

Agenda
Town of Indialantic
Regular Meeting of the Town Council
Wednesday, August 12, 2020 at 7:00 p.m.

NOTICE: This meeting will not be held at Town Hall. This meeting will be held utilizing Communications Media Technology in accordance with Governor DeSantis' Executive Order No. 20-69 and Town Emergency Order #2020-09. Those wishing to attend the meeting are encouraged to join the meeting online using the Zoom Webinar platform or by telephone.

To access the meeting, please click the link below:

<https://zoom.us/j/96684189111?pwd=aHorTHQ1TnhpdWFFZDIrNEFRdjUvQT09>

Passcode: 709101

Or iPhone one-tap :

US: +13017158592,,96684189111#,,,,,0#,,709101# or
+13126266799,,96684189111#,,,,,0#,,709101#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248
7799 or +1 669 900 9128

Webinar ID: 966 8418 9111

Passcode: 709101

International numbers available: <https://zoom.us/u/aeylszHXAW>

Instructions on how to join a Zoom meeting: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Public Comments, prior to the meeting, can be submitted:

By drop box until 2:00 p.m., August 12, 2020. Deposit comments in the drop box located at rear entrance of Town Hall, 216 Fifth Avenue, Indialantic, FL 32903.

By email until 2:00 p.m., August 12, 2020: townhall@indialantic.com. Write 'Public Comments 8-12-2020' in the subject line.

Public Comments, during the meeting, (3 minutes per speaker):

Click on "Raise Hand" button to speak. The public will be joining the meeting by audio only (no video). At the appropriate time, a member of the public can indicate that he/she would like to offer a public comment by (1) Pressing the "Raise Hand" button in Zoom; or (2) dialing *9 if calling in on a telephone line.

Technical Issues: If staff or councilmembers experience technical issues the meeting will be temporarily halted until the issues are resolved; if the issue cannot be resolved, the meeting will be adjourned.

A. Call to Order:

Honorable Dave Berkman, Mayor
Honorable Stu Glass, Deputy Mayor
Honorable Simon Kemp, Councilmember
Honorable Julie McKnight, Councilmember
Honorable Doug Wright, Councilmember

1. Pledge of Allegiance:

2. Changes to Agenda:

3. Presentations and Proclamations:

4. Public Comments, Non-agenda items:

Note: Persons wishing to address the Town Council on a matter not listed on the agenda may speak at this time. Click on "Raise Hand" button in Zoom to speak, or dial *9 if calling from a telephone.

Speakers must provide their name and address and direct their comments to the Mayor and not to the members of the audience. Please observe the 3-minute time limit and speak only after being recognized by the Mayor.

5. Public Announcements:

- There are openings on the Code Enforcement Board, Civil Service Board, Heritage Committee, and Playground Advisory Committee.
- The qualifying period to run for Mayor or Town Council (seats #2 and #4) ends at noon on August 13, 2020. For more information, contact the Town Clerk at 321-723-2242 or by email at rraddon@indialantic.com.
- The first public hearing for the fiscal year 2020-2021 budget will be held on September 9, 2020 at 7:00 p.m., and will be held via Zoom Webinar.
- Town Hall will be closed on Monday, September 7, 2020 in observance of Labor Day.

B. Consent Agenda:

1. Approve Council Meeting Minutes for July 8, 2020
2. Approve Board and Committee Appointments/Reappointments:
 - a) Playground Advisory Committee (New committee – may consist of up to seven members, open to resident and nonresidents.) -- Appoint Nicholle Rothengass; Appoint Mark McDermott; Appoint James Roland; Appoint Irene Fox-Albury
3. Adopt Resolution 10-2020 prohibiting Low Speed Vehicles on SR A1A (Casey)
4. Approve Goodwin 5K special event 11-24-2020 (Casey)
5. Adopt Resolution 11-2020 Establishing Fund Balance (Casey)

6. Appoint Deputy Mayor Glass as voting delegate for FLOC Annual Business Meeting (Raddon)
7. Resolution 12-2020 Re: Census Partnership (Glass)
8. Resolution 13-2020 Reauthorizing National Flood Insurance Program (Glass)
9. Resolution 14-2020 Re: Funding Assistance for COVID-19 (Glass)

C. Ordinances and Public Hearings:

1. Ordinance 2020-08 Second/Final Reading (Re: Declaring Emergencies):

An Ordinance Of The Town Of Indialantic, Brevard County, Florida; Relating To Emergencies; Making Findings; Creating Sections 10-100 Through 10-105, Article Vi., Chapter 10, Town Code Of Ordinances; Providing Definitions, Persons Authorized To Declare An Emergency, And Term Of Emergency Declaration; Setting Forth Emergency Powers; Providing Penalties And For Liberality Of Construction; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.

2. Ordinance 2020-09 Second/Final Reading (Re: Paid parking rates):

An Ordinance Of The Town Of Indialantic, Brevard County, Florida; Relating To Parking; Making Findings; Amending Section 15-18.1 Of The Town Code Of Ordinances, Relating To Rates Of Compensation For Parking In Designated Areas Of The Public Right-Of-Way Or Areas Adjacent To The Beach; Deleting The Requirement That Parking Meters May Be Coin Operated; Providing That Parking Meters May Be Mechanically Or Electronically Operated Or Operated By Pay-By-Phone System; Providing For Enforcement; Providing For Change Of Certain Rates By Resolution; Amending The Schedule Of Fines In Section 15-23 Of The Town Code Of Ordinances, For Failure To Park Head In; Providing A Severability/ Interpretation Clause; And Providing For An Effective Date.

3. Ordinance 2020-12 First Reading (Re: Adopting a new Town Code):

An Ordinance Adopting And Enacting A New Code For The Town Of Indialantic, Brevard County, Florida; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; And Providing When Such Code And This Ordinance Shall Become Effective.

D. Unfinished Business: (None)

E. New Business:

1. (Discussion/Action) Waste Management Recycling Rate Increase (Casey)
2. (Discussion/Action) Annual Halloween Party (Casey)
3. (Discussion/Consensus) Park Hours (Berkman)
4. (Discussion/Consensus) Backyard Chickens (McKnight)
5. (Discussion/Action) Reschedule November Council Meeting due to Veteran's Day holiday 11-11-20 (Raddon)
6. (Discussion/Action) Town Manager Annual Evaluation and Merit Increase

F. Administrative Reports:

1. Town Manager Report
2. Town Attorney Report

G. Council Reports:

H. Adjourn:

NOTICE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD, AGENCY, OR COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, 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.

AMERICANS WITH DISABILITIES ACT: PERSONS PLANNING TO ATTEND THE MEETING WHO NEED SPECIAL ASSISTANCE MUST NOTIFY THE OFFICE OF THE TOWN CLERK AT 321-723-2242 NO LATER THAN 48 HOURS PRIOR TO THE MEETING.

**Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Wednesday, July 8, 2020 at 7:00 p.m.**

This meeting was held utilizing Communications Media Technology in accordance with Governor DeSantis' Executive Order No. 20-69 and Town Emergency Order #2020-09.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order via Zoom Webinar by Mayor Berkman on Wednesday, July 8, 2020 at 7:00 p.m. with the following members participating:

Honorable Dave Berkman, Mayor
Honorable Stu Glass, Deputy Mayor
Honorable Simon Kemp, Councilmember
Honorable Julie McKnight, Councilmember
Honorable Doug Wright, Councilmember

Also participating:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk
Michael Connor, Chief of Police
Jennifer Small, Finance Director

1. Pledge of Allegiance was led by Mayor Berkman. He explained that public comments would be limited to 3 minutes per person and those joining the meeting could click the 'raise hand' button to comment.
2. Changes to Agenda: Mayor Berkman said the agenda was amended and the following items were removed:
Waste Management proclamation;
100 Tampa Ave proposed small scale amendment (Ord. 2020-03, first reading); and
100 Tampa Ave proposed rezoning (Ord. 2020-04, first reading).

Mayor Berkman explained that the owner withdrew the application for the small scale amendment and rezoning and these will not be considered by Council. If the owner wants to pursue a rezoning, he will have to reapply.

3. Presentations and Proclamations: None.

4. Public Comments, Non-agenda items:

Stephen Baugh, 460 Watson Drive, commented that he clocked his drive time during peak hours on residential streets and compared them to the drive times on SR A1A and Fifth Avenue, and noted that it is faster for drivers to stay on SR A1A and Fifth Avenue rather than cutting through residential streets. He added that drivers can save a full minute of travel time by staying on the main roads, and that he has passed his observations on to Mr. Casey.

Pamela Dunn, 330 Tampa Avenue, thanked Public Works Director Joe Gervais and his staff on behalf of the Garden Club by the Sea for their work at Orlando Park. She said they did a great job.

Jeff Brown, 339 Miami Avenue, spoke briefly about a mask ordinance; Mayor Berkman indicated this is an item on the agenda and will be spoken about later.

5. Mayor Berkman read the following Public Announcements:

- There are openings on the Code Enforcement Board and the Civil Service Board.
- Candidate qualifying packets are ready for pick-up at Town Hall. Persons interested in running for Mayor, Town Council Seat #2, and Town Council Seat #4 in the November 3, 2020 election should contact the Town Clerk. The qualifying period begins at noon on August 6 and ends at noon on August 13, 2020.

B. Consent Agenda:

1. Approve Council Meeting Minutes for June 10, 2020
2. Approve Board and Committee Appointments/Reappointments:
 - a) Board of Adjustment – Appoint Michael Hill; Reappoint Safvat Kalaghchy
 - b) Zoning and Planning Board – Reappoint Christopher Mullen
3. Declare town vehicle 1999 Dodge Ram as surplus and authorize disposal
4. Adopt Resolution No. 09-2020 Budget Adjustment #2 for FY 2019-2020
5. Authorize Town Manager to send letter to FDOT encouraging reducing the speed limit to 35 mph south of Eleventh Avenue

MOTION by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve the consent agenda. Motion carried 5-0.

C. Ordinances and Public Hearings:

1. Ordinance 2020-07 Second/Final Reading (Re: Clarifying term of office for elected officials)

Mr. Gougelman read the ordinance title:

An Ordinance Of The Town Of Indialantic, Brevard County, Florida, Relating To The Time A Councilmember Takes Office; Amending Section 2.03, Town Charter; Making Findings; Providing For A Referendum Election And Ballot Language; Amending The Town Charter To Provide When Town Council Members, Including But Not Limited To The Mayor, Take Office After An Election And To Clarify The Duration Of A Council Member's Term; Providing For Coordination With The Supervisor Of Elections; Providing A Severability Clause; And Providing For An Effective Date.

There were no public comments.

MOTION by Councilmember Kemp, seconded by Councilmember McKnight, and vote unanimous to adopt Ordinance 2020-07 on second reading. Motion carried 5-0.

~~**2. Ordinance 2020-03 First Reading (Proposed small scale amendment to the Comprehensive Plan future land use maps for property located at 100 Tampa Avenue):**~~

Note: This item was removed from the agenda and will not be continued.

~~**3. Ordinance 2020-04 First Reading (Proposed rezoning for property located at 100 Tampa Avenue)**~~

Note: This item was removed from the agenda and will not be continued.

4. Ordinance 2020-08 First Reading (Re: Declaring Emergencies)

Mr. Gougelman read the ordinance title:

An Ordinance Of The Town Of Indialantic, Brevard County, Florida; Relating To Emergencies; Making Findings; Creating Sections 10-100 Through 10-105, Article Vi., Chapter 10, Town Code Of Ordinances; Providing Definitions, Persons Authorized To Declare An Emergency, And Term Of Emergency Declaration; Setting Forth Emergency Powers; Providing Penalties And For Liberality Of Construction; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.

Mr. Casey explained that this ordinance cleans up language in the Town code for declaring emergencies. Mr. Gougelman answered councilmembers' questions and briefly explained the ordinance and stated it is consistent with Florida law. There were no public comments.

MOTION by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve Ordinance 2020-08 on first reading. Motion carried 5-0.

5. Ordinance 2020-09 First Reading (Re: Paid parking rates)

Mr. Gougelman read the ordinance title:

An Ordinance Of The Town Of Indialantic, Brevard County, Florida; Relating To Parking; Making Findings; Amending Section 15-18.1 Of The Town Code Of Ordinances, Relating To Rates Of Compensation For Parking In Designated Areas Of The Public Right-Of-Way Or Areas Adjacent To The Beach; Deleting The Requirement That Parking Meters May Be Coin Operated; Providing That Parking Meters May Be Mechanically Or Electronically Operated Or Operated By Pay-By-Phone System; Providing For Enforcement; Providing For Change Of Certain Rates By Resolution; Amending The Schedule Of Fines In Section 15-23 Of The Town Code Of Ordinances, For Failure To Park Head In; Providing A Severability/ Interpretation Clause; And Providing For An Effective Date.

Mr. Casey and Mr. Gougelman answered councilmembers' questions. It was noted that the ordinance cleans up language in the Town's code, allows for digital kiosks in addition to coin-operated meters, and raises the hourly rate for parking from \$1.25 to \$2.50 per hour which matches the rate charged by other beachside municipalities. There were no public comments.

MOTION by Deputy Mayor Glass, seconded Councilmember Kemp, and vote unanimous to approve Ordinance 2020-09 on first reading. Motion carried 5-0.

D. Unfinished Business:

1. (Discussion/Action) COVID-19

Councilmember Kemp expressed concerns about the rising number of COVID-19 infections and the lack of cohesion among local communities in their response to COVID-19. He asked for council's input regarding masks and the possibility for closing beach parking to reduce the number of out-of-town visitors.

Mayor Berkman suggested the council discuss beach access parking, as masks are covered next on the agenda. He noted that beach parking could be closed if deemed necessary, and shared his opinion regarding the County's response to COVID-19. Mayor Berkman questioned the effectiveness of piecemeal beach access parking closures and recommended anyone with health concerns simply avoid the beaches altogether.

Mayor Berkman asked for public comments; the following people spoke:

Steve Whitlock, 164 Deland Avenue

Mel Chang, 225 Wayne Avenue

Mayor Berkman said the ordinances below regarding face coverings and signage were added to the agenda due to a miscommunication, and he would prefer to adopt a single emergency order instead. He explained that ordinances are long-term whereas orders are renewed on a weekly basis and provide more flexibility.

- a) **Emergency Ordinance 2020-10** *(Re: Face coverings required in Town facilities. Ordinance title was not read.)*

- b) **Emergency Ordinance 2020-11** *(Re: Face coverings required in essential businesses; mask policy signage required for all businesses. Ordinance title was not read.)*

Mr. Gougelman explained that he drafted an order which combines Ordinances 2020-10 and 2020-11. Mayor Berkman asked Ms. Raddon to email the order to council and discuss item E. New Business #2, Request for Traffic Light at Watson/SR A1A.

Request for Traffic Light at Watson/SR A1A:

After some discussion and input from Police Chief Connor, it was the consensus of the Council to have the Town Manager contact FDOT to request a study for a traffic light and/or a pedestrian crossing at the intersection of Watson and SR A1A.

Local Emergency Order No. 2020-10 Regarding Covid-19 - Declaring a Local State of Emergency; and Requiring Use of Face Masks in Certain Facilities:

Mayor Berkman confirmed council received the order, and reiterated that the order will be considered for adoption in lieu of Ordinances 2020-10 and 2020-11.

MOTION by Mayor Berkman, seconded by Deputy Mayor Glass to adopt Local Emergency Order 2020-10 Regarding Covid-19 - Declaring a Local State of Emergency; and Requiring Use of Face Masks in Certain Facilities.

Mayor Berkman spoke in support of adopting the order which would require employees of essential businesses, as well as their patrons, to wear masks. It would also require that all businesses, essential or not, post their written mask policy where potential customers can see it before entering the store. Mayor Berkman showed images of several mask policy signs. He listed nine essential businesses in Town: Ace Hardware, the health food store, the produce store, the seafood store, Publix, the dollar store, Village Market, CVS, and 7-11.

In addition, the order would require masks to be worn in all Town-owned buildings.

Mr. Gougelman answered a question about bathrooms at Nance Park which he indicated are leased, not owned by the Town.

Mayor Berkman asked for public comments regarding masks; the following people spoke:

Mel Chang, 225 Wayne Avenue
Brett Miller, 220 Cocoa Avenue
Stephen Baughn, 460 Watson Drive
Jeff Brown, 339 Miami Avenue
Steve Whitlock, 164 Deland Avenue

Loren Goldfarb, 320 Deland Avenue
Pat Maguire, 261 Miami Avenue

After lengthy discussion, Mayor Berkman summarized the order which, if adopted, would mandate the following:

Masks will be required in all town-owned buildings;
All businesses with foot traffic must post a written mask policy; and
Essential businesses must require employees and patrons to wear masks.

**ROLL CALL VOTE: McKnight – No; Glass – Yes; Kemp – Yes; Wright – Yes; Berkman – Yes.
Motion carried 4-1.**

Ms. Raddon confirmed for the record that ordinances 2020-10 and 2020-11 will not be read or considered for adoption.

Litter Ordinance

Mr. Casey provided a status update for the litter ordinance which will increase the fines for littering. He anticipates it will be on the August agenda.

E. New Business:

1. (Discussion/Action) Set Proposed Millage Rate and Public Hearing Dates for FY 2020-2021 Budget Adoption

Mr. Casey briefly summarized the proposed budget for the upcoming fiscal year and suggested a millage rate of 6.0923, which is a small increase from last year's millage rate of 5.9484. Mayor Berkman explained that this is a starting point, and the council has the option to lower the millage rate if desired.

MOTION by Deputy Mayor Glass, seconded by Councilmember Wright to set the proposed millage rate at 6.0923 for the fiscal year 2020-2021 budget. After brief discussion, the motion carried unanimously, 5-0.

MOTION by Councilmember Kemp, seconded by Deputy Mayor Glass, and vote unanimous to adopt the following dates for budget hearings:

Council budget workshop at 6pm on August 12, 2020;
First budget hearing at 7pm on September 9, 2020; and
Second/final budget hearing at 5:30 p.m. on September 21, 2020.

MOTION carried unanimously, 5-0.

Mr. Casey noted that the Budget and Finance Committee meeting was cancelled and rescheduled.

F. Administrative Reports:

1. Town Manager Report

Mr. Casey said Town Hall is closed to the public but is still operating and serving the public online as well as in-person; visitors just need to ring the doorbell for assistance. He is working on drafting a resolution regarding beach parking areas and asked for direction regarding locations for permit-only parking. Brief discussion ensued regarding removing meters from Watson Drive and allowing low-speed vehicles to park for free, and cars with a paid parking permit.

2. Town Attorney Report – none.

G. Council Reports:

Councilmember McKnight asked if council would be interested in considering allowing residents to have chickens. Mr. Gougelman indicated it would be appropriate to discuss as an agenda item; Mayor Berkman concurred and asked to have it put on next month’s agenda for discussion.

Councilmember Kemp stated the TPO meeting was cancelled this month.

Deputy Mayor Glass spoke regarding the Florida League of Cities policy committees and noted the deadline to apply to serve on a committee is August 15.

Mayor Berkman asked residents and visitors to be cautious at the beach due to a high number of sharks in the area. He advised councilmembers to refrain from posting remarks or responses on other councilmember’s posts on social media regarding items that may be voted on in the future. He spoke briefly regarding the actions of an aggressive commenter during the meeting.

H. Adjourn:

There being no further discussion, the meeting was adjourned at 9:17 p.m.

Dave Berkman, Mayor

Attested by:

Rebekah Raddon, CMC, Town Clerk

DRAFT

TOWN OF INDIALANTIC

APPLICATION TO SERVE ON TOWN BOARDS

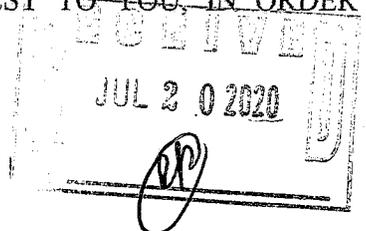
1. Name: Nicholle Rothengass Home: N/A
 2. Home Address: 904 Wavecrest Ave AY Cell Phone: 813-786-2691
 3. Email: fire surfer1347@gmail.com
 4. Business: Mobile Primary Care Practitioners in Motion Business Phone: _____
 5. Business Address: _____

6. Resume of Education and Experience: _____
 (Use additional sheets or submit resume if you prefer)

7. Are you a registered voter? Yes No _____
 8. Are you a resident of the Town? Yes No _____
 9. Do you hold a public office? Yes _____ No _____
 10. Do you serve on a Town Board at present? Yes _____ No _____
 11. If yes, which Board/Committee? NA

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

- _____ *BOARD OF ADJUSTMENT
- _____ *BUDGET & FINANCE COMMITTEE
- _____ CIVIL SERVICE BOARD
- _____ *CODE ENFORCEMENT BOARD
- _____ HERITAGE COMMITTEE
- _____ *PENSION BOARD OF TRUSTEES POLICE/FIRE
- _____ *PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
- ✓ _____ PLAYGROUND ADVISORY COMMITTEE – *New! Residents and nonresidents may apply.*
- _____ *ZONING & PLANNING BOARD
- _____ PARKS, RECREATION AND BEAUTIFICATION COMMITTEE



*Florida Statute requires Financial Disclosure Form upon appointment.

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

Experience in gov't bodies, local non profits and love for outdoor playgrounds and pride in hometown.

SIGNATURE: [Signature] DATE: 7/17/20

Please submit completed applications to: Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903

NOTE: If you have any questions on the above, please call the Town Clerk's office at 321-723-2242.

- 1. Name: Mark McDermott Home: _____
- 2. Home Address: 137 8th Ave. Indialantic Cell Phone: (321) 750-5448
- 3. Email: mcdermottm@me.com
- 4. Business: _____ Business Phone: _____
- 5. Business Address: _____
- 6. Resume of Education and Experience: B.S. Aviation Management, FIT
(Use additional sheets or submit resume if you prefer)
- 7. Are you a registered voter? Yes X No _____
- 8. Are you a resident of the Town? Yes X No _____
- 9. Do you hold a public office? Yes _____ No X
- 10. Do you serve on a Town Board at present? Yes _____ No X
- 11. If yes, which Board/Committee? _____

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

- _____ *BOARD OF ADJUSTMENT
- _____ *BUDGET & FINANCE COMMITTEE
- _____ CIVIL SERVICE BOARD
- _____ *CODE ENFORCEMENT BOARD
- _____ HERITAGE COMMITTEE
- _____ *PENSION BOARD OF TRUSTEES POLICE/FIRE
- _____ *PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
- X _____ PLAYGROUND ADVISORY COMMITTEE – *New! Residents and nonresidents may apply.*
- _____ *ZONING & PLANNING BOARD
- _____ PARKS, RECREATION AND BEAUTIFICATION COMMITTEE

*Florida Statute requires Financial Disclosure Form upon appointment.

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

Strong interest and some experience in construction projects
along with extensive family background in park construction

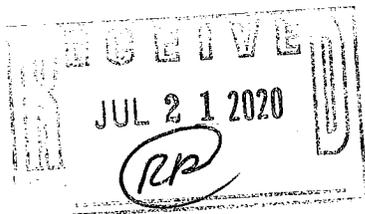
SIGNATURE: _____ DATE: _____

Please submit completed applications to: Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903

NOTE: If you have any questions on the above, please call the Town Clerk's office at 321-723-2242.

TOWN OF INDIALANTIC

APPLICATION TO SERVE ON TOWN BOARDS



1. Name: James Roland Home: 321 723-5990
2. Home Address: 429 8th Avenue Cell Phone: 321 794-7331
3. Email: proland@cfi.fl.com
4. Business: Retired Business Phone: _____
5. Business Address: _____
6. Resume of Education and Experience: Engineer and engineering mgr. for 40 plus years
(Use additional sheets or submit resume if you prefer)
7. Are you a registered voter? Yes No _____
8. Are you a resident of the Town? Yes No _____
9. Do you hold a public office? Yes _____ No
10. Do you serve on a Town Board at present? Yes _____ No
11. If yes, which Board/Committee? _____
12. PLEASE NUMBER THE BOARDS OR COMMITTEES OF INTEREST TO YOU, IN ORDER OF PREFERENCE:
 - _____ *BOARD OF ADJUSTMENT
 - _____ *BUDGET & FINANCE COMMITTEE
 - _____ CIVIL SERVICE BOARD
 - _____ *CODE ENFORCEMENT BOARD
 - _____ HERITAGE COMMITTEE
 - _____ *PENSION BOARD OF TRUSTEES POLICE/FIRE
 - _____ *PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
 - PLAYGROUND ADVISORY COMMITTEE - *New! Residents and nonresidents may apply.*
 - _____ *ZONING & PLANNING BOARD
 - _____ PARKS, RECREATION AND BEAUTIFICATION COMMITTEE

*Florida Statute requires Financial Disclosure Form upon appointment.

