

TOWN OF INDIALANTIC
Brevard County, Florida 32903
REGULAR TOWN COUNCIL MEETING
July 8, 2015 Town Hall
AGENDA NO. 15-10

I. CALL TO ORDER AT 7:00 PM

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

II. PLEDGE OF ALLEGIANCE

III. PUBLIC

IV. PUBLIC ANNOUNCEMENTS

- A. There are currently openings, including reappointments, on the Civil Service Board, Code Enforcement Board, Parks, Recreation and Beautification Committee and Board of Adjustment
- B. There will be openings, including reappointments, on the Board of Adjustment, Heritage Committee, and the Parks, Recreation and Beautification Committee in July
- C. Council qualifying dates for the November 3, 2015 election will be August 7 through August 21, 2015. Seats to be filled are: Council Seat 1, currently held by Randy Greer, and Council Seat 3, currently held by Dick Dunn.

V. CONSENT AGENDA

- A. Minutes No. 15-09 – Regular Meeting – June 10, 2015
- B. Appointments
 - 1. Board of Adjustment – 1 opening. Safvat Kalaghchy would like to be reappointed. Reappoint Mr. Kalaghchy
- C. Approval of the Space Coast League of Cities Legislative Priorities
- D. Approval of the Addressing Interlocal Agreement with the County
- E. Approval of the Preparation and Adoption Schedule for 15-16 Budget
- F. Approval of the CDBG Interlocal Agreement with Brevard County and direct the Mayor to sign it
- G. Resolution 15-08 – Budget Adjustment #3 for FY-15

VI. ORDINANCES AND RESOLUTIONS

- A. Ordinance 15-05 – Amending Chapter 17 to reflect drainage requirements in Chapter 16.5 and clarifying section 16.5-50
 - 1. First reading – by title only
 - 2. Public hearing and adoption on first reading
- B. Ordinance 15-06 – Amending the sign ordinance relating to permitted temporary signs
 - 1. First reading – by title only
 - 2. Public hearing and adoption on first reading
- C. Ordinance 15-07 – Providing for a referendum to amend Sec. 4.04 of the Charter relating to boards and committees
 - 1. First reading – by title only
 - 2. Public hearing and adoption on first reading
- D. Ordinance 15-08 – Amending Chapter 2 relating to election procedures
 - 1. First reading – by title only
 - 2. Public hearing and adoption on first reading

VII. UNFINISHED BUSINESS

- A. Discussion and possible action regarding review of the Town Code

VIII. NEW BUSINESS

- A. Set proposed millage rate for FY-16 at 6.4695; set date for first public hearing on the millage rate and budget for September 9, 2015 at 7:00 pm; set date for second public hearing for September 23, 2015 at 5:30 pm; set tentative budget workshop for 6:00 pm on August 12, 2015
- B. Mural Update
- C. Discussion and possible action regarding limiting non-Town sponsored races through residential areas of the Town (Requested by Mayor Berkman)

IX. ADMINISTRATIVE MATTERS

- A. Report from Town Manager
Statistical Reports – June, 2015
- B. Report from Town Attorney

X. REPORTS

- A. Mayor Berkman

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

XI. ADJOURNMENT

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

V A

TOWN OF INDIALANTIC
Brevard County, Florida 32903
REGULAR TOWN COUNCIL MEETING
June 10, 2015 Town Hall
MINUTES NO. 15-09

MINUTES OF A TOWN COUNCIL MEETING HELD IN THE INDIALANTIC TOWN HALL ON JUNE 10, 2015

PRESENT: Hon. Dave Berkman, Mayor
 Hon. Stuart Glass, Deputy Mayor
 Hon. Dick Dunn, Councilmember
 Hon. Randy Greer, Councilmember
 Hon. Jill Hoffman, Councilmember
 Paul Gougelman, Town Attorney
 Christopher W. Chinault, Town Manager
 Laura Eaton, Town Clerk

This meeting was tape recorded. Records are indexed and filed for ready reference where such have been summarized in typed minutes.

I. CALL TO ORDER AT 7:00 PM

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

II. PLEDGE OF ALLEGIANCE

III. 2013/2014 AUDIT PRESENTATION – Debbie Goode, Carr, Riggs & Ingram, LLC

Ms. Goode presented the audit for FY-14 and advised of new accounting procedures that will take effect in next year's audit. She advised that the Town's fund balance is currently \$688,096 which is approximately three months of operating expenses and that the Town had a clean audit report.

Mayor Berkman moved to accept the audit. Councilmember Hoffman seconded. Motion carried unanimously.

IV. PUBLIC

Mike McClusky, 130 Fifth Avenue, requested that Council revisit allowing murals and noted that Melbourne and Eau Gallie have programs in place with criteria for approval. Council agreed to add this to the July agenda and requested that staff provide background information from previous meetings.

V. PUBLIC ANNOUNCEMENTS

Mayor Berkman read the following announcements:

- A. There are currently openings, including reappointments, on the Civil Service Board, Code Enforcement Board, Parks, Recreation and Beautification Committee and Zoning and Planning Board
- B. There will be openings, including reappointments, on the Board of Adjustment, Civil Service Board, Code Enforcement Board, and the Parks, Recreation and Beautification Committee in July
- C. Town Hall will be closed Friday, July 3, 2015 in observance of Independence Day

VI. CONSENT AGENDA

- A. Minutes No. 15-08 – Regular Meeting – May 13, 2015
- B. Appointments
 - 1. Civil Service Board – 2 openings. Bernie Gott would like to be reappointed. Reappoint Mr. Gott
- C. Approval of the First Amendment to the Fire-Rescue Dispatch Services Interlocal Agreement with Melbourne Beach
- D. Approval of the County/Town Disbursement Agreement for \$39,500 to provide a sidewalk along Wavecrest Avenue extending from dune crossover 16 (aka Fourteenth Avenue) to SR-A1A
- E. Resolution 15-06 establishing a Fund Balance Practice
- F. Resolution 15-07 supporting an initiative to voluntarily reduce the use of plastic bags

Mayor Berkman moved to approve items A through E. Deputy Mayor Glass seconded. Motion carried unanimously.

- F. Resolution 15-07 supporting an initiative to voluntarily reduce the use of plastic bags

Mike Daniel, Surfrider Foundation, advised that educational programs are currently being provided in Melbourne Beach and thanked Council for their support.

Mayor Berkman moved to approve Resolution 15-07. Councilmember Greer seconded. Motion carried unanimously.

VII. ORDINANCES AND RESOLUTIONS

- A. Ordinance 15-04 – re-naming Sunset Park
 - 1. Second reading -- by title only

Attorney Gougelman read the ordinance by title only.

2. Public hearing and adoption

There were no public comments.

Councilmember Hoffman moved to adopt Ordinance 15-04. Mayor Berkman seconded. Motion carried unanimously.

VIII. UNFINISHED BUSINESS

A. Discussion and possible action regarding Police Department accreditation (Requested by Councilmember Dunn)

Councilmember Dunn stated that as he was not present at the last meeting he would like to have input into an assessment of the Police Department. He suggested that a self-assessment of the policies and electronic record retention be done and that the physical plant be reviewed.

Mayor Berkman advised that he is waiting for a proposal from Mr. Elder from SouthEast Law Enforcement and Corrections Training and stated that he felt meeting the physical requirements for accreditation would be too expensive for the Town.

Councilmember Dunn moved to have the Department provide an index of its policies with dates of revision, review its electronic record retention policy and compare the physical plant against the accreditation guidelines for the August meeting. Councilmember Hoffman seconded. Motion carried with Mayor Berkman voting "nay."

IX. NEW BUSINESS

A. Discussion and possible action regarding the Lily Drainage Improvements Project

Town Manager Chinault gave background information on ongoing drainage issues at this location and presented a plan for improvements.

Susan Vallette, Garden Club By-the-Sea, and Sally Scalera, University of Florida Extension Office, spoke in favor of the project.

Councilmember Hoffman moved to approve the project. Mayor Berkman seconded. Motion carried unanimously.

B. Discussion and possible action regarding termination of the Town Manager's employment contract and designation of an Acting Town Manager if needed

This was tabled until later in the meeting.

C. Discussion and possible action regarding a review of Town Code chapters (Requested by Councilmember Hoffman)

Councilmember Hoffman noted that there has been no general review of the Town codes for several years and suggested that an advisory committee consisting of residents and merchants be formed.

Town Manager Chinault advised that land use sections should also be reviewed by the Zoning and Planning Board.

It was noted that the Charter requires board and committee members to be residents of the Town. Council requested that Attorney Gougelman review options to allow non-residents to be appointed.

Rick Bertel, Chairman of the Zoning and Planning Board, stated that businesses should approach the Board with concerns and/or suggested changes to the code.

Councilmember Hoffman moved to create a panel to review the Town codes. Mayor Berkman seconded. Motion carried unanimously.

- D. Discussion and possible action regarding amending the Code to permit opening soon signs and/or banners (Requested by Mayor Berkman)
- E. Discussion and possible action regarding amending the Code to permit grand opening signs and/or banners to be displayed for 45 days (Requested by Mayor Berkman)

Items D and E were discussed together.

Mayor Berkman requested that Council consider allowing opening soon signs and extending the time allowed for grand opening signs to help support new businesses in Town. He recommended that the total time allowed for both signs be seventy-five days.

Council agreed to add this to the July agenda.

- B. Discussion and possible action regarding termination of the Town Manager's employment contract and designation of an Acting Town Manager if needed

Mayor Berkman advised that this is being tabled until next month.

Carol Andren, 906 S. Ramona, stated that she wanted to speak on this item. Attorney Gougelman clarified that it has been removed from the agenda with the option to bring it back at a later date.

X. ADMINISTRATIVE MATTERS

- A. Report from Town Manager
Statistical Reports – May, 2015

Town Manager Chinault advised that the new generator for Town Hall/Police Department is operational and that there was a water main break on Riverside Drive.

B. Report from Town Attorney – Attorney Gougelman had no report.

XI REPORTS

A. Mayor Berkman advised that representatives from Northrup Grumman will be speaking at the upcoming Mayors' meeting.

B. Deputy Mayor Glass thanked the Town Manager for his work on Orlando Park and thanked Councilmember Hoffman and Bill Antonetz for their help with the Honor Flight fund raiser.

C. Councilmember Dunn had no report.

D. Councilmember Greer had no report.

E. Councilmember Hoffman had no report.

XII ADJOURNMENT

The meeting adjourned at 8:50 pm.

TOWN OF INDIALANTIC

Dave Berkman
Mayor

ATTEST:

Laura Eaton
Town Clerk

Agenda Item

V C

SUBJECT: Space Coast League of Cities Legislative Priorities

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Deputy Mayor Glass is requesting that Council advise the Space Coast League of Cities (SCLOC) that state legislative priorities for the 2016 Florida legislative session should include the following topics:

1. The State should impose no additional restrictions on Business Tax Receipts (BTR).
2. The State should not lower or restrict revenue that municipalities receive from the telecommunications tax
3. The State should provide maximum flexibility to municipalities in the use of insurance premium tax toward meeting 175/185 (i.e. Fire/Police) pension costs
4. The State should provide sufficient funds toward cleaning up the Indian River Lagoon

Recommendation:

Approve above noted priorities to forward to SCLOC for consideration in determining SCLOC 2016 State Legislative Priorities

MOTION:

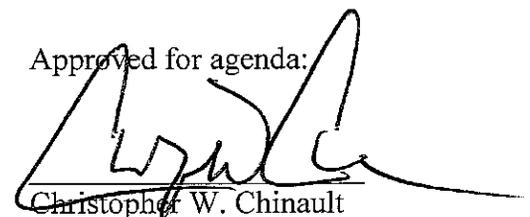
Approve above noted priorities to forward to SCLOC for consideration in determining SCLOC 2016 State Legislative Priorities

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

Agenda Item

V D

SUBJECT: Addressing Interlocal Agreement

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Council is being requested to approve an updated agreement with the County that coordinates addressing to ensure consistency for the E-9-1-1 system.

This document also recognizes that some jurisdictions will desire for the County to assume full responsibility for the municipality's addressing process. The cost for this service is outlined by the County.

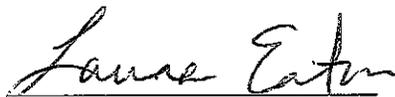
Recommendation:

Approve the Addressing Interlocal Agreement with the County

MOTION:

Approve the Addressing Interlocal Agreement with the County

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

INTERLOCAL AGREEMENT
BETWEEN
BREVARD COUNTY, FLORIDA
AND
THE TOWN OF INDIALANTIC, FLORIDA
PROVIDING A CENTRALIZED ADDRESSING AUTHORITY

THIS INTERLOCAL AGREEMENT, entered into this _____ day of _____, by and between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, hereinafter referred to as the "County," and THE TOWN OF INDIALANTIC, FLORIDA, a municipal corporation created under the Laws of Florida, hereinafter referred to as the "Town."

WHEREAS, the purpose of this Interlocal Agreement is to establish a coordinated process for the assignment of addresses throughout the County (both incorporated and unincorporated areas) to provide for an effective countywide Automatic Location Identification Database for the 9-1-1 emergency telephone system;

WHEREAS, the Board of County Commissioners of Brevard County, Florida in regular session on August 21, 1980, issued a letter of intent that allowed Southern Bell Telephone and Telegraph Company (a.k.a. BellSouth/AT&T) to proceed with the implementation of the enhanced emergency telephone system for Brevard County, Florida:

WHEREAS, this emergency telephone system, known as the "Enhanced 911 Telephone System" was implemented in the incorporated and unincorporated areas of Brevard County;

WHEREAS, the County and Town have previously entered into various Interlocal Agreements, dated 12/03/81, 03/14/00, and/or 07/24/07, providing for the exchange of information necessary to implement and maintain the emergency telephone system throughout Brevard County;

WHEREAS, the parties wish to replace all current Interlocal Agreements with the various Cities by executing this new agreement;

WHEREAS, the Town has the option in this Agreement to handle all addressing responsibilities for the Town or to delegate responsibility for assigning addresses to properties within the Town's jurisdiction to the County (which includes the responsibility for coordinating with developers and property owners);

WHEREAS, in order to effectively maintain the accuracy and consistency of the countywide Automatic Location Identification (ALI) Database used with the emergency telephone system and to avoid addressing duplication and confusion, certain address information approved and under the control of the Town shall be transmitted to the County and the Town hereby authorizes the County to coordinate addressing information; and

WHEREAS, the County and the Town have determined that it is in the best interest of the health, safety and welfare of all citizens of and visitors to Brevard County to enter into this Interlocal Agreement.

NOW THEREFORE, it is agreed between the County and the Town as follows:

1. **TERM AND RENEWAL:** The Term of this Agreement shall begin on October 1, 2014 and end on September 30, 2020; however, the Agreement shall automatically renew for an additional 5 years unless either party gives the other party at least sixty (60) days advance written notice of its intent to terminate the agreement at the end of the then existing term.

2. **SCOPE OF SERVICES:**

2.1 The Town and County hereby agree to mutually cooperate in exchanging information and data in order to allow the County to properly and effectively update the Enhanced 911 ALI Database and the E911 Mapping System which is maintained by Brevard County for Brevard County, Florida, its municipalities and emergency responders, etc.

2.2 The Town shall provide the necessary addressing information, as further provided herein, to the County prior to the permanent assignment or change of street names within the Town allowing the County to review and provide comment to the Town to avoid addressing duplication and confusion in the same geographic/community area.

2.3 The Town may request the County, through the E911 Addressing Section (hereafter referred to as the 'Section'), to assume the addressing responsibilities for the Town.

(A) Such request shall be submitted in writing to the Brevard County Emergency Management Department, E911 Administration Office, E911 Addressing Section at 2725 Judge Fran Jamieson Way, Suite C201, Viera, Florida 32940.

(B) The County agrees to assume addressing responsibilities for the Town, if requested to do so by the Town in writing, subject to the Town paying the County the annual addressing fee (as billed by the County) and providing all requested information needed by the County to perform the addressing function.

2.4 The parties agree that the structures requiring addresses include:

- Residential structures
- Commercial structures
- Utility equipment/cabinets
- Lift stations
- Docks
- Boat houses
- Communications towers
- Subdivision lighting
- Development fencing/signage/gates
- Development recreational facilities
- Accessory structures (barns, sheds, garage/apartments)

3. ADDRESSING:

3.1 TOWN RESPONSIBILITIES (generally):

(A) Submit to the County one copy of each of the following documents for the purpose of proper identification and location of addresses within the E911 ALI Database:

- (i) Any Town Ordinance/Resolution currently authorizing/regulating addressing.
- (ii) Any future amendments to such ordinances.
- (iii) Any Town Ordinance or regulation relating to Annexation or Detachment of property.
- (iv) Any Town Ordinance/Resolution relating to roadway vacating.
- (v) Any correspondence related to numbering or renumbering of private or public streets located within their municipal boundaries.
- (vi) Will notify the Town agencies needing access to updated/new addresses of new addresses that have been assigned to individual properties, to newly recorded plats, because of change due to street naming and/or renaming, by owner request or for 911 purposes.

3.2 TOWN PERFORMS ADDRESSING

FUNCTION: (A) TOWN RESPONSIBILITIES:

- (i) Assign and/or change addresses within the Town jurisdiction, along with all notification correspondence and provide assistance to all inquiries (phone/email/walk-in customers) made directly to the Town or forwarded by the Section.

(ii) Notify all external concerned agencies on the Concerned Agencies List (see paragraph 4.2(B)), in addition to their Town internal agencies, of new, updated or changed addresses.

(iii) Submit to the County, or require applicants for street names within the Town to submit to the County, prior to any permanent assignment of street names, all subdivision plans and/or site plans regarding development projects within its municipal boundaries.

(iv) Submit to the County for review and comment any and all addresses proposed for assignment by the Town in order to avoid addressing discrepancies.

(v) Provide any proposed street names for private or public streets located within the Town's municipal boundaries for review and approval by the County.

(vi) Require all private streets located within all mobile home parks, condominium complexes and/or business complexes to be named and proper documents recorded with the Clerk of the Courts.

(vii) Provide the County with copies of any correspondence that propose changes or corrections to the addresses or street names within their municipal boundaries.

(B) COUNTY RESPONSIBILITIES:

(i) County directs all persons who contact the County about any addressing issues within the Town to the Town.

(ii) The County will notify the Town in writing of any discrepancies in the naming or numbering of streets located within their municipal boundaries for the purpose of verification and correction.

3.3 COUNTY PERFORMS ADDRESSING FUNCTION:

(A) TOWN RESPONSIBILITIES: In addition to the information to be provided under paragraph 3.1, above, the Town will perform as follows:

(i) Provide the Section any and all documents pertinent to new subdivisions, site plans and/or preliminary annexations submitted to the Town for review and comment.

(ii) Submit to the Section for review and approval any and all street names submitted for use within said municipal boundaries.

(iii) Submit all newly recorded subdivisions and approved site plans to the Section for addressing.

(B) COUNTY RESPONSIBILITIES:

- (i) Assignment of all addresses to individual properties.
- (ii) Assignment of all addresses to utility equipment.
- (iii) Assignment of all addresses to and within subdivision plats (residential and commercial).
- (iv) Assignment of all addresses to commercial site plans.
- (v) Provide the Town and Developers a copy of the recorded subdivision plat and/or approved site plan with addresses indicated thereon, along with an address table, if applicable.
- (vi) Issue any necessary address change and/or verification letters.
- (vii) Conduct site visits as necessary.
- (viii) Produce street naming/renaming (includes resolution, mapping, recording and issuing all necessary correspondence.
- (ix) Respond to all telephone/email/walk-in inquiries received from the Town or citizens and perform any necessary research to respond.
- (x) Process submitted annexations completed by Town; update County records.
- (xi) Process submitted vacatings completed by Town; update County records.
- (xii) Notify all external concerned agencies on the Concerned Agencies List (see paragraph 4.2(B)) needing access to updated/new addresses listed, in addition to the Town, of any new addresses that have been assigned to individual properties or to newly recorded plats or are changed due to street naming and/or renaming or by owner request or for 911 purposes. The County will update this agency list from time to time as needed, advise the Town of the updates and make this list available on-line through its website.

4. ALI DATABASE and 911 MAPPING SYSTEM:

4.1 TOWN RESPONSIBILITIES:

- (A) Cooperate with the maintenance of the E911 ALI Database by providing for the timely updates and corrections of any addressing discrepancies located in the ALI Database or errors located in the mapping system and/or errors located in any Annexation, Detachment or Ordinance submitted by the Town.

(B) Respond to the County in writing within ten (10) working days from receipt of written notice (paragraph 4.2(C) below) from the County of any discrepancies in the naming or numbering of streets in the Town.

(C) The Town agrees to be responsible for any or all errors within the ALI Database System that are not resolved or corrected by the Town within the (10) working days from the receipt of notice or within the approved grant extension time frame as provided for below.

(D) Upon correction and recording of any and all Town Annexations, Detachments, Ordinances or Resolutions, the Town shall provide a recorded copy of the revised document to the County E911 Addressing Section in a timely manner.

