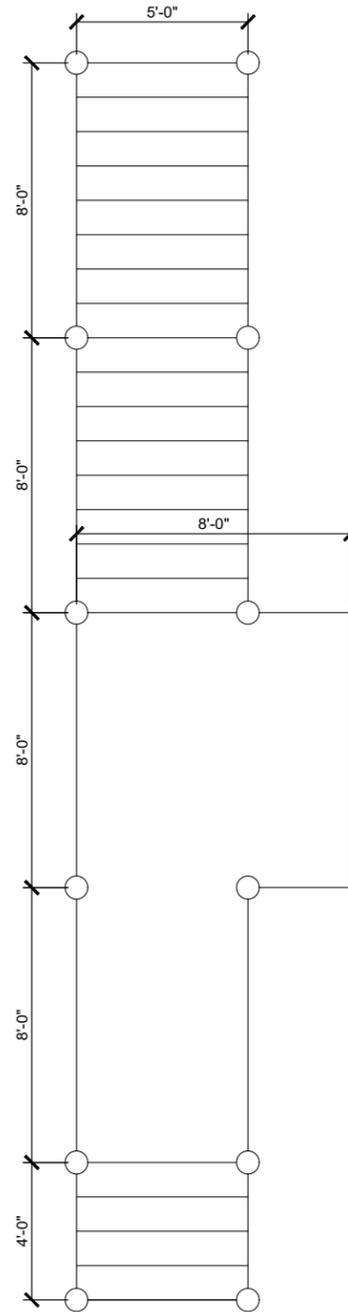
SUNRISE PROPOSED LAYOUT

SCALE: 3/16"=1'-0"



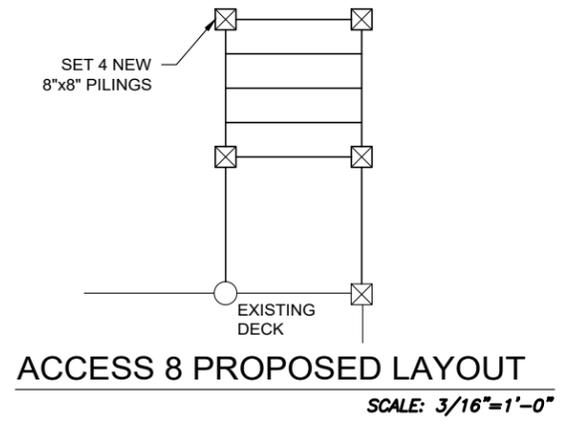
ACCESS 8 EXISTING LAYOUT

SCALE: 3/16"=1'-0"



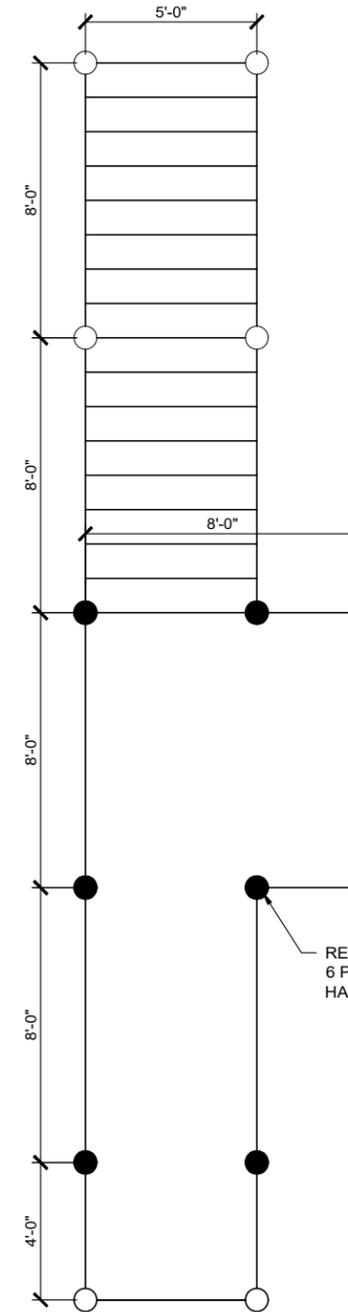
SEA PARK EXISTING LAYOUT

SCALE: 3/16"=1'-0"



ACCESS 8 PROPOSED LAYOUT

SCALE: 3/16"=1'-0"



SEA PARK PROPOSED LAYOUT

SCALE: 3/16"=1'-0"

SHORELINE MARINE
CONTRACTORS, LLC
587 WEST EAU GALLIE BLVD SUITE 201
MELBOURNE, FL 32935

INDIALANTIC
CROSSOVERS

587 WEST EAU GALLIE BLVD
SUITE 201
MELBOURNE, FL 32935
P: 321.600.0672 OR 321.574.2702
www.mkstructural.com

Certificate of Authorization#
CA 27800



issued for PROPOSAL
date 01/22/2024
revisions description

sheet number

S1

drawn by: MAK
checked by: MAK

by MK Structural Engineering, LLC. all rights reserved. When plotted at full size, this sheet measures 11" x 17"

Sunset Docks & Decks Inc.

1047 Garfield St.
Melbourne, FL 32935
321-615-7732



Date: 2/1/2021

Customer: Joe Gervais

Address: Town of Indialantic

Phone: 321-265-2455

Sunset Docks & Decks Inc. proposes to furnish the labor and materials for the following work:

Seapark:

- Demo of 6 existing pilings: \$1,500
- Demo of entire crossover: \$1,620
- Materials: 6 – 8” diameter pilings: \$1,050
- Piling installation (6): \$2,300

Estimated Total Cost: \$6,470

Sunrise:

- Demo of 12 existing pilings: \$1,800
- Demo of entire crossover: \$1,620
- Materials: 14 – 8” diameter pilings: \$2,450
- Piling installation (14): \$4,500

Estimated Total Cost: \$10,370

Access #8:

- Demo of 4 existing pilings: \$900
- Materials: 4 – 8” diameter pilings: \$700
- Piling installation (4): \$1,150

Estimated Total Cost: \$2,750

- *All needed permits will be obtained but the owner agrees to provide for all needed surveys and will pay for the permitting fees (If applicable.)*
- *All construction will be at or above industry standards and will comply with all local codes and regulations.*
- *We use the highest quality materials and the craftsmanship to match.*
- *There will be NO electric lines, water lines, or final roof cover included. All of this will be the responsibility of the owner.*

- *Time Frame once construction begins will vary depending on weather and material availability.*
- *This quote reflects normal working and ground conditions. If unforeseen problems occur, or if there is rock/debris present in the ground, there may be additional costs. No changes will be made without a signed change order.*

We set the standard for quality! Our customers are always 100% satisfied with our final product. We hope to earn your business and look forward to hearing from you soon!

*This quote is valid for 30 days.

Sincerely,

Jason Waugh

Sunset Docks & Decks Inc.

High-Quality Marine Construction

321-615-7732

Lic.# M1 1244



LAND AND SEA MARINE

CONSTRUCTION

CENTRAL FLORIDA'S FINEST

DOCKS AND SEAWALLS

STATE CERTIFIED GENERAL CONTRACTORS #CGC1515639

105 N. PALM AVE.
INDIALANTIC, FL 32903
OFFICE: 321.837.0888
FAX: 321.837.0887

PROPOSAL

TO:
Joseph Gervais
Public Works
Indialantic, FL

JOB LOCATION:
Same

DATE: 2/2/2024

PROPOSAL # 0624211

WE HEREBY SUBMIT THE FOLLOWING SPECIFICATIONS AND ESTIMATES FOR YOUR CONSIDERATION:

Crossover work for the city of Indialantic.

Sunrise Park - To include removal of all pilings, decking, stringers, joists, and any other hardware to include the stairs up and down.
- Provide and Install 14 pilings in same layout as existing.

Sea Park - To include removal of 6 pilings, decking, stringers, joists, and any other hardware to include the stairs up and down.
- Provide and Install 6 pilings per drawing.

Access Number 8 - Remove 4 pilings, set new 8"x8" pilings supplied by the City per drawing.

Schedule - To be completed next week.

Land And Sea Marine carries Marine Liability, Jones Act and USL&H (U.S. Longshoreman and Harbor Workers) Compensation Insurance as required by Federal law. Working in, on or over navigable waters falls under the Federal Longshoreman and Harbor Workers Act and State Workers Compensation coverage or exemptions do not protect you from benefits or liabilities owed under Federal law in the event of an injury or death. With Land And Sea Marine you are hiring a properly insured professional for your Marine Construction project.

- Permits not included. This quotation is valid for 60 days.
- Any addition to, alteration or deviation from above specifications involving additional materials and/or labor will be an additional cost over and above this proposal and will require written approval prior to proceeding with additional work. This includes additional work required to penetrate through sub-strate obstructions or rock.
- This is a construction project that may have potential incidental impacts to other areas of the property and while great care and attention will be taken to minimize the construction impact to surrounding areas, Land and Sea Marine will not be held responsible for the repair of possible damaged brick pavers, shrubs, irrigation lines or other features or utilities that encroach in the access line of the construction area.
- Land and Sea Marine will provide all permit drawings at no cost, however any other additional fees required or incurred by governing municipalities including but not limited to city, county or state permitting fees, engineering costs, surveying costs, etc. are to paid by owner as they are unknown.

WE HEREBY PROPOSE TO FURNISH MATERIALS AND LABOR COMPLETE IN ACCORDANCE WITH THE ABOVE SPECIFICATIONS FOR THE TOTAL SUM OF: \$18,940.00 or Eighteen Thousand Nine Hundred Forty Dollars

PAYMENT TO BE MADE AS FOLLOWS: Pay at completion

ACCEPTANCE OF PROPOSAL — THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

AUTHORIZED SIGNATURE:

DATE:

SUBJECT: Easter Egg Event

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

The Parks and Recreation Committee hosts the annual Easter Egg hunt in Orlando Park annually. They have decided to move the event to Saturday two weeks prior to Easter. They wish to extend the event from just the Easter Egg hunt to now include food trucks and music. They wish to hold the event on Saturday March 16, 2024 from 10 AM to 1 PM.

Recommendation:

MOTION:

Submitted by:

Approved for agenda:

Mollie Carr
Mollie Carr
Town Clerk

Michael Casey
Michael L. Casey
Town Manager

Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903
321-723-2242 Office 321-984-3867 Fax



SPECIAL EVENT REQUEST

Forty-five (45) days prior to the scheduled event

Review Town Code of Ordinances Sec. 8-7 and/or
Sec. 28-4 at www.indialantic.com

Complete all portions of this application fully and accurately, or your processing may be delayed. All requested information must be complete.

APPLICANT AND EVENT HOLDER OR SPONSOR Stacie Miller / party + Rec Comm Hec

EVENT ADDRESS Orlando Park

CONTACT NUMBER 615 830 8222

EVENT LOCATION (i.e. east side of building, etc.) _____

EVENT DATE START 03/16/24 10:00 END 10:00^{su} 03/16/24 1300

TIME OF EVENT START _____ END _____

PURPOSE/TYPE OF REQUEST (Special event, grand opening, store anniversary, etc.)
Town easter celebration

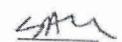
TYPE OF MERCHANDISE DISPLAYED/SET-UP (include a separate sheet of paper with a diagram of dimensions indicating where the items will be displayed/set-up)

(Private Property = Insurance and Letterhead not needed)

PAPERWORK NEEDED BEFORE PROCESS WILL BEGIN:

1. Additional Insured- Designated Person Or Organization
2. Certificate of Liability Insurance
3. Common Policy Declarations (ie Declarations Page)
4. Provide letter on Company/Sponsor/Organization letterhead: "indemnify and hold harmless the Town for any injury (including death) to person or property occurring at, or as a direct or indirect result of, any special event".
5. The applicant and event holder or sponsor agrees that the event **will not utilize any single-use plastic or polystyrene products** at the event and understand that it is the responsibility of the event applicant, sponsor or event holder to ensure no single-use plastic or polystyrene products are used. Failure to comply may result in an immediate cancellation of the special event permit by the Town Manager, or said Manager's designee. (Resolution 07-2020, effective 08-01-2020)

Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903


INITIALS

Sec. 8-7. Special events.

(b) A special events sponsor is liable for and shall in writing indemnify and hold harmless the Town for any injury (including death) to person or property occurring at, or as a direct or indirect result of, any special event. Prior to engaging in a special event, the sponsor shall present to the Town a copy of a liability insurance policy in the amount of at least \$200,000 per person/\$300,000 per occurrence insuring the sponsor and the town, as an additional insured. The policy, paid for by the sponsor, shall be written by a company authorized to write insurance within the State of Florida and shall be rated as a standard company rated at A+ or better by A.M. Best's Rating Guide or equivalent specifications as approved by the town

Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903
321-723-2242 Office 321-984-3867 Fax

manager. The policy shall be non-cancelable without at least ten days written notice to the town prior to cancellation.
(Code 1993, § 5-8, Ord. No. 13-02, § 1, 11-20-2012)

Sec. 28-4. Display of goods.

(c) Special events, grand openings and store anniversaries. In the R-P, C, C-1, C-2, and SC zoning districts, the town manager is hereby authorized to issue special permits for sidewalk sales, if the application meets all of the following standards:

(2) If the town permits a sidewalk sale or special event to occur such that any part of it is within the public right-of-way or on public property all vendors are liable for and shall in writing indemnify and hold harmless the town for any injury (including death) to person or property occurring at, or as a direct or indirect result of, any sale or special event. Prior to engaging in a sidewalk sale, the vendor shall present to the town a copy of a liability insurance policy in the amount of at least \$200,000.00 per person/\$300,000.00 per occurrence insuring the vendor and the town, as an additional insured. The policy, paid for by the vendor, shall be written by a company authorized to write insurance within the state and shall be rated as a standard company rated as A+ or better by A.M. Best's Rating Guide or equivalent specifications as approved by the town manager. The policy shall be non-cancelable without at least ten days written notice to the town prior to cancellation;

(Code 1962, § 24-3; Code 1993, § 13-3; Ord. No. 83-335, § 1, 8-16-1983; Ord. No. 94-7, § 1, 1-18-1994; Ord. No. 94-13, § 1, 6-21-1994; Ord. No. 02-16, § 1, 7-16-2002; Ord. No. 02-20, § 1, 9-17-2002; Ord. No. 03-10, § 1, 8-19-2003; Ord. No. 05-06, § 1, 12-16-2004; Ord. No. 06-02, § 1, 11-16-2005; Ord. No. 06-09, § 1, 6-20-2006; Ord. No. 07-02, § 1, 11-21-2006; Ord. No. 09-13, § 1, 7-21-2009; Ord. No. 12-08, §§ 1, 2, 5-9-2012)

Sec. 28-4. Display of goods.

(b) Sidewalk sales generally authorized. In the R-P, C, C-1, C-2, and SC zoning districts, a general permit for sidewalk sales is hereby authorized and issued for sidewalk sales meeting the following standards:

(2) If the town permits a sidewalk sale or special event to occur such that any part of it is within the public right-of-way or on public property all vendors are liable for and shall in writing indemnify and hold harmless the town for any injury (including death) to person or property occurring at, or as a direct or indirect result of, any sidewalk sale. Prior to engaging in a sidewalk sale, the vendor shall present to the town a copy of a liability insurance policy in the amount of at least \$200,000.00 per person/\$300,000.00 per occurrence insuring the vendor and the town as an additional insured. The policy, paid for by the vendor, shall be written by a company authorized to write insurance within the state and shall be rated as a standard company rated at A+ or better by A.M. Best's Rating Guide or equivalent specifications as approved by the town manager. The policy shall be non-cancelable without at least ten days written notice to the town prior to cancellation.

(Code 1962, 24-3; Ord. No. 83-335, 1, 8-16-83; Ord. 94-7, 1, 1-18-94; Ord. 94-13, 1, 6-21-94; Ord. No. 02-16, 1, 7-16-02; Ord. No. 02-20, 1, 9-17-02; Ord. No. 03-10, 1, 8-19-03; Ord. No. 05-06, 1, 12-16-04; Ord. 06-02, 1, 11-16-05; Ord. 06-09, 1, 6-20-06; Ord. 07-02, 1, 11-21-06; Ord. 09-13, 1, 7-21-09; Ord. 12-08, 1-2, 5-9-12)

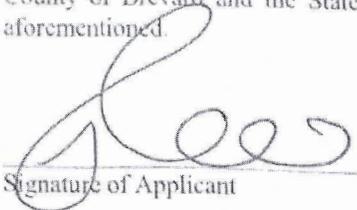
Sec. 28-4. Display of goods.

(c) Special events, grand openings and store anniversaries. In the R-P, C, C-1, C-2, and SC zoning districts, the town manager is hereby authorized to issue special permits for sidewalk sales, if the application meets all of the following standards:

(1) No sidewalk sale immediately adjacent to the public right-of-way shall be completely blocked nor shall the flow of pedestrian traffic on any sidewalk be blocked by merchandise, dress carts, tables, displays, signs or any other form of support used in a sale or special event;

Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903
321-723-2242 Office 321-984-3867 Fax

Applicant's signature acknowledges and agrees to abide to the rules and regulations set forth by the Town of Indialantic, The County of Brevard and the State of Florida, regarding Special Events within the Town of Indialantic, to include those aforementioned.


Signature of Applicant

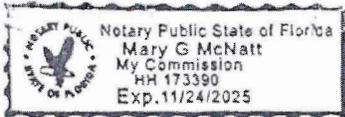
Susan Miller
Printed Name of Applicant

State of Florida

Orange County

The foregoing Special Event Request was acknowledge before me by means of: physical presence or [] online notarization, this 01 day of February, 2024, by Susan Miller (owner).

Notary Seal:



Mary G. McNatt
(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification: _____

FOR OFFICE USE ONLY

Permit for this event is APPROVED _____ DISAPPROVED _____

With the following reasons: _____

Code Enforcement Officer/ Building Official _____

Fire Chief _____

Public Works Director _____

Town Manager _____

Police Chief _____

Administrative Assistant
Mailed _____ PD/FD _____ Filed _____

Agenda Item C-1

SUBJECT: Ordinance 2024-02, First Reading/Public Hearing, relating to platting and subdivisions

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Attorney Gougelman presented the proposed Ordinance 2024-02, relating to platting and subdivisions to the Indialantic Local Zoning and Planning Board on January 23, 2024. Attorney Gougelman advised the ordinance is needed to address properties with single family homes being redeveloped into townhouses. Platting clearly defines property lines, easements and common areas. The platting ordinance is an administrative ordinance. The Board voted unanimously that the ordinance is consistent with the comprehensive plan and recommended the Town Council approve and adopt.

Recommendation: Approve Ordinance 2024-02- Relating to platting and subdivisions, on first reading/public hearing.

MOTION:

Approve Ordinance 2024-02- relating to platting and subdivisions, on first reading/public hearing.

Submitted by:

Mollie Carr

Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey

Michael L. Casey
Town Manager

Memorandum

To: Zoning and Planning Board
From: James G. LaRue, FAICP
Date: January 8, 2024
Subject: Planning Consistency Review of Ordinance No. 2024-02

The Zoning and Planning Board will be asked to review Ordinance No. 2024-02, (relating to platting and replatting and subdivisions). The Board will determine consistency of the ordinance with the Town's Comprehensive Plan and Code Section 17-37 (duties of Zoning and Planning Board).

Our Comprehensive Plan contains the following Goals, Objectives and Policies that are pertinent to a determination of Plan consistency by the Zoning and Planning Board.

Future Land Use Element:

Policy 1.1: Adopt new regulations or implement existing land development regulations that will contain specific and detailed provisions necessary to implement the Comprehensive Plan, and which as a minimum:

- a. Regulate the subdivision of land if necessary. (The entire Town is already platted.)
- b. Regulate the use of land and water consistent with this Element and ensure that land uses are compatible with adjacent land uses in the County and the Town of Melbourne Beach.
- c. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
- d. Regulate signage and ensure safe and convenient on-site traffic flow and vehicular parking needs.
- e. Protect aquifer recharge areas. (There are no potable water wellfields in the Town.)
- f. Protect environmentally sensitive areas adjacent to the Indian River Lagoon and the Atlantic Ocean.
- g. Provide that development orders and permits will not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Plan.
- h. Regulate the development of single-family residential lots .

Policy 6.1: The Town will continue to condition development orders, including but not limited to building permits, upon the availability of the public facilities and services necessary to serve the proposed development at the levels of service adopted by the Town in the Plan.

Objective 7:

Encourage the use of innovative land development regulations.

Transportation Element:

Goal 1:

Support a coordinated, well integrated, cost effective, and environmentally sound transportation system which will adequately serve current and future needs of the Town.

Policy 3.3: The Town shall require consideration of pedestrian safety in the planning, design, and construction of all transportation facilities.

Policy 3.7: Although no new construction of roads is anticipated, the Town shall continue to review land development regulations to provide for the safe and efficient location of the connections and access points of driveways and roads to roadways.

Coastal Management and Conservation Element:

Policy 1.4: Review and revise, as necessary, the stormwater management regulations to ensure that the maximum protection to the Indian River Lagoon has been given and ensure that the Town's goals, objectives and policies are consistent with those of the Indian River Lagoon Comprehensive Conservation and Management Plan.

The proposed ordinance is consistent with the Future Land Use Element as it will lead and regulate subdivisions, provide public facilities that need to be built concurrent with new development and encourage the use of innovative regulation techniques. Consistency with the Transportation Element will assist in planning daily trips and peak hour traffic, as well as permit the planning of sidewalks and pedestrian safety, while minimizing direct access to certain roads. Lastly, subdivision planning allows the inclusion of stormwater regulations thereby showing consistency with the Coastal Management and Conservation Element.

From the above discussion, there seems to be enough evidence that the Zoning and Planning Board will be able to give a recommendation of approval to the Council for Ordinance No. 2024-02, because it is consistent both with the review factors of Section 17-37 (3) and the Town's Comprehensive Plan. If there are any questions at the meeting, staff or the attorney will be present to answer them.

42 provisions necessary to implement the Comprehensive Plan,
43 and which as a minimum:

44 a. Regulate the subdivision of land if necessary. (The
45 entire town is already platted.)

46 * * *

47 h. Regulate the development of single-family
48 residential lots; and
49

50 WHEREAS, this Ordinance is consistent with Future Land Use Element Policy 1.1,
51 because it will lead to and regulate land subdivision as provided in the Comprehensive
52 Plan; and
53

54 WHEREAS, Future Land Use Element Policy 6.1 of the Comprehensive Plan
55 provides:
56

57 Policy 6.1: The Town will continue to condition development
58 orders, including but not limited to building permits, upon the
59 availability of the public facilities and services necessary to
60 serve the proposed development at the levels of service
61 adopted by the Town in the Plan; and
62

63 WHEREAS, this Ordinance is consistent with Future Land Use Element Policy 6.1,
64 because public facility concurrency can be better implemented through subdivision
65 regulation; and
66

67 WHEREAS, Future Land Use Element Objective 7 of the Comprehensive Plan
68 provides:
69

70 Objective 7: Encourage the use of innovative land
71 development regulations.
72

73 WHEREAS, this Ordinance is consistent with Future Land Use Element Objective
74 7, because platting and subdivision regulation is hereby found to be an innovative land
75 development regulation technique; and
76

77 WHEREAS, Transportation Element Goal 1 of the Comprehensive Plan provides:
78

79 Goal 1: Support a coordinated, well integrated, cost effective,
80 and environmentally sound transportation system which will
81 adequately serve current and future needs of the Town.
82

83 WHEREAS, this Ordinance is consistent with Transportation Element Goal 1,
84 because platting and subdivision regulation will assist in planning of average daily trips
85 and peak hour traffic thereby allowing planning of a transportation system free of
86 congestion; and

87
88 WHEREAS, Transportation Element Policy 3.3 of the Comprehensive Plan
89 provides:

90
91 Policy 3.3: The Town shall require consideration of pedestrian
92 safety in the planning, design, and construction of all
93 transportation facilities; and

94
95 WHEREAS, this Ordinance is consistent with Transportation Element Policy 3.3,
96 because platting will permit planning for and provision of sidewalks and pedestrian safety;
97 and

98
99 WHEREAS, Transportation Element Policy 3.7 of the Comprehensive Plan
100 provides:

101
102 Policy 3.7: Although no new construction of roads is
103 anticipated, the Town shall continue to review land
104 development regulations to provide for the safe and efficient
105 location of the connections and access points of driveways
106 and roads to roadways; and

107
108 WHEREAS, this Ordinance is consistent with Transportation Element Policy 3.7,
109 because subdivision platting and regulation will permit plan approval by minimizing direct
110 access to certain roads; and

111
112 WHEREAS, Coastal Management and Conservation Element Policy 1.4 of the
113 Comprehensive Plan provides:

114
115 Policy 1.4: Review and revise, as necessary, the stormwater
116 management regulations to ensure that the maximum
117 protection to the Indian River Lagoon has been given and
118 ensure that the Town's goals, objectives and policies are
119 consistent with those of the Indian River Lagoon
120 Comprehensive Conservation and Management Plan; and

121
122 WHEREAS, this Ordinance is consistent with Coastal Management and
123 Conservation Policy 1.4, because new subdivision planning will allow for preparation of

124 stormwater management systems in an effort to minimize flooding and providing for
125 treatment of stormwater runoff; and
126

127 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
128 with the Comprehensive Plan and in particular Future Land Use Element Objective 7 and
129 Policies 1.1 and 6.1, Transportation Element Goal 1 and Policies 3.3 and 3.7, and Coastal
130 Management and Conservation Element Policy 1.4; and
131

132 WHEREAS, the Town Council adopts the findings of the Zoning and Planning
133 Board; and
134

135 WHEREAS, the Town Council finds that this Ordinance is in promotion of the
136 public health, safety, welfare, and aesthetics of the Town by providing for design
137 regulations for new subdivisions and that this Subdivision Code will implement chapter
138 177, Florida Statutes.
139

140 NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:
141

142 SECTION 1. Recitals. Each and all of the recitals (“WHEREAS” clauses) are
143 hereby incorporated herein.
144

145 SECTION 2. That Section 1-2 of the Code of Ordinances of Indialantic, Florida, is
146 hereby amended to read as follows:
147

148 **Sec. 1-2. Definitions, rules of construction.**
149

150 In the construction of this Code the following rules shall be observed unless such
151 construction would be inconsistent with the manifest intent of the council:
152

153 *General rule.* All words and phrases shall be construed and understood according to the
154 common and approved usage of the language, but technical words and phrases and such
155 others as may have acquired a peculiar and appropriate meaning in the law shall be
156 construed and understood according to such peculiar and appropriate meaning.
157

158 *Computation of time.* In computing any period of time prescribed or allowed by this code
159 ~~Code~~, the day of the act, event or default from which the designated period of time begins
160 to run shall not be included. The last day of the period so computed shall be included,
161 unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until
162 the end of the next day which is neither a Saturday, Sunday or legal holiday. When the
163 period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays,
164 Sundays and legal holidays shall be excluded in the computation.

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* * *

Gender. The masculine includes the feminine and neuter and vice versa.

Interpretation. In the interpretation and application of any provision of this code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision imposes greater restrictions upon the subject matter than the general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be controlling.

Holiday. The word "holiday" shall refer to a town designated holiday.

Joint authority. All words purporting to give a joint authority to three (3) or more town eity officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

Keeper and proprietor. The terms "keeper" and "proprietor" include persons, acting by themselves or through a servant, agent or employee.

Land development regulation means the provisions in the town code for regulation of any aspect of development and includes zoning, rezoning, subdivision, building construction, sign regulation, or any other regulation controlling the development of land, as set forth in subpart B of the town code of ordinances.

May. The term "may" is to be construed as being permissive.

May not. The term "may not" has a prohibitory effect and states a prohibition.

Month. A month is 30 consecutive days, and unless the text so provides, a month shall not necessarily refer to a calendar month.

Must. The term "must" is to be construed as being mandatory.

Number. The singular includes the plural and vice versa ~~vice versa~~.

Oath includes affirmations.

Officers, departments, agencies. Whenever reference is made herein to any office, officer, department or agency, it shall mean such office, officer, department or agency of the town and shall include the duly authorized personnel and subordinates of such office, officer, department or agency.

206
207 *Owner.* The word "owner," applied to a building or land, shall include any part owner, joint
208 owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of
209 the whole or of part of such building or land.

210
211 *Person.* The word "person" includes individuals, children, firms, associations, joint
212 ventures adventures, limited liability companies, partnerships, estates, trusts, business
213 trusts, syndicates, fiduciaries, corporations, and all other groups or combinations of legal
214 entities.

215
216 *Personal property.* Personal property shall extend and be applied to every species of
217 property except real property.

218 * * *

219
220
221 *State.* The words "the state" or "this state" shall mean the State of Florida.

222
223 *Statutory citations.* Citations herein, unless otherwise specified, are to Florida Statutes,
224 and are intended and shall be construed merely as a convenience to the user of this code.
225 The fact that a citation herein may be rendered no longer appropriate or correct because
226 of subsequent enactments of the legislature shall not invalidate or otherwise affect the
227 meaning of the provision in which the citation appears, and such citation shall be deemed
228 to refer to the appropriate provisions under such subsequent legislation.

229
230 *Tense.* The present tense includes the past and future and vice versa ~~vice versa~~.

231
232 *Town.* The words "the town" or "this town" shall be construed as if the words "of
233 Indialantic" followed the word "town," and shall extend to and include its several officers,
234 agents and employees.

235
236 *Town code.* The words "town code" shall refer to the town code of ordinances.

237
238 *Week.* The word "week" shall be construed to mean seven (7) days; ~~and but~~ publication
239 in a newspaper or any notice or other matter indicated to be for a stated number of weeks
240 shall be construed to mean one insertion in each week, unless specifically stated to be for
241 each day of the week or for more than one day in each week.

242
243 *Will.* The term "will" is to be construed as being mandatory and not permissive.

244
245 *Written or writing* includes handwriting, printing, typewriting, and all other methods and
246 means of forming letters and characters upon paper, stone, wood, or other materials. The

247 word "writing" also includes information which is created or stored in any electronic
248 medium and is retrievable in perceivable form.

249
250 Year. A year is 365 consecutive days, and unless the text so provides, a year shall not
251 necessarily refer to a calendar year. ~~The term "year" means a calendar year.~~
252

253 SECTION 3. That Section 111-1 of the Code of Ordinances of Indialantic, Florida,
254 is hereby amended to read as follows:

255
256 **Sec. 111-1. - Short title; Definitions.**

257
258 (a) Short title. This chapter shall be known and may be cited as the
259 "Subdivision Code of the Town of Indialantic, Florida."

260
261 (b) Definitions. The following words and phrases, when used in this chapter,
262 shall have the meanings ascribed to them in this section, except where the context
263 clearly indicates a different meaning:

264
265 Arterial road or arterial street. (See definition of "street.")

266
267 As-built drawings means drawings which show the location of all required improvements
268 as installed by the subdivider or developer of the subdivision and approved by the town
269 engineer.

270
271 Bikeways (bicycle ways) means a facility within the street, within the street right-of-way,
272 or within a separate right-of-way or easement improved for use by bicyclists.

273
274 Block means that tier or group of property abutting on a street on one side of such street
275 and lying between or within well-defined and fixed boundaries including, the two nearest
276 intersecting streets or waterway, park, or other open space, and having an assigned
277 number, letter, or other name through which it may be identified.

278
279 Board means the board appointed by the governing body known as the local planning
280 agency/zoning and planning board.

281
282 Building official means the official charged with administration and enforcement of
283 building regulations, as provided for in chapter 6 of the town code.

284
285 Building lines means lines established by the zoning code along the front, rear and sides
286 of a lot which govern the location of structures on a lot.
287

288 Code means the subdivision code of the town, as amended from time to time;
289 alternatively, the term *town code* refers to the codification of town ordinances.

290
291 *Collector road or collector street.* (See definition of "street.")

292
293 *Cul-de-sac.* (See definition of "street.")

294
295 *Dedication* means the deliberate donation or appropriation of land, or an easement, by its
296 owner for any general public uses, reserving to himself no other rights than such as are
297 compatible with the full exercise and enjoyment of the public uses to which the property
298 has been devoted, and acceptance thereof by the town.

299
300 *Developer* means the person who applies for approval of a plat of a subdivision pursuant
301 to this code or constructs the subdivision improvements required by this code.

302
303 *Development* Development shall be defined as set forth in F.S. ss. 163.3164 or 380.04,
304 with the exception of mining or demolition but shall include construction within
305 rights-of-way.

306
307 *Director* means and refers to the individual town employee appointed to act as the
308 planning and zoning director by the town manager, an independent consultant contracted
309 by the town to act as the planning and zoning director, or their respective designee.

310
311 *Easement* means an area of land created by a subdivider reserved for ingress or egress,
312 public utilities, drainage, sanitation, access, gas, communications, telephone, cable
313 television, other public services, conservation, or other specifications having limitations,
314 the title to which shall remain in the name of the property owners, subject to the right of
315 use designated in the reservation of a servitude.

316
317 *Engineer* means a professional engineer registered in the state who has been admitted to
318 practice by and is in good standing with the state board of professional engineers,
319 pursuant to chapter 471, F.S.

320
321 *Environmental impact assessment* means a report providing the description and location
322 of protected species of wildlife or plants, wildlife habitats, wetlands, surficial aquifer
323 recharge areas, physical features, and natural resources identified in the town
324 comprehensive plan, designated as endangered, threatened, rare species, or species of
325 special concern, by federal or Florida, or designated pursuant to Florida or federal law or
326 regulation as wetlands, and proposed preservation measures and/or management plan to
327 preserve such protected species and their habitats.

328

329 Escrow agreement means an instrument which provides for a financial agreement
330 between the developer or subdivider, the escrow agent, and the town to hold the
331 construction funds for subdivision improvements in an account to be disbursed in
332 accordance with a specified schedule. Such agreements shall be in form and substance
333 acceptable to the town attorney and town manager.