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

Engineer, spec writing, monitoring construction and building a playground from scratch.

SIGNATURE: James D Roland DATE: July 21, 2020

Please submit completed applications to: Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903

NOTE: If you have any questions on the above, please call the Town Clerk's office at 321-723-2242.

TOWN OF INDIALANTIC

APPLICATION TO SERVE ON TOWN BOARDS

- 1. Name: IRENE Fox-Albury Home: 321-777-6126
- 2. Home Address: 1835 N.HWY A 1A apt 403 Cell Phone: 786-201-4604
- 3. Email: ifoxalbury2@yahoo.com
- 4. Business: N/A Business Phone: N/A
- 5. Business Address: N/A

6. Resume of Education and Experience: _____
(Use additional sheets or submit resume if you prefer)

- 7. Are you a registered voter? Yes _____ No _____
- 8. Are you a resident of the Town? Yes ? _____ No _____
- 9. Do you hold a public office? Yes _____ No _____
- 10. Do you serve on a Town Board at present? Yes _____ No _____

11. If yes, which Board/Committee? Playground Advisory

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

- _____ *BOARD OF ADJUSTMENT
- _____ *BUDGET & FINANCE COMMITTEE
- _____ CIVIL SERVICE BOARD
- _____ *CODE ENFORCEMENT BOARD
- _____ HERITAGE COMMITTEE
- _____ *PENSION BOARD OF TRUSTEES POLICE/FIRE
- _____ *PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
- _____ PLAYGROUND ADVISORY COMMITTEE – *New! Residents and nonresidents may apply.*
- _____ *ZONING & PLANNING BOARD
- _____ PARKS, RECREATION AND BEAUTIFICATION COMMITTEE

*Florida Statute requires Financial Disclosure Form upon appointment.

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

I AM A RETIRED EDUCATOR FOR 41 YEARS. BA-SPANISH, MS-PHYSICAL ED. SPECIALIST DEGREE-EDUCATIONAL LEADERSHIP

SIGNATURE: Irene Fox DATE: _____

Please submit completed applications to: Town of Indialantic, 216 Fifth Avenue, Indialantic, Florida 32903

NOTE: If you have any questions on the above, please call the Town Clerk's office at 321-723-2242.

Biography

Irene Fox began her career with a passion for dance. Opting to study in the prestigious dance studios of Alvin Ailey, Martha Graham, the Clark Center and the New York City school of Ballet and Dance Arts instead of the much publicized High School of Performing Arts in New York. Ms.Fox pursued the rigorous training needed for a career as a professional dancer. She danced professionally with many Miami companies and has brought her own experience and expertise to the classroom. Irene developed, implemented and pioneered many of magnet/dance programs available in Miami-Dade County Public Schools. She received her Bachelor of Arts in Spanish Education, A Masters of Science from Florida International University and a second Masters in Educational Leadership from Nova Southeastern University.

Throughout her thirty-seven years in the classroom as an arts educator, she has developed such prestigious programs as Miami Northwestern Senior High (PAVAC) program, the Performing and Visual Arts Center housed at Miami-Dade Community College North/South Campuses, Southwood Middle School, Norland Middle School. Mays Middle, Perrine Elementary, South Miami Senior High and New World School of the Arts. In 2002, she had the opportunity to work with the Annenberg grant to provide the first tri-school "Nutcracker" at Gusman Hall. The Annenberg grant provided three magnet schools the opportunity to improve students writing skills and secure new costumes and sets for future dance productions.

In 2002, Ms.Fox left the classroom to become lead teacher at Norland Middle School where she worked for two years revamping their magnet program. It was under her leadership that the school was awarded the Merit School of Distinction by Magnet Schools of America. She is a member of many arts advocacy groups involved in arts education and assessment. She is continuously recognized for her leadership in Arts Education. She was honored by the Coalition for Arts Education with the coveted Arts Leadership Award. She was the "Teacher of the Year" in 2009. In 1998 she was the recipient of the "Teacher of the Year Award in Dance" at the state level. She has served many leadership positions in local, state and regional organizations. She also served as the Chairperson for the "Teacher of the Year" committee for Region V for Miami-Dade County Public Schools.

In 2005, she became the Magnet Lead Teacher at South Miami Middle School, Center for the Arts. Through a grant, the school became the model arts middle school program for the State of Florida, Here she worked on many innovative recruitment strategies using technology. She also received a first place award for the most creative display at the county's Magnet Fair.

Presently she is working as the Fitness/Dance Instructor in the county's first single gender school for girls, Young Women's Preparatory Academy. In addition to her busy schedule at the school, she continues to conduct seminars and workshops for arts programs throughout Florida. She became Zumba certified to enhance her fitness program. She continues her quest for excellence in Arts with the belief that every child benefits from being involved in the arts. "One of the most rewarding experiences in teaching the arts is the ability to reach out to the children in a different way and provide them with the self-esteem that lays the ground work for focus and discipline necessary to be successful and achieve in life."

Professional Experience

Spanish Teacher

Johnson Middle School, Brevard County, Fla. September 2011-2016

- * Teaching Levels 1&2 Spanish
- * Worked with District to design and implement basic Spanish curriculum .
- * Involved in extracurricular activities for the student body.

OBJECTIVE

To obtain a supervisory position that will utilize my experience in Magnet Talent and School Choice Programs

SKILLS

Leadership Experience, Management and Organizational Skills,
Curriculum Development, Bilingual English/Spanish, Grant Writing,
Relations/Recruitment Teaching Career, Dance Instructor, Choreographer
Team player, Excellent Work Ethic, Contagious Enthusiasm

PROFESSIONAL EXPERIENCE**LEAD TEACHER****YOUNG WOMEN'S PREPARATORY ACADEMY, MIAMI FL SEPTEMBER 2007 – PRESENT**

- Teaching in a single gender school for girls 6-12th grade students interested in becoming future leaders.
- Teaching fitness and involved in the wellness program for staff and my classes.
- Certified in CPR and last year
- Voted "Teacher of the YEAR" for 2009.

LEAD TEACHER**SOUTH MIAMI MIDDLE SCHOOL, CENTER FOR THE ARTS, MIAMI FL. SEPTEMBER 2005-JUNE 2007**

Developed, Coordinated And Implemented Magnet School Philosophy And Mission By:

Recruitment Of A Diversified Student Population

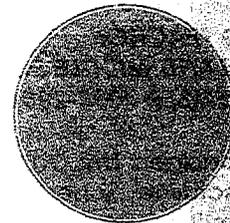
- Design And Implementation Of The Curriculum Within The Program
- Monitored And Developed Outreach Activities, Identification and Coordination Of Staff Development Opportunities
- Overall Monitoring Of Related Magnet Policy Requirements
- Prepared Reports And Presentations As Required
- Work With Region And District To Implement Program Reviews
- Locate And Prepare Grant Proposals

Selected Projects:

Developed Mail-Out CD in English and Spanish
Developed DVD for Recruitment Purposes
Developed Power Point Presentation For Orientation And Auditions
Developed DVD for "Audience Etiquette" Performances
Using The School's Broadcasting Students
Developed Electronic Portfolio's For All Magnet Students

LEAD TEACHER**NORLAND MIDDLE SCHOOL, CENTER FOR THE ARTS, MIAMI FL. SEPTEMBER 2003-2005**

- Managed The Day To Day Operations Including Reporting, Discipline, Scheduling Classes
- Provided Parent/Teacher Conferences And Monitored the Financial Resources against Budgetary Guidelines
- Coordinated And Provided Staff Development And Training
- Plan And Implemented Curriculum Activities With High School Arts Programs



Selected Projects:

- Recruitment Program: Initiated School's Student Recruitment Efforts Throughout Miami-Dade County With A Variety Of Innovative Marketing Programs and Special Events
- Implemented New Program Initiatives With Parental Involvement Resulting In a More Effective Student/Teacher/Parent Relationship, Closer Cooperation of Daily Activities

DANCE INSTRUCTOR

SOUTH MIAMI SENIOR HIGH, PERFORMING ARTS PROGRAM, MIAMI, FL. SEPTEMBER 1995-2003

Taught All Levels Of Ballet, Modern, Jazz

- Developed And Implemented The Magnet Dance Program
- Showcased Unique Ability To Leverage Available Technology,
- Coordinate A Full Length Nutcracker Performance Involving The Three Magnet Feeder Pattern Schools (Elementary, Middle And Senior)
- Managed An Active Performing Group

ARTISTIC DIRECTOR/DANCE INSTRUCTOR/COORDINATOR

MAYS MIDDLE SCHOOL FOR THE ARTS AND HUMANITIES, MIAMI, FL. SEPTEMBER 1991-95

Miami Killian Senior High, Miami, Fl.

September 1987-1991

Dance Instructor: Taught Beginners-Advanced Levels Of Ballet, Modern, Jazz And Healtheducation

EDUCATION

Nova University, Miami, Fl. Educational Specialist, 1998

Florida International University, Miami, FL | Masters of Science | Physical Education, 1975

CW Post College, Long Island, New York | Bachelors of Arts and Sciences, 1971

PROFESSIONAL AFFILIATIONS

- Florida Association of Health, Physical Education Recreation and Dance, President 1997-1999
- Dance Education Council Chairperson 1997-1998
- Magnet Schools of America Member
- Professional Dance Teachers Association Member
- Dance Masters of America Member
- Dade Association of Dance Educators President 1997-1999 Vice President 1996

REFERENCES FINISHED UPON REQUEST

SUBJECT: Resolution 10-2020 Low Speed Vehicles on SR A1A

Staff Report – Town of Indian Lake Meeting Date: August 12, 2020

Summary:

Florida Statute allows Low Speed Vehicles (LSV) to operate on roadways with a posted speed limit of 35 MPH. Resolution 10-2020 requests that FDOT prohibit the operation of Low Speed Vehicles on SR A1A since the speed limit has recently been lowered to 35 MPH. Among other factors, LSV's have a maximum speed of 25 MPH which make them a safety concern. In a coordinated effort, the Cities of Satellite Beach, Indian Harbour Beach, and Melbourne have expressed concerns about safety and are in the process of adopting similar resolutions to urge FDOT to prohibit the operation of LSV's on SR A1A.

Recommendation:

Approve Resolution 10-2020

MOTION:
Approve Resolution 10-2020

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

RESOLUTION NO. 10-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, REQUESTING FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROHIBIT THE OPERATION OF LOW SPEED VEHICLES (LSV'S) ON SR A1A; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation (FDOT) recently reduced the speed limit on SR A1A from 45 mph to 35 mph to aid the safe crossing of pedestrians and calm traffic; and

WHEREAS, due to the reduced speed limit, Low Speed Vehicles (LSV's), defined as "any four-wheeled vehicles whose top speed is greater than 20-mph, but not greater than 25-miles per hour", are now legally allowed to operate on SRA1A per Florida Statute; and

WHEREAS, SR A1A is a major beachside thoroughfare, traversed by multiple sized vehicles and much larger vehicles, including dump trucks and semi-trailers, and LSV's are smaller and lighter than conventional cars and do not possess occupant safety measures afforded to conventional cars, such as suitable seat belts, crumple zones, energy-absorbing steering columns or airbags; and

WHEREAS, smaller-mass vehicles absorb the brunt of the force in collisions with heavier vehicles, resulting in greater damage to the smaller vehicle and, potentially, its passengers and lower acceleration rates in LSVs can make it more difficult for drivers to react quickly enough to avoid a crash; and

WHEREAS, if most of the vehicles on a corridor are traveling 35 mph or faster, introducing vehicles that cannot exceed 25 mph could cause congestion, as well as the abovementioned safety concerns; and

WHEREAS, the beachside communities of the Town of Indialantic, City of Indian Harbour Beach, City of Melbourne and City of Satellite Beach are jointly concerned for the health, welfare and safety of their citizens and feel that the operation of LSV's on SR A1A poses a threat to public safety.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, FLORIDA, THAT:

SECTION 1. The Town of Indialantic, in conjunction with the City of Satellite Beach, City of Indian Harbour Beach and City of Melbourne, hereby petitions the Florida Department of Transportation to prohibit the operation of Low Speed Vehicles (LSV's) on SR A1A throughout the municipalities of Satellite Beach, Indian Harbour Beach, Indialantic and Melbourne.

SECTION 2. Severability Clause. In the event that any term, provision, clause, sentence or section of this Resolution 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 Resolution, and this Resolution shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 3. Effective Date. This Resolution shall become effective upon adoption.

PASSED by the Town Council of the Town of Indialantic on the 12th day of August, 2020.

TOWN OF INDIALANTIC, FLORIDA,
A Florida Municipal Corporation

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

SUBJECT: Nance Park Use /Special Event

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Council is being requested to authorize the use of Nance Park for the Mikey Strong 5k/2 mile walk as a special event. The race will take place at Nance Park with no road or parking closures. The event will use the pavilions and the race will start from Nance Park and go onto the beach going north and return to Nance Park. There will be music, food and alcohol will be served for participants. The event will be from 4 PM to 8 PM November 24, 2020.

Recommendation:

Authorize the use of Nance Park for the Mikey Strong 5k/2 mile walk as a special event.

MOTION: Authorize the use of Nance Park for the Mikey Strong 5k/2 mile walk as a special event.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

7/19/20

To: The Town of Indialantic

From: Julie Arnold

Hello:

Resubmitting this permit application for the Mikey Strong 5K, planned for November 24, 2020. The event details include:

- 5K walk, 2 mile walk
- Time: Race starts at 5:00 p.m., set up starts at noon that day, event to conclude at 8:00 p.m.
- Location: Nance Park start/finish and after-party
- The race will start at Nance Park, participants will traverse the beach from the existing boardwalk and walk North, and return for the complete 5K route.
- Upon completion we will hold the after-part in Nance Park in the green space of the Park and hope to utilize both pavilions. Please advise if we need to complete the pavilion rental form as well as the special event permit.
- The event is a fundraiser for the Mikey Strong Foundation, which is being formed in memory of Mikey Goodwin who recently lost his struggle with DIPG. DIPG is one of the most rare and aggressive cancers affecting 150-300 patients yearly in the US. DIPG, or **diffuse intrinsic pontine glioma**, is a type of brain tumor found in an area of the brainstem known as the pons.

We are currently in the process of obtaining event insurance based on the Town's outlined guidance.

Please let me know if you have any questions.

Thank you!

Best,

Julie Arnold

Event Director

For the Mikey Strong Foundation



REQUEST FOR SPECIAL EVENT

Owner/Business Name Julie Arnold / Mary Goodwin
Address 315 Sherwood Ave., Satellite Beach, FL 32937
Applicant Julie Arnold Phone 321-537-1228 Date 11/24/20 event/7/10
Event Location: Nance Park / Beach
Event date(s): from 11/24 to 11/24
Time of event: from 4:00 to 8:00

Please state the purpose of this request, ie: grand opening, anniversary

Mickey Strong 5K/2 mile walk - Beginning and ending at Nance Park. The run/walk will travel North on the beach and the after-event will be in the green area with the two pavilions.

Type of merchandise displayed None displayed / sponsor banners / tent
(Please include diagram with dimensions indicating where the items will be displayed)

Per Indialantic Code Section 13-3(c)(2), please submit a copy of liability insurance in the amount of at least \$100,000 per person/\$200,000 per occurrence. The Town of Indialantic shall be listed as "additionally insured" for the date(s) of the event. **The policy shall be non-cancelable without at least ten (10) days written notice to the Town prior to cancellation.** Sample wording regarding cancellation is as follows:

"Should any of the above described policies be cancelled before the expiration date thereof, the issuing company shall mail 10 days written notice to the Town of Indialantic by certified mail prior to cancellation."

Fax: 321-951-8224 or mail to the Town of Indialantic, 220 Fifth Avenue, Indialantic, Florida 32903 **within 5 days of the event.**

FOR OFFICE USE ONLY

Permit for this event is approved or disapproved for the following reasons:

Code Enforcement Officer

Town Manager

Police Chief

Fire Chief

Public Works Director

Building Official

THIS PERMIT MUST BE POSTED DURING SPECIAL EVENT

Please read the attached Ordinance Section 13-3(c)(1)(2)(3)(4)(5)(6)(7)

SUBJECT: Resolution 11-2020 Establish a Fund Balance Practice

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Council is being requested to adopt Resolution 11-2020 setting forth certain funds in the fund balance of the General Fund and repealing Resolution 08-19 which relates to the FY-19 fund balance. This activity is consistent with Resolution 12-02 which sets forth the policy dealing with the fund balance for the General Fund.

Recommendation:

Adopt Resolution 11-2020

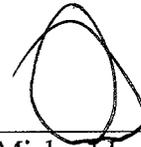
MOTION: Adopt Resolution 11-2020

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

RESOLUTION NO. 11-2020

A RESOLUTION OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, ADHERING TO A FUND BALANCE PRACTICE; REPEALING RESOLUTION NO. 08-19; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the FY-19 audit as prepared by the Town's independent auditors reflected that on September 30, 2019, the Town possessed \$1,832,732 in the Town's fund balance for the general fund; and

WHEREAS, the Government Finance Officers Association (GFOA) recommends at a minimum that a general purpose government maintain an unrestricted fund balance in the general fund of not less than two (2) months of operating expenditures; and

WHEREAS, two (2) months of general fund operating expenditures equates to \$671,855; and

WHEREAS, \$1,000 has been donated toward maintenance of the Nance Park monument sign; and

WHEREAS, Council desires to set aside \$180,000 to mill and resurface South Riverside Drive in FY-23; and

WHEREAS, Council desires to set aside \$70,000 to mill and resurface N. Ramona Avenue in FY-23; and

WHEREAS, Council desires to set aside \$50,000 for future replacement of stormwater pipes not under pavement; and

WHEREAS, Council desires to have \$400,000 available in FY-23 to purchase a replacement fire engine should it be needed; and

WHEREAS, Council desires to ensure that sufficient funds are available to meet local costs associated with the Town's efforts to secure Florida Department of Transportation (FDOT) funds to replace plants in the US-192/SR-500 (aka Fifth Avenue) median; and

WHEREAS, \$206,300 in the FY-20 budget is expected to be cash carry forward into the FY-21 budget for the local share of 5th Avenue median improvements; and

WHEREAS, Council has carried forwarded \$233,800 into the FY-20 annual budget; and

WHEREAS, Council desires to set aside funds for compensated absences in an amount sufficient to correspond to the number reflected in the annual audit (i.e. \$58,809); and

WHEREAS, Council desires to ensure that sufficient funds are available should a hurricane strike to cover the cost to remove vegetative debris and to cover the Town's deductible under the Town's insurance policy.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Indialantic, Florida, that:

SECTION 1. A Fund Balance allocation for the General Fund is adopted and shall read as follows:

- (1) The Fund Balance allocation shall be consistent with Resolution 12-02, hereafter referred to as the Fund Balance Policy; and
- (2) The Committed Fund Balance shall consist of the following
 - (a) \$1,000 for Nance Park sign maintenance;
 - (b) \$180,000 for South Riverside Drive resurfacing;
 - (c) \$70,000 for North Ramona Avenue resurfacing;
 - (d) \$233,800 which was included in the FY-20 budget as cash carry forward;
 - (e) \$282,662 for replacing a fire engine;
 - (f) \$18,000 for the Town's portion of the cost to remove vegetative and other debris resulting from a hurricane;
 - (g) \$266,606 for the Town's deductible under the Town's insurance policy to cover costs associated with damage resulting from a hurricane;
 - (h) \$58,809 representing the potential cost to address compensated absences;
 - (i) \$50,000 for future replacement of stormwater pipes not under pavement.
- (3) The unassigned Fund Balance shall be \$671,855.

SECTION 2. That Resolution No. 08-19 is hereby repealed.

SECTION 3. Severability/Interpretation Clause.

In the event that any term, provision, clause, sentence or section of this Resolution 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 Resolution, and this Resolution shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council of the Town of Indialantic, Florida.

PASSED by the Town Council of the Town of Indialantic on the 12th day of August, 2020.

TOWN OF INDIALANTIC, FLORIDA,
A Florida Municipal Corporation

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

SUBJECT: Appoint delegate for the Florida League of Cities Virtual Annual Business Meeting

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Deputy Mayor Glass has offered to represent the Town and vote on its behalf at the Florida League of Cities annual business meeting.

Recommendation:

Appoint Deputy Mayor Glass as voting delegate.

MOTION:

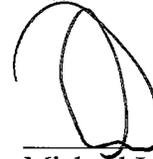
Appoint Deputy Mayor Glass as voting delegate for the Florida League of Cities annual business meeting.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUBJECT: Resolutions 12-2020; 13-2020; and 14-2020

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Deputy Mayor Glass requested the Town adopt the following resolutions drafted by the Florida League of Cities:

Resolution 12-2020 affirms support for and a partnership with federal, state, and local leader to ensure an accurate 2020 census.

Resolution 13-2020 urges congress to reauthorize the National Flood Insurance Program.

Resolution 14-2020 urges congress to pass legislation providing direct funding assistance to all cities to help mitigate expenditures and current and future losses as a result of the novel coronavirus (covid-19) pandemic.

Recommendation:

Approve Resolutions.

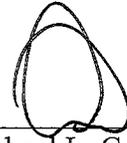
MOTION:
Approve the consent agenda.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

Resolution 12-2020

A RESOLUTION OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA AFFIRMING SUPPORT FOR AND A PARTNERSHIP WITH FEDERAL, STATE AND LOCAL LEADERS TO ENSURE AN ACCURATE 2020 CENSUS.

WHEREAS, the U.S. Constitution requires the U.S. Census Bureau to conduct a count of the population every 10 years; and

WHEREAS, the members of the Town Council of the Town of Indialantic are committed to ensuring every resident is counted; and

WHEREAS, a successful census program integrates federal, state and local resources within each level of government so that a true intergovernmental partnership is achieved for a timely and accurate count, and these efforts were hampered during the novel coronavirus (COVID-19) pandemic causing deadlines to be amended so that an accurate count can be obtained; and

WHEREAS, more than \$675 billion per year in federal and state funding is allocated to communities based upon population and said funding supports public health care, community development, housing, education, transportation, social services, employment; and census data collected factors into the apportionment of the U.S. House of Representatives, as well as the redistricting of state legislatures and many county and some city voting districts; and

WHEREAS, each Census Bureau employee takes a lifetime oath to protect confidentiality and ensure that data identifying respondents or their household will not be released or shared; and

WHEREAS, a united voice from businesses, government, community-based and faith-based organizations, educators, media and others should join together so that the 2020 Census message reaches the broadest audience, providing trusted advocates who can spark positive conversations about the 2020 Census.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC:

Section 1. The Town of Indialantic unanimously supports the goals and ideals for the 2020 U.S. Census.

Section 2. The Town of Indialantic has been and will continue to be of assistance throughout the census process and asks its members to finalize their efforts toward the

October 31 deadline with every possible resource to achieve an accurate and complete count.

Section 3. A copy of this resolution be provided to the southeast office of the U.S. Census Bureau and also be shared with the membership of the Florida League of Cities, Inc.

PASSED AND ADOPTED by the Town of Indialantic in a regular council meeting conducted through the use of communications media technology, this 12th Day of August, 2020.