4.2 COUNTY RESPONSIBILITIES:

(A) Maintain and update the addresses in the ALI Database System and 911 Mapping System (the Systems) and the County's Property Management System, along with regular updated addressing information to the Property Appraiser and the Supervisor of Elections for use in the records/databases of those offices.

(B) Maintain and revise as needed the "Concerned Agencies List" which includes all agencies/entities needing access to the updated Systems.

(C) Notify the Town in writing of any discrepancies the County identifies in the naming or numbering of streets located within the Town's municipal boundaries for the purpose of verification and correction in order to avoid duplication and confusion.

(D) Upon written notice from the Town indicating an error cannot be resolved within the approved time frame, the Brevard County E911 Addressing Section may grant an extension on a case-by-case basis.

(E) Process annexations and vacatings submitted by the Town, including incorporation of address changes into the Systems.

(F) Provide maps and mapping updates to the Town on an 'as requested' basis.

5. FEES:

5.1 TOWN RESPONSIBILITIES:

(A) Remit an annual 911 Addressing fee to the County by October 1 for the upcoming fiscal year.

(B) Require the Developer to pay the fee set per address for newly recorded plats for 911 address assignment to the Section in order to defer the administrative cost of this function.

(C) Require the Developer or Citizen to pay fees to the Section should the Town request the E911 Addressing Section to provide street naming or renaming or address change notification services.

(D) All fees provided for herein as set by Resolution shall be made payable to the Brevard County Board of County Commissioners and sent to the attention of:

Brevard County Board of County Commissioners
Attn: E911 Addressing Section
2725 Judge Fran Jamieson Way
Suite C201
Viera, FL 32940

(Any change in the address of the Section shall be made to the Town in accordance with paragraph 8.).

(E) Require the Developer to pay said fees directly to the Section at the time address assignment is completed and available for use.

5.2 COUNTY RESPONSIBILITIES:

(A) Adopt fees by Resolution for the services as provided for in Section 5.1 above. The County may revise the fees from time to time.

(B) Notify the Town of any proposed change to the annual 911 addressing fee Section 5.1 (A)) no less than ninety (90) days prior to September 30, in order for the Town to consider the fee as part of its budgetary process for the next fiscal year.

(C) The County will advise the Town from time to time of any changes to fees charged to the Town or Developers or citizens for various addressing services provided by the County.

6. MODIFICATIONS TO AGREEMENT: Other than as previously approved, this Agreement, together with any exhibits, task assignments and schedules constitute the entire Agreement between the County and the Town and supersedes all prior written or oral understandings. This Agreement and any exhibits, task assignments and schedules may only be amended, supplemented or canceled by a written instrument duly executed by the parties hereto.

7. INDEPENDENT CONTRACTOR: Town and County are independent contractors under this Agreement. Services provided by Town pursuant to this agreement shall be subject to the supervision of Town and services provided by County pursuant to this Agreement shall be subject to the supervision of County.

In providing such services, the Town, its officers, employees, or agents are not authorized to and shall not act as officers, employees, or agents of County and the County, its officers, employees, or agents are not authorized to and shall not act as officers, employees, or agents of Town. This Agreement shall not constitute or make the parties hereto a partnership or joint venture.

8. NOTICE: Documentation, notices, changes in addresses or representatives of the parties shall be made by providing notice as follows:

To the Town:

Town Manager
Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903

To the County:

Brevard County Emergency Management Department
E911 Administration Office, E911 Addressing
Section 2725 Judge Fran Jamieson Way, Suite C201
Viera, FL 32940

9. GOVERNMENTAL IMMUNITY. The Town is a municipality as defined in Section 768.28, Florida Statutes, and agrees to be responsible for acts and omissions of its agents or employees when required by law. Nothing herein is intended to serve as a waiver of sovereign immunity by the Town to the extent sovereign immunity may be applicable. Nothing herein shall be construed as consent by the Town to be sued by third parties in any matter arising out of this Agreement or any other contract. Likewise, the County is a political subdivision of the State of Florida, as defined in Section 768.28, Florida Statutes, and agrees to be responsible for acts and omissions of its agents or employees when required by law. Nothing herein is intended to serve as a waiver of sovereign immunity by the County to the extent sovereign immunity may be applicable. Nothing herein shall be construed as consent by County to be sued by third parties in any matter arising out of this Agreement.

10. ATTORNEYS FEES/COSTS; NONJURY TRIAL: In the event of litigation to enforce the terms of this agreement, each party shall be responsible for its own costs and attorney's fees. Any trial to enforce or interpret the terms of this agreement should be non-jury.

This Agreement shall be deemed to have been entered into under the provisions of Section 163.01, Florida Statutes, "the Florida Interlocal Cooperation Act of 1969," and shall be effective upon filing with the Clerk of the Circuit Court, Brevard County pursuant to Subsection 11 of said Act.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

Robin Fisher, Chairman
Brevard County Board of County Commissioners

As Approved by the Board on

ATTEST:

Town of Indialantic

Laura Eaton, Town Clerk

Christopher Chinault, Town Manager

Exhibit A

Schedule of Annual 911 Addressing Fee

Population Based on 2010 Census (Alphabetical Order)

POPULATION	MUNICIPALITY	FEE PER POPULATION*
		\$157,000 (.29 cents)
206,469	Brevard (Unincorporated)	\$ 59,876.01
9,912	Cape Canaveral	\$ 2,874.48
17,140	Cocoa	\$ 4,970.60
11,231	Cocoa Beach	\$ 3,256.99
3,850	Grant-Valkaria	\$ 1,116.50
2,720	Indialantic	\$ 788.80
8,225	Indian Harbour Beach	\$ 2,385.25
2,757	Malabar	\$ 799.53
76,068	Melbourne	\$ 22,059.72
3,101	Melbourne Beach	\$ 899.29
662	Melbourne Village	\$ 191.98
103,190	Palm Bay	\$ 29,925.10
900	Palm Shores	\$ 261.00
24,926	Rockledge	\$ 7,228.54
10,109	Satellite Beach	\$ 2,931.61
43,761	Titusville	\$ 12,690.69
18,355	West Melbourne	\$ 5,322.95
	TOTAL ANNUAL FEE:	\$157,579.04

***Calculation:**

Total Value Required ÷ Total County Population = Cost per person x Municipality population = Municipality fee.

Brevard County Population: 543,376

Exhibit B

Schedule of 911 Addressing Fees

Fees to be paid by applicant

(A) Address Assignment (for newly recorded plats or approved site plans):

Official residential address.....\$ 5.00/address
Official commercial/industrial address.....\$ 5.00/address
Official commercial unit address.....\$ 5.00/unit
Property owner requested address change (not for 9-1-1 purposes).....\$50.00

(B) Street Naming or Renaming:

Recording Fee.....Pursuant to Clerk's recording fee
Street Naming by Citizen Request.....\$50.00/name
Plus \$25.00 per address change, if required.

Street Re-naming by Citizen Request.....\$75.00/name
Plus \$25.00 per address change, if required.

(C) Building Permit Address Fee (if Brevard County issues permit):

Official residential address.....\$30.00/address
Official commercial/industrial address.....\$50.00/address
Official commercial unit address.....\$35.00/unit

SUBJECT: Preparation and adoption schedule for 15-16 budget

Staff Report – Town of Indialantic Meeting Date: July 8, 2015

Summary:

Council is being requested to approve the schedule for preparation and adoption of the FY 15-16 budget. A Council workshop has been tentatively scheduled for Wednesday, August 12, 2015 at 6:00 pm (prior to the August regular meeting). The first public hearing is scheduled for the regular meeting to be held on Wednesday, September 9, 2015 at 7:00 pm. The second public hearing is scheduled for a special meeting on September 23, 2015 at 5:30 pm.

Recommendation:

Approve the budget preparation and adoption schedule for FY 15-16

MOTION:

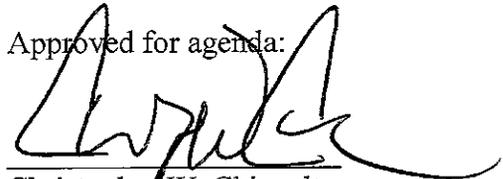
Approve the budget preparation and adoption schedule for FY 15-16

Attachments:

Submitted by:


Laura Eaton
Town Clerk

Approved for agenda:


Christopher W. Chinault
Town Manager

TOWN OF INDIALANTIC
BUDGET PREPARATION AND ADOPTION SCHEDULE
FISCAL YEAR 2015/2016

MAY

30 Proposed budgets submitted by Department Heads

JUNE

25 Budget and Finance Committee meeting

30 Certification of taxable value by Property Appraiser (form 420)

JULY

8 Town Council meeting - set proposed millage rate

9 Notification to Property Appraiser of the proposed millage rate, rolled-back rate, and date, time and place of the tentative budget hearing (DR 420)

AUGUST

12 Town Council budget workshop – 6:00 p.m.

NLT 24 Property Appraiser mails notice of proposed property taxes (DR 474 trim notice)

SEPTEMBER

9 First tentative budget and millage rate public hearing (7:00 p.m.)

19 Advertise the tentative budget and millage rate

23 Second public hearing - adopt final millage and budget (5:30 p.m.)

24 Mail copy of millage resolution to Property Appraiser

After the value adjustment board Property Appraiser delivers form DR 422 (final adjusted tax roll)

Within 3 days of the above Complete and certify form DR 422 and deliver to Property Appraiser

OCTOBER

23 Complete and submit form DR 487 with TRIM compliance package within 30 days following the final budget hearing

Agenda Item V F

SUBJECT: CDBG Interlocal Agreement

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Council is being requested to approve an agreement with Brevard County concerning participation in the Community Development Block Grant (CDBG) and HOME Investment Partnership programs. The initial agreement was entered into in 1994 and has been continued since that time with minor adjustments as required. This document covers fiscal years 2016, 2017 and 2018.

The programs focus on providing benefits to low and moderate income individuals.

Recommendation:

Approve the CDBG Interlocal Agreement with Brevard County and direct the Mayor to sign it

MOTION:

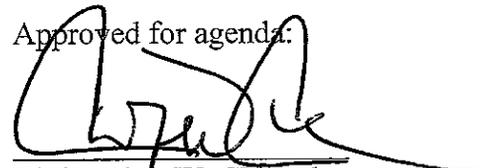
Approve the CDBG Interlocal Agreement with Brevard County and direct the Mayor to sign it

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

**COMMUNITY DEVELOPMENT BLOCK GRANT
INTERLOCAL COOPERATION AGREEMENT**

THIS AGREEMENT is made and entered into the ____ day of _____, 2015, by and between the **TOWN OF INDIAN LANTIC**, a municipal corporation (hereinafter referred to as "**MUNICIPALITY**"), and **BREVARD COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as "**COUNTY**").

WITNESSETH

WHEREAS, the Housing and Community Development Act of 1974, as amended, makes provisions whereby urban counties may enter into cooperation agreements with certain units of local government to undertake or assist in undertaking essential activities pursuant to Community Development Block Grants; and

WHEREAS, this Agreement covers both the Community Block Grant Entitlement and the HOME investment Partnership programs; and

WHEREAS, it is the desire of the parties to this Agreement that the COUNTY undertake activities to plan and carry out the Community Development Block Grant and HOME Investment Partnership Programs (hereinafter referred to as "HOME") for the benefit of the residents of Brevard County; and

WHEREAS, interlocal agreements of this type are authorized by Part 1, Chapter 163, Florida Statutes, as well as other applicable law.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

SECTION 1. RECITALS

The above recitals are true and correct and form a material part of this Agreement upon which the parties have relied.

SECTION 2. COUNTY ADMINISTRATION

The COUNTY agrees to provide, at no cost to the MUNICIPALITY, the staff, resources, and other services necessary to plan and administer Community Development Block Grant, (hereinafter referred to as "CDBG"), and HOME Investment Partnership Programs.

SECTION 3. MUTUAL COOPERATION

The COUNTY and MUNICIPALITY agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing.

SECTION 4. PROJECTS FUNDED

(a) The COUNTY agrees to facilitate, encourage and allow municipal officials and the citizens of the MUNICIPALITY to have the full and open opportunity to submit projects for funding consideration.

(b) The MUNICIPALITY understands and agrees that the COUNTY will have final and ultimate responsibility for selecting activities to be funded through the CDBG Program and for annually filing the Consolidated Action Plan with HUD.

SECTION 5. MUNICIPALITY OBLIGATIONS

(a) The MUNICIPALITY and the COUNTY agree that pursuant to the provisions of Title 24, Code of Federal Regulations, including, but not limited to, Section 570.501(b), the MUNICIPALITY is subject to the same requirements applicable to sub-recipients, including but not limited to, the requirement for a written agreement set forth in Title 24, Code of Federal Regulations, Section 570.503.

(b) The MUNICIPALITY may not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Urban County Program.

(c) The MUNICIPALITY may not participate in a HOME consortium except through the Urban County Program, regardless of whether the Urban County Program receives a HOME formula allocation. By participating in the Urban County Program, the MUNICIPALITY will also be participating in the COUNTY's HOME program; however, this will not preclude the MUNICIPALITY from applying for funding under the State of Florida's HOME Program.

(d) The MUNICIPALITY and the COUNTY pursuant to the Consolidated and Further Continuing Appropriations Act of 2015, Publication L 113-235, may not sell, trade, or otherwise transfer all or any portion of such funds to a metropolitan city, urban county, unit of local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

SECTION 6. GRANT OF AUTHORITY AND TERM OF AGREEMENT

(a) This Agreement covers CDBG and HOME appropriations for fiscal years 2016, 2017, and 2018; starting October 1, 2015 through September 30, 2018. This Agreement remains in effect until the CDBG and HOME funds and program income received with respect to funding for fiscal years 2016, 2017, and 2018 and successive three year qualification periods, are expended and the funded activities completed. The COUNTY and the MUNICIPALITY may not terminate or withdraw from the Agreement while the Agreement remains in effect.

(b) This Agreement will automatically be renewed for participation in successive three-year qualification periods, unless the COUNTY or the MUNICIPALITY provides written notice it elects not to participate in a new qualification period. The COUNTY will notify the MUNICIPALITY in writing of its right to make such election by the date specified in the next urban county qualification notice.

(c) Failure by either party to adopt an amendment to the Agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice, will void the automatic renewal of such qualification period.

SECTION 7. PERFORMANCE OF SERVICES/CONTRACTS

(a) As to the use of the CDBG and HOME funds received by the COUNTY, the COUNTY may either carry out the CDBG and HOME Programs for the MUNICIPALITY or, in the event that the parties jointly determine that it is feasible for the MUNICIPALITY to perform any services in connection with the CDBG and HOME Programs, the COUNTY may contract with the MUNICIPALITY for the performance of such services.

(b) Any contracts entered in to pursuant to Section 7(a) above shall contain provisions which obligate the MUNICIPALITY to undertake all necessary actions to carry out the CDBG Program, HOME Program, and the Consolidated Plan, where applicable; within a specified time frame and in accordance with the requirements of Title 1 of the Housing and Community Development Act of 1974, as amended, and any and all other applicable laws and implementing regulations.

(c) The MUNICIPALITY agrees to undertake and accomplish all necessary actions, as determined by the County, in order to carry out the CDBG Program, the HOME Program, and the Consolidated Plan, for the purposes of complying with the law.

SECTION 8. APPLICABLE LAWS/COMPLIANCE

(a) The MUNICIPALITY and the COUNTY agree to take all required actions to comply with the COUNTY'S certification required by Section 104(b) of Title 1 of the Housing and Community Development Act of 1974, as amended, including but not limited to, Title VI of Civil Rights Acts of 1964, The Fair Housing Act, Section 109 of Title 1 of the Housing and Community Development Act of 1974, The Americans with Disabilities Act of 1990 and all other applicable laws, rules and regulations. The MUNICIPALITY agrees to comply with all auditing requirements imposed by law, rule, regulation or the COUNTY.

(b) The MUNICIPALITY acknowledges and understands that noncompliance by the MUNICIPALITY with all applicable provisions of laws, rules or regulations may constitute

noncompliance by the entire Urban County Program and the COUNTY as the grantee and the MUNICIPALITY assumes responsibility therefore.

SECTION 9. FAIR HOUSING

The MUNICIPALITY acknowledges that the COUNTY will prohibit urban county funding for activities in, or in support of the MUNICIPALITY, if the MUNICIPALITY does not affirmatively further fair housing within the MUNICIPALITY'S jurisdiction and/or if the MUNICIPALITY impedes the COUNTY'S actions to comply with its fair housing certification.

SECTION 10. LAW ENFORCEMENT

The MUNICIPALITY has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations. Furthermore, the MUNICIPALITY has adopted and is enforcing a policy of enforcing applicable state and local laws against physically barring entrance to, or exit from, a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction. In furtherance of this provision, specifically, and all other provisions of this Agreement, generally, the MUNICIPALITY agrees to indemnify and hold the COUNTY harmless to the fullest extent provided by the law.

SECTION 11. STATUS OF MUNICIPALITY

Pursuant to 24 CFR 570.501(b), as well as all other applicable law, the MUNICIPALITY agrees that it is, at a minimum, subject to the same requirements applicable to grantee sub-recipients.

SECTION 12. REAL PROPERTY

The MUNICIPALITY and the COUNTY agree with the following standards regarding real property acquired or improved in whole or in part using the CDBG funds:

(a) The MUNICIPALITY shall notify the COUNTY, in a timely manner, of any modification or change in the use of real property from that intended at the time of the acquisition or improvement including disposition thereof.

(b) The MUNICIPALITY shall reimburse the COUNTY in an amount equal to the current fair market value (less any portion thereof attributable to expenditure of non-CDBG funds) of property acquired or improved with CDBG funds that is disposed of or transferred for use incongruent with CDBG regulations.

(c) In the event of the COUNTY'S failure to qualify as an urban county or a change in status of the MUNICIPALITY, any program income generated from the disposition or transfer of property shall be paid to the COUNTY.

SECTION 13. EFFECTIVE DATE

This Agreement shall take effect upon execution of the Agreement by the parties.

SECTION 14. COUNTERPARTS

This Agreement may be executed in counterparts each of which shall be deemed an original.

IN WITNESS WHEREOF, the **MUNICIPALITY** and the **COUNTY** do hereby authorize and have executed this Agreement as the date first hereinbefore written.

ATTEST:

THE TOWN OF INDIAN LANTIC
COUNTY OF BREVARD

BY: _____
~~CITY~~-CLERK

BY: _____
~~CITY~~ MAYOR

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk of Courts

Robin Fisher, Chairman

AS APPROVED BY THE BOARD

ON: _____

The terms and provisions of this Agreement are fully authorized under State and local Law. This Agreement provides full legal authority for Brevard County to undertake, or assist in undertaking, essential community development and housing assistance activities, specifically urban renewal and publicly-assisted housing.

Scott Knox, County Attorney

Date



Housing & Human Services Department

2725 Judge Fran Jamieson Way
Building B, Suite 103
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

June 12, 2015

Mr. Dave Berkman, Mayor
Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903

Subject: Community Development Block Grant (CDBG) Program
Urban County Qualification Period FY 2016, 2017, 2018

Dear Mayor Berkman:

As you are aware, your city has been instrumental in Brevard County obtaining and maintaining an "Urban County" designation from the U.S. Department of Housing & Urban Development (HUD). Brevard County has been successful in obtaining CDBG Grant funding. These monies have been used to provide funding for drainage and paving improvements, sidewalks, construction of community centers, housing rehabilitation, demolition/clearance, economic development activities, etc., for low- and moderate-income people within Brevard County's unincorporated and selected incorporated areas, such as your municipality.

By participating in the Urban County Program, the City will also be participating in the County's HOME Program which provides funds to qualified first-time homebuyers, as well as the Replacement Housing Program. This will not preclude your City or the County from applying for funding under the State of Florida's HOME Program. However, by participating in the CDBG Urban County program, your city may not apply for the State's Small Cities CDBG funds from the State of Florida Department of Economic Opportunity.

This year HUD has notified us of additional language (Section 5d) that must be added to your existing agreement. Therefore, a revised agreement is included for review and signature by your municipal official. As required by HUD, if you wish to continue as a partner of the CDBG Cooperative Agreement for fiscal years 2016, 2017, and 2018 please sign and return the attach agreement or if you wish to terminate you must notify HUD in writing and this office. The action you choose must be completed no later than June 30, 2015.



Housing & Human Services Department
2725 Judge Fran Jamieson Way
Building B, Suite 103
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

If you wish to terminate this amended agreement, please be advised that HUD and this office must receive your letter of termination by June 30, 2015. The addresses for termination of the agreement are as follows:

Mr. Gary Causey, C.P.D., Director
C/o Ms. Floretta Green, C.P.D., Representative
U. S. Department of Housing and Urban Development
Jacksonville Area Office
400 West Bay Street, Suite 1015
Jacksonville, FL 32202

Mr. Ian Golden, Director
C/o Ms. Chenita Joiner, CDR, Resource Manager
Brevard County Housing and Human Services Department
2725 Judge Fran Jamieson Way
Building "B" Suite B-103
Viera, FL 32940

We encourage you to consider continuing to participate in this worthwhile program that improves infrastructure and affordable housing stock throughout Brevard County. Without your cooperation, the County will be unable to expend federal funds in your municipality to assist homeowners and homebuyers or to provide infrastructure improvements. We look forward to working with you again.