334
335 Fill dirt means soil materials (excavated earth) used to change the elevation or existing
336 grade of the development. This material may be obtained from on-site or brought in from
337 another location.

338
339 Final plat means the final map or drawing on which the subdivider's plan of subdivision is
340 presented to the town council for approval, and which, if approved, will be submitted to the
341 clerk of the circuit court of this county for recording in the public records of the county.

342
343 Frontage means distance measured along a public or private street right-of-way.

344
345 Governing body means the town council of the town.

346
347 Group development means a development of land which comprises two or more buildings,
348 such as a group of apartments, but where the land is not subdivided into the customary
349 street and lot layout.

350
351 Improvements means street pavements, curbs and gutters, sidewalks, bikeways, alley
352 pavements, water mains, water reuse lines, sanitary sewers, pedways, stormwater
353 management systems, signs, landscaping, luminaries or lighting, or any other physical
354 construction benefiting a subdivision required by the governing body and this code.

355
356 Infrastructure/construction (maintenance) warranty bonds means the placement of a
357 bond executed by a town approved surety company or a cash payment in the amount of
358 ten percent (10%) of the total construction cost of the subdivision improvements, as
359 determined by the town engineer, lasting two (2) years from the date of issuance of a
360 certificate of completion to insure maintenance and repair of all improvements installed by
361 the subdivider. Maintenance bond monies shall not be used for routine subdivision
362 ground maintenance, tract management, landscape repair and replacement or other
363 maintenance generally required to be performed by the developer or a homeowners or
364 property owners association. The bond shall include provisions for both payment and
365 performance of maintenance and repair of the improvements, including labor, materials,
366 and supplies, and insure the town against losses, damages, expenses, costs, and
367 attorneys' and paralegals' fees that the town may sustain because of a default by the
368 principal under bond. The bond may be in the form of cash, a money order, a certified or
369 cashier's check, or a letter of credit, issued by a bank or savings and loan association

370 located in and licensed by the federal government or state comptroller to do business in
371 this state; or bond issued by a surety authorized to do business in the state as a surety by
372 the state insurance commissioner. The bond issuer shall have permanent offices within
373 the state. All instruments shall be in form and substance acceptable to the town's legal
374 counsel.

375
376 Local street or local road. (See definition of "street.")

377
378 Lot means a parcel of land of at least sufficient size to meet minimum zoning
379 requirements for use, coverage, and area, and to provide such yards and other open
380 spaces as are herein required. Such lot shall have frontage on an improved public street,
381 or on an approved private street, and may consist of a single lot of record; a portion of a
382 lot of record; a combination of complete lots of record, or complete lots of record and
383 portions of lots of record, or of lots of record; a parcel of land described by metes and
384 bounds; provided, that in no case of division or combination shall any residual lot or parcel
385 be created which does not meet the requirements of the town code.

386 (1) Corner lot means any lot situated at the intersection of two streets and
387 abutting such streets.

388 (2) Dimensions of lots.

389 a. Depth of lot or lot depth. The depth of a lot is the distance measured
390 in the mean direction of the side lines of the lot from the standpoint of the front lot line to
391 the midpoint of the opposite main rear line of the lot.

392 b. The width of a lot is the distance between the side lines thereof if
393 such side lines are parallel to each other; if side lines are not parallel, width shall be
394 construed as mean width. Provided, however, width between wide lot lines at their
395 foremost points where they intersect with the street lines shall not be less than eighty
396 percent (80%) of the required lot width except in the case of lots on the turning circle
397 cul-de-sac, where the eighty percent (80%) requirement shall not apply; provided,
398 however, that all lots shall have a minimum of 25 feet facing a street.

399 c. A flag lot may be created from a parent lot only if the flag lot and the
400 remaining lot meet the minimum lot requirements pertaining to lot size and building
401 setback. Any flag lot shall maintain at least a 25-foot wide accessway connecting the
402 main portion of the lot to a public or private street. No flag lot shall be created which would
403 result in the creation of a substandard lot or lot dimension. For flag lots, the lot width, lot
404 depth and side and rear lot lines shall be established by the boundaries of the main body
405 of such lot exclusive of the 25-foot wide strip of land providing access to a platted or
406 deeded right-of-way.

407 (3) Interior lot means a lot other than a corner lot with only one frontage on a
408 street.

409 (4) Lot line means the boundary line of a lot.

410 (5) Lot of record. A lot whose existence, location and dimensions have been

411 legally recorded or registered in a deed, or on a plat, recorded in the public records of this
412 county.

413
414 Lot grading plan means a plan prepared as part of the subdivision construction plans
415 indicating the proposed lot elevations of each lot and tract to be constructed in the
416 proposed subdivision with references indicating the elevations in tenths of a foot on each
417 corner of a lot or tract, indicating the proposed finished floor elevations.

418
419 Marginal access/service road. (See definition of "street.")

420
421 Monument means a survey marker which must:
422 (1) Be composed of a durable material.
423 (2) Have a minimum length of 18 inches.
424 (3) Have a minimum cross-section area of material of 0.2 square inches.
425 (4) Be identified with a durable marker or cap bearing either the Florida
426 registration number of the professional surveyor and mapper in responsible charge or the
427 certificate of authorization number of the legal entity, which number shall be preceded by
428 LS or LB as applicable.

429 (5) Be detectable with conventional instruments for locating ferrous or magnetic
430 objects.

431 If the location of the monument falls in a hard surface, such as asphalt or concrete,
432 alternate monumentation may be used that is durable and identifiable.

433
434 Newspaper of general circulation ~~Newspaper of general circulation~~ means a newspaper
435 meeting the requirements of F.S. ss. 50.011 and 50.031, F.S., and shall include
436 publication in a publicly accessible internet web-site as provided in F.S. s. 50.0311.

437
438 Official map or official plan means any of the latest maps or plans approved and in use by
439 the town council as a guide for development of the town, such as the land use map in the
440 comprehensive plan.

441
442 Pedway (pedestrian way) means a physical course or improvement provided within a
443 right-of-way or access easement used exclusively by pedestrians or bicyclists.

444
445 P.C.P. means permanent control point and shall be considered a reference monument.

446 (1) "P.C.P.s" set in impervious surfaces must:
447 a. Be composed of a metal marker with a point of reference; and
448 b. Have a metal cap or disk bearing either the Florida registration number
449 of the professional surveyor and mapper in responsible charge or the certificate of
450 authorization number of the legal entity, which number shall be preceded by LS or LB as
451 applicable and the letters "P.C.P."

- 452 (2) "P.C.P.s" set in pervious surfaces must:
453 a. Consist of a metal rod having a minimum length of 18 inches and a
454 minimum cross-section area of material of 0.2 square inches. In certain materials,
455 encasement in concrete is optional for stability of the rod. When used, the concrete shall
456 have a minimum cross-section area of 12.25 square inches and be a minimum of 24
457 inches long.
458 b. Be identified with a durable marker or cap with the point of reference
459 marked thereon bearing either the Florida registration number of the professional
460 surveyor and mapper in responsible charge or the certificate of authorization number of
461 the legal entity, which number shall be preceded by LS or LB as applicable and the letters
462 "P.C.P."
463 (3) "P.C.P.s" must be detectable with conventional instruments for locating
464 ferrous or magnetic objects.

465
466 *P.R.M.* means a permanent reference monument which must:

- 467 (1) Consist of a metal rod having a minimum length of 18 inches and a minimum
468 cross-section area of material of 0.2 square inches. In certain materials, encasement in
469 concrete is optional for stability of the rod. When used, the concrete shall have a minimum
470 cross-section area of 12.25 square inches and be a minimum of 24 inches long.
471 (2) Be identified with a durable marker or cap with the point of reference marked
472 thereon bearing either the Florida registration number of the professional surveyor and
473 mapper in responsible charge or the certificate of authorization number of the legal entity,
474 which number shall be preceded by LS or LB as applicable and the letters "P.R.M."
475 (3) Be detectable with conventional instruments for locating ferrous or magnetic
476 objects.
477 If the location of the "P.R.M." falls in a hard surface such as asphalt or concrete, alternate
478 monumentation may be used that is durable and identifiable.

479
480 *Plat* means a map or delineated representation of the subdivision of lands, being a
481 complete and exact representation of the subdivision and other information in compliance
482 with the requirements of all applicable sections of this code, chapter 177, Florida Statutes,
483 and other land development regulations, and may include the terms "plat," "replat,"
484 "amended plat," "revised plat," or "final plat."

485
486 *Practical difficulty.* In the case of a subdivision variance, a practical difficulty is a standard
487 which is similar to but less rigorous than the unnecessary hardship standard. It may be
488 a non-self created or self-created condition of a development. The standard asks
489 whether a literal enforcement of the subdivision code will create a practical difficulty in the
490 platting, use, and development of a parcel of land for the purpose or in the manner for
491 which it is zoned. Some of the factors that *may* be considered in determining whether a
492 practical difficulty exists include: (i) how substantial the variance is in relation to the

493 requirement sought to be varied; (ii) whether a substantial change will be produced in the
494 character of the adjacent neighborhood; (iii) whether the difficulty can be obviated by
495 some method feasible for the subdivider to pursue other than by a variance; and (iv)
496 whether, in view of the manner in which the difficulty arose, the interest of justice will be
497 served by allowing the variance. Finding that factors (i) that the variance requested is not
498 substantial; (ii) that a substantial change in the character of the neighborhood will not
499 occur if the variance is granted; (iii) that the difficulty occurring can only be obviated by
500 grant of the variance; and (iv) that the interest of justice will be served by granting of the
501 variance, are all factors in support of the variance.

502
503 *Preliminary plat* means the preliminary map, drawing or chart indicating the proposed
504 layout of the subdivision to be submitted to the director, the town engineer, and the zoning
505 and planning board for recommendations, to the town council for approval or the taking
506 of other appropriate actions.

507
508 *Private street.* (See definition of "street.")

509
510 *Residential street lights* means lights installed by the town, a developer, or Florida Power
511 and Light Co., in accordance with the National Electrical Code, and Florida Department
512 of Transportation and town standards for the purpose of providing lighting.

513
514 *Right-of-way* means land dedicated, deeded, conveyed, reserved, or used for a street,
515 alley, walkway, boulevard, pedway, bikeway, drainage facility, access for ingress and
516 egress or other public purpose, certain designated persons, or public governmental
517 entities.

518
519 *Roadways.* (See definition of "street.")

520
521 *Sketch plan* means a graphic presentation or map drawn to approximate scale depicting
522 a proposed method of land subdivision.

523
524 *State plane coordinates* means the system of plane coordinates which has been
525 established by the National Ocean Service for defining and stating the positions or
526 locations of points on the surface of the earth within the state and shall hereinafter be
527 known and designated as the "Florida State Plane Coordinate System." For the purpose
528 of the use of this system, the zones shall be as set forth in s. 177.151(2), F.S., shall be
529 used, and the appropriate projection and zone designation shall be indicated and
530 included in any description using the Florida State Plane Coordinate System.

531
532 *Stormwater maintenance plan or stormwater maintenance study* means a report
533 prepared by a state licensed engineer evaluating the hydrologic conditions of a site

534 related to groundwater location, permeability rates, location, and flow of surface water
535 systems, and the soil conditions on-site. This detailed analysis shall meet the standards
536 required by the town code and the St. Johns River Water Management District.

537
538 *Stormwater maintenance system* means the designed features of the property which
539 collect, convey, channel, hold, inhibit, or divert the movement of stormwater.

540
541 *Streets and alleys* means any accessway such as a street, road, lane, highway, avenue,
542 boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also
543 includes all of the land lying between the right-of-way lines as delineated on the plat
544 showing such streets, whether improved or unimproved, but shall not include those
545 accessways such as easements and rights-of-way intended solely for limited utility
546 purposes, such as for electric power lines, gas lines, telephone lines, water reuse lines,
547 potable water lines, drainage and sanitary sewers, cable television, and easements of
548 ingress and egress.

549 (1) *Arterial street:*

550 a. *Principal (major) arterial.* A street that primarily provides traffic
551 movement services, serving longer distance trips and traffic traveling through a given
552 area. Vehicles on these facilities generally operate at higher speeds, and there is little
553 direct access to abutting properties. Turning movements to and from these facilities
554 occur primarily at roadway intersections.

555 b. *Minor arterial.* A street that serves medium to long distance trips and
556 traffic traveling within a given area. Vehicles on this facility generally operate at high to
557 moderate speeds, and there is little to moderate direct access permitted to abutting
558 properties. Turning movements to and from these facilities occur primarily at roadway
559 intersections and major traffic generator driveways.

560 (2) *Collector road or collector street.* Collector roads provide both land access
561 and traffic circulation service within residential, commercial, and industrial areas. Their
562 primary function is to move traffic from local roads and streets to the arterial highway
563 system, while providing some direct access to abutting property. While not dominated by
564 signalized intersection traffic control, these facilities do tend to have more frequent
565 intersection control such as stop and yield signs.

566 (3) *Local road or local street.* Local roads provide for direct access and traffic
567 circulation to abutting lands within residential, commercial, and industrial areas. These
568 roadways have frequent access points and frequent intersection control such as stop
569 signs. Trip length on local streets is short, feeding trips to collectors and arterials. There
570 are two sub-categories of local streets. They include:

571 a. *Major local.* This type of street serves commercial areas and higher
572 density residential areas. Major local streets also may provide direct access for
573 residential subdivisions to the collector and arterial roadway. Local streets with an
574 average daily traffic of greater than 600 trips constitute major local streets in residential

575 subdivisions.

576 b. Minor local. This type of local street provides access and circulation
577 in residential areas and carries average daily traffic volumes of 600 or less trips per day.

578 (4) Marginal access/service road. A marginal access/service road provides
579 direct access to abutting property and is parallel or adjacent to arterial or collector roads.
580 Access to an adjacent arterial/collector street is provided at limited intersections.

581 (5) Private street. Private street means a private right-of-way for vehicular and
582 pedestrian traffic dedicated and held and maintained in common ownership usually by an
583 incorporated homeowners or property owners association.

584 (6) Cul-de-sac. A cul-de-sac is a street terminated at the end by a vehicular
585 turnaround.

586 (7) Alley. An alley is a right-of-way providing a secondary means of access and
587 service to adjoining property.

588
589 Street (roadway) segment means a single linear section of roadway or street extending
590 from one street intersection to another street intersection. A cul-de-sac shall be
591 considered as one street segment. Roadway segments shall be constructed with a single
592 uniform width.

593
594 Subdivider means any person commencing proceedings under this chapter to effect a
595 subdivision of land hereunder for the subdivider or for another person.

596
597 Subdivision means a division of a parcel of land or platting of real property into three or
598 more lots, parcels, tracts, tiers, blocks, sites, units, or the division of land for the purpose
599 of a transfer of ownership *and* building development. The term includes resubdivision,
600 replat, revised plat, or amended plat and, when appropriate to the context, shall relate to
601 the process of subdividing or to the land subdivided. A group development which is
602 developed so that it might be broken into smaller parcels at some future time shall also be
603 considered a subdivision and shall meet the requirements of this code. Creation of a
604 single condominium, other than a land condominium, shall not be construed to be a
605 subdivision. Condominiums including three or more separate parcels of land owned by
606 a condominium association or other legal entity, excluding condominium units, and the
607 condominium itself shall not be construed to be a single condominium. ~~means and refers~~
608 ~~to the division of real property into three (3) or more tracts or parcels of land.~~

609
610 Survey data means all information shown on the face of a plat that would delineate the
611 physical boundaries of the subdivision and any parts thereof.

612 (2) Point of tangency, written "P.T." means the point where a tangent circular
613 curve ends and becomes tangent.

614 (3) Point of compound curvature, written "P.C.C." means the point where two
615 circular curves have a common point of tangency, the curves lying on the same side of the

616 common tangent.
617 (4) Point of reverse curvature, written "P.R.C." means the point where two
618 circular curves have a common point of tangency, the curves lying on opposite sides of
619 the common tangent.

620
621 Surveyor means a state-registered land surveyor and mapper, registered under chapter
622 472, F.S., who is in good standing with the state Board of Professional Land Surveyors
623 and Mappers.

624
625 Town engineer means a professional engineer, registered in the state, employed or
626 appointed by the town, to perform the duties of that position.

627
628 Traffic calming measures means the combination of mainly physical measures that are
629 designed and implemented to reduce the negative effects of motor vehicle use, alter
630 driver behavior, and improve conditions for non-motorized street users.

631
632 Tree survey means a graphic drawing indicating the location of all trees and a tabular
633 listing indicating the size and species of all trees.

634
635 Tri-party agreement means an agreement between the town, site developer, and
636 mortgagee of said development site by which the proceeds of the mortgage are pledged
637 as collateral for installation and construction of the project's subdivision improvements.
638 The mortgage must contain sufficient proceeds to fund construction and installation of the
639 subdivision improvements. A tri-party agreement may only be consummated with an
640 institutional lender including only a banking corporation or savings and loan association
641 chartered by the United States of America or the state comptroller, and based in or with
642 offices in this state.

643
644 Utilities means, but is not limited to, water systems, electrical power systems, fiber optics,
645 gas systems, sanitary sewer systems, water reuse systems, storm drainage systems,
646 telephone systems, and cable television systems.

647
648 SECTION 4. That Section 111-2 of the Code of Ordinances of Indialantic, Florida,
649 is hereby amended to read as follows:

650
651 **Sec. 111-2. – Jurisdiction; Purpose; Approval required prior to filing plats.**

652
653 (a) Jurisdiction. The chapter shall govern all subdivisions of land within the
654 corporate limits of the town, as now or hereafter established, except that no requirements
655 in this chapter shall be retroactively applied to subdivision plats approved by the town
656 prior to April 1, 2024. Nor is it intended by this chapter to repeal, abrogate, annul or in any

657 way impair or interfere with existing provisions of other laws or ordinances, except those
658 in conflict with this code, or with private restrictions placed upon property by deed,
659 covenant or other private agreement. Where this chapter imposes a greater restriction
660 upon land than is imposed or required by such existing provisions of law, ordinance,
661 contract, agreement, covenant, or deed, the provisions of this code shall control.
662

663 (b) *Purpose.* The purpose of this chapter is to establish procedures and
664 standards for the development and subdivision of real estate within the town, in an effort
665 to, among other things, ensure proper legal description, identification, monumentation
666 and recording of real estate boundaries; further orderly layout and appropriate use of land;
667 provide safe, convenient, and economic circulation of vehicular traffic; provide suitable
668 building sites which drain properly and are readily accessible to emergency vehicles;
669 assure the installation of improvements; help conserve and protect the physical and
670 economic resources of the town; and promote the public health, safety, aesthetics, and
671 general welfare. All subdivision of properties within the town shall at a minimum meet the
672 requirements of this code and chapter 177, F.S.; provided, however, that no subdivider
673 shall be required to plat in the manner provided hereunder or to meet the requirements of
674 this code as a pre-condition to the alienation of real property (i.e., deeding or leasing real
675 property; conveyancing of an easement). Property owners shall be on constructive notice
676 by virtue of the adoption of this code that no development of land shall be permitted on
677 properties proposed to be subdivided after April 1, 2024, unless a plat shall have been
678 approved by the town council and recorded in the public records of the county, all in a
679 manner required by this code.
680

681 **[Drafter’s Note: See *Kass v. Lewin*, 104 So.2d 572 (Fla. 1958).]**
682

683 (c) ~~(a)~~ No person shall file for record or cause to be filed for record any plat or map
684 of a subdivision of any tract of land, or portion thereof, located within the town, whereby
685 the tract or portion thereof is shown on the plat or map to be subdivided into lots and
686 blocks, either with or without street rights-of-way, unless the plat or map, before filing for
687 record, shall have been submitted to and approved by the town council. All ~~plats or maps~~
688 of the subdivision of any tract of land, or portion thereof, submitted to the town council
689 shall be prepared consistent with the regulations in Chapter 177, Florida Statutes.
690

691 (d) *Conveyance by reference to unapproved plat.* It shall be unlawful to convey
692 property by reference to a plat or map of a subdivision of any tract of land, or portion
693 thereof, located within the town, unless the plat or map: (i) has been previously approved
694 by the town council or other governmental body, and (ii) was recorded in the public
695 records of the county. This provision shall not be interpreted to eliminate the requirement
696 of bonding for improvements not previously made by the time of recording.
697

698 (e) Mandatory platting of land for development or redevelopment shall be
699 required if a subdivision is created. Further, no application for a building permit for the
700 construction of a principal building on a subdivided parcel of land shall be granted
701 unless a plat including such parcel of land has been approved by the town and recorded
702 in the official public records of this county subsequent to April 1, 2024. No application
703 for a building permit for the construction of a principal building on a parcel of land
704 proposed to be developed as a townhouse residential unit development of more than
705 two units shall be granted unless a plat including each such townhouse unit has been
706 approved by the town and recorded in the official public records of this county
707 subsequent to April 1, 2024.

708
709 SECTION 5. That Section 111-3 of the Code of Ordinances of Indialantic, Florida,
710 is hereby amended to read as follows:

711
712 **Sec. 111-3. Platting; Procedure for securing approval of subdivisions.**

713
714 (a) Submission of sketch plan and pre-application conference.

715 (1) Applicants are encouraged, but not required, to have a
716 pre-application meeting with the town manager, so that the town can prepare for an
717 accelerated review procedure. Prior to submission of a preliminary plat application, the
718 subdivider may submit in writing a pre-application notice in the form of a letter with a
719 sketch drawing to the town engineer for the proposed development and may confer with
720 the town manager, the director and the town engineer to become familiar with the
721 regulations affecting the land to be subdivided. This procedure does not require a formal
722 application or fee. The sketch plan so submitted shall be considered by the town
723 manager, as a means of advising the subdivider of the general requirements for
724 development and the preliminary plat and to permit the subdivider to explain the general
725 plan of development and obtain suggestions pertaining to it beneficial to the subdivider
726 and the town.

727 (2) During the pre-application conference, the town manager is
728 authorized to waive the submittal of certain items set forth in section 111-3(b), or to waive
729 the requirement of a preliminary plat, if determined based on the location, size, condition
730 of the property to be subdivided, and nature of the proposed subdivision such
731 requirement is not necessary. An aggrieved developer or property owner may appeal the
732 decision of the town manager to the town council, if the appeal is filed with the town clerk
733 within ten (10) days of the rendition of the town manager's decision. The appeal shall be
734 de novo, and the standard of review shall be to demonstrate that the town manager made
735 an error in determining not to waive the requirement of the preparation of a preliminary
736 plat. The fee for an appeal may be set by resolution of the town council from time to time.

737
738 (b) Submission of preliminary plat. Submission of a preliminary plat, unless

739 waived by the town manager, shall be a prerequisite to the development of any
740 subdivision. The preliminary plat shall be submitted before the final plat.

741 (1) *Procedure.* The procedure for obtaining preliminary plat review and
742 approval is as follows:

743 a. The subdivider shall submit a completed application with all
744 required exhibits as set forth in section 111-3(b)(2) to the town clerk. The application and
745 exhibits shall include:

746 1. 12 black or blueline prints on paper 24 inches by 36
747 inches and a digital version of the plan, of the proposed subdivision prepared in
748 accordance with the design standards as set forth in section 111-4. All wording shall be
749 in type that is at least one-tenth of an inch in height.

750 2. Three preliminary construction plan prints at the same
751 scale of the proposed subdivision prepared in accordance with the specifications and
752 required exhibits as set forth in section 111-5(b)(2).

753 3. Two signed and sealed surveys by a state registered
754 land surveyor certified to and for reliance by the town.

755 4. Two signed statements describing the proposed use of
756 the land, and a draft of the subdivision restrictive covenants and a copy of the
757 homeowner's or property owner's association articles of incorporation and bylaw to be
758 applied to the subdivision, if any.

759 5. Two certified copies of an environmental impact
760 assessment report including a tree survey.

761 b. *Service charges and cost recovery.*

762 1. At the time of submission of the preliminary plat, the
763 subdivider shall pay to the town a fee for the cost of administrative processing of the
764 application, as set from time to time by resolution of the town council.

765 2. In addition to the administrative processing fees
766 collected above, the town will impose a consultant fee for the various costs attributable
767 to the use by the town of outside consultants, such as but not limited to engineer,
768 attorney, planning and zoning, and surveying, for reviewing and processing the
769 preliminary and final plat application request. Such consultant fee(s) shall be equal to
770 the various costs of the consultant time expended and actual expenses. The town will
771 establish a schedule for initial deposits for plat applications. The town will account for
772 the deposit as well as the town's actual costs incurred and may require additional
773 deposits if the initial deposit is exhausted prior to a final decision on the final plat
774 application. The subdivider will be refunded the unexpended balance of the deposit
775 within 60 days of a final plat development order being issued.

776 3. Any costs or charges associated with the need to
777 re-advertise or re-notice an application shall be borne by the party responsible for the
778 delay which requires a re-notice.

779 4. The town and its outside consultants will maintain
780 adequate financial records which track monthly charges of hours and expenses to be
781 charged to the applicant.

782 c. Before acting on the preliminary plat, the director shall receive
783 written reports from the public works director, the police and fire departments, the town
784 engineering department, the building division, the town attorney, and such other public
785 officials or agencies determined to be necessary by the town manager or the director.
786 Such report or reports shall comment on factors relating to the preliminary and final plat
787 which bear upon the public interest, consistency of the plat with the comprehensive plan,
788 and relationship of the plat to town land development regulations. Thereafter, the director
789 shall consolidate the comments and recommendations and shall make a formal
790 recommendation of approval, approval with conditions, or denial to the town manager and
791 the zoning and planning board.

792 d. The zoning and planning board shall review the preliminary
793 plat and required exhibits to determine its conformity with the comprehensive plan and
794 these regulations. Upon completing its review, the zoning and planning board shall
795 recommend to the town council approval, approval subject to conditions, or disapproval
796 of the preliminary plat. In recommending approval subject to conditions or in
797 recommending disapproval, the reasons for such action shall be stated in writing and
798 reference shall be made to the specific sections of this code with which the preliminary
799 plat does not comply. The subdivider shall be notified of the recommendation.

800 e. The town council shall consider the recommendation of the
801 zoning and planning board and approve, approve subject to conditions, or disapprove the
802 preliminary plat. All preliminary plat approvals are conditioned upon the subdivider's
803 compliance with the requirements of section 111-3(d)3.a., town code.

804
805 (2) Required exhibits.

806 a. A preliminary plat shall be drawn at a scale of not less than
807 100 feet to one inch on paper 24 inches by 36 inches, by a state registered surveyor
808 and/or by a state registered professional engineer, depicting the criteria below and
809 meeting the standards listed in sections 111-3 and 111-5:

810 1. Boundaries of tract shown with bearings, distance,
811 closures and bulkhead lines;

812 2. Location, width, and depth of canals and waterways, if
813 any;

814 3. Names of adjoining subdivisions;

815 4. Zoning classification, both on the land to be developed
816 and on adjoining lands;

817 5. Proposed street rights-of-way, street names, other
818 proposed rights-of-way or easements, and their locations, widths, and purposes, if any;

819 6. Proposed lot lines, lot and block numbers (if any), and

820 approximate dimensions;
821 7. Proposed parks, school sites, tracts, parcels, or other
822 public open spaces, if any;
823 8. Title, date of preparation, date of draft revisions, job or
824 project number, true north point, and graphic scale;
825 9. Name and address of owner, surveyor, and engineer
826 who prepared the plat and surveyed the property;
827 10. Total acreage in each tract;
828 11. Total acreage in public or other land usage, including
829 tracts;
830 12. Average lot size;
831 13. Total number of lots; and
832 14. Building line setbacks.
833 15. Current vicinity map showing relationship between
834 area proposed for development and the surrounding area.
835 b. A survey of the property, including topographic and location
836 data drawn at the same scale as the preliminary plat certified to the town for reliance, and
837 prepared by a state registered land surveyor showing:
838 1. The location of existing property lines, streets,
839 buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes,
840 water mains, water reuse lines, town limit lines, and any public utility easements, if any;
841 2. Wooded areas, marshes, wetlands, scrub vegetation
842 and any other physical conditions affecting the site; and
843 3. Contours and spot elevations based on National
844 Geodetic Survey datum with a contour interval of one foot. Contours and spot elevations
845 shall extend a minimum distance of 25 feet beyond property lines or a greater distance if
846 topographic conditions warrant.
847 c. Preliminary construction plans showing and meeting the
848 standards in section 111-5.
849 1. Existing ground contours at one foot intervals and
850 proposed elevation of area proposed for development;
851 2. Typical cross sections of proposed grading, streets,
852 sidewalks bikeways, and pedways;
853 3. Preliminary layout of potable water distribution,
854 sanitary and stormwater sewers, and water reuse lines, with grades and sizes indicated
855 streets, sidewalks, and pedways; and
856 4. Preliminary lot grading plan prepared according to
857 town standards and specifications.
858 d. Environmental impact assessment.
859
860 (c) Construction plan approval.

861 (1) Construction plans meeting the standards in section 111-5 and
862 technical provisions adopted pursuant to section 111-8 and showing the following:
863 a. Water plan (profile required at utility crossings).
864 b. Sanitary sewer plan and profile.
865 c. Stormwater management study and stormwater management
866 system plan, profile, and sections.
867 d. Sidewalks, pedways, and bikeways plans.
868 e. Streets plan and profile.
869 f. Reuse/reclaimed water plan.
870 g. Lot grading plan with lot corner elevations.
871 (2) Approval of the preliminary plat shall not be construed as authority
872 for filing of the plat with the clerk of the circuit court of this county, nor as authority for the
873 sale of lots in reference thereto. Approval of the preliminary plat shall, however, authorize
874 the subdivider to exercise either of the following options preparatory to submitting the final
875 plat:
876 a. *Option 1. Complete construction.* Prepare construction plans
877 and specifications for all required improvements which shall meet the approval of the
878 town engineer and this code. After receiving an erosion and sedimentation control permit
879 issued by the town, and receiving written approval of construction plans from the town
880 engineer, a tree removal permit may be considered for issuance by the building
881 department. Upon issuance thereof the subdivider is allowed to install all required
882 improvements, including fill dirt, in accordance with the approved plans and specifications
883 and shall complete the required improvements within 365 days from the date of
884 construction plan approval. Time extensions to complete construction may be granted, if
885 approved by the town engineer. Dependent upon the location of the proposed subdivision,
886 the subdivider may be required to construct sidewalks in accordance with section
887 111-6(b)(7). The subdivider shall construct the required sidewalk for vacant lots within
888 365 days from the date of issuance of a certificate of completion of the required
889 subdivision improvements. In the interim, the subdivider shall post a bond, cash escrow,
890 or letter of credit issued by a bank having offices in this state, for sidewalks in the amount
891 of 110 percent (110%) of the cost of construction of said sidewalks, as estimated by the
892 town engineer as a condition of final approval and acceptance of a certificate of
893 completion. The bond, cash escrow, or letter of credit shall satisfy the requirements of
894 section 111-3(d)4.b. The subdivider may periodically reduce the bond amount to account
895 for the units already constructed.
896 b. *Option 2. Surety for completion of improvements.* Prepare
897 construction plans and specifications for all required improvements which shall meet the
898 approval of the town engineer as described for option 1 and this code and provide a bond
899 or other similar surety, cash escrow, or letter of credit, to guarantee construction and
900 completion of all improvements as provided for in subsection 111-5(d)4.b. The
901 bond/surety, cash escrow, or letter of credit issue by a bank with offices in the state shall

902 be in the amount of 110 percent (110%) of the construction costs, including fill dirt, as
903 estimated by the town engineer.

904

905 No dedicated utility or road work shall be undertaken prior to a pre-construction
906 conference, which shall be scheduled by the town manager in consultation with the town
907 engineer. Regardless of the option exercised, all work shall conform to all town
908 regulations and shall be subject to the inspection and approval of the town manager, who
909 shall be regularly consulted by the subdivider and kept advised by the subdivider of each
910 new phase of work being done. The town engineer, or his designee, shall make regular
911 inspections to assure that the work meets all code requirements.

912

913 (d) *Submission of the final plat.* Submission of a final plat shall be required of
914 every subdivider, and no street shall be accepted and maintained by the town, nor shall
915 any permit be issued by any administrative agent or department of the town for the
916 construction of any building upon land on which a plat is required to be approved, unless
917 and until a final plat has been approved by the town council and duly recorded by the clerk
918 of the circuit court of this county.

919 (1) *Sale of land with reference to unrecorded plats.* Until a final plat is
920 submitted, reviewed by the zoning and planning board, approved by the town council, and
921 recorded by the clerk of the circuit court in the public records of the county, no sale of lots
922 or tracts with reference to said plat shall be consummated, nor shall the town accept any
923 streets or other improvements which are intended to be dedicated to the public.

924 (2) *Issuance of building permits on unrecorded plat.* No more than one
925 building permit for single-family model home, for a multiple-family building, or for a
926 commercial building may be issued by the building official prior to final plat approval in a
927 proposed subdivision if:

928 a. A preliminary plat has been approved;
929 b. Construction plans have been approved;
930 c. The portion of the unrecorded plat on which the building is to
931 be located must meet all requirements of town code, including meeting the definition of
932 a "lot"

933 d. Improvements have been completed which provide fire
934 service and fire access including a stabilized road and water service to the area where
935 the model will be located; and

936 e. Any other improvement that the town manager in consultation
937 with the building official or town engineer may deem necessary for safety. No certificate
938 of occupancy (CO) or certificate of completion shall be issued, or any additional permits
939 for construction of residential or commercial units be issued, unless and until: i) a town
940 approved final plat is recorded by the clerk of the circuit court of this county for the
941 section of the project in which the CO is requested; and ii) all subdivision improvements
942 and related requirements have been completed and approved by the town engineer for

943 the section of the project where the CO is requested.
944 (3) Final plat approval procedure. The procedure for obtaining final plat
945 approval is as follows:

946 a. The subdivider shall submit to the town manager an original
947 mylar, one reproducible copy and 12 black or blueline prints of the final plat. Failure to
948 commence construction of site improvements or to file an application for final plat
949 approval within 365 days of the preliminary plat approval or any extension granted by the
950 town council upon written request by the subdivider, shall result in the preliminary plat
951 approval expiring and being automatically terminated.