TOWN OF INDIALANTIC

Dave Berkman, Mayor

Attested by:

Rebekah Raddon, CMC, Town Clerk

Resolution 13-2020

A RESOLUTION OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA URGING CONGRESS TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS, floods are the most common and destructive natural disaster in the United States and Florida; and

WHEREAS, Congress created the National Flood Insurance Program (NFIP) in 1968 to make affordable flood insurance available to homeowners, renters and business owners in exchange for using FEMA generated Flood Insurance Rate Maps for floodplain management by participating communities; and

WHEREAS, the Flood Disaster Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of federal or federal-related financial assistance for acquisition or construction purposes with respect to the insurance of buildings; and

WHEREAS, the NFIP provides affordable flood insurance to property owners by encouraging local governments to adopt and enforce floodplain and water management regulations, best practices and techniques; and

WHEREAS, these mitigation efforts reduce and prevent flooding on new and improved structures, thereby saving lives and reducing injuries, reducing economic losses, maintaining and protecting critical infrastructure, and reducing the liability borne by local governments and their elected officials; and

WHEREAS, flooding is a serious risk in Florida due to the state's geography and proximity to water, both coastal and inland; and

WHEREAS, this issue is a critical concern for our state as Florida has the largest number of participants in the NFIP with more than 1.7 million policies in force; and

WHEREAS, the NFIP is set to expire on September 30, 2020; and

WHEREAS, a lack of long-term reauthorization causes uncertainty for beneficiaries and providers; and

WHEREAS, there is still no viable private market for homeowners and businesses to acquire sufficient flood insurance coverage; and

WHEREAS, accurate mapping is fundamental for local governments to assess and communicate risk to their communities and property owners; and

WHEREAS, the current mapping process often results in local governments having to fight inaccurate maps that do not take into account locally built flood protection features and

communities building off of outdated mapping, which results in artificially inflated risk. Further, many areas of the country are not mapped or mapped accurately, which results in communities not being aware that they are at risk of flooding; and

WHEREAS, it is incumbent upon all of us to have a long-term, sustainable and viable NFIP with rates that are affordable; and

WHEREAS, bi-partisan legislation has been introduced in the House and Senate titled the National Flood Insurance Program Reauthorization and Reform Act of 2019 (NFIP-RE), H.R. 3872 and S. 2187, which would reauthorize the NFIP program for five years; and

WHEREAS, this legislation includes provisions to cap annual rate increases to 9 percent, fund resiliency and mitigation programs, and modernize mapping; and

WHEREAS, FEMA was scheduled to launch a new risk rating system called Risk Rating 2.0 to address deficiencies in the traditional mapping process that was originally scheduled to go into effect October 1, 2020; and

WHEREAS, FEMA postponed the launch of Risk Rating 2.0 until October 1, 2021, to allow additional time to conduct a comprehensive analysis of the proposed rating structure to protect policyholders and minimize any unintended negative effects of the transition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC:

Section 1. The Town Council of the Town of Indialantic supports H.R. 3872 and S. 2187 and urges Congress to reauthorize the NFIP and to keep flood insurance rates affordable for primary, non-primary and business properties while balancing the fiscal solvency of the program. The Town of Indialantic also expresses appreciation to Senator Marco Rubio (R-FL) and Representatives Debbie Mucarsel-Powell (D-26-FL), Charlie Crist (D-13-FL), Stephanie Murphy (D-7-FL) and Alcee Hastings (D-20-FL) for co-sponsoring this legislation.

Section 2. In order for local governments to help their communities and property owners to adequately prepare for risk, Congress should provide additional resources to FEMA to utilize the best technology and methods available to improve the mapping process, including seeking the input from local government officials prior to approving any flood map that could impact local zoning rules.

Section 3. A copy of this resolution be sent to President Donald Trump, the Florida Congressional Delegation, the National League of Cities and the Florida League of Cities.

Section 4. This resolution shall become effective upon adoption and shall remain in effect until repealed and hereby repeals all conflicting resolutions.

PASSED AND ADOPTED by the Town of Indialantic, in a regular council meeting conducted through the use of communications media technology, this 12th Day of August 2020.

TOWN OF INDIALANTIC

Dave Berkman, Mayor
Town of Indialantic

ATTEST: _____
Rebekah Raddon, Town Clerk

Resolution 14-2020

A RESOLUTION OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA REQUESTING THAT CONGRESS PASS LEGISLATION PROVIDING DIRECT FUNDING ASSISTANCE TO ALL CITIES TO HELP MITIGATE EXPENDITURES AND CURRENT AND FUTURE LOSSES AS A RESULT OF THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC.

WHEREAS, the COVID-19 pandemic is an extraordinary time for the nation and the world, and it has significantly altered the normal day-to-day life of most Floridians; and

WHEREAS, since Florida cases of the Coronavirus were first reported, Florida's cities, towns and villages have been continuously working to respond to the needs of their residents and businesses; and

WHEREAS, Florida cities have been coordinating efforts among first responders, local health care professionals, and county and state partners as they work together to combat this pandemic; and

WHEREAS, Florida cities have been taking extraordinary measures to both limit the spread of COVID-19 and support local businesses, all while keeping the health and safety of their residents at the forefront of their efforts; and

WHEREAS, cities have been utilizing general revenues and implementing innovative and effective programs to deliver targeted relief such as mini grants, fee reductions and utility bill assistance to residents and small businesses needing help; and

WHEREAS, the fiscal consequences of COVID-19 are unprecedented, and cities are now facing financial shortfalls while maintaining essential services for their residents and businesses; and

WHEREAS, Congress has passed several stimulus packages to provide relief to individuals and businesses facing enormous challenges as a result of COVID-19; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act provided direct federal relief to local governments with a minimum population of 500,000, which applied to only one Florida municipality; and

WHEREAS, Congress has not provided any direct funding to Florida's cities with a population under 500,000 to help mitigate the devastating and unexpected fiscal and employment impacts this pandemic has caused; and

WHEREAS, on June 10, 2020, Governor Ron DeSantis announced Florida's plan to disburse up to \$1.275 billion in CARES Act funds to counties with a population below 500,000

and recommended that counties share funds with cities within their jurisdictions, but these funds are not guaranteed nor directly available to cities; and

WHEREAS, cities are a key component to accelerating Florida's economic recovery and providing a climate that will help businesses thrive, attract visitors from all over the world and enhance the quality of life that the citizens of Florida expect and deserve.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF INDIALANTIC:

Section 1. The Town Council of the Town of Indialantic urges Congress to pass direct federal funding assistance to all cities that will help rebuild and restore the economic health of our nation by restoring the economic health of our cities.

Section 2. The Town Council of the Town of Indialantic urges Congress to support S. 3742 by Senators Cory Booker (D-NJ), Steve Daines, (R-MT) and Patty Murray (D-WA) and R.R. 6907 by Representatives Daniel Kildee (D-MI-5), Brian Fitzpatrick (R-PA-5), Dwight Evans (D-PA-3) and Fred Upton (R-MI-6) titled the RELIEF for Main Street Act. This bi-partisan legislation would allocate direct funding assistance to cities, counties and states to provide local relief and recovery funds for small businesses within their jurisdictions.

PASSED AND ADOPTED by the Town Council of the Town of Indialantic in a regular meeting conducted through the use of communications media technology, this 12th Day of August 2020.

David Berkman, Mayor
Town of Indialantic

ATTEST: _____
Rebekah Raddon, CMC, Town Clerk

SUBJECT: (Second/Reading) Ord. 2020-08 Relating to Declaration of Emergencies

Staff Report – Town of Indialantic

Meeting Date: August 12, 2020

Summary:

Town Attorney Gougelman drafted this ordinance to add language to the Town's code implementing Sec. 252.31 – 252.60 and Sec. 870.041 – 870.047 of the Florida Statutes. The ordinance provides authority for calling emergencies and designates which officials can call them.

Recommendation:

Approve.

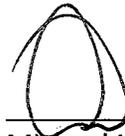
MOTION:
Adopt Ordinance 2020-08 on second reading.

Submitted by:

Approved for agenda:



Rebekah Raddon
Town Clerk



Michael L. Casey
Town Manager

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; RELATING TO EMERGENCIES; MAKING FINDINGS; CREATING SECTIONS 10-100 THROUGH 10-105, ARTICLE VI., CHAPTER 10, TOWN CODE OF ORDINANCES; PROVIDING DEFINITIONS, PERSONS AUTHORIZED TO DECLARE AN EMERGENCY, AND TERM OF EMERGENCY DECLARATION; SETTING FORTH EMERGENCY POWERS; PROVIDING PENALTIES AND FOR LIBERALITY OF CONSTRUCTION; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 252.31-252.60, Florida Statutes, provide for calling civil emergencies, as defined herein; and

WHEREAS, Sections 870.041-870.047, Florida Statutes, provide authority for calling local emergencies, as defined herein; and

WHEREAS, it is recognized that some of the powers delegated by Sections 252.31-252.60, Florida Statutes, overlap with the powers set forth in Sections 870.041-870.047, Florida Statutes; and

WHEREAS, in light of the COVID-19 pandemic, the Town Council chooses to implement Sections 252.31-252.60 and 870.041-870.047, Florida Statutes, by providing authority for calling emergencies and designating the officials who will call such emergencies; and

WHEREAS, doing the aforementioned promotes the public health, safety, and welfare of the community,

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

SECTION 1. Recitals. Each and all of the foregoing recitals ("WHEREAS" clauses) are hereby declared to be true and correct and are incorporated herein by this reference.

SECTION 2. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a new section, to be numbered section 10-100, which said section reads as follows:

44 **ARTICLE VI. DECLARATION OF EMERGENCIES**

45
46 **Sec. 10-100. Definitions.**

47
48 The following words, terms and phrases, when used in this article, shall have the
49 meanings ascribed to them in this section, except where the context clearly indicates a
50 different meaning:

51
52 (1) "Local emergency" means the existence or imminent threat of of a riot
53 or unlawful assembly characterized by the use of actual force or violence or any threat to
54 use force if accompanied by immediate power to execute by three or more persons acting
55 together without authority of law.

56 (2) "Civil emergency" means the existence or imminent threat of any
57 natural emergency, natural disaster, manmade emergency, or manmade calamity,
58 including but not limited to pandemic, flood, conflagration, cyclone, tornado, hurricane,
59 earthquake or explosion, within the corporate limits of the town resulting in the death or
60 injury of persons or the destruction of property to such an extent that extraordinary
61 measures must be taken to protect the public health, safety and welfare.

62 (3) "Curfew" means a prohibition against any person or persons walking,
63 running, loitering, standing or motoring upon any alley, street, highway, public property or
64 vacant premises within the corporate limits of the town, except the persons officially
65 designated to perform duties with reference to the local emergency.

66 (4) "Disaster" means any natural, technological, or civil emergency that
67 causes damage of sufficient severity and magnitude to result in a declaration of a state
68 of emergency by a county, the Governor, or the President of the United States. Disasters
69 shall be identified by the severity of resulting damage, as follows:

70 (A) "Catastrophic disaster" means a disaster that will require
71 massive state and federal assistance, including immediate military involvement.

72 (B) "Major disaster" means a disaster that will likely exceed local
73 capabilities and require a broad range of state and federal assistance.

74 (C) "Minor disaster" means a disaster that is likely to be within the
75 response capabilities of local government and to result in only a minimal need for state
76 or federal assistance. See s. 252.34(1), F.S.

77 (5) "Emergency" means any occurrence, or threat thereof, whether
78 natural, technological, or manmade, in war or in peace, which results or may result in
79 substantial injury or harm to the population or substantial damage to or loss of property.
80 See s. 252.34(3), F.S.

81 (6) "Emergency management" means the preparation for, the mitigation
82 of, the response to, and the recovery from emergencies and disasters. Specific
83 emergency management responsibilities include, but are not limited to:

84 (A) Reduction of vulnerability of people and communities of this
85 state to damage, injury, and loss of life and property resulting from natural, technological,
86 or manmade emergencies or hostile military or paramilitary action.

87 (B) Preparation for prompt and efficient response and recovery to
88 protect lives and property affected by emergencies.

89 (C) Response to emergencies using all systems, plans, and
90 resources necessary to preserve adequately the health, safety, and welfare of persons
91 or property affected by the emergency.

92 (D) Recovery from emergencies by providing for the rapid and
93 orderly start of restoration and rehabilitation of persons and property affected by
94 emergencies.

95 (E) Provision of an emergency management system embodying all
96 aspects of pre-emergency preparedness and post-emergency response, recovery, and
97 mitigation.

98 (F) Assistance in anticipation, recognition, appraisal, prevention,
99 and mitigation of emergencies which may be caused or aggravated by inadequate
100 planning for, and regulation of, public and private facilities and land use.

101 (7) "Manmade emergency" means an emergency caused by an action
102 against persons or society, including, but not limited to, enemy attack, sabotage,
103 terrorism, civil unrest, or other action impairing the orderly administration of government.
104 See s. 252.34(6), F.S.

105 (8) "Natural emergency" means an emergency caused by a natural event,
106 including, but not limited to, a pandemic, a hurricane, a storm, a flood, severe wave
107 action, a drought, or an earthquake. See s. 252.34(7), F.S.

108 (9) "Technological emergency" means an emergency caused by a
109 technological failure or accident, including, but not limited to, an explosion, transportation
110 accident, radiological accident, or chemical or other hazardous material incident. See s.
111 252.34(8), F.S.

112
113 SECTION 3. That the Code of Ordinances of Indialantic, Florida, is hereby
114 amended by adding a new section, to be numbered section 10-101, which said section
115 reads as follows:

116
117 **Sec. 10-101. Persons authorized to declare emergency.**

118
119 (a) In cases of a local emergency, such as riots, general public disorder,
120 widespread disobedience of the law, substantial injury to persons or property constituting
121 an imminent threat to the public peace or order, or similar circumstances, as set forth in
122 sections 870.041-870.047, the mayor, after consultation with the town manager and the
123 chief of police, shall have the right to declare a local emergency by local emergency order
124 or proclamation. In the event the mayor is absent, unavailable, or disabled and cannot
125 perform the duties of mayor related hereto, the deputy mayor, or in the absence of the
126 deputy mayor, the chief of police, shall have the right to declare a local emergency
127 provided the declaration is in writing.

128
129 (b) In cases of a civil emergency, as set forth in sections 252.31-252.60, the

130 mayor, after consultation with the town manager, shall have the right to declare a civil
131 emergency by civil emergency order or proclamation. In the event the mayor is absent,
132 unavailable, or disabled and cannot perform the duties of mayor related hereto, the
133 deputy mayor, or in the absence of the deputy mayor, the town manager, shall have the
134 right to declare a civil emergency provided the declaration is in writing.

135
136 SECTION 4. That the Code of Ordinances of Indialantic, Florida, is hereby
137 amended by adding a new section, to be numbered section 10-102, which said section
138 reads as follows:

139
140 **Sec.10-102. Emergency powers and measures.**

141
142 (a) Whenever a local emergency is declared pursuant to section 10-101(a), the
143 written instrument of the mayor, deputy mayor, or chief of police, shall set forth the nature
144 of the local emergency, any lawful measures deemed necessary to preserve and protect
145 the public health, safety, and welfare, and the duration said measures shall remain in
146 effect. Any measure promulgated under this section shall have the force and effect of
147 law. Such measures shall only be effective during the state of local emergency. Such
148 measures may include, but are not limited to, the following:

149 (1) Establish curfews, including, but not limited to, the prohibition of or
150 restrictions on pedestrian and vehicular movement, standing and parking, except for the
151 provisions of designated essential services, such as fire, police, emergency medical
152 services (including the transportation of patients and emergency calls by physicians or
153 other approved medical personnel), and public works services (including utility
154 emergency repairs). See s. 870.045(1), F.S.

155 (2) Utilize all available resources of the town government as reasonably
156 necessary to cope with the local emergency, including emergency
157 expenditures. However, in the case of a declaration of local emergency by the mayor,
158 deputy mayor, or chief of police, such emergency expenditure shall not exceed
159 \$50,000.00.

160 (3) Declare certain areas of the town off limits and closed to all
161 nonessential personnel.

162 (4) Make provisions for the availability and use of temporary emergency
163 housing and the emergency warehousing of materials.

164 (5) Establish an emergency operating center and employee shelter in
165 addition to or in place of those provided for in the county's emergency plan.

166 (6) Enforcing price controls stop unconscionable price gouging as
167 provided by s. 501.160, F.S.; provided, that unconscionable price gouging shall not be a
168 violation of this code but will be enforced as provided by state law.

169 (7) Confiscate merchandise, equipment, vehicles, or property needed to
170 alleviate the emergency. Reimbursement shall be within 60 days and at customary value
171 charged for the items during the 90 days previous to the emergency.

172 (8) In cooperation with the county emergency management and on behalf

173 of the town, call on the National Guard or the Army, Coast Guard or other law
174 enforcement divisions as necessary to assist in the mitigation of the emergency or to help
175 maintain law and order, rescue and traffic control.

176 (9) Prohibit or limit the sale or other transfer of possession, with or without
177 consideration, of gasoline or any other flammable or combustible liquid altogether or
178 except by delivery into a tank properly affixed to an operable motor-drive vehicle, bike,
179 scooter, boat, or airplane and necessary for propulsion thereof. See s. 870.045(5), F.S.

180 (10) Prohibit or limit the sale or distribution, with or without consideration,
181 or possession of any portable container containing an alcoholic beverage. See s.
182 870.045(2) and (3), F.S.

183 (11) Prohibit the possession in a public place of any portable container
184 containing gasoline or any other flammable or combustible liquid. See s. 870.045(6),
185 F.S.

186 (12) Closing of places of public assemblage with designated exceptions.
187 See s. 870.045(4), F.S.

188 (13) Regulation of the use or display of firearms shall be as set forth by
189 chapter 790, F.S. Violation of this sub-section (a)(13) shall not be a violation of this code
190 but shall be enforced pursuant to state law.

191 (14) Prohibit or limit the public's use of *public* facilities including but not
192 limited to, parks, government buildings, docks, rights-of-way, and beaches, or providing
193 the manner in which the aforementioned public facilities may be used.

194
195 (b) Whenever a civil emergency is declared pursuant to section 10-101(b), the
196 written instrument of the mayor, deputy mayor, or the town manager, shall set forth the
197 nature of the civil emergency, any lawful measures deemed necessary to preserve and
198 protect the public health, safety, and welfare, and the duration said measures shall
199 remain in effect. Any measure promulgated under this section shall have the force and
200 effect of law. Such measures shall only be effective during the state of civil
201 emergency. Such measures may include, but are not limited to, the following:

202 (1) Utilize all available resources of the town government as reasonably
203 necessary to cope with the civil emergency, including emergency expenditures. However,
204 in the case of a declaration of civil emergency by the mayor, deputy mayor, or town
205 manager, such emergency expenditure shall not exceed \$50,000.00.

206 (2) Declare certain areas of
207 the town off limits and closed to all nonessential personnel.

208 (3) Make provisions for the availability and use of temporary emergency
209 housing and the emergency warehousing of materials.

210 (4) Establish an emergency operating center and employee shelter in
211 addition to or in place of those provided for in the county's emergency plan.

212 (5) Enforcing price controls stop unconscionable price gouging as
213 provided by s. 501.160, F.S.; provided, that unconscionable price gouging shall not be a
214 violation of this code but will be enforced as provided by state law.

215 (6) Confiscate merchandise, equipment, vehicles, or property needed to

216 alleviate the emergency. Reimbursement shall be within 60 days and at customary value
217 charged for the items during the 90 days previous to the emergency.

218 (7) In cooperation with the county emergency management and on behalf
219 of the town, call on the National Guard or the Army, Coast Guard or other law
220 enforcement divisions as necessary to assist in the mitigation of the emergency or to help
221 maintain law and order, rescue and traffic control.

222 (8) Prohibit or limit the sale or other transfer of possession, with or without
223 consideration, of gasoline or any other flammable or combustible liquid altogether or
224 except by delivery into a tank properly affixed to an operable motor-drive vehicle, bike,
225 scooter, boat, or airplane and necessary for propulsion thereof.

226 (9) Prohibit or limit the sale or distribution, with or without consideration, or
227 possession of any portable container containing an alcoholic beverage.

228 (10) Closing of places of public assemblage with designated exceptions.

229 (11) Regulation of the use or display of firearms shall be as set forth by
230 chapter 790, F.S. Violation of this sub-section (b)(11) shall not be a violation of this code
231 but shall be enforced pursuant to state law.

232 (12) Prohibit or limit the public's use of public facilities including but not
233 limited to, parks, government buildings, docks, rights-of-way, and beaches, or providing
234 the manner in which the aforementioned public facilities may be used.

235

236 (c) Nothing in sub-section (b), shall be construed to:

237 (1) Interfere with the course or conduct of a labor dispute, except that
238 actions otherwise authorized by ss. 252.31-252.60 or other laws may be taken when
239 necessary to forestall or mitigate imminent or existing danger to public health or safety.

240 (2) Interfere with dissemination of news or comment on public affairs; but
241 any communications facility or organization, including, but not limited to, radio and
242 television stations, wire services, and newspapers, may be required to transmit or print
243 public service messages furnishing information or instructions in connection with an
244 emergency.

245 (3) Affect the jurisdiction or responsibilities of police forces, firefighting
246 forces, units of the Armed Forces of the United States, or any personnel thereof, when
247 on active duty; but state, local, and inter-jurisdictional emergency plans shall place
248 reliance upon the forces available for performance of functions related to emergencies.

249 (4) Limit, modify, or abridge the authority of the Governor to proclaim
250 martial law or exercise any other powers vested in the governor under the constitution,
251 statutes, or common law of this state independent of, or in conjunction with ss.
252 252.31-252.60, F.S. See s. 252.33, F.S.

253

254 SECTION 5. That the Code of Ordinances of Indialantic, Florida, is hereby
255 amended by adding a new section, to be numbered section 10-103, which said section
256 reads as follows:

257

258 **Sec. 10-103. Duration and termination of emergency.**

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(a) Upon declaration of a local emergency pursuant to section 10-101(a)(riots, general public disorder, widespread disobedience of the law, or substantial injury to persons or property constituting an imminent threat to the public peace or order), the state of emergency shall commence immediately unless otherwise provided in the written emergency order or proclamation of the mayor, deputy mayor, or chief of police, and shall terminate when the declaration has been rescinded, terminated by resolution or written instrument of the town council, or 72 consecutive hours later, whichever event first occurs. In such cases, the state of emergency may be extended only by a request from the public official and approval by the town council by resolution or ordinance. See s. 870.047, F.S.

(b) Upon declaration of a civil emergency pursuant to section 10-101(b), the state of emergency shall commence immediately unless otherwise provided in the written emergency order of the mayor, deputy mayor, or town manager, and shall terminate when the declaration has been rescinded, terminated by similar resolution or written instrument of the town council, or seven (7) consecutive days later, whichever event first occurs. In such cases, the state of emergency may be extended, as necessary, in increments, not exceeding seven (7) days each by the mayor, deputy mayor, or town manager, as provided in section 10-101(b). See s. 252.38(3)(a)5., F.S.

SECTION 6. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a new section, to be numbered section 10-104, which said section reads as follows:

Sec. 10-104. Violations and penalties.

A violation of any provision of this article is a violation of section 1-9 of the town code of ordinances, or may be enforceable as otherwise provided by law.

SECTION 7. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a new section, to be numbered section 10-106, which said section reads as follows:

Sec. 10-105. Liberality of construction.

Sections 10-100-10-105 shall be construed liberally in order to effectuate their purposes.

SECTION 8. 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

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

306
307 (b) That in interpreting this Ordinance, underlined words indicate
308 additions to existing text, and ~~stricken through~~ words include deletions from existing text.
309 Asterisks (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code
310 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
311 asterisks and not set forth in this Ordinance shall remain unchanged from the language
312 existing prior to adoption of this Ordinance.

313
314 (c) Drafter's Comments shall not be codified.

315
316 SECTION 9. Effective Date. This Ordinance shall become effective upon
317 adoption of this Ordinance.

318
319 PASSED by the Town Council of the Town of Indialantic on first reading on the
320 _____ day of _____, 2020, and ADOPTED by the Town Council of the Town
321 of Indialantic, Florida on final reading on the _____ day of _____, 2020.