Should you have any questions regarding this letter, please contact me at (321) 633-2076.

Sincerely,

Chenita Joiner, Community Development and Resource Manager
Housing and Human Services Department

c/c: Ms. Floretta Green C.P.D. Representative
File
Enclosures

SUBJECT: Resolution 15-08 – Budget Adjustment #3 – FY-15

Staff Report – Town of Indialantic Meeting Date: July 8, 2015

Summary:

Council is being requested to approve Resolution 15-08 adopting Budget Adjustment #3 for FY-15. The adjustments include costs for street drainage repairs and revenues and expenses for the TIFT sidewalk on Wavecrest Avenue and FLOC safety grants.

Recommendation:

Approve Resolution 15-08 adopting Budget Adjustment #3 for FY-15

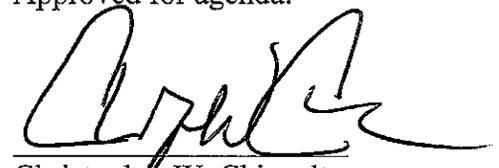
MOTION:

Approve Resolution 15-08 adopting Budget Adjustment #3 for FY-15

Submitted by:


Laura Eaton
Town Clerk

Approved for agenda:


Christopher W. Chinault
Town Manager

RESOLUTION 15-08

A RESOLUTION AMENDING THE BUDGET FOR THE TOWN OF INDIALANTIC FOR FISCAL YEAR 2014-2015

WHEREAS, it is necessary to adjust certain line items of the FY 2014-2015 budget;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, FLORIDA, AS FOLLOWS:

Section 1. That the amended budget for the General Fund in the amount of \$3,448,673 be amended to increase the General Fund portion by \$76,000 for a total General Fund budget of \$3,524,673.

Section 2. That the budget line items adjusted are listed in Attachment A.

THIS RESOLUTION WILL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

PASSED AND ADOPTED on the 8th day of July, 2015.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST: _____
Laura Eaton, CMC
Town Clerk

FY 14/15 BUDGET ADJUSTMENT #3

GENERAL FUND REVENUE ADJUSTMENTS

Acct. No.	Name	Increase/ (Decrease)
312-4000	Local option gas tax	2,700
314-1000	Electric Utility Tax	5,000
322-1000	Building permits	30,000
323-3200	Telecommunications Tax	(10,000)
335-1800	Half Cent Sales Tax	5,000
338-1200	League of Cities Safety Grant	3,800
338-1510	TIFT sidewalk	39,500
	Total revenue adjustments	76,000

GENERAL FUND EXPENSE ADJUSTMENTS

Acct. No.	Name	Increase/ (Decrease)
521-6400	Capital (in-car camera)	700
541-1200	Public Works salaries	(6,000)
541-2100	Fica	(400)
541-3110	Engineering	10,000
541-5260	Other equipment	1,000
541-6310	Street drainage	31,200
541-6320	TIFT sidewalk	39,500
	Total expense adjustments	76,000

SUBJECT: Ordinance 15-05 – Amending Chapt. 17 to reflect drainage requirements in Chapt. 16.5

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Council is being requested to approve Ordinance 15-05 amending various sections in Chapt. 17 relating to drainage. Sec. 17-114 which previously provided regulations for drainage was repealed by Ord. 14-13 and the requirements were incorporated into Chapt. 16.5.

Recommendation:

Approve Ordinance 15-05 on first reading

MOTION:

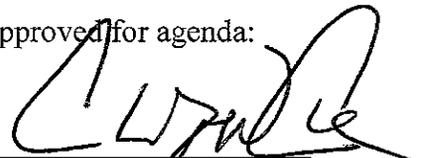
Approve Ordinance 15-05 on first reading

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

ORDINANCE NO. 15-05

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO GRADING AND DRAINAGE; AMENDING SECTIONS 17-124, 17-125, 17-126, 17-127, 17-128, 17-131 AND 16.5-50; PROVIDING A SEVERABILITY AND INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the provisions of Code Section 17-114 have been repositioned within the Code as Chapter 16.5, Article III, and

WHEREAS, Council desires compliance with these provisions;

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Indialantic, Brevard County, Florida, that:

SECTION 1. That Sec. 17-124(14) of the code of ordinances of Indialantic, Florida is hereby amended to read:

Sec. 17-124. "R-3" Multi-Family Residence Districts.

Within "R-3" Multi-Family Residence Districts the following regulations shall apply:

(14) *Grading and drainage.* ~~Section 17-114~~ Chapter 16.5, Article III applies.

SECTION 2. That Sec. 17-125(17) of the code of ordinances of Indialantic, Florida is hereby amended to read:

Sec. 17-125. "R-P" Residential-Professional Districts.

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

(17) *Grading and drainage.* ~~Section 17-114~~ Chapter 16.5, Article III applies.

SECTION 3. That Sec. 17-126(5) of the code of ordinances of Indialantic, Florida is hereby amended to read:

Sec. 17-126. "C" and "C-1" Commercial Districts.

Within "C" and "C-1" Commercial Districts, the following regulations shall apply:

(5) *Grading and drainage.* ~~Section 17-114~~ Chapter 16.5, Article III applies.

SECTION 4. That Sec. 17-127(17) of the code of ordinances of Indialantic, Florida is hereby amended to read:

Sec. 17-127. "T" Tourist Districts.

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

* * * * *

(17) *Grading and drainage.* ~~Section 17-114~~ Chapter 16.5, Article III applies.

SECTION 5. That Sec. 17-128(p) of the code of ordinances of Indialantic, Florida is hereby amended to read:

Sec. 17-128. CH church districts.

(a) *Intent.* The provisions applicable to this district are intended to apply to an area which can serve the needs of the community for public and semi-public facilities of an educational, religious, recreational, or cultural nature. Within the "CH" Church District, the regulations in this section shall apply.

* * * * *

(p) *Grading and drainage.* Grading and drainage shall be constructed, maintained, and operated pursuant to the requirements of ~~section 17-114~~ Chapter 16.5, Article III, town code.

SECTION 6. That Sec. 17-131(4) of the code of ordinances of Indialantic, Florida is hereby amended to read:

Sec. 17-131. C-2 commercial districts.

Within C-2 commercial districts, the following regulations shall apply:

* * * * *

(4) *Grading and drainage plans.* ~~Section 17-114~~ Chapter 16.5, Article III applies.

SECTION 7. That Sec. 16.5-50(1)(a) of the code of ordinances of Indialantic, Florida is hereby amended to read:

Sec. 16.5-50. Definitions.

(1) *Definitions.* For purposes of this section, the following words and phrases shall have the meaning indicated.

(a) *Illicit Discharge (or Illegal Discharge)* means any discharge to the Town's MS4 or to waters of the U.S. which is not entirely of stormwater, unless exempted pursuant to section 16.5-~~51~~52, or the discharge to the Town's MS4 or to waters of the U.S. which is not in compliance with federal, state or local permits.

SECTION 8. Severability/Interpretation Clause

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

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words stricken through are deletions from existing text.

(3) Asterisks (* * *) indicate a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED by the Town Council of the Town of Indialantic on first reading the ____ day of _____, 2015, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the _____ day of _____, 2015.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST: _____
Laura Eaton, CMC
Town Clerk

Agenda Item VI B

SUBJECT: Ordinance 15-06 – Amending Sec. 17-106.04(6) relating to opening soon and grand opening signs and banners

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Council is being requested to approve Ordinance 15-06 amending the sign ordinance to allow opening soon signs/banners and to extend the time allowed for grand opening signs/banners.

Recommendation:

Approve Ordinance 15-06 on first reading

MOTION:

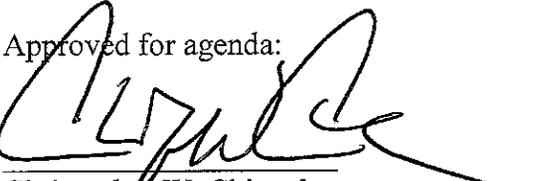
Approve Ordinance 15-06 on first reading

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

ORDINANCE NO. 15-06

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SIGNS AUTHORIZED IN THE VARIOUS ZONING DISTRICTS; AMENDING SECTION 17-106.4(6), TOWN CODE; RELATING TO OPENING SOON AND GRAND OPENING SIGNS AND BANNERS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Council desires to be welcoming to businesses locating in Town; and

WHEREAS, Council desires to assist newly established businesses be successful; and

WHEREAS, alerting the public to a newly established business may be of assistance in its success.

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Indialantic, Brevard County, Florida, that:

SECTION 1. That Sec. 17-106.4(6) is hereby amended to read as follows:

- * * * *
- (f) Banner: An opening soon and/or grand opening banner may be permitted for a duration not exceeding ~~thirty (30)~~ a combined seventy-five (75) consecutive days as permitted provided that the one banner or one flag does not exceed a size of three (3) feet by five (5) feet. Display of any banner or flag, any part of which exceeds fourteen (14) feet in height above ground level shall be prohibited.
- (1) Strings of pennants may be displayed, provided that the display of pennants is conducted such that no part of any pennant is displayed at a height exceeding fourteen (14) feet above ground level and no pennant has any wording or symbols on it.
- (2) Opening soon banners or flags are permitted only once for each occupant and only during a period of time prior to the property being allowed to be open for business.
- (2)(3) Grand opening banners or flags are permitted only once for each occupant or change of ownership of the property, or only once after each extensive remodeling of the premises which must cost at least fifteen percent (15%) of the assessed valuation of the building.
- (g) Banner: A sidewalk sale, special event, and anniversary sale opportunity may result in a permit being issued for a banner for a duration not exceeding seven (7) consecutive days as permitted (see Section 17-106.3 (6)).
- (h) Opening Soon and/or Grand Opening Sign: Opening soon and/or grand opening signs are permitted only once for each occupant or change of ownership of the property. ~~or only Grand opening signs are allowed~~ after each extensive remodeling of the premises, which must cost at least fifteen percent (15%) of the assessed valuation of the building. Opening soon and/or grand opening signs shall not be more than eighteen (18) inches by forty-eight (48) inches in size and shall not be displayed more than ~~thirty (30)~~ a combined seventy-five (75) days. Opening soon signs are permitted only during a period of time prior to the property being allowed to be open for business.

SECTION 2. Severability/Interpretation Clause

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

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words stricken through are deletions from existing text.

(3) Asterisks (* * *) indicate a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED by the Town Council of the Town of Indialantic on first reading the ____ day of _____, 2015, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the _____ day of _____, 2015.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST:

Laura Eaton, CMC
Town Clerk

Agenda Item VI C

SUBJECT: Ordinance 15-07 – Amending Section 4.04 of the Town Charter

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Councilmembers at the June 10, 2015 meeting indicated an inclination to consider having a business owner who may not be a resident serve on a task force or committee to review certain provisions of the Town Code. Section 4.04 of the Town Charter restricts membership of boards and committees to Town residents.

To meet the time requirements of the Supervisor of Elections and not have Council schedule a special meeting I asked the Town Attorney to prepare an ordinance that would reflect an amendment to the Charter consistent with recent Council discussions. The first public hearing is scheduled for July 8, 2015 with the second public hearing set for August 12, 2015 unless Council determines it has no interest in pursuing a Charter Amendment.

Recommendation:

Approve Ordinance 15-07 on first reading

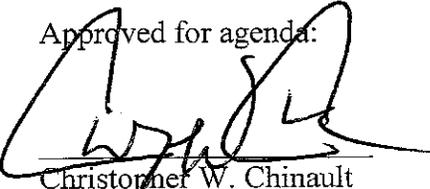
MOTION:

Approve Ordinance 15-07 on first reading

Submitted by:


Laura Eaton
Town Clerk

Approved for agenda:


Christopher W. Chinault
Town Manager

ORDINANCE NO. 15-07

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO TOWN BOARD MEMBERSHIP; AMENDING SECTION 4.04, TOWN CHARTER; MAKING FINDINGS; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE; AMENDING THE TOWN CHARTER BY PERMITTING NON-TOWN RESIDENTS TO SERVE ON CERTAIN TOWN BOARDS; CLARIFYING THAT CERTAIN TOWN BOARDS MAY TAKEN FINAL ACTION ON ISSUES; PROVIDING FOR IMPLEMENTATION BY RESOLUTION OR ORDINANCE; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town has created boards which take final action on issues and has done so pursuant to its Charter or home rule powers or as required by Florida law;

WHEREAS, examples include the Code Enforcement Board, the Board of Adjustment, and the Civil Service Board;

WHEREAS, The Town Charter provides that the Town Council may establish advisory boards, and the Town Council finds it in the best interest of the Town to update and clarify the Charter to provide that the Town may also create boards which will take final action on issues, as well as advisory boards;

WHEREAS, the Charter indicates that all members of advisory board must be Town residents;

WHEREAS, this is inconsistent with Florida law, which specifically provides that some boards may have non-Town residents as members of the board;

WHEREAS, by restricting board membership to only Town residents, most Town business owners and operators within the Town could never serve the community on Town boards;

WHEREAS, Town business operators and owners are an integral and important part of the fabric of the community and should have an opportunity to participate in the betterment and improvement of the Town;

WHEREAS, the Town Council finds that certain boards, such as land development, planning, board of adjustment, civil service, and code enforcement, should be composed of only Town residents, and that the Charter should so stipulate;

WHEREAS, the Town's Planning and Zoning Board, sitting as the Town's Local Planning Agency, has reviewed this Ordinance and found it to be consistent with the Town's Comprehensive Plan; and

WHEREAS, pursuant to its home rule powers in Article VIII, Section 2, Florida Constitution of 1968 and Chapter 166, Florida Statutes; Sections 166.021 and 166.031, Florida Statutes, and the Town's Charter, the Town Council hereby adopts this Ordinance, subject to approval by the Town electorate.

BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

SECTION 1. Referendum Election. A referendum election is hereby called and scheduled to be held concurrent with the general Town election on the 3rd day of November, 2015, to determine whether the amendment to the Charter of the Town of Indialantic, Florida, appearing in Section 2. hereof shall be approved by a majority of the votes cast in such election in which the qualified electors of the Town shall participate. Such referendum election shall be held and conducted in the manner prescribed by law for all elections. The places for voting in such referendum election shall be such locations as shall be otherwise established for the general

election to elect the Council Members on November 3, 2015. All duly qualified electors of the Town of Indialantic shall be entitled to participate in said election.

SECTION 2. Amendment to Charter. In interpreting the amendment in this Section, language that is underlined is an addition to the existing text of the Town Charter. Language that is ~~stricken through~~ is a deletion from the existing text of the Town Charter. It is proposed that Section 4.04 of the Town Charter of the Town of Indialantic, Florida, shall be amended to read as follows:

Sec. 4.04. ~~Advisory~~ Boards boards and committees.

The Town Council may establish ~~advisory~~ boards and committees of citizens to take final action or make recommendations concerning beautification beautifications, economic development developments, parks, recreation and other subjects, areas as the Town Council deems advisable or as may be prescribed by state or federal law. Members of boards whose responsibilities involve comprehensive land planning, land development, board of adjustment (if any), civil service, or code enforcement, shall be residents of the Town, except as may be otherwise provided by state or federal law. Members of other boards whose responsibilities involve other than comprehensive land planning, land development, boards of adjustment, civil service, or code enforcement may include non-residents, as deemed advisable by the Town Council, or

as otherwise required by law. This provision may be implemented
by ordinance or resolution adopted by the Town Council.

SECTION 3. Ballot Question. Concurrent with the Town General Election scheduled for November 3, 2015, the following question shall be placed on the ballot following the placement on the ballot of candidates for the office of Council Member, if any. The issue shall be worded substantially as follows:

No. 1

INDIALANTIC TOWN CHARTER AMENDMENT

SECTION 4.04, TOWN CHARTER

TOWN BOARD MEMBERSHIP

The Town Charter requires that Town Board Members must be Town residents, shall be advisory, making recommendations relating to various areas. This Charter amendment provides that certain boards may take final action and that board members of planning, land development, civil service, or code enforcement boards must be residents of the Town, except as otherwise prescribed by state or federal law. Members of other boards may include non-residents.

YES (for approval) _____

NO (for rejection) _____

SECTION 4. Coordination with Supervisor of Elections. The Town Clerk is hereby authorized and directed to coordinate with the Supervisor of Elections of Brevard County to include the above-described question on the ballot concurrent with the general election to be held on November 3, 2015.

SECTION 5. Severability Clause. In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or

unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 6. Effective Date.

(a) Section 2. of this Ordinance shall become effective only if a majority of the registered electors of the Town of Indialantic, Florida, casting votes at the municipal election on November 3, 2015, on Town Charter Question No. 1 approve the amendment set forth in Section 2. of this Ordinance. If the amendment is approved by the registered electors, the Charter amendment embodied herein shall be immediately effective and shall be incorporated into the Town Charter. The Town Clerk is directed upon adoption of Section 2. Of the Ordinance to promptly file the Charter with said amendment incorporated therein with the State of Florida, Secretary of State, as required by Section 166.031, Florida Statutes.

(b) Sections 1., 3., 4., 5., and 6. of this Ordinance shall become effective upon adoption of this Ordinance.

PASSED by the Town Council of the Town of Indialantic on first reading on the 8th day of July, 2015, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the 12th day of August, 2015.

TOWN OF INDIALANTIC, FLORIDA

By: _____
David Berkman, its Mayor

ATTEST: _____
Laura Eaton, Town Clerk

SUBJECT: Ordinance 15-08 – Amending Chapter 2 relating to election procedures

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Council is being requested to approve Ordinance 15-08 amending election procedures to clarify the regulations relating to qualifying, ballot arrangement, non-partisan elections and the duties of the Town Clerk relating to elections.

Recommendation:

Approve Ordinance 15-08 on first reading

MOTION:

Approve Ordinance 15-08 on first reading

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

ORDINANCE NO. 15-08

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO ELECTIONS; MAKING FINDINGS; AMENDING SECTION 2-18, TOWN CODE, PROVIDING THAT THE TOWN CLERK SHALL BE THE QUALIFYING OFFICER FOR TOWN ELECTIONS; PROVIDING THAT THE TOWN CLERK SHALL COORDINATE TOWN ELECTIONS WITH THE BREVARD COUNTY SUPERVISOR OF ELECTIONS AND REMOVING THE TOWN CLERK'S DESIGNATION AS THE SUPERVISOR OF ELECTIONS; SPECIFYING THE DUTIES OF THE TOWN CLERK WITH REGARD TO ELECTIONS; PROVIDING CERTAIN TASKS FOR WHICH THE TOWN CLERK DOES NOT HAVE RESPONSIBILITY; AMENDING SECTION 2-19 PROVIDING FOR QUALIFICATION OF WRITE-IN CANDIDATES; PROVIDING FOR WHEN ELECTION FEES OR ASSESSMENTS MUST BE PAID AND THE AMOUNT THEREOF; AMENDING SECTION 2-22, TOWN CODE, CLARIFYING THE ARRANGEMENT OF CANDIDATES NAMES AND OFFICES; PROVIDING FOR NON-PARTISAN ELECTIONS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-17, Town Code of Ordinances, provides that the Town has adopted the Florida Election Code, Chapters 97 through 106, Florida Statutes, and that Town elections shall be held in the manner provided by the Florida Election Code;

WHEREAS, pursuant to the Florida Election Code, elections are managed by the county supervisor of elections;

WHEREAS, Section 2-18, Town Code of Ordinances, is revised to reflect that the town clerk is the designated qualifying officer for election to Town Council, and that the Town Clerk is authorized by the Town Council to coordinate all elections with the Brevard County Supervisor of Elections on behalf of the Town; and

WHEREAS, the Town Council finds it in the public interest to provide clear and concise regulations relating to qualifying, ballot arrangement, non-partisan elections, and the duties of the town clerk with regard to elections,

BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

SECTION 1. That Section 2-18 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 2-18. Town elections; Clerk to coordinate with designated supervisor of elections

(a) Duties of the town clerk. ~~(a) Wherever reference is made to the "supervisor of elections" in the law of the state applicable to town elections, it shall be construed to mean the town clerk. The town clerk is the designated town elections qualifying officer. The town clerk is responsible for:~~

- (1) Preparing election packets for candidates wishing to qualify for election to the town council;
- (2) Receiving and maintaining records of required forms and fees from candidates seeking qualification;
- (3) Filing all appropriate election documentation on behalf of the town with the state elections office or the Brevard County supervisor of elections, all as provided by law;
- (4) Counting and working with the supervisor of elections, as necessary, to validate all candidate or election question petition signatures and petition forms, as provided in section 2-20 of this code, section 8.01 et seq. of the town charter, or section 166.031, Florida Statutes;
- (5) Assisting candidates with information concerning deadlines, appointments, and important dates;
- (6) Receiving and maintaining records of campaign reports;
- (7) Recording and storing election documents in accordance with appropriate records retention procedures;
- (8) Coordinating all town elections with the supervisor of elections of Brevard County to include elections for town council or elections with regard to town ballot questions, whether held concurrent with elections for town council or otherwise; and
- (9) Advertising or noticing town elections as required by law, town charter, or the town code of ordinances.

