

AGENDA NO. 17-01

**TOWN OF INDIALANTIC
REGULAR MEETING OF THE TOWN COUNCIL
October 12, 2016**

A regular meeting of the Indialantic Town Council will be held at 7:30 p.m. on Wednesday, October 12, 2016, in Indialantic Town Hall, 216 Fifth Avenue, Indialantic, Florida.

I. CALL TO ORDER:

Honorable Dave Berkman, Mayor
Honorable Stuart Glass, Deputy Mayor
Honorable Dick Dunn, Councilmember
Honorable Randy Greer, Councilmember
Honorable Jill Hoffman, Councilmember

II. PLEDGE OF ALLEGIANCE:

III. PUBLIC:

In accordance with the Town Council's public participation policy, persons wishing to address the Town Council on a matter not listed on the agenda may speak under the public portion of the meeting agenda. A person must be recognized by the Mayor prior to arriving at the podium to speak.

Speakers must provide their name and address and must direct comments to the Mayor and not to the members of the audience. Please observe the time limit of **three (3) minutes** while speaking under the public portion of the meeting agenda.

IV. PUBLIC ANNOUNCEMENTS:

- A. There are currently openings, including reappointments, on the Code Enforcement Board; General Employees Pension Board; and Parks, Recreation and Beautification Committee.
- B. There will be openings and reappointments on the Code Enforcement Board; Heritage Committee; Parks, Recreation and Beautification Committee; and Zoning and Planning Board in November.
- C. The Halloween Party will be held on Saturday, October 29, 2016, from 4 to 8 p.m.
- D. Mary Jo Kilcullen and Vinnie Taranto, Jr., are running for Indialantic Council Seat 2, and their names will be placed on the November 8, 2016, ballot.

- E. Town Hall will be closed on Friday, November 11th, in observance of Veterans' Day.

V. CONSENT AGENDA:

A. Minutes

- a. Minutes No. 16-12 – Regular Meeting of September 7, 2016
- b. Minutes No. 16-13 – Special Meeting of September 21, 2016

B. Appointments

- a. General Employees Pension Board – 1 opening. Lorraine Schulte would like to be reappointed. Reappoint Ms. Schulte.
- b. Melbourne Beach Library Board – 2 openings. Elfriede Raedler and Thomas Carnohan would like to be reappointed. Reappoint Ms. Raedler and Mr. Carnohan.

- C. Disaster Debris Removal – Approve the Interlocal Agreement between the Town of Indialantic and Brevard County for storm debris removal.

- D. Lily Drainage Improvements – Approve Amendment #1 to the agreement between the Town and the Florida Department of Environmental Protection (FDEP).

- E. Ninth Annual Witch Way 5K Event – Approve the 9th Annual WW5K as a special event on Saturday, October 22, 2016.

VI. ORDINANCES AND RESOLUTIONS:

- A. Ordinance No. 16-15/Second Reading and Public Hearing: Amending Chapter 17-106.4(7), relating to signs on buildings located on corner lots in the S-C, Shopping Center District.

- B. Ordinance No. 17-1/First Reading: Amending Section 15-18.1(j)(E)(i) to allow for prorated amounts for parking space use agreements under certain circumstances.

VII. UNFINISHED BUSINESS:

- A. Prisoner Holding Area Security – Authorize engaging MAI Design Build of Melbourne to provide design services to improve security in the Town Hall prisoner holding area.

- B. Speed Humps – Consider speed hump options in the 100 blocks of Second and Third Avenues and the 400 block of Third Avenue.

VIII. NEW BUSINESS:

- A. Authorize the Craft Festival for July 8 and 9, 2017, in Nance Park.
- B. Sexual offender/predator regulations: Determine if revisions to the Town’s Sexual Offender/Predator Regulations should be considered.
- C. Barrier Island Naming – determine which option Council desires to recommend with regard to the naming of the barrier island.
- D. Comprehensive Plan – EAR – Approve the Evaluation and Appraisal Report (EAR) and related letter.
- E. Town Manager Evaluation – Accept the performance evaluation for the Town Manager for the period of October 1, 2015, through September 30, 2016.

IX. ADMINISTRATIVE MATTERS:

- A. Report from Town Manager
- B. Report from Town Attorney

X. REPORTS:

- A. Mayor Berkman
- B. Deputy Mayor Glass
- C. Councilmember Dunn
- D. Councilmember Greer
- E. Councilmember Hoffman

XII. ADJOURNMENT.

NOTICE TO THE PUBLIC: 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, HE 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.

MINUTES

Agenda Item V. A(a)

TOWN OF INDIALANTIC
REGULAR MEETING OF THE TOWN COUNCIL
September 7, 2016

A regular meeting of the Indialantic Town Council was held on Wednesday, September 7, 2016, in Indialantic Town Hall, 216 Fifth Avenue, Indialantic, Florida, as public noticed.

I. CALL TO ORDER:

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

PRESENT:	Honorable David Berkman	Mayor
	Honorable Stuart Glass	Deputy Mayor
	Honorable Dick Dunn	Councilmember
	Honorable Randy Greer	Councilmember
	Honorable Jill Hoffman	Councilmember
	Paul Gougelman	Town Attorney
	Christopher W. Chinault	Town Manager
	Joan Clark	Town Clerk
	Jennifer Small	Finance Director
	Scott Glaubitz	Town Engineer

II. PLEDGE OF ALLEGIANCE:

Mayor Berkman led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

III. PERMISSION FOR COUNCIL MEMBER DUNN TO ATTEND THE MEETING TELEPHONICALLY

* **MOTION By Mayor Berkman; Seconded by Deputy Mayor Glass, to allow Council Member Dunn to attend the meeting telephonically.**

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

IV. PUBLIC HEARING ON TENTATIVE 2016-2017 MILLAGE RATE AND BUDGET:

Mayor Berkman announced that the proposed millage rate was 6.2653, which is 3.373% over the rolled-back millage rate of 6.0609.

Mr. Chinault advised that the increase in the budget was for stormwater and public safety needs.

Mayor Berkman opened the hearing on the tentative millage rate and tentative budget. There was no response from those in the assembly.

- * **MOTION By Deputy Mayor Glass; Seconded by Council Member Greer, to adopt a tentative millage rate of 6.2653.**

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

- * **MOTION By Deputy Mayor Glass; Seconded by Council Member Hoffman, to adopt the tentative budget in the amount of \$5,047,361, and tentative general fund budget in the amount of \$4,112,189.**

Mayor Berkman again asked for public input, but none was forthcoming.

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Mayor Berkman announced that the final hearing on the tentative millage rate and the tentative budget would be held at 5:30 p.m. on Wednesday, September 21, 2016.

V. PUBLIC:

Mr. Bill Antonetz, 505 N. Miramar Avenue, thanked Council for an awesome job. He referred to the newly painted bathroom building in Nance Park, and stated he believed the color to be hideous. He suggested the building be repainted.

Ms. Ann Bernick, 151 Miami Avenue, concurred with Mr. Antonetz's assessment of the paint color.

VI. PUBLIC ANNOUNCEMENTS:

Mayor Berkman read the following public announcements:

- A. There are currently openings, including reappointments, on the Civil Service Board; Code Enforcement Board; Parks, Recreation and Beautification Committee; and the Zoning and Planning Board.

- B. There will be openings and reappointments on the Code Enforcement Board; General Employees Pension Board; and Parks Recreation and Beautification Committee in October.
- C. Incumbents David Berkman, Mayor, and Stuart Glass, Council Seat 4, are unopposed in the November 8, 2016, election. Mary Jo Kilcullen and Vinnie Taranto, Jr., are running for Seat No. 2, and their names will be placed on the ballot for November 8, 2016.
- D. The final hearing on the tentative millage rate and the tentative budget will be held at 5:30 p.m. on Wednesday, September 21, 2016.
- E. The 9th annual WW5K will be held on Saturday, October 8, 2016.
- F. The 2016 Halloween Festival will be held on Saturday, October 29, 2016.

VII. CONSENT AGENDA:

Mr. Chinault requested Item G be pulled from the Consent Agenda for discussion.

- A. Minutes:
 - a. Minutes – Budget Workshop of August 10, 2016
 - b. Minutes No. 16-11 – Regular Meeting of August 10, 2016
- B. Appointments
 - a. Civil Service Board – 1 opening. Irene Quilleux would like to be reappointed. Reappoint Ms. Quilleux.
 - b. Parks, Recreation, and Beautification Committee – 1 opening. Yvette Campbell would like to be reappointed. Reappoint Ms. Campbell.
 - c. Zoning & Planning Board – 1 opening. Wendy Grice would like to be reappointed. Reappoint Ms. Grice.
- C. Medical Director for ALS – Extend the agreement with John R. McPherson, M.D., for medical direction services for FY-17.
- D. Pest Control Agreement – Extend the agreement with TruGreen Chemlawn LP for FY-17.
- E. Resolution No. 16-10 – Supporting Florida League of Cities’ Resolutions 2016-04, 2016-08, 2016-09, and 2016-10.
- F. Amendment #1 to the current agreement between the Town and Local 1951, Melbourne Fire Fighters Association.

- * **MOTION By Council Member Hoffman; Seconded by Deputy Mayor Glass, to approve Item A through F of the Consent Agenda.**

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

- G. Living Shoreline Memorandum of Agreement (MOU) for the implementation of living shoreline demonstration sites.

Mr. Chinault explained that the agreement had changed since being placed on the agenda, and he noted that the amendments were minor. He advised that the agreement could be pulled from the agenda and brought back in October, or Council could approve the agreement and authorize the Town Manager to approve changes.

- * **MOTION By Deputy Mayor Glass; Seconded by Council Member Greer, to accept Item G with Town Manager authorization to approve changes.**

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

VIII. ORDINANCES AND RESOLUTIONS:

- A. Ordinance No. 16-15/First Reading: Amending Chapter 17-106.4(7) relating to signs on buildings located on corner lots in the S-C Shopping Center District.

Mr. Gougelman read the ordinance into the record by title only, as follows:

ORDINANCE NO. 16-15

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SIGNS IN SHOPPING CENTERS; AMENDING CHAPTER 17-106.4(7), *SHOPPING CENTER DISTRICTS*; INDIALANTIC TOWN CODE, BY ADDING SUBPARAGRAPH (F) RELATING TO SIGNS ON BUILDINGS LOCATED ON CORNER LOTS; PROVIDING A SERVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Berkman advised that this related to shopping centers with buildings such as Longdoggers located along on the edge of the property with signs that make no sense because they point in a direction that no one can see effectively.

- * **MOTION By Council Member Greer; Seconded by Council Member Hoffman, to approve Ordinance No. 16-15 on first reading.**

Deputy Mayor Glass questioned as to whether this was being done for only one business. Mr. Chinault advised this would apply to any business with similar circumstances.

THE VOTE ON THE MOTION WAS:

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

IX. UNFINISHED BUSINESS:

- A. Lily Drainage Improvements – Agreement with FDEP to realize the Lily Park Stormwater Retrofit.

Mr. Chinault stated that Council approved this project in June of 2015. He advised that as a partnership, the Town and the Garden Club worked together, and with the Extension Service coming in to give advice, the Town's engineer drafted the plans and was able to get some DEP funding (\$65,500 cap on funds).

He explained that the project would help deal with the flooding issue on South Riverside Drive at Sixth Avenue. He believed it was a great project, and benefited from the support and involvement of the Garden Club. He hoped Council would approve the agreement and move forward with the project.

- * **MOTION By Council Member Hoffman; Seconded by Council Member Greer, to approve the agreement with FDEP to realize the Lily Park Stormwater Retrofit.**

Deputy Mayor Glass commented that although this wasn't an ideal solution, he believed it did the least harm.

THE VOTE ON THE MOTION WAS:

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

- B. Determine if further action is desired with regard to humps installed on Second and Third Avenues.

Mayor Berkman advised that the speed humps installed did not meet specifications, Sergeant Baker had been asked to do further observations, and the Town engineer was asked to look at the situation. He noted that the original intent was to get people to slow down, but that did not happen.

Mr. Glaubitz advised that the contractor was given specifications for 3” humps, but the humps installed were 2-1/2” to 2-3/4” in height, so they were substandard and not as effective as they could be. He recommended Council authorize staff negotiate with the contractor on a deduct for the work performed based on sub-sufficient asphalt installed and to increase the humps to a 4” height.

He advised that the paint markings would ultimately be thermal-plastic, but this couldn’t be accomplished until the asphalt had been there for at least 30 days.

Mayor Berkman opened discussion to the public, noting that the Town was aware of and would fix the substandard speed humps.

Mr. Keith Whitehead, 436 Third Avenue, complimented the appearance of ABC, and stated he was seeing a lot of people coming out of ABC and going down Third Avenue. He thought it was great that Council was shooting for 4” and recalled earlier discussion about placing “no right-hand turns.”

Mayor Berkman indicated Council wasn’t going to change anything else.

Mr. Whitehead stated he understood, but suggested it be kept as a possibility as things progressed.

Ms. Liz Garvy, 223 Second Avenue, stated she was seeing a huge increase in the number of speeders on Second Avenue.

Mayor Berkman asked Ms. Garvy to let staff know when the problem was occurring. Ms. Garvey advised the increase in traffic occurs between the hours of 4 and 7 p.m.

Mr. Alex Wilson, 131A Third Avenue, stated he lived one house past the speed hump heading west and noted that the humps were useless at their present height; cars don’t brake/slow down.

- * **MOTION By Mayor Berkman; Seconded by Deputy Mayor Glass, to authorize the Town Manager and Town Engineer to negotiate the rework and approve the increase to four inches (4”).**

Mr. Randy Fertino, Third Avenue, clarified that humps were not going to be placed on every block; the currently installed humps would just be raised. He stated that the humps were doing nothing for the streets in between. Mayor Berkman confirmed that the Town would not be doing anything now. He stated they were trying to discourage traffic from going down the road at all.

Council Member Hoffman advised that she lived on Michigan and had seen an increase in traffic since ABC opened.

Mr. Keith Whitehead, 436 Third Avenue, stated that this was about a decision Council approved. Mayor Berkman advised that Council approved nothing; any business had a right to go in there if code requirements were met.

Mr. Whitehead pointed out that there was never a request from the Town for an entrance off A1A. Mr. Chinault clarified that the Zoning and Planning Board gave direction to the applicant and the applicant made a good faith effort and received an answer from DOT. He noted that DOT controls A1A and they made the decision; they have the right to do that.

Council Member Dunn raised concerns about the cost of raising the humps from 3” to 4” and possibly setting a precedent. Mr. Chinault advised that the Town was beyond that now and had to complete what was started.

In response to questions posed by Council Member Dunn, Mr. Gougelman stated he did not believe Council created a legal precedent because each situation was different.

THE VOTE ON THE MOTION WAS:

AYES: Berkman, Glass, Greer, and Hoffman

NO: Dunn

THE MOTION CARRIED 4 TO 1.

X. NEW BUSINESS:

A. Interlocal Agreement – Indian River Lagoon Restoration.

Mr. Chinault advised that the interlocal agreement provided that all money from the ½ cent sales tax (if approved at referendum) would go to Brevard County and into a trust fund to benefit the Indian River Lagoon. He noted that each Brevard County municipality had entered into the agreement with the exception of Indialantic (meeting tonight) and Malabar (meeting on the 15th).

*** MOTION By Deputy Mayor Glass; Seconded by Council Member Hoffman, to approve the Interlocal Agreement with Brevard County.**

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

B. Space Coast League of Cities Legislative Priorities

Mr. Keith Whitehead, 436 Third Avenue, stated that this was about a decision Council approved. Mayor Berkman advised that Council approved nothing; any business had a right to go in there if code requirements were met.

Mr. Whitehead pointed out that there was never a request from the Town for an entrance off A1A. Mr. Chinault clarified that the Zoning and Planning Board gave direction to the applicant and the applicant made a good faith effort and received an answer from DOT. He noted that DOT controls A1A and they made the decision; they have the right to do that.

Council Member Dunn raised concerns about the cost of raising the humps from 3” to 4” and possibly setting a precedent. Mr. Chinault advised that the Town was beyond that now and had to complete what was started.

In response to questions posed by Council Member Dunn, Mr. Gougelman stated he did not believe Council created a legal precedent because each situation was different.

THE VOTE ON THE MOTION WAS:

AYES: Berkman, Glass, Greer, and Hoffman

NO: Dunn

THE MOTION CARRIED 4 TO 1.

X. NEW BUSINESS:

A. Interlocal Agreement – Indian River Lagoon Restoration.

Mr. Chinault advised that the interlocal agreement provided that all money from the ½ cent sales tax (if approved at referendum) would go to Brevard County and into a trust fund to benefit the Indian River Lagoon. He noted that each Brevard County municipality had entered into the agreement with the exception of Indialantic (meeting tonight) and Malabar (meeting on the 15th).

*** MOTION By Deputy Mayor Glass; Seconded by Council Member Hoffman, to approve the Interlocal Agreement with Brevard County.**

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

B. Space Coast League of Cities Legislative Priorities

XII. REPORTS:

None.

XIII. ADJOURNMENT.

The meeting adjourned at 8:00 p.m.

David Berkman, Mayor

ATTEST:

Joan Clark, MMC, Town Clerk

MINUTES

Agenda Item V. A(b)

**TOWN OF INDIALANTIC
SPECIAL MEETING OF THE TOWN COUNCIL
September 21, 2016 – 5:30 p.m.**

A special meeting of the Indialantic Town Council was held on Wednesday, September 21, 2016, in Indialantic Town Hall, 216 Fifth Avenue, Indialantic, Florida, as publicly noticed.

I. CALL TO ORDER:

Mayor Berkman called the meeting to order at 5:30 p.m.

PRESENT:	Honorable Dave Berkman	Mayor
	Honorable Stuart Glass	Deputy Mayor
	Honorable Dick Dunn	Councilmember
	Honorable Randy Greer	Councilmember
	Honorable Jill Hoffman	Councilmember
	Christopher W. Chinault	Town Manager
	Joan Clark	Town Clerk
	Jennifer Small	Finance Director

II. PLEDGE OF ALLEGIANCE:

Mayor Berkman led the assembly in the Pledge of Allegiance to the United States of America.

III. FINAL PUBLIC HEARING ON TENTATIVE 2016-2017 MILLAGE RATE AND BUDGET:

A. Resolution No. 16-11 – Adoption of millage rate for 2016-2017

*** MOTION By Councilmember Greer; Seconded by Deputy Mayor Glass, to approve the millage rate for FY 2017 at 6.2653.**

Mayor Berkman opened the hearing to the public.

Mr. Walt Frederickson, 414 South Riverside Drive, commended Council and staff on its efforts to “scrub” the budget. He spoke of the high cost of government and suggested the Town step back and look at other ways of getting the job done.