322
323
324 TOWN OF INDIALANTIC

325
326
327
328 _____
329 David Berkman
330 Mayor

331 ATTEST: _____
332 Rebekah Raddon, CMC
333 Town Clerk

SUBJECT: (Second/Final Reading) Ordinance No. 2020-09 – Paid parking

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Ordinance No. 2020-09 amends Section 15-8.1 of the Town Code to clarify paid parking areas, and changing the language that limits the use of parking meters and coins only. The updated language will allow the use of other devices and payment methods. The ordinance raises the hourly rate for paid parking to \$2.50 per hour and allows future changes by resolution. It allows council to create areas of ‘parking by permit only’ by resolution.

Recommendation:

Adopt Ordinance No. 2020-09 on second reading.

MOTION:
Adopt Ordinance No. 2020-09 on second reading.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; RELATING TO PARKING; MAKING FINDINGS; AMENDING SECTION 15-18.1 OF THE TOWN CODE OF ORDINANCES, RELATING TO RATES OF COMPENSATION FOR PARKING IN DESIGNATED AREAS OF THE PUBLIC RIGHT-OF-WAY OR AREAS ADJACENT TO THE BEACH; DELETING THE REQUIREMENT THAT PARKING METERS MAY BE COIN OPERATED; PROVIDING THAT PARKINGS METERS MAY BE MECHANICALLY OR ELECTRONICALLY OPERATED OR OPERATED BY PAY-BY-PHONE SYSTEM; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CHANGE OF CERTAIN RATES BY RESOLUTION; AMENDING THE SCHEDULE OF FINES IN SECTION 15-23 OF THE TOWN CODE OF ORDINANCES, FOR FAILURE TO PARK HEAD IN; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 15-18.1 of the Town Code of Ordinances provides for metered parking rates for public parking in certain areas of the Town, and said rates need to be increased to account for inflation and costs of maintenance and enforcement; and

WHEREAS, the Town is given the authorized to regulate parking pursuant to Section 316.008, Florida Statutes; and

WHEREAS, the Town Council hereby finds that said amendments will promote the public health, safety, and welfare of the community, by providing for the recouping of costs of maintenance, inflation, and enforcement.

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

SECTION 1. Recitals. Each and all of the foregoing recitals ("WHEREAS" clauses) are hereby declared to be true and correct and are incorporated herein by this reference.

SECTION 2. That Section 15-18.1 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 15-18.1. Pay Metered parking.

44 (a) *Definitions.* For the purposes of this section, the following definitions will
45 apply:

46 (1) *Parking meter.* The words "parking meter" shall mean and include
47 any mechanical or electronic device, device accepting valid credit cards or coins, or meter,
48 or pay-by-phone parking system, not inconsistent with this section, placed or erected for
49 the regulation of parking by authority of this section. Each parking meter installed shall
50 indicate by proper legend, the legal parking time established by the town; and when
51 operated, shall at all times indicate the balance of legal parking time, and at the expiration
52 of such period shall indicate illegal or overtime parking.

53 (2) *Parking meter space.* The words "parking meter space" shall mean
54 any space within the parking meter zone adjacent to or near a parking meter, and which
55 is duly designated for the parking of a single vehicle by lines painted or otherwise durably
56 marked on the curb or on the surface of the street adjacent to, near, or adjoining the
57 parking meters.

58 (3) *Parking meter zone.* The words "parking meter zone" shall mean
59 and include any restricted street, public property or right-of-way upon which parking
60 meters are installed and in operation, or a permit only parking meter zone or area.

61
62 (b) *Designation of metered zone.* The metered parking zones zone shall
63 include the following areas:

64 (1) Zone 1: Watson Drive (Sunrise Park) lying east of SR A-1-A,
65 area north of Watson Drive contained in lots 1, 2 and 3 of Block 1 of the resubdivision of
66 Melbourne Beach (Maggie Johnson Plat); Tampa Avenue (Sea Park) lying east of SR
67 A-1-A, both sides of Wavecrest Avenue south of Eighth Avenue to a point lying one
68 hundred and ninety five (195) feet south of 11th Avenue and Lots 11 & 12, Block 28, Plat
69 of Indialantic By the Sea, Plat Book 3, Page 35, Public Records of Brevard County,
70 Florida (Sixth Avenue);

71 (2) Zone 2: That property lying north of Wavecrest Avenue known
72 as Nance Sea Turtle Park (Lots 8-15, Block 66, Plat of Indialantic By the Sea, Plat Book
73 3, Page 35, Public Records of Brevard County, Florida);

74 (3) Zone 3: The south side of Wavecrest Avenue from the
75 boardwalk to the intersection of SR A-1-A and Fourth Avenue;

76 (4) Zone 4: The north side of Wavecrest Avenue from the
77 intersection of SR A-1-A and Fourth Avenue to the boardwalk and then both sides of
78 Wavecrest Avenue south to the southern boundary line of Lot 20, Block 38, Indialantic
79 by-the-Sea, Plat Book 3, Page 35, Public Records of Brevard County, Florida; and

80 (5) Zone 5: On both sides of Wavecrest Avenue beginning at the
81 northern boundary line of Lot 19, Block 38, Indialantic by-the-Sea, Plat Book 3, Page 35,
82 Public Records of Brevard County, Florida, and continuing south to the south side of that
83 portion of Eighth Avenue lying between SR A-1-A and Wavecrest Avenue.

84
85 Parking in all or parts of any of the aforementioned zones may be discontinued from time
86 to time, or permitted to resume, by resolution of the town council.

87

88 (c) *Placement of meters.* The marking off of individual parking spaces in the
89 metered parking zone described in paragraph (b), and the installation of parking meters
90 in such spaces, is hereby authorized, ratified, and confirmed. The placement of the
91 parking meters shall be in accordance with applicable town ordinances.
92

93 (d) *Payment for parking ~~Deposit of coin required; exceptions.~~* Except in a
94 period of emergency determined by an officer of the fire or police department or the town
95 manager or said manager's designee, or in compliance with the directions of a police
96 officer, police aide or traffic control sign or signal, when any vehicle is shall be parked in
97 any parking space regulated by alongside or next to which a parking meter is located, the
98 operator of such vehicle, shall, upon entering the said parking meter space, immediately
99 deposit or cause to be deposited or otherwise pay in or by use of said mechanical or
100 electronic device, meter, or pay-by-phone parking system meter such proper monetary
101 payment coin of the United States as is required for said parking meter and as is
102 designated by proper directions on said metering device or as provided by said
103 pay-by-phone system the meter; and when required by the directions on the meter device
104 or as provided by said pay-by-phone system, the operator of such vehicle, after the
105 deposit of the proper coin or coins, shall also set in operation the timing mechanism on
106 such meter in accordance with directions properly appearing thereon or provided by
107 pay-by-the phone system for the amount of time for which the operator's vehicle shall be
108 parked in the public parking space; and failure to do so deposit such proper coin, and to
109 set the timing mechanism in operation when so required, shall constitute a violation of this
110 section. Upon the proper payment deposit of such coin (and the setting of the timing
111 mechanism in operation, when so required) the parking space may be lawfully occupied
112 by such vehicle during the period of time which has been prescribed for the part of the
113 street in which said parking space is located; provided, that any person placing a vehicle
114 in a parking meter space adjacent to a mechanical or electronic device, meter, or
115 pay-by-phone parking system, which indicates that unused time has been left in the pay
116 parking system meter by the previous occupant of the space shall not be required to pay
117 for parking in said parking space for deposit a coin so long as his occupancy of said
118 space does not exceed the indicated unused parking time. If said vehicle shall remain
119 parked in any such parking space beyond the parking time limit set for such parking
120 space, and if the parking meter shall indicate such illegal parking; then, and in that event,
121 such vehicle shall be considered as parking overtime and beyond the period of legal
122 parking time; and such parking Parking of such vehicle in the aforesaid instance shall
123 be deemed a violation of this section.
124

125 (e) *Cost; acceptable coins; hours of operation:*

126 (1) The cost of parking or standing a vehicle in a parking meter space
127 located in the parking zone shall be as follows:

128 (A) a. Zone 1: Minimum Two dollars fifty cents (\$2.50) One
129 dollar twenty five cents (\$1.25) per hour or a fraction thereof;

130 (B) b. Zone 2: Minimum Two dollars fifty cents (\$2.50) One
131 dollar twenty five cents (\$1.25) per hour or a fraction thereof;
132 (C) e. Zone 3: Minimum Two dollars fifty cents (\$2.50) One
133 dollar twenty five cents (\$1.25) per hour or a fraction thereof;
134 (D) d. Zone 4: Minimum Two dollars fifty cents (\$2.50) One
135 dollar twenty five cents (\$1.25) per hour or a fraction thereof; and
136 (E) e. Zone 5: Minimum Two dollars fifty cents (\$2.50) One
137 dollar twenty five cents (\$1.25) per hour or a fraction thereof.

138
139 Parking meter rates in all or parts of any of the aforementioned zones may be increased
140 from time to time by resolution of the town council.

141
142 (2) The parking meters shall be operated in the parking meter zones
143 every day including Sundays and holidays as follows:

144 (A) a. Zone 1: between the hours of 6:00 a.m. and 9:00 p.m.-
145 for Town Council declared special events and for occasions authorized by the Town
146 Manager the parking time shall be extended to 11:00 p.m. for those portions of the zone
147 as set by the Town Manager

148 (B) b. Zone 2: between the hours of 6:00 a.m. and 1:30 a.m.

149 (C) e. Zone 3: between the hours of 6:00 a.m. and 1:30 a.m.

150 (D) d. Zone 4: between the hours of 6:00 a.m. and 1:30 a.m.

151 (E) e. Zone 5: between the hours of 6:00 a.m. and 9:00 p.m.

152 - for Town Council declared special events the parking time shall be extended to 11:00
153 p.m.

154

155 (f) *Violations.* It shall be unlawful and a violation of the provisions of this section
156 for any person:

157 (1) To cause, allow, permit or suffer any vehicle registered in said
158 person's his name to be parked in a metered parking space overtime;

159 (2) To cause, allow, permit or suffer any vehicle registered in said
160 person's his name to remain or be placed in any parking space controlled by any parking
161 meter while said parking meter system provides is displaying a signal indicating that the
162 vehicle occupying such parking space has already been parked beyond the period
163 prescribed for such parking space;

164 (3) To cause, allow, permit or suffer any vehicle registered in said
165 person's his name to be parked across any line or marking of a parking meter space or in
166 such position that the vehicle shall not be entirely within the area designated by such lines
167 or markings;

168 (4) To deface, injure, tamper with, open, break, destroy or impair the
169 usefulness of any parking meter installed by the town under the provisions of this section;

170 (5) To deposit, or cause to be deposited, in any parking meter, any slugs,
171 device or metal substance, or other substitute for lawful coins;

172 (6) To cause, allow, permit or suffer any vehicle registered in said
173 person's his name to be parked in any manner except front end in toward the parking
174 meter; or -

175 (7) To cause, allow, permit or suffer any vehicle registered in said
176 person's his name to remain or be placed in any parking space contrary to instructions on
177 a posted sign or direction.

178
179 (g) *Collection of deposited money.* The town administration shall provide for the
180 regular collection of any ~~the~~ money deposited in said parking meters or otherwise paid to
181 said parking meter system.

182
183 (h) *Penalties:*

184 (1) Any person violating the provisions of subsections (f)(1), (2), ~~or~~ (3), (6),
185 or (7) of this section shall be subject to a fine under the terms and conditions as set forth in
186 section 15-23 of this chapter;

187 (2) Any person violating the provisions of subsections (f)(4) or (5) herein
188 shall be subject to a fine in an amount not less than two hundred dollars (\$200.00) and not
189 more than one thousand dollars (\$1,000.00).

190
191 (i) *Enforcement.* Section 15-18.1(f)(1), (2), (3), (5) and (6) shall be enforced by
192 parking enforcement specialists, hired specifically to provide parking enforcement, or by
193 town police officers. Section 15-18.1(f)(4) and (7) shall be enforced by town police officers
194 in accordance with state statutes, and the penalty for violation shall be in accordance with
195 section 15-18.1(h)(2).

196
197 (j) *Parking permits; issuance; display; use agreements.*

198 (1) Nontransferable, except as stated in sub-section (k) below, parking
199 permits shall be issued by the town on a calendar year basis, expiring December 31 of the
200 year issued for metered zones 1, 2, 3, 4 and 5. Display of such permit shall be by placing
201 the permit on the rear of the vehicle, in a manner easily visible, as approved by the town
202 manager in his reasonable discretion, shall constitute authorization by the town to park in
203 the metered parking zone without complying with subsections (d), (e) and (f)(1) and (f)(2)
204 herein.

205 (2) The town council ~~Town Council~~ may approve parking space use
206 agreements with individuals or other legal entities for use of parking spaces within metered
207 parking zones 3 and 4 for other than special events as defined in paragraph (j)(3) below;
208 provided, that the Town Council finds that the application for the proposed parking space
209 use agreement satisfies the following standards:

210 (A) A demonstrated need for the use agreement is shown to exist by
211 the applicant and other evidence presented;

212 (B) The parking space use agreement will not be adverse to the
213 public interest;

214 (C) The number of parking spaces subject to a parking space use

215 agreement shall not exceed the difference between the number of parking spaces a private
216 property owner would be required by the town code ~~Town Code~~ to have to serve the
217 property to be benefitted minus the number of off-street parking spaces available to serve
218 the property to be benefitted by the parking space use agreement;

219 (D) The agreement shall provide a license for an individual or legal
220 entity, said individual or legal entity's invitees, to utilize a public parking space for motor
221 vehicular or motorcycle parking. The individual or legal entity executing the parking space
222 use agreement with the Town shall be a licensee. The agreement shall not convey
223 ownership or an easement interest in individual parking spaces, and the agreement shall
224 be acceptable in form and substance to the town manager and town attorney;

225 (E) Compensation. During the term of the parking space use
226 agreement, compensation shall be paid by the licensee to the Town for each hour between
227 6:00 a.m. and 1:30 a.m. of each day that the meters are subject to the parking space use
228 agreement. The rate of compensation shall be as follows:

229 (i) Zone 3: Individual parking spaces may be utilized at a rate
230 of \$60 per parking space per calendar year. Said amount may be prorated for use
231 agreements covering partial years provided the partial year is added to the following
232 calendar year.

233 (ii) Zone 4: Minimum Two dollars fifty cents (\$2.50) ~~One~~
234 ~~dollar twenty five cents (\$1.25)~~ per hour or a fraction thereof.

235 (F) The licensee shall properly maintain the parking spaces subject
236 to the parking space use agreement. For the purposes of this provision, "maintenance"
237 shall include keeping all of the parking spaces subject to the agreement clean, free of litter,
238 debris, branches, tree limbs, brush, grass, trash, junk, refuse, inoperative motor vehicles,
239 junk cars and complying with the standards established in the town code, from time to time,
240 for maintenance of private properties;

241 (G) The parking space use agreement shall provide that it may be
242 canceled at anytime for failure of the licensee to adhere to the provisions of said use
243 agreement, or the need to make a public use of the area included within the parking spaces,
244 all as reasonably determined by the town, or upon a valid public need of the Town for the
245 parking spaces. Upon cancellation, the licensee shall have liability for compensation only
246 until the date of cancellation;

247 (H) The licensee shall indemnify and save harmless the Town from
248 and against any and all liability, claims, demands, damages, expenses, fees, fines,
249 penalties, suits, proceedings, actions and causes of action of every kind and nature arising
250 of or in any way connected with the licensee's negligent or other use, occupation,
251 management or control of the parking spaces subject to the use agreement. The licensee
252 will at its own cost and expense, defend any and all claims against the Town, or in which
253 the Town may be impleaded with others in any such action or proceeding arising out of
254 such use or occupancy. The licensee shall agree to satisfy, pay and discharge any and all
255 judgments, orders and decrees that may be entered against the Town in any such action
256 or proceeding to which the Town may be a party and the licensee shall be liable;

257 (I) The licensee shall continuously provide and maintain at all times

258 during the term of the parking space use agreement, without cost or expense to the Town,
259 policies of insurance including public liability and property damage policies in the amount
260 of \$1,000,000.00 single limit liability insuring the licensee and the Town, as an additional
261 insured, against any and all claims, demands, action and causes of action whatsoever for
262 injuries received and damage to the parking spaces or other property in connection with the
263 use or occupancy of the parking spaces subject to the use agreement. All insurance shall
264 be issued by a standard insurance company licensed to do business in the State of Florida
265 by the Florida Insurance Commissioner, of a type and grade acceptable to the town
266 manager/town attorney and shall provide for reasonable notice to the Town prior to
267 cancellation or non-renewal. The licensee shall promptly supply the Town with proof of
268 insurance;

269 (J) The agreement shall have a duration not to exceed two (2)
270 years;

271 (K) The licensee shall pay all costs of recording the agreement in
272 the Public Records of Brevard County, Florida; and

273 (L) The parking spaces subject to a use agreement must
274 specifically and directly serve an operating business in the Town.

275 (3) The Town Council may approve parking space use agreements for
276 special events with individuals or other legal entities for use of parking spaces within the
277 metered parking zone; provided, that the Town Council finds that the application for and
278 proposed parking space use agreement satisfies the standards set forth in this paragraph.

279 A special event is defined as including but not limited to the following: temporary events
280 such as art shows, or events coinciding with recognized town holidays. The standards
281 include:

282 (A) A demonstrated need for the use agreement is shown to exist
283 by the applicant and other evidence presented;

284 (B) The parking space use agreement will not be adverse to the
285 public interest;

286 (C) The agreement shall provide a license for an individual or
287 legal entity, or said individual or legal entity's invitees, to utilize a public parking space for
288 motor vehicular or motorcycle parking. The individual or legal entity executing the parking
289 space use agreement with the Town shall be a licensee. The agreement shall not convey
290 ownership or an easement interest in individual parking spaces, and the agreement shall
291 be acceptable in form and substance to the town manager and town attorney;

292 (D) Compensation. During the term of the parking space use
293 agreement, compensation shall be paid by the licensee to the Town for each hour, or
294 fraction thereof, of each day that the town code ~~Town Code~~ requires parking meters to be
295 operated in the portion of the metered parking zone in which the parking spaces subject
296 to the parking space use agreement are located. The rate of compensation shall be paid
297 to the Town at a rate of 50 cents per hour per parking space;

298 (E) The licensee shall properly maintain the parking spaces
299 subject to the parking space use agreement. For the purposes of this provision,
300 "maintenance" shall include keeping all of the parking spaces subject to the agreement

301 clean, free of litter, debris, branches, tree limbs, brush, grass, trash, junk, refuse,
302 inoperative motor vehicles, junk cars and complying with the standards established in the
303 town code, from time to time, for maintenance of private properties;

304 (F) The parking space use agreement shall provide that it may be
305 canceled at anytime for failure of the licensee to adhere to the provisions of said use
306 agreement, or the need to make a public use of the area included within the parking
307 spaces, all as reasonably determined by the town. Upon cancellation, the licensee shall
308 have liability for compensation only until the date of cancellation;

309 (G) The licensee shall indemnify and save harmless the Town
310 from and against any and all liability, claims, demands, damages, expenses, fees, fines,
311 penalties, suits, proceedings, actions and causes of action of every kind and nature
312 arising of or in any way connected with the licensee's negligent or other use, occupation,
313 management or control of the parking spaces subject to the use agreement. The
314 licensee will at its own cost and expense, defend any and all claims against the Town, or
315 in which the Town may be impleaded with others in any such action or proceeding arising
316 out of such use or occupancy. The licensee shall agree to satisfy, pay and discharge any
317 and all judgments, orders and decrees that may be entered against the Town in any such
318 action or proceeding to which the Town may be a party and the licensee shall be liable;

319 (H) The licensee shall continuously provide and maintain at all
320 times during the term of the parking space use agreement, without cost or expense to the
321 Town, policies of insurance including public liability and property damage policies in the
322 amount of \$1,000,000.00 single limit liability insuring the licensee and the Town, as an
323 additional insured, against any and all claims, demands, action and causes of action
324 whatsoever for injuries received and damage to the parking spaces or other property in
325 connection with the use or occupancy of the parking spaces subject to the use agreement.
326 All insurance shall be issued by a standard insurance company licensed to do business
327 in the State of Florida by the Florida Insurance Commissioner, of a type and grade
328 acceptable to the town manager/town attorney and shall provide for reasonable notice to
329 the Town prior to cancellation or non-renewal. The licensee shall promptly supply the
330 Town with proof of insurance; and

331 (I) The parking spaces subject to a use agreement must serve
332 and benefit a special event actively being held within the Town.
333

334 (k) *Establishment of annual fee and discount for parking permit; Limitations*
335 *generally.* The town council, from time to time, may establish by resolution the price for
336 an annual fee for a parking permit. Said annual fee schedule may include a discount
337 schedule for permits purchased after a certain date. Annual permits may be issued for
338 parking in metered zones 1, 2, 3, 4 and 5. Unless otherwise specified by resolution of the
339 Town Council, rates for an annual permit (January 1st to December 31st), or for a partial
340 year, shall be as follows:

341 (1) a. Members of town ~~Town~~ boards and committees and
342 councilmembers: Two permits per household for free, except in zone 2;

343 (2) b. Full-time and regular part-time employees of the town ~~Town~~: one

344 permit per employee free, except in Zone 2:

345 (3) ~~e.~~ Town residents and non-residents of the town Town: minimum of
346 \$40 per calendar year \$30;

347 (4) ~~e.~~ Permits issued after May 31st for town Town residents and
348 non-residents: minimum of \$30 for remainder of the calendar year. \$20 town Town
349 residents may be issued separate permits for each individual car owned by them or
350 resident members of their family. A ~~Town~~-business physically located and operating in
351 the town contiguous with in metered parking zones 3 and 4, and non-residents of the
352 town, Town may obtain not more than one (1) permit at any one time. Should a permit
353 holder wish to transfer a permit to a different vehicle, this transfer may be accomplished
354 by returning the originally issued permit to town hall to be destroyed, revoked and
355 exchanged for another permit.

356
357 SECTION 3. That Section 15-23(a) of the Code of Ordinances of Indialantic,
358 Florida, is hereby amended to read as follows:
359

360 **Sec. 15-23. Penalties.**

361
362 (a) Any person cited for a violation of this article shall be deemed to be charged
363 with a noncriminal violation and shall be assessed a civil penalty according to the
364 following schedule:

365		<i>Within 10</i>	<i>After</i>	<i>After</i>	<i>After</i>
366	<i>Violation</i>	<i>days</i>	<i>10 days</i>	<i>20 days</i>	<i>30 days</i>
367	(1) Meter violation	\$20.00	\$25.00	\$30.00	\$45.00
368	(2) Parking overtime	\$20.00	\$25.00	\$30.00	\$45.00
369	(3) Parking over line	\$20.00	\$25.00	\$30.00	\$45.00
370	(4) Parking in a manner contrary to posted directions	\$20.00	\$25.00	\$30.00	\$45.00
371		\$20.00	\$25.00	\$30.00	\$45.00
372	(5) No parking zone	\$20.00	\$25.00	\$30.00	\$45.00
373	(6) Loading zone	\$20.00	\$25.00	\$30.00	\$45.00
374	(7) Parked double	\$25.00	\$35.00	\$35.00	\$45.00
375	(8) Obstructing traffic	\$25.00	\$35.00	\$35.00	\$45.00
376	(9) Parked on sidewalk	\$25.00	\$35.00	\$35.00	\$45.00
377	(10) Blocking fire hydrant	\$32.00	\$32.00	\$32.00	\$32.00
378	(11) Disabled permit only	\$100.00	\$100.00	COURT	COURT
379	(12) <u>Failure to park front end within head in parking spaces</u>	\$20.00	\$25.00	\$30.00	\$45.00

381
382 SECTION 4. Severability Clause/Interpretation.

383
384 (a) In the event that any term, provision, clause, sentence or section of
385 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly
386 unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or

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

391
392 (b) That in interpreting this Ordinance, underlined words indicate
393 additions to existing text, and ~~stricken through~~ words include deletions from existing text.
394 Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code
395 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the
396 asterisks and not set forth in this Ordinance shall remain unchanged from the language
397 existing prior to adoption of this Ordinance.

398
399 SECTION 5. Effective Date. This Ordinance shall become effective upon
400 adoption of this Ordinance.