(b) Tasks for which town clerk is not responsible. The town clerk/elections qualifying officer is not:

- (1) Responsible for interpreting election law;
- (2) Capable of filing or taking election complaints made by candidates, citizens, or town council members not running for office;
- (3) Responsible for errors or omissions on documents submitted by candidates running for office; or
- (4) A policing agent for town elections. Concerns and complaints are to be directed to the Florida Elections Commission.

SECTION 2. That Section 2-19 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 2-19. Filing fee; form of nominating petition.

(a) A fee of ten dollars (\$10.00) for filing shall accompany the nominating petition for town office required by section 2.02(4) of the charter, payable in full at the time of such filing. With the exception of write-in candidates, at the time an individual seeks to qualify as a candidate for the office of town council or mayor, the candidate shall also pay a qualifying fee consisting of the required payment to the Florida Department of State elections trust fund. Pursuant to section 99.093, Florida Statutes, the assessment/qualifying fee payable to the Department of State elections trust fund is equivalent to one percent (1%) of the annual salary of the position to which the candidate seeks election. All payments of fees and assessments must be made in the form of a check drawn on the candidate's campaign

account. As required by section 99.093, Florida Statutes, any person seeking to qualify for town council who is required to pay and who is unable to pay the election assessment without imposing an undue burden on personal resources, shall certify his or her inability under oath in the presence of the qualifying officer. Thereafter, the individual shall be excused from paying a qualifying or election trust fund assessment fee.

(b) Nominating petitions shall be in substantially the following form:

"We, the undersigned ten electors of the Town of Indialantic, Florida, hereby nominate and sponsor, _____ whose residence address is _____ for the office of _____ to be voted for at the election on the __ day of November, A.D. 19 __. And, we individually certify that our names have appeared on the rolls of registered voters within the last year, that we are qualified to vote and that we have not signed any other nominating petition for that office.

(SPACES FOR TEN SIGNATURES)

ACCEPTANCE OF NOMINATION.

I hereby accept the nomination for _____ and agree to serve, if elected. My occupation is _____.

Signature of Candidate

Date and hour of filing: _____

Received by:

(c) Qualification of write-in candidates.

(1) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the town clerk during the period for qualifying as a candidate. Any person who is seeking election as a write-in candidate shall be required to pay a filing fee of ten dollars (\$10.00) in the form of a check drawn on the candidate's campaign account but shall not be required to pay a qualifying fee/election assessment consisting of the payment to the Department of State election trust fund required by section 99.093, Florida Statutes.

(2) A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the election ballot. Upon qualifying, a write-in candidate shall be considered a candidate. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office. Failure to qualify as a write-in candidate shall mean that any write-in votes cast for such person shall not be counted.

SECTION 3. That Section 2-22 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 2-22. Names and ballot questions to appear on ballot; display and arrangement.

(a) The printed ballots shall contain the names of all qualified candidates who have not declined to run for office.

(1) Names, and such names of candidates for mayor shall be printed on the ballot ballots in alphabetical order of surname under the name of the office of mayor followed by a space that shall be made available on the ballot for an elector to write in the name of a write-in candidate, if a candidate has qualified as a write-in candidate for the office of mayor (and in the case of council candidates for other than the position of mayor, the name of the office and seat) for which nominated.

(2) Names of candidates for specific seat(s) on the town council (for example, Seat 1, Seat 2, Seat 3, or Seat 4) shall be printed on the ballot in alphabetical order of surname under the name of the office of town council member and the seat for which the candidate is running, followed by a space that shall be made available on the ballot for the specific town council seat for an elector to write in the name of a write-in candidate, if a candidate has qualified as a write-in candidate for the specific town council seat. Each contested town council seat race, in numerical ascending order, shall be listed immediately after the office of mayor, if the office of mayor is subject to a contested. Candidates for a particular seat shall be listed only if there is more than one candidate running for said seat. Where there is only one candidate qualified and running for mayor, or a particular council seat, after qualifying is closed, said candidate shall be declared elected.

(3) As provided by section 101.151(2)(b), Florida Statutes, with respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided. Pursuant to rule 1S-2.0031, Florida Administrative Code, the location of the write-in positions on the ballot shall be clearly marked by the words "Write-In Candidate" or "Write-In" directly below the candidates whose names appear on the ballot in each office for which a write-in candidate has qualified.

(4) All elections for mayor or town council member shall be non-partisan and without party designation. No reference to political party affiliation shall appear on any ballot with respect to the office of mayor or town council member.

(b) Ballot questions relating to the Town charter or town code shall appear on the ballot following contested elections for mayor, and town council member, if any. Ballot questions shall be arranged in the order in which a question qualified to be placed on the election ballot, as determined by the town clerk.

(c) The town clerk shall coordinate with the Brevard County supervisor of elections with regard to the production, publication, and creation of the ballot.

SECTION 4. Severability Clause/Interpretation.

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

(b) That in interpreting this Ordinance, underlined words indicate additions to existing text, and stricken through words include deletions from existing text. Asterisks (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances.

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

SECTION 5. Effective Date. This Ordinance shall become effective upon adoption of this Ordinance.

PASSED by the Town Council of the Town of Indialantic on first reading on the 8th day of July, 2015, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the 12th day of August, 2015.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST:

Laura Eaton
Town Clerk

SUBJECT: Town Code Chapters Review

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

Council is being requested to further its consideration of creating a task force/committee to review those chapters of the Town Code not recently receiving a major revamping. On June 10, 2015 (agenda item IX-C) Council discussed the matter as raised by Councilmember Hoffman.

Chapters addressing work in the Town rights-of-way by utility contractors, water management, floodplain management, the building code and fertilizer use recently received major revisions.

Recommendation:

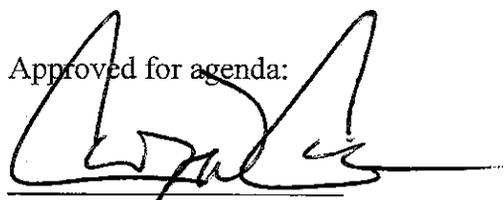
MOTION:

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

Agenda Item VIII A

SUBJECT: Proposed millage and budget hearings for FY-16

Staff Report – Town of Indialantic Meeting Date: July 8, 2015

Summary:

Council is being requested to set the proposed millage for FY-15 at the current rate of 6.4695 which is a 4.02% increase over the rolled back rate of 6.2195; set the first public hearing on the FY-15 budget for the regular meeting on Wednesday, September 9, 2015 at 7:00 pm; set the second public hearing for a special meeting on Wednesday, September 23, 2015 at 5:30 pm; and establish a 6:00 pm meeting time for the Council's budget workshop which is set for Wednesday, August 12, 2015 unless Council prefers some other date or time.

These are the dates as stated in the Budget Preparation and Adoption Schedule.

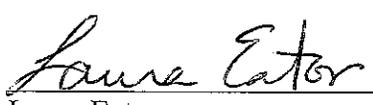
Please note that once the proposed millage is set, it cannot be increased; however, it may be reduced at either public hearing.

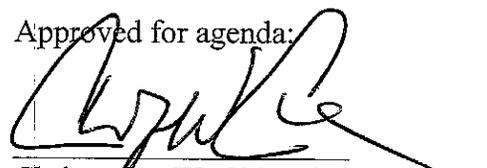
Recommendation:

Set the proposed millage rate at 6.4695; set the first public hearing on the FY-15 budget for the regular meeting on Wednesday, September 9, 2015 at 7:00 pm; set the second public hearing for a special meeting on Wednesday, September 23, 2015 at 5:30 pm; and establish a 6:00 pm meeting time for the Council's budget workshop which is set for Wednesday, August 12, 2015

MOTION:
Set the proposed millage rate at 6.4695; set the first public hearing on the FY-15 budget for the regular meeting on Wednesday, September 9, 2015 at 7:00 pm; set the second public hearing for a special meeting on Wednesday, September 23, 2015 at 5:30 pm; and establish a 6:00 pm meeting time for the Council's budget workshop which is set for Wednesday, August 12, 2015

Submitted by:


Laura Eaton
Town Clerk

Approved for agenda:

Christopher W. Chinault
Town Manager

SUBJECT: Mural Update

Staff Report – Town of Indialantic Meeting Date: July 8, 2015

Summary:

Council indicated on June 10, 2015 that it desired an update on action taken with regard to addressing murals.

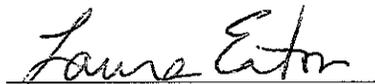
Prior to the adoption of Ordinance #14-10 on July 15, 2014, murals were prohibited. With the adoption of Ordinance #14-10 murals are treated like any other sign and are allowed in the C, C-1, C-2, and SC zoning districts. Should a business desire to have a mural as an attached sign, it may comprise 32 square feet and constitute a scene as opposed to relaying the name of a business.

Provided with this agenda cover sheet is material that was provided as part of the agenda packet for prior Council meetings where this matter was discussed.

Recommendation:

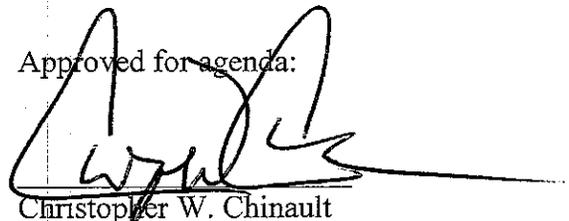
MOTION:

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

Agenda Item ~~X~~ A

SUBJECT: Murals

Staff Report – Town of Indialantic

Meeting Date: September 17, 2013

Summary:

The Mayor is requesting Council to reconsider the present prohibition in the Town Code with regard to murals. He has indicated that he has invited Mike McCloskey to appear and speak to the matter.

Recommendation:

Advise staff if Council desires to have the current prohibition with regard to murals considered further.

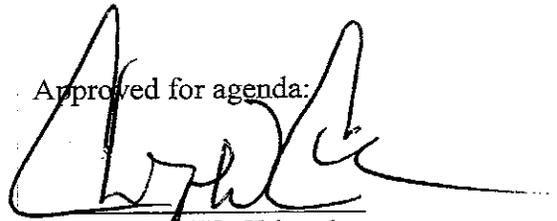
MOTION:

Submitted by:



for Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

attach the second copy of the color selection chart to the application for the painting permit. When the application is approved by the building official, a painting permit to paint the structure such color shall be issued without cost to the applicant. (Ord. No. 87-15, 3, 8-18-87)

Sec. 5.5-44. Updating the official color code.

The town council shall, in its sole discretion from time to time, appoint an ad hoc committee with an uneven number of not less than five (5) nor more than nine (9) members to review currently available colors and thereby to revise the official color code. (Ord. No. 87-15, 4, 8-18-87)

Sec. 5.5-45. Penalties.

Any person who violates, or causes to be violated any provision of this article or permits any such violation or fails to comply with any of the requirements hereof shall be subject to the enforcement action of the Indialantic Code Enforcement Board pursuant to Florida Statutes Chapter 162. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues. (Ord. No. 87-15, 5, 8-18-87)

Sec. 5.5-46. Murals prohibited.

(a) *Definitions.* For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way.

(b) *Prohibition.* Except as otherwise permitted by ordinance of the town, no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls. (Ord. No. 97-6, 1, 5-6-97)

Sec. 5.5-47. Interpretation; Appeals; and Variances.

(a) All questions of interpretation relating to these color code regulations, as set forth in this article, shall be first presented to the town manager. Interpretations of this article may include but shall not be limited to ascertaining the meaning of words, terms, and provisions in this article, or the application of standards set forth herein.

(1) In interpreting this article, the town manager shall be guided first by the plain meaning of the word and terms in this code and second by the intent expressed herein, if any. The town manager shall make interpretations by interpreting the article as a whole and not by taking specific words or clauses in isolation.

(2) Prior to making an interpretation of the provisions of the color code, the town manager may require the building official, town attorney, or town planner to provide assistance. Interpretation of the provisions of this article shall be made in writing, shall state the code provision being interpreted, state the interpretation made, state the basis for the interpretation, and advise the recipient that appeals may be taken to the board of adjustment. The time within which an appeal must be taken and the manner of filing an appeal shall also be included within the town manager's letter of interpretation.

Agenda Item VII A

SUBJECT: Murals

Staff Report – Town of Indialantic

Meeting Date: October 15, 2013

Summary:

Council noted at the September 17, 2013 meeting that it desired to discuss murals. Council is being provided the following:

- 1) Section 5.5-46 of the Indialantic Code which prohibits murals;
- 2) City of Melbourne definition of a mural;
- 3) 2 pages addressing murals from the Eau Gallie Art District Architectural Guidelines;
- 4) Pictures of some murals in the Eau Gallie Art District

Melbourne staff has noted that they do not regulate mural content.

Recommendation:

MOTION:

Submitted by:

Laura Eaton

Laura Eaton
Town Clerk

Approved for agenda:

Christopher W. Chinault

Christopher W. Chinault
Town Manager

3

attach the second copy of the color selection chart to the application for the painting permit. When the application is approved by the building official, a painting permit to paint the structure such color shall be issued without cost to the applicant. (Ord. No. 87-15, 3, 8-18-87)

Sec. 5.5-44. Updating the official color code.

The town council shall, in its sole discretion from time to time, appoint an ad hoc committee with an uneven number of not less than five (5) nor more than nine (9) members to review currently available colors and thereby to revise the official color code. (Ord. No. 87-15, 4, 8-18-87)

Sec. 5.5-45. Penalties.

Any person who violates, or causes to be violated any provision of this article or permits any such violation or fails to comply with any of the requirements hereof shall be subject to the enforcement action of the Indialantic Code Enforcement Board pursuant to Florida Statutes Chapter 162. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues. (Ord. No. 87-15, 5, 8-18-87)

Sec. 5.5-46. Murals prohibited.

(a) *Definitions.* For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way.

(b) *Prohibition.* Except as otherwise permitted by ordinance of the town, no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls. (Ord. No. 97-6, 1, 5-6-97)

Sec. 5.5-47. Interpretation; Appeals; and Variances.

(a) All questions of interpretation relating to these color code regulations, as set forth in this article, shall be first presented to the town manager. Interpretations of this article may include but shall not be limited to ascertaining the meaning of words, terms, and provisions in this article, or the application of standards set forth herein.

(1) In interpreting this article, the town manager shall be guided first by the plain meaning of the word and terms in this code and second by the intent expressed herein, if any. The town manager shall make interpretations by interpreting the article as a whole and not by taking specific words or clauses in isolation.

(2) Prior to making an interpretation of the provisions of the color code, the town manager may require the building official, town attorney, or town planner to provide assistance. Interpretation of the provisions of this article shall be made in writing, shall state the code provision being interpreted, state the interpretation made, state the basis for the interpretation, and advise the recipient that appeals may be taken to the board of adjustment. The time within which an appeal must be taken and the manner of filing an appeal shall also be included within the town manager's letter of interpretation.

4

City of Melbourne, Florida

Code

Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or non-commercial message, relies solely on the side of the building for rigid structural support, and is painted on the building.

5

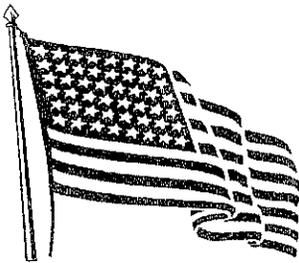
Color: The color principles used in storefront designs shall carry over to signs.

Illumination: Indirectly lit signs reduce glare and impart warm, even tones to the sign while not drawing attention away from the store window displays.

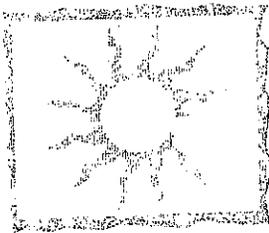
Side Street Directional Signs: These are city owned signs located at major street/side street intersections and intended as pedestrian oriented directional signage. A business may advertise in one double-sided space on the sign. Lettering and color of the sign should reflect the theme of the building.



Grand Openings: When your business is ready, a "Grand Opening" may be held for a period not to exceed seven (7) days. This is the only time that banners, banner signs, pennants, searchlights, twirling signs, "A" frame signs, sandwich board signs, sidewalk or curb signs, outdoor advertising displays, tethered balloons, and gas filled figures will be permitted without a Special Activity Permit.



Flags: On a single building site, up to four (4) flags may be displayed without a permit. A flag is defined as a piece of cloth or other material of individual size, color, and design, used as a symbol, signal, or emblem, or to convey a message. Flags are secured on one side, usually on a flagpole, and usually at two points leaving the remainder of the cloth hanging limply or drooping. A flag that is displayed so that it does not droop shall be considered a banner and shall not be permitted.



Murals: One mural shall be allowed in addition to permitted signs in the downtown areas. The mural shall be limited to 10% of the wall area. This mural may be in addition to an existing sign on a wall as long as the existing sign meets city code.

The permitted wall sign and a mural may be combined on the same wall as long as it does not exceed 20% of the wall area and the wording on the mural does not exceed 25%.

Larger murals of a public nature shall require approval from the City Council.

EAU GALLIE ART DISTRICT OVERLAY ZONE

The art district is intended to foster the economic development of the community while allowing the artists to express their individuality. The boundary of the overlay zone is described within Appendix B, Article V, Section 3. The architectural style of the art district should be eclectic, allowing artists to express their freethinking and creative (non-

ATTACHMENT GUIDELINES

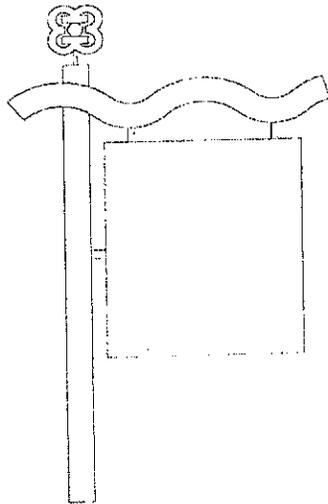


6

conforming) styles, through the use of a variety of color combinations and designs. It is the intent of the district to permit the artists to express themselves through the use of mosaics, murals and other adornments, as long as they are not commercial in nature.

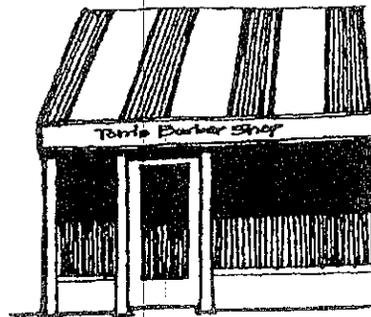
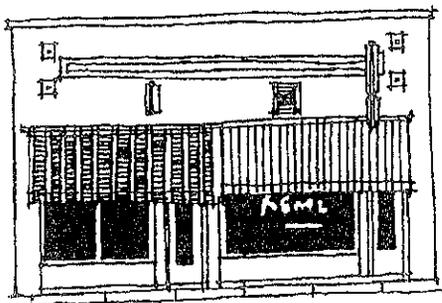
Signage:

1. Permitted signs – one (1) detached sign and one wall “mural” sign, per site.
2. Prohibited signs - wall signs with the exception of wall “mural” signs, window signs, neon signs, reader boards, and flashing and internally lit signs.
3. Additional signage or increased sign area is prohibited.
4. Detached signs must be in accordance with the Eau Gallie Art District standard sign design as shown below. The height of the post shall be 6 ft 8 in. from the ground to the top of the post ornament, the arm shall be 4 ft. in length, and the sign face shall be no larger than 3 ft x 2 ft 6 in.