Short discussion was held with regard to the small population of the Town and the contracting of services.

There were no further comments from the public.

THE VOTE ON THE MOTION WAS:

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

B. Resolution No. 16-12 – Adoption of the 2016-2017 budget with a General Fund Budget in the amount of \$4,112,189, and a total budget of \$5,047,361.

* **MOTION By Deputy Mayor Glass; Seconded by Councilmember Dunn, to approve Resolution No. 16-12 adopting a general fund budget in the amount of \$4,112,189, and a total budget of \$5,047,361.**

Mayor Berkman advised he had asked the Manager to make some changes (i.e. purchase of a speed trailer and funding for the design of a Police Department security wall.

Mr. Chinault clarified that the proposed budget was inclusive of the changes presented.

Mayor Berkman opened the hearing to the public. There were no comments from those in the assembly.

THE VOTE ON THE MOTION WAS:

AYES: Berkman, Glass, Dunn, Greer, and Hoffman

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Mayor Berkman read the following public announcement: The millage rate to be levied for the Town of Indialantic is 6.2653, which is a 3.373% increase over the rolled back millage rate of 6.0609, and is due to the need to advance monies for public safety and stormwater needs.

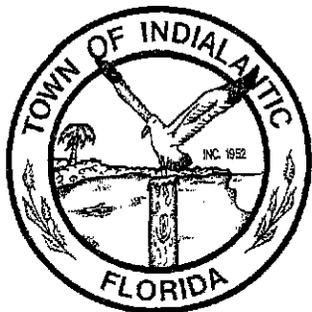
IV. ADJOURNMENT.

The meeting adjourned at 5:43 p.m.

David Berkman, Mayor

ATTEST:

Joan Clark, Town Clerk



TOWN OF INDIALANTIC

216 Fifth Avenue, Indialantic, Florida 32903

321-723-2242

Fax 321-984-3867

MAYOR

David Berkman

DEPUTY MAYOR

Stuart Glass

COUNCIL MEMBERS

Dick Dunn

Randall Greer

Jill Hoffman

Christopher W. Chinault, Town Manager

Joan Clark, MMC, Town Clerk

Elfriede A. Raedler
320 Watson Drive
Indialantic, Florida 32903

Agenda Item V. B (b)

Tuesday, September 13, 2016

Dear Ms Raedler:

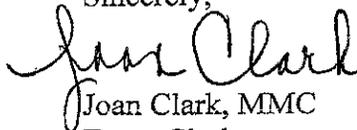
On behalf of the Indialantic Town Council, we would like to thank you for your service to the Melbourne Beach Library Advisory Board.

Your term will expire on October 07, 2016, but we hope you are willing to be reappointed to this very important Board.

If you would like to continue serving, please sign below and return to Town Hall. Your reappointment will go before the Town Council on October 12, 2016.

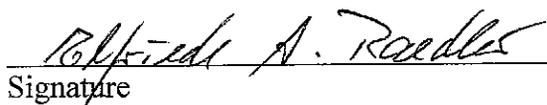
Again, thank you for your past service.

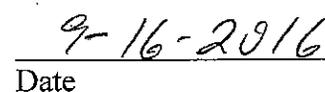
Sincerely,



Joan Clark, MMC
Town Clerk

I would like to be reappointed to the Melbourne Beach Library Advisory Board.


Signature


Date

JC/vmtm



TOWN OF INDIALANTIC

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

MAYOR
David Berkman
DEPUTY MAYOR
Stuart Glass
COUNCIL MEMBERS
Dick Dunn
Randall Greer
Jill Hoffman

Christopher W. Chinault, Town Manager
Joan Clark, MMC, Town Clerk

Thomas P. Carnohan
701 South Ramona Avenue
Indialantic, Florida 32903

Tuesday, September 13, 2016

Dear Mr. Carnohan:

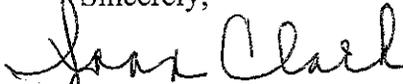
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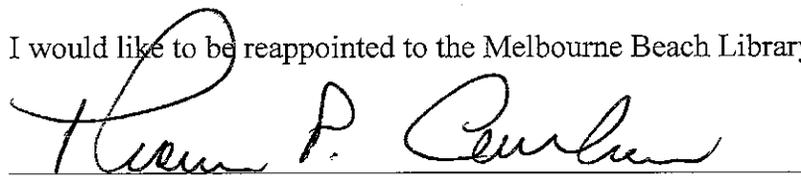
If you would like to continue serving, please sign below and return to Town Hall. Your reappointment will go before the Town Council on October 12, 2016.

Again, thank you for your past service.

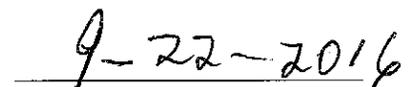
Sincerely,


Joan Clark, MMC
Town Clerk

I would like to be reappointed to the Melbourne Beach Library Advisory Board.



Signature



Date

SUBJECT: Disaster Debris Removal – Approve the Interlocal Agreement between the Town of Indialantic and Brevard County for storm debris removal.

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Council is being requested to approve an Interlocal Agreement between the Town and Brevard County enabling the County to remove debris after a major storm event.

The original agreement was approved in 1996, with Addendum #1 approved on March 20, 2001 (agenda item V-B), and Addendum #2 approved on August 15, 2006 (agenda item V-D).

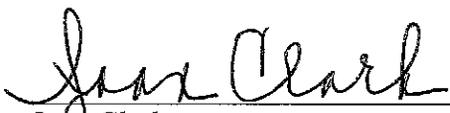
This document replaces the prior amended agreement and has no expiration date.

Recommendation:

Approve the Interlocal Agreement with Brevard County.

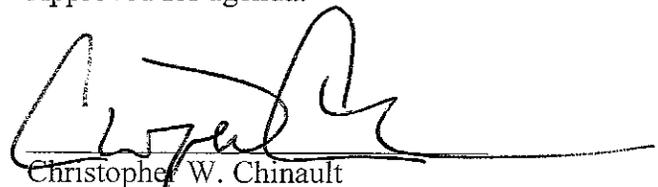
MOTION: Approve the Interlocal Agreement with Brevard County.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

INTERLOCAL AGREEMENT
Disaster Debris Removal

This Agreement, entered into this _____ day of _____, 2016 by and between the Town of Indialantic (hereinafter referred to as the TOWN) and the Board of County Commissioners of Brevard County, Florida (hereinafter referred to as the COUNTY).

WHEREAS, in the event of a natural disaster, the President of the United States of America may declare Brevard County a natural disaster area and, therefore, eligible for Federal disaster relief funds for the cleanup of debris; and

WHEREAS, in the event of a storm-related natural disaster, such as a hurricane, severe tropical storm or tornado, disaster debris cleanup is often a critical component of the disaster recovery process; and

WHEREAS, debris cleanup on a countywide basis requires a coordinated effort between the municipalities, the COUNTY, and the franchised collectors in order to ensure resources are applied where the need is most critical and to ensure the public health, safety and welfare are protected; and

WHEREAS, the disaster debris cleanup effort will require prioritizing areas for immediate cleanup, and perhaps temporarily suspending or rescheduling regular solid waste, yard waste and recycling services; and

WHEREAS, the COUNTY has been given the authority and responsibility for the disposal of solid waste generated in Brevard County, including garbage, yard trash, and construction and demolition debris; and

WHEREAS, in order to achieve the orderly and efficient clean up of debris it is appropriate that the COUNTY, in consultation with the municipalities, coordinate the County wide disaster debris collection effort through the COUNTY'S and municipalities' franchised solid waste collectors and subcontractors; and

WHEREAS, in the past the Federal Emergency Management Agency (FEMA) has requested that the COUNTY apply as a single entity for disaster debris clean up funds on behalf of Brevard's municipalities and the COUNTY; and

WHEREAS, by applying as a single applicant, funding will be available more rapidly to both the TOWN and the COUNTY with less administrative effort; and

WHEREAS, upon receipt of Federal and State funds for debris cleanup, the COUNTY would make single payments to the appropriate municipalities and franchised collectors for clean-up services;

NOW, THEREFORE, in consideration of the premises and mutual promises and conditions contained herein, it is mutually agreed between the parties as follows:

1. The COUNTY, upon notification that Brevard County has been declared a Federal disaster area by the President of the United States, shall coordinate the collection of disaster related debris through the TOWN'S and COUNTY'S franchised solid waste collectors on behalf of the TOWN.
2. The COUNTY, in consultation with the TOWN, other municipalities, and emergency response agencies, shall prioritize the areas of Brevard County in need of clean up based on the extent of damages and debris created by the event.
3. The COUNTY shall represent the TOWN with the Federal Emergency Management Agency and the State of Florida in regards to reimbursement of expenditure(s) incurred for the collection of debris resulting from the natural disaster.
4. The COUNTY will compensate the TOWN or the TOWN'S authorized collectors for expenditures incurred in the collection of debris resulting from the natural disaster with funds received from the Federal Emergency Management Agency to the extent the COUNTY receives FEMA and State of Florida reimbursement for same.
5. The TOWN shall negotiate with the franchise hauler for any expenditure(s) for debris cleanup not reimbursed by Federal Emergency Management Agency and the State of Florida.
6. The Agreement shall be effective from the date of its execution and shall remain in full force and effect as a continuing agreement.

7. Either party may terminate this Agreement in whole or in part in writing provided that no termination may be effected unless the other party is given no less than thirty days (30) prior written notice of intent to terminate.
8. Any notice, acceptance, request or approval from either party to the other shall be in writing (certified mail, return receipt requested) and shall be deemed to have been received when either deposited in the U.S. Postal Service mailbox, or personally delivered with signed proof of delivery.

Addresses for the COUNTY and the TOWN are:

<p>Euripides Rodriguez, Director Solid Waste Management Department 2725 Judge Fran Jamieson Way Building A, Room 118 Viera, Florida 32940</p>	<p>Christopher Chinault, Town Manager Town of Indialantic 216 Fifth Avenue Indialantic, FL 32903</p>
---	--

9. The COUNTY shall enter into a contract with a vendor (or vendors) to perform debris removal and disposal following a major storm or other disaster event.
10. Following a major storm or other disaster event and after receiving authorization from the TOWN, the COUNTY shall issue a Notice to Proceed to the selected vendor or (vendors) to initiate disaster recovery services.
11. The COUNTY, the TOWN, and the Contractor shall coordinate the disaster-related debris removal and cleanup within the TOWN.
12. The COUNTY shall apply on behalf of the COUNTY and the TOWN to FEMA for disaster cleanup funding and administer the expenditures for the disaster-related debris removal.

Either party shall have the right to designate a different person and/or address by giving notice in conformity with this Section.

IN WITNESS WHEREOF, the parties hereunto set their hands and seal the date and year first above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

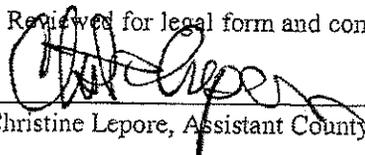
Scott Ellis, Clerk

Jim Barfield, Chairman

As approved by the Board on _____

This _____ day of _____

Reviewed for legal form and content:



Christine Lepore, Assistant County Attorney

TOWN OF INDIALANTIC
COUNTY OF BREVARD, FLORIDA

By: _____
Signature

Date: _____

Christopher W. Chinault, Town Manager

Name & Title, Typed or Printed

Town of Indialantic

Name of Town

216 Fifth Avenue

Mailing Address

Indialantic FL 32903

City, State, Zip

(321) 723-2242

Area Code/Telephone Number

SEAL

ATTEST:

Signature

Joan Clark, MMC, Town Clerk

Name & Title, Typed or Printed

SUBJECT: Lily Drainage Improvements

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Council is being requested to approve Change Order #1 to the Agreement between the Town and the Florida Department of Environmental Protection (FDEP) to realize the Lily Park Stormwater Retrofit. The change order consists of some scheduling changes necessitated by the amount of time that FDEP took to process it.

The FDEP/Town Agreement was approved by Council on September 7, 2016 (agenda item IX-A).

Recommendation:

Approve Change Order #1 to the Lily Park Stormwater Retrofit project agreement between the Town and FDEP.

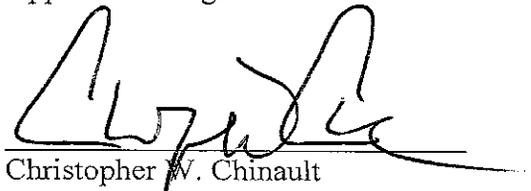
MOTION: Approve Change Order #1 to the Lily Park Stormwater Retrofit project agreement between the Town and FDEP.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

DEP AGREEMENT NO. LP05120
CHANGE ORDER NO. 001

GRANTEE

City of Indialantic
216 Fifth Avenue
Indialantic, Florida 32903

DEP Agreement No. LP05120 as entered into on the September 14, 2016 is hereby revised as follows:

- Attachment A, Grant Work Plan, Timeline table is hereby deleted and replaced with the following:

Task/ Deliverable No.	Task or Deliverable Title	Task Start Date	Task End Date	Deliverable Due Date/ Frequency
1	Design and Permitting	07/01/15	10/30/16	10/30/16
2	Bidding and Contractor Selection	10/15/16	12/30/16	12/30/16
3	Project Management	07/01/16	06/15/17	06/15/17
4	Construction of Project	09/14/16	06/15/17	06/15/17
5	Public Education	09/14/16	06/15/17	
5a	Draft Public Education			12/30/16
5b	Final Public Education			06/15/17
6	Final Report	9/14/16	08/01/17	
6a	Draft Final Report			06/30/17
6b	Final Report			08/01/17

All other terms and conditions of the Agreement shall remain unchanged.

CITY OF INDIALANTIC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Christopher W. Chinault, Town Manager

Connie Becker, DEP Grant Manager

Date: _____

Program Administrator

Print Name and Title

Date: _____

SUBJECT: Ninth Annual Witch Way 5K Event

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Due to weather conditions, the Ninth Annual Witch Way 5K event has been re-scheduled from October 8 to October 22, 2016. Council is being requested to approve the Ninth Annual Witch Way 5K as a special event on October 22, 2016.

Recommendation: Approve the 9th Annual WW 5K as a special event on Saturday, October 22, 2016.

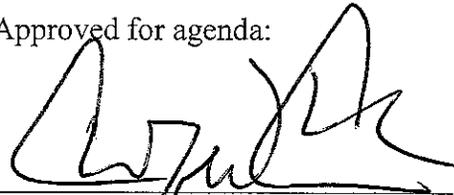
MOTION: Approve the 9th Annual WW 5K as a special event on Saturday, October 22, 2016.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

**SUBJECT: Ordinance No. 16-15/Second Reading and Public Hearing–
Amending Chapter 17-106.4(7), relating to signs on buildings
located on corner lots in the S-C, Shopping Center District.**

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Ordinance No. 16-15 is proposed due to peculiarities in the SC Shopping District and based on the way structures are situated on the property.

A new subparagraph (f) provides that “in the case of buildings located on corner lots, a sign not to exceed thirty-two (32) square feet is permitted on the wall which is closest to the side street, unless the property owner requests a different but parallel wall that faces the side street or a wall that is perpendicular to the side street instead.”

Council approved the ordinance on first reading on September 7, 2016, and the Zoning and Planning Board found the ordinance to be consistent with the Town’s adopted Comprehensive Plan, and in particular, Policy 1.1, Objective 1, Future Land use Element of the Plan on September 27, 2016.

Recommendation:

Approve Ordinance No. 16-15 on second reading.

MOTION: Approve Ordinance No. 16-15 on second reading.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

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ORDINANCE NO. 16-15

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SIGNS IN SHOPPING CENTERS; AMENDING CHAPTER 17-106.4(7), *SHOPPING CENTER DISTRICTS*, INDIALANTIC TOWN CODE, BY ADDING SUBPARAGRAPH (f) RELATING TO SIGNS ON BUILDINGS LOCATED ON CORNER LOTS; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

10 WHEREAS, commercial and professional office buildings in the Town of Indialantic have
11 been constructed and added onto over time; and
12

13 WHEREAS, the process of adding onto these existing buildings has resulted in
14 complications to the implementation of certain code provisions; and
15

16 WHEREAS, existing buildings built a number of years ago sometimes present challenges
17 as owners strive to operate businesses meeting current regulations; and
18

19 WHEREAS, the Indialantic Zoning and Planning Board, at its meeting of September 29,
20 2016, found the amendment to Chapter 17-106.4(7) to be consistent with the Town's adopted
21 Comprehensive Plan, and in particular, Policy 1.1, Objective 1, Future Land Use Element of the
22 Plan; and
23

24 WHEREAS, the Town Council of the Town of Indialantic, Florida, hereby finds this
25 Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of
26 Indialantic.
27

28 NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:
29

30 SECTION 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this
31 reference.
32

33 SECTION 2. That Section 17-016.4(7) of the Code of Indialantic, Florida, is hereby
34 amended as follows:
35

36 Sec. 17-106(7). *S-C Shopping Center Districts*: All provisions of the C and C-1 Districts apply
37 except as modified below:
38

39 * * *

40
41 (f) In the case of buildings located on corner lots, a sign not to exceed thirty-two (32) square
42 feet is permitted on the wall which is closest to the side street, unless the property owner requests
43 a different but parallel wall that faces the side street or a wall that is perpendicular to the side
44 street instead.
45

46 SECTION 3. Severability Clause/Interpretation.
47

48 (a) In the event that any term, provision, clause, sentence or section of this Ordinance
49 shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid
50 for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any
51 of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance,
52 and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term,
53 provision, clause, sentence, or section did not exist.
54

55 (b) That in interpreting this Ordinance, underlined words indicate additions to existing text,
56 and ~~stricken through~~ words include deletions from existing text. Asterisks (* * * *) indicate a
57 deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the
58 text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall
59 remain unchanged from the language existing prior to adoption of this Ordinance.
60

61 SECTION 4. Effective Date. This Ordinance shall become effective upon adoption of this
62 Ordinance.
63

64 PASSED by the Town Council of the Town of Indialantic on first reading on the 7th day of
65 September, 2016, and ADOPTED by the Town Council of the Town of Indialantic, Florida, on final
66 reading on the 12th day of October, 2016.
67

68 TOWN OF INDIALANTIC
69

70 _____
71 David Berkman
72 Mayor

73 ATTEST: _____
74 Joan Clark
75 Town Clerk
76

77 1st reading: September 7, 2016
78 2nd reading: October 12, 2016
79 Effective Date: October 12, 2016

SUBJECT: Ordinance No. 17-1/First Reading: Amending Section 15-18.1(j)(E)(i) to allow for prorated amounts for parking space use agreements under certain circumstances.