401
402 PASSED by the Town Council of the Town of Indialantic on first reading on the
403 _____ day of _____, 2020, and ADOPTED by the Town Council of the
404 Town of Indialantic, Florida on final reading on the _____ day of _____ 2020.

405
406
407 TOWN OF INDIALANTIC

408
409
410
411 _____
412 David Berkman
413 Mayor

414 ATTEST: _____
415 Rebekah Raddon, CMC
416 Town Clerk

SUBJECT: (First Reading) Ordinance 2020-12 Adoption of Town Code

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

In accordance with our agreement for recodification, Municode has conducted a full legal review of the Town's code followed by editing and reorganizing. All ordinances adopted by the Town in 2019 and current-year ordinances through June 10 have been incorporated into the new code.

Ordinance 2020-12 provides for adoption of the new code. Substantive changes have been outlined in a memo provided by senior code attorney Roger Merriam.

Recommendation:

Approve Ordinance 2020-12 on first reading.

MOTION: Approve Ordinance 2020-12 on first reading.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

ORDINANCE NO. 2020-12

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, FLORIDA, THAT:

Section 1. The Code entitled "Code of Ordinances of Indialantic, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 113, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before June 10, 2020, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment. Except as otherwise provided by law or ordinance: (i) With respect to violations of this code that are continuous with respect to time, each day that the violation continues is a separate offense; and (ii) With respect to other violations, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after June 10, 2020, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. 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 ____ day of _____, 2020, and ADOPTED by the Town Council of the Town of INDIALANTIC, Florida, on final reading on the ____ day of _____.

TOWN OF INDIALANTIC

David Berkman, Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

municode

CONNECTING YOU & YOUR COMMUNITY

Roger D. Merriam
Senior Code Attorney (Admitted to Practice in Florida)
rdm@municode.com 1-800-262-2633, ext. 1257

June 30, 2020

Ms. Rebekah Raddon
Town Clerk
Town of Indialantic, Florida
E-mail to: rraddon@indialantic.com

Re: *Town of Indialantic Recodification—Final Code (with stul)*

Dear Rebekah:

Enclosed as an email attachment the new Code. Changes are shown in ~~strikeout~~ and underline. Ordinances through Ord. No. 2020-06, adopted June 10, 2020, are included.

The proofs were prepared using Microsoft Word and are enclosed in pdf format. A memorandum of substantive changes and a sample chapter showing the finished product are also attached. A suggested adopting ordinance for the Code is also attached.

Please supply the names of the officials on the title page.

We know you are eager to complete this part of the process and have your new Codes in hand. Please adopt the Code promptly. Upon return of the adopting ordinance, we will then begin our final stages of production, including preparation of tables and index, to be followed by shipment of your new Codes.

As we near completion of this important project, I thank you again for your continued assistance and cooperation. Please do not hesitate to call on me if I may help in any way. I look forward to hearing from you soon.

Sincerely,



MUNICIPAL CODE CORPORATION
www.municode.com
MAILING ADDRESS: P.O. Box 2235 Tallahassee, FL 32316
PHYSICAL ADDRESS: 1700 Capital Circle, SW Tallahassee, FL 32310
FAX: 850-564-7492
LOCAL TELEPHONE NUMBER: 850-576-3171

municode

★
CONNECTING YOU & YOUR COMMUNITY

Roger D. Merriam

Senior Code Attorney (Admitted to Practice in Florida)

rdm@municode.com 1-800-262-2633, ext. 1257 www.municode.com

MEMORANDUM

June 30, 2020

TO: ALL CONCERNED

**RE: INDIALANTIC RECODIFICATION—
SUBSTANTIVE CHANGES**

MUNICIPAL CODE CORPORATION
MAILING ADDRESS: P.O. Box 2235 Tallahassee, FL 32316
PHYSICAL ADDRESS: 1700 Capital Circle, SW Tallahassee, FL 32310
FAX: 850-575-8852
LOCAL TELEPHONE NUMBER: 850-576-3171, ext. 7087

The following changes have been made throughout the new Code. Except in special situations, they are not accounted for in this memorandum.

1. State law references corrected.
2. Placement of textual state law references in a standardized form (F.S. (ch., §, etc.)).
2. Grammar and spelling corrections.

Chapter 1. General Provisions

Revised to be more complete. Code § 1-11 (*garage sales*) is moved to the licenses chapter). Section 1-10 is modified to remove provisions not authorized or mandated by F.S. § 938.15.

Chapter 2. Administration

Article I. In General

Sec. 2-1. Departments, boards, officers enumerated. Per a telephone conversation with the town clerk, revised subsection (a) so that the departments are administration department, building department, public works department, fire department and police department. **(New Code § 2-3)**

Article II. Elections

Sec. 2-16. When mayor and councilmembers elected. Deleted the first, second, and last sentences as covered by Charter § 7.03. **(New Code § 10-2)**

Article III. Town Council

Added the following language: "Swearing in of newly elected officials shall be immediately after the roll call and the establishment of a quorum." **(New Code § 2-29)**

Sec. 2-101. Compensation. Deleted the third sentence as covered by (and inconsistent with) Charter § 2.04. **(New Code § 2-30)**

Sec. 2-102. Meetings to be public. Deleted as covered by F.S. § 286.011.

Sec. 2-104. Special meetings. In the first sentence, deleted the reference to the town manager as inconsistent with Charter § 2.08. **(New Code § 2-32)**

Sec. 2-106. Rules of procedure. So as to avoid adoption by reference problems, altered to reference the tenth edition of Robert's Rules of Order, Newly Revised. **(New Code § 2-34)**

Sec. 2-109. Filling vacancies on council. Deleted as covered by Charter § 2.06.

Article IV. Mayor

Sec. 2-123. Compensation. Deleted the third sentence as covered by Charter § 2.04. **(New Code § 2-71)**

Sec. 2-124. General powers and duties. Deleted as covered by Charter § 2.05.

Sec. 2-126. Deputy mayor to act in absence or disability. Deleted as covered by Charter § 2.02(5).

Article V. Town Manager

Sec. 2-137. Appointment, removal. Deleted as covered by Charter § 3.01

Sec. 2-138. Qualifications. Deleted all provisions except reaching the age of majority as covered by Charter § 3.01. **(New Code § 2-122)**

Sec. 2-139. Powers and duties; appointment of town officers. Deleted as covered by the charter.

Article VI. Town Clerk

Sec. 2-150. Position established. Deleted as covered by Charter § 4.06.

Sec. 2-151. Appointment, removal. Deleted as covered by Charter § 4.06.

Sec. 2-152. Powers, duties. In the first sentence deleted the duty to keep minutes as covered by Charter § 4.06. In the second sentence deleted the 'other duties' provision as covered by Charter § 4.06. **(New Code § 2-143)**

Article IX. Officers and Employees

Division 3. Pension Plan for Police Officers and Firefighters

Sec. 2-228. Benefit amounts and eligibility. In subsection (f)(2)b, deleted "pursuant to F.S. ch. 112, pt. VII." Nothing in F.S. § 112.80 et seq. appears applicable; portions of F.S. ch. 112, pt. VII were transferred to F.S. § 110.501 et seq.; such provisions appear inapplicable as well. **(New Code § 2-320)**

Sec. 2-230. Contributions. In subsection (b), changed %560.06 to \$560.06. (New Code § 2-322)

Sec. 2-231. Administration. (New Code § 2-323)

1. In subsection (c) changed "[the]" to "the".
2. In subsection (m), deleted the provided clause in the second sentence. The statutes cited no longer exist and apparently there are no successor statutes.

Sec. 2-232. Finances and fund management. In subsection (e)(2), deleted the following sentence: "The Board of Trustees may invest in foreign securities as regulated by Sections 175.071(1)(b)(4)b. and 185.06(1)(b)4b., Florida Statutes." The statutes cited do not regulate foreign investments and there are no apparent successors to same. (New Code § 2-234)

Chapter 3. Alcoholic Beverages

Sec. 3-7. Loafing, loitering in establishment. Deleted as unconstitutional.

Sec. 3-10. Possession of open container; Consumption in public places. Given the proposed reorganization of the Code, this section will no longer be § 3-10. This means that all signs citing § 3-10 will have to be replaced; this problem is avoided by inserting language ratifying existing signs. **(New Code § 4-8)**

Chapter 5. Beaches, Boats, Parks and Recreation

Article I. In General

Sec. 5-6. Animal Access. In subsection (b), changed disabled or handicapped persons to disabled persons. **(New Code § 8-5)**

Article III. Ocean Beach

Division 2. Concessions

Sec. 5-66. Transfer of permit. Tied the fee to resolution. **(New Code § 8-112)**

Sec. 5-68. Business Tax required. Altered to require a business tax receipt. See F.S. ch. 205. **(New Code § 8-114)**

Chapter 6. Buildings and Construction

Article I. In General

Sec. 6-3. Official to head department; temporary substitute. Changed building inspection department to building department. (New Code § 103-3)

Article II. Building Code

Sec. 6-33. Enforcement of the minimum building code. (New Code § 103-41)

1. In subsection (a) changed the definition of board to read as follows: “*Board* means the Florida Building Commission created by F.S. § 553.74.”

2. In subsection (b), deleted the words “as follows” and paragraphs (5)—(8). These provisions no longer correctly reflect F.S. § 553.79(5)—(8) and are not needed as the introductory language adopts such provisions by reference.

Article III. Electricity

Sec. 6-62. Code adopted. Revised to adopt the National Electrical Code as adopted by the state. (New Code § 103-108)

Article IV. Plumbing

Sec. 6-74. Florida Building Code. Plumbing. Revised to adopt the Florida Building Code, Plumbing. (New Code § 103-134)

Sec. 6-78. Septic tanks if sewer not available. Changed “State Department of Health and Rehabilitative Services” to “state department of health.” (New Code § 103-138)

Article IX. Alarm Systems

Sec. 6-169. Permits required; fee; renewal. Tied fee to resolution. (New Code § 12-20)

Sec. 6-172. Fee assessments for excessive false alarms. Tied fee to resolution. (New Code § 12-23)

Sec. 6-173. Prohibited alarm systems. Changed “Brevard County Civil Defense”

to “Brevard County Emergency Management.” (New Code § 12-24)

Article XI. Housing

Sec. 6-200. Standard Housing Code Adopted. Deleted as obsolete.

Chapter 6.5. Floodplain Management

Division 4. Permits

6.5-104.2.1 Buildings, structures and facilities exempt from the Florida Building Code. Conformed the listing of provisions exempt from the Florida Building Code to F.S. § 553.73(10). (New Code § 107-115).

Chapter 8. Garbage, Trash and Weeds

Article II. Lot Clearing

Sec. 8-42. Short title; Legislative intent. In subsection (b), deleted the reference to repealed F.S. § 715.05. **(New Code § 24-19)**

Chapter 9. Local Business Tax

Sec. 9-1. Persons required to obtain business tax receipt. Added language tracking F.S. § 205.042(3). (New Code § ?) See Code § 9-12(a). (New Code § 30-19)

Sec. 9-2. When business tax receipts sold and due; partial-year receipts; definitions; classification. In subsection (b), conformed to F.S. § 205.053(1) by changing “August 1st” to “July 1st”. (New Code § 30-20)

Sec. 9-5. Suspension, revocation authorized. Deleted. As the receipt is evidence of payment of a tax, it is not revocable. See generally F.S. § 205.022(2), (5).

Sec. 9-12. Schedule of business taxes; exemptions. Deleted subsection (g) as based upon repealed F.S. § 205.171. (New Code § 30-27)

Chapter 10. Offenses – Miscellaneous

Article I. In General

Sec. 10-5. Curfew for children. Changed “Florida Department of Health and Rehabilitative Services” to “Florida Department of Juvenile Justice.” (New Code § 22-2)

Sec. 10-13. Noise; definitions; procedures. In subsection (1)c., altered the last entry so it is inapplicable to motor vehicles, thus avoiding preemption by F.S. §§ 316.007, 316.293. (New Code § 22-31)

Sec. 10-13.1. Hours during which loud and disturbing noise is prohibited. In subsection (a), deleted reference to Town Fiftieth anniversary celebration as obsolete. (New Code § 22-33)

Sec. 10-22. Private detectives regulated. Deleted as obsolete.

Article III. Commercial Store Security

Deleted as obsolete in light of F.S. § 812.1701 et seq.

Chapter 11. Planning and Development

Article I. In General

Sec. 11-6. Comprehensive plan adopted. Corrected state law reference. (New Code § 101-23)

Sec. 11-7. Definitions In the definition of comprehensive plan, deleted the reference to repealed F.A.C. 9J-5 and otherwise conformed the definitions to F.S. § 163.3164. (New Code § 101-1)

Sec. 11-8. Land development code designated. Delete as not needed. With the exception of § 11-5.5, the provisions designated in this section have been segregated into a separate land development portion of the Code.

Sec. 11-9. Procedures for quasi-judicial hearings; Ex parte communications; Site visits; Receipt of expert opinion; and Review of mail and other correspondence. (New Code § 101-2)

1. Deleted subsections (F)4 and (G)6. These provisions refer to the obsolete Standard Housing Code.

2. Deleted subsection (G)7. If refers to the obsolete Standard Code for the Elimination or Repair of Unsafe Buildings.

Chapter 13. Streets and Sidewalks

Article III. Small Wireless Facilities

Sec. 13-41. Definitions. In subsection (b), conformed the definition of wireless support structure to F.S. § 337.401(7)(b)17. **(New Code § 28-65)**

Sec. 13-42. Placement or maintenance of a communications facilities in public rights-of-way. In subsection (d)(4), per F.S. § 337.401(7)(d) 11.d. changed “2010 edition of the Florida Department of Transportation Utility Accommodation Manual” to “2017 edition of the Florida Department of Transportation Utility Accommodation Manual.” **(New Code § 28-66)**

Article IV. Melbourne Causeway

Sec. 13-56. Violation of regulations. As ordinance violations are not misdemeanors (see F.S. §§ 775.08(2), revised to tie penalty to Code § 1-9. **(New Code § 28-95)**

Chapter 15. Traffic

Article I. In General

Sec. 15-5. Driving with children in arms or on lap. Deleted as obsolete.

Sec. 15-6. Vehicles with tar pots attached. Deleted as obsolete.

Article II. Parking, Stopping and Standing

Sec. 15-17. Definitions. (New Code § 32-29)

1. Throughout this section changed “handicapped” to “persons who have [or with] disabilities.”

2. Conformed definition of private road or driveway to F.S. § 316.003(61).

3. Conformed definition of street or highway to F.S. § 316.003(83).

Sec. 15-19. Parking in spaces for handicapped persons. Changed handicapped person to person who has a disability. See F.S. § 316.1955. **(New Code § 32-33)**

Sec. 15-20. Parking, commercial vehicles, trailers or heavy vehicles in residential areas. In subsection (c)(3), updated state law reference. **(New Code § 32-34)**

Chapter 16.5. Water Management

Article II. Water Shortage

Sec. 16.5-20. Penalties. In subsection (3), tied penalty to Code § 1-9 (*same penalty*). (New Code § 14-88)

Chapter 17. Zoning

Article I. In General

Sec. 17-4. Definitions. In the definition of community residential home, corrected the state law reference. (New Code § 113-4)

Article VI. Zoning Regulations Generally

Sec. 17-115. Community residential homes. (New Code § 113-246)

1. Revised subsection (b)(3) so that regulations inapplicable to the town are deleted.

2. In subsection (d)(4), revised to reference to the latest edition of the Florida Accessibility Code for Building Construction.

3. In section (g)(1)(A)(1), corrected the F.A.C. reference to reference F.A.C. ch 69A-41 and changed the reference to the Standard Fire Prevention Code to be to Florida Fire Prevention Code.

4. In section (g)(1)(A)(2), corrected the F.A.C. reference to reference F.A.C. 69A-60.004.

5. In subsection (g)(1)(B)1, corrected the first F.A.C. reference to be to F.A.C. 69A-38.020(3)(a). Corrected the second reference to be to F.A.C. ch. 69A-38.

6. In subsection (g)(1)(B)2, corrected the F.A.C. reference to be to F.A.C. 69A-38.023.

7. In subsection (g)(1)(C), corrected the F.A.C. references to be to F.A.C. ch. 69A-40.

8. In subsection (j)(1), changed Florida Department of Health and Rehabilitative Services to state.

9. In subsection (j)(2), altered references to occupational license tax to be business tax and occupational license to be business tax receipt. See F.S. ch. 205.

SUBJECT: Recycling Rate Increase

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

During a virtual conference meeting with Harris Sanitation/Waste Management about adverse impacts to recycling operations, it was noted that there have been substantial increases in the cost associated with recycling. Several countries will no longer accept recycling or waste from the United States and the value of recyclables has fallen below \$0, i.e., it costs more to recycle than the recycling is worth. Attached is a letter from Harris Sanitation/Waste Management which explains the situation further.

Harris Sanitation/Waste Management as requested an increase of \$0.82 per residential customer per month in Indialantic as per our franchise agreement which allows for rate adjustments on the basis of unusual changes in the cost of operations – see excerpt (attached).

Recommendation:

Approve the increase \$0.82 per residential customer per month as authorized in the franchise agreement.

MOTION:

Approve the increase \$0.82 per residential customer per month as authorized in the franchise agreement.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael E. Casey
Town Manager



**Waste Management Inc. of Florida
7382 Talona Drive
West Melbourne, FL 32904**

July 27, 2020

Mr. Michael Casey
Town Manager
Town of Indialantic
216 Fifth Street
Indialantic, FL 32903

Re: Adverse Impacts to Recycling Operations

Dear Mr. Casey:

Harris Sanitation/Waste Management Inc. of Florida ("WM") is writing to share with you a review of issues that have had negative impacts on our Recyclable Materials operations, and to begin a dialogue with you regarding adjustments to the Solid Waste Agreement ("Agreement") to help address those impacts.

Since entering into the Agreement, uncontrollable circumstances have resulted in the costs of providing processing, transportation and marketing services for Recyclable Materials to increase dramatically. The primary driver of these significant adverse changes has been changes in laws governing these activities, which were outside of Harris Sanitation/WM's control.

Most noteworthy were changes in laws and regulations imposed by the People's Republic of China. In accordance with the Law of the People's Republic of China on Prevention and Control of Environmental Pollution by Solid Waste, starting in 2017, the government of China adopted standards that have had a devastating impact on the recycling industry. See, for example, National Standards of the People's Republic of China GB 16487.4-2017 related to paper recyclables. The biggest impact of this standard was that it established a new quality specification of 0.3% contamination by weight for any imported wastepaper. The prior standard had been 10% contamination.

For plastics, the contamination specification was established at 0.5%. See National Standards of the People's Republic of China GB 16487.12-2017 related to plastic recyclables. The prior standard had been 10% contamination. Even worse, in 2018, Announcement No. 6 of the

Announcement on Adjustment to the Catalogue for the Administration of Import Solid Waste banned the import of “scraps of plastics,” effective December 31, 2018.

More nations have followed China’s lead, including domestically. Moreover, there has been growing concern over the issue of plastic waste in the environment, and the impact of plastics transported to less developed countries. This has led Harris Sanitation/WM’s parent, Waste Management, Inc., to adopt a policy in August 2019 that its operating subsidiaries would no longer ship collected and processed plastics outside of North America.

Processing Costs

The adoption of more stringent quality specifications has increased the cost of processing collected Recyclable Materials. In order to meet the new specifications, the material has had to undergo additional sorting, which has reduced the tons per hour of material that can be processed and readied for market at our Cocoa Material Recovery Facility (MRF). It has also increased labor costs due to the need for additional hand sorting.

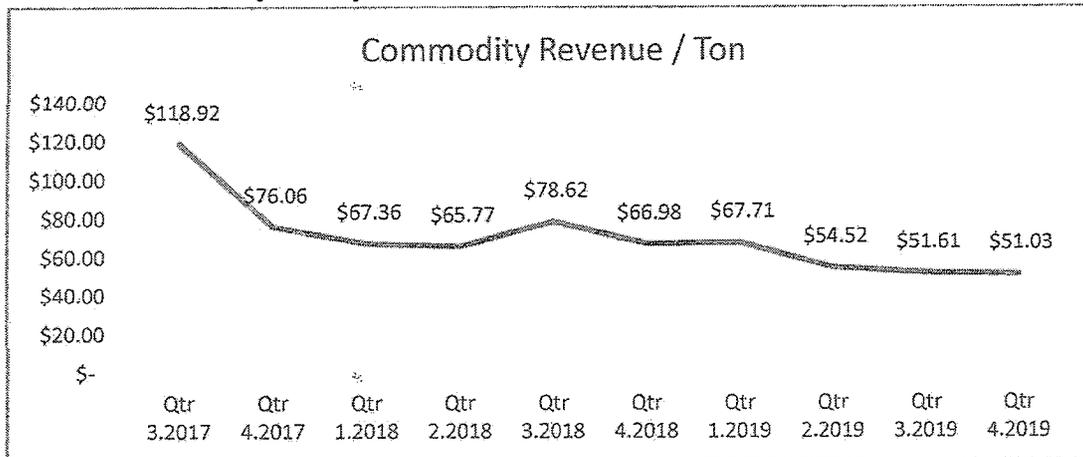
Loss of Commodity Value

The series of events discussed above has resulted in large reductions in commodity values, and current trends are not encouraging. This can best be seen by looking at commodity values for paper products, which nationally make up about 60% of Recyclable Materials received and processed. The largest paper commodity is mixed paper. Prices have fallen dramatically from \$88.00 per ton in 2017 to **negative \$5.00-20.00** per ton in November 2019. This means that Harris Sanitation/WM must pay to have this material recycled following processing. The second commodity is cardboard, which has similarly fallen from well above \$100.00 per ton to \$30-35 per ton in November 2019. One example of this loss of value is in the Southeast, where values have plummeted from \$180.00 per ton in 2017 to \$30.00 per ton in 2019, but that same trend generally exists throughout the United States.

To demonstrate the overall loss of commodity value specific to your community, the following table is presented. This sets forth the revenue per ton of all residential Recyclable Materials collected and processed at the Cocoa Material Recovery Facility from 3Q 2017 through 4Q 2019. This is the destination for Residential Recyclable Materials or Commercial Recyclable Materials collected in the Town of Indialantic.



Cocoa Material Recovery Facility



As seen above, overall commodity values have declined by a staggering \$67.89 per ton from October 2017 through December 2019, an approximately 57% reduction. For the Town of Indialantic, based on the tonnage of Recyclable Materials collected, monthly revenue for Residential Recyclable Material has decreased by \$0.82 per customer per month. Furthermore, the fee that Harris Sanitation/WM pays for marketing of recyclables is based on a calculation of commodity value less processing cost. Currently, the processing costs significantly exceed commodity value, which means that Harris Sanitation/WM has to pay a tipping fee for processing and marketing to the Material Recovery Facility.

Our company carefully evaluates market conditions and has provided guidance that commodity values are not likely to recover significantly in the foreseeable future, as supply will continue to outstrip demand. These events have proven devastating for the recyclables industry, and at this point, Harris Sanitation/WM's recycling operations are marginally sustainable.

As a result, Harris Sanitation/WM respectfully requests an extraordinary increase of \$0.82 per Residential customer per month. Harris Sanitation/WM wants to make it clear that the purpose of this request is to align the rates with our recycling costs on a going forward basis, and not to retroactively recover prior increased costs or decreased commodity revenues. The attachment on page 4 outlines current market-viable single stream Recyclable Materials for the Town's review.

I will be calling you soon to discuss this matter and next steps. Thank you in advance for your consideration.