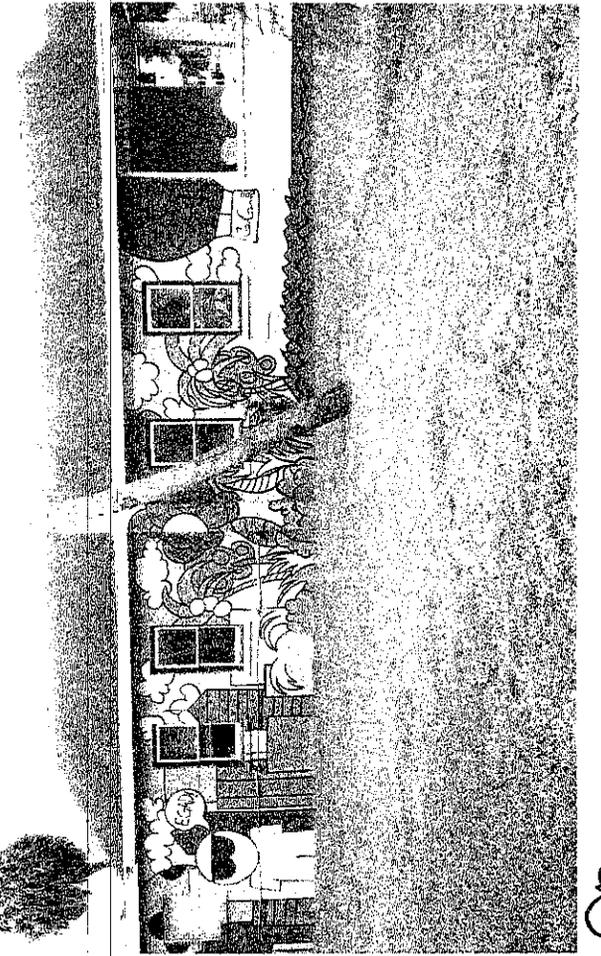
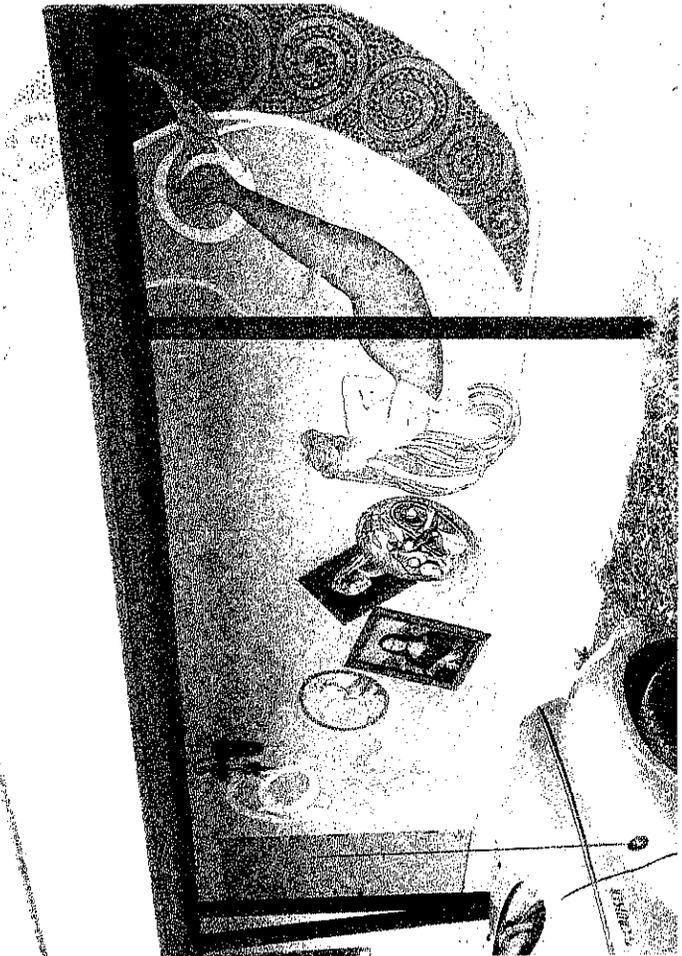
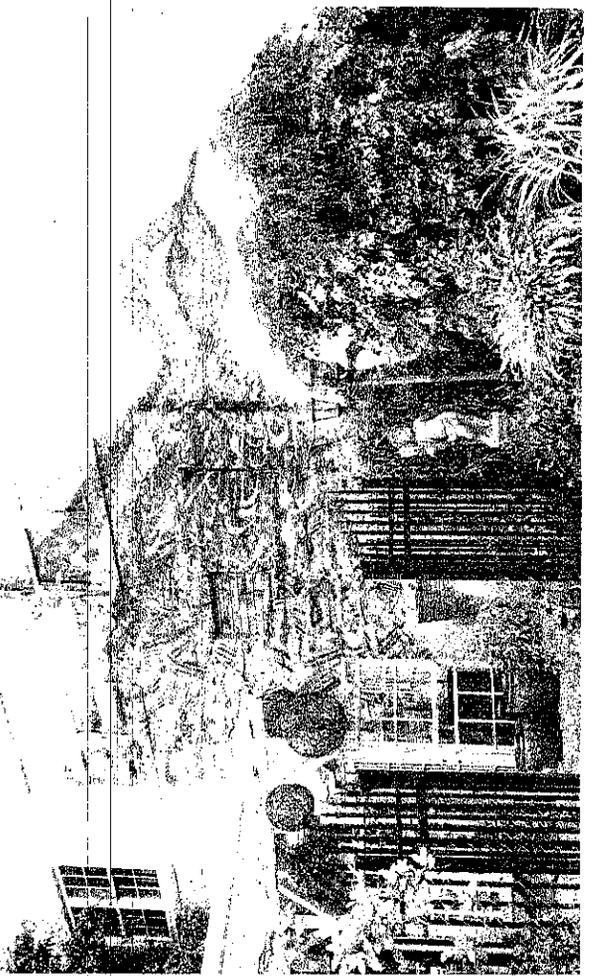


Drawing not to scale

Awnings



7



08

SUBJECT: Murals

Staff Report – Town of Indialantic

Meeting Date: November 19, 2013

Summary:

Council directed on October 15, 2013 (agenda item VII-A) to have some additional information provided to further consider if it desires to allow murals in Town. Provided for Council review is draft language that could be included in the Town Code allowing murals in the commercial zoning districts, restricting the size of the mural, and not allowing for murals with movement.

Also provided is a simplistic permit application form, the definition of a mural as contained in Melbourne's code, information as considered for the Eau Gallie Art District and language currently in the Town's Code with regard to murals.

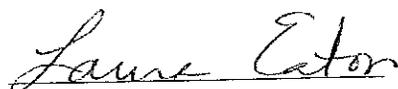
Recommendation:

Determine if additional information and/or clarification is desired.

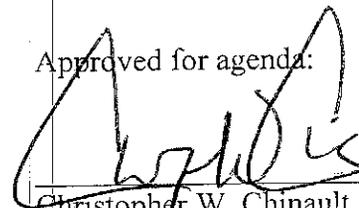
MOTION:

Determine if additional information and/or clarification is desired.

Submitted by:


Laura Eaton
Town Clerk

Approved for agenda:


Christopher W. Chinault
Town Manager

Sec. 5.5-46. Murals prohibited.

- (a) Definitions. For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way. Mural means a non-commercial painting or artistic work composed of pictures or arrangements of color and which is made directly onto or attached to a building, wall, or fence, which may include a hand-painted or hand-tiled image (note: a commercial message, painting, or artistic work is one that advertises a business conducted, services rendered, or goods produced or sold).
- (b) Prohibition. Except as otherwise permitted by ordinance of the town and reflected in Section 5.5-46 (c) and (d), no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls.
- (c) Permitted. One mural is allowed on each property in any of the following zoning districts: C, C-1, C-2, SC if authorized by the Town Council.
- (d) Permitting Provisions: A mural may be allowed as follows: on no more than one wall of the principal building as that term is defined in section 17-4, town code; provided that the mural will not constitute more than 20% of the surface area of the wall on which the mural is proposed to be situated; provided that the wall selected for the mural does not have, and will not be permitted for, an attached or window sign; provided that no part of the mural exceeds the height of the wall on which it has been affixed; provided that no part of the mural extends more than 6 inches from the wall upon which it has been affixed; provided that the mural does not contain electrical or mechanical components or changing images (e.g. moving structural elements, flashing or sequential lights); provided that no part of the mural is placed over the exterior of any building opening, including but not limited to windows, doors and vents in such a manner as to prevent the full functioning of the particular opening;

Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903
(321) 723-2242

MURAL PERMIT

Applicant's Name: _____

Applicant's Contact Information: Business Telephone _____

Cell Telephone _____ Home Telephone _____

E-mail address _____ Fax No. _____

Subject Property Address: _____

Provide a description of the proposed mural including proposed location on the property, relationship to the proposed wall, and size of the proposed mural as well as the size of wall on which the mural is proposed to be affixed. Attach 10 colorized copies of the proposed mural.

Applicant's Signature: _____ Date: _____

Applicant's Printed Name: _____

Owner's Signature: _____ Date: _____

Owner's Printed Name: _____

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City of Melbourne, Florida

Code

Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or non-commercial message, relies solely on the side of the building for rigid structural support, and is painted on the building.

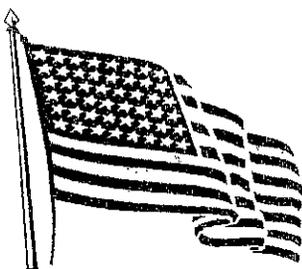
Color: The color principles used in storefront designs shall carry over to signs.

Illumination: Indirectly lit signs reduce glare and impart warm, even tones to the sign while not drawing attention away from the store window displays.

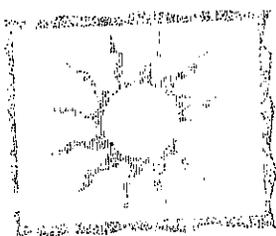
Side Street Directional Signs: These are city owned signs located at major street/side street intersections and intended as pedestrian oriented directional signage. A business may advertise in one double-sided space on the sign. Lettering and color of the sign should reflect the theme of the building.



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Larger murals of a public nature shall require approval from the City Council.

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ATTACHED TO THE ORIGINAL SUBMITTALS

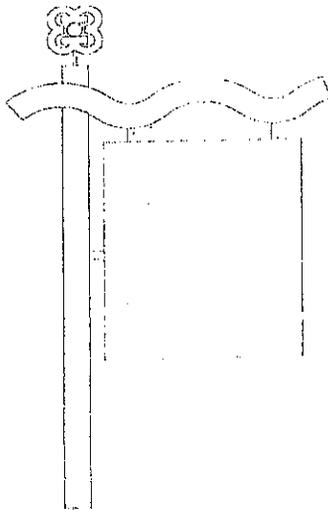


13

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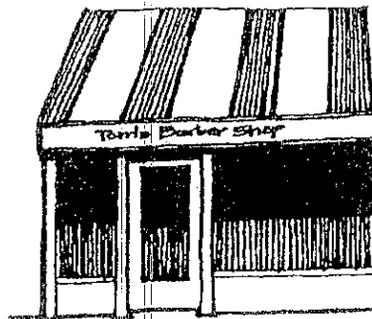
Signage:

1. Permitted signs – one (1) detached sign and one wall “mural” sign, per site.
2. Prohibited signs - wall signs with the exception of wall “mural” signs, window signs, neon signs, reader boards, and flashing and internally lit signs.
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4. Detached signs must be in accordance with the Eau Gallie Art District standard sign design as shown below. The height of the post shall be 6 ft 8 in. from the ground to the top of the post ornament, the arm shall be 4 ft in length, and the sign face shall be no larger than 3 ft x 2 ft 6 in.



Drawing not to scale

Awnings



14

attach the second copy of the color selection chart to the application for the painting permit. When the application is approved by the building official, a painting permit to paint the structure such color shall be issued without cost to the applicant. (Ord. No. 87-15, 3, 8-18-87)

Sec. 5.5-44. Updating the official color code.

The town council shall, in its sole discretion from time to time, appoint an ad hoc committee with an uneven number of not less than five (5) nor more than nine (9) members to review currently available colors and thereby to revise the official color code. (Ord. No. 87-15, 4, 8-18-87)

Sec. 5.5-45. Penalties.

Any person who violates, or causes to be violated any provision of this article or permits any such violation or fails to comply with any of the requirements hereof shall be subject to the enforcement action of the Indialantic Code Enforcement Board pursuant to Florida Statutes Chapter 162. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues. (Ord. No. 87-15, 5, 8-18-87)

Sec. 5.5-46. Murals prohibited.

(a) *Definitions.* For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way.

(b) *Prohibition.* Except as otherwise permitted by ordinance of the town, no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls. (Ord. No. 97-6, 1, 5-6-97)

Sec. 5.5-47. Interpretation; Appeals; and Variances.

(a) All questions of interpretation relating to these color code regulations, as set forth in this article, shall be first presented to the town manager. Interpretations of this article may include but shall not be limited to ascertaining the meaning of words, terms, and provisions in this article, or the application of standards set forth herein.

(1) In interpreting this article, the town manager shall be guided first by the plain meaning of the word and terms in this code and second by the intent expressed herein, if any. The town manager shall make interpretations by interpreting the article as a whole and not by taking specific words or clauses in isolation.

(2) Prior to making an interpretation of the provisions of the color code, the town manager may require the building official, town attorney, or town planner to provide assistance. Interpretation of the provisions of this article shall be made in writing, shall state the code provision being interpreted, state the interpretation made, state the basis for the interpretation, and advise the recipient that appeals may be taken to the board of adjustment. The time within which an appeal must be taken and the manner of filing an appeal shall also be included within the town manager's letter of interpretation.

Agenda Item VII A

SUBJECT: Murals

Staff Report – Town of Indialantic Meeting Date: December 17, 2013

Summary:

As a follow-up to earlier discussions, current Town regulations have been adjusted enabling murals in Town. Option #1 reflects a more comprehensive process. Option #2 reflects a less comprehensive process. A permit application form is also provided.

Additional information is still being sought from other communities.

Recommendation:

MOTION:

Submitted by:

Laura Eaton

Laura Eaton
Town Clerk

Approved for agenda:

Christopher W. Chinault

Christopher W. Chinault
Town Manager

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OPTION #1 MURALS
12/17/13

Sec. 5.5-46. Murals prohibited.

- (a) Definitions. For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way. Mural means a non-commercial painting or artistic work composed of pictures or arrangements of color and which is made directly onto or attached to a building, which may include a hand-painted or hand-tiled image (note: a commercial message, painting, or artistic work is one that advertises a business conducted, services rendered, or goods produced or sold). A mural is not allowed to advertise a business, product, concept, or service; rather, it is solely artistic in nature.
- (b) Prohibition. Except as otherwise permitted by ordinance of the town and reflected in Section 5.5-46 (c) and (d), no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls.
- (c) Permitted. One mural is allowed on each property in any of the following zoning districts: C, C-1, C-2, SC if authorized by the Town Council.
- (d) Permitting Provisions: A mural may be permitted by the Town Council as follows:
- (1) on no more than one wall of the principal building as that term is defined in section 17-4, town code;
 - (2) provided that the mural represents in a positive manner the historic character of the Town;
 - (3) provided that the applicant provides representative examples of the type of work that the mural artist has developed to reflect the character and quality of the work that he/she performs;
 - (4) provided that the mural depicts no letters or numbers; however, the artist's signature or marking may discreetly appear on the finished mural provided that it does not detract from the mural;
 - (5) provided that the mural does not depict a product that the business that is situated in the building upon which the mural is affixed sells;
 - (6) provided that the mural will not constitute more than 20% of the surface area of the wall on which the mural is proposed to be situated;
 - (7) provided that the wall selected for the mural does not have, and will not be permitted for, an attached or window sign;
 - (8) provided that no part of the mural exceeds the height of the wall on which it has been affixed;
 - (9) provided that no part of the mural extends more than 6 inches from the wall upon which it has been affixed;
 - (10) provided that the mural does not contain electrical or mechanical components or changing images (e.g. moving structural elements, flashing or sequential lights);
 - (11) provided that no part of the mural is placed over the exterior of any building opening, including but not limited to windows, doors and vents in such a manner as to prevent the full functioning of the particular opening;
 - (12) provided that the mural does not cause undue distraction to drivers thereby creating a safety hazard; and

- (13) a mural permit, if issued, shall be good for six (6) months from the date of approval for the mural to be completed—if the mural has not been completed in that timeframe the approval by the Town Council shall be automatically revoked without any further action being required of the Town Council.

[Renumber the current 5.5-47 to 5.5-50]

Sec. 5.5-47 Notice of Hearing

- (1) Upon receipt of the permit application for a mural, the town clerk shall cause a notice of the application and the time and place of the hearing thereon to be published, at least fifteen (15) days and not more than thirty (30) days prior to such hearing, in a newspaper of general circulation in the town, and shall post a copy in the town hall. The town clerk shall mail a copy of such notice to those persons owning property within the radius of two hundred (200) feet of the property affected by the application.
- (2) The notice shall state that written comments regarding the proposed mural may be filed with the town clerk prior to the public hearing or interested parties may appear at the public hearing.

Sec. 5.5-48 Applications and comments to be forwarded to Council

Prior to the public hearing, the town clerk shall forward to the members of the Town Council the permit application and all documents required in the application together with any written comments filed with the clerk.

Sec. 5.5-49 Hearing; final action

At the public hearing the Town Council shall consider the application and any written comments, hear any person desiring to be heard, and authorize or refuse to authorize the issuance of a permit for the placement of a mural as requested by the application as it shall deem advisable in the promotion of substantial justice and the preservation of the public health, safety, morals and general welfare.

Sec. 5.5-67. Building exteriors

The exterior of every building and structure or accessory buildings and structures and murals shall be maintained in good repair. The same shall be free from broken glass, loose shingles, crumbling stone or brick, free from faded colors, excessive chipped or peeling paint, broken stucco, other damaged building materials, and free from any other condition reflective of deterioration.

OPTION #2 MURALS
12/17/13

Sec. 5.5-46. Murals prohibited.

- (a) Definitions. For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way. Mural means a non-commercial painting or artistic work composed of pictures or arrangements of color and which is made directly onto or attached to a building, which may include a hand-painted or hand-tiled image (note: a commercial message, painting, or artistic work is one that advertises a business conducted, services rendered, or goods produced or sold). A mural is not allowed to advertise a business, product, concept, or service; rather, it is solely artistic in nature.
- (b) Prohibition. Except as otherwise permitted by ordinance of the town and reflected in Section 5.5-46 (c) and (d), no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls.
- (c) Permitted. One mural is allowed on each property in any of the following zoning districts: C, C-1, C-2, SC if authorized by the Town Council.
- (d) Permitting Provisions: A mural may be permitted by the Town Council as follows:
- (1) on no more than one wall of the principal building as that term is defined in section 17-4, town code;
 - (2) provided that the mural depicts no letters or numbers; however, the artist's signature or marking may discreetly appear on the finished mural provided that it does not detract from the mural;
 - (3) provided that the mural will not constitute more than 90% of the surface area of the wall on which the mural is proposed to be situated;
 - (4) provided that the wall selected for the mural does not have, and will not be permitted for, an attached or window sign;
 - (5) provided that no part of the mural exceeds the height of the wall on which it has been affixed;
 - (6) provided that no part of the mural extends more than 6 inches from the wall upon which it has been affixed;
 - (7) provided that the mural does not contain electrical or mechanical components or changing images (e.g. moving structural elements, flashing or sequential lights);
 - (8) provided that no part of the mural is placed over the exterior of any building opening, including but not limited to windows, doors and vents in such a manner as to prevent the full functioning of the particular opening;
 - (9) provided that the mural does not cause undue distraction to drivers thereby creating a safety hazard; and
 - (10) a mural permit, if issued, shall be good for six (6) months from the date of approval for the mural to be completed—if the mural has not been completed in that timeframe the approval by the Town Council shall be automatically revoked without any further action being required of the Town Council.

Sec. 5.5-67. Building exteriors

The exterior of every building and structure or accessory buildings and structures and murals shall be maintained in good repair. The same shall be free from broken glass, loose shingles, crumbling stone or brick, free from faded colors, excessive chipped or peeling paint, broken stucco, other damaged building materials, and free from any other condition reflective of deterioration.

Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903
(321) 723-2242, fax (321) 984-3867

MURAL PERMIT APPLICATION

Applicant's Printed Name: _____

Applicant's Contact Information: Business Telephone _____

Cell Telephone _____ Home Telephone _____

E-mail address _____ Fax No. _____

Subject Property Address: _____

Provide a description of the proposed mural including proposed location on the property, relationship to the proposed wall, and size of the proposed mural as well as the size of wall on which the mural is proposed to be affixed. Attach ~~10~~³ colorized copies of the proposed mural.

Applicant's Signature: _____ Date: _____

I, _____ (insert Property Owner's Printed Name), do hereby agree that I support and have authorized the placement of a mural on the building that I own as depicted in this application.

Property Owner's Signature: _____ Date: _____

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____,

20____, by _____, who is personally known to me or has

produced _____ as identification.

Notary Public

Notary Stamp:

21

SUBJECT: Murals

Staff Report – Town of Indialantic Meeting Date: January 21, 2014

Summary:

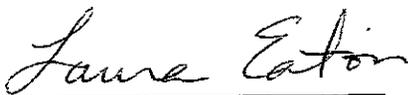
Council requested on December 17, 2013 (agenda item VII-A) a streamlined version to allow murals in the commercial zoning districts. The intent of this latest version is to enable murals that meet the Town's requirements to be permitted by staff. A permit application form is also provided.

Council is requested to determine if it desires to have a version proceed toward public hearing.

Recommendation:

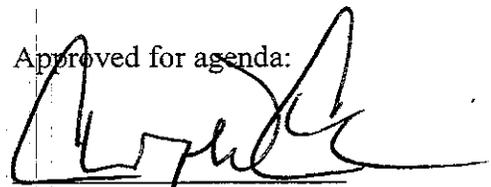
MOTION:

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

MURALS
01/21/14

Sec. 5.5-46. Murals prohibited.