952 b. At the time of submission of the final plat, the subdivider shall
953 pay to the town, a fee as prescribed from time to time by resolution of the town council.
954 The final plat shall be properly signed and executed by the subdivider and the
955 subdivider's surveyor.

956 c. Before the zoning and planning board acts on the final plat,
957 the town engineer will certify compliance with or deviations from, the approved
958 preliminary plat and the requirements of these regulations and that all subdivision
959 improvements shall be or are constructed as provided in option 1 or option 2 as set forth
960 herein above.

961 d. The zoning and planning board shall review the final plat and
962 required exhibits to determine conformity with the comprehensive plan and the
963 preliminary plat. Upon completing its review, the planning and zoning board shall ensure
964 the applicants have completed all application requirements and recommend to the town
965 council approval, approval subject to conditions, or disapproval of the final plat. In
966 recommending approval subject to conditions or in recommending disapproval, the
967 reasons for such action will be stated in writing and reference shall be made to the
968 specific sections of this code with which the final plat does not comply. The subdivider
969 shall be notified of the recommendations.

970 e. The town council shall consider the final plat and
971 recommendations of the zoning and planning board and approve, approve subject to
972 conditions, or disapprove the final plat.

973 f. Action of the town council and the zoning and planning and
974 zoning board shall be noted on the original mylar, the reproducible copy, and on the 11
975 prints of the final plat. The original mylar and required documents are to be recorded with
976 the clerk of the circuit court of this county. One reproducible copy and 11 prints of the plat
977 and one copy of the recorded subdivision documents shall be retained by the town for
978 administrative records. All fees and documents required by the clerk of the circuit court
979 of this county for the filing and recording of approved final plats and any subdivision
980 documents shall be deposited by the subdivider with the clerk of the circuit court when
981 final approval is received.

982 (4) Required exhibits. Exhibits a. through f., conforming to the
983 requirements hereinafter set forth, shall be provided by the subdivider at the time of

984 application for final plat approval.
985 a. The final plat shall be drawn on a mylar at a scale of not less
986 than 100 feet to the inch, meeting all the platting requirements of the town and state, and
987 shall substantially conform to the preliminary plat as approved. The plat shall be drawn on
988 mylar, as described above, 24 inches wide by 36 inches long at a scale of not less than
989 100 feet to one inch. A margin of one inch shall be left on the top, bottom and right side
990 of each sheet with a three-inch margin on the left side of each sheet for binding purposes.
991 The final plat shall constitute only that portion of the approved preliminary plat which the
992 subdivider proposes to record and develop at the time; provided, however, that such
993 portion conforms to all requirements of this code. All legal documents set forth in section
994 111-3(d)(4)g. or other documents to be recorded prior to or simultaneous with the final
995 plat shall be submitted to the town prior to or simultaneously with the final plat. The final
996 plat shall be prepared by a surveyor, who shall be qualified by law to prepare plats for
997 recording in the public records of the county, and shall show all of the following
998 information:
999 1. Each plat shall show the applicable section, township,
1000 and range of the property to be platted, and, if a land grant, the plat will so state.
1001 2. The name of the town, county, and state in which the
1002 land being platted is situated shall appear under the name of the plat as applicable.
1003 3. Each plat shall show a metes and bounds legal
1004 description of the lands subdivided, and the description shall be exactly the same in the
1005 title certification required to be submitted by section 111-3(d)(4)c., of this code. The
1006 description must be so complete that from it, without reference to the plat, the starting
1007 point and boundary can be determined.
1008 4. Vicinity map indicating the location of the subdivision in
1009 proximity to arterial and collector streets and adjoining land uses.
1010 5. Name of surveyor/engineer of record with seal,
1011 signature, and a date of survey and plat preparation.
1012 6. Title, date, name of the subdivision, true north point,
1013 and graphic scale.
1014 7. The circuit court clerk's certificate and the land
1015 surveyor's certificate and seal.
1016 8. All section lines and quarter section lines occurring in
1017 the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate
1018 words and figures. The point of beginning shall be indicated, together with all bearings
1019 and distances of the boundary lines. If the platted lands are in a land grant or are not
1020 included in the subdivision of governments surveys, then the boundaries are to be defined
1021 by metes and bounds and courses. The initial point in the description shall be tied to the
1022 nearest government corner or other recorded and well established corner.
1023 9. Location, width, and names of all streets, waterways,
1024 or other rights-of-way shall be shown, as applicable.

1025 10. All contiguous properties shall be identified by zoning,
1026 subdivision title, and plat book and page, or, if unplatted, the land shall be so designated.
1027 If the subdivision to be platted is a resubdivision of a part or the whole of a previously
1028 recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the
1029 earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be
1030 stated as a subtitle following the name of the subdivision wherever it appears on the plat.
1031 11. All lots shall be numbered either by progressively
1032 higher numbers or, if in blocks, progressively higher numbered in each block, and the
1033 blocks progressively numbered or lettered, except that blocks in numbered additions or
1034 phases bearing the same name may be numbered consecutively throughout the several
1035 additions or phases.
1036 12. Block corner radii dimensions shall be shown.
1037 13. Sufficient survey data shall be shown to positively
1038 describe the bounds of every lot, block, tract, street, easement, and all other areas shown
1039 on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the
1040 major portion of that lot or subdivision shall be enclosed by a witness line showing
1041 complete data, with distances along all lines extended beyond the enclosure to the
1042 irregular boundary shown with as much certainty as can be determined or as "more or
1043 less," if variable. Lot, block, street, and all other dimensions except to irregular
1044 boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall
1045 refer to horizontal plane and be in accordance with the definition of the U.S. survey foot
1046 or meter adopted by the National Institute of Standards and Technology.
1047 14. Curvilinear lots shall show the radii, arc distances, and
1048 central angles or radii, chord, and chord bearing, or both. Radial lines will be so
1049 designated. Direction of non-radial lines shall be indicated.
1050 15. Sufficient angles, bearings, or azimuth to show
1051 direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown
1052 to the nearest second of an arc.
1053 16. The centerlines of all streets shall be shown with
1054 distances, angles, bearings or azimuth, "P.C.s," "P.T.s," "P.R.C.s," "P.C.C.s," arc
1055 distance, central angles, tangents, radii, chord, and chord bearing or azimuth, or both.
1056 17. Park and recreation parcels as applicable shall be so
1057 designated.
1058 18. A certificate of consent and joinder to the plat,
1059 dedication of lands upon the plat, and recording of the plat executed by any mortgagee
1060 and lien holder, in form and substance reasonably acceptable to the town attorney.
1061 19. The purpose of all areas dedicated must be clearly
1062 indicated or stated on the plat.
1063 20. When it is not possible to show curve detail information
1064 on the map, a tabular form may be used.
1065 21. A note stating that fences are regulated in easements

1066 pursuant to the town code.

1067 22. The plat shall include in a prominent place the following
1068 statement: NOTICE: There may be additional restrictions that are not recorded on this
1069 plat that may be found in the public records of this county.

1070 23. Location and widths of reservation, easements, tracts,
1071 and any areas to be dedicated for public use or sites for other than residential or
1072 commercial uses with notes stating their purpose and any limitations.

1073 24. A note stating: All platted public utility easements shall
1074 also be easements for the construction, installation, maintenance, and operation of cable
1075 television services; provided, however, no such construction, installation, maintenance,
1076 and operation of cable television services shall interfere with the facilities and services of
1077 an electric, telephone, gas, or other public utility. In the event a cable television company
1078 damages the facilities of a public utility, it shall be solely responsible for the damages.
1079 This section shall not apply to those private easements granted to or obtained by a
1080 particular electric, telephone, gas, or other public utility. Such construction, installation,
1081 maintenance, and operation shall comply with the National Electrical Safety Code as
1082 adopted by the Florida Public Service Commission.

1083 25. Information and certificates as required by ss. 177.071
1084 and 177.081, F.S.

1085 26. Text dimensions. All text and numerical data shown on
1086 the plat must be a minimum of one-tenth inch in height. Details should be added where
1087 appropriate. Neatness and clarity on the plat is mandatory.

1088 b. Where the required improvements have not been completed
1089 prior to the submission of the final plat, the approval of the plat shall be subject to the
1090 subdivider, guaranteeing the installation of said improvements by filing a performance
1091 and payment bond executed by a surety company authorized to do business in this state
1092 by the state insurance commissioner; cash escrow; tri-party agreement; or a letter of
1093 credit issued by a Florida bank or savings and loan association, located in the state and
1094 licensed by the federal government or the state comptroller to do business in Florida as
1095 a bank or savings and loan association in the amount of 110 percent (110%) of the
1096 construction cost, including fill dirt, as determined by the town engineer. The bond
1097 instrument may provide that portions of the security may be partially released,
1098 proportionate to the work completed on the installation of public improvements, to the
1099 subdivider, from time to time, as work progresses; but the amount to be released shall be
1100 determined by the town engineer in accordance with the foregoing. All instruments shall
1101 be in form and substance satisfactory to and approved by the town attorney.

1102 c. Every plat of a subdivision submitted to the approving agency
1103 of the town must be accompanied by a title opinion by an attorney-at-law licensed to
1104 practice in the state or a certification by an abstractor or a title insurance company,
1105 authorized to do business as such by the Florida Insurance Commissioner, confirming
1106 that record title to the land as described and shown on the plat is in the name of the

1107 person or legal entity executing the dedication, if any, as it is shown on the plat and, if the
1108 plat does not contain a dedication, that the subdivider has record title to the land. The title
1109 opinion or certification shall also show all mortgages or other liens not satisfied nor
1110 otherwise terminated by law on the land to be platted and all other encumbrances or
1111 easements. The title opinion shall be certified to and in favor of the town and the county
1112 commission and clerk of the circuit court. Said opinion shall be in form and substance
1113 acceptable to the town attorney. No title opinion shall be more than 90 days old as of the
1114 date of recording of the final plat. As of the date of recording of the final plat, the
1115 subdivider shall certify under oath to and for reliance by the town and the clerk of the
1116 circuit court that there have been no changes in the state of title as depicted on the title
1117 opinion.

1118 d. Any proposed subdivision within a flood hazard area must
1119 comply with chapter 107 of the town code. If proposed structure elevations are contingent
1120 upon a letter of map change as defined by the Federal Emergency Management
1121 Administration (FEMA), no certificates of occupancy (CO) shall be issued for a structure
1122 on any platted lot formerly located in FEMA designated flood zone A, AE, AO, AH, V, or
1123 VE until a map amendment or letter of map revision (LOMR) has been obtained for said
1124 lot or structure indicating that such structure has been removed from a special flood
1125 hazard area as acknowledged by FEMA as a result of construction improvements. All lots
1126 where no change in the status of the special flood hazard area has occurred shall remain
1127 eligible for building permits; provided, that the lowest floor elevation is elevated 1.33 feet
1128 above the base flood elevation. No building permit or permit for subdivision
1129 improvements will be issued until the construction has been approved by the town's
1130 floodplain administrator pursuant to chapter 107, town code.

1131 e. A stormwater maintenance agreement substantially, in a form
1132 approved, from time to time, by resolution of the town council specifying the location,
1133 function, ownership, maintenance responsibility and access responsibilities for the
1134 stormwater management system consistent with chapter 14, town code, and consistent
1135 with the requirements of the St. Johns River Water Management District, shall be
1136 executed by the owner of the properties to be platted and joined in and consented to by
1137 any mortgagee or lienholder of the aforesaid. The agreement shall be in form and
1138 substance acceptable to the town attorney and town manager.

1139 f. The subdivider shall submit for review and approval to the
1140 town manager the documents set forth in this sub-paragraph. These documents shall be
1141 reviewed by the town attorney. Upon review and approval of the documents, the
1142 documents shall be recorded with the Florida division of corporations or in the public
1143 records of this county, simultaneous with the recordation of the final plat:

1144 1. Articles of incorporation for a homeowner's, property
1145 owner's, or condominium association, if the property to be platted includes more than one
1146 parcel of property to be platted. The town manager may waive this requirement at the
1147 time of final plat approval, if there are no private improvements serving more than one lot.

1148 The articles of incorporation shall satisfy all requirements of chapters. 607 or 617, F.S.,
1149 relating to corporations. The articles of incorporation shall include a provision stating that
1150 the town is not required to take title to or to operate any of the improvements in the
1151 subdivision upon dissolution of the association. The provision shall also provide that said
1152 provision cannot be amended or terminated without consent of the town. Upon approval
1153 of the articles of incorporation, they shall be filed with the state secretary of state at the
1154 expense of the subdivider. Prior to recording of the final plat, copies of the corporate
1155 charter and articles of incorporation marked "Filed" in the secretary of state's office shall
1156 be submitted to the town attorney. It is recommended, although not required by the town,
1157 that the original corporate charter and articles of incorporation marked "Filed" in the
1158 secretary of state's office be recorded in the public records of this county, simultaneous
1159 with the recordation of the final plat;

1160 2. Declaration of covenants, conditions, and restrictions
1161 for the subdivision, if the property to be platted includes more than one parcel of property
1162 to be platted. This document shall include provisions providing: that the covenants shall
1163 be covenants running with the land; that the common areas are subject to the jurisdiction
1164 of the association incorporated above in sub-paragraph f.1; that the association shall be
1165 responsible for maintenance of the common areas; that the association shall have the
1166 power to assess the various lots in the subdivision for funds to maintain the common
1167 areas; that upon failure to pay said assessments, the association may place a lien against
1168 said lots; restrictions on use of portions of the property to be subdivided; and for a method
1169 by which the covenants and restrictions may be enforced. The covenants and restrictions
1170 shall continue in force for so long as the subdivision may exist. The common areas shall
1171 include entry areas for landscaping and display of subdivision related signage,
1172 stormwater retention/detention facilities, drainage parcels or easements, recreational
1173 areas, and other subdivision related facilities, and may include conservation areas;

1174 3. Deed conveying parcels of the common areas to the
1175 association incorporated above in subparagraph f.1. The deed shall be a statutory
1176 warranty deed;

1177 4. Easements to the town or public utility for water, sewer,
1178 drainage, conservation, or other purposes, whether on- or off-site. No easement shall be
1179 conveyed unless requested by the town or the public utility. All easements shall warrant
1180 title, that the grantor holds title to the property and has the power to convey title, and that
1181 the grantor will defend the town against all claims against the title;

1182 5. Stormwater maintenance agreement substantially
1183 conforming to the form approved by the town;

1184 6. Water and sewer agreements required as a condition
1185 of construction plan approval;

1186 7. Letter from the St. Johns River Water Management
1187 District acknowledging receipt of the documents listed in this subparagraph;

1188 8. Receipt for payment of applicable impact fees, if any;

1189 and
1190 9. Form of infrastructure/construction (maintenance)
1191 warranty bond. Upon approval of the form of infrastructure/construction (maintenance)
1192 warranty bond, letter of credit, or cash escrow which shall be consummated and filed with
1193 the town prior to recordation of the final plat.
1194

1195 The instruments set forth in subparagraphs f.1.-5. shall be joined in and consented to by
1196 mortgagees and lienholders of record at the time of recording of the final plat. All
1197 documents must be in form and substance acceptable to the town manager and town
1198 attorney. All costs for recording, documentary stamp taxes, and other applicable taxes
1199 and fees shall be paid by the subdivider.

1200 g. Installation of permanent reference monument and
1201 permanent reference points. Upon approval of the final plat by the town council, but prior
1202 to the recording of the final plat the subdivider shall cause a registered surveyor to install
1203 permanent reference monument (P.R.M.) points. Permanent reference monument points
1204 shall be placed in accordance with the following requirements:

1205 1. Subdivision corner tie. At least one corner of the
1206 subdivision shall be designated by course and distance (tie) from a readily discernible
1207 reference marker, such as a U.S. government marker, section corner or quarter-section
1208 corner. When such a monument or station is not available, the tie shall be made to some
1209 pertinent and readily recognizable landmark or identifiable point, physical object or
1210 structure.

1211 2. Permanent reference monuments. Permanent
1212 reference monuments shall be placed at each corner or change in direction on the
1213 boundary of the lands being platted; however, "P.R.M.s" need not be set closer than 310
1214 feet (unless the bend is shorter), but shall not be more than 1,400 feet apart. In all cases,
1215 there shall be a minimum of four "P.R.M.s" placed on the boundary of the lands being
1216 platted. Additional "P.R.M.s" shall be placed by the subdivider where required by the
1217 town engineer. Where such corners are in an inaccessible place, "P.R.M.s" shall be set
1218 on a nearby offset with the boundary of the plat, and such offset shall be noted on the plat.
1219 Where corners are found to coincide with a previously set "P.R.M.," the number on the
1220 previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state.
1221 Permanent reference monuments shall be set before the recording of the plat, and this
1222 will be so stated in the surveyor's certificate on the plat. Such "P.R.M." shall be shown on
1223 the plat by an appropriate designation.

1224 3. Permanent control points. "P.C.P.s" shall be set at the
1225 intersection of the centerline of the right-of-way at the intersection of all streets, at "P.C.s,"
1226 "P.T.s," "P.R.C.s" and "P.C.C.s" and no more than 1,000 feet apart, on a tangent,
1227 between changes of direction, or along the street right-of-way or block lines at each
1228 change in direction, no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the
1229 plat by an appropriate designation. "P.C.P.s" shall be set prior to the expiration of the

1230 bond or other surety or guarantee insuring the installation of subdivision improvements. It
1231 is the land surveyor's responsibility to furnish the town engineer with said surveyor's
1232 certificate that the "P.C.P.s" have been set and the dates the "P.C.P.s" were set.

1233 4. Accuracy. The angular error of closure for surveys
1234 shall not exceed 25 seconds times the square root of the number of angles turned. The
1235 total error shall be no greater than 40 seconds. The linear error of closure for surveys
1236 shall not exceed one foot per 7,500 feet measured on the perimeter (1:7500).

1237 h. Recording of the final plat. Within 90 days after the final plat
1238 has been approved by the town council, it shall be recorded with the clerk of the circuit
1239 court of this county by the applicant, unless such recording within 90 days is prevented by
1240 some legal regulation or requirement of the clerk of the circuit court, in which case, the
1241 recording shall be accomplished as soon as the subdivider has satisfied such regulation
1242 or requirement. If the subdivider fails to satisfy all requirements of approval which are a
1243 condition precedent to recording the final plat and fails to record the plat within 90 days
1244 following town council approval, the final plat approval shall automatically terminate,
1245 unless the foregoing time is extended by the town council for good cause. Filing of a
1246 lawsuit or other administrative action within said 90 day period shall automatically stay the
1247 aforesaid time period.

1248 ~~(a) Approval. No lot or parcel of property shall be platted or replatted without prior~~
1249 ~~approval of the town council.~~

1250 ~~(b) Application. An application for platting or replatting may be obtained from the~~
1251 ~~town clerk and shall be completed by the applicant.~~

1252 ~~(c) Notice of hearing. Upon receipt of the application, the town clerk shall cause a~~
1253 ~~notice of the application and the time and place of the hearing thereon to be published at~~
1254 ~~least fifteen (15) days and not more than thirty (30) days prior to such hearing, in a~~
1255 ~~newspaper of general circulation, and shall post a copy of said notice in the town hall. The~~
1256 ~~town clerk shall also send by certified mail a notice to those persons owning property~~
1257 ~~within the~~
1258 ~~radius of two hundred (200) feet of the property lines affected by the application.~~

1259 ~~(d) Mailed notice. The mailed notice shall include the following:~~

1260 ~~(1) That any persons owning property within the said radius above shall~~
1261 ~~have the right to protest the platting or replatting requested.~~

1262 ~~(2) That protests may be filed in writing in the office of the town clerk not~~
1263 ~~more than ten (10) days after the date the notice was published.~~

1264 ~~(3) That the person who has timely filed a written protest may be heard at~~
1265 ~~the hearing, giving the time, date, and place of same.~~

1266 ~~(4) The particulars of the platting application.~~

1267 ~~(5) That any person desiring to appeal the determination of the town council~~
1268 ~~may need to ensure that a verbatim transcript of the hearing is prepared.~~

1269 ~~(e) Protests. Prior to the public hearing the town clerk shall forward to the town~~
1270 ~~council the application and any protests filed regarding same.~~

1271 (f) ~~Costs. The costs incurred by the town for the required publication of notice(s)~~
1272 ~~and for the required mailing of copies of such notice(s) shall be paid by the applicant~~
1273 ~~submitting the proposed plat or replat.~~

1274
1275 SECTION 6. That Section 111-4 of the Code of Ordinances of Indialantic, Florida,
1276 is hereby amended to read as follows:

1277
1278 **Sec. 111-4. Construction of new subdivision on unplatted lands.**

1279
1280 No recording of an approved plat ~~development of a subdivision~~ on or after October
1281 1,2025, shall be undertaken on ~~unplatted~~ land without the recommendation of the zoning
1282 and planning board and approval of the plat by the town council, all of which is subject to
1283 these regulations and designed as provided in these regulations.

1284
1285 SECTION 7. That the Code of Ordinances of Indialantic, Florida, is hereby
1286 amended by adding a new section, to be numbered section 111-5, which said
1287 section reads as follows:

1288
1289 **Sec. 111-5. - Required improvements.**

1290
1291 (a) Minimum standards of design; plans and drawings. The design of the
1292 preliminary plat and final construction drawings, shall comply with the requirements
1293 herein. Approval of the final plat shall be subject to the subdivider's having installed the
1294 improvements hereinafter designated or having guaranteed, with bond or other surety as
1295 aforesaid, the installation of the improvements. The town engineer shall be responsible
1296 for approving all plans and specifications, for the required improvements, assuring
1297 adequate inspection of construction for compliance with the approved plans and
1298 specifications and for issuing a certificate of completion upon the acceptable completion
1299 of the work and installation of the improvements, subject to the required maintenance
1300 period. All plans shall be prepared by a registered Florida professional engineer, sealed
1301 by said engineer, and certified to and in favor of the town. All improvements shall be
1302 constructed by the subdivider and inspected and approved by the town engineer prior to
1303 acceptance by the town. All construction and inspection shall comply with the
1304 requirements of the town, state, and federal agencies, including, but not limited to, the
1305 Florida Department of Environmental Protection, the U.S. Fish and Wildlife Service, the
1306 Florida Fish and Wildlife Conservation Commission, the Florida Department of
1307 Transportation, and the Florida Department of Health, all as applicable. Upon completion
1308 of the streets, stormwater systems, water, sewer, and reclaimed water systems (if any),
1309 electric, gas, telephone utilities, cable television, and traffic control devices, acceptable to
1310 the town engineer and town manager, the town engineer may issue a certificate of
1311 substantial completion. This certificate does not certify completion of all improvements in

1312 the subdivision and is considered as a conditional certificate of completion. After
1313 completion of construction of all improvements and preliminary acceptance by the town
1314 engineer, the subdivider shall provide reproducible as-built drawings to the town for the
1315 purpose of maintaining a permanent record. Said drawings shall be prepared by a Florida
1316 registered surveyor and certified by a Florida registered professional engineer, under seal,
1317 and certified to and in favor of the town. The certificate of completion shall not be issued
1318 until the drawings are delivered to and approved by the town engineer. The certificate of
1319 completion shall also signify acceptance of the town of all dedicated improvements.

1320
1321 (b) *Street improvements.* The following requirements shall apply to all streets
1322 within the subdivision.

1323 (1) *General requirements.*

1324 a. The location and width of all proposed streets and bridges
1325 shall be in conformity with official plans and maps of the town, the comprehensive plan,
1326 and the town code.

1327 b. The proposed street layout of subdivisions with public streets
1328 shall be integrated with the street system of the surrounding area. Existing streets shall
1329 be extended to provide a connection with adjacent compatible developments where
1330 platted public rights-of-way or other public streets abut the parcel being considered for
1331 subdivision approval. Parcels being developed for subdivision approval adjacent to other
1332 vacant parcels shall provide street rights-of-way and street improvements to the boundary
1333 of the adjacent parcel providing a future connection to the non-platted parcel if the land
1334 use and/or zoning of the adjacent parcel is compatible with the proposed plat.
1335 Connections shall be provided as required in section 111-5(b)(4)m. Subdivisions
1336 constructed with private streets shall be required to provide street connections to adjacent
1337 development to vacant parcels, except that a temporary wall, gate, landscaped barrier, or
1338 other acceptable barrier may be permitted between the private street of a subdivision and
1339 the vacant parcel. Public pedestrian ways may be permitted, if desired, to provide a
1340 connection between subdivisions.

1341 c. Where it is possible to provide for street access to an
1342 adjoining property, proposed streets shall be extended, by dedication to the boundary of
1343 such property and a temporary turnaround shall be required, unless waived by the town
1344 due to public safety or for environmental protection. An easement for the turnaround shall
1345 be conveyed to the town in form and substance acceptable to the town manager and town
1346 attorney. The easement property shall be free of liens and security interests or consented
1347 to and joined in by all lienholders.

1348 d. There shall be no private streets or tracts platted in any
1349 subdivision, except where their control is dedicated or conveyed by warranty deed to the
1350 homeowners, or property owners, association with rights of use and right of reversion
1351 granted to the town under conditions set forth on the deed and stipulated on the final plat.
1352 The property shall be free of liens and security interests or the deed shall be consented

1353 to and joined in by all lienholders. The warranty deed shall be in form and substance
1354 required by the town manager and town attorney. All private streets shall conform with
1355 town standards for design and construction.

1356 e. *Auxiliary lanes.* Auxiliary lanes refer to acceleration,
1357 deceleration, and storage lanes. Developments that generate a.m. or p.m. peak hour
1358 traffic that exceeds the following thresholds shall provide the following site related
1359 acceleration, deceleration, and storage lanes:

1360 1) If more than 20 left turning vehicles per hour on a two-lane arterial or
1361 collector roadway, then left-turn lanes are warranted.

1362 2) If more than 50 right turning vehicles per hour on a two-lane arterial
1363 or collector roadway, then right-turn lanes are warranted.

1364 3) If more than 80 right turning vehicles per hour on a four-lane arterial
1365 or collector roadway, then a right-turn lane is warranted.

1366 4) If more than 100 right turning vehicles per hour on a six-lane arterial
1367 or collector roadway, then a right-turn lane is warranted.

1368 5) If an applicant for a development objects to the requirement for a turn
1369 lane, then a traffic analysis shall be submitted per the requirements outlined in the latest
1370 edition of the state department of transportation (FDOT) Transportation Technical
1371 Manual.

1372 6) A left-turn lane is recommended for any intersection that exceeds 30
1373 vehicles per hour on multi-lane roadways. Exclusive left-turn lanes are identified as a
1374 required base on Highway Capacity Manual level of service analysis for multi-lane
1375 collector roadways. Two-way continuous left-turn lanes shall be designed as per the
1376 FDOT guidelines.

1377
1378 Notwithstanding the above-referenced thresholds, the town engineer will make the final
1379 determination whether to require an auxiliary lane in the interest of public safety. Special
1380 consideration will be given to commercial areas containing substantial pedestrian traffic,
1381 as well as roadways that are maintained by other governmental agencies. There may be
1382 cases where it will be desirable to provide room for right-turn deceleration, but an entirely
1383 separate deceleration lane is either too difficult to install due to design constraints, or is
1384 not reasonable. In such cases, a right-turn curb taper may be provided in accordance
1385 with FDOT standards. Right-turn acceleration lanes shall not be provided.

1386 f. The proposed street layout of subdivisions with residential
1387 public streets shall be reviewed for conditions which would promote or result in operating
1388 speeds greater than the posted speed or which unreasonably attract traffic volumes
1389 beyond the immediate street or area streets within or in close proximity to the subdivision.

1390 A town or other traffic engineer may require the redesign of the road pattern to address
1391 traffic safety issues including the construction of traffic calming measures.

1392 (2) *Street names.* Proposed streets that are obviously in alignment with
1393 other existing and named streets, shall bear the assigned name of the existing streets. In

1394 no case shall the name for a proposed street duplicate or be phonetically similar to
 1395 existing street names, and the fact that the name is sought to be distinguished only by
 1396 employing a different designation of the type of public way, such as street, avenue,
 1397 boulevard, drive, place, court and the like, shall not suffice. Street names shall require the
 1398 approval of the town engineer, town manger, and the county 911 emergency system.
 1399 Street name and other regulatory signs including pavement markings and signal systems
 1400 shall be provided within the subdivision by the subdivider. All traffic control devices shall
 1401 be in accordance with the most recent edition of the Manual of Uniform Traffic Control
 1402 Devices (MUTCD).

1403 (3) *Design standards for streets.* The following street design standards
 1404 shall be considered minimum requirements for rights-of-way within subdivisions and for
 1405 rights-of-way for all facilities in the town:

1406 a. *Right-of-way widths.* Minimum street right-of-way widths shall
 1407 be in accordance with the major street plan and shall not be less than the following:

		(feet)
1.	<u>Major arterial</u>	<u>130</u>
2.	<u>Minor arterial</u>	<u>100</u>
3.	<u>Collectors (4 lane and 5 lane)</u>	<u>90</u>
4.	<u>Collectors (3 lane)</u>	<u>66</u>
5.	<u>Collectors (2 lane)</u>	<u>60</u>
6.	<u>Local street</u>	<u>50</u>
7.	<u>Cul-de-sac, radius</u>	<u>50</u>
8.	<u>Marginal access streets</u>	<u>40</u>
9.	<u>Residential traffic circle, radius</u>	<u>57</u>
10.	<u>Alleys</u>	<u>20</u>
11.	<u>Pedways and bikeways</u>	<u>12</u>

1408 b. *Paving.* Road base and paving shall be installed in
 1409 accordance with the specifications and standards of the town or as approved by the town
 1410 manager and the town engineer.

1411 c. *Pavement widths.* All street or roadway segments shall be
 1412 constructed with a single uniform width. Pavement widths measured from back-to-back
 1413 of curb shall be not less than the following and shall apply to all streets within subdivisions
 1414 and for all other facilities in the town:

		(feet)
1.	<u>Major arterial (4 lane div.)</u>	<u>84</u>
2.	<u>Major arterial (5 lane)</u>	<u>72</u>
3.	<u>Major arterial (4 lane div.)</u>	<u>64</u>
4.	<u>Collector (5 lane)</u>	<u>72</u>
5.	<u>Collector (4 lane div.)</u>	<u>64</u>
6.	<u>Collector (3 lane)</u>	<u>48</u>

7.	Collector (2 lane)	36
8.	Local street (major)	32
9.	Local street (minor)	28
10.	Cul-de-sac, radius:	
	Less than 300 feet in length	39.5
	Greater than 300 feet in length	42.5
11.	Marginal access streets	24
12.	Traffic circle (one way no parking)	16
13.	Alleys	20
14.	Bikeways and pedways (two way)	8

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d. *Pavement repairs.* Materials for making pavement repairs shall conform to the town's specifications for street construction.

e. *Curbs and gutters.* Combination curb and gutter shall be installed in accordance with the specifications and standards of the town except for residential alleys.

1. Gutter slopes shall be a minimum of 0.28 percent.
2. Standard curb and gutter shall be provided on both sides of arterial and collector streets.

3. Miami curb may be permitted on all other streets.

f. *Horizontal curves.* Where a centerline deflection angle of more than two degrees occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

		(feet)
1.	Arterial streets	300
2.	Collector streets	200
3.	Residential streets	100
4.	Street intersections	55

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g. *Vertical curves.* Vertical curves are required when the algebraic difference of the intersecting grades is equal to or exceeds one percent (1%). The required minimum length for vertical curves shall be as follows: On both sag vertical curves and crest vertical curves, the length required for the site difference shall be based on the designed speed.

h. *Minimum grade.* Minimum slope for all streets shall be 0.28 percent (.28%). Finished grades shall be approved by the town engineer. Street crowns shall be according to town specifications.

i. *Tangents.* A tangent of not less than 100 feet in length shall be provided between reverse curves on all collector and major streets.

j. *Intersections.* Street intersections shall be laid out as follows:

1440 1. Streets shall intersect as nearly as possible at right
1441 angles, and no street shall intersect at less than 60 degrees.

1442 2. Intersections with a major arterial shall be at least 800
1443 feet apart measured from centerline to centerline, or meet the minimum separation
1444 requirements established by the jurisdiction having authority over the maintenance of the
1445 roadway, whichever is greater.

1446 3. Property lines at street intersections shall be rounded
1447 with a minimum radius of 25 feet. At an angle of intersection of less than 75 degrees and
1448 greater radius may be required.

1449 4. A centerline offset of at least 125 feet shall be provided
1450 at street jogs.

1451 5. On any major or minor arterial within 150 feet of its
1452 intersection with another major or minor arterial, the right-of-way width shall be increased
1453 by 12 feet on both sides to permit proper intersection design. This additional right-of-way
1454 shall be dedicated or conveyed as a public right-of-way easement or deeded to the
1455 jurisdiction having operational and maintenance authority over the roadway.

1456 k. Cul-de-sac. Permanent dead-end streets shall not exceed
1457 1,000 feet in length, and shall be provided with a turnaround having a right-of-way radius
1458 of at least 50 feet and with a paving radius of at least 42.5 feet. Culs-de-sac less than 300
1459 feet in length may provide a paved circular turn around of 79 feet in diameter measured
1460 back-of-curb to back-of-curb. However, no parking shall be permitted in culs-de-sac with
1461 less than an 85-foot paved surface diameter. Temporary dead-end streets shall be
1462 constructed with a turnaround radius of at least 39.5 feet. Temporary turnarounds shall be
1463 constructed in accordance with the town's specifications and provided by executing a
1464 cul-de-sac agreement pursuant to section 111-5 of the town code.

