



# INDIALANTIC *RECORD*

JULY, 2010

## ***Council Adopts Fertilizer Regulations***

The Indialantic Town Council adopted State regulations concerning the application of fertilizer. Residents should not apply fertilizer near a water body; leave fertilizer on the paved portion of town streets, on sidewalks, or on driveways; or leave grass clippings on paved streets.

The Florida State legislature requires that all jurisdictions adopt these regulations, which have been prepared by the Florida Department of Environmental Protection (FDEP). The intent is to ensure that fertilizer and/or grass clippings do not find their way into the Indian River.

Additionally, those who apply fertilizer commercially are to meet certain training requirements. Residents should ensure that anyone representing a business who applies fertilizer to their property has provided proof of required training to the Town Clerk by the end of October, 2010.

The regulations were enacted by Town Ordinance No.10-03 and are spread over Sections 18-11 through 18-21 of the Town Code.



Mayor David Berkman presents a proclamation to Patty Scordino, Publicity Chairman for the American Cancer Society's Relay for Life, at the April 20, 2010 Council meeting. Deputy Mayor Loren Goldfarb, Councilmember Lori Halbert, Mayor Berkman and Councilmember Chris Campbell donated their April monthly compensation to the American Cancer Society on behalf of the Town. Attorney Paul Gougelman also made a contribution.

The Melbourne Relay for Life event was held May 1 & 2, 2010 at the Melbourne High School baseball field.

## ***Melbourne Causeway Relief Bridges Being Replaced***

*Activity on the Indialantic side of the Melbourne Causeway centers around the replacement of the three relief bridges. The Florida Department of Transportation (FDOT) awarded a design/build contract to Wilbur Smith & Associates/Johnson Brothers Contractors with work commencing March 12, 2010.*

*The \$9.4 million project envisions adding a permanent pedestrian bridge south of the westernmost relief bridges and providing protective walking areas along both the north and south side of both sets of relief bridges. Initially, the west bound westernmost relief bridge will be replaced, followed by the west bound easternmost relief bridge, followed by the east bound westernmost relief bridge, and finally the east bound easternmost relief bridge.*

*A temporary pedestrian bridge will be installed south of the easternmost relief bridge during construction to protect walkers, runners, and those on bicycles.*

*FDOT initially proposed replacing only the easternmost relief bridge; however, the following year's five-year program included the pair of westernmost relief bridges shifting the construction from FY-09 to FY-10.*

## RECENT COUNCIL ACTION

### April 20, 2010 Meeting

- renewed a signal maintenance agreement with FDOT for signals at SR-A1A/US-192 and Riverside Drive/US-192
- approved additional electrical outlets in Nance Park at no cost to the Town
- adopted Ord. 10-03 relating to stormwater runoff and fertilizer (see page 1 of Newsletter)
- adopted Res. 10-07 relating to the Florida State Transportation Trust Fund
- received a report from the Town Centre Committee
- approved lowering the speed limit on Orlando Blvd. to 20 mph
- requested that FDOT remove the “No Fishing from Bridge” signs after replacement of the US-192 relief bridges
- began discussion of the FY-11 General Fund budget

### May 18, 2010 Meeting

- renewed the First Responder agreement with Brevard County
- accepted the report from the Town Centre Committee
- approved Budget Adjustment #1 for FY-10
- approved an amendment to the Mowing and Landscape Maintenance Agreement decreasing Causeway mowing due to on-going construction
- adopted Ord. 10-07 relating to the Personnel/Civil Service Manual
- approved lowering the speed limit on Ormond Drive to 20 mph

### June 15, 2010 Meeting

- approved the allocation of Edward C. Byrne Memorial Justice Assistance grant funds of \$264,582 to support the County’s prisoner transport program
- approved the Nature Conservancy and Parks, Recreation and Beautification Committee as beneficiaries of the 2010 Witch Way 5k
- adopted Ord. 10-08 relating to compensation for the Mayor and Council allowing members to accept or decline compensation each month
- approved a revised form for the Town Manager’s annual performance evaluation
- agreed to put the Council seat vacated by Councilmember Halbert’s resignation on the November ballot
- introduced Matt Price, Dynamo Web Solutions, who recently completed the redesign of the Town’s website
- directed the Town Manager to research the feasibility of amending the code and the Comprehensive Plan to allow for mixed use in the commercial district between Miramar and Ramona avenues