- (a) Definitions. For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way. Mural means a non-commercial painting or artistic work composed of pictures or arrangements of color and which is made directly onto or attached to a building, which may include a hand-painted or hand-tiled image (note: a commercial message, painting, or artistic work is one that advertises a business conducted, services rendered, or goods produced or sold). A mural is not allowed to advertise a business, product, concept, or service; rather, it is solely artistic in nature.
- (b) Prohibition. Except as otherwise permitted by ordinance of the town and reflected in Section 5.5-46 (c) and (d), no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls.
- (c) Permit Required. Any person or firm intending to erect, create, or paint a mural onto, or attached to, a building, which is located in the C, C-1, C-2, or SC zoning district shall first obtain a mural permit from the Town Manager or his/her designee. A permit, if issued, shall be in force for six (6) months from the date of issuance by the town. If the erection, creation, or painting of the mural has not been completed within that timeframe the permit shall automatically expire without any further action being required by the town.
- (d) Permitting Provisions: A mural may be permitted by the town as follows:
- (1) on no more than one wall of the principal building as that term is defined in section 17-4, town code;
 - (2) provided that the mural depicts no letters or numbers; however, the artist's signature or marking may discreetly appear on the finished mural provided that it does not detract from the mural;
 - (3) provided that the mural does not extend beyond the surface area of one wall of the building upon which it is proposed to be situated;
 - (4) provided that the wall selected for the mural does not have, and will not be permitted for, an attached or window sign;
 - (5) provided that no part of the mural exceeds the height of the wall on which it has been affixed;
 - (6) provided that no part of the mural extends more than 6 inches from the wall upon which it has been affixed;
 - (7) provided that the mural does not contain electrical or mechanical components or changing images (e.g. moving structural elements, flashing or sequential lights);
 - (8) provided that no part of the mural is placed over the exterior of any building opening, including but not limited to windows, doors and vents in such a manner as to prevent the full functioning of the particular opening;
 - (9) provided that the mural does not cause undue distraction to drivers thereby creating a safety hazard;
 - (10) provided that the owner of the building upon which the mural is proposed has provided written authorization for the erecting, creating, or painting of the mural;
and

(11) provided that the Mural Permit Application has been completed and submitted to the town with any required permit fee(s) and with a plan that shall consist of a sketch or scale drawing clearly showing the proposed mural with the desired colors reflected; this sketch or drawing shall indicate the location of all doors and windows on the wall upon which the mural is proposed and acknowledge that the proposed mural, if intended to cover any of the existing windows or doors, will not compromise the use of the windows or doors.

Sec. 5.5-67. Building exteriors

The exterior of every building and structure or accessory buildings and structures and murals shall be maintained in good repair. The same shall be free from broken glass, loose shingles, crumbling stone or brick, free from faded colors, excessive chipped or peeling paint, broken stucco, other damaged building materials, and free from any other condition reflective of deterioration.

Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903
(321) 723-2242, fax (321) 984-3867

MURAL PERMIT APPLICATION

Applicant's Printed Name: _____

Applicant's Contact Information: Business Telephone _____

Cell Telephone _____ Home Telephone _____

E-mail address _____ Fax No. _____

Subject Property Address: _____

Provide a description of the proposed mural including proposed location on the property, relationship to the proposed wall, and size of the proposed mural as well as the size of wall on which the mural is proposed to be affixed. Attach 3 colorized copies of the proposed mural.

Applicant's Signature: _____ Date: _____

I, _____ (insert Property Owner's Printed Name), do hereby agree that I support and have authorized the placement of a mural on the building that I own as depicted in this application.

Property Owner's Signature: _____ Date: _____

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____,

20____, by _____, who is personally known to me or has

produced _____ as identification.

Notary Public

Notary Stamp:

25

SUBJECT: Murals

Staff Report – Town of Indialantic Meeting Date: February 18, 2014

Summary:

Council requested on December 17, 2013 (agenda item VII-A) a streamlined version to allow murals in the commercial zoning districts. The intent of this latest version is to enable murals that meet the Town's requirements to be permitted by staff. A permit application form is also provided.

Council is requested to determine if it desires to have a version proceed toward public hearing.

This item was tabled at the January 21, 2014 meeting.

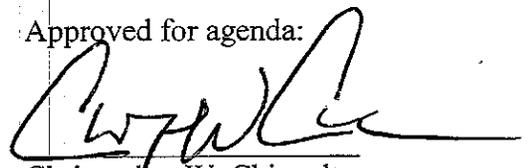
Recommendation:

MOTION:

Submitted by:


Laura Eaton
Town Clerk

Approved for agenda:


Christopher W. Chinault
Town Manager

MURALS

01/21/14

Sec. 5.5-46. Murals prohibited.

- (a) Definitions. For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way. Mural means a non-commercial painting or artistic work composed of pictures or arrangements of color and which is made directly onto or attached to a building, which may include a hand-painted or hand-tiled image (note: a commercial message, painting, or artistic work is one that advertises a business conducted, services rendered, or goods produced or sold). A mural is not allowed to advertise a business, product, concept, or service; rather, it is solely artistic in nature.
- (b) Prohibition. Except as otherwise permitted by ordinance of the town and reflected in Section 5.5-46 (c) and (d), no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls.
- (c) Permit Required. Any person or firm intending to erect, create, or paint a mural onto, or attached to, a building, which is located in the C, C-1, C-2, or SC zoning district shall first obtain a mural permit from the Town Manager or his/her designee. A permit, if issued, shall be in force for six (6) months from the date of issuance by the town. If the erection, creation, or painting of the mural has not been completed within that timeframe the permit shall automatically expire without any further action being required by the town.
- (d) Permitting Provisions: A mural may be permitted by the town as follows:
- (1) on no more than one wall of the principal building as that term is defined in section 17-4, town code;
 - (2) provided that the mural depicts no letters or numbers; however, the artist's signature or marking may discreetly appear on the finished mural provided that it does not detract from the mural;
 - (3) provided that the mural does not extend beyond the surface area of one wall of the building upon which it is proposed to be situated;
 - (4) provided that the wall selected for the mural does not have, and will not be permitted for, an attached or window sign;
 - (5) provided that no part of the mural exceeds the height of the wall on which it has been affixed;
 - (6) provided that no part of the mural extends more than 6 inches from the wall upon which it has been affixed;
 - (7) provided that the mural does not contain electrical or mechanical components or changing images (e.g. moving structural elements, flashing or sequential lights);
 - (8) provided that no part of the mural is placed over the exterior of any building opening, including but not limited to windows, doors and vents in such a manner as to prevent the full functioning of the particular opening;
 - (9) provided that the mural does not cause undue distraction to drivers thereby creating a safety hazard;
 - (10) provided that the owner of the building upon which the mural is proposed has provided written authorization for the erecting, creating, or painting of the mural;
and

(11) provided that the Mural Permit Application has been completed and submitted to the town with any required permit fee(s) and with a plan that shall consist of a sketch or scale drawing clearly showing the proposed mural with the desired colors reflected; this sketch or drawing shall indicate the location of all doors and windows on the wall upon which the mural is proposed and acknowledge that the proposed mural, if intended to cover any of the existing windows or doors, will not compromise the use of the windows or doors.

Sec. 5.5-67. Building exteriors

The exterior of every building and structure or accessory buildings and structures and murals shall be maintained in good repair. The same shall be free from broken glass, loose shingles, crumbling stone or brick, free from faded colors, excessive chipped or peeling paint, broken stucco, other damaged building materials, and free from any other condition reflective of deterioration.

Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903
(321) 723-2242, fax (321) 984-3867

MURAL PERMIT APPLICATION

Applicant's Printed Name: _____

Applicant's Contact Information: Business Telephone _____

Cell Telephone _____ Home Telephone _____

E-mail address _____ Fax No. _____

Subject Property Address: _____

Provide a description of the proposed mural including proposed location on the property, relationship to the proposed wall, and size of the proposed mural as well as the size of wall on which the mural is proposed to be affixed. Attach 3 colorized copies of the proposed mural.

Applicant's Signature: _____ Date: _____

I, _____ (insert Property Owner's Printed Name),
do hereby agree that I support and have authorized the placement of a mural on the
building that I own as depicted in this application.

Property Owner's Signature: _____ Date: _____

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____,

20____, by _____, who is personally known to me or has

produced _____ as identification.

Notary Public

Notary Stamp:

29

SUBJECT: Murals

Staff Report – Town of Indialantic

Meeting Date: March 24, 2014

Summary:

Council is presented with three options for consideration in addressing murals in the Town. The options are as follows:

Option A: treat murals as a sign; restricts size consistent with the current sign regulations; expands availability into C, C-1, C-2, SC, RP, R-3 and T zoning districts

Option B: allows murals into C, C-1, C-2, and SC zoning districts; allows the mural to stretch to the edges of a wall; prohibits letters and numbers

Option C: do nothing – effectively prohibiting murals

Council can impose in the ordinance adopting Option A or B a sunset provision as Council has invoked in certain other instances.

Recommendation:

Advise staff if there is an option that Council desires staff to pursue in preparing an ordinance for consideration

MOTION:

Submitted by:

Laura Eaton
Laura Eaton
Town Clerk

Approved for agenda:
Christopher W. Chinault
Christopher W. Chinault
Town Manager

ORDINANCE NO. 2014-_____

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AN ORDINANCE OF THE TOWN OF INDIALANTIC,
BREVARD COUNTY, FLORIDA RELATING TO SIGNAGE;
MAKING FINDINGS; REPEALING SECTION 5.5-46,
TOWN CODE OF ORDINANCES, BY REPEALING THE
PROHIBITING AGAINST DISPLAY OF MURALS;
AMENDING SECTION 17-106, TOWN CODE OF
ORDINANCES; PROVIDING FOR A DEFINITION OF A
MURAL AND REVISING THE DEFINITION OF SIGN;
AMENDING SECTION 17-106.2, TOWN CODE OF
ORDINANCES, EXCLUDING MURALS FROM THE
PRECLUSION OF DISPLAY OF OBSOLETE SIGNS;
AMENDING SECTION 17-106.4, TOWN CODE OF
ORDINANCES, PERMITTING MURALS TO BE DISPLAYED
AND TREATING THEM AS ATTACHED SIGNAGE;
PROVIDING FOR SEVERABILITY/INTERPRETATION; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, [INSERT RECITALS DEMONSTRATING CONSISTENCY WITH
COMPREHENSIVE PLAN];

WHEREAS, the Town Council and the Local Planning Agency,
sitting as both the Zoning and Planning Board and the Local
Planning Agency (hereinafter: the "LPA"), finds that this
Ordinance is consistent with the Town's Comprehensive Plan; and

WHEREAS, the Town Council finds that this Ordinance will
promote the public health, safety, welfare, economic order, and
public interest and convenience, of the Town.

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town
of Indialantic, Brevard County, Florida:

SECTION 1. That Section 5.5-46 of the Code of Ordinances of
Indialantic, Florida, is hereby amended to read as follows:

1 **Sec. 5.5-46. Murals prohibited. (Repealed.)**

2 ~~(a) Definitions. For the purposes of this section, the word~~
3 ~~"mural" shall have the meaning herewith assigned. "Murals" are~~
4 ~~defined as a painting or representation of subject matter of~~
5 ~~either an informational or decorative nature that is usually~~
6 ~~placed on a structure and that is visible from a right-of-way.~~

7 ~~(b) Prohibition. Except as otherwise permitted by~~
8 ~~ordinance of the town, no mural shall be erected, created, or~~
9 ~~painted on any structure, as that term is defined in section 17-~~
10 ~~4, town code, and including fences or walls.~~

11 SECTION 2. That Section 17-106(3) of the Code of Ordinances
12 of Indialantic, Florida, is hereby amended to read as follows:

13 **Sec. 17-106. Signs.**

14 * * *

15 (3) *Definitions.* For the purposes of sections 17-106 through
16 17-106.5, the following words and phrases shall have the meaning
17 herewith assigned to them unless the context requires a different
18 definition which, in that case, shall appear at that point in the
19 context:

20 * * *

21 *Mobile or portable sign:* Any visual advertising, identification
22 or informational device or placard which is readily movable.

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1 Mural: A mural is a type of sign which consists of a painting or
2 artistic work composed of pictures or arrangements of color.
3 Murals are applied to and made integral with a wall or ceiling
4 surface.

5 *Nonconforming sign:* A sign or sign structure which does not
6 conform to the requirements of this ordinance.

7 * * *

8 *Sign:* Every ground sign, wall sign, mural, flag, banner,
9 pennant, balloon, temporary sign, marquee, awning sign,
10 announcement, declaration, figure, writing, graphic or pictorial
11 presentation, number, illustration, figure, insignia, symbol,
12 picture, painted wall sign, drawing or three-dimensional figure,
13 which is used to announce, display, direct attention to, or
14 otherwise make anything known, used to advertise or promote the
15 interests of any business or person when the same is placed out-of-
16 doors in view of the general public or designed to be viewed from
17 public rights-of-way, alleys, other public property, and/or the
18 areas visible to the public. ~~A mural, as defined in chapter 5.5,~~
19 ~~town code, shall not be included within the definition of a sign.~~

20 * * *

21 SECTION 3. That Section 17-106.1(6) of the Code of Ordinances
22 of Indialantic, Florida, is hereby amended to read as follows:

23 **Sec. 17-106.1. [Sign] plan and construction standards.**

24 * * *

33

1 (6) *Content.* All signs, except for murals, shall be
2 limited to identifying the occupant, the street number, and the
3 street name; and the type of products or merchandise or services
4 sold, handled, or conducted on the premises on which the sign is
5 located. If desired, the sign may include a picture of, or a
6 miniature of, or a full-size sample of, one of the wares
7 available on the premises, provided that all of the information,
8 including the ware is contained within the size limitations of
9 the sign.

10 * * *

11 SECTION 4. That Section 17-106.2(1) of the Code of Ordinances
12 of Indialantic, Florida, is hereby amended to read as follows:

13 **Sec. 17-106.2. Prohibited signs.**

14 The following types of signs are specifically prohibited:

15 (1) *Obsolete signs.* Any sign, except for a mural,
16 displayed which no longer identifies a bonafide business or
17 service organization conducted upon the premises (or identifies a
18 service no longer conducted on the premises) shall be removed,
19 taken down, or completely obliterated within ten (10) days after
20 written notice by the building official or the code enforcement
21 officer.

22 * * *

23 SECTION 5. That Section 17-106.4(4), (5), (6)(b), (7), and
24 (9) of the Code of Ordinances of Indialantic, Florida, is hereby

34

1 amended to read as follows:

2 **Sec. 17-106.4. Signs authorized in the various zoning districts.**

3 Only those types of signs that are listed below are
4 permitted in the following zoning districts:

5 * * *

6 (4) *R-3 Multifamily Districts:*

7 (a) The temporary signs permitted for R-1-A;

8 (b) One attached, mural, or painted sign; (See
9 Definition of Attached Signs.) The area enveloped by the sign
10 shall not exceed twenty-four (24) square feet and must comply
11 with all of the other requirements of signs authorized in C and
12 C-1 districts;

13 (c) One detached sign: The same regulations apply as
14 for attached signs. The sign must be erected inside the lot
15 lines;

16 (d) Building numbering is required in accordance with
17 Section 13-9;

18 (5) *RP Residential-Professional Districts:*

19 (a) Residential use: Temporary signs as permitted for
20 District R-1-A, except that garage sales are permitted only for
21 the remaining residences in these districts;

22 1. ~~(1)~~ Building numbering is required in
23 accordance with Section 13-9;

24 (b) Professional use:

1 1. Only the following temporary signs are
2 permitted: Construction (see Section 17-106.3(2)), real estate
3 (see Section 17-106.3(1)), directional (see Section 17-106.3(4)),
4 and political (see Section 17-106.3(5));

5 2. Grand opening signs are permitted only once
6 for each occupant or change of ownership of the property, or only
7 once after each extensive remodeling of the premises, which must
8 cost at least fifteen percent (15%) of the assessed valuation of
9 the building. Grand opening signs shall not exceed eighteen (18)
10 inches by forty-eight (48) inches in size and shall not be
11 displayed for more than seven (7) days;

12 3. One (1) attached sign identifying
13 professional offices is permitted; provided, that the attached
14 sign does not exceed twelve (12) square feet in area and does not
15 protrude more than one (1) foot beyond the exterior wall of the
16 building. The attached sign may be a mural. Only one (1) such
17 sign is permitted for each business or service, except for
18 offices occupying a corner lot where one (1) such identical sign
19 is permitted on each street side. Where parking is provided in
20 the area, an identical sign is permitted on the rear of the
21 building.

22 4. The height of all attached signs shall not
23 exceed the eave line of the building or structure;

24 5. A grand opening banner may be permitted for a

1 duration not exceeding seven (7) consecutive days as permitted
2 provided that the banner does not exceed a size of three (3) feet
3 by five (5) feet. Display of any banner, any part of which
4 exceeds fourteen (14) feet in height above ground level shall be
5 prohibited. Grand opening banners are permitted only once for
6 each occupant or change of ownership of the property, or only
7 once after each extensive remodeling of the premises which must
8 cost at least fifteen percent (15%) of the assessed valuation of
9 the building.

10 6. Building numbering is required in accordance
11 with Section 13-9;

12 (6) *C, C-1, and C-2 Commercial Districts.*

13 * * *
14 (b) *Attached and painted (on the building surface)*
15 *signs:* The following conditions regulate signs attached or
16 painted upon any front, rear or side surface of the occupant's
17 building, which include but is not limited to mural signage,
18 provided the signs comply with all other requirements of this
19 section:

20 1. Only one wall of the building may have
21 an attached sign(s), except in the case of buildings with rear
22 entrances and buildings on corner lots. The signs on this wall
23 shall be subject to the following restrictions:

24 a. There shall not be more than one sign

1 per occupant;

2 b. No sign shall exceed thirty-two (32)
3 square feet in area;

4 c. The area of the sign, or combined area
5 of the sign, shall not exceed ten percent (10%) of the surface
6 area of the wall. Calculation of the surface area shall include
7 doors and windows;

8 2. In the case of rear entrances, each such
9 entrance may have one (1) sign not to exceed twelve (12) square
10 feet in area over or beside the rear entrance;

11 3. In the case of buildings located on corner
12 lots, a sign not to exceed thirty-two (32) square feet is
13 permitted on the wall which is closest to the side street;

14 4. The zoning and planning board has the
15 authority, upon application, to permit an attached sign on any
16 one face (and on the side street face of corner lot buildings) to
17 encompass an area up to five percent (5%) of the total exposed
18 face of the building. This provision is applicable to large
19 buildings whereon such sized signs will be proportional to those
20 permitted for smaller buildings. The board will evaluate such
21 proposed sign in relation to the size of the building, its
22 general appearance, and its architectural similarity to
23 neighboring buildings;

24 5. The sign may be constructed of multiple parts

1 and its content shall be limited to permanent letters, numerals,
2 insignia, and a picture of, or a miniature of, or a full-size
3 sample of one of the wares available on the premises, provided
4 that all of the information, including the ware is contained
5 within the size limitations of the sign. No portion of an
6 attached sign shall protrude more than one (1) foot beyond the
7 wall on which the sign is attached.

8 6. The height of attached signs shall not exceed
9 the eave line of the building.

10 * * *
11 (7) *S-C Shopping Center Districts*: All provisions of the C
12 and C-1 Districts apply except as modified below:

13 (a) Attached signs, excluding murals, may be mounted
14 on the roof;

15 (b) The height of attached signs shall not exceed the
16 height of the roof at the ridge-pole;

17 (c) Each business area may have an attached sign not
18 to exceed, in area, thirty-two (32) square feet or ten percent
19 (10%) of the total exposed building face's square feet, whichever
20 is greater;

21 (d) Detached signs are not permitted, except one (1)
22 detached sign is permitted for each shopping center. The actual
23 sign area shall not exceed ten (10) feet in height and fifteen
24 (15) feet in width. The supporting structure shall not exceed

1 twenty (20) feet in height and twenty (20) feet in width. The
2 total height of the entire structure and sign shall not exceed
3 thirty (30) feet in height;

4 (e) Where the business unit is available from the
5 rear, a second sign not to exceed nine (9) square feet in area
6 may be attached to the rear of the building unit.

7 * * *

8 (9) *CH-Church Districts:*

9 (a) Bulletin boards, attached signs (including but not
10 limited to murals), and similar signs of churches shall be
11 permitted (instead of commercial detached signs) and shall not
12 exceed thirty-two (32) square feet in area, shall not exceed
13 eight (8) feet in height, shall be located within the property
14 lines, and shall not exceed one (1) sign facing each street;

15 (b) The bulletin boards may contain changeable letters
16 and numerals, both of which may be changed without obtaining a
17 sign permit.