1465 l. Alleys. Alleys shall be provided to the rear of all lots used for
1466 other than residential purposes, unless other provisions are made for service access and
1467 are approved by the town council. Alleys in residential blocks must be recommended by
1468 the zoning and planning board and approved by the town council. All alleys shall be
1469 constructed in accordance with town specifications and standards.

1470 m. Blocks. The maximum and minimum lengths and widths of
1471 blocks shall be as follows:

1472 1. Length. Blocks shall not exceed 1,500 feet nor be less
1473 than 500 feet.

1474 2. Nonresidential blocks. Such blocks shall require a
1475 length sufficient to serve the intended use without adversely affecting traffic circulation of
1476 existing or proposed surrounding streets. The width shall be sufficient to provide
1477 adequate service areas and parking without requiring excessive points of ingress and
1478 egress on abutting streets, and without requiring vehicular maneuvering on public
1479 right-of-way. Lots within such blocks shall require a common vehicular access easement
1480 dedicated to the use, maintenance and benefit of all lots within the block, or a marginal

1481 access street shall be provided, to prevent points of ingress and egress from each lot to
1482 the abutting street.

1483 n. *Traffic calming measures required.* When in the opinion of the
1484 town engineer, the design of the street system within a subdivision could likely create the
1485 potential for excessive speeds or excessive traffic volumes due to restrictive or hindered
1486 design options available to develop a subdivision, the town engineer is authorized to
1487 require the construction of traffic calming measures within the street system of the
1488 subdivision as a condition of preliminary plat review and approval and subdivision
1489 construction plan review and approval.

1490 (4) *Right-of-way landscaping.* All unpaved areas, and above ground
1491 utility facility locations within street rights-of-way shall be properly treated with top soil,
1492 sprigged, and maintained until growth is relatively permanent. The plan for such
1493 landscaping shall be in conformance with currently approved standards of the town, and
1494 the design for landscaping at intersections adopted by FDOT, Roadway and Traffic
1495 Design Standards, Index No. 546 with most current revisions. Landscaped islands or
1496 medians may be permitted within the right-of-way of all subdivisions including entrances.
1497 These islands shall be designated on the plat and in the subdivision covenants,
1498 conditions, and restrictions or stormwater maintenance agreement, as separate tracts to
1499 be maintained by an incorporated homeowners' or property owners' association having
1500 an enforceable right of assessment for maintenance purposes. The tracts shall at the
1501 time of recordation of the final plat in the public records be conveyed by warranty deed to
1502 the homeowners' or property owners' association. The islands shall meet applicable town
1503 landscaping requirements. Subdivision identification signs may be constructed
1504 consistent with town standards and town custom, gatehouses, guard stations, and other
1505 such structures, if any, constructed at the entrances of subdivisions or other commercial
1506 or residential developments, shall be placed so that a minimum of 20 feet of horizontal
1507 clearance is maintained for both access drives or travel lanes. Such structures shall not
1508 obstruct sight distance at intersections and shall be setback at least ten feet from the
1509 pavement edge of the public street intersecting the subdivision entry streets. Such
1510 structures shall be provided and constructed in platted tracts.

1511 (5) *Sidewalks.* As a condition of the issuance of a building permit for any
1512 construction project, the town may require the subdivider or developer to construct a
1513 sidewalk, if required by the town, along the subdivider/developer's street frontage at the
1514 time of development.

1515 a. Unless waived by the town manager or the town council, all
1516 development, including subdivisions, shall provide sidewalks adjacent to the roadway on
1517 which the subdivision or development fronts. Unless waived by the town council,
1518 sidewalks shall also be provided on both sides of all arterials, collectors, local streets, and
1519 marginal access streets located within a subdivision, or on streets abutting the
1520 subdivision, unless otherwise provided in this code or in the town comprehensive plan.

1521 b. All sidewalks shall be placed within a right-of-way if possible.

1522 Whenever this is not possible, sidewalks shall be provided through the creation of
1523 easements conveyed to the town.

1524 c. Location and width. All sidewalks shall be placed as far from
1525 the roadway as practical and shall be free of all obstructions. The location criteria
1526 established in the "FDOT Manual of Uniform Minimum Standards for Design,
1527 Construction and Maintenance for Streets and Highways" should be followed. If a
1528 sidewalk must be placed immediately adjacent to the curb, a wider sidewalk shall be
1529 required. Sidewalks along arterial and collector streets shall be a minimum of five feet in
1530 width. Sidewalks no less than four feet in width shall be required along both sides of local
1531 residential streets, unless waived by the town.

1532 d. Unless waived by the town council or the town manager, the
1533 owner/subdivider shall be responsible for constructing sidewalks in common areas,
1534 including tracts, and such sidewalks shall be installed prior to the final inspection of the
1535 subdivision improvements for the issuance of a certificate of completion. Each sidewalk
1536 shall extend to a curb cut at all street intersections which provides access connections to
1537 the sidewalk from the street. All access connections shall provide Americans with
1538 Disabilities Act handicapped accessible ramps consistent with requirements to implement
1539 the Americans with Disabilities Act, 42 USC §12101 et seq. All sidewalks shall be
1540 constructed in accordance with the provisions set forth in town standards or as provided
1541 by FDOT.

1542
1543 (c) Utilities. Sanitary sewer, water distribution, and reclaimed water systems
1544 shall be designed in accordance with requirements of the utility provider to the
1545 specifications and standards in effect at the time of construction plan submittal, and the
1546 systems shall be installed by the subdivider and subject to town approval. The number
1547 and location of fire hydrants and the size of water mains supplying the hydrants shall be
1548 reviewed by the town fire chief and subject to approval by the town engineer. In
1549 residential subdivisions developed after January 1, 2021, utility service connections to
1550 individual properties of electric, telephone, gas, and cable television communication shall
1551 be placed underground. All utilities shall be installed within rights-of-way, tracts with
1552 utility easements, or within utility easements designated on the plat.

1553 (1) Utility easements. Utility easements shall be provided for all lots as
1554 follows:

1555 a. Width of easements. All lots in subdivisions platted after
1556 January 1, 2021, shall have a minimum of a ten-foot wide easement along the front lot line
1557 parallel to the street for public utilities and all lots, except those utilizing zero lot line
1558 construction, shall have a minimum of a 7.5-foot wide easement centered on common
1559 side and rear lot lines. Utility easements to be used for storm sewer, sanitary sewer, or for
1560 water lines and water reuse lines six inches or greater in diameter, centered on common
1561 lot lines shall be a minimum of 20 feet wide. Other easements in subdivisions platted after
1562 January 1, 2021, desired by the subdivider for access, or for the installation of gas mains,

1563 reclaimed water lines and water lines less than six inches in diameter, telephone lines,
1564 electric service lines and conduits, and cable television lines shall be a minimum of ten
1565 feet wide centered on the side and/or rear lot line and meet the requirements of this code.

1566 b. Structures. Structures or other obstructions not pertaining to
1567 public utilities or public sidewalks shall not be located in any utility easements; provided
1568 that fences or walls may be installed but may be removed by the town or the utility
1569 provider. Neither the town nor the utility provider shall be required at its expense to
1570 re-install or erect such fences or walls removed.

1571 (2) Oversized utility facilities. The town or the utility provider may
1572 participate in the cost of facilities and improvements which must be designed to serve
1573 more extensive areas than the subdivision, if in the opinion of the town council, an
1574 unnecessary burden would be imposed on the subdivider.

1575 (3) Luminaries. Luminaries including street lights shall be installed within
1576 the street rights-of-way and shall conform to the latest state or town approved edition of
1577 the National Electrical Code and any applicable FDOT or town design standards in effect
1578 at the time of construction plan approval for residential development or commercial
1579 development, depending on the type of subdivision. All street light utility systems shall be
1580 provided with minimum separation and shall be designed to reduce glare on non-public
1581 property. Street light locations shall be approved by the town engineer. Luminaries shall
1582 be provided throughout the subdivision upon issuance of a certificate of completion.
1583 Luminaries shall be placed no closer than 300 feet to one another, except in cul-de-sacs
1584 or as determined by the town engineer during construction plan review. For the purposes
1585 of providing uniformity in street lighting standards, street lights may be installed in
1586 strategic areas in the subdivision prior to issuance of a certificate of completion. Street
1587 lights situated on rights-of-way or easements shall be maintained free from vegetation
1588 and/or other obstructions that may block, deflect or redirect light patterns, or potentially
1589 interfere with street light operation or maintenance of cause a fire.

1590
1591 (d) Stormwater management.

1592
1593 (1) A complete stormwater maintenance system plan, in conformance
1594 with chapter 14 of the town code and meeting the minimum or greater requirements of
1595 regulations of the St. Johns River Water Management District, shall be provided for all
1596 areas of the subdivision for conveying and storing stormwater runoff within or across the
1597 subdivision lands. All drainage improvements shall be installed in accordance with the
1598 town approved stormwater maintenance system plan and all specifications and standards
1599 of the town and meeting the minimum or greater requirements of regulations of the St.
1600 Johns River Water Management District, and shall be platted as tracts or parcels for
1601 treatment facilities, and shall include necessary easements for conveyance.

1602

1603 (2) The provisions of the plan shall meet the following general
1604 requirements:

1605 a. All proposed stormwater management systems shall be
1606 designed to not create flood, safety or health hazards, or increase the net loading of
1607 TN, TP or sediment to the receiving waters.

1608 b. All stormwater management systems shall be designed to
1609 enhance groundwater recharge while reducing pollution. However, in an area
1610 designated as groundwater recharge area, the developer shall limit runoff from the
1611 proposed site to the greatest practicable extent. In addition, the town engineer, while
1612 enforcing standards set for pollution and sedimentation control, may encourage or
1613 request innovative approaches to achieve the above-stated purpose.

1614 c. Concurrent control of erosion, sedimentation, water
1615 pollution and flooding shall be mandatory.

1616 d. The name and address of the maintenance agencies,
1617 property or homeowners association, or legal entity, providing for continuous proper
1618 maintenance and operation.

1619 e. Documentation sufficient to demonstrate that the
1620 maintenance agency is the legal entity empowered and obligated to perpetually
1621 maintain the stormwater management systems.

1622 f. A written description of the methods to be used to maintain
1623 stormwater management systems sufficiently to comply with the standards as provided
1624 by this sub-section (d) and as may be required by chapter 14 of the town code.

1625
1626 (3) Stormwater management plans shall be approved by the town
1627 engineer when it can be demonstrated that the proposed development activity has been
1628 planned, designed and will be constructed and maintained to meet each of the following
1629 performance standards:

1630 a. The installed system required by this sub-section (d) shall
1631 be maintained by the legal entity responsible for maintenance.

1632 b. The town engineer shall approve a written maintenance
1633 plan upon a finding that the plan meets the terms of this article. The approved
1634 construction and maintenance plans shall become a part of the maintenance plan.

1635 c. The stormwater management system to be maintained by
1636 the legal entity shall have adequate easements to permit the town to inspect, and, if
1637 necessary, to take corrective action should the legal entity fail to maintain the system
1638 properly.

1639 d. If inspection reveals that the legal entity is not maintaining
1640 the stormwater management system in accordance with this section, the code
1641 enforcement division shall give the legal entity written notice of the corrective action

1642 required to be taken. Should the legal entity fail, within 30 days of the notice, to
1643 complete such corrective action, the town may enter upon the property, take the
1644 necessary corrective action, and file a lien upon the properties responsible for the
1645 maintenance of the stormwater system for the cost of such action.

1646 e. The town may, but shall not be obligated to, enter at any
1647 time, with or without notice, in an emergency to maintain the system. In the event an
1648 emergency situation is determined to exist by the code enforcement official after
1649 consulting with the town engineer, which endangers persons and/or property, the town
1650 may take corrective action. Any town actions and costs incurred may be recovered by
1651 the placement of a lien on the properties responsible for the maintenance of the
1652 stormwater system.

1653 f. The legal entity shall execute and record a document
1654 acceptable to the town attorney and town manager, which defines its authority and
1655 responsibility for maintenance of the stormwater management system, defines how the
1656 maintenance is to be performed, and provides a legal mechanism assuring the
1657 perpetuation of the maintenance.

1658 g. Maintenance of stormwater facilities shall include the
1659 performance of the system as originally designed and permitted by the town and/or
1660 appropriate governmental agencies and as stated in the written plan.

1661 h. Maintenance shall include compliance with town building
1662 and construction codes, town nuisance codes, and other applicable town codes.

1663 (4) Upon approval and execution of the plan into a binding stormwater
1664 maintenance agreement, the agreement shall be recorded in the public records of the
1665 county. The agreement shall be joined in and consented to by any mortgage, lien, or
1666 security interest holder of property, any portion of which is to be encumbered by the
1667 agreement. All town costs of the preparation of the agreement and recording thereof
1668 shall be paid by the subdivider.

1669
1670 (e) *Bulkheads.* Bulkheads, if any, shall be designed by a registered state
1671 professional engineer and constructed along the waterfront perimeter of all landfills, one
1672 foot within the property line. The top of the bulkheads shall be not less than three feet
1673 above mean sea level. Construction shall meet town specifications and standards.

1674
1675 (f) *Concurrency; Parks and open space in platted subdivisions.* Standards
1676 shall be as set forth in the town code, if any, shall be adhered to by subdividers.

1677
1678 (g) *Lots.* All lots shall front upon a public or private street paved to town or
1679 FDOT specifications. Double-frontage lots, except for corner lots, are to be avoided if
1680 possible. Where land is subdivided into larger parcels than ordinary building lots, such
1681 parcels shall be arranged so as to allow for the opening of future streets and logical

1682 further subdivision. The size, shape and orientation of nonresidential lots shall be
1683 appropriate for the type of development and use contemplated. All lots and lot
1684 dimensions shall comply with the requirements of the town zoning ordinance as to width,
1685 depth and area. In addition, the following requirements shall apply to residential lots:

1686 (1) Width. All lots fronting on a curve shall have a minimum width at the
1687 front lot line meeting town approved requirements. If no requirement exists, the
1688 requirement shall be as designated by the town engineer, using town standards as a
1689 guide.

1690 (2) Orientation. Side lot lines shall be substantially at right angles or
1691 radial to street lines.

1692 (3) Building lines. The minimum setback from property lines shall be as
1693 required by the town land development regulations.

1694 (h) Special buffers for residential subdivisions. Where a residential subdivision
1695 borders on or contains a collector or an arterial street, an opaque buffer screen of
1696 decorative masonry, or a landscaped berm with plant materials, shall be required in the
1697 design. Such buffers shall be provided with an easement in favor of the homeowners' or
1698 property owners' association on the platted lots or within a tract to be owned and
1699 maintained by the homeowners' or property owners' association. The buffer easement
1700 width shall be a minimum of five (5) feet wide and may contain a wall or landscaped area
1701 and/or berm. When an easement is provided, the area of the easement shall be
1702 considered a side or rear yard where applicable.

1703
1704 SECTION 8. That the Code of Ordinances of Indialantic, Florida, is hereby
1705 amended by adding a new section, to be numbered section 111-6, which said section
1706 reads as follows:

1707
1708 **Sec.111-6. – Subdivision variances.**

1709
1710 (a) The town council may authorize a variance to the extent that these
1711 regulations are inconsistent with the town comprehensive plan, as amended from time to
1712 time. Alternatively, a variance from this code may be granted, if the subdivider
1713 demonstrates by a preponderance of the evidence that:

1714 (1) There are circumstances or conditions affecting the property which
1715 are such that the strict application of the provisions of this code would substantially limit
1716 the applicant in the reasonable use of his land;

1717 (2) The variance is necessary for the preservation and enjoyment of a
1718 substantial property right of the petitioner;

1719 (3) That the granting of the variance will not be detrimental to the public
1720 welfare or injurious to other property in the territory in which the property is situated;

1721 (4) Compliance with the requirements in this code causes a practical
1722 difficulty; and

1723 (5) Approval of the variance is consistent with the town comprehensive
1724 plan.

1725
1726 (b) In granting any variance, the town council shall prescribe only conditions
1727 that it deems necessary to or desirable for the public interest. In making its findings as
1728 required herein below, the town council shall take into account the nature of the proposed
1729 use of the land and the existing use of the land in the vicinity.

1730
1731 (c) Application for any such variance shall be submitted in writing by the
1732 subdivider to the town manager for review by the director and town engineer and
1733 reviewed by the zoning and planning board at the time the preliminary plat is considered.
1734 The petition shall state fully the grounds for the application and all the facts relied upon by
1735 the subdivider. All such applications shall be considered and studied by the zoning and
1736 planning board who shall make written recommendations to the town council concerning
1737 such application, which recommendations shall become a part of the final record of the
1738 town in connection with said application. In considering such application, the zoning and
1739 planning board shall use the criteria set forth in subsection (a) of this section.

1740
1741 SECTION 9. That the Code of Ordinances of Indialantic, Florida, is hereby
1742 amended by adding a new section, to be numbered section 111-7, which said section
1743 reads as follows:

1744
1745 **Sec. 111-7. - Amendments; interpretations.**

1746
1747 (a) Amendments. The town council shall from time to time on its own motion,
1748 or on recommendation of the zoning and planning board or any other department or
1749 agency of the town, amend, supplement, or repeal the regulations and provisions of this
1750 code to ensure consistency with federal, state, and local law.

1751
1752 (b) Interpretation.

1753 (1) Town manager to interpret. All questions of interpretation relating to
1754 this subdivision code and any regulations promulgated pursuant hereto shall be first
1755 presented to the town manager. Interpretations of this subdivision code may include, but
1756 shall not be limited to, ascertaining the meaning and application of words, terms, and
1757 provisions herein and regulations promulgated pursuant hereto.

1758 a. In interpreting this code and the regulations promulgated
1759 pursuant hereto, the town manager shall consult with the town attorney and, as
1760 appropriate, the director, building official, or the town engineer. In making an
1761 interpretation, the town manager shall be guided first by the plain meaning of the word
1762 and terms in this code and the implementing regulations and second by the intent
1763 expressed herein, if any. The town manager shall make interpretations by interpreting the

1764 town code and its implementing regulations as a whole and not by taking specific words
1765 or clauses in isolation.

1766 b. Interpretation of the provisions of this subdivision code and its
1767 implementing regulations shall be made in writing, shall state the code provision or
1768 regulation being interpreted, the interpretation made, the basis for the interpretation, and
1769 advise the recipient that appeals may be taken to the town council. The time within which
1770 an appeal must be taken and the manner of filing an appeal shall also be included within
1771 the director's letter of interpretation.

1772 c. After the town manager interprets the code or implementing
1773 regulation, copies of the interpretation shall be promptly distributed to the party seeking
1774 the interpretation, the town engineer, building official, the director, and the town clerk.
1775 Upon receipt of the letter of interpretation, the town clerk, or said clerk's designee, shall
1776 promptly log on the letter of interpretation the date that the letter of interpretation was filed
1777 in the clerk's office. This date is the date of rendition of the interpretation. The town clerk
1778 shall keep an index of letters of interpretation indexed by code or implementing regulation
1779 section.

1780 d. The town council shall have the authority to hear and decide
1781 appeals from the decision of the town manager, where it is alleged that there is an error in
1782 any decision or determination made by the town manager in interpreting this chapter.

1783 (2) *Hearings; appeals; notice.*

1784 a. Appeals to the town council may be taken by any person
1785 aggrieved by any decision of the town manager in the interpretation of any portion of this
1786 chapter. A person aggrieved by an interpretation of the town manager is an individual
1787 who is affected in a manner differently than the community as a whole or greater in
1788 degree than the community as a whole.

1789 b. A fee for the filing of the appeal may be charged, as set from
1790 time to time by resolution of the town council.

1791 b. Such appeal must be initiated, if at all, within a reasonable
1792 time not to exceed 30 days following the date of rendition of the interpretation by filing with
1793 the town clerk a notice of appeal. The notice of appeal shall specify the section or
1794 subsection of the subdivision code or regulation involved, and the interpretation appealed
1795 from. The notice of appeal shall also briefly state the grounds upon which the appeal is
1796 based.

1797 c. Upon the filing of the notice of appeal, the town clerk shall
1798 note the date of filing of the appeal, collect any fees for the appeal, fix a time for hearing
1799 of the appeal, and give public notice thereof. Copies of the interpretation and any
1800 supporting information shall be forwarded to the town council and shall automatically
1801 comprise a part of the record of the proceedings.

1802 d. At the hearing, the town manager, town engineer, building
1803 official, director, or aggrieved person may appear in person and be heard by the town
1804 council.

1805 e. Decisions of the town manager shall be made in the form of
1806 a final order, which shall be filed with the town clerk. The written order shall include the
1807 date that the order was filed in the records of the town clerk.

1808 (3) Stay of proceeding. An appeal stays all proceedings in furtherance
1809 of the action appealed from, unless the town manager certifies to the town council after
1810 the notice of appeal is filed, that by reason of facts stated in the notice of appeal, a stay
1811 would, in said individual's opinion, cause imminent peril to life and property. In such
1812 cases proceedings shall not be stayed other than by a restraining order which may be
1813 granted by the town council or by a court of competent jurisdiction on application.

1814
1815 SECTION 10. That the Code of Ordinances of Indialantic, Florida, is hereby
1816 amended by adding a new section, to be numbered section 111-8, which said section
1817 reads as follows:

1818
1819 **Sec. 111-8. - Technical specifications and standards.**

1820
1821 (a) The town manager, public works director, and the town engineer may
1822 create technical specifications and standards implementing this code controlling
1823 construction practices and materials and any policies applicable, all at the direction of the
1824 town council or the town manager.

1825
1826 (b) Technical specifications that may be adopted by resolution pursuant to this
1827 section to implement this code include:

- 1828 (1) Street design specifications.
- 1829 (2) Water system specifications.
- 1830 (3) Sewer system specifications.
- 1831 (4) Stormwater system specifications.
- 1832 (5) Landscaping specifications.
- 1833 (6) Sidewalk and bike path specifications.
- 1834 (7) Illumination specifications.
- 1835 (8) Thoroughfare plan.
- 1836 (9) Lift station specifications.
- 1837 (10) Reclaimed water system specifications.
- 1838 (11) Cross connection control manual.
- 1839 (12) Driveway specifications.
- 1840 (13) As-built drawing requirements.

1841
1842 SECTION 11. Severability Clause/Interpretation.

1843
1844 (a) In the event that any term, provision, clause, sentence or section of
1845 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly

1846 unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or
1847 unenforceability shall not affect any of the other or remaining terms, provisions, clauses,
1848 sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied
1849 as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did
1850 not exist.

1851
1852 (b) That in interpreting this Ordinance, underlined words indicate additions to
1853 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks
1854 (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code of
1855 Ordinances. It is intended that the text in the Code of Ordinances denoted by the
1856 asterisks and not set forth in this Ordinance shall remain unchanged from the language
1857 existing prior to adoption of this Ordinance.

1858
1859 SECTION 12. Effective Date. This Ordinance shall be effective upon adoption.
1860

1861 PASSED by the Town Council of the Town of Indialantic on first reading on the
1862 ____ day of _____, 2024, and ADOPTED by the Town Council of the Town of
1863 Indialantic, Florida on final reading on the ____ day of _____, 2024.

1864
1865

1866 TOWN OF INDIALANTIC

1867

1868

1869

1870 _____
Mark McDermott

1871 Mayor

1872

1873 ATTEST: _____

1874 Mollie Carr, Town Clerk

Agenda Item C-2

SUBJECT: Ordinance 2024-03, First Reading/Public Hearing, the zoning code

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Attorney Gougelman presented the proposed Ordinance 2024-03, relating to platting and subdivision to the Indialantic Local Zoning and Planning Board on January 23, 2024. The proposed ordinance will set a minimum standard for townhouses. The Board voted unanimously to recommend the Town Council approve and adopt with the following amendments: change the minimum square feet to 1000 square feet with a minimum 20-foot width with no grouping average if found consistent with the comprehensive plan.

Recommendation:

Approve Ordinance 2024-03- Relating to the zoning code, on first reading/public hearing.

MOTION:

Approve Ordinance 2024-03- relating to the zoning code, on first reading/public hearing.

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

Memorandum

To: Zoning and Planning Board
From: James G. LaRue, FAICP
Date: January 8, 2024
Subject: Planning Consistency Review of Ordinance No. 2024-03

The Zoning and Planning Board will be asked to review Ordinance No. 2024-03, (setting standards for approving townhouse residential units in the R-3, T and R-P Zoning Districts). The Board will determine consistency of the ordinance with the Town's Comprehensive Plan and Code Section 17-37 (duties of Zoning and Planning Board). Providing townhouse development regulations governing setbacks, density, and minimum lot size, will make efficient, economical, and aesthetically pleasing use of the land, while preserving the compatibility of the surrounding area.

Our Comprehensive Plan contains the following Goals, Objectives and Policies that are pertinent to a determination of Plan consistency by the Zoning and Planning Board.

Future Land Use Element:

Goal 1: Maintain and perpetuate the primarily low density residential character of the Town with all other uses of land being secondary in nature while at the same time providing for commercial and professional areas to meet the needs of the residents.

Policy 1.1: Adopt new regulations or implement existing land development regulations that will contain specific and detailed provisions necessary to implement the Comprehensive Plan, and which as a minimum:

- a. Regulate the subdivision of land if necessary. (The entire Town is already platted.)
- b. Regulate the use of land and water consistent with this Element and ensure that land uses are compatible with adjacent land uses in the County and the Town of Melbourne Beach.
- c. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
- d. Regulate signage and ensure safe and convenient on-site traffic flow and vehicular parking needs.
- e. Protect aquifer recharge areas. (There are no potable water wellfields in the Town.)
- f. Protect environmentally sensitive areas adjacent to the Indian River Lagoon and the Atlantic Ocean.

- g. Provide that development orders and permits will not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Plan.
- h. Regulate the development of single-family residential lots .

Policy 1.2: Land development regulations adopted to implement the Plan will be based on and be consistent with the following standards for residential densities:

- low density - 0 to 4 units per acre;
- medium density - greater than 4 up to 15 units per acre;
- high density - greater than 15 up to 20 units per acre.

Policy 1.5: Maintain the existing zoning pattern which protects the single family areas from the encroachment of incompatible uses and which provides for a mix of residential and non-residential use consistent with the low density residential character of the Town.

Objective 7:

Encourage the use of innovative land development regulations.

Housing Element:

Goal 1: Ensure that the current housing stock is maintained in standard condition, that infill housing is compatible with existing housing, and that there is the opportunity for affordable housing to all income levels.

Objective 1:

Encourage the provision of adequate and affordable housing sites for all income groups and ensure that the housing supply meets the needs of existing and anticipated population based upon the DCA Affordable Housing Needs Assessment.

This ordinance strives for the balance of supporting the medium density residential character within the Town while perpetuating the residential fabric of Indialantic with all other uses being secondary in nature. The above policies support the townhouse regulations being consistent and compatible with the Town's Comprehensive Plan.

In reference to Section 17-37 (3)(A) even though an absence of this legislation would not endanger or harm the public health, welfare, economic order, aesthetics, safety or public interests of the Town, this ordinance will promote these important concerns of the Town.

From the above discussion, there seems to be enough evidence that the Zoning and Planning Board will be able to give a recommendation of approval to the Council for Ordinance No. 2024-03, because it is consistent both with the review factors of Section 17-37 (3) and the Town Comprehensive Plan. If there are any questions at the meeting, staff or the attorney will be present to answer them.

32 WHEREAS, based in part on the report of the Zoning and Planning Board, the
33 Town Council finds that there is a reasonable relationship between the exercise of the
34 police power of the Town and the protection of the public health, welfare, economic order,
35 aesthetics, safety, or public interest included within this Ordinance; and

36 WHEREAS, pursuant to Section 113-65 of the Town Code of Ordinances, the
37 Zoning and Planning Board has examined this Ordinance and reported its findings to the
38 Town Council; and

39 WHEREAS, based in part on the report of the Zoning and Planning Board, the
40 Town Council has examined this Ordinance, and finds that the Ordinance is being
41 adopted to allow some flexibility for the development of design and width of townhouse
42 residential units; and

43 WHEREAS, pursuant to Section 163.3174(4), Florida Statutes, and Section
44 113-65 of the Town Code of Ordinances, the Zoning and Planning Board, sitting as the
45 Local Planning Agency, has examined this Ordinance and reported its findings to the
46 Town Council with regard to consistency of the Ordinance with the Comprehensive Plan;
47 and

48 WHEREAS, Goal 1 of the Future Land Use Element of the Town Comprehensive
49 Plan states:

50 Goal 1: Maintain and perpetuate the primarily low density
51 residential character of the Town with all other uses of land
52 being secondary in nature while at the same time providing for
53 commercial and professional areas to meet the needs of the
54 residents.

55
56 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
57 with Goal 1 of the Future Land Use Element, because this Ordinance, while supporting
58 medium density development, will maintain and perpetuate the residential character of
59 the Town with all other uses of land being secondary in nature; and

60 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
61 with Goal 1 of the Future Land Use Element, because this Ordinance will maintain
62 compatibility of development with nearby development patterns; and

63 WHEREAS, Policies 1.2 and 1.5 of the Future Land Use Element of the Town
64 Comprehensive Plan state:

65 Policy 1.2: Land development regulations adopted to
66 implement the Plan will be based on and be consistent with
67 the following standards for residential densities: low density -
68 0 to 4 units per acre; medium density - greater than 4 up to 15
69 units per acre; high density - greater than 15 up to 20 units per
70 acre.

71 Policy 1.5: Maintain the existing zoning pattern which protects
72 the single family areas from the encroachment of
73 incompatible uses and which provides for a mix of residential
74 and non-residential use consistent with the low density
75 residential character of the Town; and
76

77 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
78 with Policies 1.2 and 1.5 of the Future Land Use Element, because this Ordinance
79 supports medium density development within areas of the town land use planned in the
80 comprehensive plan for medium density and will perpetuate the residential character of
81 the Town with all other uses of land being secondary in nature; and

82 WHEREAS, Objective 7 of the Future Land Use Element of the Town
83 Comprehensive Plan states:

84 Objective 7: Encourage the use of innovative land development regulations; and

85 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
86 with Objective 7 of the Future Land Use Element, because this Ordinance provides
87 flexible development standards for a type of development, that of townhouses, previously
88 not provided for in the Town's zoning code; and

89 WHEREAS, Goal 1 of the Housing Element of the Town Comprehensive Plan
90 state:

91 Goal 1: Ensure that the current housing stock is maintained in
92 standard condition, that infill housing is compatible with
93 existing housing, and that there is the opportunity for
94 affordable housing to all income levels.
95

96 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
97 with Goal 1 and Objective 1 of the Housing Element, because this Ordinance supports
98 improvement of the medium density housing stock by providing for an alternative form of
99 multi-family development; and

100 WHEREAS, the Zoning and Planning Board has found, and the Town Council
101 finds, that this Ordinance in all manner is consistent with the Town's Comprehensive
102 Plan; and

103 WHEREAS, the Town Council finds this Ordinance to be in the best interests of the
104 Town and promote the public health, safety, welfare, and aesthetics of the Town.

105 BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

106
107 SECTION 1. Recitals. Each and all of the foregoing recitals ("WHEREAS"
108 clauses) be and the same are hereby incorporated herein as if specifically set forth in this
109 Section.

110
111 SECTION 2. That Section 113-4 of the Code of Ordinances of Indialantic, Florida,
112 is hereby amended to read as follows:

113 **Sec. 113-4. - Definitions.**

114 The following words, terms and phrases, when used in this chapter, shall have the
115 meanings ascribed to them in this section, except where the context clearly indicates a
116 different meaning:

117 * * *

118 *Lot* means a piece, parcel or plot of land of at least sufficient size to meet minimum zoning
119 requirements, occupied or to be occupied by one principal building ~~and its~~ or use with the
120 appropriate accessory buildings, and including any required open spaces.

121 * * *

122 *Tourist court.* See *Motel.*

123 *Townhouse or townhouse residential unit* means a single-family dwelling unit not
124 exceeding three stories in height (unless further restricted by this code) constructed in a
125 group of two or more attached units with property lines separating such units in which
126 each unit extends from the foundation to the roof and with a yard or public way on not less
127 than two sides.

128 **[DRAFTER’S NOTE:** This definition is the same as the definition appearing in the Floria
129 Building Code Residential.]

130
131 *Town manager* means the town manager or said manager's designee.

132 * * *

133 SECTION 3. That Section 113-334 of the Code of Ordinances of Indialantic,
134 Florida, is hereby amended to read as follows:

135 **Sec. 113-334. R-3 Multifamily Residence Districts.**

136 Within R-3 Multifamily Residence Districts the following regulations shall apply:

137 (1) *Permitted uses.* The following uses only shall be permitted:

- 138 a. Single-family dwellings.
- 139 b. Parish houses.
- 140 c. Essential municipal uses.
- 141 d. Public utilities serving the neighborhood area, excluding towers,
142 buildings or storage areas.
- 143 e. Gardening activities customarily incidental to single-family dwellings.
- 144 f. Duplex family living units.
- 145 g. Multiple family living units.

- 146 h. Townhouse residential units subject to the following restrictions.
- 147 1. Density shall be no greater than 15 units per acre.
- 148 2. Lot area for each unit. No townhouse residential unit site shall
- 149 be less than 2,000 square feet, and each unit shall have its foundation on its individual
- 150 site, except where the units are separated by a common party wall in which the foundation
- 151 may be installed equidistant on each side of the lot line for the length of the party wall and
- 152 its extension along the offset of the townhouses on abutting lots.
- 153 3. No townhouse residential unit shall be smaller than 1,000
- 154 square feet.
- 155 4. No townhouse residential unit shall exceed two stories or 30
- 156 feet in height.
- 157 5. No townhouse residential unit shall be less than 20 feet in
- 158 width.
- 159 6. Grouping length. A grouping of townhouse residential units
- 160 shall not exceed 150 feet in length and shall not contain more than six units.
- 161 7. Front yards for a townhouse residential unit shall be not less
- 162 than 25 feet.
- 163 8. Rear yards for a townhouse residential unit shall be not less
- 164 than 25 feet.
- 165 9. Side yards for a townhouse residential unit shall be not less
- 166 than 10 feet at each end of the group of townhouses.
- 167 10. For all individual townhouse residential units the building
- 168 permit for which is issued after April 1, 2024 and which unit is not subject to a
- 169 condominium form of ownership, said individual townhouse residential unit shall be
- 170 subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of
- 171 the individual townhouse residential unit.
- 172 i. h. Satellite dish antenna in the manner specified in section 113-243.
- 173 j. f. Community residential home (level I or level II facilities) subject to
- 174 satisfying the standards set forth in section 113-246.