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Council is being asked to approve an amendment to the Code that would allow prorated amounts for parking space use agreements. There is currently no provision for prorated amounts covering partial years.

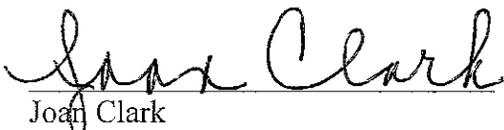
The proposed amendment to the Code would allow a prorated amount for use agreements covering partial years provided the partial year is added to the following calendar year (i.e. agreements commencing on October 1, 2016, would extend through December 31, 2017).

Recommendation:

Approve Ordinance No. 17-1 on first reading.

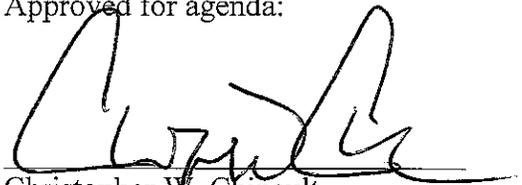
MOTION: Approve Ordinance No. 17-1 on first reading.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

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ORDINANCE NO. 17-1

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; AMENDING SECTION 15-18.1, METERED PARKING; AMENDING SECTION 15-18.1(j)(E)(i), ADDING LANGUAGE TO ALLOW FOR PRORATED AMOUNTS FOR USE AGREEMENTS UNDER CERTAIN CONDITIONS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

10 WHEREAS, the Town has need to update parking meter regulations periodically;
11 and

12
13 WHEREAS, current regulations do allow prorated amounts for parking use agreements in
14 Zone 3; and

15
16 WHEREAS, the Town Council of the Town of Indialantic, Florida, hereby finds this
17 Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of
18 Indialantic.

19
20 NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

21
22 SECTION 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this
23 reference.

24
25 SECTION 2. That Section 15-18.1(j)(E)(i) of the Code of Indialantic, Florida, is hereby
26 amended as follows:

27
28 (E) Compensation. During the term of the parking space use agreement, compensation shall
29 be paid by the licensee to the Town for each hour between 6:00 a.m. and 1:30 a.m. of each day
30 that the meters are subject to the parking space use agreement. The rate of compensation shall
31 be as follows:

32 (i) Zone 3: Individual parking spaces may be utilized at a rate of \$60 per parking
33 space per calendar year. Said amount ~~shall not~~ may be prorated for use agreements covering
34 partial years provided the partial year is added to the following calendar year.

35
36 SECTION 3. Severability Clause/Interpretation.

37
38 (a) In the event that any term, provision, clause, sentence or section of this Ordinance
39 shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid
40 for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any
41 of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance,
42 and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term,
43 provision, clause, sentence, or section did not exist.

44
45 (b) That in interpreting this Ordinance, underlined words indicate additions to existing text,
46 and ~~stricken through~~ words include deletions from existing text. Asterisks (* * * *) indicate a
47 deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the

48 text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall
49 remain unchanged from the language existing prior to adoption of this Ordinance.

50

51 SECTION 4. Effective Date. This Ordinance shall become effective upon adoption of this
52 Ordinance.

53

54 PASSED by the Town Council of the Town of Indialantic on first reading on the 7th day of
55 September, 2016, and ADOPTED by the Town Council of the Town of Indialantic, Florida, on final
56 reading on the 12th day of October, 2016.

57

58

TOWN OF INDIALANTIC

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61

David Berkman
Mayor

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63

ATTEST: _____

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Joan Clark
Town Clerk

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67 1st reading: October 12, 2016

68 2nd reading: November 9, 2016

69 Effective Date: November 9, 2016

Agenda Item VII. A

SUBJECT: Prisoner Holding Area Security – Authorize engaging MAI Design Build of Melbourne to provide design services to improve security in the Town Hall prisoner holding area.

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

MAI Design Build has provided a cost estimate of \$2,500 to provide design services for increased security to the prisoner holding area in the police portion of Town Hall. The improvements consist of constructing a wall with clear visibility and a door, a grab bar by the cell toilet, and relocating and adding a door to the 2nd floor access area.

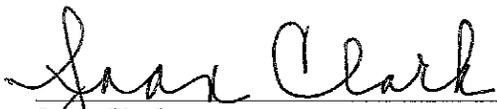
Council indicated on August 12, 2015 (agenda item VII.B) for staff to explore facility site improvements. On July 13, 2016 (agenda item VII-A) Council agreed to table the matter until FY-17.

Recommendation:

Authorize engaging MAI Design Build of Melbourne to provide design services to improve security in the Town Hall prisoner holding area.

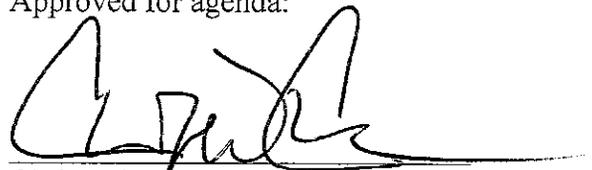
MOTION: Authorize engaging MAI Design Build of Melbourne to provide design services to improve security in the Town Hall prisoner holding area.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

SUBJECT: Speed Humps – Consider speed hump options in the 100 blocks of Second and Third Avenues and the 400 block of Third Avenue.

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Speed humps were authorized by Council in the 100 blocks of Second and Third Avenues and the 400 block of Third Avenue with seventy-five percent resident approval. The contractor installed humps that were not as high as requested. Two of the humps were 2.5 inches high with the third hump at 2.75 inches high – not at the contracted 3 inch height.

Some motorists have raised a concern that at the current levels the humps are ineffective.

Inasmuch as the standard in Brevard County is 3 inches as the maximum height for the hump, there is concern that no asphalt company will be willing to mill the existing humps and increase them to 4 inches – a standard accepted in Orange County.

The humps were required to be 12 feet long, as wide as the street pavement, and 3 inches high.

The options are as follows:

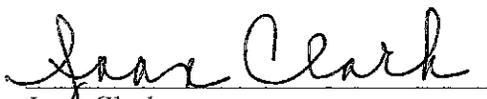
- (1) accept the humps at their present height;
- (2) remove the humps and restore the pavement;
- (3) remove the humps, restore the pavement, and install a rubber hump
 - (a) 7 feet long x 3 inches high: the Town's engineer notes that the shorter length should result in the 3 inch hump having more of an impact than the 12 foot long hump
 - (b) 10.5 feet long x 3 inches high
 - (c) 14 feet long x 4 inches high.

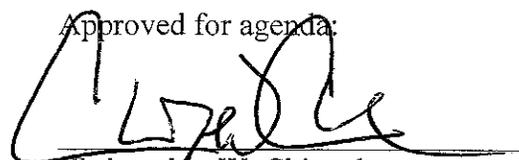
Recommendation:

Accept the humps at their present height if the residents are satisfied; if they are not, select the option to remove the humps, restore the pavement and install a rubber hump of 7 feet long by 3 inches high.

MOTION: Approve the humps at their present height if the residents are satisfied; if they are not, select the option to remove the humps, restore the pavement and install a rubber hump of 7 feet long by 3 inches high.

Submitted by:


Joan Clark
Town Clerk

Approved for agenda:

Christopher W. Chinault
Town Manager

Agenda Item VIII. A

SUBJECT: 2017 Craft Festival

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Council is being requested to approve the Craft Festival in Nance Park on July 8 and 9, 2017, for American Craft Endeavors.

Recommendation:

Authorize the Craft Festival for July 8 and 9, 2017, in Nance Park.

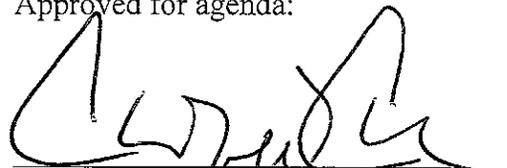
MOTION: Authorize the Craft Festival for July 8 and 9, 2017, in Nance Park.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

SUBJECT: Sexual Offender / Predator Regulations

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

A recent U.S. Court of Appeals decision has caused the Town Attorney to raise some concerns with regard to specific language in the Town’s Sexual Predators & Offenders regulations. Mr. Gougelman intends to review these concerns with Council for direction as to possible adjustments to the Town’s regulations or repeal which would enable the Town to fall back on the County’s regulations.

The following items are provided for Council review:

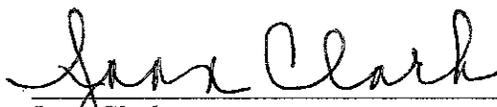
<u>Item</u>	<u>Page</u>
• Court of Appeals Decision	1
• Indialantic Regulations	16
• Indialantic Predator Ordinance Map	23
• Brevard County Regulations	24

Recommendation:

Determine if revisions to the Town’s Sexual Offender/Predator Regulations should be considered.

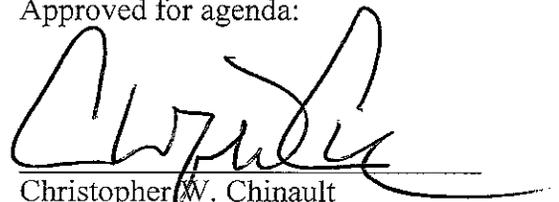
MOTION:

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-14336
Non-Argument Calendar

D.C. Docket No. 1:14-cv-23933-PCH

JOHN DOE #1,
JOHN DOE #2,
JOHN DOE #3,
FLORIDA ACTION COMMITTEE, INC.,

Plaintiffs - Appellants,

versus

MIAMI-DADE COUNTY,
FLORIDA DEPARTMENT OF CORRECTIONS,
SUNNY UKENYE,
Circuit Administrator for the Miami Circuit Office,
Florida Department of Corrections, in his full official capacity,

Defendants - Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(September 23, 2016)

Before TJOFLAT, WILSON, and JILL PRYOR, Circuit Judges.

WILSON, Circuit Judge:

Plaintiffs-Appellants John Doe #1, John Doe #2, John Doe #3, and the Florida Action Committee, Inc. (FAC) (collectively, the Plaintiffs), appeal the district court's dismissal of their ex post facto challenges to the residency restriction in Miami-Dade County's Lauren Book Child Safety Ordinance (the Ordinance). On appeal, the Plaintiffs argue that they pleaded sufficient facts to state a claim that the residency restriction is so punitive in effect as to violate the ex post facto clauses of the federal and Florida Constitutions. At this stage, we conclude that Doe #1 and Doe #3 have alleged plausible ex post facto challenges to the residency restriction. Therefore, we affirm in part, reverse in part, and remand for proceedings consistent with this opinion.

I

On November 15, 2005, Miami-Dade County (the County) adopted the Ordinance, which imposes, *inter alia*, a residency restriction on "sexual offenders" and "sexual predators."¹ See Miami-Dade Cty., Fla., Code of Ordinances ch. 21, art. XVII. The Ordinance prohibits a person who has been convicted of any one of several enumerated sexual offenses involving a victim under sixteen years of age

¹ The present text of the Ordinance is reproduced in the Appendix in relevant part. Any differences between the 2005 version, which went into effect on November 25, 2005, and the present version of the Ordinance are immaterial to this appeal.

from “resid[ing] within 2,500 feet of any school.” *Id.* § 21-281(a). The 2,500-foot distance is “measured in a straight line from the outer boundary of the real property that comprises a sexual offender’s or sexual predator’s residence to the nearest boundary line of the real property that comprises a school,” rather than “by a pedestrian route or automobile route.” *Id.* § 21-281(b). There are three exceptions to the County’s residency restriction: (1) “[t]he sexual offender or sexual predator established a residence prior to the effective date of th[e] [O]rdinance”; (2) “[t]he sexual offender or sexual predator was a minor when he or she committed the sexual offense and was not convicted as an adult”; and (3) “[t]he school was opened after the sexual offender or sexual predator established the residence.” *Id.* § 21-282(1). Violations of the Ordinance are punishable by a fine up to \$1,000, imprisonment for up to 364 days, or both. *Id.* § 21-281(c).

On December 20, 2014, the Plaintiffs filed a complaint against the County, the Florida Department of Corrections, and the Florida Department of Corrections Miami Circuit Administrator, Sunny Ukenye, in his official capacity (collectively, the Defendants), challenging the constitutionality of the County’s residency restriction. Specifically, the Plaintiffs challenged the County’s residency restriction (1) as void for vagueness under the Fourteenth Amendment and the Florida Constitution; (2) as a violation of their substantive due process rights to personal security and to acquire residential property under the Fourteenth

Amendment and the Florida Constitution; and (3) as an unconstitutional ex post facto law under the federal and Florida Constitutions. The Defendants moved to dismiss, and the district court dismissed all the claims with prejudice under Federal Rule of Procedure 12(b)(6). The Plaintiffs properly appealed only the dismissal of their ex post facto challenges against the County.

II

“We review de novo the district court’s grant of a motion to dismiss under 12(b)(6) for failure to state a claim, accepting the allegations in the complaint as true and construing them in the light most favorable to the plaintiff.” *Hill v. White*, 321 F.3d 1334, 1335 (11th Cir. 2003) (per curiam).

III

Both the federal and Florida Constitutions prohibit the passage of ex post facto laws. *See* U.S. Const. art. I, § 9, cl. 3; *id.* art. I, § 10, cl. 1; Fla. Const. art. I, § 10. An ex post facto law is a law that “appl[ies] to events occurring before its enactment” and that “disadvantage[s] the offender affected by it, by altering the definition of criminal conduct or increasing the punishment for the crime.” *Lynce v. Mathis*, 519 U.S. 433, 441, 117 S. Ct. 891, 896 (1997) (internal quotation marks and citation omitted). In *Smith v. Doe*, the Supreme Court outlined a framework for determining whether Alaska’s sex offender registration and notification requirements violated the federal Ex Post Facto Clause. *See* 538 U.S. 84, 92–93,

97, 123 S. Ct. 1140, 1146–47, 1149 (2003). We join our sister circuits in applying the *Smith* framework to evaluate an ex post facto challenge to a residency restriction on sexual offenders.² See *Doe v. Snyder*, Nos. 15-1536, 15-2346, 15-2486, slip op. at 5–7 (6th Cir. Aug. 25, 2016) (consolidated); *Shaw v. Patton*, 823 F.3d 556, 561–62 (10th Cir. 2016); *Doe v. Miller*, 405 F.3d 700, 718 (8th Cir. 2005).

The *Smith* Court noted that Alaska’s statute was retroactive and applied the following framework to determine whether the statute violated the Ex Post Facto Clause:

We must ascertain whether the legislature meant the statute to establish civil proceedings. If the intention of the legislature was to impose punishment, that ends the inquiry. If, however, the intention was to enact a regulatory scheme that is civil and nonpunitive, we must further examine whether the statutory scheme is so punitive either in purpose or effect as to negate the State’s intention to deem it civil.

538 U.S. at 92, 123 S. Ct. at 1146–47 (alteration adopted) (internal quotation marks and citations omitted). After determining that the Alaska legislature intended to “create a civil, nonpunitive regime,” the Court explained that several factors guide the second part of the analysis:

whether, in its necessary operation, the regulatory scheme: [1] has been regarded in our history and

² We evaluate both the federal and state ex post facto challenges under *Smith*. See *Houston v. Williams*, 547 F.3d 1357, 1364 (11th Cir. 2008).

traditions as a punishment; [2] imposes an affirmative disability or restraint; [3] promotes the traditional aims of punishment; [4] has a rational connection to a nonpunitive purpose; or [5] is excessive with respect to this purpose.

See id. at 96–97, 123 S. Ct. at 1149.³ Ultimately, the Court concluded that the Alaska statute was not punitive and, therefore, did not violate the Ex Post Facto Clause. *See id.* at 105–06, 123 S. Ct. at 1154.

IV

The County does not contest that its residency restriction applies to individuals “convicted” of relevant sexual offenses before the passage of the Ordinance. *See* Ordinance § 21-281(a); *Lynce*, 519 U.S. at 441, 117 S. Ct. at 896 (a statute is only retroactive if it “appl[ies] to events occurring before its enactment” (internal quotation mark omitted)). Therefore, we accept for purposes of this appeal that the residency restriction applies retroactively. Additionally, the Plaintiffs do not contest the County’s assertion that the County intended the Ordinance to be civil and non-punitive. Therefore, we also accept for purposes of this appeal that the County intended to “create a civil, nonpunitive regime” under the first step of the *Smith* analysis. *See Smith*, 538 U.S. at 96, 123 S. Ct. at 1149.

³ None of the factors is dispositive and two other factors may be considered in the second step of the *Smith* framework: whether the regulatory scheme “comes into play only on a finding of scienter” and whether “the behavior to which it applies is already a crime.” *See Smith*, 538 U.S. at 97, 105, 123 S. Ct. at 1149, 1154. However, the Court explained, these two factors carried little weight in the Court’s analysis of the Alaska statute. *See id.* at 105, 123 S. Ct. at 1154.

Finally, only Doe #1 and Doe #3 have properly alleged that the County's residency restriction applied retroactively to them—that the restriction applied to their pre-enactment convictions for qualifying sexual offenses.⁴ Accordingly, we need only decide whether Doe #1 and Doe #3 alleged sufficient facts to state a plausible claim that the County's residency restriction is so punitive in effect as to violate the federal and Florida ex post facto clauses under *Smith*. See *Ashcroft v. Iqbal*, 556 U.S. 662, 677–79, 129 S. Ct. 1937, 1949–50 (2009). We conclude they have done so.

The complaint sufficiently alleged that the County's residency restriction imposes a direct restraint on Doe #1's and Doe #3's freedom to select or change residences. Under the “affirmative disability or restraint” factor, “we inquire how the effects of the [Ordinance] are felt by those subject to it.” See *Smith*, 538 U.S. at 99–100, 123 S. Ct. at 1151 (internal quotation marks omitted). The Plaintiffs alleged in their complaint that the County's residency restriction severely limits

⁴ Construing the complaint in the light most favorable to the Plaintiffs, Doe #1 was convicted of his relevant sexual offense in 1992, and Doe #3 was convicted of his relevant sexual offense in 1999—both before the County's residency restriction was enacted in 2005. See Amended Complaint at ¶¶ 17, 48, *Doe v. Miami-Dade Cty.*, No. 1:14-cv-23933-PCH (S.D. Fla. Apr. 3, 2015) [hereinafter Amended Complaint]. Both are also “sexual offenders” under the Ordinance because they are residents of Miami-Dade County and are registered as sexual offenders. *Id.* at ¶¶ 14, 45; see Ordinance § 21-280(10) (citing Fla. Stat. § 943.0435).