## NEW FACES IN TOWN

Shears - 423 Fifth Avenue - hair salon

Burrito Ranch Company - 2 Fifth Avenue, Suite A - restaurant

In 2 Health, Inc. - 18 S. Riverside Dr. - acupuncture



Atlantic Development of Cocoa replaced a failed concrete manhole top on S. Shannon Avenue at Tradewinds Terrace. They also patched a hole that appeared outside of the pavement area



Volunteer firefighter Spencer Ross tests the hydrant located in front of Magnolia Key condominiums on Wavecrest Avenue. All 86 hydrants in Town are tested annually to ensure that there is sufficient flow and that all of the fittings work. Deficiencies are reported to Melbourne Water Department for maintenance

### **N. Riverside Drive Resurfaced**

**Residents may have noticed that N. Riverside Drive from US-192 to north of Watson Drive was recently resurfaced. Federal transportation economic stimulus money that was allocated for the Town's benefit was committed to the County in February, 2009 for this project.**



## POLICE BEAT

Every year the police department receives numerous calls about the use of illegal fireworks in the Town.

As a general rule, fireworks that either explode or can be launched into the air are illegal. In order to help alleviate some of the questions in reference to the purchase and use of fireworks I have included some of the pertinent excerpts from Florida Statutes and the Brevard County Code of Ordinances.

*791.02 f.s. It is unlawful for any person, firm, copartnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the board of county commissioners shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks by fair associations, amusement parks, and other organizations or groups of individuals when such public display is to take place .*

*791.05 f.s. Each sheriff, or his or her appointee, or any other police officer, shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter.*

Sec. 10-188, Brevard County Ordinance - No person or entity shall use, explode, or store, fireworks in the county, unless:

*(1) The person or entity first obtains an appropriate county permit for the public display of fireworks or pyrotechnics in accordance with this article;*

*(2) The use is by a railroad or other transportation agency for illumination or signal purposes or the use is associated with quarrying, blasting, or another industrial purpose in accordance with F.S. § 791.04; or*

*(3) The use in conjunction with a bona fide agricultural use, as provided in F.S. § 791.07 and the applicable provision of the Florida Administrative Code.*

*Permitted Devices: Devices approved and listed by State Fire Marshal which emit a shower of sparks upon burning, do not contain any explosive compounds, do not detonate or explode, are hand held or ground based, cannot propel themselves through the air, and that contain not more than 100 grams of the chemical compound that produces sparks upon burning. Any device that is not included in the list of approved items is prohibited, except that snakes, small smoke devices, trick noisemakers and certain other novelties may be sold at all other times.*

*Anything not meeting the above definition, such as firecrackers, skyrockets, roman candles, etc. are illegal.*

*I hope this helps clarify the law surrounding the use of fireworks in Florida. Please contact us if you have additional questions or concerns. 723-7788 or email [police@indialantic.com](mailto:police@indialantic.com). I hope everyone has a safe and happy 4<sup>th</sup> of July.*

*Troy W. Morris, Chief of Police*

## ELECTION 2010

*Council qualifying dates for the November 2, 2010 election will be August 6 through August 20, 2010. Seats to be filled are: Mayor, currently held by David Berkman; Council Seat 1, currently held by Lori Halbert; Council Seat 2, currently held by Loren Goldfarb; and Council Seat 4, currently held by Mike Borysiewicz. Seat 1 is being vacated due to the resignation of Councilmember Halbert effective November 3, 2010.*

*To qualify to run for Council a candidate must present a petition signed by ten Town electors, submit a filing fee of \$10.00, and shall have been a resident of the Town for at least one year prior to the date of qualifying. Qualifying packets will be available in the Town Clerk's office on August 4, 2010.*

**DID YOU KNOW** that the street right-of-way adjacent to your yard is sixty feet wide on most streets within the Town. This right-of-way is public property and is controlled by the following Town Codes:

- Sec. 13-7 (in part) - It shall be unlawful to place concrete or other solid materials upon the right-of-way of streets.
- Sec. 13-2 (in part) -It shall be unlawful to destroy, deface or injure any street or portion of any public right-of-way.
- Sec. 16-5 (in part) - It shall be unlawful to plant trees, shrubbery or any type of plant life upon rights-of-way without obtaining permission from the Public Works Director.