- 175 (2) *Accessory buildings, structures and uses.*
- 176 a. Accessory buildings, structures and uses customarily incidental to
177 any use permitted by this section shall be allowed.
- 178 b. All accessory buildings and structures located in the rear yard shall
179 be set back not less than four feet from all lot lines. Utility sheds may be placed as
180 permitted by .
- 181 (3) *Prohibited uses.* The following are specifically prohibited uses. Merely
182 because a use is not specifically listed does not mean that the use is not prohibited.
- 183 a. All uses which are not permitted uses.
- 184 b. Vacation rentals.
- 185 c. Bed and breakfast facilities.
- 186 d. Medical marijuana treatment center dispensing facility.
- 187 (4) *Building height limitation.*
- 188 a. The maximum height (see definition, section 113-4) of any building
189 other than an accessory use shall be 30 feet and the building shall not exceed two
190 stories.
- 191 b. The maximum height permitted for an accessory use structure shall
192 be eight feet, if the use is set back at least four feet from the rear and side lot lines. The
193 maximum height permitted for an accessory use structure shall be increased 1½ feet to
194 a maximum of 14 feet for each additional one foot that the accessory structure is set
195 back, in excess of four feet, from the rear and side lot lines.
- 196 (5) *Lot area.* Except as otherwise provided herein, the ~~The~~ minimum area of
197 any lot shall be 10,000 square feet.
- 198 (6) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum
199 dimensions of any lot shall be:
- 200 a. Depth: 100 feet.
- 201 b. Width at building line: 100 feet.
- 202 (7) *Front yards.* Front yards shall be not less than 25 feet in depth.
- 203 (8) *Side yards.* Side yards shall be not less than:

- 204 a. Interior lots: ten feet in depth on each side.
205 b. Where side yard of a corner lot abuts one of two intersecting
206 streets: 25 feet in depth on the side abutting the street and ten feet in depth on the other
207 side.

208 (9) *Rear yards.* Rear yards shall be not less than 25 feet in depth.

209 (10) *Living area.* The minimum living area of any dwelling shall be:

210 a. Single-family units: 1,350 square feet.

211 b. Duplexes: 1,000 square feet for each unit.

212 c. Apartments (except townhouse residential units): 800 square feet
213 for each unit. For new apartments the building permit for which is issued after April 1,
214 2024, the square footage shall be a minimum of 1,000 square feet.

215 d. ~~Condominiums: 1,000-square feet per unit.~~

216 **[DRAFTER'S NOTE:** Reference to condominium is deleted, because a condominium is
217 a form of ownership, not a use, and the zoning code is not intended to regulate forms of
218 ownership. See §718.507, Fla.Stat.; City of Miami Beach v. Arlen King Cole
219 Condominium Association, Inc., 302 So.2d 777 (Fla. 3d DCA 1974), *cert denied*, 308
220 So.2d 116 (Fla. 1975). Section 718.507, Florida Statutes, provides in relevant part that:

221
222 All laws, ordinances, and regulations concerning buildings or zoning shall
223 be construed and applied with reference to the nature and use of such
224 property, without regard to the form of ownership. No law, ordinance, or
225 regulation shall establish any requirement concerning the use, location,
226 placement, or construction of buildings or other improvements which are,
227 or may thereafter be, subjected to the condominium form of ownership,
228 unless such requirement shall be equally applicable to all buildings and
229 improvements of the same kind not then, or thereafter to be, subjected to
230 the condominium form of ownership. . . .]

231

232 (11) *Parking spaces.* Section 113-232 applies.

233 (12) *Ground covering.* In addition to meeting the following requirements, a
234 landscape plan shall be submitted to the town along with architectural plans:

235 a. At least 20 percent of the parcel of land must be devoted to lawn or
236 plants. At least one-half of the minimum required landscaping must be contained in the
237 front yard area.

238 b. A landscape buffer of not less than five feet wide shall be provided
239 between parking areas and near side lines.

240 c. A landscape buffer of not less than five feet wide shall be provided
241 along front property line except for ingress and egress areas.

242 (13) *Density*. The maximum density for this zone shall be not greater than 15
243 units per acre.

244 (14) *Buffer wall*. Where the property abuts property in the R-1-A district, R-1-B
245 district, or R-2 district, a solid wall, six feet high and at least six inches thick, constructed
246 of brick, block, mortar, or similar building materials, and sufficient to obstruct the view
247 of such abutting residential property, shall be provided. The buffer wall shall be placed
248 at the common property line of the R-3 district and the R-1-A district, R-1-B district or
249 R-2 district and shall parallel the length of the common boundary. A wooden fence is
250 strictly prohibited.

251 (15) *Grading and drainage*. Chapter 14, article V., ~~section 14-107, et seq.~~
252 applies.

253 SECTION 4. That Section 113-335 of the Code of Ordinances of Indialantic,
254 Florida, is hereby amended to read as follows:

255 **Sec. 113-335. - R-P Residential—Professional Districts.**

256 Within R-P Residential—Professional Districts, the following regulations shall apply:

257 (1) *Permitted uses*. The following uses only shall be permitted:

258 a. Single-family dwellings.

259 b. Parish houses.

260 c. Essential municipal uses.

261 d. Public utilities serving the neighborhood area, excluding towers,
262 buildings or storage areas.

263 e. Gardening activities customarily incidental to single-family
264 dwellings.

265 f. Duplex family living units.

266 g. Multiple family living units, except townhouse residential units.

267 h. Satellite dish antenna in the manner specified in section 113-243.

268 i. The professional activities listed below, to the extent that they do
269 not involve the manufacture, preparation, or sale of an article or commodity on or from
270 within the premises except that uses accessory to the principal permitted uses shall be
271 allowed:

272 1. Accountants.

273 2. Architects.

274 3. Attorneys.

275 4. Barber shops/beauty salons.

276 5. Chiropractors.

277 6. Dental labs.

278 7. Dentists.

279 8. Engineers.

280 9. Existing church building.

281 10. Insurance brokers.

282 11. Optometrists.

283 12. Osteopaths.

284 13. Physicians.

285 14. Real estate brokers.

286 15. Consultants to the above.

287 16. Professional activities similar and conforming to the
288 standards governing the above and not more detrimental, objectionable, or annoying to
289 the community.

290 j. Community residential home (level I or level II facilities) subject to
291 satisfying the standards set forth in section 113-246.

292 k. Townhouse residential units subject to the following restrictions:

293 1. Lot area for each unit. No townhouse residential unit site shall
294 be less than 2,000 square feet, and each unit shall have its foundation on its individual
295 site, except where the units are separated by a common party wall in which the foundation

296 may be installed equidistant on each side of the lot line for the length of the party wall and
297 its extension along the offset of the townhouses on abutting lots.

298 2. No townhouse residential unit shall be smaller than 1,000
299 square feet.

300 3. No townhouse residential unit shall be less than 20 feet in
301 width.

302 4. Grouping length. A grouping of townhouses shall not exceed
303 150 feet in length and shall not contain more than six units.

304 5. Side yards for a townhouse residential unit shall be not less
305 than 10 feet at each end of the group of townhouses.

306 6. For all individual townhouse residential units the building
307 permit for which is issued after April 1, 2024 and which unit is not subject to a
308 condominium form of ownership, said individual townhouse residential unit shall be
309 subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of
310 the individual townhouse residential unit.

311 (2) *Standards governing permitted uses.* The following standards shall
312 govern uses:

313 a. No odor, dust, fumes, gas, smoke or other atmospheric pollutants
314 shall be disseminated beyond the boundaries of the immediate site of the building in
315 which the use is conducted.

316 b. Noise level from operations shall be negligible. No noise or
317 vibration resulting from or in connection with the use shall be perceptible from any part
318 of any residence district.

319 c. There shall be no glare resulting from or in connection with the use
320 that is observable from outside the boundaries of the R-P Residential-Professional
321 district.

322 d. The vehicular traffic resulting from or in connection with the use
323 shall not add materially to the traffic on streets that primarily serve residence districts.

324 e. The use shall not be otherwise detrimental, objectionable, or
325 annoying to the owners or occupants of nearby property.

326 (3) *Prohibited uses.* The following are specifically prohibited uses. Merely
327 because a use is not specifically listed does not mean that the use is not prohibited.

328 a. All uses which are not permitted uses.

329 b. Vacation rentals.

330 c. Bed and breakfast facilities.

331 d. Medical marijuana treatment center dispensing facility.

332 (4) *Building height limitation:*

333 a. The maximum height (see definition, section 113-4) of any building
334 other than an accessory use shall be 30 feet, and the building shall not exceed two
335 stories.

336 b. The maximum height permitted for an accessory use structure shall
337 be eight feet, if the use is set back at least four feet from the rear and side lot lines. The
338 maximum height permitted for an accessory use structure shall be increased 1½ feet to
339 a maximum of 14 feet for each additional one foot that the accessory structure is set
340 back, in excess of four feet, from the rear and side lot lines.

341 (5) *Lot area.* Except as otherwise provided herein, the ~~The~~ minimum area of
342 any lot shall be 10,000 square feet.

343 (6) *Lot dimensions.* Except as otherwise provided herein for townhouse
344 residential units, the ~~The~~ minimum dimensions of any lot shall be:

345 a. Depth: 100 feet.

346 b. Width at building line: 100 feet.

347 (7) *Front yards.* Front yards shall be not less than 25 feet in depth.

348 (8) *Side yards.* Except as otherwise provided herein for townhouse
349 residential units, side ~~Side~~ yards shall be not less than:

350 a. Interior lots: ten feet in depth on each side;

351 b. Where side yard of a corner lot abuts one of two intersecting
352 streets: 25 feet in depth on the side abutting the street and ten feet in depth on the other
353 side.

354 (9) *Rear yards.* Rear yards shall be not less than 20 feet in depth.

355 (10) *Living and professional use areas.*

356 a. The minimum living area of any dwelling shall be:

357 1. Single-family dwellings: 1350 square feet.

358 2. Duplex dwellings: 800 square feet per unit.

359 3. Multifamily dwellings (except townhouse residential units)::
360 800 square feet per unit. For multifamily dwellings subject to a building permit issued
361 after April 1, 2024, the minimum living area shall be 1,000 square feet.

362 4. ~~Condominiums: 1,000-square feet per unit.~~

363 **[DRAFTER’S NOTE:** Reference to condominium is deleted, because a condominium is
364 a form of ownership, not a use, and the zoning code is not intended to regulate forms of
365 ownership. See §718.507, Fla.Stat.; City of Miami Beach v. Arlen King Cole
366 Condominium Association, Inc., 302 So.2d 777 (Fla. 3d DCA 1974), *cert denied*, 308
367 So.2d 116 (Fla. 1975). Section 718.507, Florida Statutes, provides in relevant part that:

368 All laws, ordinances, and regulations concerning buildings or zoning shall
369 be construed and applied with reference to the nature and use of such
370 property, without regard to the form of ownership. No law, ordinance, or
371 regulation shall establish any requirement concerning the use, location,
372 placement, or construction of buildings or other improvements which are,
373 or may thereafter be, subjected to the condominium form of ownership,
374 unless such requirement shall be equally applicable to all buildings and
375 improvements of the same kind not then, or thereafter to be, subjected to
376 the condominium form of ownership. . . .]

377
378
379 b. The minimum area for any professional use shall be 1000 square
380 feet per unit.

381 (11) *Parking spaces.*

382 a. All off-street parking facilities shall meet the requirements of section
383 113-232.

384 b. For professional uses, one parking space for every 400 square feet
385 of floor area devoted to such use, excluding storage space, shall be provided.

386 (12) *Rental use.* Renting rooms shall be permitted, provided the area devoted
387 to such use shall not exceed 25 percent of the total area of any dwelling unit.

388 (13) *Signs.* Article V of this chapter applies.

389 (14) *Buffer wall.*

390 a. Where the property abuts property in the R-1-A district, R-1-B
391 district, R-2 district, or R-3 district, a solid wall, six feet high and at least six inches thick,
392 constructed of brick, block, mortar, or similar building materials, and sufficient to
393 obstruct the view of such abutting residential property, shall be provided.

394 b. The buffer wall shall parallel the length of the common boundary
395 between the subject property located within the R-P district and the R-1-A district, R-1-B
396 district, R-2 district, or R-3 district. The buffer wall shall be placed at the common
397 property line of the R-P district and the R-1-A district, R-1-B district, R-2 district, or R-3
398 district. A wooden fence is strictly prohibited.

399 c. The buffer wall shall be installed when there is a substantial
400 improvement to the R-P zoned property. As used in this section, the term "substantial
401 improvement" means:

402 1. A change in the use of a major and material nature. For
403 example, a change from a residential use to a professional office use would constitute
404 a major and material change;

405 2. Clearing of an entirely undeveloped property and making
406 use of the property. For example - use of the property as a parking lot;

407 3. Demolition of an existing principal structure and construction
408 of a new principal structure for use as a professional office;

409 4. An expansion of the floor area of an existing professional
410 office structure by ten percent or more; or

411 5. Construction of a professional office structure on
412 undeveloped property.

413 (15) *Ground covering.* In addition to meeting the following requirements, a
414 landscape plan shall be submitted to the town along with architectural plans.

415 a. At least 20 percent of the parcel of land must be devoted to lawn or
416 plants. At least one-half of the minimum required landscaping must be contained in the
417 front yard area.

418 b. A landscape buffer of not less than two feet wide along the side
419 property lines shall be provided.

420 (16) *Density*. The maximum density for this zone shall be not greater than 15
421 units per acre.

422 (17) *Accessory buildings, structure and uses*.

423 a. Accessory buildings, structures and uses customarily incidental to
424 any use permitted by this section shall be allowed.

425 b. All accessory buildings and structures located in the rear yard shall
426 be set back not less than four feet from all lot lines. Utility sheds may be placed as
427 permitted by section 113-225 of this Code. On corner lots when the lot abuts two
428 intersecting streets, accessory use structures shall be set back not less than 25 feet
429 from any lot line abutting a street or public right-of-way. All accessory use structures
430 shall be set back not less than five feet from any principal or primary permitted use.

431 c. All accessory uses shall meet the requirements of section 113-225.

432 (18) *Grading and drainage*. Chapter 14, article V applies.

433 SECTION 5. That Section 113-337 of the Code of Ordinances of Indialantic,
434 Florida, is hereby amended to read as follows:

435 **Sec. 113-337. T Tourist Districts.**

436 Within T Tourist Districts, the following regulations shall apply:

437 (1) *Permitted uses*. The following uses only shall be permitted, subject to prior
438 review and approval of plans by the zoning board:

439 a. Uses permitted in R-P Residential—Professional Districts.

440 b. Any multiple-living unit, hotels, motels. Hotels or motels must contain
441 not less than ten rental units.

442 c. Hotels and motels of not less than ten rental units are permitted to
443 have related service activities such as restaurants or shops, provided such uses are
444 situated on and are part of the hotel or motel building and that the sale of alcoholic
445 beverages shall conform to the provisions of this code. Total floor area devoted to shops
446 operated within a hotel or motel building shall be no greater than 1,000 square feet.
447 There shall be no more than three such establishments per hotel or motel.

448 d. Clubs.

449 e. Lodges.

450 f. Bed and breakfast facilities.

451 g. Vacation rentals.

452 h. Townhouse residential units, subject to the following restrictions.

453 1. Density shall be no greater than 20 units per acre.

454 2. Lot area for each unit. No townhouse residential unit site shall
455 be less than 2,000 square feet, and each unit shall have its foundation on its individual
456 site, except where the units are separated by a common party wall in which the foundation
457 may be installed equidistant on each side of the lot line for the length of the party wall and
458 its extension along the offset of the townhouses on abutting lots.

459 3. No townhouse residential unit shall be smaller than 1,000
460 square feet.

461 4. No townhouse residential unit shall exceed three stories or 35
462 feet in height.

463 5. No townhouse residential unit shall be less than 20 feet in
464 width.

465 6. Grouping length. A grouping of townhouses shall not exceed
466 150 feet in length and shall not contain more than six units.

467 7. Front yards for a townhouse residential unit shall be not less
468 than 25 feet.

469 8. Rear yards for a townhouse residential unit shall be not less
470 than 25 feet.

471 9. Side yards for a townhouse residential unit shall be not less
472 than 10 feet at each end of the group of townhouses.

473 10. For all individual townhouse residential units the building
474 permit for which is issued after April 1, 2024 and which unit is not subject to a
475 condominium form of ownership, said individual townhouse residential unit shall be
476 subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of
477 the individual townhouse residential unit.

478 (2) *Accessory buildings and uses.*

479 a. Accessory buildings and uses customarily incidental to any use
480 permitted by this section shall be allowed.

481 b. Where a parcel of land is developed with more than one building,
482 buildings will be spaced by at least 20 feet between outside walls.

483 c. All accessory buildings shall be located in the rear yard and set
484 back not less than four feet from all lot lines.

485 d. Satellite dish antenna in the manner specified in section 113-243.

486 (3) *Prohibited uses.* The following are specifically prohibited uses. Merely
487 because a use is not specifically listed does not mean that the use is not prohibited.

488 a. All uses which are not permitted uses.

489 b. Medical marijuana treatment center dispensing facility.

490 (4) *Lot area.* Except as otherwise provided herein, the ~~The~~ minimum area of
491 any lot shall be 10,000 square feet.

492 (5) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum
493 dimensions of any lot shall be:

494 a. Depth: 90 feet.

495 b. Width: 100 feet.

496 (6) *Front yards.* Front yards shall be not less than 25 feet in depth.

497 (7) *Side yards.* Except as otherwise provided herein, side ~~Side~~ yards on
498 interior lots shall be not less than ten feet in depth on each side. Side yards on corner
499 lots shall be not less than 20 feet on the street side.

500 (8) *Rear yards.* Except as otherwise provided herein, rear ~~Rear~~ yards shall be
501 not less than 15 feet in depth.

502 (9) *Living area.* The minimum living area of any dwelling shall be:

503 a. Motels: 300 square feet per unit.

504 b. Apartments (construction commenced or building permit issued
505 prior to October 1, 2007): 500 square feet per unit.

506 c. Condominiums/apartments/vacation rentals (except townhouse
507 residential units): 1,000 square feet per unit.

508 d. Bed and breakfast facilities: 200 square feet per dwelling room or
509 suite, which may include a bathroom, with at least one common area for the use of
510 guests from all dwelling rooms or suites only.

511 (10) *Parking spaces.*

512 a. There shall be provided off-street parking for each living or rental
513 unit as designated in each of the following categories:

514 1. Hotels, motels: One space per unit.

515 2. Duplexes and apartment houses with rental units: 1½ spaces
516 per unit.

517 3. Separately and/or privately owned apartments, triplexes,
518 condominiums, vacation rentals, or co-op apartments: Two spaces per unit.

519 4. Restaurants and lounges will be required to meet an
520 additional parking requirement of one parking space for every five seats.

521 5. Bed and breakfast facility: one space per unit (dwelling
522 room).

523 b. All off-street parking areas shall meet the requirements of section
524 113-232(b).

525 (11) *Advertising signs.* Section 113-301 applies.

526 (12) *Floor area ratio.* The floor area ratio is defined as the gross floor area of
527 a building on a lot or parcel, divided by the total area of the lot or parcel. The maximum
528 floor area of buildings or structures erected after April 1, 1971, in a T district shall be
529 determined by a floor area ratio of 2.0.

530 (13) *Ground covering.* In addition to meeting the following requirements, a
531 landscape plan shall be submitted along with architectural plans.

532 a. At least 20 percent of the parcel of land must be devoted to lawn or
533 plants.

534 b. A landscape buffer of not less than five feet wide shall be provided
535 between parking areas and near side lines.

536 c. A landscape buffer of not less than five feet wide shall be provided
537 along front property line except for ingress and egress areas.

538 (14) *Building height limitation.* The maximum height (see definition, section
539 113-4) of any building shall be 35 feet and the building shall not exceed three stories.

540 (15) *Density.* The maximum density for this district shall be not greater than 25
541 units per acre for motels and not greater than 20 units per acre for all other multifamily
542 uses.

543 (16) *Oceanfront setbacks.* All buildings must be set back not less than 25 feet
544 from the bluff line or not less than 50 feet of the mean high-water line along the Atlantic
545 Ocean (see section 113-220), whichever is greater.

546 (17) *Breezeways.* A minimum 30 percent breezeway will be maintained on all
547 property in the tourist zone. The term "breezeway" means a clear, open vertical area
548 free of construction or buildings running from the ocean to Highway A1A. The 30 percent
549 calculation is measured on a line parallel to Highway A1A to include the percentage of
550 open distance (breezeway) from the building to the property lines perpendicular to
551 Highway A1A. This provision requires a 30 percent breezeway defined by rectangular
552 dimensions (running basically east to west) with a clear and open line of sight from
553 Highway A1A to the ocean. This requirement shall apply regardless of the configuration

554 of platted lots of record (or portions thereof) and regardless of the configuration of a
555 building site (or portion thereof) based on ownership of that site.

556 (18) *Grading and drainage*. Chapter 14, article V applies.
557

558 SECTION 6. Severability Clause/Interpretation.

559 (a) In the event that any term, provision, clause, sentence or
560 section of this Ordinance shall be held by a court of competent jurisdiction to be partially
561 or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality,
562 or unenforceability shall not affect any of the other or remaining terms, provisions, clauses,
563 sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied
564 as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did
565 not exist.

566 (b) That in interpreting this Ordinance, underlined words indicate
567 additions to existing text, and ~~stricken through~~ words include deletions from existing text.

568 Asterisks (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code
569 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
570 asterisks and not set forth in this Ordinance shall remain unchanged from the language
571 existing prior to adoption of this Ordinance.

572 (c) Drafter's Notes shall not be codified.

573 SECTION 7. Effective Date. This Ordinance shall become effective upon
574 adoption of this Ordinance.

575 PASSED by the Town Council of the Town of Indialantic on first reading on the 10th day
576 of January, 2024, and ADOPTED by the Town Council of the Town of Indialantic,
577 Florida on final reading on the 14th day of February, 2024.
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TOWN OF INDIALANTIC, a
Florida Municipal Corporation

Mark McDermott
Mayor

ATTEST: _____
Mollie Carr, Town Clerk

Agenda Item C-3

SUBJECT: Ordinance 2024-04 Relating to the required residency prior to qualifying to run for Town Council

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Attorney Gougelman advised the Town Council the necessity of updating the language in the current Town Charter regarding the residency requirements for qualifying to run for Town Council. On December 13, 2023, by consensus, the Town Council requested Attorney Gougelman to prepare an Ordinance to amend the language in the Town Charter relating to the residency qualifications to run for Town Council. On January 10, 2024 the Town Council approved the first reading of Ordinance 2024-04.

Recommendation:

Approve and adopt Ordinance 2024-04- Relating to the required residency prior to qualifying to run for Town Council, on second reading/public hearing.

MOTION:

Approve and adopt Ordinance 2024-04- relating to the required residency prior to qualifying to run for Town Council, on second reading/public hearing.

Submitted by:

Mollie Carr

Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey

Michael L. Casey
Town Manager

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE REQUIRED RESIDENCY PRIOR TO QUALIFYING TO RUN FOR TOWN COUNCIL; AMENDING SECTION 2.02, TOWN CHARTER; MAKING FINDINGS; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE; AMENDING THE TOWN CHARTER TO PROVIDE THAT A CANDIDATE FOR TOWN COUNCIL MUST HAVE BEEN A RESIDENT FOR A CONTINUOUS PERIOD OF ONE (1) NON-CALENDAR YEAR IMMEDIATELY PRECEDING QUALFYING TO RUN FOR TOWN COUNCIL; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Charter currently requires residency for one year prior to qualifying to run for Town Council; and

WHEREAS, recently Florida's Third District Court of Appeal found that a one year durational residency requirement in the City of Miami's Charter did not specify that a prospective candidate must have been a resident for a continuous period of one year prior to qualifying. See City of Miami v. Gabela, __ F.Supp.3d __, 2023 WL 7319553, Case No. 3D-23-1776 (Fla. 3rd DCA op. filed No. 7, 2023); and

WHEREAS, the Town of Indialantic's durational residency requirements set forth in the Town's Charter is worded similar to that of the City of Miami's Charter; and

WHEREAS, it is the intention of the Town Council to submit to the electors of the Town of Indialantic a charter amendment that will specify that residency for a *continuous* period of one (1) non-calendar year *immediately prior to qualifying* is the residency requirement for candidates for Town Council; and

WHEREAS, a one year residency requirement for city council candidates has been upheld as constitutionally reasonable in Florida in Daves v. City of Longwood, 423 F.Supp. 503 (M.D. Fla. 1976); see *also* Brandenburg v. McClellan, 427 F.Supp. 943 (E.D. Mo. 1977); Russell v. Hathaway, 423 F.Supp. 833 (N.D. Tex 1976)(upholding the validity of a one (1) year residency requirement); and

WHEREAS, while a one year residency requirement has been found to be constitutional, this should be contrasted with cases in which a five (5) year residency requirement for city council candidates was found unconstitutional, Wellford v. Battaglia, 485 F.2d 1152 (3 Cir. 1973), and a two (2) year residency requirement was found to be too broad for city council candidates, Green v. McKeon, 468 F.2d 883 (6th Cir. 1972); and

WHEREAS, a one year residency requirement has been found to be constitutional and reasonable, because it requires a period of residency which is not undue thereby allowing prospective candidates to know the issues, allowing voters to get to know the prospective candidates, and is supportable because it demonstrates that a council candidate is a true and committed resident, Daves v. City of Longwood, 423 F.Supp. 503 (M.D. Fla. 1976); and

WHEREAS, pursuant to its home rule powers in Article VIII, Section 2, Florida Constitution of 1968 and Chapter 166, Florida Statutes; Sections 166.021 and 166.031, Florida Statutes, and the Town's Charter, the Town Council hereby adopts this Ordinance, subject to approval by the Town electorate.

BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

SECTION 1. Incorporation of Recitals. Each and all of the foregoing recitals (“WHEREAS” clauses) are hereby incorporated herein.

SECTION 2. Referendum Election. A referendum election is hereby called and scheduled to be held concurrent with the general Town election on the 5th day of November, 2024, to determine whether the amendment to the Charter of the Town of Indialantic, Florida, appearing in Section 3. hereof shall be approved by a majority of the votes cast in such election in which the qualified electors of the Town shall participate. Such referendum election shall be held and conducted in the manner prescribed by law for all elections. The places for voting in such referendum election shall be such locations as shall be otherwise established for the general election to elect the Council Members on November 5, 2024, or by early voting or by absentee ballot, as provided by law. All duly qualified electors of the Town of Indialantic shall be entitled to participate in said election.

SECTION 3. Amendment to Charter. In interpreting the amendment in this Section, language that is underlined is an addition to the existing text of the Town Charter. Language that is ~~stricken through~~ is a deletion from the existing text of the Town Charter. “* * *” and the insertion of asterisks indicates existing Charter language not inserted in this Ordinance that remains unamended. It is proposed that Section 2.02(2) of the Town Charter of the Town of Indialantic, Florida, shall be amended to read as follows:

Sec. 2.02. - Composition and qualifications.

* * *

(2) Members of the Town Council shall have been residents of the Town continuously for at least one non-calendar (1) year, said one (1) year period being immediately prior to the date of qualifying for office and shall have the qualifications of a Town elector.

* * *

SECTION 4. Ballot Question. Concurrent with the Town General Election scheduled for November 5, 2024, the following question shall be placed on the ballot following the placement on the ballot of candidates for the office of Council Member, if any. The issue shall be worded substantially as follows:

No. 1

INDIALANTIC TOWN CHARTER AMENDMENT

**SECTION 2.02(2), TOWN CHARTER
TOWN COUNCIL RESIDENCY**

The Town Charter currently requires that a candidate for Town Council must have been a resident of the Town for one year at any time prior to qualifying. The amendment proposes to clarify the language by requiring that a candidate for Town Council must have been a resident for a continuous period of one year immediately prior to qualifying as a candidate.

YES (for approval) _____

NO (for rejection) _____

SECTION 5. Coordination with Supervisor of Elections. The Town Clerk is hereby authorized and directed to coordinate with the Supervisor of Elections of Brevard County to include the above-described question on the ballot concurrent with the general election to be held on November 5, 2024.

SECTION 6. Severability Clause. In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to

be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 7. Effective Date.

(a) Section 3. of this Ordinance shall become effective only if a majority of the registered electors of the Town of Indialantic, Florida, casting votes at the municipal election on November 5, 2024, on Town Charter Question No. 1 approve the amendment set forth in Section 3. of this Ordinance. If the amendment is approved by the registered electors, the Charter amendment embodied herein shall be immediately effective and shall be incorporated into the Town Charter. The Town Clerk is directed upon adoption of Section 3. of the Ordinance to promptly file the Charter with said amendment incorporated therein with the State of Florida, Secretary of State, as required by Section 166.031, Florida Statutes.

(b) Sections 1., 2., 4., 5., 6., and 7., of this Ordinance shall become effective upon adoption of this Ordinance.

PASSED by the Town Council of the Town of Indialantic on first reading on the 10th day of January, 2024, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the 14th day of February, 2024.

TOWN OF INDIALANTIC, FLORIDA

By: _____
Mark McDermott, its Mayor

ATTEST: _____
Mollie Carr, Town Clerk

Agenda Item C-4

SUBJECT: Ordinance 2024-05, First Reading/Public Hearing

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Based upon discussion about yard debris at previous Council meeting and lacking the ability to enforce how yard trash/debris is placed for pickup for both containerized and large bulk piles. Attorney Gougelman prepared. Ordinance 2024-05 addressing the changed method of pick up of yard trash/debris with Waste Management and giving code enforcement the ability to enforce the compliance of the code.

Recommendation:

Approve Ordinance 2024-05- Relating to yard trash/debris, on first reading/public hearing

MOTION: Approve Ordinance 2024-05 – Relating to yard trash/debris, on first reading/public hearing.

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

42 Town’s solid waste collector to remove yard trash; and
43

44 **WHEREAS**, Section 26-23(a) of the Town Code of Ordinances, provides:
45

46 Sec. 26-23. - Duty to use contract collector; fees.

47 (a) *Residential*. All residents or occupants of
48 residential dwellings, houses and units in the town, wherever
49 situated as to zoning, shall be required to have
50 accumulations of garbage and trash removed and disposed
51 of by the collector holding a contract or franchise agreement
52 with the town, and for such service shall pay the collector
53 such fees and charges as are agreed upon by the terms of
54 the franchise agreement. Fees and charges for garbage and
55 trash shall be chargeable on newly constructed residential
56 units immediately upon occupancy or whenever the first
57 garbage and trash collection is made by the contractor,
58 whichever shall occur first; and
59

60 **WHEREAS**, the purpose of this Ordinance is to provide standards for the
61 collection of yard trash, to stop the accumulation of piles of yard trash in the Town’s
62 residential area, and to set forth standards for an enforcement program; and
63

64 **WHEREAS**, the Town Council of the Town of Indialantic, Florida, hereby finds this
65 Ordinance is needed to protect and will promote the public health, safety, welfare, and
66 aesthetics of the community by stopping the proliferation of yard trash in the residential
67 neighborhoods and is in the best interests of the public health, safety, and welfare of
68 the citizens of Indialantic.
69

70 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF**
71 **INDIALANTIC, FLORIDA:**
72

73 SECTION 1. Recitals. The foregoing recitals (“WHEREAS” clauses) are hereby
74 fully incorporated herein by this reference as legislative findings and the intent and
75 purpose of the Town Council of the Town of Indialantic.
76

77 SECTION 2. That section 26-19 of the Code of Ordinances of Indialantic, Florida,
78 is hereby amended to read as follows:
79

80 **Sec. 26-19. - Definitions.**
81

82 The following words, terms and phrases, when used in this article, shall have the
83 meanings ascribed to them in this section, except where the context clearly indicates
84 a different meaning:

85
86 *Automated garbage collection truck* means the vehicle that is partially open at the top
87 and accepts garbage conveyed from a cart provided by the collector.

88
89 *Clam shell* means a garbage and trash collector vehicle which is equipped with a
90 crane to pick up and carry away large objects for disposal.

91
92 *Contractor or collector* means the person with whom the town has entered into a
93 contract or to whom the town has granted a franchise for the collection and disposal
94 of garbage and refuse generated in the town.

95
96 *Diameter at breast height or dbh* (~~dbh~~) means the diameter of the trunk of a tree, or
97 the sum of the stems of a multi-stemmed tree, measured 4½ feet above natural or
98 development grade.

99
100 *Dumpster* means a large container supplied by the contract collector used to contain
101 garbage and trash usually generated by commercial concerns.

102
103 *Front loader* means the vehicle which picks up dumpsters and empties them into itself.

104
105 *Garbage* means the solid or semi-solid waste generated in both household and
106 commercial handling of food and ordinary refuse. Consistent with F.S. § 790.33,
107 ammunition shall not be included in this definition of the term "garbage."

108
109 *Garbage container or garbage receptacle* means a container of not greater than 96-
110 gallon capacity or less as provided by the collector.

111
112 *Land clearing* means the removal of vegetation from a vacant lot or parcel, however,
113 the term "land clearing" does not include mowing, trimming or pruning of vegetation
114 so as to maintain it in a healthy and viable condition.

115
116 *Native vegetation* means plant material indigenous to the county.