However, Doe #2 only alleged that he was convicted of his relevant sexual offense in 2006. See Amended Complaint at ¶ 32. Thus, Doe #2 failed to allege that the County's residency restriction retroactively increased his punishment. Similarly, FAC—a non-profit corporation that works to reform the sexual offender laws in Florida—failed to allege that any of its members were convicted of, or even committed, a relevant sexual offense before November 15, 2005. See *id.* at ¶¶ 55–63.

housing options for individuals subject to the restriction, “drastically exacerbat[ing] transience and homelessness.” *See* Amended Complaint at ¶ 74. Doe #1 and Doe #3 have specifically alleged that they are homeless and that their homelessness resulted directly from the County’s residency restriction “severely restricting available, affordable housing options.” *Id.* at ¶ 54; *accord id.* at ¶ 28. Doe #1 was twice instructed by probation officers to live at homeless encampments after the County’s residency restriction made him unable to live with his sister and he could not find other housing compliant with the restriction. *See id.* at ¶¶ 18–28. He currently lives at a makeshift homeless encampment near “an active railroad track” (the Encampment).⁵ *See id.* at ¶¶ 5, 25. Similarly, Doe #3 sleeps in his car at the Encampment because, “despite repeated attempts, he has been unable to obtain available, affordable rental housing in compliance with the Ordinance.” *See id.* at ¶¶ 52–53.

Doe #1 and Doe #3 also sufficiently alleged that the County’s residency restriction is excessive in comparison to its public safety goal of addressing recidivism.⁶ *See Smith*, 538 U.S. at 105, 123 S. Ct. at 1154 (regulation is excessive

⁵ There are no restroom facilities, sanitary water, or designated shelter at the Encampment, which is technically on private property. *See id.* at ¶¶ 120–23.

⁶ The stated intent of the Ordinance “is to serve the County’s compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the County, particularly children, by prohibiting sexual offenders and sexual predators from establishing temporary or permanent residence in certain areas where children are known to regularly congregate.” The County made findings that, *inter alia*, “[s]exual offenders are extremely likely to use physical violence and to repeat their offenses.” *See* Ordinance § 21-278.

if “[un]reasonable in light of [its] nonpunitive objective”). Accepting the facts alleged in the complaint as true, the County’s residency restriction is “among the strictest in the nation.” *See* Amended Complaint at ¶ 74. An individual becomes subject to the restriction based solely on the fact of his or her prior conviction for a listed sexual offense, without regard to his or her individual “risk of recidivism over time.” *See id.* at ¶¶ 72–73. This is so despite the fact that “[r]esearch has consistently shown that sexual offender recidivism rates are among the lowest for any category of offenses, and that this lower risk of sexual offense recidivism steadily declines over time.” *See id.* at ¶ 136. Nonetheless, the County’s residency restriction applies for life, even after an individual no longer has to register as a sexual offender under Florida law and is no longer subject to the state law 1,000-foot residency restriction. *See id.* at ¶ 72. The County’s residency restriction also applies “even if there is no viable route to reach the school within 2500 feet.” *Id.* at ¶ 141.

The Plaintiffs further argue that the County’s residency restriction not only fails to advance, but also directly undermines, the goal of public safety. The complaint stated that “[t]he only demonstrated means of effectively managing reentry and recidivism [of former sexual offenders] are targeted treatment, along with maintaining supportive, stable environments that provide access to housing, employment, and transportation,” rather than by “[making] categorical



assumptions about groups of former sexual offenders.” *See id.* at ¶¶ 137, 143.

The complaint also alleged that the transience and homelessness that the residency restriction causes undermine sexual offenders’ abilities to successfully re-enter society and increase the risk of recidivism by “mak[ing] it more difficult for Plaintiffs and others to secure residences, receive treatment, and obtain and maintain employment.” *See id.* at ¶¶ 146, 149. In light of the foregoing, we conclude that Doe #1 and Doe #3 have stated a plausible claim that the County’s residency restriction is so punitive in effect as to violate the ex post facto clauses of the federal and Florida Constitutions.

V

Our role in reviewing the grant of a 12(b)(6) motion merely is to determine whether the plaintiffs stated a plausible claim, such that they should be permitted to proceed to discovery. *See Chaparro v. Carnival Corp.*, 693 F.3d 1333, 1337 (11th Cir. 2012) (per curiam). Here, Doe #1 and Doe #3 alleged sufficient facts to raise plausible claims that the County’s residency restriction is so punitive in effect that it violates the ex post facto clauses of the federal and Florida Constitutions. Whether Doe #1 and Doe #3 ultimately prevail is a determination for a future stage of this litigation. Thus, we reverse the district court’s grant of the County’s motion to dismiss as to Doe #1 and Doe #3’s ex post facto challenges and remand for further proceedings.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

11

Appendix

ARTICLE XVII. - THE LAUREN BOOK CHILD SAFETY ORDINANCE

Sec. 21-277. - Title.

Article XVII shall be known and may be cited as "The Lauren Book Child Safety Ordinance."

Sec. 21-278. - Findings and Intent.

- (a) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses. Most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) The intent of this article is to serve the County's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the County, particularly children, by prohibiting sexual offenders and sexual predators from establishing temporary or permanent residence in certain areas where children are known to regularly congregate, to prohibit renting or leasing certain property to sexual offenders or sexual predators if such property is located where children are known to regularly congregate and to restrict sexual offenders' and sexual predators' access to parks and child care facilities.

....

Sec. 21-280. - Definitions.

The following terms and phrases when used in this article shall have the meanings ascribed to them in this section unless the context otherwise requires:

....

- (4) "Convicted" or "conviction" means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to: a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

....

- (7) "Permanent residence" means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.
- (8) "Reside" or "residence" means to have a place of permanent residence or temporary residence.
- (9) "School" means a public or private kindergarten, elementary, middle or secondary (high) school.
- (10) "Sexual offender" shall have the meaning ascribed to such term in Section 943.0435, Florida Statutes.

- (11) "Sexual offense" means a conviction under Section 794.011, 800.04, 827.071, 847.0135(5) or 847.0145, Florida Statutes, or a similar law of another jurisdiction in which the victim or apparent victim of the sexual offense was less than sixteen (16) years of age, excluding Section 794.011(10), Florida Statutes.
- (12) "Sexual predator" shall have the meaning ascribed to such term in Section 775.21, Florida Statutes.
- (13) "Temporary residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 21-281. - Sexual Offender and Sexual Predator Residence Prohibition; Penalties.

- (a) It is unlawful for any person who has been convicted of a violation of Section 794.011 (sexual battery), 800.04 (lewd and lascivious acts on/in presence of persons under age 16), 827.071 (sexual performance by a child), 847.0135(5) (sexual acts transmitted over computer) or 847.0145 (selling or buying of minors for portrayal in sexually explicit conduct), Florida Statutes, or a similar law of another jurisdiction, in which the victim or apparent victim of the offense was less than sixteen (16) years of age, to reside within 2,500 feet of any school.
- (b) The 2,500-foot distance shall be measured in a straight line from the outer boundary of the real property that comprises a sexual offender's or sexual predator's residence to the nearest boundary line of

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the real property that comprises a school. The distance may not be measured by a pedestrian route or automobile route, but instead as the shortest straight line distance between the two points.

- (c) Penalties. A person who violates section 21-281(a) herein shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the County jail for not more than 364 days or by both such fine and imprisonment.

Sec. 21-282. - Exceptions.

- (1) A sexual offender or sexual predator residing within 2,500 feet of any school does not commit a violation of this section if any of the following apply:
 - (a) The sexual offender or sexual predator established a residence prior to the effective date of this ordinance. The sexual offender or sexual predator shall not be deemed to have established a residence or registered said residence for purposes of this section, if the residence is an illegal multifamily apartment unit within a neighborhood zoned for single-family residential use.
 - (b) The sexual offender or sexual predator was a minor when he or she committed the sexual offense and was not convicted as an adult.
 - (c) The school was opened after the sexual offender or sexual predator established the residence.
- (2) Section 21-282(1)(a) and (1)(c) herein shall not apply to a sexual offender or sexual predator who is convicted of a subsequent sexual offense as an adult after residing at a registered residence within 2,500 feet of a school.

ARTICLE V. Sexual Predators and Offenders.**Sec. 10-80. Findings.**

(a) Repeat sexual offenders, sexual offenders who use physical violence, sexual offenders who prey on children, and sexual predators are sexual violators who present an extreme threat to the public safety. Sexual violators are extremely likely to use physical violence and to repeat their offenses, and many sexual violators commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual violator victimization to society at large, while incalculable, clearly exorbitant.

(b) It is the intent of this article to serve the town's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the town by creating areas around certain defined locations where children regularly congregate in concentrated numbers wherein certain sexual violators are prohibited from establishing temporary or permanent residence.

(c) The high level of threat that a sexual violator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the town with sufficient justification to implement a strategy that includes restricting sexual violators from residing near certain areas where children are most likely to congregate and to be exposed to the potential threats of sexual violators.

(d) The town has a compelling interest in protecting the public from sexual violators and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual violators to live in areas other than where large numbers of children may congregate.
(Ord. 06-12, 1, 8-15-06)

Sec. 10-81. Definitions.

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

"Day care center" means and refers to any child care center or child care arrangement that provides care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The term includes child care centers, nursery schools, and kindergartens, when not accessory to an elementary school, but does not include the following: public schools and nonpublic schools which are in compliance with the compulsory school attendance law of the State of Florida; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

"Permanent residence" means a place where the person abides, lodges, or resides for 5 or more consecutive days.

"Sexual Violator" means any person who has been:

1. designated as a "sexual predator" pursuant to s. 775.21, Florida Statutes; or

2. is a "sexual offender" as defined in s. 943.0435, Florida Statutes.

"Temporary residence" means a place where the person abides, lodges, or resides for a period of 5 or fewer days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

"Temporary shelter" is defined as any public or private building or facility which is offered to individuals and families who are homeless or who evacuate their homes or a hotel, motel, or other place of temporary residence as a result of a storm, flood, hurricane, tornado, explosion, fire, or other incident of any nature as a place to reside, rest, sleep, or eat.
(Ord. 06-12, 2, 8-15-06)

Sec. 10-82. Sexual violator residence prohibition; penalties; exceptions.

(a) Prohibited location of residence. It is unlawful for any person who is a sexual violator to establish a permanent residence or temporary residence within 2,000 feet of any public school, day care center, or public park.

(b) Measurement of distance. For purposes of determining the minimum distance separation shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, day care center, or public park.

(c) Penalties. A person who violates this section shall be punished as provided in section 1-9, town code.

(d) Exceptions. A sexual violator residing within 2,000 feet of any school, day care center, or public park does not commit a violation of this section if any of the following apply:

(1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to ss. 775.21, 943.0435 or 944.607, Florida Statutes, prior to October 1, 2006;

(2) The person was a minor when he/she committed the offense and was not convicted as an adult;

(3) The person is a minor; or

(4) The school, public park, or day care center within 2,000 feet of the sexual violator's permanent residence or temporary residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to ss. 775.21, 943.0435 or 944.607, Florida Statutes.

(Ord. 06-12, 3, 8-15-06)

Sec. 10-83. Property owners prohibited from renting real property to certain sexual violators; penalties.

(a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to section 10-82 of this code, if such place, structure, or part thereof, trailer or other conveyance, is located within 2,000 feet of any school, day care center, or public park.

(b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provisions and procedures as otherwise provided in this Code or chapter 162, Florida Statutes.

(Ord. 06-12, 4, 8-15-06)

Sec. 10-84. Temporary emergency shelters; Sexual predators, sexual offenders, and sexual violators notification requirements.

(a) Any person who is required by Florida law to register as a "sexual predator" or "sexual offender" pursuant to ss. 775.21, 943.0435, or 944.607, Florida Statutes, as revised from time to time, or is otherwise a sexual violator, and who utilizes or intends to utilize a temporary shelter provided by any public or private entity and established as a result of any emergency or incident or threatened emergency or incident shall, immediately upon entering the shelter, notify the individual or individuals operating the shelter that he or she is a registered "sexual predator," "sexual offender," or a sexual violator pursuant to this code. The "sexual predator," "sexual offender," or other sexual violator shall be assigned to a temporary shelter specifically designated for use by "sexual predators," "sexual offenders" and sexual violators.

(b) The town manager in cooperation with the chief of police may, but is not obligated to, designate a public building or jail or other facility as a temporary shelter to be utilized by sexual violators.

(c) Failure of a sexual predator, sexual offender, other sexual violator to make notification as required in sub-section (a) shall constitute a violation of a municipal ordinance punishable as provided in section 1-9, town code, unless the temporary shelter becomes the temporary residence or permanent residence of the sexual violator in which case the sexual violator shall comply with the registration requirements of section 10-85 of this code. During the time that the temporary shelter is not a permanent residence or temporary residence of the sexual violator, the sexual violator need not register this location with the chief of police, or the chief's designee.

(Ord. 06-12, 5, 8-15-06)

Sec. 10-85. Sexual violator registration.

(a) Registration.

(1) Except if a sexual violator is in the physical custody of the Florida Department of Corrections, a private correctional facility, a Federal correctional agency, or the sheriff of Brevard County, a sexual violator convicted of an act causing the sexual violator to be convicted as a sexual predator or sexual offender and classified as such which act occurred after August 15, 2006, and who is a permanent resident or a temporary resident within the town must register with the town's chief of police, or his designee, by providing the following information to the department:

a. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence and address of any current temporary residence, within the state or out of state, including an address and a post office box address (if any), date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the sexual violator. A post office box shall not be provided in lieu of a physical residential address.

1. If the sexual violator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, Florida Statutes, the sexual violator shall also provide to the chief of police, or the chief's designee, written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual violator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual violator shall also provide to the chief of police, or said chief's designee, written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual violator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual violator shall also provide to the chief of police, or the chief's designee, the name, address, and county of each institution, including each campus attended, and the sexual violator's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the chief of police's office.

b. Any other information determined necessary by the town chief of police, including criminal and corrections records; non-privileged personnel and treatment records; and evidentiary genetic markers when available.

(2) Sexual violators required to register pursuant to this section shall register or re-register in person at the office of the town chief of the police, or the chief's designee, within 48 hours after establishing a permanent residence or temporary residence in this town. Any change in the sexual violator's permanent residence or temporary residence or name, after the sexual violator registers in person at the office of the chief of police, or the chief's designee, shall be accomplished in the manner provided herein. When a sexual violator registers with the town chief of police,

or the chief's designee, the chief of police shall take a photograph and a set of fingerprints of the sexual violator and compare them against records on file with the Florida Department of Law Enforcement to assure that the sexual violator's registration on file with the department is correctly registered. If the records of the Florida Department of Law Enforcement do not correspond with the registration filed with the chief of police, the chief of police shall immediately notify the department in writing.

(b) Time of registration.

(1) If a sexual violator's birth month is January, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of April and October. If a sexual violator's birth month is February, the sexual violator must register or reregister with the town chief of police during the months of May and November. If a sexual violator's birth month is March, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of June and December. If a sexual violator's birth month is April, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of July and January. If a sexual violator's birth month is May, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of August and February. If a sexual violator's birth month is June, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of September and March. If a sexual violator's birth month is July, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of October and April. If a sexual violator's birth month is August, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of November and May. If a sexual violator's birth month is September, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of December and June. If a sexual violator's birth month is October, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of January and July. If a sexual violator's birth month is November, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of February and August. If a sexual violator's birth month is December, the sexual violator must register or reregister with the town chief of police, or the chief's designee, during the months of March and September.

(2) Additional times of registration.

(A) Within 48 hours after any change of the sexual violator's permanent residence or temporary residence within the town or change in the sexual violator's name by reason of marriage or other legal process, the sexual violator shall report in person to the town chief of police, or the chief's designee, and shall register as set forth above.

(B) A sexual predator who vacates a permanent residence or temporary residence within the town and fails to establish or maintain another permanent residence or temporary residence within the town shall, within 5 days after vacating the permanent residence or temporary residence within the town, report in person to the town chief of police, or the chief's designee. The sexual violator shall specify the date upon which he or she intends to or did vacate

such permanent residence or temporary residence. The sexual violator must provide or update all of the registration information required under this section. The sexual violator must provide an address for the permanent residence, temporary residence or other location that he or she is or will be occupying during the time in which he or she fails to establish or maintain a permanent residence or temporary residence.

(C) A sexual violator who remains at a permanent residence or temporary residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the predator indicated he or she would or did vacate such temporary residence or permanent residence, report in person to the town chief of police, or the chief's designee, for the purpose of reporting his or her address at such residence.

(3) A sexual violator who intends to establish residence in another municipality, state, or other jurisdiction shall report in person to the town chief of police, or the chief's designee, within 48 hours before the date he or she intends to leave this town to establish a permanent residence or temporary residence in another municipality, state, or other jurisdiction. The sexual predator must provide to the town chief of police, or the chief's designee, the address, municipality, county, and state or other location of intended residence. The chief of police shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual predator's intended residence. The failure of a sexual predator to provide his or her intended place of residence is punishable as provided in section 1-9 of this code.