18 * * *

19 SECTION 6. Severability/Interpretation Clause.

20 (a) In the event that any term, provision, clause, sentence
21 or section of this Ordinance shall be held by a court of competent
22 jurisdiction to be partially or wholly unenforceable or invalid for
23 any reason whatsoever, any such invalidity, illegality, or
24 unenforceability shall not affect any of the other or remaining

1 terms, provisions, clauses, sentences, or sections of this
2 Ordinance, and this Ordinance shall be read and/or applied as if
3 the invalid, illegal, or unenforceable term, provision, clause,
4 sentence, or section did not exist. (b) In
5 interpreting the provisions of this Ordinance, the following rules
6 and symbols shall apply:

7 (1) Words underlined are additions to existing
8 text.

9 (2) Words ~~stricken through~~ are deletions from
10 existing text.

11 (3) Asterisks (* * *) indicates a deletion from the
12 Ordinance of text existing in the Code of Ordinances. It is
13 intended that the text in the Code of Ordinance denoted by the
14 asterisks and not set forth in this Ordinance shall remain
15 unchanged from the language existing prior to adoption of this
16 Ordinance.

17 (c) Any legislative intent included in this Ordinance
18 shall not be codified.

19 SECTION 7. Effective Date. This Ordinance shall become
20 effective upon adoption.

21
22

23 PASSED by the Town Council of the Town of Indialantic Florida,
24 on first reading on the ____ day of _____, 2014, and ADOPTED

1 by the Town Council of the Town of Indialantic, Florida, on final
2 reading on the ____ day of _____, 2014.

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TOWN OF INDIALANTIC, FLORIDA

By: _____
Dave Berkman, Mayor

ATTEST: _____
Laura Eaton, Town Clerk

42

MURALS Option B

Sec. 5.5-46. Murals prohibited.

- (a) Definitions. For the purposes of this section, the word "mural" shall have the meaning herewith assigned. "Murals" are defined as a painting or representation of subject matter of either an informational or decorative nature that is usually placed on a structure and that is visible from a right-of-way. Mural means a non-commercial painting or artistic work composed of pictures or arrangements of color and which is made directly onto or attached to a building, which may include a hand-painted or hand-tiled image (note: a commercial message, painting, or artistic work is one that advertises a business conducted, services rendered, or goods produced or sold). A mural is not allowed to advertise a business, product, concept, or service; rather, it is solely artistic in nature.
- (b) Prohibition. Except as otherwise permitted by ordinance of the town and reflected in Section 5.5-46 (c) and (d), no mural shall be erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and including fences or walls.
- (c) Permit Required. Any person or firm intending to erect, create, or paint a mural onto or attached to, a building, which is located in the C, C-1, C-2, or SC zoning district shall first obtain a mural permit from the Town Manager or his/her designee. A permit, if issued, shall be in force for six (6) months from the date of issuance by the town. If the erection, creation, or painting of the mural has not been completed within that timeframe the permit shall automatically expire without any further action being required by the town.
- (d) Permitting Provisions: A mural may be permitted by the town as follows:
- (1) on no more than one wall of the principal building as that term is defined in section 17-4, town code;
 - (2) provided that the mural depicts no letters or numbers; however, the artist's signature or marking may discreetly appear on the finished mural provided that it does not detract from the mural;
 - (3) provided that the mural does not extend beyond the surface area of one wall of the building upon which it is proposed to be situated;
 - (4) provided that the wall selected for the mural does not have, and will not be permitted for, an attached or window sign;
 - (5) provided that no part of the mural exceeds the height of the wall on which it has been affixed;
 - (6) provided that no part of the mural extends more than 6 inches from the wall upon which it has been affixed;
 - (7) provided that the mural does not contain electrical or mechanical components or changing images (e.g. moving structural elements, flashing or sequential lights);
 - (8) provided that no part of the mural is placed over the exterior of any building opening, including but not limited to windows, doors and vents in such a manner as to prevent the full functioning of the particular opening;
 - (9) provided that the mural does not cause undue distraction to drivers thereby creating a safety hazard;
 - (10) provided that the owner of the building upon which the mural is proposed has provided written authorization for the erecting, creating, or painting of the mural;
- and

(11) provided that the Mural Permit Application has been completed and submitted to the town with any required permit fee(s) and with a plan that shall consist of a sketch or scale drawing clearly showing the proposed mural with the desired colors reflected; this sketch or drawing shall indicate the location of all doors and windows on the wall upon which the mural is proposed and acknowledge that the proposed mural, if intended to cover any of the existing windows or doors, will not compromise the use of the windows or doors.

Sec. 5.5-67. Building exteriors

The exterior of every building and structure or accessory buildings and structures and murals shall be maintained in good repair. The same shall be free from broken glass, loose shingles, crumbling stone or brick, free from faded colors, excessive chipped or peeling paint, broken stucco, other damaged building materials, and free from any other condition reflective of deterioration.

Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903
(321) 723-2242, fax (321) 984-3867

MURAL PERMIT APPLICATION

Applicant's Printed Name: _____

Applicant's Contact Information: Business Telephone _____

Cell Telephone _____ Home Telephone _____

E-mail address _____ Fax No. _____

Subject Property Address: _____

Provide a description of the proposed mural including proposed location on the property, relationship to the proposed wall, and size of the proposed mural as well as the size of wall on which the mural is proposed to be affixed. Attach 3 colorized copies of the proposed mural.

Applicant's Signature: _____ Date: _____

I, _____ (insert Property Owner's Printed Name),
do hereby agree that I support and have authorized the placement of a mural on the
building that I own as depicted in this application.

Property Owner's Signature: _____ Date: _____

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____,

20____, by _____, who is personally known to me or has
produced _____ as identification.

Notary Public

Notary Stamp:

45

SUBJECT: Ordinance 14-10 Relating to murals

Staff Report – Town of Indialantic

Meeting Date: May 20, 2014

Summary:

Council is being requested to approve Ordinance 14-10 deleting Sec. 5.5-46 and amending the sign ordinance to include murals.

Recommendation:

Approve Ordinance 14-10 on first reading

MOTION:

Approve Ordinance 14-10 on first reading

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

ORDINANCE NO. 14-10

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4 AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD
5 COUNTY, FLORIDA RELATING TO SIGNAGE; MAKING
6 FINDINGS; REPEALING SECTION 5.5-46, TOWN CODE OF
7 ORDINANCES, BY REPEALING THE PROHIBITING AGAINST
8 DISPLAY OF MURALS; AMENDING SECTION 17-106, TOWN
9 CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A
10 MURAL AND REVISING THE DEFINITION OF SIGN; AMENDING
11 SECTION 17-106.2, TOWN CODE OF ORDINANCES, EXCLUDING
12 MURALS FROM THE PRECLUSION OF DISPLAY OF OBSOLETE
13 SIGNS; AMENDING SECTION 17-106.4, TOWN CODE OF
14 ORDINANCES, PERMITTING MURALS TO BE DISPLAYED AND
15 TREATING THEM AS ATTACHED SIGNAGE; PROVIDING FOR
16 SEVERABILITY/INTERPRETATION; AND PROVIDING AN
17 EFFECTIVE DATE.

18 WHEREAS, the Town Council desires to use zoning restrictions to maintain commercial areas
19 along Fifth Avenue and SR-A-1-A; and

20 WHEREAS, the Town Council desires to regulate signage and ensure safe and convenient on-site
21 traffic flow and vehicular parking needs; and

22 WHEREAS, Council desires that signs be regulated to enable the public to locate goods, services
23 and facilities without difficult or confusion; and

24 WHEREAS, Council desires consistency in Town sign regulations; and

25 WHEREAS, Council intends for signs to be adequate and yet decorous; and

26 WHEREAS, Council desires for signs not to cause any undue distraction to drivers thereby creating
27 a safety hazard; and

28 WHEREAS, the Town Council and the Local Planning Agency, sitting as both the Zoning and
29 Planning Board and the Local Planning Agency (hereinafter: the "LPA"), finds that this Ordinance is
30 consistent with the Town's Comprehensive Plan; and

1 WHEREAS, the Town Council finds that this Ordinance will promote the public health, safety,
welfare, economic order, and public interest and convenience, of the Town.

3 NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Indialantic, Brevard
4 County, Florida:

5 SECTION 1. That Section 5.5-46 of the Code of Ordinances of Indialantic, Florida, is hereby
6 amended to read as follows:

7 **Sec. 5.5-46. Murals prohibited. (Repealed.)**

8 ~~(a) Definitions. For the purposes of this section, the word "mural" shall have the meaning herewith~~
9 ~~assigned. "Murals" are defined as a painting or representation of subject matter of either an informational~~
10 ~~or decorative nature that is usually placed on a structure and that is visible from a right of way.~~

11 ~~(b) Prohibition. Except as otherwise permitted by ordinance of the town, no mural shall be~~
12 ~~erected, created, or painted on any structure, as that term is defined in section 17-4, town code, and~~
13 ~~including fences or walls.~~

14 SECTION 2. That Section 17-106(3) of the Code of Ordinances of Indialantic, Florida, is hereby
15 amended to read as follows:

16 **Sec. 17-106. Signs.**

17 * * *

18 (3) *Definitions.* For the purposes of sections 17-106 through 17-106.5, the following words and
19 phrases shall have the meaning herewith assigned to them unless the context requires a different definition
20 which, in that case, shall appear at that point in the context:

21 * * *

1 *Mobile or portable sign:* Any visual advertising, identification or informational device or placard which is
2 readily movable.

3 Mural: A mural is a type of sign which consists of a painting or artistic work composed of pictures or
4 arrangements of color. Murals are applied to and made integral with a wall or ceiling surface.

5 *Nonconforming sign:* A sign or sign structure which does not conform to the requirements of this
6 ordinance.

7 * * *

8 *Sign:* Every ground sign, wall sign, mural, flag, banner, pennant, balloon, temporary sign, marquee,
9 awning sign, announcement, declaration, figure, writing, graphic or pictorial presentation, number,
10 illustration, figure, insignia, symbol, picture, painted wall sign, drawing or three-dimensional figure, which
11 is used to announce, display, direct attention to, or otherwise make anything known, used to advertise or
12 promote the interests of any business or person when the same is placed out-of-doors in view of the general
13 public or designed to be viewed from public rights-of-way, alleys, other public property, and/or the areas
14 visible to the public. ~~A mural, as defined in chapter 5.5, town code, shall not be included within the~~
15 ~~definition of a sign.~~

16 * * *

17 SECTION 3. That Section 17-106.1(6) of the Code of Ordinances of Indialantic, Florida, is hereby
18 amended to read as follows:

19 **Sec. 17-106.1. [Sign] plan and construction standards.**

20 * * *

21 (6) *Content.* All signs, except for murals, shall be limited to identifying the occupant, the street
22 number, and the street name; and the type of products or merchandise or services sold, handled, or

1 conducted on the premises on which the sign is located. If desired, the sign may include a picture of, or a
2 miniature of, or a full-size sample of, one of the wares available on the premises, provided that all of the
3 information, including the ware is contained within the size limitations of the sign.

4 * * *

5 SECTION 4. That Section 17-106.2(1) of the Code of Ordinances of Indialantic, Florida, is hereby
6 amended to read as follows:

7 **Sec. 17-106.2. Prohibited signs.**

8 The following types of signs are specifically prohibited:

9 (1) *Obsolete signs.* Any sign, except for a mural, displayed which no longer identifies a bonafide
10 business or service organization conducted upon the premises (or identifies a service no longer conducted
11 on the premises) shall be removed, taken down, or completely obliterated within ^{thirty (30)} ~~ten (10)~~ days after written
12 notice by the building official or the code enforcement officer.

13 * * *

14 SECTION 5. That Section 17-106.4(4), (5), (6)(b), (7), and (9) of the Code of Ordinances of
15 Indialantic, Florida, is hereby amended to read as follows:

16 **Sec. 17-106.4. Signs authorized in the various zoning districts.**

17 Only those types of signs that are listed below are permitted in the following zoning districts:

18 * * *

19 (4) *R-3 Multifamily Districts:*

20 (a) The temporary signs permitted for R-1-A;

50

1 (b) One attached, mural, or painted sign; (See Definition of Attached Signs.) The area
2 enveloped by the sign shall not exceed twenty-four (24) square feet and must comply with all of the
3 other requirements of signs authorized in C and C-1 districts;

4 (c) One detached sign: The same regulations apply as for attached signs. The sign must be
5 erected inside the lot lines;

6 (d) Building numbering is required in accordance with Section 13-9;

7 (5) *RP Residential-Professional Districts:*

8 (a) Residential use: Temporary signs as permitted for District R-1-A, except that garage
9 sales are permitted only for the remaining residences in these districts;

10 1. ~~(1)~~ Building numbering is required in accordance with Section 13-9;

11 (b) Professional use:

12 1. Only the following temporary signs are permitted: Construction (see Section 17-
13 106.3(2)), real estate (see Section 17-106.3(1)), directional (see Section 17-106.3(4)), and political
14 (see Section 17-106.3(5));

15 2. Grand opening signs are permitted only once for each occupant or change of
16 ownership of the property, or only once after each extensive remodeling of the premises, which
17 must cost at least fifteen percent (15%) of the assessed valuation of the building. Grand opening
18 signs shall not exceed eighteen (18) inches by forty-eight (48) inches in size and shall not be
19 displayed for more than seven (7) days;

20 3. One (1) attached sign identifying professional offices is permitted; provided, that
21 the attached sign does not exceed twelve (12) square feet in area and does not protrude more than
22 one (1) foot beyond the exterior wall of the building. The attached sign may be a mural. Only one

1 (1) such sign is permitted for each business or service, except for offices occupying a corner lot
2 where one (1) such identical sign is permitted on each street side. Where parking is provided in the
3 area, an identical sign is permitted on the rear of the building.

4 4. The height of all attached signs shall not exceed the eave line of the building
5 or structure;

6 5. A grand opening banner may be permitted for a duration not exceeding seven (7)
7 consecutive days as permitted provided that the banner does not exceed a size of three (3) feet by
8 five (5) feet. Display of any banner, any part of which exceeds fourteen (14) feet in height above
9 ground level shall be prohibited. Grand opening banners are permitted only once for each occupant
10 or change of ownership of the property, or only once after each extensive remodeling of the
11 premises which must cost at least fifteen percent (15%) of the assessed valuation of the building.

12 3. Building numbering is required in accordance with Section 13-9;

13 (6) *C, C-1, and C-2 Commercial Districts.*

14 * * *

15 (b) *Attached and painted (on the building surface) signs:* The following conditions
16 regulate signs attached or painted upon any front, rear or side surface of the occupant's building,
17 which include but is not limited to mural signage, provided the signs comply with all other
18 requirements of this section:

19 1. Only one wall of the building may have an attached sign(s), except in the
20 case of buildings with rear entrances and buildings on corner lots. The signs on this wall shall be
21 subject to the following restrictions:

22 a. There shall not be more than one sign per occupant;

1 b. No sign shall exceed thirty-two (32) square feet in area;

2 c. The area of the sign, or combined area of the sign, shall not exceed
3 ten percent (10%) of the surface area of the wall. Calculation of the surface area shall include
4 doors and windows;

5 2. In the case of rear entrances, each such entrance may have one (1) sign not to
6 exceed twelve (12) square feet in area over or beside the rear entrance;

7 3. In the case of buildings located on corner lots, a sign not to exceed thirty-two
8 (32) square feet is permitted on the wall which is closest to the side street;

9 4. The zoning and planning board has the authority, upon application, to permit
10 an attached sign on any one face (and on the side street face of corner lot buildings) to encompass
11 an area up to five percent (5%) of the total exposed face of the building. This provision is
12 applicable to large buildings whereon such sized signs will be proportional to those permitted for
13 smaller buildings. The board will evaluate such proposed sign in relation to the size of the
14 building, its general appearance, and its architectural similarity to neighboring buildings;

15 5. The sign may be constructed of multiple parts and its content shall be limited
16 to permanent letters, numerals, insignia, and a picture of, or a miniature of, or a full-size sample of
17 one of the wares available on the premises, provided that all of the information, including the ware
18 is contained within the size limitations of the sign. No portion of an attached sign shall protrude
19 more than one (1) foot beyond the wall on which the sign is attached.

20 6. The height of attached signs shall not exceed the eave line of the building.

21 * * *

53

1 (7) *S-C Shopping Center Districts*: All provisions of the C and C-1 Districts apply except as
modified below:

3 (a) Attached signs, excluding murals, may be mounted on the roof;

4 (b) The height of attached signs shall not exceed the height of the roof at the ridge-pole;

5 (c) Each business area may have an attached sign not to exceed, in area, thirty-two (32)
6 square feet or ten percent (10%) of the total exposed building face's square feet, whichever is
7 greater;

8 (d) Detached signs are not permitted, except one (1) detached sign is permitted for each
9 shopping center. The actual sign area shall not exceed ten (10) feet in height and fifteen (15) feet in
10 width. The supporting structure shall not exceed twenty (20) feet in height and twenty (20) feet in
11 width. The total height of the entire structure and sign shall not exceed thirty (30) feet in height;

12 (e) Where the business unit is available from the rear, a second sign not to exceed nine (9)
13 square feet in area may be attached to the rear of the building unit.

14 * * *

15 (9) *CH-Church Districts*:

16 (a) Bulletin boards, attached signs (including but not limited to murals), and similar signs
17 of churches shall be permitted (instead of commercial detached signs) and shall not exceed
18 thirty-two (32) square feet in area, shall not exceed eight (8) feet in height, shall be located within
19 the property lines, and shall not exceed one (1) sign facing each street;

20 (b) The bulletin boards may contain changeable letters and numerals, both of which may be
21 changed without obtaining a sign permit.

22 * * *

54

1 SECTION 6. Severability/Interpretation Clause.

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

(b) In

interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words ~~stricken through~~ are deletions from existing text.

(3) Asterisks (* * *) indicates a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinance denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

(c) Any legislative intent included in this Ordinance shall not be codified.

SECTION 7. Effective Date. This Ordinance shall become effective upon adoption.

PASSED by the Town Council of the Town of Indialantic Florida, on first reading on the ___ day of _____, 2014, and ADOPTED by the Town Council of the Town of Indialantic, Florida, on final reading on the ___ day of _____, 2014.

TOWN OF INDIALANTIC

Dave Berkman
Mayor

ATTEST:

Laura Eaton
Town Clerk

55

SUBJECT: Races Through Town

Staff Report – Town of Indialantic

Meeting Date: July 8, 2015

Summary:

The Mayor has requested that Council consider whether the Town needs to limit non-Town sponsored races through residential portions of Town.