Sincerely,

Dina Reider-Hicks
Government Affairs Manager



Attachment

RECYCLABLES SPECIFICATIONS

RECYCLABLES must be dry, loose (not bagged), unshredded, empty, and include **ONLY** the following:

Aluminum cans	Newspaper
PET bottles with the symbol #1 – with screw tops only	Mail
HDPE plastic bottles with the symbol #2 (milk, water bottles detergent, and shampoo bottles, etc.)	Uncoated paperboard (ex. cereal boxes; food and snack boxes)
PP plastic bottles and tubs with symbol # 5 - empty	Uncoated printing, writing and office paper
Steel and tin cans	Old corrugated containers/cardboard (uncoated)
Glass food and beverage containers – brown, clear, or green – empty*	Magazines, glossy inserts and pamphlets

Non-Recyclables include, but are not limited to the following:

Plastic bags and bagged materials (even if containing Recyclables)	Microwavable trays
Porcelain and ceramics	Mirrors, window or auto glass
Light bulbs	Coated cardboard
Soiled paper, including paper plates, cups and pizza boxes	Plastics not listed above including but not limited to those with symbols #3*, #4*, #6*, #7* and unnumbered plastics, including utensils
Expanded polystyrene	Coat hangers
Glass and metal cookware/bakeware	Household appliances and electronics
Hoses, cords, wires	Yard waste, construction debris, and wood
Flexible plastic or film packaging and multi-laminated materials	Needles, syringes, IV bags or other medical supplies
Food waste and liquids, containers containing such items	Textiles, cloth, or any fabric (bedding, pillows, sheets, etc.)
Hazardous/Medical Waste or containers which contained such materials	Napkins, paper towels, tissue, paper plates, and paper cups
Any paper Recyclable materials or pieces of paper Recyclables less than 4" in size in any dimension	Propane tanks, batteries
Cartons*	Aseptic Containers*

* These materials may be deemed Recyclables upon written consent of Contractor, which may be withdrawn upon notice to City if there is no commercially viable market.



delinquent account is not paid in full within ten (10) days after the billing of such notice, collection service shall cease.

K. Any delinquent account may be reinstated upon payment of the past due balance, any delinquent fee, and a \$15.00 reinstatement fee and the necessary deposit. Service shall resume upon the next scheduled pick-up after payment has been given to the Collector.

SECTION 14 - Change in Cost of Doing Business

A. Compensation payable to the Collector may from time to time be adjusted. In that event any approved adjustment for the sixth and subsequent years of the term hereof shall be adjusted and increased on the first day of the sixth year of this Agreement and every one-year anniversary thereafter (the "Adjustment Dates"). First adjustment date under this agreement extension shall occur on October 1, 2019.

The increases of additional compensation shall, however, be subject to adjustments on each adjustment date, as set forth below. The Collector shall advise the Town Council and customer of the percent amount of increases pursuant to this Section 14 at least thirty (30) days before the customer must remit amount to the Collector. Beginning with the first adjustment date and for each adjustment date thereafter (including any renewal terms, if any), the base compensation shall be adjusted annually and shall be equal to the base compensation for the immediately preceding year of the Agreement multiplied by a fraction, the numerator of which is the index (hereinafter defined) most recently reported as of such adjustment date, and the denominator of which is the index reported twelve (12) months earlier. By way of example, if the Agreement commences on September 17, 1996 and the second year begins on September 17, 1997, the numerator of the fraction referred to above shall be based on the most recent CPI Index available when the request is being made prior to September 17, 1997, and the denominator of the fraction shall be the index for the same month being used in determining the numerator but for the preceding year e.g. September 17, 1996. For purposes of this paragraph, "Index" shall mean the index numbers of retail commodity prices designated "CONSUMER PRICE INDEX FOR ALL URBAN CONSUMER- U.S. CITY AVERAGE ALL ITEMS" (1982-1984=100) prepared by the Bureau of Labor Statistics, U.S. Department of Labor. Any publication by either the U.S. Department of Labor or the U.S. Department of Commerce in which such index numbers are published shall be admissible in evidence in any legal or judicial proceeding involving this Agreement without further proof of authenticity. In the event the U.S. Department of Labor ceases to issue updates to the Index, the adjustment of base compensation thereafter shall be according to the most closely comparable commodity index published by the U.S. Department of Labor, and if such is not determined by that Department, then the most closely comparable commodity index as determined by agreement of Collector and the Town; and in the absence of agreement, then as determined by arbitration in accordance with the then existing rules of the American arbitration Association in which three (3) arbitrators shall hear the matter.

B. In addition to the foregoing annual adjustment, the Collector may be entitled to an increase in the fees or compensation sufficient to offset the amount of any fee, surcharge, duty, tax, or other charges of any nature imposed by the federal government, any agency thereof, the State of Florida, any agency thereof, or by any local governmental agency which is payable solely by reason of the nature of the operations conducted by the Collector and any other sales or service taxes of general application to the operation of the landfill. The collector shall provide all facts, figures, calculations, and writings upon which the Collector relied in computing any such proposed increase to the Town. After review of said facts, figures, calculations, and writings, the Town Council shall consider approval of the amount of any fee or compensation increase prior to imposition of any such increase in fees or compensation upon Customers. Prior to imposing said fee or tax, the Collector shall give notice thereof to all customers.

C. The Collector may petition the Town at any time for additional rate adjustments on the basis of unusual charges in the costs of operations. The Town shall have the right, as a condition of any approval, to demand inspections by itself and/or an independent auditor of pertinent records that demonstrate the need for an adjustment to the rates. If such rate adjustments are not approved by the Town, the Collector shall have the option to terminate this Agreement upon not less than one hundred and eighty (180) days notice to the Town following disapproval by the Town Council.

SECTION 15: Other Changes or Costs

A. The Collector shall provide for the disposal of all solid waste at the landfill. It is understood that the County of Brevard (the "County") currently bills under commercial and residential customers, but not roll-off container customers for disposal at the landfill. Should the County change its billing system as described such that additional costs are incurred by the Collector, the Collector may be allowed to adjust rates in the manner provided in Section 1 4.B. of this Agreement. If after reasonable consideration by the Town Council, approval is not given, the Collector shall have the option of terminating this Agreement with respect to residential, commercial, institutional, or roll-off container customers, upon not less than ninety (90) days notice to the Town given following disapproval by the Town Council.

B. Should the Brevard County Landfill have a catastrophe, relocate or close so as to cause the Collector additional cost, these costs shall be submitted with documentation to the Town for approval of additional charges to customer's bills in order to offset the additional expense to the Collector, if after reasonable consideration by the Town Council, approval is not given, the Collector shall have the option to terminate this Agreement with respect to residential, commercial, institutional or roll-off container customer, upon not less than ninety (90) days notice to the Town given following disapproval by the Town Council.

C. In the event excessive amounts of solid waste, debris, yard trash or refuse has accumulated by reason of any storm, freeze, natural disaster, severe disturbance, riot or other calamity, the Collector shall, within five (5) working days, submit a certified estimate, to the Town Manager, of additional payroll costs, equipment and disposal costs to remove and dispose of the excessive solid waste, debris or refuse. The Collector shall submit such estimate for review and approval, prior to performing this additional work. The Town Council shall determine the validity of the Collector's estimate and, if approved, the Town Manager shall furnish written approval to the Collector before any bill may be submitted to the Town of payment. However, consideration of this estimate shall not bind the Town to use the Collector to clean up debris. The Collector shall not be responsible for nor have an obligation to collect, transport or dispose of debris or other waste material from a hurricane, severe storm or other natural or man-made disaster beyond that which is normally collected unless the Town enters into a written agreement with Collector specifying the terms and compensation for such services. Notwithstanding that the Collector has an exclusive franchise with the Town for the Collection of Solid Waste, Yard Trash, in the event that the Collector and the Town are unable to agree within ten (10) working days to an agreement to collect Solid Waste, Yard Trash, or refuse existing after a storm, freeze, natural disaster, severe disturbance, riot, or other calamity, or in the event that after any of such occurrences the Town deems in promotion of the public health, safety, or aesthetics to contract with other persons or legal entities for Solid Waste, Yard Trash, or refuse clean-up after said storm, freeze, natural disaster, severe disturbance, riot, other calamity, said contracting with other persons or legal entities shall not be deemed to be a violation of or inconsistent with this Agreement.

D. The Collector may petition the Town for rate adjustments due to a change in charges for billing

by the City of Melbourne. This shall not bind the Town to approve same.

SECTION 16: Hours of Operation For Collection - Hours of operation for collection services shall be from 7:00 am. until 7:00 p.m. Monday through Saturday, holidays excepted, and 7:00 am. until 7:00 p.m. holidays, Saturdays, and Sundays to the extent that this Agreement shall require or allow service on holidays, Saturdays, or Sundays.

SECTION 17: Collector's Personnel

A. The Town hereby requires and the Collector agrees that the Collector's collection employees shall at all times wear clean uniforms and shirt bearing the Collector's name.

B. Each driver shall, at all times, carry a valid drivers license, which satisfies all state and local requirements for the operation of the vehicle under his control.

C. The Collector shall provide operation and safety training for all personnel.

D. Wages of all collection employees shall equal or exceed the minimum hourly wages established by local, state or federal governments, and shall otherwise satisfy, all governmental regulations regarding labor and employment.

E. No person shall be denied employment by the Collector's for reasons of race, sex, handicap, creed, color or religion.

SECTION 18: Hazardous Waste

A. No customer shall place or deposit hazardous waste at any solid waste collection point or in any place where it might reasonably be expected to be collected and transported to the landfill, all by the Collector.

B. The Collector may refuse to collect solid waste from a customer, if the Collector reasonably believes and can demonstrate to the Town that such solid waste contains hazardous waste for collection.

SECTION 19: Miscellaneous Provisions

A. Law to Govern: This Franchise shall be governed by the laws of the State of Florida both as to interpretation and performance. Any dispute or litigation arising between the parties pursuant to this Franchise shall be litigated in Brevard County, Florida.

B. Compliance with the Laws: The Collector shall conduct operations under this Franchise in compliance with all applicable laws.

C. Illegal Provision: if any provision of this Franchise shall be declared illegal, void, or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.

D. Point of Contact: All dealings, contacts between the Collector and the Town shall be between the Town Manager, or his or her designee so designated in writing, on behalf of the Town, and the General Manager of the Collector or his or her designee so designated in writing, on behalf of the Collector. Any party hereto may unilaterally alter the foregoing designation of persons or addresses of persons to whom notice is to be given by dispatching in the manner required for the giving of a notice, a notice changing

SUBJECT: 2020 Halloween Festival

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Staff is requesting that council cancel the 2020 Halloween Festival that was to be held on Saturday, October 24, 2020, from 4:00 PM to 8:00 PM. The reason for cancellation is because of the COVID-19 and unknown situation for the next few months. Normally the Halloween committee would be starting to plan and prepare for the event at this time of year and it has not been able to meet because of COVID-19. The Halloween Festival would be in direct conflict with current CDC guidelines.

Recommendation:

Cancel Halloween Festival for Saturday, October 24, 2020

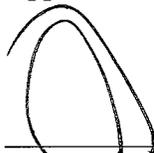
MOTION:
Cancel Halloween Festival for Saturday, October 24, 2020

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUBJECT: Park Hours

Staff Report – Town of Indialantic

Meeting Date: August 12, 2020

Summary:

Mayor Berkman would like to discuss amending some park hours as covered by Indialantic Ordinance Section 5-2. See attached sheet with parks and hours.

Recommendation:

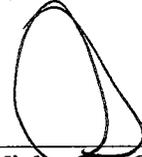
MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

Indialantic Park Hours

Park Name	Open	Closed
Dewy Park	6:00 AM	9:00 PM
Ernest Kouwen-Hoven Riverside Park	6:00 AM	9:00 PM
Gus Carey Park	6:00 AM	9:00 PM
Indialantic Ocean Beach Park-South of Wendy's	6:00 AM	9:00 PM
Indian River Park	6:00 AM	9:00 PM
Lily Park	6:00 AM	9:00 PM
Orlando Park	6:00 AM	9:00 PM
Sea Park	6:00 AM	9:00 PM
Sunrise Park	6:00 AM	9:00 PM
Tradewinds Park	6:00 AM	9:00 PM
Vincent Benevente Sunset Park	6:00 AM	9:00 PM
Wavecrest Park	6:00 AM	9:00 PM
Wavecrest Extended Park	6:00 AM	9:00 PM
Douglas Park	5:00 AM	10:00 PM
Nance Park	6:00 AM	1:30 AM
Indialantic Ocean Beach Park-North of Wendy's	6:00 AM	1:30 AM

SUBJECT: Allowing Chickens

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Councilwoman McKnight would like to discuss the possibility of chicken being allowed in the residential area of Indialantic. Currently Indialantic Ordinance section 4-25 prohibits having chickens within the Town Limits. Attached are previous council minutes where this was discussed, ordinance from the cities of Satellite Beach, Indian Harbour Beach and Melbourne that allow and regulate chickens in the residential area.

Recommendation:

MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

Indialantic Code

Sec. 4-25. Livestock and fowl; prohibited; penalty.

(a) The owning, keeping, or having, within the town limits, of any livestock, as defined in section 4-1, is prohibited.

(b) The owning, keeping, or having, within the town limits, of any chickens, turkeys, ducks, geese, or any other fowl, is prohibited. The owning, keeping, or having, within the town limits, of any parakeets, canaries or tropical birds, indoors, is permitted. This section is in no way intended to modify section 4-23.

(c) Violations of this section shall be punishable in accordance with section 4-2, Indialantic Code of Ordinances. (Ord. No. 82-308, 1, 6-15-82)

1. Second reading – by title only

The Town Clerk read the ordinance by title only.

2. Public hearing and adoption

There were no public comments.

Councilmember Campbell moved to adopt Ordinance 11-05. Deputy Mayor Goldfarb seconded. Motion carried unanimously.

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

- A. Discussion and possible action regarding amending the code to allow dogs in parks for Town declared special events (Requested by Mayor Berkman)

Mayor Berkman stated that people often bring their dogs to the park for events such as Friday at Fifth and the art show and suggested that Council consider amending the code to allow dogs for these special events.

In response to a question from Council, Attorney Gougelman advised that the Town could face additional liability and recommended contacting the Town's insurance carrier to determine if an injury would be covered and what safety measures would be recommended, such as signs, prior to allowing it.

Councilmember Greer advised that the Melbourne Art Festival allowed dogs and has had problems with the dogs urinating and fighting. He noted that bringing dogs into crowds can make them more anxious due to the higher energy level during special events.

Town Manager Chinault was requested to review the Town's policy with the insurance carrier and report to Council at the next meeting.

- B. Discussion and possible action regarding amending Sec. 4-25(b) relating to fowl (Requested by Councilman Campbell)

Councilmember Campbell advised that he has been requested by residents to allow a limited number of chickens in residential areas.

Councilmember Campbell moved to continue the discussion to allow chickens. The motion died due to the lack of a second.

- C. Discussion and possible action regarding extension of employment agreement with the Town Manager

Sec. 4-4. - Keeping animals, fowl other than domestic pets, exceptions.

(a) It shall be unlawful to keep, raise or maintain in the city any animal other than an animal ordinarily kept as a domestic pet. For purposes herein, chickens are not considered domestic pets. The keeping of livestock or poultry is expressly prohibited. Notwithstanding any provision to the contrary herein, chickens may be allowed as follows:

(1) Backyard chickens shall be permitted on single family properties which have a zoning designation of R-1AAA, R-1AA and R-1A subject to all regulations described below:

- a. For the purposes of this section, the terms "backyard chicken" or "chicken" refers to hens, or female chickens, only. It shall be unlawful to keep ducks, geese, turkeys, peafowl, roosters or male chickens, or any other fowl.
- b. No more than four (4) chickens shall be permitted on any lot or parcel.
- c. Chickens may only be kept for personal use. Selling chickens, eggs, feathers, chicken parts or chicken manure, or the breeding of chickens for commercial purposes shall be prohibited.
- d. Chickens shall not be slaughtered on site.
- e. All stored feed must be kept in a pest-proof container or be kept inside a secured structure.
- f. Chicken coops and enclosures must be maintained in a clean and sanitary condition at all time including dry bedding material. Activities permitted by this section must be conducted in a manner that does not create a public nuisance such as odor, noise, or the attraction of pests. Such coops or enclosure may be mobile or fixed to the ground only and shall not exceed the following dimensions four (4) foot by four (4) foot and six (6) feet in height.
- g. Chickens must be kept within a coop or enclosure and may not be released or set free to roam unless such roaming is confined to the fenced rear yard of the subject property.
- h. Chicken coops and enclosures must be screened from neighboring properties with an opaque fence. Chicken coops or enclosures must be enclosed on three (3) sides and on top. The sides and rear portions of

such coop or enclosure may be fenced with what is commonly known as "chicken wire and the roof must be of solid construction. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in a neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly.

- i. Chickens, coops and enclosures shall be located in the rear yard only. No chicken coop or enclosure shall be closer than ten (10) feet from any rear or side property line. Side corner setbacks shall meet the principal structure setbacks.
- j. Nothing herein is intended to preempt any governing property owner's restrictions and in those instances where there exists a property owners association the applicant for a backyard chicken permit shall provide proof to the city that the property owners association has approved such use and the erection or installation of a coop or enclosure.
- k. A permit is required. Applications shall be filed with the city clerk's office together with a filing fee to be set by resolution of council. The application must include a site sketch that demonstrates compliance with the regulations in the subsections above. The applicant must also provide proof of successful completion of a University of Florida/IFAS Backyard Chicken Training class or an equivalent class approved by the city manager or designee.
- l. No animal that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.
- m. By submitting an application for a backyard chicken permit, each applicant consents to an initial inspection by the city to assure that the provisions of this code have been satisfied prior to such permit being issued. In addition, each applicant consents to inspections as required by the city for the sole purpose of assuring continued compliance with the provisions herein. In addition, should the city receive a complaint

that there is a violation of the provisions herein, the applicant shall be deemed to consent to an inspection of the property to determine if a violation herein exists.

n. The fee for the permit required herein shall be established by a resolution of the city council from time to time.

(2) Violations/penalties/enforcement. In the event that the city receives a complaint of an alleged violation of the provisions herein, the city may conduct an inspection of the premises to verify the allegations of the complaint. Should the inspection reveal evidence of an alleged violation, then the matter will be referred to the city manager for a hearing to determine if a violation exists. Prior to such hearing the city shall provide a cure notice to the applicant. After receipt of the notice should the applicant believe they have come into compliance they shall contact the city building official to schedule a compliance inspection to determine if the alleged violation is cured. If after the expiration of the time to cure and no cure inspection is scheduled, the city manager shall schedule a violation hearing. If the city manager shall determine at such hearing a violation exists the following penalties may be imposed:

- a. For a first violation a fine of up to twenty-five dollars (\$25.00), plus administrative costs not to exceed the fine amount;
- b. For a second violation a fine of up to fifty dollars (\$50.00), plus administrative costs not to exceed the fine amount;
- c. For a third violation a fine of up to one hundred dollars (\$100.00), plus administrative costs not to exceed the fine amount; and
- d. For a fourth violation, revocation of permit, plus administrative costs.

Any fine and administrative costs imposed shall become a lien and enforced in accordance with the provisions of Chapter 162 of the Florida Statutes.

(Ord. No. 15, §§ 1, 2, 6-13-61; Ord. No. 2019-07, § 1, 7-23-19)

Sec. 14-3. - Backyard chickens.

- (a) For purposes of this section, backyard chicken shall mean birds having the taxonomic name of *gallus gallus domesticus*.
- (b) Up to four backyard chickens may be kept on any single-family lot in the city, subject to the following:
 - (1) Only hens may be kept; all roosters are prohibited.
 - (2) Backyard chickens are allowed for personal use only. The sale or bartering of backyard chickens, eggs, or manure is prohibited.
 - (3) Breeding of backyard chickens for any reason is prohibited.
 - (4) Except as provided in section 14-3(d), slaughter of backyard chickens for any reason is prohibited.
 - (5) All backyard chickens shall be maintained and contained in a coop located in the enclosed back yard of the lot. For purposes of this section, coop shall mean the henhouse where backyard chickens sleep or nest and any adjacent outdoor run. The coop shall be completely enclosed at all times; shall satisfy setback and all other accessory-structure requirements for enclosed buildings in section 30-510, this Code; and shall be constructed and secured to prevent access into the coop by other animals, including from digging under any enclosure material. If the henhouse is larger than 80-square-feet, a building permit shall be required prior to construction. The henhouse shall have a maximum height of 5.5 feet and provide at least four-square-feet per chicken.
 - (6) All coops shall be constructed, maintained, and cleaned to avoid attracting rodents, reptiles, vermin, insects, predators, birds of prey, foraging animals, and other pests. Regular removal of waste is required, and any manure not used for composting or fertilizer shall be promptly removed.
 - (7) All feed and other items associated with backyard chickens shall be kept in secure metal containers or otherwise protected to prevent rodents, reptiles, vermin, insects, predators, birds of prey, foraging animals, and other pests from gaining access to the feed or other items. Under no circumstances shall plastic containers of any kind be allowed.
 - (8)

Backyard chickens shall not be set free or allowed to wander outside a coop at any time, except that they may wander within the enclosed back yard between the hours of 8:00 a.m. and 8:00 p.m.

- (9) All coops shall be screened from the view of any adjoining property by an opaque fence at least six feet high. A perimeter or boundary fence or wall, chain link fence, chain link fence with slats, or similar fence shall not meet the requirement for an opaque fence.
- (10) No property located within the ocean bluff buffer zone or the 100 foot buffer zone around conservation areas, as shown in Exhibit A, shall be allowed to have chickens.
- (11) Anyone desiring to possess and maintain backyard chickens on their property, including persons possessing and maintaining such chickens when the ordinance from which this section is derived is adopted, must obtain a permit for such activity from the city. No permit shall be issued until a properly-completed application is approved by the building and zoning department. As a condition of permit approval, each applicant shall acknowledge on the application that the city has permission to enter upon the subject property to perform an initial inspection 30 days after permit approval, as well as subsequent random inspections anytime thereafter to ensure compliance with the requirements of this section.
- (c) No animal that kills or wounds a chicken shall, for that reason alone, be considered a dangerous or aggressive animal.
- (d) If a regulatory agency issues any advisory or alert that chickens must be exterminated in the interest of public health, all chickens located in the city shall be immediately exterminated. No backyard chickens shall be allowed within the city thereafter until such advisory or alert is lifted and the agency reauthorizes backyard chickens within the city. If such agency imposes conditions to allowing backyard chickens, any person intending to keep backyard chickens shall provide proof of compliance to the agency and/or the city.

Exhibit A

Animal Permits

An animal permit is required for animals (except for domestic dogs and cats), reptiles, or fowl that are kept outside of a residence. An animal permit will not be issued for animals or reptiles regulated by the Florida Fish and Wildlife Conservation Commission or any other permitting agency.

A person applying for an animal permit must be the property owner or have permission from the property owner. In addition to any conditions that are made part of an animal permit, the applicant will be responsible for complying with applicable homeowners' association rules and regulations.

After submitting a completed application to the City Clerk's Office, the Code Compliance Division will inspect the property. After all conditions have been met and a satisfactory inspection has been completed, the City Clerk's Office will issue an animal permit.

The following guidelines will assist you in preparing a home for your pet:

- If you are placing a structure (coop, cage, enclosure, etc.) on the property, you must contact the Community Development Department at 321-608-7500 regarding setback requirements. All structures must meet the minimum setback requirements established in the City's Zoning Code. A setback is the distance that a structure must be placed away from property lines. Setbacks are determined by zoning district, type of lot, and location of structure on the lot.
- In addition to the setback requirements, a structure that is larger than 100 square feet or higher than six feet may require a building permit. You must contact the Code Compliance Division at 321-608-7915 to determine whether a building permit for an accessory structure will be required.
- Structures must be in place prior to submitting an animal permit application. The Code Compliance Division inspector will need to see the structure when he/she performs the inspection.
- The number of animals permitted will be based on the zoning district, lot size, and usable lot area. Permits will not be issued for roosters unless there is something unique about the size or location of the property.
- Animal feed must be stored in sealed containers.
- Animals may not be used for commercial purposes.
- An animal permit application will automatically expire if an inspection has not been conducted by the City within 30 days of receipt of the application.
- An animal permit is effective for two years from the date of issuance. During that period, the permit may be revoked if the animals are not being taken care of properly, permit conditions are not being met, or the City has received complaints of odor, noise, feces, or animals running at large.

To request an application for an animal permit, send an e-mail to city.clerk@mlbfl.org or contact the City Clerk's Office at (321) 608-7220.

CITY OF MELBOURNE

ARTICLE II. - ANIMAL PERMITS

Sec. 10-23. - Purpose.