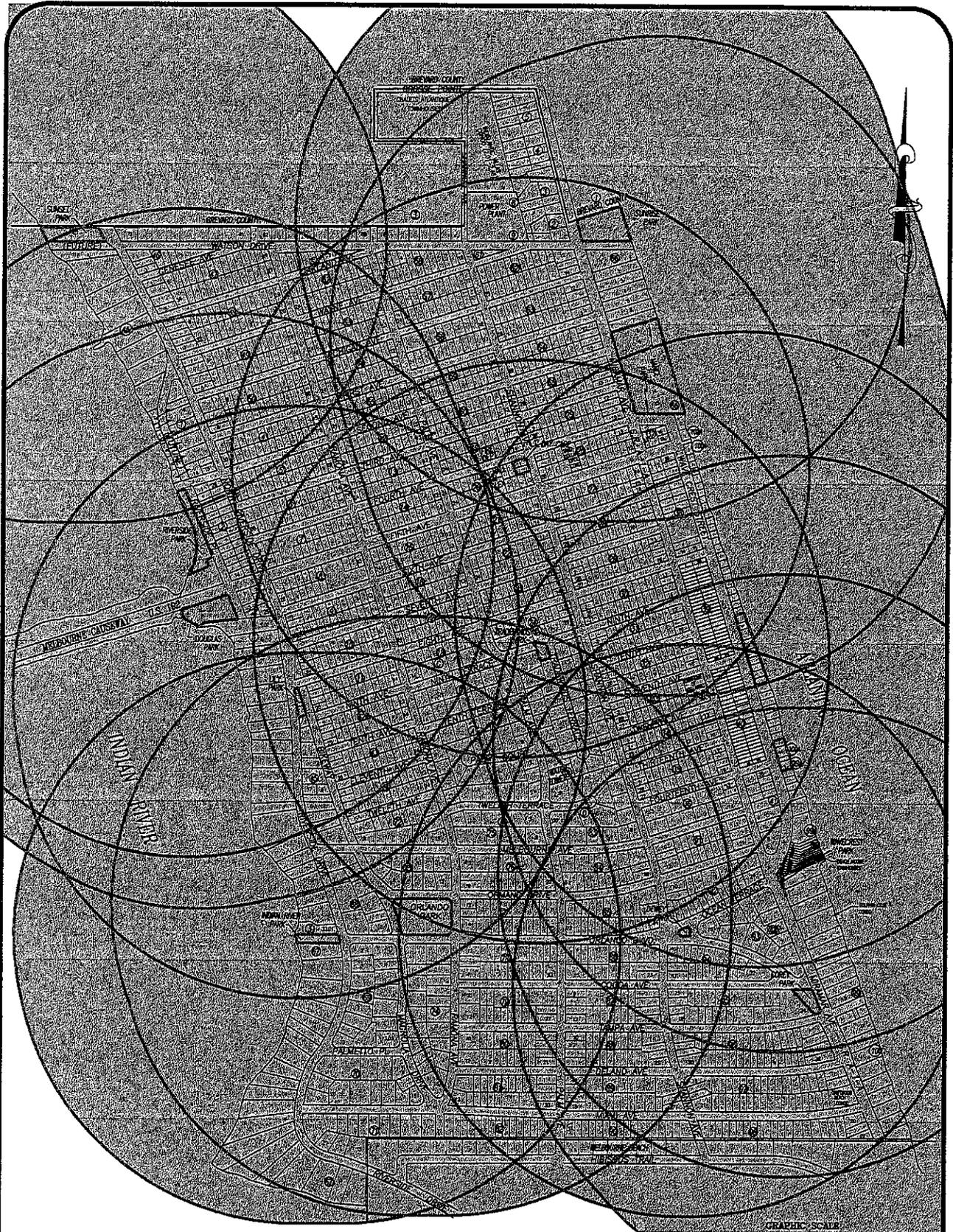
(4) A sexual violator who indicates his or her intent to reside in another municipality, state or other jurisdiction and later decides to remain in this town shall, within 48 hours after the date upon which the sexual violator indicated he or she would leave this town, report in person to the chief of police, or the chief's designee, of his or her intent to remain in this town. A sexual violator who reports his or her intent to reside in another municipality, state or other jurisdiction, but who remains in this town without reporting to the chief of police in the manner required by this code, commits a municipal ordinance violation punishable as provided by section 1-9, town code.

(5) The chief of police is responsible for maintaining all information obtained from sexual violators concerning registration and re-registration of sexual violators within the town. The chief of police shall also be responsible for determining whether the aforesaid information is consistent with registration information of the on-line internet web-site maintained by the Florida Department of Law Enforcement. If current information on file with the chief of police is inconsistent with information on the on-line internet web-site maintained by the Florida Department of Law Enforcement, the chief of police shall advise the Brevard County sheriff and the Florida Department of Law Enforcement.

(c) The chief of police's sexual violator registration list, containing the information described above is a public record. The chief of police is authorized to disseminate this public information by any means deemed appropriate to assure the requirements of this code are complied with, unless the chief of police determines that the information is confidential or exempt from public disclosure pursuant to Florida or Federal law.

(d) A sexual violator must maintain and update, as provided herein, registration with the town for the duration of his or her residency within the town, unless the sexual violator is no longer required by law or court order to maintain registration with the state of Florida or, until such time as the sexual violator moves from the town and is no longer an occupant of housing or a resident within the town.

(Ord. No. 06-12, 6, 8-15-06)



- 3000 FOOT WIDE FROM BRIDGE AND OFF CHURCH FACILITY
 ALL OTHER WIDE BRIDGE ARE 5000 FOOT WIDE



PREDATOR ORDINANCE MAP

TOWN OF INDIALANTIC

DRAWING NO.
 B900002200
 SHEET
 1 of 1
 PROJECT NO.
 B90000152



B.S.E. CONSULTANTS, INC.
 CONSULTING - ENGINEERING - LAND SURVEYING
 312 SOUTH HARBOR CITY BOULEVARD, SUITE A
 MELBOURNE, FLORIDA 32901 PHONE: (321) 725-3074 FAX: (321) 723-1159
 CERTIFICATE OF PROFESSIONAL LIABILITY INSURANCE AUTHORIZATION NO. 0000000000
 CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION LB00000000



REVISION	DATE	BY	CHK

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ARTICLE VI. - SEXUAL OFFENDERS AND SEXUAL PREDATORS^[4]

Footnotes:

— (4) —

Editor's note—Ord. No. 2006-31, §§ 2—6, adopted May 16, 2006, did not specify manner of inclusion; hence, inclusion as article VI, §§ 74-101—74-105 is at the discretion of the editor.

Sec. 74-101. - Definitions.

As used in this article, the following words and terms shall have the meaning ascribed thereto:

Day care center means any family or child care facility licensed by the state pursuant to F.S. ch. 402. For purposes of this article, a day care center includes the parking lot, curtilage, yards, landscaped areas, playgrounds, accessory buildings and all outdoor areas of the facility. It is the intent to include all areas reasonably included in and part of the facility.

Park means a publicly owned or operated area used or available for the public's use as a recreational facility, including, by way of example and not limitation, linear parks and the state, county and municipal recreational trails systems.

Permanent residence means a place where a person abides, lodges, or resides for 14 or more consecutive days.

Playground means an established or dedicated outdoor area for recreation and play, including, by way of example and not limitation, soccer fields, baseball diamonds, football fields and locations with outdoor equipment, such as, by way of example and not limitation, swing sets, climbing apparatus and slides.

Public shelter means any shelter specifically designated by the county or any municipality to house persons in times prior to, during and after the threat or occurrence of disaster.

School means any public or private school to include charter schools as defined in F.S. § 1000.04(1) and 1002.01 (2005) excluding facilities dedicated exclusively to the education of adults.

Sexual offender. As defined in F.S. § 944.606(1).

Sexual predator. As defined in F.S. § 775.21.

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Sexual predator and *sexual offender shelter* means any shelter officially designated by the county or any municipality that is designated to house sexual predators or sexual offenders in times prior to, during and after the threat or occurrence of disaster.

Temporary residence means any place where a person may abide, lodge or reside that is not that person's permanent residence.

(Ord. No. 2006-31, § 2, 5-16-06)

Sec. 74-102. - Sexual offenders and sexual predators.

(a) *Prohibited residences of sexual offenders and sexual predators.* It is prohibited and unlawful for any sexual offender or sexual predator to abide, lodge or reside in a permanent or temporary residence located within the county when such residence is located within 1,000 feet of any school, day care center, park or playground, regardless of whether the school, day care center, park or playground lies within the jurisdictional limits of the county. A sexual offender or sexual predator, having a permanent residence within 1,000 feet of any school, day care center, park or playground, does not commit a violation of this section if any of the following apply:

- (1) The sexual offender or sexual predator established the permanent residence in the specific dwelling in question prior to the effective date of this article.
- (2) The sexual offender or sexual predator was a minor when committing the offense causing the designation as a sexual predator or sexual offender and was not sentenced as an adult for that offense.
- (3) The school, day care center, park or playground was opened or established after the sexual offender or sexual predator established the permanent residence.

(b) *Restriction of certain activities of sexual offenders and sexual predators.* No sexual offender or sexual predator shall enter into or remain within the 1,000-foot buffer zone surrounding any school, daycare center, park or playground except to:

- (1) Attend a scheduled interview or meeting with a social service provider licensed by the state;
- (2) Comply with a request or court order from the judiciary, a correctional facility or a law enforcement entity;
- (3) Attend a scheduled meeting or interview with criminal justice personnel at a criminal justice facility;

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- (4) Attend a bona fide educational institution as a registered student;
- (5) Attend a scheduled or emergency health care visit with a licensed physician;
- (6) As a result of fulfilling legally allowable duties imposed by gainful employment;
- (7) Transport children within their legal custody to and from school or daycare without any undue delay or loitering on premises;
- (8) Seek refuge in a public shelter that has been officially designated by the county or any municipality to house sexual offenders or sexual predators during times of impending natural disasters or acts of terrorism;
- (9) Attend a scheduled legal consultation meeting with an attorney who is recognized as a licensed member of the Bar of the state;
- (10) Attend a church service or function;
- (11) Vote at a designated polling place within his or her district;
- (12) If the sexual offender or sexual predator is the parent or guardian of a person under 18 years of age, provided the sexual offender or sexual predator has declared his or her status as a sexual offender or sexual predator prior to entering the school property and has either scheduled a set time period to enter upon the property with the principal or designee or immediately notifies the principal or designee upon entering the school property:
 - a. Attend a scheduled conference at school with school personnel to discuss the progress of his or her child academically or socially;
 - b. Participate in scheduled child review conferences in which evaluation and placement decisions may be made or considered with respect to his or her child regarding special education services; or
 - c. Attend scheduled conferences to discuss other student issues concerning his or her child such as retention and promotion.
- (13) If the sexual offender or sexual predator lawfully resides within 1,000 feet of any school, day care center, park or playground, he or she may enter into or remain within 1,000 feet of such school, day care center, park or playground for the purposes of travel to and from his or her residence, and any other bona fide activity arising from the ordinary maintenance and activities associated with such residence.

However, this section shall not be construed as prohibiting any person from traveling on those public roads located within the county when traveling through the buffer zone without intentional delay. A law enforcement officer shall, prior to any arrest for an offense under this

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section afford the person an opportunity to explain his or her presence in the area and the purpose thereof. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have authorized the person to be in the area pursuant to one of the exceptions listed above.

- (c) *Measurement of distance requirement for residence.* For purposes of measuring separation of a residence from a school, day care center, park or playground, all distances shall be measured from the outermost property line of the parcel upon which the residence is located running in a direct line to the outermost property line of the school, day care center, park or playground. For example, if the residence were located in a generally southwesterly direction from a park, then the measurement would be from the northeast corner of the residential parcel to the southwest corner of the park. For all other purposes, measurements shall run from the outermost property line of the school, day care center, park or playground.
- (d) *Measurement of distance requirement for sexual offender or sexual predator.* For purposes of measuring separation of a person designated as a sexual offender or sexual predator from a school, day care center, park or playground, all distances shall be measured from the closest observed location of the sexual offender or sexual predator to the outermost property line of the school, day care center, park or playground using a direct line measurement.
- (e) *Required declaration of status as a sexual offender or sexual predator.*
- (1) During times of impending natural disasters or acts of terrorism, sexual offenders and sexual predators shall immediately identify themselves as a sexual offender or sexual predator, as the case may be, to the official in charge of any public shelter where they seek refuge. Sexual offenders or sexual predators will not be permitted to remain at general shelters not designated to house them. Sexual offenders and sexual predators will only be permitted housing at shelters specifically approved to house sexual offenders and sexual predators.
 - (2) A sexual offender or sexual predator attending any school or transporting children they have legal custody of to a school or day care center must declare his or her status as a sexual offender or sexual predator to the school or day care center principal or designee prior to entering the school or day care center property, and must also either schedule with the principal a set time period to enter upon the property or immediately notify the principal or designee upon entering school grounds or day care center property.
 - (3) All sexual offenders and sexual predators registered in the county shall carry their state

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driver's license or state identification card on their person at all times.

- (f) *Prohibition on rentals and leaseholds.* It is unlawful for a property owner to knowingly let or rent any place, structure, or part thereof, to a sexual offender or sexual predator, with the knowledge that it will be used as a permanent or temporary residence, if such place, structure, or part thereof, is located within 1,000 feet of any school, day care center, park or playground. In any prosecution for a violation of this section there shall be the following rebuttable presumptions:
- (1) That the property owner had knowledge that the person letting or renting the premises was a sexual offender or sexual predator, upon proof that the person was registered as same, either in the statewide or local registry; and
 - (2) That the place, structure or part thereof would be used as a permanent or temporary residence, upon proof that the property is located within a residential zoning classification.
- (g) *Unlawful residency.* It is unlawful for a sexual offender or sexual predator to establish residency, whether through ownership, rental or lease after the effective date of this article, if such place, structure, or part thereof, is located within 1,000 feet of any school, day care center, park or playground.

(Ord. No. 2006-31, § 3, 5-16-06)

Sec. 74-103. - Penalties.

Any person or entity that violates any provision of this article shall be subject to any and all remedies available at law, including but not limited to, the code enforcement provisions of F.S. ch. 162.

Any person violating any of the provisions of section 74-102 shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail, not to exceed 60 days or by both such fine and imprisonment, or if the offender is supervised by the department of corrections under conditional release, the offender may be charged with a violation of his or her supervision and be returned to state custody.

(Ord. No. 2006-31, § 4, 5-16-06)

Sec. 74-104. - Countywide application.

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This article shall apply in both the incorporated and unincorporated areas of the county; provided that any provision of this article in conflict with a municipal ordinance shall not be effective within that municipality to the extent of such conflict.

(Ord. No. 2006-31, § 5, 5-16-06)

Sec. 74-105. - Enforcement.

The county sheriffs office and all municipal police departments within may enforce the provisions of this article within their respective jurisdictions.

(Ord. No. 2006-31, § 6, 5-16-06)

Secs. 74-106—74-115. - Reserved.

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SUBJECT: Barrier Island Naming

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Council is being requested by the U.S. Board on Geographic Names to comment on a proposal to name the barrier island *Brooks Island* in honor of Harry J. Brooks.

Council previously was involved in a naming request that finally resulted in recommending that the island remain unnamed.

The options presented for Council consideration are as follows:

- (1) approve the proposed name;
- (2) reject the proposed name;
- (3) take action consistent with direction that Council will provide; or
- (4) render a decision without the Town's recommendation.

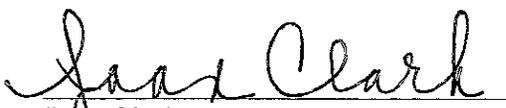
Recommendation:

Determine which option that Council desires to recommend with regard to the naming of the barrier island.

MOTION:

Submitted by:

Approved for agenda:


Joan Clark
Town Clerk


Christopher W. Chinault
Town Manager



U.S. BOARD ON GEOGRAPHIC NAMES

GEOGRAPHIC NAME PROPOSAL RECOMMENDATION

Proposed Geographic Name Brooks Island

This is to notify the U.S. Board on Geographic Names that the:

Town of Indialantic
(Name of government entity, organization, or individual)

recommends that the U. S. Board on Geographic Names:

- Approve the Proposed Name**
- Reject the Proposed Name**
- Take Action as Specified Below**
- Render a Decision Without Our Recommendation**

Comments (the following factors contributed to this recommendation; attach supporting documentation if appropriate):

<hr/>	<hr/>
(Name)	(Title)
<hr/>	<hr/>
(Address)	(Telephone)
<hr/>	<hr/>
(City, State, ZIP Code)	(E-mail)
<hr/>	<hr/>
(Signature)	(Date)

Return to: U.S. Board on Geographic Names
 U.S. Geological Survey
 523 National Center
 Reston VA 20192-0523
 Telephone: (703) 648-4552
 Fax: (703) 648-4549
 E-mail: BGNEXEC@usgs.gov

Chris Chinault

From: "O'Donnell, Matthew" <mjodonnell@usgs.gov>
Date: Thursday, September 29, 2016 3:54 PM
To: <mayorberkman@indialantic.com>
Cc: <Cchinault@indialantic.com>; <jclark@indialantic.com>; <shodge@fsu.edu>; "Louis Driber" <ldriber@usgs.gov>
Attach: Brooks Island map.jpg; Review List 425 Brooks Island.pdf; Brooks Island proposal.pdf; Commemorative Names policy.pdf; Brooks Island City of Cape Canaveral recommendation form.doc
Subject: request for the Town of Indialantic's opinion about a proposed island name

September 29, 2016

The Honorable Dave Berkman, Mayor
Town of Indialantic
216 5th Avenue
Indialantic, Florida 32903

mayorberkman@indialantic.com

Issue: Proposal to name the barrier island between Cape Canaveral and Sebastian Inlet

Dear Mayor Berkman,

As you know, the U.S. Board on Geographic Names (BGN) is responsible by law for standardizing geographic names for use by the departments and agencies of the Federal Government. The BGN has received a proposal from a resident of Satellite Beach to apply the new name Brooks Island to the 45-mile-long barrier island that extends from the Canaveral Barge Canal to Sebastian Inlet. Because local opinion is important to the BGN, we would like the opinion of the Town of Indialantic concerning this issue. We also ask that you share this request with any offices or others who might have an interest in this proposal.

Harry J. Brooks (1903-1928) was a test pilot for Henry Ford who crashed into the ocean east of the island during a race between Michigan and Miami. (The name that was originally proposed was Harry J. Brooks Island; however, because the BGN's Commemorative Names Policy discourages the use of full names for natural geographic features, the proposal is being processed as Brooks Island.)

In 2011 and 2012, three names for the unnamed island were proposed to the BGN: Ais Island, to honor the Ais Indians who inhabited the coast of Florida until the 1700s; Ponce de Leon Island, to honor Don Juan Ponce de Leon (c.1460-1521) who reportedly first landed in North America on the island in 1513; and Coacoochee Island, to honor Seminole chief Coacoochee (c.1812-1857). Due to a lack of local consensus about the most appropriate name, the BGN did not approve any of these proposals. The island remains officially unnamed.

In 2012, BGN staff wrote to Town Manager Chinault, asking for an opinion from the Town of Indialantic about the three aforementioned proposals. According to our records, the Indialantic Town Council initially voted to support the name Ponce de Leon Island on May 17, 2011 but later rescinded this support on March 5, 2012. Letters from you and from Town Manager Chinault stated that the town strongly objects to any name for the island.

9/29/2016

Currently, the only name under consideration by the BGN is Brooks Island. The BGN is required to afford due process to any legitimate proposal it receives and we therefore request your recommendation about this new proposal. We will also be contacting all other jurisdictions located on the island for their recommendations.

This proposal is listed on the BGN's current Review List (#425), posted at http://geonames.usgs.gov/domestic/quarterly_list.htm. The relevant pages are also attached for your review and convenience. Also attached are the original proposal, a map of the island, a Geographic Name Proposal Recommendation form to facilitate a response from your office, and a copy of the BGN's Commemorative Names Policy for you to review as you consider this proposal. Once we receive your response, we will ask the Florida State Committee on Geographic Names (copied on this email) for their recommendation.

Thank you for your consideration of this request and we look forward to hearing from you. Meanwhile, if you have any questions, please don't hesitate to contact us. We may be contacted by mail at the address below; by telephone at (703) 648-4552; by fax at (703) 648-4549; or by e-mail at BGNEXEC@usgs.gov.