Currently, 5k races/triathlons occur as follows:

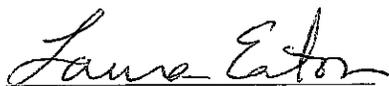
- Melbourne Music Marathon – Jan./Feb.
- Soaring Eagles 5k (Indialantic Elementary) – February
- Pineapple Man Triathlon (Melbourne Beach Rotary) – June
- Indialantic Boardwalk Triathlon (contribution to Fifth Avenue holiday lights) – June
- Turtle Krawl (Sea Turtle Preservation Society) – September
- Indialantic/Rotary WW5k (50% net revenue to the Town) – October

Recommendation:

Advise staff if Council desires to restrict any of these events in the future

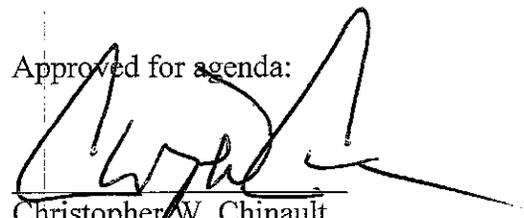
MOTION:

Submitted by:



Laura Eaton
Town Clerk

Approved for agenda:



Christopher W. Chinault
Town Manager

TOWN MANAGER'S REPORT

Agenda Item
July 8, 2015

IX A

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. (11/20/12)
- b. **US-192/Riverside Drive:** FDOT has indicated a willingness to re-examine traffic movement at the intersection toward possibly restricting N. Riverside Drive motorists from turning west onto US-192 while S. Riverside Drive motorists have a green light to turn west onto US-192. (03/19/13) FDOT has agreed to check the structural integrity of the mast arm to ensure that it will support the restricted right-turn indicator. Additionally, they will determine if they can impose the restriction in conjunction with the northbound Riverside Drive green whereby S. Riverside Drive motorists are turning west onto US-192. (03/24/14) FDOT has indicated the ability to address this request. (06/11/14) FDOT has been requested to perform the work. (09/16/14)
- c. **Ernest Kouwen-Hoven Bridge:** Work to commence on the lower concrete portions of the bridge spans from 9/22/14 through November, 2015. There will be a night-time lane closure periodically. (09/16/14)
- d. **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)
- e. **N. Riverside Drive:** The County is intending to reconstruct N. Riverside Drive from the Eau Gallie Causeway to US-192; however, the portion within the Town of Indialantic may not be reconstructed based on the results of core tests. The portion in Town was milled and resurfaced in early 2009 with Federal Stimulus money. (04/21/14) The County appears not yet ready to determine if they will want to work on the Town portion next year. (11/18/14)
- f. **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)
- g. **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)
- h. **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)

- i. **Melbourne Beach Fire Dispatch:** The Agreement was executed on January 26, 2015 and recorded the following day. (02/11/15) It was extended to September 30, 2016. (07/08/15)
 - j. **Rip Current Signs:** Public Works has installed new rip current signs at each public beach access point within the Town. The new signs were provided by the County, at no cost. They have a Quick Response code and a telephone number so beach patrons can access locations of lifeguarded beaches as well as receive emergency text alerts should inclement weather be approaching. (05/13/15)
 - k. **S. Riverside Drive/US-192 Turn Lane:** FDOT contracted to mill and resurface an area of S. Riverside Drive off the US-192 turn lane. (07/08/15)
2. **Fiscal Activity:**
- a. **Orlando Park:** Staff is preparing a grant application for the FY-15 cycle for FRDAP monies to replace the picnic shelter (approximately 24' x 36') and to resurface the basketball courts in the park. (8/20/13) The application was submitted to FDEP. (10/15/13) The application is ranked 23 out of 51 small projects. (02/18/14) Informally the State has indicated that the project has been funded. (06/11/14) The grant agreement was received. (07/15/14) Staff is securing prices for the basketball court resurfacing and picnic shelter. (12/10/14) Basketball court resurfacing purchase order issued. (01/07/15) The basketball courts have been resurfaced and the swing set brackets have been ordered. (03/11/15) The swing set brackets have been installed and the picnic shelter (24' x 36') ordered. (04/08/15) The picnic shelter has been completed. Picnic tables need to be delivered and play items selected. (07/08/15)
 - 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)
 - c. **FMIT grant:** The Town was awarded a grant from the Florida League in the amount of up to \$3,000 for ½ of the cost for an in-car camera for police. (03/11/15)
 - d. **Police Laptops:** The Police Department has secured a Department of Highway Safety and Motor Vehicle grant that should net the Town approximately \$3,000 toward the \$4,952 budgeted to replace laptops in Town police cars. (02/18/14)
 - e. **Park Bench:** A bench has been ordered in memory of a friend to be installed in Orlando Park. The bench is on order. (07/08/15)
 - f. **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)

3. **Organizational Activity:**

- a. **Storm drainage failure:** The storm sewer pipe running from 410 to 417 Oakland is being replaced—cost of \$7,680. (10/21/14) Work completed. (11/18/14)
- b. **Storm drainpipe failure:** The storm drainpipe under N. Ramona Avenue at Third Avenue will be replaced at a cost of \$16,449. (04/21/14) The work has been completed. (05/20/14)
- c. **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)
- d. **Storm pipe replacement:** Costs are being obtained to replace pipes under N. Ramona Avenue. (09/16/14) The pipe under N. Ramona at 1st Avenue and the pipe under 1st Avenue at N. Ramona Avenue are being replaced at a cost of \$34,622. (10/21/14) Work completed. (11/18/14)
- e. **Storm Sewer Inlets:** The grate seating was replaced at the southeast corner of 10th and S. Shannon (\$1,288) and the rusted grate was replaced at the southeast corner of Magnolia Drive and Orlando Blvd. (01/07/15)
- f. **Swales:** A swale has been added to the Wayne Avenue side of 700 N. Shannon Avenue and to the south side of Watson Drive at Block 56, Lots 13 & 14. (08/19/14)
- g. **Generator:** Staff is considering an option to replace the existing Town Hall emergency generator—estimate is \$61,044. (09/16/14) \$63,801 (02/11/15) The order has been placed. (03/11/15) The generator is in place and is almost ready to be placed in service. (06/10/15) It is operational. (07/08/15)
- h. **Boardwalk Access:** The exposed portion of the ramp deck at Access #6 from the boardwalk to the beach will be replaced with Moisture Shield. (02/11/15) A portion of the ramp has been replaced. (04/08/15) Ramp surface replacement from the boardwalk to the beach has been completed. (05/13/15)
- i. **Stormwater Inlets:** A contractor has removed material from 10 of the 167 inlets. (02/18/14) Ten additional inlets have been cleaned. (04/21/14) Twelve additional inlets have been cleaned. (05/20/14) Six additional inlets have been cleaned—on Tradewinds Terrace. (09/16/14) Twenty-two inlets were cleaned. (04/08/15) Six inlets were cleared in June. (07/08/15)
- j. **Street Resurfacing:** Scheduling is underway for resurfacing the 100 block of 4th Avenue; 400 blocks of Wayne and First avenues, and the 200 blocks of Deland and Tampa avenues. (11/18/14) Work is projected to be completed in March. (03/11/15) Resurfacing work began 4/1/15. (04/08/15)
- k. **Street Patching:** Aardvark will apply patches to a portion of 12th Terrace, east of Ramona Avenue, and near 141 3rd Avenue. (05/13/15) The patches at 12th Terrace and S. Ramona Avenue and the 3rd Avenue patch have been completed. (06/10/15)

TOWN OF INDIAN LANTIC
CLERK'S REPORT
 June 2015

I. NUMBER OF REGISTERED VOTERS 2,237

II. BUSINESS TAX RECEIPTS ISSUED 5

New Business (NB)	3
Renewal (R)	0
Transfer of Ownership (TO)	0
Change of Location (CL)	0
Name Change (NC)	0
License in Existing Business (EB)	2
Home Office (HO)	0

<u>Name of Business</u>	<u>Address</u>	<u>Owner</u>	<u>Issued</u>	<u>License</u>	<u>Comment</u>
A Better Choice Real Estate LLC	134 Fifth Avenue, Suite 103	Rosemarie Vincent	06/30/15	15555	NB=real estate company
Black Katt Vending	330 Fifth Avenue	Darlene Gagnon	06/25/15	15553	NB=vending machine
Health Connections: Massage & Colon Hydrotherapy	320 Fourth Avenue	Alyssa Brigida Montuori	06/25/15	15554	EB=business already established
Masters Of Style & Beauty Inc.	822 North Miramar Avenue	Cheryl Stallworth	06/12/15	15595	EB=business already established
Rob Fontaine Insurance, Inc.	409 Fifth Avenue	Robert W. Fontaine, II	06/12/15	15594	NB=allstate insurance

III. MEETINGS HELD

Administration furnished support services for the following meetings:

- Town Council – June 10
- General Employees Pension Board – June 17
- Parks, Recreation, Beautification – June 22
- Budget & Finance Committee – June 25

IV. MISCELLANEOUS

Nance Park Pavilion Rental – June 6, 7

Indialantic Police Department

Monthly Activity Report

June 2015

OPERATIONS:

* The Department Responded to 282 Calls For Service.

* 38 Subpoenas were issued.

* Activity	32	Arrests
		15 Felony
		11 Misdemeanor
		6 Traffic
		4 DUI & 4 Drug
	184	Traffic Citations
	244	Traffic Stops
	109	Verbal Warnings
	3	Capias Filed

Training: Baker: Vehicle Operations
Holstine: Shoot House Instructor
Verderosa, Leatherman: Advanced UMAN Conflict Management
Department-wide New World Software training

Indialantic Police Department
 Monthly Crime Index
 June 2015

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	3	0		0	0%
Larceny	4	3		3	75%
Veh Theft	0				0%
Assault/Battery	2	2		2	100%
Arson	0				0%
Total Part I	9				
Part II					
Kidnapping	0				
Fraud/Forgery	4				
Embezzlement	0				
Posses Stln Prop	0				
Vandalism	2				
Weapons	0				
Sex Offenses	1				
Narcotics	3				
DUI	5				
Liquor Laws	0				
Disorderly	0				
Ordinance	2				
Other Viol	6				
Other Traffic	9				
Prostitution	0				
Total Part II	32				
Part III & IV					
Juvenile	1				
Warrant	0				
Misc Traffic	15				
Traffic Accidents	11				
Sick/Injured	0				
Death	0				
Mentally Ill	1				
Suicide/Attempt	0				
Animal	6				
Information	24				
Alarm/Open Door	15				
Fire	0				
Lost/Found	16				
Disturbances	25				
Susp Incidents	76				
Assists	42				
Details	9				
Missing Persons	0				
Total III & IV	241				
Grand Total	282				

Indianapolis Police Department
YTD Information Report
June 2015

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Value Stolen	\$ 1,845	\$ 20,295	\$ 1,859	\$ 1,086	\$ 8,869	\$ 2,348							\$ 36,302
Value Recovered	\$ 20	\$ 13,107	\$ 21	\$ 189	\$ 7,401	\$ 112							\$ 20,850
Traffic Warnings	5	5	3	2	1	0							16
Equip Warnings	0	0	0	5	3	3							11
Verbal Warnings	92	92	94	157	92	109							636
Field Interrogation	0	0	0	0	0	0							0
Parking Violations	7	5	4	18	4	3							41
Parking Fines	\$ 145	\$ 180	\$ 80	\$ 520	\$ 92	\$ 60							\$ 1,077
Traffic Citations	116	99	153	145	110	184							807
Arrests	31	28	35	46	24	32							196
DUI Charges	4	3	3	5	3	4							22
Drug Charges	7	6	2	4	8	4							31
Wavecrest Activity	6	9	35	31	25	18							124

Indialantic Fire Rescue Monthly Report for June 2015

FIRES		
Structure Fires		1
Brush Fires		
Vehicle Fires		
Trash Fires		
Other Fire Calls		1
RESCUE & EMERGENCY MEDICAL		
Medical		22
Motor Vehicle/Pedestrian Accident with injuries		3
Motor Vehicle with no injuries		
Water Rescue		1
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem		
SERVICE CALL		
Public Service Calls		5
Assist Police or Other Government Agency		4
GOOD INTENT CALL		
Well Being Check		6
Dispatched and Cancelled Enroute		1
Dispatched and Cancelled on Scene		3
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		2
Smoke Detector activation due to smoke or dust		1
SPECIAL INCIDENT TYPE		
Special Type of Incident		3
Fire Inspection/Business Tax Receipt (BTR)		21
Re-Inspection Fire/BTR		6
Hydrant Inspections		
TOTAL CALLS		80
TOTAL CALLS YEAR TO DATE		310
MUTUAL AIDE		
	GIVEN	3
	RECEIVED	2

AVERAGE RESPONSE TIME	INDIALANTIC FIRE	2.65
	BREVARD COUNTY	10.1

VOLUNTEER HOURS	302
SAVINGS REALIZED BY THE TOWN	\$6,040

BURN PERMITS ISSUED FOR THE MONTH	0
Total Number of Burn Permits Issued Nov. 1st - Feb. 28th	54

VOLUNTEER F/F ACTIVITY	Business meeting was conducted on 6/3/15 and weekly training on 6/9, 6/16 & 6/23. Training included fire ground tactics, tools and equipment and search and rescue. In addition to the practical training, volunteers completed 64.25 hrs of on-line training. Two of our Volunteers successfully passed the State Firefighter II examination.
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CAREER F/F ACTIVITY	Crews continue to perform annual fire safety inspection along with their normal station duties. Crews completed 229 hours of fire and emergency medical training. Chief Flamm attended an Emergency Management meeting on Thursday June 25th in Rockledge.
----------------------------	--

TOWN OF INDIALANTIC BUILDING REPORT

June-15			
	<u>CURRENT</u>	<u>YTD 15</u>	<u>YTD 14</u>
NO. OF PERMITS ISSUED	30	298	310
TOTAL PERMIT FEES	\$9,358.00	\$61,521.00	\$50,613.00
TOTAL CONSTRUCTION VALUE	\$1,697,033.00	\$7,997,882.00	\$5,145,787.00
PLAN REVIEW FEES	\$0.00	\$487.50	\$100.00
TOTAL SIGN FEES	\$135.00	\$1,385.00	\$1,329.00
NO. OF SIGN PERMITS ISSUED	3	19	18
NEW CONVENTIONAL HOMES	2	5	8
NEW MULTI FAMILY HOMES	0	1	1
NEW COMMERCIAL BUILDINGS	0	0	0
MISC. ADDITIONS	1	14	8
CERTIFICATE OF OCCUPANCY	0	1	0
BUILDING CODE INSPECTIONS	72	369	569

Building Department Permits Issued

PermitNo	Company Name	OwnerName/Address	Construction Value	Permit Fee	Plan Surcharge Fee
IND15_224		HUFF, SCOTT	\$437,871.00	\$2,287.00	\$0.00
IND15_224		121 WAYNE AVE			\$68.61
IND15_272		DERATANY, ANDREA W	\$200.00	\$45.00	\$0.00
IND15_272		105 RIVERSIDE DR S			\$4.00
IND15_274		SWAROVSKI	\$995.00	\$60.00	\$0.00
IND15_274		718 WAVE CREST AVE			\$4.00
IND15_275		SNYDER	\$2,400.00	\$80.00	\$0.00
IND15_275		301 MIRAMAR AVE S 3			\$4.00
IND15_277		HOPPER, MARLEY	\$7,494.00	\$75.00	\$0.00
IND15_277		306 TAMPA AV			\$4.00
IND15_281		PEPE, ELIZABETH TRUST	\$12,950.00	\$130.00	\$0.00
IND15_281		241 SIXTH AVE.			\$4.00
IND15_282		MCCARTHY	\$4,445.00	\$75.00	\$0.00
IND15_282		350 SHANNON AV N			\$4.00
IND15_283		GONSALVES, MARK J	\$2,300.00	\$80.00	\$0.00
IND15_283		401 SIXTH AV			\$4.00
IND15_284		P&R OF BREVARD	\$1,597.00	\$75.00	\$0.00
IND15_284		307 FOURTH AV			\$4.00
IND15_286		HAMILTON	\$35,523.00	\$245.00	\$7.35
IND15_286		300 MIAMI AV			\$4.00
IND15_289		DAVID KEMPF	\$350.00	\$45.00	\$0.00
IND15_289		336 FIFTH AVE.			\$4.00
IND15_290		OSLEY, RUTHE	\$5,385.00	\$75.00	\$0.00
IND15_290		301 WAYNE AV			\$4.00
IND15_291		MCKNIGHT, JASON	\$2,456.00	\$80.00	\$0.00
IND15_291		607 RIVERSIDE DR S			\$4.00
IND15_293		HEMMEROEDER, DENNIS	\$1,600.00	\$75.00	\$0.00
IND15_293		303 RIVERSIDE DR S			\$4.00
IND15_294		BENZRA, VICTOR	\$1,066,007.00	\$4,481.00	\$0.00
IND15_294		650 RIVERSIDE DR S			\$134.43
IND15_296		BAKER, JONATHAN	\$2,665.00	\$75.00	\$0.00
IND15_296		142 ELEVENTH AV			\$4.00
IND15_297		CLARK, H L III	\$450.00	\$45.00	\$0.00
IND15_297		225 FIFTH AV			\$4.00
IND15_298		REDDY, SARADA	\$7,474.00	\$75.00	\$0.00
IND15_298		601 MIRAMAR AVE N 3			\$4.00
IND15_299		THAYER, LOIS	\$2,860.00	\$80.00	\$0.00
IND15_299		215 MELBOURNE AV			\$4.00
IND15_300		MORGAN, ANDREW	\$21,337.00	\$175.00	\$0.00
IND15_300		128 EIGHTH AV			\$5.25
IND15_301		CARROLL, WAYNE E	\$5,700.00	\$95.00	\$0.00
IND15_301		137 FIFTH AV			\$4.00
IND15_302		ZAUCHA, JEROME	\$10,175.00	\$120.00	\$0.00
IND15_302		441 WAYNE AVE			\$4.00
IND15_303		BIZZARRO, MARIA ANTONI	\$15,000.00	\$140.00	\$0.00
IND15_303		4 WAVE CREST AV			\$4.20
IND15_304		DERATANY, ANDREA W	\$2,895.00	\$80.00	\$0.00
IND15_304		105 RIVERSIDE DR S			\$4.00
IND15_305		indiatlantic miramar llc	\$10,485.00	\$120.00	\$0.00
IND15_305		100 MIRAMAR AV N			\$4.00
IND15_306		GRANT, TRAVIS	\$2,290.00	\$80.00	\$0.00
IND15_306		242 MIAMI AV			\$4.00
IND15_308		KRAUSE, KLAUS	\$11,300.00	\$125.00	\$0.00
IND15_308		145 EIGHTH AVE			\$4.00
IND15_309		BLACK	\$5,647.00	\$75.00	\$0.00
IND15_309		1704 MIRAMAR AV S			\$4.00
IND15_311		KARN, LAURIE	\$4,550.00	\$90.00	\$0.00
IND15_311		137 THIRTEENTH AVE			\$4.00
IND15_314		BAIKER	\$12,632.00	\$75.00	\$0.00
IND15_314		505 MIRAMAR AVE S 2			\$4.00
Permits:	30	Grand Total	\$1,697,033.00	\$9,358.00	\$319.84

Inspection Result Date Summary 06/01/2015 through 06/30/20

<i>InspResult</i>	<i>Total Inspections</i>
Approved	67
Disapproved	5
<i>All Results:</i>	72

Code Enforcement Violations
June 2015

Number:	Direction:	Street:	Type:	Date:	Code:	Description:	Status:
100	North	Miramar	Avenue	12/04/14	17-129	Site Plan Violation	Complied
111		Thirteenth	Avenue	12/30/14	13-9	Building numbering	Certified, RTS, In the process
1438	South	Riverside	Drive	01/15/15	17-103	rv in front	Complied
147		Fifth	Avenue	01/16/15	8-5 & 9-5	Duty to use contract collector; fees	Outstanding
225		Fifth	Avenue, Suite 4	04/10/15	5.5-65	Trash container area	Outstanding
218		Second	Avenue	04/14/15	5.5-68(a); 13-2	Landscaping	Outstanding
331		Melbourne	Avenue	04/14/15	5.5-68(d)	Landscaping	Certified, outstanding
249		Fifth	Avenue	04/20/15	6-172	#11 Excessive False Alarm Notices	Outstanding
10 - 90		Miami	Avenue	05/18/15	15-20	Commercial vehicle in residential overnight	Complied
106	North	Riverside	Drive	05/27/15	5.5-64	maintenance of paved areas	Complied
801	North	Ramona	Avenue	06/02/15	18-18	debris on street pavement	Complied
1502	South	Miramar	Avenue	06/05/15	17-106.2(2)(a)	Sign not permitted	Removed
		Seventh Avenue & South A1A		06/05/15	17-106.2(2)(a)	Sign not permitted	Removed
		Ormond Drive & South Ramona Avenue		06/05/15	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North A1A		06/08/15	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & South A1A		06/08/15	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & North A1A		06/08/15	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue Median		06/08/15	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & South Ramona Avenue		06/08/15	17-106.2(2)(a)	Sign not permitted	Removed
		Eighth Avenue & South Ramona Avenue		06/08/15	17-106.2(2)(a)	Sign not permitted	Removed
201	North	Miramar	Avenue	06/09/15	17-106.2(2)(a)	Sign not permitted	Removed
		Second Avenue & North Riverside Drive		06/09/15	17-106.2(2)(a)	Sign not permitted	Removed
		Second Avenue & North Riverside Drive		06/09/15	17-106.2(2)(a)	Sign not permitted	Removed
964	South	Shannon	Avenue	06/12/15	18-18	debris on street pavement	Complied
100		Ninth	Avenue	06/15/15	17-103	boat on trailer	Complied
110		Orlando	Blvd.	06/15/15	17-103(b)(3)a	boat in front	Complied
300		Miami	Avenue	06/15/15	18-18	maintenance of paved areas	Complied
360		Watson	Drive	06/15/15	18-18	maintenance of paved areas	Complied
444		Michigan	Avenue	06/15/15	17-103(b)(3)a	boat in front	Complied
445		Genesee	Avenue	06/15/15	5.5-68(b)	Landscaping	Complied
470		Watson	Drive	06/15/15	17-103(b)(3)a	rv in front	Complied
901	South	Palm	Avenue	06/15/15	18-18	debris on street pavement	Complied
1302	South	Riverside	Drive	06/15/15	17-103(b)(3)a	boat trailer in front	Complied
201	North	Riverside	Drive	06/17/15	17-106	Nonconforming sign	Complied
250		Miami	Avenue	06/23/15	17-103(b)(3)a	rv in front	Complied
1110	South	Ramona	Avenue	06/23/15	17-103(b)(3)a	boat in front	Complied
2	C	Fifth	Avenue	06/29/15	17-106.2(2)(a)	Sign not permitted	Complied
		Fifth Avenue & South Ramona Avenue		06/29/15	17-106.2(2)(a)	Sign not permitted	Removed
		Orlando Blvd. & South A1A		06/29/15	17-106.2(2)(a)	Sign not permitted	Removed
		Fifth Avenue & South Riverside Drive		06/29/15	17-106.2(2)(a)	Sign not permitted	Removed
130		Deland	Avenue	06/30/15	17-103(b)(3)a	boat on trailer	Outstanding
130		Deland	Avenue	06/30/15	13-9	no address	Outstanding