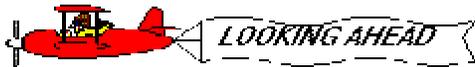
## INDIALANTIC FIRE RESCUE



Recently inspectors have been receiving some resistance to complying with Fire Code violations. Lighted exit signs are required not only by the Florida State Building Code but also by the Florida Fire Codes. The specifications are very clear-cut in that they must be lighted with a wired secure power source and have a specified lumen. There are no exceptions to buildings or offices that are not occupied during the evening hours. All businesses are required to have them regardless. Failure to comply with requests to install these exit lights could be cause for your business to be closed by the Fire Marshall immediately or be brought to the Code Enforcement Board, which could levy up to a \$250 a day fine for non-compliance.

There are new requirements from the State of Florida to identify "light truss construction" for firefighters who may need to make entry into a burning building. The State now requires that any such identified building post a designated sign/decals that informs firefighters of the dangers of light truss construction. Compliance was to be in effect by March but the decals were not immediately available. Currently they are available through Pride for about \$6 to \$10. About 99% of all commercial structures in Indialantic would qualify for light truss construction. This ruling only applies to commercial structures and multi-family (more than 2 families) structures. Complete information is available at the Fire Department - 723-0366. Decals will be ordered if there is a need. Don't wait to be cited by our fire inspectors.

Jon Macdonald, Fire Chief



- Town Hall will be closed Monday, July 5, 2010, for Independence Day and Monday, September 6, 2010 – Labor Day
- American Craft Endeavors will sponsor an Craft Show July 17 and 18, 2010 in Nance Park



*Chicken Little and the Easter Bunny made their annual stop at the Easter Egg Hunt in Orlando Park*

### *National Night Out*

***Indialantic and other municipalities throughout the country will again participate in this year's "National Night Out." From 6:00 pm to 9:00 pm on Tuesday, August 3<sup>rd</sup>, the Indialantic Police Department is asking the residents of Indialantic to turn on their front porch lights and spend the evening outside with neighbors and members of the police and fire departments. "National Night Out" is designed to heighten crime awareness and drug prevention and strengthen police and fire community partnerships.***

***For more information please contact Officer Ryan DesChenes at [rdeschenes@indialantic.com](mailto:rdeschenes@indialantic.com).***

## UPCOMING MEETINGS

### JULY

12	6:00 PM	Town Centre Committee
20	8:00 AM	Heritage Committee
20	7:00 PM	Town Council
27	5:30 PM	Zoning and Planning
28	10:00 AM	Police/Fire Pension

### AUGUST

2	6:00 PM	Town Centre Committee
4	8:30 AM	Gen. Emp. Pension
17	8:00 AM	Heritage Committee
17	7:00 PM	Town Council
23	9:00 AM	Parks/Recreation
24	5:30 PM	Zoning and Planning

### SEPTEMBER

13	6:00 PM	Town Centre Committee
21	8:00 AM	Heritage Committee
21	7:00 PM	Town Council
27	9:00 AM	Parks/Recreation
28	5:30 PM	Zoning and Planning

The Volunteer Fire Department meets every Wednesday at 7:00 PM at the Fire Department, 216 Fourth Ave.

## Protect the Indian River

Illicit discharges, which are discharges other than stormwater, into the Town's storm sewer system are not permitted in the Town. These include vehicle wash water, gasoline, motor oil, paint, antifreeze, or a wastewater line directly connected to the storm sewer system.

Illicit discharges contribute significant pollutants to the Indian River.

*The Indialantic Record is published quarterly by the Town of Indialantic, 216 Fifth Avenue, Indialantic, FL 32903 at an outside cost of \$.22 per resident. Dave Berkman, Mayor; Loren Goldfarb, Deputy Mayor; Councilmembers Mike Borysiewicz, Chris Campbell and Lori Halbert; Christopher W. Chinault, Town Manager; Laura Eaton, Town Clerk – [www.indialantic.com](http://www.indialantic.com) - 321-723-2242*