Sincerely,

Matt O'Donnell, research staff
For Lou Yost, Executive Secretary
U.S. Board on Geographic Names
U.S. Geological Survey
12201 Sunrise Valley Drive
MS 523
Reston VA 20192-0523

cc:

Christopher Chinault, Town Manager, Cchinault@indialantic.com
Joan Clark, Town Clerk, jclark@indialantic.com
Stephen Hodge, FL State Names Authority, shodge@fsu.edu
Louis Driber, USGS Geospatial Liaison to Florida, ldriber@usgs.gov

Matt O'Donnell | ATA Services, Inc.
Contractor in support of U.S. Board on Geographic Names | Domestic Names Committee
Phone/fax: 703.648.4553 / 703.648.4549
Email: mjodonnell@usgs.gov
Room 1C112 (in library offices)

9/29/2016

FLORIDA

Brooks Island: island; 45 mi long; barrier island located along the Atlantic Coast, extends S from the Canaveral Barge Canal to Sebastian Inlet; the name honors Harry J. Brooks (1903-1928), early aviation pioneer; Tps24-30S Rgs37-39E, Tallahassee Meridian; Brevard County, Florida; 28°07'51"N, 80°35'00"W; USGS map - Tropic 1:24,000 (central point).

http://geonames.usgs.gov/pls/gazpublic/getesricoor?p_lat=28.1307333&p_longi=-80.5833435

Proposal: new commemorative name for unnamed feature

Map: Tropic 1:24,000 (central point)

Proponent: Matt Kish; Satellite Beach, FL

Administrative area: Patrick Air Force Base / Archie Carr National Wildlife Refuge / Indian River Lagoon Preserve State Park / Sebastian Inlet State Park

Previous BGN Action: None

Names associated with feature:

GNIS: No record

Local Usage: None found

Published: None found

Case Summary: The new commemorative name Brooks Island is proposed for a 45-mile-long barrier island along the coast of Brevard County. Although the island is currently unnamed, the names Ais Island, Ponce de Leon Island, and Coacoochee Island were proposed and not approved by the BGN in 2012, citing a lack of local consensus.

The island includes all or parts of a number of Federal and State managed areas: Patrick Air Force Base, Archie Carr National Wildlife Refuge, Indian River Lagoon Preserve State Park, and Sebastian Inlet State Park. There are eight incorporated communities on the island.

Harry Brooks (1903-1928), born in Michigan, was an early aviation pioneer who worked as a test pilot for Ford Motor Company's airplane division. A close friend of Henry Ford, Brooks was able to test many early airplane models. Brooks was the first to fly an aircraft guided only by a radio-beacon system. During a long-distance race from Michigan to Miami in a Ford Fliivver, Brooks was forced to land in Titusville due to a bent propeller after setting a record of 1,200 miles flown without refueling. A few days later, he took off to complete the race but his airplane's motor stopped and he crashed into the ocean east of the island that is now proposed to be named for him.

A search of GNIS shows 13 features in Florida with names that include the word "Brooks." None are in Brevard County.

**UNITED STATES BOARD ON GEOGRAPHIC NAMES
WASHINGTON, D.C.**

This Quarterly Review List presents names proposed for geographic features in the United States. The names are offered to (1) identify previously unnamed features, (2) provide official recognition to names in current local usage, (3) resolve conflicts in name spellings, applications, and local usage, or (4) change existing names. Any organization, agency, or person may indicate to the U.S. Board on Geographic Names (BGN) their support or opposition to any name proposed herein by submitting written evidence documenting their position.

The names herein are official for use in Federal publications and on maps upon approval by the BGN. Only one name is official per geographic feature; however, a shortened version of an official name may be authorized, and these are identified by underlining. The use or omission of non-underlined words is optional.

Variant names and spellings discovered in researching a name are listed following the word "Not." These may include names and spellings that formerly were official, historical names known to have been previously associated with the feature, names that conflict with current policies of the BGN, misspellings, and names misapplied to the subject of the proposal.

If a populated place is incorporated under the laws of its State, it is specified as such in parentheses after the feature designation. Populated places without such designations are not incorporated.

The information following each name indicates the submitting agency or person, the most recent base series map* for locating the feature, the reason for the proposal, and other pertinent background facts needed to assist the BGN in its decision process. Each paragraph also includes a link to available maps services showing the location of the feature. A copy of this Review List has also been posted to the BGN's website at http://geonames.usgs.gov/domestic/quarterly_list.htm.

Effective immediately, the horizontal datum used for geographic coordinates in all Domestic Geographic Names publications is the North American Datum of 1983. The datum of some geographic coordinates from historical maps may still be the NAD27.

Comments on the name proposals may be sent to: Mr. Lou Yost, Executive Secretary, U.S. Board on Geographic Names/Domestic Names Committee, 523 National Center, Reston, VA 20192-0523; telephone (703) 648-4552; fax (703) 648-4549; e-mail BGNEEXEC@usgs.gov.

**THE NAMES IN THIS REVIEW LIST MAY BE USED ONLY AFTER APPROVAL BY THE
BGN**

*Standard map series published by the U.S. Geological Survey, USDA Forest Service, or Office of Coast Survey.

DOMESTIC GEOGRAPHIC NAME PROPOSAL SUMMARY

REGION - Propose New or Change Name

Name Proposal ID:

9035

Date Created:

05-SEP-16

Date Submitted:

05-SEP-16

Proposed Name:

Harry J. Brooks island

Action Requested:

Name an unnamed feature

Existing Name:

-

Unnamed Evidence:

-

Locally Used:

No

Locally Used Years:

-

Local Conflict:

No

Local Conflict Detail:

-

Additional Details:

-

REGION - Feature Information

GNIS Feature ID:

-

Feature class:

ISLAND

Descriptive information:

A 45 miles (72 km) long, barrier island stretching from Cape Canaveral to Sebastian Inlet in Brevard County in central Florida, located on the Atlantic Ocean. The population was 52,358 at the 2010 United States Census. The barrier island is 21.4 square miles (55 km²). Another proposed name for this

area was Ais Island after the native Ais people who originally inhabited the area. Currently, the island has not yet been designated any official name.

Meaning or significance:

Ford hired Harry to work in one of his auto plants. Several months later, Ford gave Harry a job as a test pilot for the Stout Metal Airplane Division of the Ford Motor Company. Although still very young, Brooks soon became Ford's top pilot, as well as a close friend whom Ford nicknamed "Brooksie". Brooks demonstrated the capabilities of the new monoplane Ford Trimotor to biplane maker, William Boeing by handing him the controls and sitting back in the passenger cabin. For the first night flight of a Ford Trimotor, Brooks flew Charles Lindbergh's mother from Detroit to Cleveland. Brooks was also the pilot that flew Lindbergh's mother to Mexico, alongside the Spirit of St. Louis in their 1927 publicity trips. On February 10, 1927, Brooks flew the first aircraft guided solely by a radio-beacon system. When Ford released the new Ford Flivver in 1926, Brooks used the prototype to fly to his home just north of Ford Airport. Brooks attempted a long distance record attempt to fly from Ford Field in Dearborn Michigan to Miami, Florida. A first attempt launched on 24 January 1928, witnessed by Henry Ford, landed short in a forced landing at Asheville, North Carolina. A second attempt, flying the second prototype, witnessed by Edsel Ford, Brooks launched from Detroit on February 21, 1928 but landed 200 mi (320 km) short in Titusville, Florida, where the propeller was bent, but still achieved a record of flying 1,200 miles unrefueled. During his overnight stay at Titusville, Brooks had repaired the aircraft, using a propeller from the forced landing. He had also placed wooden toothpicks in the vent holes of the fuel cap to prevent moist air from entering and condensing overnight. On February 25, Brooks took off to complete the race, circled out over the Atlantic where his motor quit and he went down off Melbourne, Florida.[10] The wreckage of the Ford Flivver washed up, but Brooks' body was never found.

Commemorative:

Yes

Biographical information:

Supporting materials:

Yes

REGION - Supporting Materials

No information entered.

REGION - States and Counties

State Name	County Name
Florida	Brevard

REGION - Geographic Coordinates

Obtained From	Describe Other	Lat Deg	Min	Sec	Long Deg	Min	Sec	Decimal Lat	Decimal Long	Details
GPS Receiver	-	-	-	-	-	-	-	28.18	-80.60	-

REGION - Administrative Areas

Administrative Area Type	Administrative Area Name	Details
OTHER (describe in Details field)	Island	Harry J. Brooks island

REGION - Maps and Documents with Name

No information entered.

REGION - Other (Variant) Names and Their Source

No information entered.

REGION - Authorities

No information entered.

REGION - Submitters and/or Preparers

Role	Last Name	First Name	Phone	Email Address	Physical Address	City	State	Zip	Company	Title
SUBMITTER	Matt	Kish	3213127768	mattmankish@yahoo.com	-	-	-	32937	-	-

DGNP Guest

POLICY III: COMMEMORATIVE NAMES

Naming is a basic human tendency; just as a name helps to create a distinct identity for an individual, a geographic name helps distinguish one place from another. Naming geographic features after individuals is one way that settlers marked the land; one way they signified that their lives on it and their contributions to it were important. Commemorative naming gave them a sense of ownership, assured the continued remembrance of them and their deeds. Naming a river, a mountain or a valley helped create the familiar, often reminding them of another place, person, or time.

Over the years the role of the Board has changed and grown. In a nation where numerous individuals are remembered for their accomplishments, the Board follows established principles, policies, and procedures to decide whose name may be applied to a natural feature for U.S. official maps and publications. In some cases, the Board may be able to suggest alternatives to geographic naming which might better commemorate the individual.

Policy

sec 1.

The U.S. Board on Geographic Names will consider proposals for assignment of the names or nicknames of deceased persons to geographic features in the United States and areas under the jurisdiction of the United States. The Board will not consider names that commemorate or may be construed to commemorate living persons. In addition, a person must be deceased at least 5 years before a commemorative proposal will be considered.

sec 2.

The person being honored by the naming should have had either some direct and long-term association with the feature or have made a significant contribution to the area or State in which it is located.

sec 3.

A proposal commemorating an individual with an outstanding national or international reputation will be considered even if the person was not directly associated with the geographic feature.

sec 4.

All commemorative name proposals must meet the same basic criteria required of any other name proposal.

Guidelines

A proposal to commemorate an individual should contain evidence of local support for the proposed name and its application. Such evidence may be in the form of letters from local residents and administrative agency personnel and/or petitions containing original signatures of local citizens.

In States with no official State names authority, approval must be obtained from local governing bodies such as the county commissioners or supervisors or the town selectmen.

Past decisions by the Board have found “direct association” or “significant contribution” when the person being commemorated was a(n):

- early or long-time settler - 20 or more years
- developer of the designated feature
- restorer or maintainer of the feature
- donor of the land to State or Federal Government
- person who played a large part in protecting the land for public benefit.

A person’s death on or at a feature, such as in a mountaineering accident or plane crash, or the mere ownership of land or the feature, does not normally meet the “direct association” criterion. The Board urges careful review of an individual’s association with the intended feature, as well as the proposal’s consistency with other Board policies, before submitting the proposal.

Approved by:
Board on Geographic Names
April 22, 1986

Approved by:
Secretary of the Interior
May 27, 1986

POLICY IV: WILDERNESS NAMES

In the Wilderness Act of 1964 (Public Law 88-577, 78 Stat. 890) Congress established the National Wilderness Preservation System composed of federally owned areas to be administered.

“... for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness “

The act characterizes wilderness “as an area where the earth and its community of life are untrammelled by man [and] where man himself is a visitor who does not remain.”

Though wilderness designations are a modern invention, a fundamental characteristic of elemental wilderness is that features are nameless and the cultural overlay of civilization is absent. No wilderness is today totally free of placenames and cultural artifacts, but a goal of Federal wilderness area administration is to minimize the impacts and traces of people.

SUBJECT: Comprehensive Plan - EAR

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

The Town is required to perform an Evaluation and Appraisal Report (EAR) regarding the Town's Comprehensive Plan periodically to ensure that the Town's Comprehensive Plan addresses current State rules and regulations. An EAR is due in November, 2016. Current regulations allow the evaluation to be transmitted in letter form.

The Town's Planning Consultant, LaRue Planning & Management Services, Inc., has conducted the review and provided a report in memorandum form dated August 30, 2016, a sample letter for the Town to forward to the Florida Department of Economic Opportunity, and copies of Sections 163.3191 and 163.3178, Florida Statutes.

James G. LaRue of LaRue Planning & Management Services, Inc., has indicated that the Town does need to address sea level rise and storm surge issues in the Comprehensive Plan. Board and Council action on considering any changes in this manner will be due within the next twelve months.

The Zoning and Planning Board, acting as the Local Planning Agency, approved the analysis and the letter on September 29, 2016.

Recommendation:

Approve the Evaluation and Appraisal Report (EAR) and related letter.

MOTION: Approve the Evaluation and Appraisal Report (EAR) and related letter.

Submitted by:


Joan Clark
Town Clerk

Approved for agenda:


Christopher W. Chinault
Town Manager



Larue Planning & Management Services, Inc.

Memorandum

To: Chris Chinault, Indialantic Town Manager
From: James G. LaRue, AICP
Date: August 30, 2016
Subject: Evaluation and Appraisal Letter

Municipalities and counties in Florida are no longer required to prepare an evaluation and appraisal report (EAR) every seven years. The purpose of the EAR was to analyze the comprehensive plan to determine whether or not it met the most current state rules and requirements. Now, instead of a full report, every seven years Florida local governments are only required to respond by letter to the state land planning agency (Department of Economic Opportunity). In the letter, the local government must indicate if any plan amendments are necessary to reflect changes in state requirements since the last update of their comprehensive plan (see Section 163.3191 FS).

Indialantic must communicate to DEO by November 2016 and indicate if any comprehensive plan amendments are necessary to reflect the changes in state law. In 2015, the Florida State legislature passed Section 163.3178(2)(f) F.S. (pertaining to coastal management) that requires each local government to respond to sea level rise and storm surge issues. Since the Town has not yet adopted any policies to address sea level rise and storm surge resiliency issues this year, we must make these amendments within a year from November, 2016. Included for your review is a draft letter that we are recommending the Town Council to approve (see attached).

C: Joan Clark, Town Clerk

October 13, 2016

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning and Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399

Re: Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks:

Pursuant to Florida Statutes Section 163.3191, the Town of Indian River has evaluated its Comprehensive Plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of its Comprehensive Plan.

Our review has indicated that there are no plan amendments necessary to meet changes in state requirements, except to address the requirements of F.S. 163.3178(2) Coastal Management. The plan amendments will be adopted within one year.

Should you have any questions regarding this notification letter, please contact James LaRue, AICP at:

LaRue Planning & Management Services, Inc
1375 Jackson street, Suite 206
Fort Myers, FL 33901
E-Mail: jim@larueplanning.com
Telephone: 239-334-3366.

Sincerely,

Christopher W. Chinault, Town Manager

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

163.3178 Coastal management.—

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

The 2016 Florida Statutes

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

[View Entire
Chapter](#)

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed pursuant to s. 163.3184(4).

(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.

(5) The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

History.—s. 11, ch. 75-257; s. 10, ch. 85-55; s. 11, ch. 86-191; s. 10, ch. 92-129; s. 13, ch. 93-206; s. 6, ch. 95-322; s. 29, ch. 96-410; s. 5, ch. 96-416; s. 4, ch. 98-146; ss. 6, 14, ch. 98-176; s. 5, ch. 98-258; s. 17, ch. 2000-158; s. 9, ch. 2002-296; s. 905, ch. 2002-387; s. 4, ch. 2004-230; s. 8, ch. 2005-290; s. 12, ch. 2005-291; s. 13, ch. 2007-196; s. 5, ch. 2007-198; s. 4, ch. 2007-204; s. 5, ch. 2010-205; s. 20, ch. 2011-139; s. 8, ch. 2012-96; s. 9, ch. 2012-99.

SUBJECT: Town Manager Evaluation

Staff Report – Town of Indialantic

Meeting Date: October 12, 2016

Summary:

Section 5 of the Town Manager's employment agreement provides for the Council to evaluate the Manager's performance over the preceding year.

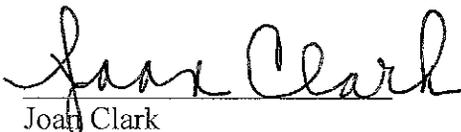
Evaluation forms were distributed to be filed with the Town Clerk. Copies of Council evaluations and summary are provided.

Recommendation:

Accept the performance evaluation for the Town Manager for the period of October 1, 2015 through September 30, 2016.

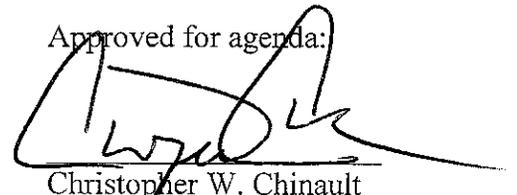
MOTION: Accept the performance evaluation for the Town Manager for the period of October 1, 2015 through September 30, 2016.

Submitted by:



Joan Clark
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

SUMMARY OF TOWN MANAGER EVALUATIONS

10/01/15 THROUGH 9/30/16

Berkman	Glass	Dunn	Greer	Hoffman	
					ORGANIZATIONAL MANAGEMENT
3	4	4	4		Effectively implements Town policies
4	4	5	5		Takes a long vision of the Town's needs
4	5	5	4		Manages Town employees
4	4	4	4		Plans, organizes and supervises utilization of resources
5	5	5	4		Works to protect the Town's assets
					FISCAL MANAGEMENT
5	5	5	4		Develops annual budget consistent with Council guidelines
3	4	5	4		Informs Council of long-term financial issues
4	3	5	4		Administers the adopted budget
3	4	5	5		Communicates needed adjustments during the fiscal year
3	4	5	4		Explores funding opportunities
					COUNCIL RELATIONS
5	5	5	5		Responds to requests for information/assistance
4	5	4	4		Carries out directives of the Council
4	5	5	4		Informs Council of issues important to the Town
4	4	4	4		Understands Council issues / transfers them to Council agendas
					INTERGOVERNMENTAL
3	5	5	4		Coordinates projects with other governmental agencies
3	5	4	5		Addresses Town responsibility re: outside agency requirements
3	N/O	4	4		Represents the Town with other governments/agencies
3	N/O	5	4		Maintains an interest in neighboring areas to protect the Town
					COMMUNITY RELATIONS
4	4	5	3		Addresses citizen complaints in a professional manner
4	5	4	4		Demonstrates interest in the community

Evaluation Scale

5	Excellent	Exemplary performance far exceeding performance criteria
4	Very good	Performance which exceeds the level normally expected
3	Good	Generally meets expectation on performance criteria
2	Fair	Falling short of that which is normally expected
1	Poor	Unacceptable performance which must receive immediate attention
	N/O	Not observed

Berkman	3.75
Glass	4.44
Dunn	4.65
Greer	4.15
Hoffman	

TOWN OF INDIALANTIC

Performance Evaluation

This form divides the Manager's tasks into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are provided for additional comments.