The intent of the city council in adopting this article is to recognize that the zoning code does not expressly permit nondomestic animals in certain zoning districts; however, within these districts, there are certain animals that may be kept as family pets.

(Code 1984, § 5-13; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-24. - Authority.

The city clerk, under the direction of the city manager, is hereby authorized and directed to administer the animal permitting process. Permits may be issued for certain animals in accordance with this article that are maintained outside of a residence.

(Code 1984, § 5-14; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-25. - Jurisdiction by state.

The city will not issue permits for animals regulated by the Florida Fish and Wildlife Conservation Commission. Any person in the city who keeps an animal regulated by the state must possess the appropriate license and follow all applicable statutes, rules, and regulations.

(Code 1984, § 5-15; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-26. - Definitions.

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

Animal permit means the permit that is issued by the city clerk.

Animal permit application means the form provided by the city clerk for the purposes of processing a request to keep certain animals.

Animal structure means any structure used to house an animal. The term "animal structure" includes, but is not limited to, coop, cage, and enclosure.

(Code 1984, § 5-16; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-27. - Permit required for certain animals; conditions.

- (a) A permit shall be required for animals (except domestic dogs and cats) that are kept outside of a residence. An applicant for an animal permit must complete a form provided by the city clerk and provide a hand-drawn diagram that includes the following: street name; location of house; and location of any structure used to house the animal. If an animal structure will be used, it must be in place prior to submitting the animal permit application.
- (b) Animal structures must meet any setback requirements established in this Code. If an animal structure is larger than 100 square feet or higher than six feet, a building permit for an accessory structure will be required from the code compliance division.
- (c) Code compliance personnel will conduct a physical inspection of the area where the animal is maintained and make a recommendation for approval or denial of the animal permit to the city clerk.
- (d) The number of animals permitted will be based on the zoning district, lot size, and usable lot area as determined by a physical inspection of the site by the city. Animal permits will generally not be issued for roosters unless there is something unique about the property, such as zoning, acreage, and location.
- (e) Animal feed that is stored outside must be in sealed containers to prevent access by rodents, insects, and wildlife.
- (f) An applicant for an animal permit is responsible for complying with homeowners' association rules and regulations, if applicable, that pertain to keeping animals or animal enclosures outside of a residence.
- (g) If the applicant is not the owner of the property, the applicant must obtain permission from the property owner to keep animals that require an animal permit from the city.
- (h) An animal permit will be effective for two years from the date of issuance. In order to keep the animal permit in an active status, the applicant must submit a new animal permit application to the city clerk prior to the expiration date of the animal permit.

(Code 1984, § 5-17; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-28. - Inspection of area.

Once an animal permit has been issued, the location will be subject to an annual inspection by code compliance personnel to ensure that the area is being maintained in a manner that is safe and sanitary for the animal.

(Code 1984, § 5-18; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-29. - Maintenance of animals, reptiles, and fowl.

A person who has been issued an animal permit shall be required to maintain the area where the animal is kept in a sanitary manner. Complaints from surrounding neighbors and personal observation by code compliance personnel shall be considered in determining whether an area is being properly maintained.

(Code 1984, § 5-19; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-30. - Permit revocation.

If any condition of an animal permit has been violated, the city clerk may revoke the permit.

(Code 1984, § 5-20; Ord. No. 2001-31, § 1, 6-26-2001)

Sec. 10-31. - Appeals.

A person aggrieved by a decision of the city clerk in the issuance, denial or revocation of an animal permit may appeal to the city manager. The appeal must be submitted in writing within 20 days of the decision and state the basis for the appeal. A person aggrieved by a decision of the city manager may appeal to the city council. The appeal must be submitted in writing to the city clerk within 20 days of the decision and state the basis for the appeal.

(Code 1984, § 5-21; Ord. No. 2001-31, § 1, 6-26-2001)

Secs. 10-32—10-50. - Reserved.

SUBJECT: Reschedule November 11, 2020 council meeting

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Staff has requested the November 11, 2020 Town Council meeting be rescheduled as Town Hall will be closed for the Veteran’s Day holiday.

Recommendation:

Discuss and choose alternate date for November meeting.

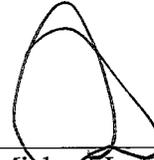
MOTION:
Reschedule meeting to <date>

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUBJECT: Town Manager Evaluation

Staff Report – Town of Indialantic Meeting Date: August 12, 2020

Summary:

Section 5 of the Town Manager’s employment agreement provides for the Council to evaluate the Manager’s performance over the preceding year. Evaluation forms were distributed to be filed with the Town Clerk. Copies of Council evaluations and summary are provided.

Section 3(b) of the Town Manager’s employment agreement states the Town Manager shall be eligible for a merit increase at the discretion of the Town Council. Council is being requested to approve a 2.5% merit pay increase based on the Town Manager’s performance evaluation provided by council. The evaluation had a possible score from 0 to 5, with the average score of the five evaluations being 4.66 out of possible 5.

The Town’s employees merit performance affords an increase from 0-3%

Recommendation:

Accept the performance evaluation for the Town Manager for the period of July 12, 2019 through July 11, 2020. Approve a 2.5% merit increase.

MOTION: Accept the performance evaluation for the Town Manager for the period of July 12, 2019 through July 11, 2020. Approve a 2.5% merit increase.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUMMARY OF TOWN MANAGER EVALUATIONS
07/12/2019 – 07/11/2020

Berkman	Glass	Kemp	McKnight	Wright	ORGANIZATIONAL MANAGEMENT	
5	5	5	5	4	Effectively implements Town policies	
4	5	4	5	3	Takes a long vision of the Town's needs	
5	5	5	5	4	Manages Town employees	
5	5	4	5	4	Plans, organizes and supervises utilization of resources	
5	5	5	5	4	Works to protect the Town's assets	
					FISCAL MANAGEMENT	
4	5	5	5	3	Develops annual budget consistent with Council guidelines	
4	5	5	5	4	Informs Council of long-term financial issues	
5	5	5	5	4	Administers the adopted budget	
5	5	5	5	4	Communicates needed adjustments during the fiscal year	
4	5	4	5	4	Explores funding opportunities	
					COUNCIL RELATIONS	
5	5	5	5	4	Responds to requests for information/assistance	
5	5	4	5	4	Carries out directives of the Council	
5	5	5	5	4	Informs Council of issues important to the Town	
5	5	5	5	4	Understands Council issues and transfers them to Council agendas	
					INTERGOVERNMENTAL	
4	5	5	5	4	Coordinates projects with other governmental agencies	
5	5	5	5	4	Addresses Town responsibility re: outside agency requirements	
4	5	5	5	4	Represents the Town with other governments/agencies	
4	5	5	5	3	Maintains an interest in neighboring areas to protect the Town	
					COMMUNITY RELATIONS	
5	5	5	5	4	Addresses citizen complaints in professional manner	
5	5	5	5	4	Demonstrates interest in the community	
Average	4.65	5	4.8	5	3.85	4.66

Average overall score

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

TOWN OF INDIALANTIC

Performance Evaluation

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

Michael L. Casey
Town Manager

Dave Berkman
Evaluator

July 12, 2019 thru July 11, 2020
Evaluation Period

7/26/20
Date of Evaluation

Evaluation Scale

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

ORGANIZATIONAL MANAGEMENT

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

FISCAL MANAGEMENT

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

COUNCIL RELATIONS

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

INTERGOVERNMENTAL

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

COMMUNITY RELATIONS

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

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

COMMENTS:

Mike has done a fantastic job this year. He has grown into this position very quickly, he is well respected, he does a fantastic job communicating and we are happy to have him as Town manager.

OVERALL RATING:

Excellent	<u>X</u>
Very good	_____
Good	_____
Fair	_____
Poor	_____


Dave Berkman (760) 222-1111 (EDT)

Evaluator's Signature

7/26/20

Date

TOWN OF INDIALANTIC

Performance Evaluation

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

Michael L. Casey
Town Manager

Stu Glass
Evaluator

July 12, 2019 thru July 11, 2020
Evaluation Period

July 15, 2020
Date of Evaluation

Evaluation Scale

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

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- 5 Maintains an interest in neighboring areas to protect the Town's interests

COMMUNITY RELATIONS

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

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

COMMENTS:

Mike is doing an excellent job in all respects. Consistently exceeds all requirements and expectations.

OVERALL RATING:

Excellent	<u>5</u>
Very good	<u> </u>
Good	<u> </u>
Fair	<u> </u>
Poor	<u> </u>

Stuart M. Glass
Stuart M. Glass (12/13/15 2020 10:12:07)

Evaluator's Signature

7/15/2020

Date

TOWN OF INDIALANTIC

Performance Evaluation

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

Michael L. Casey
Town Manager

Simon Kemp
Evaluator

July 12, 2019 thru July 11, 2020
Evaluation Period

07/21/2020
Date of Evaluation

Evaluation Scale

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

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COMMUNITY RELATIONS

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

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

COMMENTS:

Mike Casey has done an excellent job in adjusting his new role as Town Manager. He is responsive, courteous, and helpful when I have questions. I have talked to other residents who expressed their appreciation for the change in managem

OVERALL RATING:

Excellent	<u>5</u>
Very good	_____
Good	_____
Fair	_____
Poor	_____

Simon Kemp
Simon Kemp | Jul 22, 2020 12:04 EDT

Evaluator's Signature

07/21/2020

Date

TOWN OF INDIALANTIC

Performance Evaluation

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

Michael L. Casey
Town Manager

Julie McKnight
Evaluator

July 12, 2019 thru July 11, 2020
Evaluation Period

07/15/2020
Date of Evaluation

Evaluation Scale

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

ORGANIZATIONAL MANAGEMENT

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

COMMUNITY RELATIONS

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

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

COMMENTS:

I think Mike Casey has done an incredible job as Indianantic's Town Manager. His ability to successfully navigate through the many challenges presented since he assumed this position has been quite impressive. Our town is fortunate to ha

OVERALL RATING:

Excellent	<u>X</u>
Very good	<u> </u>
Good	<u> </u>
Fair	<u> </u>
Poor	<u> </u>

Julie McKnight
Julie McKnight, Inc. 2019 11/01/2019

Evaluator's Signature

07/15/2020

Date

TOWN OF INDIALANTIC

Performance Evaluation

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

Michael L. Casey
Town Manager

Doug Wright
Evaluator

July 12, 2019 thru July 11, 2020
Evaluation Period

July 20th 2020
Date of Evaluation

Evaluation Scale

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

ORGANIZATIONAL MANAGEMENT

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

FISCAL MANAGEMENT

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

COUNCIL RELATIONS

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

INTERGOVERNMENTAL

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

COMMUNITY RELATIONS

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

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

COMMENTS:

OVERALL RATING:

Excellent	_____
Very good	<u>Yes</u> _____
Good	_____
Fair	_____
Poor	_____

D. Jones
(Please write in ink, print name and title)

Evaluator's Signature

July 20th

Date

August 12, 2020

1. Intergovernmental Activity:

- a. US-192/SR-500 Resurfacing:** FDOT is proposing to resurface US-192/SR-500 (aka Fifth Avenue) from the easternmost relief bridge to SR-A1A in FY-22. (04/16/18) FDOT has agreed to analyze the mid-block crossings and determine if Rectangular Rapid Flashing Beacons (RRFBs) are warranted. (06/18/18) FDOT has determined that pedestrian counts indicate that Rapid Rectangular Flashing Beacons (RRFBs) are not warranted at the Fifth Avenue mid-block pedestrian crossings. However, FDOT did recommend improving the lighting and signage at these locations which will be factored into the resurfacing project that should commence in FY-22. (04/16/19) FDOT has determined that pedestrian activated crossing signals are not warranted for mid-block crossings on Fifth Avenue at this time. (05/08/19) Resurfacing scheduled for FDOT fiscal year 2023, scheduled for 11/22 (2/3/20)
- b. SR-A1A Pedestrian Crossing at 2nd Avenue:** Is to be modified in FY-20 and include Rectangular Rapid Flashing Beacons; however, FWA prohibits the use of RRFBs. (01/10/18) FWA now allows RRFBs; however, FDOT has had to re-apply to use them. (04/16/18) Was notified work is starting on SRA1A between US192 and SR518 (10/1/19). Was notified work is starting on SRA1A between US192 and SR518 (10/1/19). Modifications made to MOT while work is being performed (10/15/19) Barrels have been removed and waiting on flashing lights and roadway markings. (12/30/19) Light is active and FDOT placed new signage speed limit lowered to 35 mph from Pineda to Eleventh Ave. (5/8/20) FDOT removed outside pedestrian crossing sign (8/4/20)
- c. SR-A1A South of US-192:** FDOT has been requested to lower the posted speed limit from 40 mph to 35 mph. (05/09/18) FDOT will conduct a speed study after the safety improvements have been completed. (01/09/19) Council approved Resolution 19-2019 12/8/19 asking FDOT to lower speed limits on Beachside on State Roadways (12/30/19) FDOT is discussing possible lower speed limits now after controversy on pedestrian crossing (3/3/20) Speed limit lowered south of US-192 to 11th Ave to 35MPH (6/3/20) Requested FDOT lower speed limit south of 11th to 35MPH to Melbourne Beach and heard positive response back waiting on final answer(8/4/20)
- d. Pedestrian Crossing Signals:** FDOT inspected the US-192 intersections at Riverside Drive and SR-A1A on 2/22/19 and are evaluating possible audible pedestrian signal improvements. (03/13/19) Spoke to DOT sent Jay email 8/15/19. FDOT looking at updating traffic lights and crossing conducting study to work into the resurfacing in 22/23 FDOT fiscal year (2/27/20)

2. Fiscal Activity:

- a. Fifth Avenue median:** The Town is soliciting proposals from Registered Landscape Architects for consideration to develop a plan to replace the existing plants in the Fifth Avenue median. (06/18/18) A recommendation

TOWN MANAGER'S REPORT

will be presented to Council for 8/8/18. (08/08/18) Staff is negotiating a contract with Susan Hall Landscape Architecture, Inc. (09/12/18) Workshop will be held 10-18-18 at 6:30 p.m. (10-10-18) Options will be presented to Council at the January meeting for approval. (01/09/19) Some counties in the median are being relocated to Nance and Douglas parks and to the Fifth Avenue median east of SR-A1A to determine if the areas are suitable for relocation once the new plants are installed in the median. (02/13/19) The grant application was sent to FDOT on 3/7/19. (04/16/19) FDOT has approved the application with funding projected in FY-23. (05/08/19) FDOT contacted me and we are on schedule for FY-23 and working with Susan Hall Landscape Architecture, Inc on first past review of submission (7/29/19). Ryan from Susan Hall's sent preliminary information state approved first pass. Working with Ryan on Bid documents (8/1/19) Received initial Project Schedule, Landscape Plans, ITB and Opinion of Project Costs from Susan Halls office for initial submission to DOT for review and I submitted them to FDOT for first review 8/20/19. Heard from DOT Dawn Latchum assigned project number is **442883-2-58-01** for submission (8/21/19). Received comments from FDOT and Susan Hall Landscaping Architecture, Inc is reviewing comments (9/30/19) Spoke with Ryan and his is looking into if lighting can be used (10/28/19) Ryan responded to comments from FDOT on median plans (11/1/19). FDOT wants meeting with landscape architect and town (11/15/19). Meeting wet with FDOT and Susan Hall on 1/28/20 at 2 PM FDOT Deland (11/25/19) Attending meeting and project is still moving forward. Nothing can be done until after repaving is done. Project funded in FDOT 2023 fiscal year earliest project could happen in 8/22 (2/3/20) Ryan recently responded to comments from FDOT (8/4/20)

b. Budget Committee

Budget committee is scheduled to meet on 07/07/20 to review 2020/2021 budget (6/30/20). Budget & Finance Committee met on 7/21/20 and unanimously recommended Council set the FY 2021 millage rate at 6.0923 (8/4/20)

3. Organizational Activity:

- a. Swale:** Public Works has installed swales at 205 S. Ramona Avenue on the 7th Avenue side. (05/15/17) A swale was improved at 810 Wavecrest Avenue and a swale was added at 305 S. Ramona Avenue. (10-10-18) A swale was added at 812 Wavecrest Avenue. (11/07/18) A swale was added at 425 Second Avenue. (02/13/19) A swale was added at 435 Twelfth Avenue. (03/13/19) A swale was added to the west side of S. Riverside Place. (07/10/19) Swale ordinance is presented to town council March 2020 meeting (3/4/20). Waiting on Environmental Task Force to review and make further recommendations (7/1/20) Ordinance was reviewed at the July

TOWN MANAGER'S REPORT

- meeting and updating the swale design will be reviewed at the August Environmental Task Force meeting (8/4/20)
- b. **Meters:** Kiosk have been ordered and expected around the end of January 2020 (12/3/19). Kiosk expected to be shipped in a next few weeks for Nance Park (3/4/20). Kiosk is active and working as of this date (5/8/20). Kiosk are operating still some tweaking in signage (6/16/20).
 - c. **Pipes Under Pavement:** Placed legal ad for both north and south pipes under pavement project with bids being received from 7/16/19 thru 8/16/19. Had preconstruction meeting with prospective bidders and town engineer on 7/22/19 (7/31/19). Received bids from 4 contractors and have meeting on lowest bidder and BSE on 9/10/19 (9/5/19). Council asked to approve low bidder PRP at 10/9/19 council meeting (10/1/19). Have signed agreement with PRP and received all paperwork. Worked out agreement with City of Melbourne for laydown site on S. Palm old water tower property during project for PRP. Waiting on start date (11/7/19) Start date approximately the second week of January 2020 (12/30/19) PRP is working on project is underway at this time, should last until mid-July (2/3/20) Project is underway and work expected to be completed by July 2020 (3/4/20). Work is progressing and July is expected finish date (5/8/20). PRP is still proceeding and expect to finish south residential this month and move to north residential (6/3/20). Project still proceeding and scheduled by end of summer completion (6/30/20). PRP finishing up in north end of town and also list we have given to correct issues (8/4/20)
 - d. **Code Codification:** Signed agreement and issued purchase order for with Municode for codification and hosting of Town Codes. Project approved by Council at the October 2019 meeting. Project will take in excess of year and working with staff, Town Attorney and Municode to review, update and make sure all corrections are made for the codification and web hosting (11/7/19). Received email last week from Municode and they have assigned personnel at this time but project is expected to be in excess of one year. Municode has been in contact with clerk and time table is still in line for next year (3/4/20). First review received from Municode and being reviewed by staff and town attorney (5/8/20) Hade meeting with Municode and proceeding with codification (6/3/20) Process is continuing with first reading of codification ordinance scheduled for the August Council meeting (8/4/20).
 - e. B-4 10th Ave to Ramona Ave Storm Sewer Replacement awarded (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20)
 - f. B-5 2nd Ave/Riverside Drive off-line retention area (2/17/20) Waiting on approval of grants from council (5/8/20). Grants have been awarded and BSE is working with Atlantic Development to begin constructions (6/3/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Project scheduled to begin first week of August (8/4/20)
 - g. 2nd Avenue/Riverside Drive to Ramona Avenue Sewer Replacement (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20)

TOWN MANAGER'S REPORT

- h.** B-3 Orlando Boulevard/Ramona Drive Storm Sewer Replacement (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Notified 8/4 by Hinterland Group the contractor that was awarded the contract would be mobilizing for the project beginning 8/5/20 (8/4/20)
- i.** B-6 Outfall Repair II at Wayne Ave. and Riverside Dr. Sewer Replacement (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20)
- j.** B-4 Bike Path/9th Ave. to Melbourne Ave. Storm Water Replacement/Bike Path Relocation (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Meetings held with J&D Construction on site and project is scheduled to begin week of 8/10 and last about 60 days (8/4/20)
- k.** B-2 Miami Ave bids opened 3/3/20 and given to BSE for evaluation (4/6/20)
- l.** B-3 Orlando Blvd bids opened 3/3/20 and given to BSE for evaluation (4/6/20)
- m.** B-3 Ramona Ave bids opened 3/3/20 and given to BSE for evaluation (4/6/20)
- n.** B-4 Melbourne Ave bids opened 3/3/20 and given to BSE for evaluation (4/6/20)
- o.** B-4 Palm Ct bids opened 3/3/20 and given to BSE for evaluation (4/6/20)
- p.** B-5 Ramona Ave bids opened 3/3/20 and given to BSE for evaluation (4/6/20)
- q.** Met with Software Company about replacing outdated building software which had been budgeted for this fiscal year. After review and meeting several other municipalities already using this company staff decided on BSA Software. Contract has been signed and we came in under budget able to additionally include Building Department, Code Enforcement, and Business Tax Receipt in the package. Price came in under budgeted amount. Expect delivery of software complete with data conversion from old software in next six months. (6/3/20) Had several meetings with company to include conversion of data, software and hardware compatibility. Staff is explored other municipalities using software to seek training. Time table is to go live in October 2020 (6/30/20). We have supplied updates and given preliminary data for conversion. Conflict with BSA has pushed back the go live date to December 2020 (8/4/20)
- r.** Full Contract with police union (PBA) is up and have spoken with PBA representative and planning on initial meeting the end of August (8/4/20)
- s.** Firefighter union (IAFF) contract has one article open cost of living wage adjustment, and meeting scheduled for 8/18/20 at 10am (8/4/20).

Indialantic Police Department
 Monthly Crime Index
 June 2020

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	1	1		1	100%
Larceny	3	2		2	66%
Veh Theft	0				0%
Assault/Battery	2	1		1	50%
Arson	0				0%
Total Part I	6				
Part II					
Kidnapping	0				
Fraud/Forgery	3				
Criminal Mischief	0				
Weapons	0				
Sex Offenses	1				
Narcotics	0				
DUI	1				
Liquor Laws	0				
Disorderly	1				
Ordinance	11				
Trespass	6				
Other Traffic	0				
Total Part II	23				
Part III & IV					
Patrol Area	544				
911 Investigations	163				
Citizen Contact	2				
Juvenile	0				
Warrant	0				
Misc Traffic	29				
Traffic Accidents	9				
Sick/Injured	0				
Death	0				
Mentally Ill	0				
Suicide/Attempt/Threat	2				
Animal	5				
Information	28				
Alarm/Open Door	9				
Fire	1				
Lost/Found	14				
Disturbances	17				
Susp Incidents	72				
Assists	77				
Details	5				
Missing Persons	0				
Total III & IV	977				
Grand Total	1006				

Indialantic Police Department
YTD Information Report
June 2020

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Value Stolen	\$ 66	\$ 418	\$ 2,430	\$ 22	\$ 52,740	\$ 70							\$ 55,746
Value Recovered	\$ -	\$ 24	\$ 2,160	\$ 22	\$ 51,300	\$ 70							\$ 53,576
Traffic Warnings	1	0	0	0	3	0							4
Equip Warnings	0	0	0	0	0	0							0
Verbal Warnings	181	192	148	5	128	159							813
Field Interrogation	0	0	0	0	0	0							0
Parking Violations	0	2	5	11	16	8							42
Parking Fines	\$ -	\$ 45	\$ 100	\$ 220	\$ 330	\$ 160							\$ 855
Traffic Citations	212	276	108	18	94	81							789
Arrests	10	15	8	8	31	10							82
DUI Charges	0	0	0	2	2	1							5
Drug Charges	0	0	0	0	0	0							0
Wavecrest Activity	42	47	67	115	99	76							446

Indialantic Fire Rescue Monthly Report for July 2020

FIRES		
Structure Fires		
Brush Fires		1
Vehicle Fires		
Trash Fires		1
Other Fire Calls		
RESCUE & EMERGENCY MEDICAL		
Medical		33
Well Being Check		1
Water Rescue		
Motor Vehicle/Pedestrian Accident with injuries		
Motor Vehicle with no injuries		1
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem/Gas Leak		3
GOOD INTENT CALL		
Dispatched and Cancelled Enroute		
Dispatched and Cancelled on Scene		
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		5
Smoke Detector activation due to smoke or dust		2
SPECIAL INCIDENT TYPE		
Fire Inspection/Business Tax Receipt (BTR)		1
Public Service Calls		5
Assist Other Government Agency		2
Special Type of Incident		6
Hydrant Inspections		
TOTAL CALLS		61
RUNNING TOTAL OF PREVIOUS MONTHS		347
TOTAL CALLS YEAR TO DATE		408
MUTUAL AIDE		
	GIVEN	4
	RECEIVED	0
AVERAGE RESPONSE TIME		
	INDIALANTIC FIRE	2.73
	BREVARD COUNTY	12.15
VOLUNTEER HOURS		154.75
	SAVINGS REALIZED BY THE TOWN	\$3,095
VOLUNTEER F/F ACTIVITY		Monthly business meeting 7/7/20 and weekly training conducted on 7/14/20, 7/21/20, & 7/28/20. Training included self contained breathing apparatus, emergency medical patient assesment, & EMS/corona virus. The volunteers approved the purchase of new front tires for the squad at a cost of \$440 and voted on three new members into the organization.
CAREER F/F ACTIVITY		The on-duty crews completed 180 hours of on-line and practical training throughout the month. Placed the five new self contained breathing apparatus purchased through a state grant into service.