117
118 *Rear loader* means the vehicle into the rear of which is emptied the contents of trash
119 containers approximately 32-gallon size.

120
121 *Recyclable materials* means those materials which are capable of being recycled and
122 which would otherwise be processed or disposed of as solid waste, including:

123 (1) Glass (all unbroken, clear, brown, and green glass containers. Flat glass,
124 window glass, dishes, crockery, etc., are excluded).

125 (2) Metal cans (aluminum and bi-metal), aluminum foil, aluminum pie tins.

126 (3) Newspapers (daily newspapers, including inserts), magazines, office
127 paper, brown paper bags, junk mail, telephone books.

128 (4) Plastic bottles numbers one—seven.

129 Residential dwelling means a property with three or fewer residential units on the
130 property.

131
132 *Trash* means all debris and rubbish, and all materials generated as a result of
133 individual ground maintenance and improvements, and all items other than garbage
134 intended for disposal, but does not include autos, auto parts, or materials that
135 accumulate as the result of building operations, building alterations, or clearing of lots.
136 Consistent with F.S. § 790.33, ammunition shall not be included in this definition of
137 the term "trash."

138
139 *Tree* means a woody or fibrous perennial plant with one or more upright limbs with a
140 minimum dbh of four inches, or a sum of four or more inches for multi-stemmed trees,
141 and which will attain an average mature height of at least ten feet.

142
143 *User* means any customer of contract collector or a tenant of a customer of contract
144 collector.

145
146 *Vegetation* means any plant material including, but not limited to, trees, shrubs, herbs
147 and grasses.

148
149 *Yard trash* means vegetation, lawn, grass, or shrubbery cuttings, or clippings and dry
150 leaf rakings, palm fronds, tree branches, bushes, or shrubs, vines, leaf cuttings,
151 coconuts, fruits, or other matter usually created as refuse in the care of lawns and yards.
152 Yard trash must be generated by the owner or the occupant of a residential dwelling
153 at the residential unit wherein the yard trash is to be collected.

154
155 SECTION 3. That section 26-20 of the Code of Ordinances of Indialantic, Florida,
156 is hereby amended to read as follows:

157
158 **Sec. 26-20. - Accumulations prohibited generally.**

159
160 (a) All lands in the town shall be kept free from any kind of yard trash, trash,
161 garbage, yard trash, or filth including, but not limited to, broken tree limbs, leaves or
162 branches, any uncontainerized garbage or refuse, or any other type of material which
163 might conceal pools of water, create breeding places for mosquitoes or which might

164 be otherwise detrimental to the health or safety of the inhabitants of the town. The
165 existence of any such trash or filth is hereby declared to be a nuisance.

166
167 (b) The occupant and the owner of a residential dwelling unit shall have a duty
168 and is required to properly prepare all yard trash for collection by the town's solid
169 waste collector. With regard to yard trash, the occupant of a residential dwelling unit
170 shall either be collected by the solid waste collector's clam shell truck or placed into a
171 garbage receptacles supplied by the solid waste collector.

172 (c) Preparation of yard trash generally. Regardless of the method of
173 collection, yard trash, tree limbs, and branches, for solid waste collector pickup and
174 removal shall not exceed four (4) feet in length or four (4) inches in diameter.

175
176 (1) Disposal by receptacle. Loose yard trash must be placed in a
177 garbage receptacle. There are no limits on the number of garbage receptacles the
178 owner or the occupant of a residential dwelling can use. All garbage receptacles must
179 be placed at the curbside on the designated collection day by 6:00 a.m. in the morning.
180 The solid waste collector shall designate one day per calendar week for garbage
181 receptacle pickup of yard trash. The occupant and the owner of a residential dwelling
182 may determine this day by contacting the solid waste collector, and periodically, the
183 town, by use of the town newsletter or email alert, will provide notice of the collection
184 day to residential dwelling occupants.

185
186 (2) Disposal by clam shell truck. When the amount of yard trash is so
187 great that it cannot fit into a solid waste collector provided garbage receptacle, or in the
188 case of yard trash, tree trimmings, palm fronds, and other yard trash, that are 3 cubic
189 yards or greater in amount, disposal shall be by the solid waste collector's clam shell
190 truck. The pile of yard trash shall be accumulated in a pile that is similar in size to a
191 conventional picnic table which shall not exceed four feet in length or fifty pounds in
192 weight.

193
194 The yard trash shall be placed in a compact pile rather than strewn along a driveway.
195 Yard trash is to be placed curbside on the lawn of a residential dwelling. If ditching
196 bisects the property and right-of-way, the curbside then becomes the roadside of the
197 ditch. Placing yard trash for clam shell truck disposal at the end of the residential
198 dwelling occupant's concrete or paved driveway abutting the paved right-of-way on the
199 lawn of a residential dwelling will result in the yard waste *not* being picked up, because
200 the clam shell equipment can be damaged by striking concrete or a paved driveway,
201 and the solid waste collector refuses to be held responsible for said damage. The yard
202 trash pile shall not be placed next to a mailbox or trees as the clam truck will not be able
203 to pick piles up.

205 The occupant and the owner of a residential dwelling shall have the obligation of
206 contacting the solid waste collector via telephone or email at least 48 hours prior to the
207 designated collection day to schedule clam shell pickup of yard trash.
208

209 SECTION 4. That section 26-21 of the Code of Ordinances of Indialantic, Florida,
210 is hereby amended to read as follows:

211 **Sec. 26-21. - Accumulations longer than four days prohibited; exception.**
212
213

214 (a) Accumulation of yard trash for more than four consecutive days. Except
215 when a holiday celebrated on a normal collection day results in the closure of the
216 county landfill, it shall be unlawful to permit an accumulation of garbage, yard trash,
217 or trash upon any premises in the town for a period longer than four days; without
218 having arranged for disposal of such accumulation by the town’s designated solid
219 waste collector, or by some person qualified by the aforesaid solid waste collector to
220 perform such services.
221

222 (b) Proactive code enforcement. The town code enforcement officer shall
223 begin an active program of patrolling residential dwelling areas of the town and citing
224 individuals who there is probable cause to believe may be in violation of section 26-
225 21(a) of the code. Each street with residential dwellings shall be inspected at least
226 twice per calendar month to ascertain violations of section 26-21(a). When the code
227 inspector has probable cause to believe that a particular residential dwelling is in
228 violation of section 26-21(a) of this code, the code inspector shall promptly cite the
229 occupant and the owner of the residential dwelling, issue a notice of violation, and
230 timely schedule a hearing before the code enforcement board. Once cited, no case
231 may be dismissed unless compliance is obtained or a written agreement is
232 consummated with a schedule by which compliance will be obtained. If the alleged
233 violator comes into compliance before the hearing, the code inspector may dismiss
234 the charges, or the code inspector may prosecute the case to establish a violation
235 such that an additional violation will be legally viewed as a repeat violation.
236 Notwithstanding the immediate citation of a violation, the code enforcement officer
237 shall have a continuing duty to contact the alleged violator to seek and obtain
238 compliance with this code.
239

240 As part of the proactive code enforcement program, authority is hereby delegated to
241 the town manager to designate members of the town staff as code enforcement
242 officers so that code enforcement may occur for any potential violation of the town
243 code during evenings or weekends, or at such times that the town code inspector is
244 not on duty.
245

246 As part of the proactive code enforcement program, the town manager shall not less
247 often than once every 180 consecutive day time period publish in the town newsletter
248 and give notice by residents registered to receive town emails, concerning the
249 contents of section 26-20, 26-21, and 26-22 of this code in a non-legalistic and plain
250 meaning english presentation.

251
252 (c) *Presumption of violation of code.* If the code inspector finds at a residential
253 dwelling that there is probable cause to believe a violation of section 26-20 of this
254 code may exist, the code inspector shall keep accurate records of such location and
255 photograph the violation, and when the code inspector has probable cause to believe
256 that the residential dwelling location is in violation of section 26-21(a), a rebuttable
257 presumption of a violation of section 26-21(a) is created. The rebuttable presumption
258 is created if on more than one day of inspection which subsequent day of violation is
259 more than four (4) days after initially determining a violation of section 26-20(c)(2),
260 an un-containerized pile of yard trash is not changed substantially as to location on
261 the residential dwelling property, or is not substantially decreased as to size or
262 amount, during said period.

263
264 SECTION 5. That section 26-22 of the Code of Ordinances of Indialantic, Florida,
265 is hereby amended to read as follows:

266
267 **Sec. 26-22. - Accumulations presumed sanitary nuisance; abatement.**
268

269 Except when a holiday celebrated on a normal collection day results in the closure of
270 the county landfill, accumulation of garbage or trash at any residential or commercial
271 unit or building for more than five days because of non-collection shall be *prima facie*
272 ~~prima facie~~ evidence of a sanitary nuisance. In such cases, and by agreement with
273 the board of county commissioners to utilize the services of the county health officer,
274 the latter shall, in coordination with town authorities, notify the person responsible for
275 the violation to remove or cause to be removed such garbage or trash within 24 hours,
276 failing which the health officer may take corrective action as prescribed for similar
277 violations within the county.

278
279 SECTION 6. That section 26-23 of the Code of Ordinances of Indialantic, Florida,
280 is hereby amended to read as follows:

281
282 **Sec. 26-23. - Duty to use contract collector; fees.**
283

284 (a) *Residential.* All residents or occupants of residential dwellings, houses
285 and units in the town, wherever situated as to zoning, shall be required to have
286 accumulations of garbage, ~~and~~ trash, and yard trash, removed and disposed of by
287 the collector holding a contract or franchise agreement with the town, and for such

288 service shall pay the collector such fees and charges as are agreed upon by the terms
289 of the franchise agreement. Fees and charges for garbage ~~and trash, and yard trash,~~
290 collection shall be chargeable on newly constructed residential units immediately
291 upon occupancy or whenever the first garbage ~~and trash, or yard trash,~~ collection is
292 made by the contractor, whichever shall occur first;

293
294 SECTION 7. Severability Clause/Interpretation.

295
296 (a) In the event that any term, provision, clause, sentence or section of
297 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly
298 unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or
299 unenforceability shall not affect any of the other or remaining terms, provisions, clauses,
300 sentences, or sections of this Ordinance, and this Ordinance shall be read and/or
301 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or
302 section did not exist.

303
304 (b) That in interpreting this Ordinance, underlined words indicate
305 additions to existing text, and ~~stricken through~~ words include deletions from existing
306 text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the
307 Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by
308 the asterisks and not set forth in this Ordinance shall remain unchanged from the
309 language existing prior to adoption of this Ordinance.

310
311 SECTION 8. Effective Date. This Ordinance shall become effective upon adoption
312 of this Ordinance.

313
314 PASSED by the Town Council of the Town of Indialantic on first reading on the
315 ____ day of February, 2024, and ADOPTED by the Town Council of the Town of
316 Indialantic, Florida on final reading on the ____ day of March, 2024.

317
318 TOWN OF INDIALANTIC

319
320
321 _____
322 Mark McDermott
323 Mayor

324
325 ATTEST: _____
326 Mollie Carr, Town Clerk

SUBJECT: Capital Improvement Plan

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

The Capital Improvement Plan is needed for the Town Planner to update the comprehensive plan for the state. Attached is the Capital Improvement Plan to include information requested by Council.

Recommendation:

Approve the Capital Improvement Plan to be sent to the Town Planner so he can bring the updated comprehensive plan to Council for Approval

MOTION: Approve the Capital Improvement Plan to be sent to the Town Planner so he can bring the updated comprehensive plan back to Council for Approval

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

Five-Year Capital Improvement Plan FY 2024 to FY 2029

Project Name	Source	FY-24	FY-25	FY-26	FY-27	FY-28	FY-29	6 Year Total
Drainage								
400 Blk Oakland	General	\$140,000						\$140,000
Ramona 6th to 7th	General	\$60,000						\$60,000
607 S. Riverside	General	\$44,000						\$44,000
Miami 300 Blk	General		\$150,000					\$150,000
Watson 500 BLK	General		\$250,000					\$250,000
Stormwater	General	\$244,000	\$400,000					\$644,000
Goal's of Stormwater improvements = bring up standards to restore and/or improve flow of stormwater system								
Parks								
Riverside Pier	General		\$150,000					\$150,000
Riverside Pier	FIND		\$100,000					
Orlando Park	FRDAP			\$112,000				\$112,000
Orlando Park	General			\$48,000				\$48,000
Parks								\$310,000
Goal's of parks improvements is to replace or add new amenities for residents of Indialantic.								
Streets								
Fifth Ave. median	General	\$256,300						\$256,300
South Riverside Dr.	General	\$250,000						\$250,000
6th Ave 200 & 300 Blk	General	\$30,000						\$30,000
South Ramona Miami to 5th	General				\$150,000			\$150,000
South Shannon Melbourne Ave to 6th	General		\$140,000					\$140,000
5-Way Intersection of Watson Dr N. Palm A\	General		\$13,000					\$13,000
Watson Shannon to Miramar	General		\$50,000					\$50,000
100 Blk Wayne	General		\$20,000					\$20,000
4th Ave. 400 Blk	General			\$60,000				\$60,000
S. Palm Miami to 5th Ave.	General					\$175,000		\$175,000
Orlando Blvd. Miriamar to Riverside	General						\$70,000	\$70,000
Resurfacing	General	\$536,300	\$223,000	\$60,000	\$150,000	\$175,000	\$70,000	\$1,214,300

Goal's of Paving = Remove old asphalt by milling to correct height to allow for proper height of pavement to curbing and driveways

Five-Year Capital Improvement Plan FY 2024 to FY 2029

Enterprise

Nance Park Bathroom House	FRDAP		\$75,000					\$75,000
Nance Park Bathroom House	Enterprise		\$25,000					\$25,000
Nance Park Pavilion	Enterprise			\$70,000				\$70,000
Nance Crossover	Enterprise	\$55,000						\$55,000
Nance Park Decking	Enterprise				\$75,000			\$75,000
Wavecrest Sidewalk	Enterprise					\$48,000		\$48,000
Wavecrest remaining crossovers	Enterprise	\$7,500	\$15,000					\$15,000
Wavecrest Decking	Enterprise			\$50,000	\$50,000	\$50,000		\$150,000
Sea Parking crossover	Enterprise	\$7,500						\$7,500
Sunrise Crossover	Enterprise	\$7,500						\$7,500
Sunrise Ramp	Enterprise				\$5,000			\$5,000
Crossover #8	Enterprise	\$15,000						\$15,000
Enterprise	Enterprise	92,500	115,000	120,000	130,000	98,000	0	555,500

Goal's of enterprise improvement is to replace or add new amenities for residents of Indialantic.

Total	\$872,800	\$738,000	\$180,000	\$280,000	\$273,000	\$70,000		\$2,413,800
--------------	------------------	------------------	------------------	------------------	------------------	-----------------	--	--------------------

Parks in Indialantic

- Dewey Park
- Ernest-Kouwen-Hoven Park
- Gus Carey Park
- Indialantic Ocean Beach
- Indian River Park
- Lily Park
- Orlando Park
- Sea Park
- Sunrise Park
- Tradewinds Park
- Vincent Benevente Sunset Park
- Wavecrest Park
- Wavecrest Extended Park
- Douglas Park
- Nance Park
- Indialantic Ocean Beach Park

Drainage Improvements

- 400 Blk Oakland replace undersized pipes to help improve stormwater flow
- Ramona 6th to 7th repair pipe with CIPP for pipe integrity
- 607 S. Riverside Drive repair pipe with CIPP for pipe integrity
- Miami 300 Blk replace pipes that have deteriorated
- Watson 500 Blk no pipes exist in area to add pipes due to stormwater complaints

Parks Improvements

- Riverside Pier replaces decking from decking/stringers for pier to covered area
- Riverside Pier adds a kayak launch to pier
- Orlando Park replaces some aged equipment and add some new features

Streets Improvements

- Fifth Ave. median to replace plants as approved by FDOT with partial grant from FDOT
- South Riverside Dr. mill and repave the street
- 200 & 300 blk of 6th Ave mill and repave street
- South Ramona from Miami Ave. to 5th Ave mill and repave street
- South Shannon Melbourne Ave to 5th Ave mill and repave street
- Watson Shannon Ave to Miramar mill and repave street
- 100 blk of Wayne Ave mill and repave street
- 4th Ave 400 blk mill and repave street
- S. Palm Miami Ave to 5th Ave mill and repave street
- Orlando Blvd Miramar to Riverside Dr mill and repave street

Enterprise Improvements

- Nance Park Bathroom house update and repair or replace bathroom structure
- Nance Park Pavilion update to look similar to smaller pavilion
- Nance Crossover replace and update as condition of materials is deteriorating
- Nance Park Decking replace and update as condition of materials is deteriorating
- Wavecrest sidewalk
- Wavecrest remaining crossovers replace and update as condition of materials is deteriorating
- Wavecrest Decking replace and update as condition of materials is deteriorating
- Sea Park Crossover replace and update as condition of materials is deteriorating
- Sunrise Crossover replace and update as condition of materials is deteriorating
- Sunrise Ramp replace and update as condition of materials is deteriorating
- Crossover #8 replace and update as condition of materials is deteriorating

BENEFITS FOR MILLING ROADS

Milling a road makes it suitable to lay new asphalt without making the height of the road increase. This also ensures the paving leaves the curbs, drainage, and other structures in the surrounding area alone.

If your road currently has cracks, dings, or other signs of asphalt damage, those cracks and dings will eventually reappear. It's called reflective cracking – the top layer reflects what's going on down below. This means your new asphalt overlay will someday crack too.

CIPP Lining List

Location of curbing to be replaced:	Length:	Height:	Width:	Pipe Size:	Pipe Type:	Reason for Lining:	Priority:
607 S. Rivereside Drive to Pedway	205	30	30	30	ADS	Sinkhole behind CB @ 607 S. Riverside Drive	HIGH
S. Ramona Ave. Between 6th Ave.& 7th Ave.	162	12	23	18	CMP	Sinkhole at CB @ SE Corner of 6th Ave. S. Ramona Ave.	HIGH
Across S. Riverside Drive @ Orlando Blvd.	64	19	30	28.5	ERCPC	Sinkhole Orlando Blvd. and S. Riverside Drive SE Corner.	HIGH

North Street Measurements List

PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3 = BAD, NEEDS ATTENTION

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names	Paving Priority:	Length:	Width:	Paved On:
Grosse Pointe Avenue (Paved 200 & 300 Block of Grosse Pointe Avenue)	1	1134	10	12/5/2017
200 Block of Chalet Avenue	1	630	20	
N. Shannon Avenue from Watson Drive to Grosse Pointe Avenue	1	1088	28	
100 Block of Watson Drive	2	747	22	
300 Block of Watson Drive	1	595	22	
400 Block of Watson Drive	1	665	22	
500 Block of Watson Drive	1	1040	22	
500 Block of Genesee Avenue	1	747	19	
5-Way Intersection of Watson Drive and N. Palm Avenue	3	122	60	
100 Block of Wayne Avenue	3	383	20	
200 Block of Wayne Avenue	1	667	20	
300 Block of Wayne Avenue	1	648	20	
400 Block of Wayne Avenue	1	881	20	
Riverside Place South of Wayne Avenue West Side of Riverside Drive	1	263	26	
100 Block of Michigan Avenue	1	40	38	12/5/2017
200 Block of Michigan Avenue	1	727	18	
300 Block of Michigan Avenue	2	25	18	
400 Block of Michigan Avenue	2	125	18	
100 Block of 1st Avenue	1	736	19	
200 Block of 1st Avenue	2	647	19	
300 Block of 1st Avenue	3	676	19	
400 Block of 1st Avenue	1	819	19	
100 Block of 2nd Avenue	1	737	16	
200 Block of 2nd Avenue	1	663	16	
300 Block of 2nd Avenue	1	663	16	
400 Block of 2nd Avenue	1	792	16	
2nd Avenue (North of Eatsminister Church)	1	243	16	3/23/2021
100 Block of 3rd Avenue	2	741	17	
200 Block of 3rd Avenue	1	660	17	

300 Block of 3rd Avenue	1	653	17	
400 Block of 3rd Avenue	1	771	17	
100 Block of 4th Avenue	1	737	24	
200 Block of 4th Avenue	1	658	24	
300 Block of 4th Avenue	1	666	24	
400 Block of 4th Avenue	2	739	24	
N. Shannon Avenue from Watson to 5th Avenue	1	1780	27	
N. Palm Avenue from Watson to 5th Avenue	1	1991	20	
N. Ramona Avenue from Watson to 5th Avenue	1	2175	27	
Riverside Place N. (West of Eastminister Church)	1	243	16	3/23/2021

South Street Measurements List

PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3 = BAD, NEEDS ATTENTION

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names	Paving Priority:	Length:	Width:	Paved On:
100 Block of 6th Avenue	1	749	22	
200 Block of 6th Avenue	3	650	22	
300 Block of 6th Avenue	1	659	22	
400 Block of 6th Avenue	1	702	22	
100 Block of 7th Avenue	1	738	20	
200 Block of 7th Avenue	1	661	20	
300 Block of 7th Avenue	1	659	20	
400 Block of 7th Avenue	1	739	20	
100 Block of 8th Avenue	1	745	17	
200 Block of 8th Avenue	1	654	17	
300 Block of 8th Avenue	1	656	17	
400 Block of 8th Avenue	1	777	17	
100 Block of 9th Avenue	1	741	17	
400 Block of 9th Avenue	3	621	17	
Tradewinds Terrace	2	1104	27	
200 Block of 9th Terrace	1	202	27	
300 Block of 9th Terrace	1	716	27	

100 Block of 10th Avenue	1	738	19	
400 Block of 10th Avenue	1	661	19	
300 Block of 10th Terrace	2	758	27	
100 Block of 11th Avenue	1	738	17	
400 Block of 11th Avenue	1	650	17	
300 Block of Palm Court	1	508	26	
100 Block of 12th Avenue	1	744	17	
400 Block of 12th Avenue	1	641	17	
200 Block of 12th Terrace	1	375	27	
300 Block of 12th Terrace	1	713	27	
100 Block of 13th Avenue	1	732	17	
100 Block of 14th Avenue	1	741	17	
100 Block of Melbourne Avenue	1	744	18	
200 Block of Melbourne Avenue	1	686	18	
300 Block of Melbourne Avenue	1	708	18	
400 Block of Melbourne Avenue	2	704	18	
500 Block of Melbourne Avenue	2	277	18	
100 Block of Ormond Drive	2	738	17	
200 Block of Ormond Drive	1	709	17	
300 Block of Ormond Drive	1	750	17	
400 Block of Ormond Drive	1	485	17	
100 Block of Ocean Terrace	2	856	18	
William Dewey Park East Roadway	1	111	22	
100 Block of Orlando Blvd.	3	996	18	
200 Block of Orlando Blvd.	1	727	18	
300 Block of Orlando Blvd.	2	758	18	
400 Block of Orlando Blvd.	2	429	18	
500 Block of Orlando Blvd.	3	382	18	
Indian River Park	1	211	18	
100 Block of Cocoa Avenue	1	1040	18	
200 Block of Cocoa Avenue	1	732	18	
300 Block of Cocoa Avenue	1	755	18	
100 Block of Tampa Avenue	1	1115	18	12/5/2017
200 Block of Tampa Avenue	1	759	18	
300 Block of Tampa Avenue	2	757	18	

400 Block of Palmetto Avenue	1	621	16
100 Block of Deland Avenue	1	1174	18 12/5/2017
200 Block of Deland Avenue	1	820	18
300 Block of Deland Avenue	2	779	18
100 Block of Miami Avenue	1	1198	19
200 Block of Miami Avenue	1	929	19
300 Block of Miami Avenue	1	891	19
400 Block of Miami Avenue	1	990	19
S. Shannon Avenue from Melbourne Beach to South of Orlando Blvd.	1	1419	20
S. Shannon Avenue from Orlando Blvd. to 5th Avenue	3	3336	20
S. Palm Avenue from Melbourne Beach to South of Melbourne Avenue	1	2053	18
S. Palm avenue from Melbourne Avenue to 5th Avenue	3	2490	18
S. Ramona Avenue from Melbourne Beach to 5th Avenue	2	4095	27
900 Block of Magnolia Drive	1	412	19
1100 Block of Magnolia Drive	1	1278	15
S. Riverside Drive from Melbourne Beach to 5th Avenue	3	4432	27
Riverside Place S.	1	199	19

ENTERPRISE I

PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3 = BAD, NEEDS ATTENTION

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

N. Miramar Avenue (Sunrise Park)	1	300	37
4th Avenue Bizzaros Pizza/Surfinista Café Parking Lot	3	229	65
Zero Block of 5th Avenue Westbound	1	204	25
Zero Block of 5th Avenue Eastbound	1	209	25
Zero Block of 8th Avenue	1	246	32
Zero Block of 11th Avenue	1	247	31
Zero Block of 14th Avenue	1	250	17
Wave Crest Avenue from zero Block of 4th Avenue to South of C. O. # 15 to Include Parking Areas	2	1981	60
Wave Crest Avenue from Extension to A1A	2	1349	19
Wave Crest Avenue Sidewalk from Access # 6 to Access # 8	3	193	7
Wave Crest Avenue Sidewalk from Access # 9 to South of C.O. # 15	3	1581	9
1501 A1A Sea Park	1	190	26

Sea Park Parking Area	1	72	17
Sea Park Sidewalk	1	129	6

ENTERPRISE II

PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3= BAD, NEEDS ATTENTION

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

James Nance Park Wave Crest Avenue	1	906	25
James Nance Park Parking Handi-Cap Area South of Restrooms	1	39	17
James Nance Park Parking Handi-Cap Area North of Restrooms (East Side)	1	144	18
James Nance Park Parking Handi-Cap Area North of Restrooms (West Side)	1	152	18
James Nance Park RV Parking	1	45	26
James Nance Park Parking Area West of RV Parking North Side	1	117	18
James Nance Park Parking Area West of RV Parking South Side	1	68	18
James Nance Park West Side of Park North of Sidewalk (West Side)	1	109	18
James Nance Park West Side of Park North of Sidewalk (West Side)	1	58	18
James Nance Park West Side of Park South of Sidewalk (East Side)	1	138	18
James Nance Park West Side of Park South of Sidewalk (East Side)	1	90	18
James Nance Parking Next to Bizzaros Parking	1	112	18
James Nance Park Parking next to Pump House	1	48	18

Paving List

This is milling and re-paving to a height of 2" for all runs.

Location of curbing to be replaced:	Length:	Width:	Total Sq. Ft. Area:	Square Yards:	Tonnage:	Cost:	Milling Cost:	Priority:	
S. Riverside Drive from Melbourne Beach to 5th Avenue.	4650	28	130,200	14,466.67	1591.33	\$193,347	\$35,443		
6th Avenue 200 Block	582	20	11,640	1,293.33	142.27	\$17,285	\$3,169		
Radius 6th Avenue @ S. Palm Avenue (east side)	37	28	1,036	115.11	12.66	\$1,538	\$282		
Radius 6th Avenue @ S. Shannon Avenue (west side)	47	23	1,081	120.11	13.21	\$1,605	\$294		
6th Avenue 300 Block	605	20	12,100	1,344.44	147.89	\$17,969	\$3,294		
Radius 6th Avenue @ S. Palm Avenue (west side)	37	28	1,036	115.11	12.66	\$1,538	\$282		
Radius 6th Avenue @ S. Ramona Avenue (east side)	47	23	1,081	120.11	13.21	\$1,605	\$294		
Orlando Blvd. 400 Block	675	18	12,150	1,350.00	148.50	\$18,043	\$3,308		
Radius Orlando Blvd. @ S. Ramona Avenue (east side)	46	30	1,380	153.33	16.87	\$2,049	\$376		
Orlando Blvd. 500 Block	723	20	14,460	1,606.67	176.73	\$21,473	\$3,936		
Radius Orlando Blvd. @ S. Riverside Drive (east side)	46	23	1,058	117.56	12.93	\$1,571	\$288		
Radius Orlando Blvd. @ S. Ramona Avenue (west side)	46	35	1,610	178.89	19.68	\$2,391	\$438		
Wayne Avenue 100 Block	280	20	5,600	622.22	68.44	\$8,316	\$1,524		
Radius Wayne Avenue @ Watson Drive (south side)	53	23	1,219	135.44	14.90	\$1,810	\$332		
Radius Wayne Avenue @ N. Shannon Avenue (east side)	40	38	1,520	168.89	18.58	\$2,257	\$414		
Watson Drive from N. Shannon Avenue to A1A	710	20	14,200	1,577.78	173.56	\$21,087	\$3,866		
Radius Watson Drive @ N. Shannon Avenue (east side)	25	20	500	55.56	6.11	\$743	\$136		
5 Way Intersection of Palm Avenue and Watson Drive	125	55	6,875	763.89	84.03	\$10,209	\$1,872		
S. Shannon Avenue from Melbourne Avenue to 5th Avenue	2300	28	64,400	7,155.56	787.11	\$95,634	\$17,531		
Michigan Avenue 300 Block.	631	18	11,358	1,262.00	138.82	\$16,867	\$3,092		
Radius Michigan Avenue @ N. Palm Avenue (west side)	49	24	1,176	130.67	14.37	\$1,746	\$320		
Radius Michigan Avenue @ N. Ramona Avenue (east side)	44	28	1,232	136.89	15.06	\$1,830	\$335		
Michigan Avenue 400 Block.	770	18	13,860	1,540.00	169.40	\$20,582	\$3,773		
Radius Michigan Avenue @ N. Riverside Drive (east side)	49	24	1,176	130.67	14.37	\$1,746	\$320		
Radius Michigan Avenue @ N. Ramona Avenue (west side)	44	28	1,232	136.89	15.06	\$1,830	\$335		
Miami Avenue Area Intersection	145	45	6,525	725.00	79.75	\$9,690	\$1,776		
			Total	319,705	35,523	3,908	\$474,762	\$87,031	

Tonnage of Asphalt:	3,908			
Add 10%	391			
Total Asphalt	4,298	\$522,238		
Total Asphalt Cost		\$522,238		
Total Milling Cost			\$87,031	
Grand Total				\$609,269

Concrete Curbing Replacement

Location of curbing to be replaced:	Length:	Width:	Total Sq. Ft. Area:	Priority Level:
650 S. Riverside Drive	8	2	16	
800 S. Riverside Drive	14	2	28	
914 S. Riverside Drive	19	2	38	
1000 S. Riverside Drive Driveway Entrance	14	2	28	HIGH
1100 S. Riverside Drive (Indian River Park Entrance)	24	4	96	
Between 1202 & 1204 S. Riverside Drive	4	2	8	
1204 S. Riverside Drive Driveway	8	2	16	
Between 1302 to 1314 S. Riverside Drive	207	2	414	
1316 S. Riverside Drive	15	2	30	
1320 S. Riverside Drive	8	2	16	
1400 S. Riverside Drive Catch Basin Top	8	8	64	
1400 S. Riverside Drive Curb Next to Catch Basin Top	2	2	4	
1301 S. Riverside Drive SE Corner of Palmetto Avenue	8	2	16	
609 S. Riverside Drive	11	2	22	
Across 8th Avenue @ S. Riverside Drive	32	4	128	HIGH
NE Corner of 8th Avenue and S. Riverside Drive	32	2	64	HIGH
Total	414	42	988	
	Total Cubic Yards		18	
	Add 10%		2	
	Total Concrete		20	

Agenda Item D-3

SUBJECT: Shipping Container Discussion

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Mayor McDermott has requested a discussion on shipping containers use as an accessory building after a situation in the unincorporated area of Indialantic. Building Official Stokes has attached some of his thoughts to the agenda on shipping containers. Building Official Stokes will be attending meeting to answer questions.

Recommendation:

Discussion

MOTION:

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

Discussion of shipping containers used as sheds / accessory structures

Recently the topic of shipping containers has come up. Specifically for their use as a shed or accessory structure. Current town ordinances do not address them. In an effort to give homeowners this option while at the same time softening the appearance of the containers I have attached some basic language that gives the design professional the framework they need to accomplish this for the homeowner.

Requirements for shipping containers used as a shed or an accessory structure where allowed by Zoning Ordinances

Setback , height and size requirements will remain the same (already in place, no need for change)

Anchoring to meet current Florida Building Code wind speed requirements.

Outside of container shall be clad with any material allowed by The Florida Building Code Residential.

Top of container shall have a trussed roof attached and roofed with any roofing allowed by The Florida Building Code Residential.

Site specific engineering shall be required for anchoring, attachment of all components and cladding as well as the trusses and roofing.

Agenda Item E-1

SUBJECT: Form 6 Litigation

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

Weiss Serota Helfman Cole & Bierman, PL has decided to file a lawsuit for declaratory and injunctive relief regarding the newly required Form 6, if at least ten municipalities sign on as plaintiffs. They have prepared a form resolution that can be used by cities and elected officials to join the lawsuit.

Recommendation:

None

MOTION:

Approve the resolution, authorizing participation in a lawsuit seeking a declaration that the provisions of section 112.144(1)(d) Florida Statutes, that require municipal elected officials to file form 6 financial disclosure forms is unconstitutional and invalid

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

From: [Jamie Alan Cole](#)
To: [Jamie Alan Cole](#)
Subject: Potential Form 6 Litigation
Date: Tuesday, January 9, 2024 9:49:32 AM
Attachments: [Form Resolution Authorizing Participation In Lawsuit Challenging Form 6 Requirement.docx](#)

EXTERNAL EMAIL: This email originated from outside of the organization. DO NOT REPLY, CLICK LINKS, or OPEN ATTACHMENTS unless you recognize the sender and know the content is safe

City Attorneys:

Sorry for the group email, but I wanted to reach out to everyone on this important topic. As I know you are all aware, the Florida legislature last year passed a law that requires all municipal elected officials to complete a Form 6, rather than a Form 1, financial disclosure form, as of January 1, 2024. Over a hundred municipal elected officials have resigned rather than fill out the new form, which requires them to disclose their exact net worth, income and asset values. Numerous city officials have contacted us regarding the filing of a lawsuit for declaratory and injunctive relief. Our Firm has decided to file such a lawsuit, if at least ten municipalities sign on as plaintiffs. Attached is a form resolution that can be used by cities and their elected officials to join the lawsuit. Our legal theories are set forth in the resolution and are based upon the right to privacy and free speech. If your municipality is interested in joining or if you want to discuss, please let me know. Thanks.