Chris Chinault
Town Manager

Mayor Dave Berkman
Evaluator

CY2016
Evaluation Period

10/5/16
Date of Evaluation

Evaluation Scale

- 5 Excellent
- 4 Very Good (i.e. exceeds expectations)
- 3 Good (i.e. meets expectations)
- 2 Fair (i.e. meets most expectations, but improvements are needed)
- 1 Poor (i.e. fails to meet the evaluator's expectations in all categories)
- N/O Not observed (i.e. evaluator does not have sufficient information to judge performance)

ORGANIZATIONAL MANAGEMENT

- 3 Effectively implements Town policies including provisions of the Town Charter, Town Code, and Town's Comprehensive Plan
- 4 Takes a long vision of the Town's needs
- 4 Manages Town employees, assumes responsibility for staff performance, addresses personnel matters effectively (including union negotiations), and recruits and retains competent personnel for Town positions
- 4 Plans, organizes, & supervises the most appropriate utilization of manpower, materials, machinery/equipment, and other resources with an understanding of department operations
- 5 Works to protect the Town's assets

FISCAL MANAGEMENT

- 5 Develops an annual budget and supporting documentation consistent with Town requirements that conforms to guidelines adopted by the Council—including recommendations for decreasing expenses
- 3 Informs Council of long-term financial issues (e.g. projections for general fund reserve and decisional impacts if known)
- 4 Administers the adopted budget within approved revenues and expenditures
- 3 Communicates in a timely manner any adjustments needed to the adopted budget during the fiscal year
- 3 Explores funding opportunities, including grants, as appropriate for Town needs

COUNCIL RELATIONS

- 5 Responds to requests for information/assistance by the Council and/or individual Council members (including budget related requests)
- 4 Carries out directives of the Council
- 4 Informs Council of issues important to the Town of Indialantic
- 4 Understands Council issues and transfers them to Council agenda for consideration

INTERGOVERNMENTAL

- 3 Coordinates projects that occur within the Town of Indialantic with County and/or State personnel as appropriate
- 3 Addresses Town responsibilities with regard to outside agency requirements (e.g. FDEP, FDOT)
- 3 Represents the Town in matters that involve other governments and/or agencies
- 3 Maintains an interest in neighboring areas to protect the Town's interests

COMMUNITY RELATIONS

- 4 Addresses citizen complaints and questions in a professional, friendly and prompt manner

___4_ Demonstrates interest in the community (attends events, frequently drives/walks/rides through Town)

COMMENTS:

Mr Chinault has significantly improved his management, council interaction and overall running of the town in my opinion, as evident in the delta between this report and last years. He has put a lot of extra effort into make this happen and much appreciated. On many occasions this year Chris went far out of his way to fix problems and work outside of the norm to accomplish this, this is of significant importance to me and good very well done! Overall I rate at Very Good, I should also note in my review and how this review is written a rating of GOOD/3 is not a bad thing. Simply means you did your job as we expect, a good thing.

I personally thank Chris for his efforts this year and hope to see more of same next year. Nice job!

OVERALL RATING:

Excellent	_____
Very good	___X___
Good	_____
Fair	_____
Poor	_____

Evaluator's Signature

Date

TOWN OF INDIALANTIC

Performance Evaluation

This form divides the Manager's tasks into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are provided for additional comments.

Chris Chinault
Town Manager

Stuart M. Glass
Evaluator

October 1, 2015
Evaluation Period

September 30, 2015
Date of Evaluation

Evaluation Scale

- 5 Excellent
- 4 Very Good (i.e. exceeds expectations)
- 3 Good (i.e. meets expectations)
- 2 Fair (i.e. meets most expectations, but improvements are needed)
- 1 Poor (i.e. fails to meet the evaluator's expectations in all categories)
- N/O Not observed (i.e. evaluator does not have sufficient information to judge performance)

ORGANIZATIONAL MANAGEMENT

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- 5 Works to protect the Town's assets

FISCAL MANAGEMENT

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- 4 Communicates in a timely manner any adjustments needed to the adopted budget during the fiscal year
- 4 Explores funding opportunities, including grants, as appropriate for Town needs

COUNCIL RELATIONS

- 5 Responds to requests for information/assistance by the Council and/or individual Council members (including budget related requests)
- 5 Carries out directives of the Council
- 5 Informs Council of issues important to the Town of Indialantic
- 4 Understands Council issues and transfers them to Council agenda for consideration

INTERGOVERNMENTAL

- 5 Coordinates projects that occur within the Town of Indialantic with County and/or State personnel as appropriate
- 5 Addresses Town responsibilities with regard to outside agency requirements (e.g. FDEP, FDOT)
- N/O Represents the Town in matters that involve other governments and/or agencies
- N/O Maintains an interest in neighboring areas to protect the Town's interests

COMMUNITY RELATIONS

- 4 Addresses citizen complaints and questions in a professional, friendly and prompt manner
- 5 Demonstrates interest in the community (attends events, frequently drives/walks/rides through Town)

COMMENTS:

The Town continues to be well maintained.

Annual Audits indicate continual improvements in the financial condition of Indialantic. Migration of General Employee Pension plan to Florida League of Cities Pension Trust was a positive move. Long term pension costs continue to be an exposure and concern.

New construction has allowed the residential homestead property taxes to decrease over the past several years.

Chris has hired excellent Department heads to replace long term employee who have retired. Replacing our Police Chief who will retire October 11, 2016 will not be an easy task. Department policies and procedure still are in need of review and updates.

Orlando Park has become a beautiful showplace for community common areas. Douglas and Lilly Parks are excellent examples of community partnerships. Sunrise, and Nance parks are in needed of improvement plans.

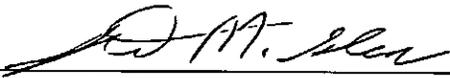
Negotiations with Town unions has not been without challenges. Current contracts are fair to both the employees and Town.

The need for modernization of banking including direct deposit of payroll and Electronic Funds Transfer (EFT) has been an issue for the past 6 years.

Proposed and Council rejected (3-2) north Riverside storm water retention project should have been budgeted and presented prior to the expenditure of funds for professional services that included engineering, survey and attorney fees.

OVERALL RATING:

Excellent	_____
Very good	_____ x
Good	_____
Fair	_____
Poor	_____



Evaluator's Signature

October 3, 2016
Date

TOWN OF INDIALANTIC

Performance Evaluation

This form divides the Manager's tasks into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are provided for additional comments.

Chris Chinault Richard H. Dunn

Town Manager Evaluator

Oct. 1, 2015 – Oct. 1 2026 October 3, 2012016
Evaluation Period Date of Evaluation

Evaluation Scale

- 5 Excellent
- 4 Very Good (i.e. exceeds expectations)
- 3 Good (i.e. meets expectations)
- 2 Fair (i.e. meets most expectations, but improvements are needed)
- 1 Poor (i.e. fails to meet the evaluator's expectations in all categories)
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ORGANIZATIONAL MANAGEMENT

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4 Plans, organizes, & supervises the most appropriate utilization of manpower, materials, machinery/equipment, and other resources with an understanding of department operations

5 Works to protect the Town's assets

FISCAL MANAGEMENT

- __5__ Develops an annual budget and supporting documentation consistent with Town requirements that conforms to guidelines adopted by the Council— including recommendations for decreasing expenses
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- __5__ Explores funding opportunities, including grants, as appropriate for Town needs

COUNCIL RELATIONS

- __5__ Responds to requests for information/assistance by the Council and/or individual Council members (including budget related requests)
- __4__ Carries out directives of the Council
- __5__ Informs Council of issues important to the Town of Indialantic
- __4__ Understands Council issues and transfers them to Council agenda for consideration

INTERGOVERNMENTAL

- __5__ Coordinates projects that occur within the Town of Indialantic with County and/or State personnel as appropriate
- __4__ Addresses Town responsibilities with regard to outside agency requirements (e.g. FDEP, FDOT)
- __4__ Represents the Town in matters that involve other governments and/or agencies
- __5__ Maintains an interest in neighboring areas to protect the Town's interests

COMMUNITY RELATIONS

protect the Town should a hurricane affect the area. He developed and submitted a capitol budget projection of expenses covering the next five years. Some key points are contained below:

- FY-15 Audit Results: \$880,502 available to General Fund reserves—
- \$192,406 over 9/30/14 amount—by Resolution 16—06 \$1,000 set aside for maintenance of the Nance Park monument sign;
- \$260,000 set aside for the purchase of P-25 radios in FY-17;
- \$116,500 set aside for the milling and resurfacing of S. Riverside Drive in FY-19; \$10,702 set aside toward the purchase of a fire truck in FY-23;
- \$492,300 set aside to meet 2 months of operating expense.
- Chris worked with the Town Engineer and FDEP to finalize an Agreement for \$65,500 toward construction of the Lily Drainage Project (FDEP will meet 38% of the eligible costs—not to exceed \$65,500)—this project should equate to approximately 30 drainage swales if each swale was about 75 linear feet in length—project’s intent is to lessen flooding on S. Riverside Drive and improve the quality of water that flows into the IRL.
- The Town Manager also initiated a project to address drainage needs in the B-5 drainage basin. His analysis indicated that the lot at the NW corner of 2nd Avenue and N. Riverside Drive would be suitable toward improving the quality of water that flows into the IRL—would equate to approximately 65 drainage swales if each swale was about 75 linear feet in length. The Town Council did not approve the project due to budget constrains.
- In July 2016 the Town Manager provided Council with a project—design and construction of a security wall--that could be considered as “low hanging fruit” as directed in August 2015—the project was identified during consideration of accreditation as it relates to the Police Department to improve security for officers and inmates.
- The Town Planner was engaged to update Code Chapter 11.
- The Town Manager is very active in identifying areas to install swales through the Town of Indialantic. One area swale installed was on the east side of N. Riverside Place (i.e. Ernest Kouwen-Hoven Riverside Park parking area) that is approximately 20’ x 20’—currently the park loses a minimum of 6 parking spaces that are under water as well as water ponds on N. Riverside Place during an average rainfall. Water is the major enemy of the asphalt pavement—whether on the paved street area or on the park parking area.
- The Town Manager Received Special Magistrate’s recommendations with regard to IAFF impasse—previously sent to Council.
- The Town Manager actively provides direction to Public Works to refresh stop bars and crosswalks on non-State streets.
- Atlantic Development was engaged to replace the storm drainpipe under Cocoa Avenue along the west side of S. Palm Avenue.
- The Town Manager directed the Town’s Engineer to finish the Agreement with FDEP for funding of the Lily Drainage Project.

- The Town Manager on 9-22-16 provided the Council a five-year capital budget projection of expenses requested by the Town Council as a Town Goal.
- The Town Manager provides email report to all Council members regarding weekly activities occurring within the Town of Indialantic.

TOWN OF INDIALANTIC

Performance Evaluation

This form divides the Manager's tasks into five (5) categories and provides for the rating of each item in the category using the evaluation scale shown. Spaces are provided for additional comments.

Chris Chinault
Town Manager

RANDALL GREER
Evaluator

10-1-15 → 9-30-16
Evaluation Period

9-30-16
Date of Evaluation

Evaluation Scale

- 5 Excellent
- 4 Very Good (i.e. exceeds expectations)
- 3 Good (i.e. meets expectations)
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ORGANIZATIONAL MANAGEMENT

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FISCAL MANAGEMENT

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INTERGOVERNMENTAL

- 4 Coordinates projects that occur within the Town of Indialantic with County and/or State personnel as appropriate
- 5 Addresses Town responsibilities with regard to outside agency requirements (e.g. FDEP, FDOT)
- 4 Represents the Town in matters that involve other governments and/or agencies
- 4 Maintains an interest in neighboring areas to protect the Town's interests

COMMUNITY RELATIONS

- 3 Addresses citizen complaints and questions in a professional, friendly and prompt manner

4 Demonstrates interest in the community (attends events, frequently drives/walks/rides through Town)

COMMENTS:

The weekly updates are greatly appreciated as is work on goals + 5 year Cap. outlay

OVERALL RATING:

- Excellent _____
- Very good
- Good _____
- Fair _____
- Poor _____

Randall Lee

Evaluator's Signature

9-30-16

Date

TOWN MANAGER'S REPORT

Agenda Item
October 12, 2016

1. **Intergovernmental Activity:**
 - a. **NPDES:** The permit application for the upcoming five-year period has been submitted to the Florida Department of Environmental Protection. (07/17/12) Approval for the period 01/01/13 to 12/31/17 was issued. (11/20/15)
 - b. **SR-A1A Resurfacing:** FDOT plans in FY-16 to resurface SR-A1A from US-192/SR-500 to south of the Pineda Causeway. (08/21/12) FDOT has agreed to also resurface those portions of the SR-A1A right-of-way that taper into the side streets. The finished product will consist of a 10 ½' inside travel lane on SR-A1A, an 11' outside lane, and a 4' bicycle lane. (02/19/13) Plans will be reviewed by FDOT by November, 2015. (08/12/15) Contract let July 20, 2016, pre-construction meeting on 8/10/16. (08/10/16) The project start date is 8/22/16 with milling and resurfacing starting after Labor Day beginning at 4th Avenue. The completion date is August, 2018. (09/07/16)
 - c. **Water Franchise Agreement:** The current Water Franchise Agreement between the Town of Indialantic and the City of Melbourne expires in mid-2017. To avoid any last minute issues the City has been requested to review the document and forward a draft to the Town with changes that are needed. (05/20/14) The Town has engaged Anthony Garganese. (06/11/14)
 - d. **SR-A1A Pedestrian Crossing at Watson Drive:** Council's request was submitted to FDOT. (02/11/15) FDOT to respond by April 3. (03/11/15) Council to receive FDOT response on 8/12/15. (08/12/15) The Engineer was consulted and Council will consider the proposal on 9/9/15. (09/09/15) FDOT was advised to proceed with plans to install the raised concrete median and crosswalk immediately north of Watson Drive. (10/07/15) FDOT has indicated that the SR-A1A resurfacing project has proceeded beyond where this project can be considered until after the resurfacing project advances. The crossing will be folded into a multimodal project. (12/09/15)
 - e. **SR-A1A Pedestrian Crossing at Tampa Avenue:** FDOT is in receipt of the petition that was provided to Council requesting a pedestrian activated crossing light on SR-A1A at Tampa Avenue and expect to comment by October 1, 2016. (08/10/16)
 - f. **Tsunami Ready:** Chief Flamm reports that the County Emergency Management office is working with the County Tourism Development Office regarding implementation of consistent signage toward making the beachside tsunami ready. (09/16/14)
 - g. **S. Riverside Drive:** Melbourne Water is proposing to replace the twelve inch water main along S. Riverside Drive from US-192/SR-500 to the Indialantic/Melbourne Beach town limits in FY-18 with Brevard County proposing to grout the abandoned sewer force main in FY-17. (06/08/16)
2. **Fiscal Activity:**
 - a. **FDOH Grant:** Application submitted for 75/25 grant for replacement defibrillator. (03/09/16) Application not approved. (07/13/16)

- b. **FEMA Firefighter Assistance Grant:** An application was submitted for \$82,454 Federal monies with a \$4,340 local match to enable the fire department to meet P-25 radio requirements. (01/07/15). Application denied and re-submitted. (01/13/16)
 - c. **Wavecrest Avenue Sidewalk Extension:** The County has authorized the expenditure of \$39,500 of TIFT monies to extend the sidewalk from dune crossover #16 (aka Fourteenth Avenue) to SR-A1A. An FDEP Field Permit has been secured. (07/08/15) Based on some local resident concerns the project has been abandoned. (09/09/15)
 - d. **FDEO grant:** The state approved a \$15,000 FDEO Technical Assistance grant for a master sidewalk plan. (07/13/16)
 - e. **Lily Drainage Project:** A grant application has been submitted to FDEP to advance this project. (11/12/15) Application has been approved. (02/10/16) Agreement with FDEP is being prepared. (03/09/16) Agreement will go to Council for approval. (09/07/16) Agreement was approved. Bids are due 11/10/16. (10/12/16)
3. **Organizational Activity:**
- a. **Storm drainpipe failure:** The storm drainpipe under S. Ramona Avenue at 10th Avenue failed and was replaced at a cost of \$28,077. (06/10/15)
 - b. **Drainage:** The use of drainage retention areas is being explored as an alternative to placing street drainage into the Indian River. (09/09/15)
 - c. **Swale:** Staff is exploring replacing 2 parking spaces at the south end of the N. Riverside Place parking area with a dra to capture and disburse the street and parking space drainage. (01/13/16) The 20' x 20' dra has been installed. (04/13/16)
 - d. **Swale:** Public Works has installed two swales along the south side of the 100 block of Fourteenth Avenue. (06/08/16)
 - e. **Swale:** Public Works installed a swale along the south side of 2nd Avenue west of N. Riverside Drive. (08/10/16)
 - f. **Swale:** Public Works installed a swale along N. Riverside Place across from Ernest Kouwen-Hoven Riverside Park. (08/10/16)
 - g. **Swale:** Public Works installed a swale along the south side of Cocoa Avenue west of SR-A1A. (09/07/16)
 - h. **Storm drainpipe:** The pipe under Tenth Terrace immediately east of S. Ramona Avenue has been replaced at a cost of \$34,856. (02/10/16)
 - i. **Storm drainpipe:** The pipe under Cocoa Avenue immediately west of S. Palm Avenue is being replaced. (04/13/16) Completed. (05/16/16)
 - j. **Storm drainpipe failure:** The storm drain pipe under along the south side of Orlando Boulevard, east of S. Riverside Drive, failed and a section was replaced for \$11,237. (05/16/16)

- k. **Scaevola:** Scaevola Taccada plants have been removed from a small area north of dune crossover #3 by a volunteer. Additional work of this nature is expected to progress. (11/12/15) Scaevola has been removed from the boardwalk area north of Access #8. (03/09/16) Beach elder and railroad vine have been planted north of Access #8. (04/13/16) Beach elder, railroad vine and beach daisy have been planted at Access #6. (06/08/16)
- l. **Code Review Task Force:** A meeting is being scheduled for mid January consistent with the meeting days/times as expressed by the newly appointed members. (12/09/15) The task force members have agreed to meet the 3rd Monday of each month at 3:45 p.m. (02/10/16)
- m. **Tree Trimming:** Palms are being trimmed in Nance Park. (07/13/16)
- n. **Sea Turtle Nesting Season:** Note: Sea turtle nesting season runs from 3/1/16 through 10/31/16 in Brevard County because leatherback sea turtles begin to come ashore in March. (03/09/16)
- o. **Orlando Park:** The donor sign at the southeast corner of Orlando Park has been replaced. (04/13/16)
- p. **Traffic Calming:** The Town's consulting engineer is preparing possible traffic calming options with any associated cost in response to speeding concerns along Third Avenue. (06/08/16) Information will be presented to Council on July 13, 2016. (07/13/16) A contractor has scheduled for the week of August 8, 2016 the installation of a speed hump between 120 and 123 Second Avenue, between 124 and 121-B Third Avenue, and between 430 and 431 Third Avenue. (08/10/16) Speed humps were installed; however, there is some concern about the height of 2 humps being 2.5" rather than the 3.0". (09/07/16)
- q. **Boardwalk:** The top boards are being replaced between the emergency vehicle ramp and the restrooms. (08/10/16)
- r. **Personnel:** Troy Morris has noted that he will retire as Police Chief. His last day will be 10/11/16. Michael Casey will serve as the Acting Police Chief during the search for a new Police Chief. (10/12/16)

TOWN OF INDIALANTIC
CLERK'S REPORT
 September 2016

I. NUMBER OF REGISTERED VOTERS 2,331

II. BUSINESS TAX RECEIPTS ISSUED FY15-16 193

New Business (NB)	02
Renewal (R)	189
Transfer of Ownership (TO)	00
Change of Location (CL)	00
Name Change (NC)	00
License in Existing Business (EB)	00
Home Office (HO)	02

<u>Name of Business</u>	<u>Address</u>	<u>Owner</u>	<u>Issued</u>	<u>License</u>	<u>Comment</u>
ARH Company Inc.	344 Michigan Avenue	Albert Hipps	09/01/16	16359	HO=home office
Fitness On Fifth	145 Fifth Avenue	Susan Day Belcher	09/08/16	16405	NB=fitness studio
Jennifer Coberly, Esq.	405 North Ramona Avenue	Jennifer R. Coberly	09/08/16	16407	HO=home office
Native Homes of Brevard Inc	322 Fifth Avenue, Suite B	William G. Kirst	09/29/16	16521	NB=custom home builder

III. MEETINGS HELD

Administration furnished support services for the following meetings:

- Town Council – September 07
- Heritage Committee – September 20
- Town Council Budget – September 21
- Heritage Committee Work Session – September 27
- Parks, Recreation and Beautification Committee – September 26
- Zoning and Planning Board – September 29

IV. MISCELLANEOUS

- Nance Park Rental – 03, 05, 10, 17, 24
- Twenty-First Halloween Party meeting – September 02, 05, 12, 16, 19, 26, 30

Indialantic Police Department
 Monthly Crime Index
 August 2016

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	0				0%
Larceny	8	3		3	37%
Veh Theft	0				0%
Assault/Battery	2	1		1	50%
Arson	0				0%
Total Part I	10				
Part II					
Kidnapping	0				
Fraud/Forgery	1				
Embezzlement	0				
Posses Stln Prop	0				
Criminal Mischief	0				
Weapons	0				
Sex Offenses	1				
Narcotics	13				
DUI	1				
Liquor Laws	1				
Disorderly	0				
Ordinance	9				
Other Viol	6				
Other Traffic	7				
Prostitution	0				
Total Part II	39				
Part III & IV					
Patrol Area	210				
911 Investigations	99				
Citizen Contact	4				
Juvenile	0				
Warrant	0				
Misc Traffic	62				
Traffic Accidents	11				
Sick/Injured	2				
Death	0				
Mentally Ill	1				
Suicide/Attempt	0				
Animal	8				
Information	11				
Alarm/Open Door	19				
Fire	1				
Lost/Found	19				
Disturbances	9				
Susp Incidents	81				
Assists	45				
Details	4				
Missing Persons	0				
Total III & IV	586				
Grand Total	635				

Indianantic Police Department
 YTD Information Report
 August 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Value Stolen	\$ 20	\$ 9,611	\$ 1,326	\$ 10,798	\$ 489	\$ 18,908	\$ 5,400	\$ 1,067					\$ 47,619
Value Recovered	\$ 150	\$ -	\$ 4,471	\$ 2,082	\$ 489	\$ 25	\$ 1,750	\$ 312					\$ 9,279
Traffic Warnings	2	4	13	1	6	1	1	1					29
Equip Warnings	2	2	1	7	3	1	0	3					19
Verbal Warnings	136	114	55	87	125	88	103	125					833
Field Interrogation	0	0	0	0	0	0	0	0					0
Parking Violations	3	3	5	14	14	13	45	33					130
Parking Fines	\$ 72	\$ 60	\$ 100	\$ 292	\$ 285	\$ 340	\$ 900	\$ 660					\$ 2,709
Traffic Citations	120	152	129	145	180	170	125	154					1175
Arrests	23	24	24	22	24	28	31	38					214
DUI Charges	0	1	1	2	3	2	2	1					12
Drug Charges	5	8	2	1	3	3	1	17					40
Wavecrest Activity	64	40	47	50	40	48	39	41					369

Indialantic Fire Rescue Monthly Report for September 2016

FIRES		
Structure Fires		
Brush Fires		
Vehicle Fires		1
Trash Fires		
Other Fire Calls		1
RESCUE & EMERGENCY MEDICAL		
Medical		11
Motor Vehicle/Pedestrian Accident with injuries		1
Motor Vehicle with no injuries		3
Water Rescue		1
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem		2
SERVICE CALL		
Public Service Calls		5
Assist Police or Other Government Agency		1
GOOD INTENT CALL		
Well Being Check		11
Dispatched and Cancelled Enroute		1
Dispatched and Cancelled on Scene		1
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		6
Smoke Detector activation due to smoke or dust		2
SPECIAL INCIDENT TYPE		
Special Type of Incident		
Fire Inspection/Business Tax Receipt (BTR)		18
Re-Inspection Fire/BTR		
Hydrant Inspections		
TOTAL CALLS		66
RUNNING TOTAL OF PREVIOUS MONTHS		736
TOTAL CALLS YEAR TO DATE		802
MUTUAL AIDE		
	GIVEN	4
	RECEIVED	0
AVERAGE RESPONSE TIME		
	INDIALANTIC FIRE	2.9
	BREVARD COUNTY	10
VOLUNTEER HOURS		
		285.5
	SAVINGS REALIZED BY THE TOWN	\$5,710
BURN PERMITS ISSUED FOR THE MONTH		
		NA
	Total Number of Burn Permits Issued Nov. 1st - Feb. 29th	49
VOLUNTEER F/F ACTIVITY	Monthly Business meeting was conducted on 9/7/16 and weekly training on 9/13/16, 9/20/16 & 9/27/16. Training included emergency medical care, fire pump operations, driver training & a class pertaining to cancer in the fire service. A group of Volunteers attended and participated in the 9/11 Memorial Ceremony in Indian Harbour Beach.	
CAREER F/F ACTIVITY	The on-duty crews logged 199 hours of training during the month. Crews continue to conduct annual fire safety inspections and re-inspections on commercial and multi-family properties throughout the Town. Fire Chief attended a 4 hr class on Crowd Management and an 8 hr class on Fire Alarm Systems. The State Department of Health conducted an inspection of our ALS service requirements, finding no deficiencies.	

TOWN OF INDIALANTIC BUILDING REPORT

September-16	<u>CURRENT</u>	<u>YTD 16</u>	<u>YTD 15</u>
NO. OF PERMITS ISSUED	27	411	428
TOTAL PERMIT FEES	\$2,995.00	\$72,050.32	\$78,130.00
TOTAL CONSTRUCTION VALUE	\$324,266.00	\$10,316,519.00	\$9,741,957.00
PLAN REVIEW FEES	\$0.00	\$3,206.00	\$645.00
TOTAL SIGN FEES	\$105.00	\$1,500.00	\$1,535.00
NO. OF SIGN PERMITS ISSUED	2	18	22
NEW CONVENTIONAL HOMES	0	4	5
NEW MULTI FAMILY HOMES	0	1	1
NEW COMMERCIAL BUILDINGS	0	1	0
MISC. ADDITIONS/ALTERATIONS	4	35	18
CERTIFICATE OF OCCUPANCY	0	0	1
BUILDING CODE INSPECTIONS	54	811	607

Building Department Permits Issued

PermitNo	CompanyName	OwnerName/Address	Construction Value	Permit Fee	Plan Fee	Surcharge
IND16_371		PANICCIA, ADELIA TRUSTE 800 MIRAMAR AV N	\$5,600.00	\$85.00	\$0.00	\$4.00
IND16_372		GREEN, RAYMOND 911 RIVERSIDE DR N	\$1,200.00	\$75.00	\$0.00	\$4.00
IND16_374		BAHNIUK, PETER 315 TAMPA AVE	\$3,110.00	\$85.00	\$0.00	\$4.00
IND16_378		GREGORY 323 MICHIGAN AVE	\$2,000.00	\$75.00	\$0.00	\$4.00
IND16_379		ALLEN 410 PALMETTO PL	\$26,375.00	\$200.00	\$0.00	\$6.00
IND16_381		PAPPAS, ERIC W 125 TWELFTH AV	\$5,690.00	\$95.00	\$0.00	\$4.00
IND16_382		COSKER-SWERSKE, B S 306 ORLANDO BLVD	\$100,000.00	\$585.00	\$0.00	\$16.95
IND16_384		BROUWERS, JEFF 700 PALM AVE N	\$6,000.00	\$95.00	\$0.00	\$4.00
IND16_385		BEAM, DOUGLAS R 300 NINTH TER	\$19,600.00	\$165.00	\$0.00	\$4.95
IND16_386		DAVELINN LLC 140 FOURTEENTH AV	\$14,000.00	\$135.00	\$0.00	\$4.05
IND16_387		STEIN 1101 MIRAMAR AVE S	\$2,990.00	\$80.00	\$0.00	\$4.00
IND16_388		BRIDGES, LEE A 445 NINTH AV	\$2,803.00	\$80.00	\$0.00	\$4.00
IND16_389		NEVINS 1709 MIRAMAR AVE S	\$14,000.00	\$135.00	\$0.00	\$4.05
IND16_390		CAMPBELL, THOMAS D 157 MIAMI AV	\$10,652.00	\$75.00	\$0.00	\$4.00
IND16_391		HUNTER, L R 225 MELBOURNE AV	\$6,121.00	\$75.00	\$0.00	\$4.00
IND16_392		MOORE 505 MIRAMAR AVE S 2	\$7,045.00	\$75.00	\$0.00	\$4.00
IND16_393		BRADY 50 MIAMI AVE	\$4,965.00	\$75.00	\$0.00	\$4.00
IND16_395		DEMEERS, NORMAND A 1318 MIRAMAR AV S 2	\$5,580.00	\$75.00	\$0.00	\$4.00
IND16_396		DERATANY, ANDREA W 105 RIVERSIDE DR S	\$225.00	\$45.00	\$0.00	\$4.00
IND16_397		ANDRE 341 FOURTH AV	\$880.00	\$60.00	\$0.00	\$4.00
IND16_399		MORAN 1010 MAGNOLIA DR	\$11,490.00	\$75.00	\$0.00	\$4.00
IND16_400		CAIN, JOSEPH B III 200 MELBOURNE AV	\$6,350.00	\$100.00	\$0.00	\$4.00
IND16_401		DAVIDSON 219 WATSON DR	\$5,290.00	\$75.00	\$0.00	\$4.00
IND16_402		CRAWY 223 GROSSE POINTE	\$800.00	\$60.00	\$0.00	\$4.00
IND16_404		TURK 401 RAMONA AV S	\$23,200.00	\$0.00	\$0.00	\$0.00
IND16_406		MAXNER 406 ORMOND DR	\$34,300.00	\$240.00	\$0.00	\$7.20
IND16_407		THORN, JOSEPHINE 904 WAVE CREST AV	\$4,000.00	\$85.00	\$0.00	\$4.00
Permits:	27	Grand Total	\$324,266.00	\$2,995.00	\$0.00	\$123.20

Inspection Result Date Summary 09/01/2016 through 09/30/20

<i>InspResult</i>	<i>Total Inspections</i>
Approved	51
Disapproved	3
<i>All Results:</i>	54

Number:	Direction:	Street:	Type:	Date:	Code:	Description:	Status:
111		Thirteenth	Avenue	12/30/14	13-9	Building numbering	Under construction
404	South	Miramar	Avenue	12/02/15	17-124	Vacation rentals prohibited in R-3	In the process
210		Sixth	Avenue	04/28/16	9-6	\$62.50 BTR delinquent FY2015-2016	Outstanding
305	South	Ramona	Avenue	06/24/16	17-121	Single-Family Residence Districts	In the process
164		Deland	Avenue	07/21/16	5.5-68(d)	Natural growth	Outstanding
225		Fifth	Avenue	07/29/16	8-12.1	Dumpsters	Outstanding
102		Miami	Avenue	08/02/16	15-20	Commercial vehicle parked overnight	Complied
707	North	Palm	Avenue	08/02/16	15-20	Commercial vehicle parked overnight	Complied
1411	South	Riverside	Drive	08/16/16	5.5-68(a)	Landscaping	Outstanding
1411	South	Riverside	Drive	08/16/16	13-2	Damaging, removing materials from	Outstanding
336		Wayne	Avenue	08/19/16	1-11	Excessive garage sales	Complied
904		Wavecrest	Avenue	08/26/16	6-220	Unsafe building	In the process
116		Ninth	Avenue	08/30/16	5.5-68(b)	Landscaping	Outstanding
231		Miami	Avenue	08/30/16	5.5-68(a)	Landscaping	Complied
316		Deland	Avenue	08/30/16	5.5-68(d)	Landscaping	Complied
320		Ormond	Drive	08/30/16	13-9	Building numbering	Complied
330		Ormond	Drive	08/30/16	13-9	Building numbering	Complied
406		Ormond	Drive	08/30/16	17-106.2(2)(a)	Prohibited sign	Complied
811	South	Ramona	Avenue	08/30/16	17-106.2(2)(a)	Prohibited sign	Complied 09/06/16
102	North	Riverside	Place	09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
105	North	Riverside	Drive	09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
448		Fifth	Avenue	09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
501		Fifth	Avenue	09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
615	North	Riverside	Drive	09/02/16	13-7	Encroachments preventing traffic	Complied 09/07/16
		Fifth Avenue & South Riverside Drive		09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
		Sixth Avenue & South Riverside Drive		09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
		Sixth Avenue & South Riverside Drive		09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North Riverside Drive		09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North Riverside Drive		09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North Riverside Place		09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North Riverside Place		09/02/16	17-106.2(2)(a)	Sign not permitted	Removed
101		Tampa	Avenue	09/02/16	13-7	Encroachments preventing traffic	Complied
200	South	Palm	Avenue	09/02/16	13-7	Encroachments preventing traffic	Outstanding
303		Sixth	Avenue	09/02/16	13-7	Encroachments preventing traffic	Outstanding
615	North	Riverside	Drive	09/02/16	13-7	Encroachments preventing traffic	Complied
101		Orlando	Blvd.	09/07/16	13-7	Encroachments preventing traffic	Complied
120		Seventh	Avenue	09/08/16	17-106.3	Real Estate signs	Complied
106		Tenth	Avenue	09/08/16	9-1	Businss Tax Receipt	Complied
110 & 112		Third	Avenue	09/08/16	9-1	Businss Tax Receipt	Outstanding
115 & 117		Second	Avenue	09/08/16	9-1	Businss Tax Receipt	Outstanding

<u>Number:</u>	<u>Direction:</u>	<u>Street:</u>	<u>Type:</u>	<u>Date:</u>	<u>Code:</u>	<u>Description:</u>	<u>Status:</u>
		Third Avenue & North Miramar Avenue		09/09/16	17-106.2(2)(a)	Sign not permitted	Removed
		Third Avenue & North Riverside Drive		09/09/16	17-106.2(2)(a)	Sign not permitted	Removed
240		Fouth	Avenue	09/12/16	17-106.2(2)(a)	Sign not permitted	Removed
		Melbourne Avenue & South Miramar Avenue		09/12/16	17-106.2(2)(a)	Sign not permitted	Removed
		Thirteenth Avenue & South Miramar Avenue		09/12/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fourth Avenue & North Riverside Drive		09/12/16	17-106.2(2)(a)	Sign not permitted	Removed
427		Melbourne	Avenue	09/12/16	8-21	Construction debris on street	Outstanding
117		Tradewinds	Terrace	09/13/16	18-18	Management of vegetative matter	Complied
118		Tradewinds	Terrace	09/14/16	18-18	Management of vegetative matter	Complied
436		Fifth	Avenue	09/15/16	17-106.2(2)(c)	Prohibited sign	Complied
2		Wavecrest	Avenue	09/16/16	17-106.2	Banner expired, given 75 days	Complied
400		Watson	Drive	09/16/16	17-103	Camper/RV in front	Complied
		Fifth Avenue Median		09/18/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North Miramar Avenue		09/18/16	17-106.2(2)(a)	Sign not permitted	Removed
		Melbourne Causeway Median		09/18/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue Median		09/18/16	17-106.2(2)(a)	Sign not permitted	Removed
120		Tradewinds	Terrace	09/28/16	18-18	Management of vegetative matter	Complied
109		Tradewinds	Terrace	09/28/16	18-18	Management of vegetative matter	Complied
300	North	Shannon	Avenue	09/28/16	17-103	Camper/RV in front	Outstanding
301		Tenth	Terrace	09/28/16	17-103	Camper/RV in front	Outstanding
309	South	Shannon	Avenue	09/28/16	17-103	Boat on trailer	Outstanding
309	South	Riverside	Drive	09/28/16	17-103	Camper/RV in front	Complied
334		First	Avenue	09/28/16	8-21	Construction debris on street	Complied
964	South	Shannon	Avenue	09/28/16	5.5-68	Landscaping	Outstanding
1		Fifth	Avenue	09/30/16	17-106.2(2)(a)	Sign not permitted	Removed
1		Fifth	Avenue	09/30/16	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North Riverside Place		09/30/16	17-106.2(2)(a)	Sign not permitted	Removed
314		Cocoa	Avenue	08/09/16 & 08/12/16	17-103	Boat on trailer	Complied
249		Fifth	Avenue	09/07/16 & 09/12/16	17-106.3	Political signs	Complied
205		Fifth	Avenue	09/07/16 & 09/12/16	17-106.3	Political signs	Complied
427		Melbourne	Avenue	09/12/16 & 09/30/16	8-21	Construction debris on street	Outstanding