CITY OF _____, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY _____ OF THE CITY OF _____, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form (“Form 6”) that requires, among other things, the disclosure of the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form (“Form 1”) that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official’s net worth, income and asset values; and

WHEREAS, the Mayor and all current elected members of the City _____ (the “City Elected Officials”) were elected by the voters of the City subject to and in reliance upon Florida law that required the Mayor and _____ Members to annually file Form 1 (not Form 6) financial disclosures forms; and

WHEREAS, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

WHEREAS, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

WHEREAS, because the right of privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

WHEREAS, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

WHEREAS, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

WHEREAS, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected

officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

WHEREAS, in fact, many municipal officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

WHEREAS, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

WHEREAS, requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

WHEREAS, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

WHEREAS, the City desires to participate in a lawsuit seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected

officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the "Lawsuit"); and

WHEREAS, the City _____ believes it is in the best interest of the citizens and residents of the City to participate in the Lawsuit and urges other municipalities and their elected officials to also participate as plaintiffs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF _____, FLORIDA AS FOLLOWS:

Section 1: That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: The City _____ hereby authorizes the participation of the City, and any of individual Members of the _____ who choose to participate as plaintiffs, in a lawsuit seeking declaratory, injunctive and other appropriate relief challenging the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms, based upon any appropriate legal theories, including those set forth above, subject to the participation of at least ten municipalities.

Section 3: Weiss Serota Helfman Cole + Bierman, PL (the "Firm") is hereby retained to represent the City in this litigation. The Firm will charge the City a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the litigation in the trial court. The City and elected officials recognize that such flat fee may be less than the actual attorneys' fees and costs incurred, and that if the City and elected officials prevail in the Lawsuit, the Firm may apply with the Court for its actual reasonable attorneys' and costs

from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The City and its elected officials also acknowledges that the Firm will be representing other local governments and officials in this lawsuit and waives any conflicts related to such representation. [ONLY FOR CITIES WHERE WSH DOES NOT SERVE AS CITY ATTORNEY: The City further acknowledges that, from time to time, the Firm may be called upon by client to represent them as to requests for various approvals and as to other matters with respect to or involving the City. The City hereby waives any potential conflict of interest in the Firm's representation of those clients arising from its representation of the City in the Lawsuit.]

Section 4: The City _____ invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

Section 5: The City Clerk is directed to distribute this Resolution to all local governments in _____ County.

Section 6: That the appropriate City Officials are hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 7: That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

Approved as to form:

City Attorney

SUBJECT: Discuss extending the Qualifying Period to two weeks

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

At the January Council Meeting, Vinnie Taranto, Sustainable Community and Resiliency Committee Member, suggested that the Town consider extending the qualifying period from one-week to two-week period. Mr. Taranto explained that he felt this would be less of a burden on the clerk as well as giving potential candidates more time to qualify.

Town Staff does not feel that there is a necessity for the change and that no problem exists that the Ordinance will correct. Currently Election forms are available at <https://dos.myflorida.com/elections/forms-publications>. The complete Town of Indialantic Election Packet will be made available online and at the Indialantic Town Hall by July 1, 2024. Town Staff feels that there is more the sufficient time for a Candiadte to qualify with the current qualifying period. The addition of another week is not beneficial in any way to the Town Staff.

Lastly, the privilege of being a Councilmember or Mayor comes with a hefty amount of responsibility. The Town Council is often tasked with processing a large amount of information that they must research, form a viewpoint, and be prepared to discuss in a public meeting, in a short amount of time. Town Staff feels that the Town Residents deserve an effective leader in our community that is readily able to prioritize timelines and goals.

Recommendation:

No action.

MOTION:

No action

Submitted by:

Mollie Carr

Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey

Michael L. Casey
Town Manager



MEMORANDUM

TO: Mayor and Town Council

FROM: Paul Gougelman, Town Attorney

SUBJECT: Charter Amendment Relating to Dates of Qualifying to Run for Town Council

DATE: January 18, 2024

At the January Town Council meeting, I was asked whether the proposed charter amendment regarding required duration of residency prior to qualifying could be further modified to allow for the qualifying dates to be further expanded. I responded that such a change in the proposed ordinance might confuse voters with regard to the proposed amendment, and that I believed that Florida law does not require voter consent to amend the Town charter with regard to the qualifying dates. I advised that I would report to the Council.

Section 100.3605(2), Florida Statutes, which is a part of the Florida Election Code, provides:

100.3605 Conduct of municipal elections.—

* * *

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

Of course, charter amendments submitted to the voters by a municipality's governing body are based on the adoption of an ordinance. Consequently, this somewhat ambiguous statute does not necessarily explicitly provide for the change of qualifying dates in a charter by adoption of an ordinance without a referendum of the electorate.

However, this statute has been twice interpreted by the Attorney General to mean that a municipality's governing body may amend its charter with regard to qualifying dates by ordinance *without* a referendum. In AGO 2013-05, it was determined that the City of Arcadia could amend its charter to alter qualifying dates without a referendum pursuant to Section 100.3605, Florida Statutes, and that based on a review of that and another statute, a referendum was not required. See *also* AGO 2000-61 (similar determination for the City of Mulberry).

Mayor and Town Council

January 18, 2024

Page 2 of 2

Thus, if the Town Council wishes to expand the dates for qualifying set forth in the charter, it may do so by ordinance without a referendum of the Town electorate. If the Town Council decides to change the qualifying dates, I recommend that the Town Clerk should first coordinate with the Supervisor of Elections to ascertain what the last date for qualifying can be to accommodate the Supervisor's preparation of the 2024 general election ballot.

PRG/mb

Pc: Michael Casey, Town Manager
Mollie Carr, Town Clerk

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LANDSCAPE & ARCHITECTURAL LIGHTING

FXLuminaire®



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Primary Features

- Zone control: Turn individual or groups of fixtures on and off at desired times
- Dimming control: Adjust the intensities of individual or groups of fixtures from 0-100%
- Color control: Choose from 30,000 vibrant colors for unlimited design possibilities
- Color palette: Generate and save up to 250 custom colors
- Astronomical timing: Set your location to automatically track sunrise and sunset times
- Scene/theme creation: Design up to 40 themes ranging from every-night living to holidays and special celebrations
- Event-based programming: Turn custom themes or lighting fixtures on and off as desired throughout the night
- Calendar-based programming: Ensure specific programs run only when needed with dedicated date-range programming
- Wireless control: Interact with the controller using iOS® and Android™ devices
- LAN connection: Conveniently incorporate wireless control using the preinstalled LAN module
- Smart home integration: Integrate and control Luxor with today's most popular smart home automation systems

Programs					
MO TU WE TH FR SA SU					
Event	Time	Grp/Thm	Color	%	
Sunset	+ 1:00	Thm A		On	
Time	11:00p	Thm B		On	
Sunrise	- 0:30	All Lts		Off	



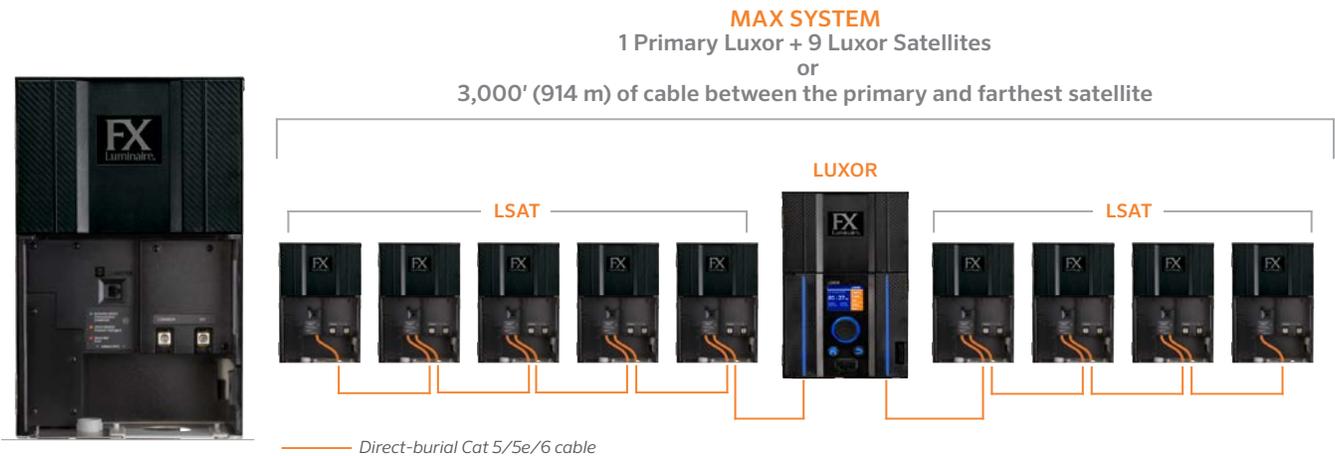
WIRELESS ACCESSORIES	
WIFIMOD2	Wi-Fi Module
WIFIMOD2RMT	Wi-Fi Module Remote Mount
LAM	Lighting Assignment Module



iOS is a trademark or registered trademark of Cisco in the U.S. and other countries and is used under license. Android is a trademark of Google LLC.

Expand Your System with Luxor Linking

Simplify and expand your lighting design. With Luxor Linking, you can hardwire up to nine Luxor Satellite controllers while maintaining a single point of control. The addition of Luxor Satellite controllers improves Wi-Fi connectivity and brings simplicity to complex or large-scale lighting designs.



LUXOR ACCESSORIES

Luxor Plays Well with Others

ZD MR-16 LAMPS

The ZD MR-16 is a convenient drop-in LED replacement lamp that converts incandescent fixtures to energy-efficient LED fixtures. When connected to a Luxor controller, the ZD MR-16 adds zoning, dimming, and Wi-Fi control capabilities to any brand of low-voltage lighting fixture.



LUXOR CUBE

With the LUXOR CUBE, Luxor can control, zone, and dim almost any brand of dimmable 12V or 110V light fixtures. It can also control items that use relay inputs such as gates and pond pumps to provide total management of outdoor living spaces.

LUXOR CUBE MODELS		
Type	Model No.	Max Load
Low-voltage	LCM-LV	60W / 5A
Line-voltage	LCM-HV	400W / 3.3A
Relay / 0-10V	LCM-RLY-010V	250VAC / 5A

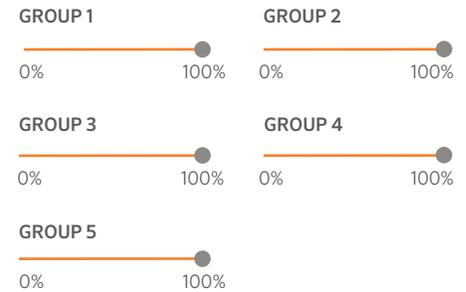


Get in the Zone

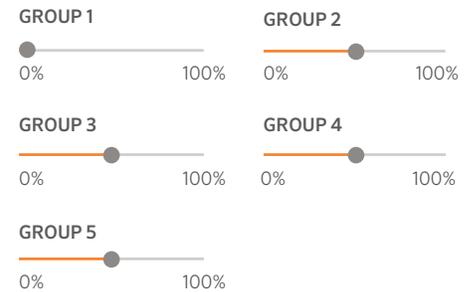
Luxor's zoning and dimming capabilities provide virtually limitless design possibilities. Easily adjust intensity from 0-100% for individual fixtures or groups of fixtures to create the perfect mood for any setting.



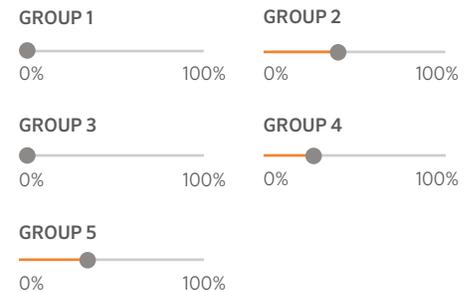
Sunset



9 p.m.



Midnight



Color Your World

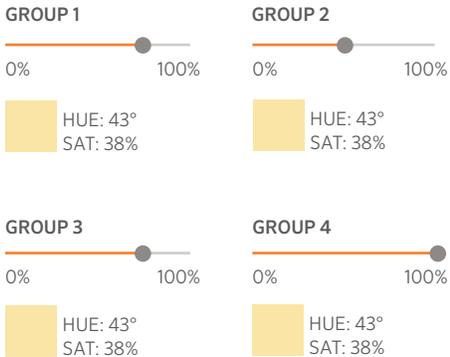
Using state-of-the-art LED technology, Luxor lets you create perfect scenes with a spectrum of 30,000 beautiful colors. Adjust color temperatures to match vegetation and architecture to offer distinctive landscape looks throughout the year.

Living in the Dark?

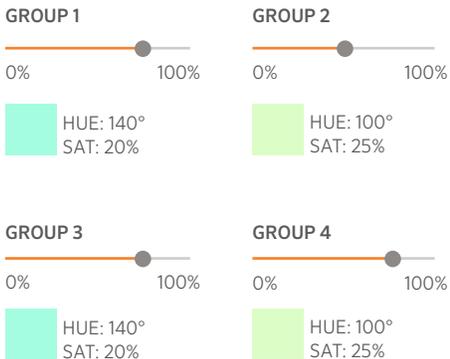
Don't be stuck in the dark ages! An outdoor lighting system will expand your nighttime living space, enhance safety and security, and add instant curb appeal to your home.



Warming Up



Match Maker



Total Wireless Control

The Luxor app provides ultimate flexibility and convenience for remote lighting management.

With the app, you can adjust fixture intensity and color, create unique themes, and fine-tune your color palette for special occasions — right from the palm of your hand!



Programming

Create custom lighting schedules for everyday living, holidays, and celebrations.



Color Creation

Create up to 30,000 colors using the latest RGBW LED technology.



Groups

Adjust intensity and colors of individual or groups of fixtures to fine-tune your lighting design.



Themes

Design one-of-a-kind holiday displays, create team spirit for the big game, or add company colors for corporate events.



Site Management

Work smarter with simple remote site management and convenient site sharing.

Bring the Outside In

Seamlessly integrate the next-generation capabilities of the Luxor lighting controller into your smart home system for one-stop management of indoor and outdoor living spaces. Luxor fully integrates with leading home automation solutions.



FXLuminaire

A Hunter Industries Company

Our mission is to create the most energy-efficient lighting products in the world while maintaining the highest level of quality and reliability. In every instance we will back our innovations with the unwavering support our customers need to succeed.



Gregory R. Hunter, CEO of Hunter Industries



Gene Smith, President, Landscape Irrigation and Outdoor Lighting

Website fxl.com | Customer Support 760-744-5240

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FX-244-BR F 4/20

SUBJECT: Town Hall Sign

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

The sign in front of Town Hall was budgeted for replacement in this year’s budget that was approved. After the sign was installed, concerns were raised about the sign. The sign message board was shut down until the Council decides on the direction they wish to proceed. Option 1 is to leave the sign as installed. Option 2 the sign company has agreed to take message boards back and refund the cost of the message boards at \$6,000 each for a total of \$12,000. With option 2 bottom cabinets the additional cost of \$6,766.45 for the work to remove signs, retrofit the cabinet for Two (2) new LED illuminated 3' x 5' reader-board cabinets

Recommendation:

MOTION:

Submitted by:

Approved for agenda:

Mollie Carr
Mollie Carr
Town Clerk

Michael Casey
Michael L. Casey
Town Manager

Customer:	Contact:
Billing Address:	Phone #:
Project Address:	Fax #:
Email:	Date:

PROPOSAL/CONTRACT

SCOPE OF WORK:

TERMS & CONDITIONS: A deposit is due upon acceptance of job. Balance is due upon installation. Any payments not received in a timely manner by Kendal Signs shall bear interest from the due date at the rate of 18% per annum, with a \$50 late fee assessed per month for the past due accounts until paid in full. All signage to remain property of Kendal Signs until paid in full. Customer's failure to submit prompt final payment following installations as per plan shall constitute default. The client/buyer agrees to pay all cost in the event of default of payment by the client/buyer, including reasonable attorney's fees. The client/buyer hereby grants Kendal Signs the right of entry into and on the property of the client/buyer for the purpose of retaking possession of the signage in the event of default, regardless of partial payment received for signage.

RESPECTFULLY SUBMITTED BY: **EMAIL:**

NOTES: Kendal Signs will complete all work as per plan. Customer shall be assessed a lost trip charge if site is not ready upon our crews arrival. Pricing based upon 120 volt primary power to sign location by others. Substandard soil conditions (i.e. coquina, rock, large roots, water, pipe, etc.) or fascias (i.e. steel beams) are additional. All additions, changes or errors that require additional time, labor or materials will be charged at Kendal Signs standard pricing. Kendal Signs reserves the right to apply minor final adjustments and revisions to any sign designs that is deemed in our sole discretions to benefit the sign's operation and/or overall appearance.

PRODUCT WARRANTY: Our standard warranty is as follows: One (1) year on materials, finishes, general workmanship; includes parts and labor. One (1) on ballasts and transformers; includes parts only; labor to be billed as extra. Ninety (90) days on neon; includes parts and labor. Thirty (30) days on fluorescent lamps; included parts and labor. Warranties for specialty products such as electronic message centers (LED displays) issued separately.

580 Gus Hipp Blvd. • Rockledge, FL. 32955 • 321-636-5116 • www.kendalsigns.com

ACCEPTANCE OF PROPOSAL: The above price(s), specifications and conditions are satisfactory and are hereby accepted. I authorize Kendal Signs to perform the works as specified. I agree to make payments as outlined above.

_____ **DATE OF ACCEPTANCE** _____ **AUTHORIZED CUSTOMER PRINTED NAME** _____ **AUTHORIZED CUSTOMER SIGNATURE**



Customer: Town of Indialantic	Contact: Molly
Billing Address: 216 Fifth Ave. Indialantic, FL 32903	Phone #: 321-723-2242
Project Address: SAME	Fax #:
Email: mcarr@indialantic.com	Date: 10-16-2023

1102

PROPOSAL/CONTRACT

SCOPE OF WORK:

Remove existing sign cabinet, cutting pole down to grade, discard legally.

Manufacture and install one (1) new double sided, internal LED illumination, monument sign. ID cabinet to be fabricated aluminum with flat acrylic faces with first surface applied hi-performance vinyl decoration. \$6,233.00

New monument to be installed on new single pole support, in concrete foundation engineered to meet the Current wind-load. \$3,405.00

Two (2) single sided 10mm 3' x 5' RGB full color message units. Mounted to monument bottom position, with filler panels. Kendal signs to hook up to supplied power, By OTHERS. Cloud based software, with Wi-fi bridge communication. Kendal signs to work with City's IT department, prior to installation to tie into there Internet system. \$12,000.00

Tax exempt certificate needed.

Price includes sealed engineers drawing, permit acquisition labor. Does NOT include cost of permit and is billed at actual cost.

City PO Accepted

Date Paid On 11-15-23 Chk. No. 35912

deposit of 50%

Engineering \$200.00

Permit Acquisition Labor \$200.00

Change Acct. No. 590-620 11,019.00

SUBTOTAL: \$22,038.00 TAX: \$0.00 TOTAL: \$22,038.00 DEPOSIT DUE: \$11,019.00

TOTAL DOES NOT INCLUDE THE COST OF THE PERMIT AND WILL BE BILLED AT ACTUAL COST UPON COMPLETION.

TERMS & CONDITIONS: A deposit is due upon acceptance of job. Balance is due upon installation. Any payments not received in a timely manner by Kendal Signs shall bear interest from the due date at the rate of 18% per annum, with a \$50 late fee assessed per month for the past due accounts until paid in full. All signage to remain property of Kendal Signs until paid in full. Customer's failure to submit prompt final payment following installations as per plan shall constitute default. The client/buyer agrees to pay all cost in the event of default of payment by the client/buyer, including reasonable attorney's fees. The client/buyer hereby grants Kendal Signs the right of entry into and on the property of the client/buyer for the purpose of retaking possession of the signage in the event of default, regardless of partial payment received for signage.

RESPECTFULLY SUBMITTED BY: Danny Priore **EMAIL:** dpriore@kendalsigns.com

NOTES: Kendal Signs will complete all work as per plan. Customer shall be assessed a lost trip charge if site is not ready upon our crews arrival. Pricing based upon 120 volt primary power to sign location by others. Substandard soil conditions (i.e. coquina, rock, large roots, water, pipe, etc.) or fascias (i.e. steel beams) are additional. All additions, changes or errors that require additional time, labor or materials will be charged at Kendal Signs standard pricing. Kendal Signs reserves the right to apply minor final adjustments and revisions to any sign designs that is deemed in our sole discretions to benefit the sign's operation and/or overall appearance.

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DATE OF ACCEPTANCE

AUTHORIZED CUSTOMER PRINTED NAME

AUTHORIZED CUSTOMER SIGNATURE

TOWN MANAGER'S REPORT

February 14, 2024

1. Intergovernmental Activity:

- a. **US-192/SR-500 Resurfacing:** FDOT is proposing to resurface US-192/SR-500 (aka Fifth Avenue) from the easternmost relief bridge to SR-A1A in FY-22. (04/16/18) FDOT has agreed to analyze the mid-block crossings and determine if Rectangular Rapid Flashing Beacons (RRFBs) are warranted. (06/18/18) FDOT has determined that pedestrian counts indicate that Rapid Rectangular Flashing Beacons (RRFBs) are not warranted at the Fifth Avenue mid-block pedestrian crossings. However, FDOT did recommend improving the lighting and signage at these locations which will be factored into the resurfacing project that should commence in FY-22. (04/16/19) FDOT has determined that pedestrian activated crossing signals are not warranted for mid-block crossings on Fifth Avenue at this time. (05/08/19) Resurfacing scheduled for FDOT fiscal year 2023, scheduled for 11/22 (2/3/20) FDOT notified of input meetings coming up soon.(11/4/20) FDOT sent notification of changes for crossings during repaving, adding now midblock RRFBs crossings in updated plans. Changes to crossing at Palm for school crossing (2/2/21) Had meeting with FDOT 2/24/21 was advised start date after July 2022 for the state 2023 fiscal year (3/3/21) FDOT updated information on midblock crossings and design (7/6/21) FDOT to give presentation at December Council meeting (11/2/21) FDOT hosting meeting 2/22/22 virtually and in person Eau Gallie Shriners (2/2/22) FDOT is now placing traffic light at Palm Ave. & US-192, raised crosswalks and lowering speed limit to 30 MPH, project late summer to fall time to begin (3/2/22) FDOT to May Council meeting give presentation.(3/29/22) After May meeting council desires to not have traffic light at median, meeting set with FDOT 5/27/2022 to discuss updates (5/27/22) Resolution red flashing light 5th & Palm (6/6/22) Waiting for updated plans (7/11/22) Scheduled resurfacing to begin 2/6/23 (11/1/22) FDOT message sign stating construction begins 2/8/2023 on causeway (1/31/23) Work has begun as of 2/23/23 (3/1/23) Work continues with on the installation of power for lights (4/6/23) Construction continues mast arms installed at Palm Ave for modified HAWK system (5/3/23) The installation of sidewalks and curbing continue to make project ADA complaint with new standards. Waiting for update from FDOT on project completion estimate (7/3/23) Expect completion fall of 2023 (8/2/23) FDOT advised project completion is the end of November (11/2/23) 200 Blk had installed speed table with bad results and removed, meetings with FDOT and looking at options. FDOT presentation at the December Council meeting (11/30/23) Waiting on Resolution at January Council Meeting (12/29/23) Resolution given to FDOT and they have given updated plans (2/1/24)
- b. **Pedestrian Crossing Signals:** FDOT inspected the US-192 intersections at Riverside Drive and SR-A1A on 2/22/19 and are evaluating possible audible pedestrian signal improvements. (03/13/19) Spoke to DOT sent Jay email 8/15/19. FDOT looking at updating traffic lights and crossing conducting

TOWN MANAGER'S REPORT

study to work into the resurfacing in 22/23 FDOT fiscal year (2/27/20) During meeting 2/24/21 told they are being done during resurfacing in 22/23 FDOT fiscal year (3/3/21) FDOT is now placing traffic light at Palm Ave. & US-192, raised crosswalks and lowering speed limit to 30 MPH, project late summer to fall time to begin (3/2/22) After May meeting council desires to not have traffic light at median, meeting set with FDOT 5/27/2022 to discuss updates (5/27/22) Hybrid crossing at Palm/Fifth waiting updated plans(8/3/22) All mid block crossing have RRFB and flashing lights in roadway, Palm Ave crossing is Hybrid construction begins 2/8/23 (1/31/23) Mast arms installed at Palm Ave. for hybrid light (5/3/23) 200 Blk had installed speed table with bad results and removed, meetings with FDOT and looking at options. FDOT presentation at the December Council meeting (11/30/23)

- c. **Pedestrian Crossing SRA1A:** FDOT adding crossing just north of Watson expected spring of 2022. Also all crossing getting flashing lights in street from US192 to Pineda in future (12/6/21) Have begun from Pineda working south installing lights the end of February and in Satellite Beach this week (3/2/22)Progressing south prep work began (3/29/22) Finished upgrading in road lights flashing and all crosswalks, FDOT will be installing new signage post in middle of roadway in next few weeks (5/27/22) Finished all upgrades waiting for Watson & Miramar (7/14/22) Waiting for update on Watson crossing but also waiting on council decision on 11th Ave crossing (1/31/23) Submitted request to FDOT for crossing at 11th (3/1/23) FDOT has public meeting scheduled 11/30 for update placement and design for Watson crossing (11/30/23) Meeting went good positive feedback (12/29/23)
- d. **H&H Study Grant:** DEP has grant waiting for final approval (12/6/21) Received email update from FDEP stating the grant is been selected for the resiliency and under final review (3/2/22) Received email awarding the \$86,810 award for H&H completed paperwork for FDEP for contacts and insurance submittal as requested, was told they are reviewing and will follow up soon (5/27/22) State sent additional paperwork to complete (6/27/22) Completing required paperwork to submit to FDEP (8/3/22) Submitted paperwork to FDOT (9/7/22) Grant approved and signed with FDEP, met with engineers to past week to work on timeline (10/6/22) Expecting to start project in January (12/5/22) Quarterly report to state (11/3/23) Quarterly report sent to state waiting on BSE to get updated numbers planning on presentation to the council at the March 2023 meeting (1/31/23) Pushed time to a later date as of priority of other issues (4/6/23)Spoke with SG about moving project forward (8/2/23)
- e. **FDOT Repaving S. SRA1A from US192:** Repaving from US192 to Oak St. in fiscal year 2026 (5/4/22)

2. **Fiscal Activity:**

- 1. **Fifth Avenue median:** The Town is soliciting proposals from Registered Landscape Architects for consideration to develop a plan to replace

TOWN MANAGER'S REPORT

the existing plants in the Fifth Avenue median. (06/18/18) A recommendation will be presented to Council for 8/8/18. (08/08/18) Staff is negotiating a contract with Susan Hall Landscape Architecture, Inc. (09/12/18) Workshop will be held 10-18-18 at 6:30 p.m. (10-10-18) Options will be presented to Council at the January meeting for approval. (01/09/19) Some counties in the median are being relocated to Nance and Douglas parks and to the Fifth Avenue median east of SR-A1A to determine if the areas are suitable for relocation once the new plants are installed in the median. (02/13/19) The grant application was sent to FDOT on 3/7/19. (04/16/19) FDOT has approved the application with funding projected in FY-23. (05/08/19) FDOT contacted me and we are on schedule for FY-23 and working with Susan Hall Landscape Architecture, Inc on first past review of submission (7/29/19). Ryan from Susan Hall's sent preliminary information state approved first pass. Working with Ryan on Bid documents (8/1/19) Received initial Project Schedule, Landscape Plans, ITB and Opinion of Project Costs from Susan Halls office for initial submission to DOT for review and I submitted them to FDOT for first review 8/20/19. Heard from DOT Dawn Latchum assigned project number is **442883-2-58-01** for submission (8/21/19). Received comments from FDOT and Susan Hall Landscaping Architecture, Inc is reviewing comments (9/30/19) Spoke with Ryan and his is looking into if lighting can be used (10/28/19) Ryan responded to comments from FDOT on median plans (11/1/19). FDOT wants meeting with landscape architect and town (11/15/19). Meeting wet with FDOT and Susan Hall on 1/28/20 at 2 PM FDOT Deland (11/25/19) Attending meeting and project is still moving forward. Nothing can be done until after repaving is done. Project funded in FDOT 2023 fiscal year earliest project could happen in 8/22 (2/3/20) Ryan recently responded to comments from FDOT (8/4/20) FDOT holding virtual meetings for planning (12/3/20) Updated Susan Hall on new plans for midblock crossings RRFBs (2/2/21) Repaving now scheduled for 22/23 fiscal year (3/1/21) Spoke with Susan Hall gave update on paving project, she advised the final plans are due in June based upon schedule. She has some concerns about current availability and disease issues with vegetation chosen along with a council member question about trees. She would like to schedule speaking at the April Council meeting (3/2/22) FDOT to May meeting do to date change (3/15/22) Meeting with Susan Hall & Kemp on 3/24/22 (3/22/22) Had meeting with Susan Hall and she is updating plans and giving presentation to May Council meeting (3/28/22) Meeting with Susan Hall 4/27 and needs to meeting with SG, emailed presentation for May council meeting (4/25/22) After May meeting council wanted to go to Parks and Rec where Susan Hall gave presentation, Parks and Recreation Committee voted to use the Royal Palm, Ilex Stokes Dwarf, Spider Lily and for ground cover the Asiatic Jasmine, this will be on the June council agenda for final approval (5/27/22) On Council agenda

TOWN MANAGER'S REPORT

6/8/22 (6/6/22) Susan waiting on updated plans (7/11/22) Got plans from Susan Hall forwarded to FDOT & received back email from FDOT under review (8/22/22) Received questions to FDOT Susan Hall will answer (9/6/22) Working on answers for FDOT grant (9/26/22) Submitted response to Susan Hall for FDOT response (10/6/22) FDOT rejected Royal Palm, Susan Hall to present at the 11/9/22 council meeting options (11/1/22) Submitted final plans to FDOT with updated trees waiting for answer (12/5/22) Responded to FDOT questions and resubmitted (12/27/22) FDOT sent back for correction (1/3/23) Submitted response to FDOT 1/9/23 and requested JPA for the February Council meeting (1/9/23) Dates needed to be updated per FDOT and resubmitted for JPA at special council meeting 2/16//2023 5:30 PM (1/30/23) Council wanted to not remove current palms been working with FDOT and Susan Hall. Received update paperwork for keeping current palms and submitted letter a variation request to keep palms. Can take up to 30 days to get answer, Susan Hall at March Council meeting (3/1/23) Resubmitted new information at request of FDOT after several emails an a conference call, found out only have to have JPA by end of June 2023 (4/6/23) JPA submitted and returned but heard back on variance for palm trees and they want changes (5/3/23) Sent new responses to FDOT on variance request (6/3/23) FDOT approved variance request & I have follow up meeting with Susan Hall to get timeline and bidding (7/24/23) Susan Hall to present at August Council meeting (8/1/23) Sent final timeline and package to FDOT, bid advertising is 9/7/23, pre bid meeting 9/21/23, bid opening 10/19/23 (8/31/23) Had virtual meeting with Susan Hall & FDOT and resubmitted paperwork to FDOT with changes requested by FDOT, waiting on notice to commence from FDOT (10/2/23) FDOT sent back some changes and expect the be reviewed by end of November with latest request pushed advertising for bids (11/2/23) FDOT requested changes to submission and resubmitted (11/29/23) FDOT is expecting to get approval in next few weeks, resubmitted updated plans and time table to FDOT (1/2/24) FDOT requested updated paperwork which has been supplied and waiting on NTC (2/1/24)

3. **Organizational Activity:**

- a. **Swale:** Public works installing swale in at 405 Orlando Blvd.(9/30/20) Environmental task force reviewing swale ordinance to make changes, native plant portion separated at going to P&Z December meeting (12/3/20) Native plant and swale ordinance separated plant ordinance before council (2/2/21) Environmental task force working on (6/3/21) Public works installed swale 400 block Melbourne Ave. (8/3/21) EATF is working on swale ordinance again. EATF still working on updating ordinance (9/30/21) EATF still working on swale ordinance, public works installed swale at 211 Eighth (11/2/21) Stability Committee sample swale Orlando & Ramona (2/2/22) Sustainability Committee working on issues (3/29/22) Public works will be

TOWN MANAGER'S REPORT

installing swale on N. Shannon in front of the Chalets to resolve standing water issue in the next few weeks (5/27/22) Public works installed swale Ormond & Ramona as requested by Sustainability Board (8/3/22) Swale installed in front of Chalet and has resolved issue. Wavecrest by Casuarina Club complaint of water standing, worked with HOA and public works will install a swale agreed by HOA (9/7/22) Locates complete public works will install January 2023 (1/3/23) Project is under construction at this time (1/31/23) Project complete and has eliminated standing water in roadway (3/1/23) Swale installed at 4th Ave & S. Riverside (1/2/24)

- b. Riverside Pier met with town engineer about the condition of pier. Pier was built in 2001 at a cost of \$141,700. Some boards on the decking have been replaced over years to repair but majority is original. Decking is in need of replacement. Working with town engineer with options and approximate cost of these repairs. Also looking at the possibility of adding a kayak launch from pier. (10/5/21) First estimate to repair decking only \$120,000 (11/2/21) Placing money into reserves for FY 24 \$125,000 (7/14/22) Moving project to FY 25 for more funding of project (7/3/23)
- c. accident waiting on engineer expectation of cost. Money from insurance received from both crashes and town engineer working on getting quotes to award contract (2/2/22) Engineer is finalizing design to include guardrail and planters to protect area from further damage (3/29/22) Met with SG and he is making intersection crossing ADA compliant, also sent sample of planter (4/7/22) Gave SG the approval on design and he is getting quotes and bids, public works going to build planters (4/25/22) Joe has ordered planters supplies, SG is waiting on contractor to finalize prices so we can enter into contract, issues with the difficulty in getting cement also is one of the issues (5/27/22) SG working on getting bids for work and timeline (6/21/22) Sent email to SG today looking for update (7/11/22) Repairs approved by council at July meeting at work has begun (8/3/22) Concrete work expected 2nd week of September (9/7/22) Work finished on roadway and awaiting install of guardrails and replace rotted piling (10/6/22) Boardwalk back open, guardrail and planters waiting install for pipe repair (11/1/22) Temporarily installed jersey barriers to project boardwalk (1/3/23) Waiting on council approval for pipe repairs so permanent protection and planters installed (1/31/23) After Council moving pipes was decided and BSE is redesigning and getting cost estimates (3/1/23) Estimate received waiting on Mayor to see if any state funding is available (4/6/23) Awaiting meeting setup with SG, JG and planner (5/3/23) Met with SG and urban planner on 5/30/23 and waiting on follow up meeting (5/12/23) Met with urban planner mid-June and stated it would be about 90 days until he gets back with us on some information (7/3/23) Signed agreement with planner (7/19/23) Mayor and I met with urban planner is said it would take about four weeks until he completes conceptual plan and he will be speaking with individual councilmembers

TOWN MANAGER'S REPORT

- before giving presentation to council (8/1/23) Urban planner waiting on survey information so he can upload into CAD to create plans (11/2/23)
- d. Comp plan amendment Chapter 163, *Florida Statutes* (F.S.), requirement for local governments to adopt an updated Water Supply Facilities Work Plan and related comprehensive plan amendment within 18 months of governing board approval of the CSEC RWSP per SJRWMD. Sent email to Jim LaRue (4/19/22) Expect this to be finalized for submittal in June (5/27/22) Spoke to Jim LaRue this past week and he is working on update (11/1/22)
 - e. Council approved ordering new firetruck, \$400,000 from already reserved money and \$181,426.09 from ARAP funds truck ordered in April expect 22 to 24 month delivery by Chief Flamm (5/27/22) Chief Flamm and Captain Burnett scheduled preconstruction meeting with Sutphen Fire Truck (9/7/22) Fire Chief advised after preconstruction meeting deliver date expected April 2024 (10/6/22) New date expected now in November 2024 (1/2/24)
 - f. Hurricane Ian damages and issues, 1400 block Miami road damage, Riverside & Orlando partial collapse, 400 block Oakland pipe issues, 400 block of Genesse, 500 block Watson, Debris pickup interlocal agreement with county put into action (10/4/22) working on FEMA estimates for county (10/6/22) All Debris material picked up and back to normal services with Waste Management (11/1/22) Working with FEMA and have follow up meetings scheduled (1/3/23) Meeting with BSE needed to discuss options (1/3/23) Meeting with BSE and camera pipe damages and BSE working up numbers for repairs for outfall by need info by 2/1 scheduled for 1/26 or 1/27 (1/23/23) BSE sent updated cost to repair for areas, report from inspection coming (1/30/23) Met with FEMA rep today and gave updated cost and they are submitting numbers from damage (1/31/23) Several meetings with FEMA this past month to include site inspections, paperwork completed and returned to FEMA for the two sites and we are waiting on response from FEMA. Also received bill for our portion of the debris pickup from Brevard County \$5,436.30 (3/1/23) Update information on Orlando repairs waiting on from SG price estimates (4/6/23) Information received and all submitted to FEMA (5/3/23) Waiting on approval from FEMA (5/30/23) Mollie had meeting with FEMA (7/19/23) Mollie submitted signed paperwork to FEMA (7/24/23) Waiting on updated plans from BSE for submittal to FEMA (11/2/23) town clerk submitted updated paperwork to FEMA per their request (2/1/24)
 - g. Fire Chief Flamm submitted is retirement paperwork for 7/24/2023, working advertising and posting for the Fire Chiefs job. No internal candidates are interested at this time (3/1/23) Chief Flamm notified he is pushing his retirement to the end of 2023 (4/6/23) Chief Flamm gave his retirement date as 3/18/24 (8/2/23) Ad placed for Fire Chief position on town website, Indeed and Florida Fire Chiefs' Association with a closing date of 12/15 (11/30/23) Reviewed applications and have five interviews set for 1/16/24 (1/3/24) After

TOWN MANAGER'S REPORT

interviews Keith Maddox was selected as the new fire chief and begins
2/26/24 on February Council agenda for confirmation (2/2/24)

- h.** Spoke with Jim LaRue as the five year CPI is due in FY 24, will be working on it together in the next few months (8/31/23) Been in contact with Jim LaRue several times the past week working on getting more information (1/3/24)

INVOICE REGISTER FOR TOWN OF INDIALANTIC
 POST DATES 01/01/2024 - 01/31/2024 POSTED PAID
 BANK ACCOUNTS: GEN. ENT

Inv Ref # Vendor

Inv Ref #	Vendor	Invoice Date	Due Date	Invoice Amount	Amount Due Status	Posted
00002140	FMPTE	01/03/2024		21,813.00		0.00
00002141	SALEM TRUST	01/03/2024		22,500.00		0.00
00002148	BS&A	01/01/2024		9,505.00		0.00
00002164	FPL	12/27/2023		5,406.68		0.00
00002205	WEISS SEROTA HELFMAN P.L.	01/11/2024		5,309.52		0.00
00002212	DIGIMATION	12/29/2023		14,999.00		0.00
00002281	Florida Municipal Ins Trust	01/22/2024		31,508.05		0.00
00002307	BSE CONSULTANTS, INC.	01/25/2024		12,611.42		0.00
00002327	FPL	01/25/2024		5,375.64		0.00
	# of Invoices:		9 # Due: 0	129,028.31		0.00
	# of Credit Memos:		0 # Due: 0	0.00		0.00
	Net of Invoices and Credit Memos:			129,028.31		0.00

Permit List

02/01/2024

Permit #	Address	Category	Applicant Nam	Date Issued	Valuation	Amount Billed
PB24-0163	222 1ST AVE	New	ERIC THE GAS MAN LLC	01/30/2024	1,625.00	\$79.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$75.00	
PB24-0162	217 EIGHTH AVE	Roofing	COVENANT ROOFING & CONSTR	01/30/2024	12,911.00	\$134.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$130.00	
PB24-0161	201 DELAND AVE	Window, Doors &	LOWE'S	01/29/2024	31,000.00	\$226.60
	Florida State Surcharge - 3%				\$6.60	
	Permit Fee				\$220.00	
PB24-0159	580 N RIVERSIDE DR	New	ALLGOOD, LARRY WAYNE; WILLIA	01/26/2024	2,000.00	\$79.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$75.00	
PB24-0158	132 OCEAN TER	Window, Doors &	Ikon Windows and Doors LLC	01/26/2024	18,086.00	\$164.80
	Florida State Surcharge - 3%				\$4.80	
	Permit Fee				\$160.00	
PB24-0157	425 7TH AVE	Window, Doors &	A BETTER VIEW	01/26/2024	9,100.00	\$119.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$115.00	
PB24-0156	105 N RIVERSIDE DR	Permanent	All Service Graphics	01/26/2024	135.00	\$64.00
	Permit Fee				\$60.00	
	Florida State Surcharge - \$4 Flat				\$4.00	
PB24-0155	335 1ST AVE	New	CARRIE'S FENCE OF PALM BAY IN	01/25/2024	1,080.00	\$79.00
	Permit Fee				\$75.00	

Florida State Surcharge - \$4 Flat	\$4.00					
PB24-0154 304 PALM CT		Replacement	DOUG HERRELL PLUMBING INC	01/23/2024	12,600.00	\$134.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$130.00					
PB24-0153 430 TWELFTH AVE		Electrical Addition	DURHAM & SONS INC.	01/22/2024	890.00	\$114.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$60.00					
PB24-0152 115 MICHIGAN AVE		New	DAVE'S FENCE INC	01/22/2024	6,700.00	\$104.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$100.00					
PB24-0151 151 DELAND AVE		Roofing	ADVANCED ROOF TECHNOLOGY I	01/23/2024	36,018.00	\$257.50
Florida State Surcharge - 3%	\$7.50					
Permit Fee	\$250.00					
PB24-0150 1110 S MAGNOLIA DR		HVAC Replaceme	COASTAL CLIMATE EXPERTS	01/19/2024	14,000.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0149 445 GENESEE AVE		MISCELLANEOU	SUPERIOR FENCE & RAIL OF BRE	01/19/2024	2,980.83	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0148 105 N RIVERSIDE DR		Permanent	Friend	01/22/2024	250.00	\$64.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$60.00					
PB24-0147 319 PALM CT		New	INTERCOASTAL POOL & SPA BUIL	01/18/2024	47,500.00	\$314.15
Florida State Surcharge - 3%	\$9.15					
Permit Fee	\$305.00					
PB24-0146 331 ORLANDO BLVD		Repair	ALPHA FOUNDATION	01/18/2024	37,994.81	\$262.65

Florida State Surcharge - 3%	\$7.65					
Permit Fee	\$255.00					
PB24-0145	904 WAVE CREST AVE	Remodel	Grounded Builds Brevard	01/17/2024	42,600.00	\$979.20
Florida State Surcharge - 3%	\$19.20					
Plan Review Fee	\$320.00					
New Plumbing	\$360.00					
Permit Fee	\$280.00					
PB24-0144	101 S MIRAMAR AVE	Demolition	BANDES CONSTRUCTION	01/25/2024	25,000.00	\$100.00
Building Demolition	\$100.00					
PB24-0143	801 S RAMONA AVE	Roofing	SAL VITALE THE ROOF DOCTOR I	01/17/2024	20,887.00	\$175.10
Florida State Surcharge - 3%	\$5.10					
Permit Fee	\$170.00					
PB24-0142	306 COCOA AVE	Electrical Remodel	GLADIATOR ELECTRIC INC	01/16/2024	5,200.00	\$99.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$95.00					
PB24-0141	314 COCOA AVE	HVAC Replaceme	FREEDOM AIR & HEAT INC	01/22/2024	12,501.12	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0140	305 N RIVERSIDE DR	Repair	ALPHA FOUNDATION	01/12/2024	11,558.21	\$129.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$125.00					
PB24-0139	1321 S MIRAMAR AVE UNIT	HVAC Replaceme	COOL GUYZ AC & HEAT INC.	01/12/2024	5,885.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0138	101 WATSON DR	Permanent	KENDAL SIGNS INC	01/11/2024	10,750.00	\$124.00
Florida State Surcharge - \$4 Flat	\$4.00					

Permit Fee	\$120.00					
PB24-0137	1004 WAVE CREST AVE	New	Grounded Builds Brevard	01/22/2024	1,750,000.00	\$9,049.95
Florida State Surcharge - 3%	\$177.45					
Plan Review Fee	\$2957.50					
Permit Fee	\$5915.00					
PB24-0136	417 1ST AVE	Replacement	AAA QUALITY FENCE LLC	01/17/2024	6,380.00	\$104.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$100.00					
PB24-0135	350 WATSON DR	Addition	SLATE BUILDING AND CONTRACT	01/11/2024	350,000.00	\$2,394.45
Plan Review Fee	\$782.50					
Florida State Surcharge - 3%	\$46.95					
Permit Fee	\$1565.00					
PB24-0134	214 7TH AVE	New	HELMS ALUMINUM INC.	01/11/2024	22,717.00	\$185.40
Florida State Surcharge - 3%	\$5.40					
Permit Fee	\$180.00					
PB24-0133	321 9TH TER	Roofing	MIKE WILLIS ROOFING & CONSTR	01/09/2024	24,650.00	\$195.70
Permit Fee	\$190.00					
Florida State Surcharge - 3%	\$5.70					
PB24-0132	700 S RIVERSIDE DR	NON-RES. ADDITI	AMERICAN FENCE	01/09/2024	2,100.00	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0131	337 MICHIGAN AVE	Electrical New	SCOPE SERVICES, INC	01/09/2024	1,100.00	\$79.00
Permit Fee	\$75.00					
Florida State Surcharge - \$4 Flat	\$4.00					
PB24-0130	903 S RIVERSIDE DR	HVAC Replaceme	EXTREME AIR & ELECTRIC INC	01/22/2024	14,705.00	\$79.00
Permit Fee	\$75.00					

Florida State Surcharge - \$4 Flat	\$4.00					
PB24-0129	116 MELBOURNE AVE	Roofing	3MG ROOFING	01/08/2024	36,285.00	\$257.50
Permit Fee	\$250.00					
Florida State Surcharge - 3%	\$7.50					
PB24-0128	311 DELAND AVE	Window, Doors &	NEWSOUTH WINDOW	01/22/2024	32,091.00	\$236.90
Florida State Surcharge - 3%	\$6.90					
Permit Fee	\$230.00					
PB24-0127	125 MICHIGAN AVE	Electrical Repair	EXTREME AIR & ELECTRIC INC	01/05/2024	2,100.00	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0126	222 1ST AVE	Remodel	S&W KITCHENS	01/04/2024	30,417.00	\$226.60
Florida State Surcharge - 3%	\$6.60					
Permit Fee	\$220.00					
PB24-0125	122 1ST AVE	Demolition	LIPSKY, MICHAEL F.	01/03/2024	1,000.00	\$206.00
Florida State Surcharge - \$4 Flat	\$4.00					
Work Started Without Permit	\$120.00					
Permit Fee	\$60.00					
PB24-0124	122 1ST AVE	Replacement	LIPSKY, MICHAEL F.	01/03/2024	2,000.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0123	700 WAVE CREST AVE CO	Electrical Remodel	ADVANCED ELECTRICAL INNOVA	01/03/2024	7,500.00	\$0.00
Florida State Surcharge - \$4 Flat	\$0.00					
Permit Fee	\$0.00					
PB24-0122	1209 S RIVERSIDE DR	Window, Doors &	MAYERHOEFFER, ALAIN; MAYERH	01/02/2024	4,300.00	\$94.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$90.00					

PB24-0121	424 1ST AVE	Replacement	API Action Plumbing LLC	01/02/2024	2,339.00	\$84.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$80.00	
PB24-0120	800 S Riverside Dr	Electrical New	CORNELIUS ELECTRICAL CONTR	01/02/2024	5,852.27	\$99.00
	Permit Fee				\$95.00	
	Florida State Surcharge - \$4 Flat				\$4.00	
PB24-0119		Window, Doors &	SUNSET VIEW CONSTRUCTION	01/11/2024	12,818.79	\$134.00
	Permit Fee				\$130.00	
	Florida State Surcharge - \$4 Flat				\$4.00	
PB24-0114	204 S RIVERSIDE DR	Electrical Remodel	GRAND ELECTRIC INC DBA BOB'S	01/04/2024	14,317.00	\$144.20
	Florida State Surcharge - 3%				\$4.20	
	Permit Fee				\$140.00	
PB24-0113	429 MIAMI AVE	Electrical Repair	DURHAM & SONS INC.	01/11/2024	2,100.00	\$84.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$80.00	
PB24-0110	1508 S MIRAMAR AVE	Roofing	JOHNSON, ELWIN AGUSTUS	01/03/2024	9,907.62	\$119.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$115.00	
PB24-0109	303 DELAND AVE	Electrical Remodel	MACKS ELECTRIC SERVICE INC	01/10/2024	4,000.00	\$89.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$85.00	
PB24-0104	431 9TH AVE	Roofing	HIPPO ROOFING LLC	01/04/2024	24,865.00	\$195.70
	Florida State Surcharge - 3%				\$5.70	
	Permit Fee				\$190.00	
PB24-0090	213 TWELFTH TER	Roofing	All Aluminum Contractors, inc.	01/15/2024	5,421.00	\$99.00
	Florida State Surcharge - \$4 Flat				\$4.00	

Permit Fee \$95.00

PB24-0089 415 WAYNE AVE Roofing JACOBS, DAVID; JACOBS, SUNNY 01/18/2024 1,500.00 \$79.00

Florida State Surcharge - \$4 Flat \$4.00

Permit Fee \$75.00

PB24-0084 225 WAYNE AVE Window, Doors & FLORIDA WINDOW & DOOR 01/18/2024 10,996.00 \$124.00

Florida State Surcharge - \$4 Flat \$4.00

Permit Fee \$120.00

PB24-0082 50 11TH AVE UNIT CMN Electrical Repair ADVANCED ELECTRICAL INNOVA 01/02/2024 7,500.00 \$109.00

Florida State Surcharge - \$4 Flat \$4.00

Permit Fee \$105.00

Number of Permits 53

Total Billed: \$18,838.40

Populatio All Records

Total Construction Valu \$2,758,213.65

Updated Code Enforcement Report 01/09/2024

Location:	Description:	Date:	Notice Frame	Code:	Extra Info:	Status:	Notes
	Notified Date	CB Date					
Zone 1	North of Fifth Avenue/Westside						
501 N Palm Ave	Sailboat in side yard; Uhaul trailers in DW	11/22/23		Sec 113.236(b)(3)	Boat storage/ trailers in driveway	notified	On 11/22/23 CS/ss observed a sailboat being stored in the side yard along the street. It needs to be moved to the rear yard. Also, multiple (10+) Uhaul trailers were ringed around the driveway of the house. 7 day Courtesy letter 11/27/23 CS informs me the UHauls are gone. ss 12/6/23 SS observed the Sailboat still in the side yard. Second notice sent. Owner given till 01/07/24 to finish fence repairs.ss.
337 Michigan Ave	Boat in driveway	12/15/23		Sec 113.236(b)(3)	Boat storage/ trailers in driveway	notified	On 12/15/23 it was observed there was a boat in the driveway that had been seen prior to this date as well. A Courtesy Letter was written requiring compliance by 12/24/23. on 1/2/24, CS/ss observed still non-compliant. A 2nd notice will be sent. Ss
Zone 2	North of Fifth Avenue/Eastside						
405 N Ramona Ave	Boat in driveway	11/22/23	1/4/2024	Sec 113.236(b)(3)	Boat in driveway	Complied	12/6/23 SS observed boat in driveway. 7 day Courtesy letter to be sent. Comply date of 12/25 being 'paused' so that the owner can talk to Cliff when he returns on 12/27. Owner contacted department requesting the meeting. 12/21 ss. CS spoke with the HO and will extend the date out 2 weeks from 01/02/24 - to 01/16/24. xx
109 1st Ave	RV in driveway	01/02/24		Sec 113.236(b)(3)	RV in driveway	notified	On 1/2/24, CS observed RV in front of front structure line. A courtesy letter will be sent. ss
117 1st Ave	RV in driveway	01/02/24		Sec 113.236(b)(3)	RV in driveway	notified	On 1/2/24, CS observed RV in front of front structure line. A courtesy letter will be sent. ss
337 2nd Ave	RV on right of way; trailer/camper in front of front line structure	01/02/24		Sec 113.236(b)(3)	RV on right of way; trailer/camper in front of front line structure	notified	On 1/2/24 CS observed 2 violations - RV on right of way; trailer/camper in front of front line structure. A courtesy letter will be sent . Ss
120/122 1st Ave	unpermitted work being conducted	01/02/24	1/3/2024		duplex demolition without a permit	Complied; permit pulled	12/31/23 a complaint was received by email about unpermitted work being done. CS/ss observed what appeared to be a duplex being gutted. CS approached the person on-site and came to an agreement that work would cease. A demolition permit would be obtained after the fact, and than a permit for the rebuild would be pulled after.

Updated Code Enforcement Report 01/09/2024

134 Fifth Ave	No BTR	12/20/23		Sec 30.19	No info on file regarding the business located there. No BTR on file	notified	Letter sent regarding the violation on 12/20/23. Given 7 days to comply. Ss
501 N Miramar Ave	Noise Ordinance	12/31/23		Sec 22-33 (a)	IPD investigated noise ordinance violation after 10 PM	notified	Resident complaint to IPD, music too loud after 10 PM. Sent C/R letter to management of Bleu Beach Resort and also notified the registered owner. 1/8/24 ss
130 1st Ave	Boat in driveway	11/22/23	1/5/2024	Sec 113.236(b)(3)	Boat in driveway	Complied	On 11/22/23 CS/ss observed a boat being stored in the driveway. 7 day Courtesy letter to be sent. CS extended to 12/20 because fence work is being done. Ss 12/1/23 CS observed same violations on 01/02/2024 and since 2nd warning was sent, I will send a Final with an invite to a CEB meeting if it is not addressed by the time of the meeting. ss 01/05/24 CS confirmed the 2 boats were in the back yard of a neighbor now. ss
Zone 3	South of Fifth Avenue/Westside						
707 S Palm Ave	Boat in driveway	11/22/23		Sec 113.236 (b)(3)	Boat in Driveway	notified	On 11/22/23 CS/ss observed a boat being stored in the driveway. 7 day Courtesy letter to be sent. On 12/6/23, SS observed boat in driveway. I will send a Second Notice . Ss CS observed the property to still be non-compliant after a 2nd notice. He spoke to the resident and is giving her til March 3rd to find housing for the boat. After that date a final will be prepared with an invite to the CEB meeting if still not compliant. ss
Zone 4	South of Fifth Avenue/Eastside						
115 Melbourne Ave	Prohibited Use	11/27/23		Sec 113-332	Vacation Rental	notified	11/27/23 observed property advertising in AirBnb and VRBO for less than 90 day rental. Sent information to IPD to investigate. IPD found it to be in violation. Sent C/R letter, did not receive card back where it was delivered. On 12/27/23 saw it advertising again on both sites. C/R letter (2nd Final) sent again. On 1/2/24, the property was still being advertised as a STR. CS posted the property on 1/3/24 for immediate C & D, with CEB meeting if not achieved. (there were renters from GA at the property). On 1/5/24 I did not observe any advertising. I will continue to monitor to ensure continued compliance. ss
Zone 6	Miramar & Wave Crest						
101 S Miramar	chain link fence over sidewalk	1/5/2024		Safety Hazard	trip hazard caused injury	complied	A resident informed us by email that he and his wife were walking on the sidewalk on the west side of Wave Crest next to Surf-Style. His wife tripped on exposed chain link fence wire that was sticking out over the sidewalk. She tripped, fell, and got scraped up a bit. HO asks for that to be fixed right away. SS called Trish at Surf-Style to report it. We asked that it be fixed today and that a picture is sent to me to verify it is not a trip hazard. Trish agreed to do that.

Updated Code Enforcement Report 01/09/2024

<p>North of 5th Ave</p>	<p>Yard debris piles not containerized</p>	<p>1/8/2024</p>		<p>Sec. 26-20</p>	<p>yard debris not containerized for pickup</p>	<p>Door handle flyers were put on the door with the message from Waste Management on proper disposal of yard debris.</p>	<p>on 1/8/24, SS toured the north side of 5th Ave and delivered door handle flyers to every address with uncontainerized yard debris. Letters were sent to the businesses with issues. The house addresses are below:</p>
							<p>144 5th Ave - letter being sent</p>
							<p>145 Fourth Ave - letter being sent</p>
							<p>420 Fourth Ave - letter being sent</p>
							<p>400 Oakland Dr</p>
							<p>211 Wayne Ave</p>
							<p>605 N Ramona Ave</p>
							<p>401 Wayne Ave</p>
							<p>425 Michigan Ave</p>
							<p>400 Michigan Ave</p>
							<p>605 Ramona Ave</p>
							<p>310 Michigan Ave</p>
							<p>130 1st Ave</p>
							<p>133 1st Ave</p>
							<p>225 1st Ave</p>
							<p>335 1st Ave</p>
							<p>420 2nd Ave</p>
							<p>415 2nd Ave</p>
							<p>143 2nd Ave</p>
							<p>118 2nd Ave</p>
							<p>121 A 3rd Ave</p>
<p>136 3rd Ave</p>							
<p>300 Palm Ave</p>							
<p>216 3rd Ave</p>							
<p>230 3rd Ave</p>							
<p>241 3rd Ave</p>							
<p>317 3rd Ave</p>							
<p>335 3rd Ave</p>							
<p>400 4th Ave</p>							
<p>South of 5th Ave</p>	<p>Yard debris piles not containerized</p>	<p>1/8/2024</p>		<p>Sec. 26-20</p>	<p>yard debris not containerized for pickup</p>	<p>Door handle flyers were put on the door with the message from Waste Management on proper disposal of yard debris.</p>	<p>on 1/9/24, SS toured the south side of 5th Ave and delivered door handle flyers to every address with uncontainerized yard debris. Letters were sent to the businesses with issues. The house addresses are below:</p>
							<p>425 6th Ave</p>
							<p>405 6th Ave</p>
							<p>311 6th Ave (business- letter)</p>
							<p>206 6th Ave corner parking lot (letter)</p>
							<p>210 7th Ave</p>

Updated Code Enforcement Report 01/09/2024

230 7th Ave
241 7th Ave (read door knob flier and scheduled a pickup)
310 7th Ave
232 8th Ave
100 9th Ave
120 10th Ave
125 11th Ave
137 11th Ave
112 12th Ave
116 13th Ave
140 14th Ave
122 14th Ave
1000 14th Ave (letter to owner of apts)
815 S Shannon Ave
105 Melbourne Ave
215 Melbourne Ave
408 Melbourne Ave
427 Melbourne Ave
903 S Riverside Dr
1001 S Riverside
1110 Magnolia Dr
1200 Magnolia Dr
225 Miami Ave
200 Miami Ave
157 Miami Ave
125 Deland Ave
200 Deland Ave
211 Deland Ave
235 Deland Ave
151 Cocoa Ave
1202 S Ramona Ave
343 Orlando Ave
107 Cocoa Ave
115 Cocoa Ave
125 Cocoa Ave
157 Cocoa Ave
161 Tampa Ave
144 Ocean
117 Ocean
101 Ocean (letter to owner)

Indialantic Fire Rescue Monthly Report for January 2024

FIRES		
Structure Fires		
Brush Fires		
Vehicle Fires		
Trash Fires		
Other Fire Calls		1
RESCUE & EMERGENCY MEDICAL		
Medical		18
Well Being Check		
Water Rescue		
Motor Vehicle/Pedestrian Accident		
Good Intent		2
Rescue Call, Other		
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem/Gas Leak		4
GOOD INTENT CALL (citizen calls 911 for suspected incident)		
Dispatched and Cancelled Enroute		
Dispatched and Cancelled on Scene		
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		
Smoke Detector activation due to smoke or dust		4
SPECIAL INCIDENT TYPE		
Public Service Calls		6
Assist Other Government Agency		
Special Type of Incident		
TOTAL E911 RESPONSE CALLS		35
RUNNING TOTAL OF PREVIOUS MONTHS		
TOTAL CALLS YEAR TO DATE (Calendar Year to Date)		35
Fire Inspections/Business Tax Receipt (BTR) Inspections		20
Hydrant Inspections		0
Public Education Demonstrations/Talks		1
MUTUAL AIDE		
	GIVEN	7
	RECEIVED	2
AVERAGE RESPONSE TIME Time from dispatching to arrival		2:50

VOLUNTEER HOURS	\$ 242.25
SAVINGS REALIZED BY THE TOWN	\$ 4,845.00

Department Activity:
The volunteers held their monthl business meeting on 1/9/24 and trained on 1/16, 1/23, and 1/30. Truck 57 was sent to Kelly Ford for oil, filters and lube. The fire pumps on Truck 57 and Engine 57 were both tested with two minor issues with Trk 57 which have been repaired and several issues with Engine 57, none of which prevent either pumps from failing the test. Personnel completed 27 hrs of continuing education and 37 hrs of practical training. On duty crew replaced the pump intake strainers on Truck 57 and one pressure gauge on Truck 57. Truck and Engine 57 provided public education at Indialantic Elementary on 1/30/24 at the schools fund raiser open house.

All times are documented in the computer aided dispatch (CAD) system. These times are entered manually so actual times may differ from actual times.

Indialantic Police Department

Monthly Activity Report

December 2023

OPERATIONS:

* The Department Responded to 883 Incidents.

* Subpoenas were 5 issued.

* Activity	7	Arrests
	4	Felony
	0	Misdemeanor
	3	Traffic
		0 DUI & 0 Drug
	64	Traffic Citations
	220	Traffic Stops
	155	Verbal Warnings
	0	Capias Filed

TRAINING:

Indialantic Police Department
 Monthly Crime Index
 December 2023

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	1	0			0%
Larceny	2	1			50%
Veh Theft	1	0			0%
Assault/Battery	1	0			0%
Arson	0				0%
Total Part I	5				
Part II					
Kidnapping	0				
Fraud/Forgery	1				
Criminal Mischief	1				
Weapons	0				
Sex Offenses	0				
Narcotics	0				
DUI	0				
Liquor Laws	0				
Disorderly	0				
Ordinance/Litter	2				
Trespass	0				
Total Part II	4				
Part III & IV					
Patrol Area	594				
911 Investigations	39				
Citizen Contact	5				
Juvenile	1				
Warrant	0				
Misc Traffic	56				
Traffic Accidents	10				
Sick/Injured	1				
Death	2				
Mentally Ill	0				
Suicide/Attempt/Threat	1				
Animal	5				
Information	8				
Alarm/Open Door	7				
Fire	0				
Lost/Found	10				
Disturbances	5				
Susp Incidents	58				
Assists	45				
Details	26				
Missing Persons	1				
Total III & IV	874				
Grand Total	883				

Indialantic Police Department
YTD Information Report
December 2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Traffic Warnings	2	0	0	0	0	0	0	0	0	0	0	0	2
Equip Warnings	1	0	0	0	0	0	0	0	0	0	0	0	1
Verbal Warnings	195	99	178	228	138	99	72	81	115	144	147	155	1651
Field Interrogation	0	0	0	0	0	0	0	0	0	0	0	0	0
Parking Violations	2	9	17	8	2	6	14	8	1	4	0	0	71
Parking Fines	\$ 70	\$ 530	\$ 595	\$ 280	\$ 70	\$ 210	\$ 490	\$ 280	\$ 35	\$ 140	\$ -	\$ -	\$ 2,700
Traffic Citations	98	80	72	201	132	73	61	60	31	22	82	64	976
Arrests	0	0	0	21	27	11	19	12	14	3	10	7	124
DUI Charges	0	0	0	0	0	1	0	0	0	0	0	0	1
Drug Charges	0	0	0	1	2	0	0	3	0	0	0	0	6
Wavecrest Activity	50	58	80	62	48	52	45	41	34	45	43	27	585

Monthly Report

Departments

Public Works and Enterprise I&II

MONTH OF

January 2024

TASK COMPLETED

January 02, 2024, Public Works removed all tree lighting decorations throughout Nance Park and playground, tree lighting was a huge success. Started on Public Works up stairs storage removing ripped carpet then securing masonite board to flooring to install new flooring. Leroy and Joe finished flooring upstairs in Public Works building on 01/14/2024. Public Works ran data line to new message board, Durham and Sons ran electrical for front of Town Hall message board, due to it needing two dedicated circuit breakers. Dave installed new exhaust fan and light in Fire Departments upstairs restroom. On Wednesday January 17, 2024 had John and Leroy move the Jamacian Caper Tree from Lily Park to Tradewinds Park, since Lily Park Garden Club would be holding an Arbor Day Tree Planting on January 19, 2024 and would be planting a False Tamarind Tree in Lily Park. Public Works started on demo of Police Departments Dispatch Room on Monday January 22, 2024, to get ready for tile being installed on Thursday January 25, 2024. Paradise Flooring came in on Thursday January 25, 2024 to start tiling floor, only to find out wrong tile was delivered, Monday January 29, 2024 Paradise Flooring came in and started to tile to the correct flooring, after that Public Works continued to install ceiling tile and shelving.

TASK IN PROGRESS

Received three quotes for demoing crossovers at Sunrise and Sea Park and access # 8 stairs, due to pillings being split from top to bottom, that way Public Works can rebuild crossovers. Still waiting on three quotes to remove and replace 400 - 500 linear feet of depressed Miami curbing along S. Riverside Drive, that way in April the Town of Indialantic can have S. Riverside Drive paved from 5th Avenue to Melbourne Beach City limits. Still waiting on plans from BSE for the three stormboxes removal and top replacement along S. Riverside Drive starting at address: 1302 and ending between Addresses: 1304 and 1314.

SELF ASSESSMENT & COMMENTS

I appreciate all support from residents, thank you for making our Town thrive and be the best it can be. If you see a problem please call Town Hall during business hours (8 am-5pm) Monday thru Friday, or you can email me any questions, comments, concerns or suggestions. jgervais@indialantic.com. Also please be aware that if you have a Landscape Company remove any yard debris they must take it with them. **Yard waste collection guidelines:** Prepare yard waste so that all branches, limbs, palm fronds and other materials are reduced to sizes not exceeding four (4) feet in length, two (2) feet in diameter, and fifty (50) pounds in weight. Yard waste (yard waste cuttings, grass cuttings, leaves, small clippings and trimmings) generated from a single family residence may be placed in a customer owned receptacle with a maximum 40-gallon capacity. Notify collector and arrange for a special pick-up if yard waste removal does not meet the size and weight limits listed above (Schedule Special Residential Yard Waste Pick-Up). Separate yard waste from other solid waste and place at your designated collection point. Containerize grass cuttings, leaves, small clippings and trimmings. Please note: the use of any type of bags (paper or plastic) for yard waste is prohibited. Set yard waste at the curb in time for residential collection which begins at 6:00 a.m. and runs until 8:00 p.m. Waste Management will pick up all properly prepared yard waste placed at the curb or at the designated collection point from each single-family and multi-family residence, not less than one (1) time per week.

For more information call: South Brevard: 723-4455.