TOWN OF INDIALANTIC BUILDING REPORT

August-20			
	<u>CURRENT</u>	<u>YTD 20</u>	<u>YTD 19</u>
NO. OF PERMITS ISSUED	66	560	562
TOTAL PERMIT FEES	\$8,055.00	\$117,821.00	\$108,285.00
TOTAL CONSTRUCTION VALUE	\$736,547.00	\$18,389,183.00	\$14,606,012.00
PLAN REVIEW FEES	\$617.50	\$19,144.50	\$7,514.00
TOTAL SIGN FEES	\$75.00	\$3,072.00	\$850.00
NO. OF SIGN PERMITS ISSUED	1	10	15
NEW CONVENTIONAL HOMES	0	2	7
NEW MULTI FAMILY HOMES	0	2	0
NEW COMMERCIAL BUILDINGS	0	1	1
MISC. ADDITIONS/ALTERATIONS	1	7	24
CERTIFICATE OF OCCUPANCY	1	13	12
BUILDING CODE INSPECTIONS	86	615	832

Building Department Permits Issued

PermitNo	CompanyName	OwnerName/Address	Construction Value	Permit Fee	Plan Fee	Surcharge Fee		
IND20_233	7/14/2020	RE ROOF	CONSTANTINO, RONALD	141 MICHIGAN AV	\$65,000.00	\$390.00	\$0.00	\$11.70
IND20_415	7/8/2020	HVAC	HAGEN	1145 SHANNON AVE N	\$3,500.00	\$75.00	\$0.00	\$4.00
IND20_418	7/1/2020	REPLACE GARAGE DOOR	THOMAS	346 MIAMI AVE	\$2,870.00	\$80.00	\$0.00	\$4.00
IND20_420	7/13/2020	REPLACE GARAGE DOOR	ELMAZAJ	225 MELBOURNE AV	\$2,300.00	\$80.00	\$0.00	\$4.00
IND20_423	7/17/2020	HVAC	PEREZ	221 WAYNE AV	\$7,340.00	\$75.00	\$0.00	\$4.00
IND20_429	7/2/2020	ACCORDIAN SHUTTERS	815 SOUTH MIRAMAR LLC	815 MIRAMAR AV S	\$2,693.00	\$80.00	\$0.00	\$4.00
IND20_430	7/2/2020	SHUTTERS	TAYLOR	121 WAYNE AVE	\$24,344.00	\$190.00	\$0.00	\$5.70
IND20_434	7/7/2020	REPLACE GARAGE DOORS -(3) THIS IS	COOK	505 MIRAMAR AVE S 2	\$4,335.00	\$90.00	\$0.00	\$4.00
IND20_437	7/1/2020	REPLACE SIGN FACES	DERATANY, TIMOTHY	107 RIVERSIDE PL S	\$1,914.00	\$75.00	\$0.00	\$4.00
IND20_439	7/1/2020	REPLACE 5 WINDOWS WITH IMPACT	COOKE, JOHN	810 RAMONA AVE S	\$4,800.00	\$90.00	\$0.00	\$4.00
IND20_440	7/21/2020	REPLACE 5 WINDOWS WITH IMPACT	MOODY, DREMA GALE	401 SECOND AV	\$3,925.00	\$85.00	\$0.00	\$4.00
IND20_441	7/1/2020	HVAC	VAZQUEZ, JOHNY	425 PALMETTO PL	\$5,820.00	\$75.00	\$0.00	\$4.00
IND20_442	7/14/2020	1000 GALLON LP TANK	GELLENE, CHRISTOPHER	224 COCOA AV	\$7,482.00	\$105.00	\$0.00	\$4.00
IND20_443	7/1/2020	RE ROOF	ALHADAD, SYED MOHSEN	216 TWELFTH TER	\$16,900.00	\$150.00	\$0.00	\$4.50
IND20_444	7/14/2020	REPLACE WINDOWS WITH IMPACT	NOHRR	309 MICHIGAN AV	\$15,526.00	\$145.00	\$0.00	\$4.35
IND20_446	7/7/2020	REPLACE ROOFTOP PACKAGE UNIT-OR	PANICCIA, ADELIA TRUSTE	800 MIRAMAR AV N	\$6,593.00	\$100.00	\$0.00	\$4.00
IND20_447	7/1/2020	REPLACE 1 WINDOW	JOHNSON, ALBION S JR TR	580 WATSON DR	\$700.00	\$60.00	\$0.00	\$4.00
IND20_449	7/1/2020	REPLACE DOORS	BOESCH, KENNETH	200 TAMPA AVE	\$9,768.00	\$115.00	\$0.00	\$4.00
IND20_451	7/2/2020	REPLACE GARAGE DOOR	GELLENE, CHRISTOPHER	224 COCOA AV	\$1,245.00	\$75.00	\$0.00	\$4.00
IND20_452	7/7/2020	INSTALL 22 KW GENERATOR	NICKOL	101 ORLANDO BLVD	\$7,760.00	\$105.00	\$0.00	\$4.00
IND20_453	7/7/2020	REPLACE 2 SGD'S	BOURLIER, DONALD L	101 MIAMI AV	\$8,650.00	\$110.00	\$0.00	\$4.00
IND20_454	7/7/2020	REPLACE GARAGE DOOR	PONCE, ERIC	401 PALMETTO PL	\$2,200.00	\$80.00	\$0.00	\$4.00
IND20_455	7/27/2020	REPLACE GARAGE DOOR	ADAMS, HENRY A	605 RAMONA AV N	\$1,750.00	\$75.00	\$0.00	\$4.00
IND20_456	7/7/2020	HVAC TAX ACCOUNT NO. 2731562	NGUYEN	505 MIRAMAR AVE N 3	\$6,217.00	\$75.00	\$0.00	\$4.00
IND20_457	7/9/2020	REPLACE MAIN DISCONNECT FOR UNIT	CLARK, H L III	225 FIFTH AV	\$1,171.00	\$75.00	\$0.00	\$4.00
IND20_458	7/9/2020	REPLACE METER MAIN AND 2 SUBPANE	CLARK, H L III	225 FIFTH AV	\$1,809.00	\$75.00	\$0.00	\$4.00
IND20_459	7/13/2020	HVAC ADDRESS IS 105 S MIRAMAR AV	GUNN, MICHAEL J	109 MIRAMAR AV S	\$5,866.00	\$75.00	\$0.00	\$4.00
IND20_460	7/23/2020	ELECTRIC PV SOLAR SYSTEM	BOYNTON	510 WATSON DR	\$49,305.00	\$315.00	\$157.50	\$14.17
IND20_462	7/21/2020	REPLACE WINDOWS WITH IMPACT TAX	MUSSER	505 MIRAMAR AVE N 3	\$5,900.00	\$95.00	\$0.00	\$4.00
IND20_463	7/10/2020	SERVICE OVER TO UNDER	HAGEN	1202 RAMONA AV S	\$1,000.00	\$60.00	\$0.00	\$4.00
IND20_464	7/10/2020	INSTALL 22 KW GENERATOR	WOOSTER, THOMAS	121 ELEVENTH AVE	\$13,485.00	\$135.00	\$0.00	\$4.05
IND20_465	7/9/2020	8X20 SHED	MICELI	128 EIGHTH AV	\$2,400.00	\$80.00	\$0.00	\$4.00
IND20_466	7/10/2020	RE PLUMB SANITARY LINES UNDER SLA	FIRST STATE TRUST	205 MELBOURNE AV	\$22,000.00	\$175.00	\$0.00	\$5.25
IND20_467	7/24/2020	NEW POOL	TRENTADUE	221 ORLANDO BLVD	\$40,000.00	\$265.00	\$132.50	\$11.92
IND20_468	7/10/2020	HVAC	BOND	232 TAMPA AVE.	\$5,875.00	\$75.00	\$0.00	\$4.00
IND20_469	7/10/2020	HVAC	MURPHY	442 FOURTH AV	\$3,200.00	\$75.00	\$0.00	\$4.00
IND20_470	7/14/2020	RE ROOF TAX ACCOUNT NO. 2731052	DAVILA	217 THIRD AVE	\$26,187.00	\$200.00	\$0.00	\$6.00
IND20_471	7/14/2020	BURY 500 GALLON LP TANK	WOOSTER, THOMAS	121 ELEVENTH AVE	\$4,125.00	\$90.00	\$0.00	\$4.00
IND20_472	7/17/2020	REPLACE WINDOWS AND DOOR WITH I	CERNY	232 COCOA AV	\$22,548.00	\$180.00	\$0.00	\$5.40
IND20_475	7/27/2020	REPLACE METER MAIN	gioia, peter	143 THIRD AVE	\$1,650.00	\$75.00	\$0.00	\$4.00

<i>PermitNo</i>	<i>CompanyName</i>	<i>OwnerName/Address</i>	<i>Construction Value</i>	<i>Permit Fee</i>	<i>Plan Fee</i>	<i>Surcharge Fee</i>		
IND20_476	7/15/2020	NEW POOL	RICHER	313 SEVENTH AV	\$30,000.00	\$215.00	\$107.50	\$9.67
IND20_477	7/15/2020	CIRCULAR DRIVEWAY-PAVERS	BUCHENHORST	420 WATSON DR	\$13,500.00	\$135.00	\$0.00	\$4.05
IND20_478	7/15/2020	REPLACE GARAGE DOOR	CRAFT, ROBERT	124 THIRTEENTH AVE	\$1,925.00	\$75.00	\$0.00	\$4.00
IND20_479	7/21/2020	SIX FOOT HIGH WOOD FENCE	BRASELTON	315 THIRD AVE	\$2,475.00	\$80.00	\$0.00	\$4.00
IND20_480	7/17/2020	INSTALL 22 KW GENERATOR	MULLEN	1309 RAMONA AV S	\$9,900.00	\$115.00	\$0.00	\$4.00
IND20_481	7/27/2020	REPLACE DRIVEWAY WITH PAVERS	POTTER	1005 SHANNON AVE S	\$14,455.00	\$140.00	\$0.00	\$4.20
IND20_482	7/17/2020	SHUTTERS	RANN	440 WAYNE AVE	\$4,980.00	\$90.00	\$0.00	\$4.00
IND20_483	7/21/2020	REPLACE WINDOWS WITH IMPACT	gioia, peter	143 THIRD AVE	\$15,325.00	\$145.00	\$0.00	\$4.35
IND20_484	7/17/2020	REPLACE WINDOWS WITH IMPACT	GLASS, ELOISE	301 MIRAMAR AV S 20	\$1,899.00	\$75.00	\$0.00	\$4.00
IND20_485	7/17/2020	REPLACE WINDOWS WITH IMPACT	CLARK	301 MIRAMAR AVE S 2	\$1,899.00	\$75.00	\$0.00	\$4.00
IND20_486	7/17/2020	REPLACE WINDOWS WITH IMPACT	WORKMAN	301 MIRAMAR AVE S 2	\$1,899.00	\$75.00	\$0.00	\$4.00
IND20_487	7/17/2020	REPLACE WINDOWS WITH IMPACT	COOPER	301 MIRAMAR AV S 10	\$1,899.00	\$75.00	\$0.00	\$4.00
IND20_488	7/23/2020	OVER TO UNDER SERVICE	RICHER	313 SEVENTH AV	\$3,000.00	\$80.00	\$0.00	\$4.00
IND20_489	7/21/2020	ATTACHED SIGN	PETERSEN, ROBIN M TRU	317 SIXTH AV	\$1,375.00	\$75.00	\$0.00	\$4.00
IND20_491	7/23/2020	HVAC	DAVENPORT	125 EIGHTH AV	\$7,000.00	\$75.00	\$0.00	\$4.00
IND20_492	7/21/2020	HVAC	LANGLEY	320 MICHIGAN AVE	\$5,675.00	\$75.00	\$0.00	\$4.00
IND20_493	7/28/2020	RE ROOF	GOLDFARB	105 RIVERSIDE DR S	\$23,360.00	\$185.00	\$0.00	\$5.55
IND20_494	7/24/2020	BUILDOUT FOR TAKE OUT PIZZA STORE	PANICCIA, ADELIA TRUSTE	800 MIRAMAR AV N	\$75,000.00	\$610.00	\$220.00	\$24.90
IND20_496	7/24/2020	HVAC	ENGELHART	309 RIVERSIDE DR S	\$3,000.00	\$75.00	\$0.00	\$4.00
IND20_497	7/24/2020	RE ROOF TAX ACCOUNT NO. 2731438	MULCAHY	236 WAYNE AVE	\$12,580.00	\$130.00	\$0.00	\$4.00
IND20_498	7/24/2020	REPLACE WINDOWS AND DOORS- EXIST	McMAHON	440 FIRST AV	\$7,056.00	\$105.00	\$0.00	\$4.00
IND20_499	7/24/2020	SHUTTERS	HOFFMAN, JILL	125 MICHIGAN AVE.	\$8,840.00	\$110.00	\$0.00	\$4.00
IND20_503	7/29/2020	REPLACE WINDOWS AND DOOR WITH I	JOHNSON, ROBERT L	327 DELAND AV	\$17,202.00	\$155.00	\$0.00	\$4.65
IND20_504	7/29/2020	REPLACE WINDOWS AND DOORS WITH I	THOMAS	346 MIAMI AVE	\$22,000.00	\$175.00	\$0.00	\$5.25
IND20_506	7/29/2020	RE ROOF	BENJAMIN	301 TAMPA AV	\$28,450.00	\$210.00	\$0.00	\$6.30
IND20_507	7/29/2020	REPLACE GARAGE DOOR	HUTCHINSON, CHRISTOPH	318 TWELFTH TER	\$1,700.00	\$75.00	\$0.00	\$4.00
Permits:	66		Grand Total		\$736,547.00	\$8,055.00	\$617.50	\$329.96

Inspection Result Date Summary 07/01/2020 through 07/31/20

<i>InspResult</i>	<i>Total Inspections</i>
Approved	84
Disapproved	2
<i>All Results:</i>	86

<u>Location:</u>	<u>Extra Information:</u>	<u>Date:</u>	<u>Code:</u>	<u>Description:</u>	<u>Status:</u>	<u>Notes</u>
Zone 1						
604 North Riverside Drive	over sized real estate sign	05/27/20	17-106.3(1)	Oversized real estate sign	Complied	Letter sent 05/27/2020 observed by CPS
346 Third Avenue	BTR Required	03/19/20	Sec 9-1, 9-6, 9-7	BTR not on file	In the Process	letter sent 03/19/2020
103 North Riverside Drive	over sized real estate sign	05/27/20	17-106.3(1)	Oversized real estate sign	Complied	Letter sent 05/27/2020 observed by CPS, 06-10-20@1027 by MC
321 Oakland Ave	Landscaping	06/09/20	5.5-68	Veg in ROW	Complied	Veg over hanging roadway, letter sent 06/09/20
337 Second Ave	Landscaping	06/24/20	5.5-68(d)	dead tree	Outstanding	dead palm on west side of house, observed mc/jg 08/24/20, letter sent 06/24/20, rec'd email from H/O who asked for time to make sure tree is completely dead, I will follow-up on 08/09/2020
405 South Ramona Avenue		6/25/2020		yard sign	Unfounded	neighbor comp. of content on political sign with offensive content/MLC & MPC checked 06/23/2020 and no signs were present/ JG & MC checked 07/01/2020 @ 11:30 and no signs, checked, checked no signs 07/07/20
436 Fifth Ave	Landscaping	06/25/20	5.5-68(d)	dead tree	Outstanding	dead palm on north side by JG 06/26/2020@1249, letter sent 06/26, observed 07/29 and letter sent
340 Fourth Ave	Landscaping	07/02/20	5.5-68(d)	dead tree	Outstanding	dead tree on west side of property, observed 07/02/20@9:34am by me & jg, Reneta called and will have tree taken care by EOW, recheck on 08/03/2020
301 Michigan Ave	Landscaping	07/02/20	5.5-68	Veg in ROW	Complied	palm fronds blocking speed limit sign, JG/MC observed 07/02/20@9:50a, letter sent 07/06/20
418 Oakland Ave	Landscaping	07/01/20	5.5-68(d)	dead tree	Complied	spoke with homeowner, was given 30 days to remove
715 North Riverside Drive	Landscaping	07/02/20	5.5-68	Veg in ROW	Outstanding	spoke with homeowner who gave PW permission to remove tree
143 Second Avenue	BTR Required	07/14/20	Sec 9-1, 9-6, 9-7	BTR not on file	Outstanding	letter sent 07/14/2020
837 Second Ave	Boat/RV Storage	07/17/20	17-103(b)(3)	Trailer in Front yard	Complied	door hanger left 07/17/2020, observed by mc 07/20@1050, emailed and advised he would have trailer moved by end of weekend
Vacant Lot @ Watson & Wayne	Landscaping	07/22/20	Sec 8-21	Lanscaping Debris	Outstanding	letter sent 07/22/2020 observed by MC/MLC 07/21@3:05pm, spoke to property owner who advised they are in process of submitting a building permit and procuring a dumpster but need a little extra time, will check back in 2 weeks
444 Michigan Avenue	Boat/RV Storage	07/29/20	17-103(b)(3)	Boat on trailer	Outstanding	boat on trailer in front yard observed 07/17/20, 07/29/20
405 S Ramona Ave	Boat/RV Storage	07/31/20	17-103(b)(3)	Boat on trailer	Unfounded	city's office received complaint of illegally parked boat, boat is parked legally on side yard
Zone 2						
234 Michigan Avenue	Landscaping	06/10/20	5.5-68(b)	Very high grass, not neat & attractive	Complied	observed 06-10-20@1046, letter mailed, observed 07/02/20@934a
106 Fourth Avenue	Storage of Vehicle	06/25/20	Sec 15-34	Unoperable Veh in yard	Complied	2 abandoned trailers in lot, reported by IPD/ 07/01/20 1 trailer observed by jg/mc @ 07/01/2020, letter sent 07/16/20, observed 07/20@1052, 07/21@1044
106 Fourth Avenue	Landscaping	07/16/20	5.5-68(b)	Very high grass, not neat & attractive	Outstanding	letter sent 07/16/2020

215 Michigan Avenue	General Maintenance	06/29/20	Sec 5-63	construction debris	Complied	neighbor called to complain about hot tub shell in the yard not picked up by waste management/ spoke to owner had large trash pickup schedule. WM requested tub be out into 4 sections, tub has been cut and waste mgmt has been called anticipate tub being picked up by Friday, pick-up has been escalated to supervisor email attached to July 2020, spvr advised pick-up would be 07/23, Eric Preez called 07/21 to advised tub was not picked up, spvr emailed again on 07/24
215 Fifth Avenue/poss 210 Sixth	Trash Container Areas	06/30/20	Sec 5.5-65	broken dumpster door	Outstanding	spoke w/ owner of store who advised the dumpster belongs to the apartment building at 210 Shannon Ave
215 Fifth Avenue	Prohibited Sign	06/30/20	Sec 17-106.2	obsolete sign	Complied	aref Dshushia (Junks & Rec) complained about obsolete sign showing, observed 07/01/20 @ 10:46 am, letter sent 07/02/20, sign covering form and in disrepair, observed 07/01/20 @ 10:46 am, letter sent 07/02/20
210 Michigan Ave	Landscaping	07/02/20	5.5-68	Veg in ROW	Complied	vines growing on speed limit sign 07/02/20 by JG/MC @950a
300 N Shannon Avenue	Boat/RV Storage	07/17/20	17-103(b)(3)	Trailer in Front yard	Unfounded	door hanger left 07/17/2020, observed by mc 07/20@1054, 07/21@1048, 07/22@5:02pm, vehicle moves multiple times a week
Zone 3						
424 Tenth Avenue	Landscaping	06/05/20	5.5-68	Veg in ROW	TOT Pworks	Veg growing into roadway, letter sent 06/08/2020
604 South Ramona Ave	Landscaping	06/24/20	5.5-68(d)	dead tree	Complied	JG spoke with owner and tree fell last night and will be removed immediately
220 Ninth Ter	Landscaping	06/24/20	5.5-68	Veg in ROW	Complied	veg growing into roadway, letter sent 06/24/2020
1215 South Riverside Dr	Prohibited Sign	7/1/2020	17.106.2(2)(a)	Prohibited sign	Removed	
400 South Riverside Drive	Landscaping	07/02/20	5.5-68	Reflectors in ROW	Complied	letter sent 07/06/2020, recvd permission from Joe Gervais for reflectors in ROW
321 Seventh Avenue	POD	01/24/20	17-116	POD without permit	Outstanding	spoke w/resident and he advised it will be move (01/24/20) / certified letter mailed out 02/19/2020, certified letter sent 05/28/20, reg post 05/29/20, hand delivered 07/08/2020 by CS
Zone 4						
150 Fifth Avenue	BTR Required	03/19/20	Sec 9-1, 9-6, 9-7	BTR not on file	In the Process	letter mailed 03/19/2020, letter sent 07/07/2020
205 Melbourne Avenue	Boat/RV Storage	06/01/20	17-103(b)(3)	Boat on trailer in front	Complied	observed 06.01.20@1059, 06.02.20@0835, 06/03/20@0957 by mc/letter sent 06.03.20
128 Eighth Avenue	No permit applied for	06/05/20	Chapter 6	Shed in Front/no Tie-Downs	Complied	neighbor comp/no permit issued for shed/certified letter sent Permit# IND20 465
120 Eleventh Ave	Placing on land of another	06/24/20	Sec 8-20	Yard debris on adj lot	Complied	observed 06/24/20 by mc/jg, letter sent
300 Cocoa Avenue	Landscaping	06/10/20	5.5-68(b)	Very high grass, not neat & attractive	Outstanding	observed 06.10.20@1046, letter mailed 06/24/20, recvd anon compl by phone from neighbor, ROW mowed, certified letter sent 07/10/2020
1201 South Shannon Ave	Landscaping	07/02/20	5.5-68	Veg in ROW	TOT Pworks	JG/MC 07/02/2020, letter sent 07/02/2020, public works will cut
116 Miami Ave	Prohibited Sign	7/1/2020	17.106.2(2)(a)	Prohibited sign	Removed	

249 Fifth Avenue	Trash Container Area	07/07/20	Sec 5.5-65	Accumulation of debris	Complied	reported from dumpster fire, Building official spoke with manager 07/07/2020
249 Fifth Avenue	BTR Required	07/07/20	Sec 9-1, 9-6, 9-7	BTR not on file	Outstanding	letter sent 07/07/2020
220 Ormond Avenue	Storage of Vehicle	07/08/20	Sec 15-34	Unregistered Vehicle	Complied	PD reported vehicle in the drive way with no tag 2020-00007210, door hanger left 07/08/2020
116 Deland Avenue	Landscaping	07/07/20	Sec. 13-7	Encroachments Preventing Traffic	Complied	reflectors in ROW, door hanger left
1310 South Shannon Avenue	Landscaping	07/10/20	5.5-68	Not neat and attractive	TOT-Pworks	Letter sent 07/10/2020, Public works will mow ROW
227 Cocoa Avenue	General Maintenance	06/29/20	Sec 5-63	large trash in ROW	Complied	Door Hanger left 07/17/2020
303 Deland Avenue	Boat/RV Storage	07/28/20	17-103(b)(3)	RV in yard	Outstanding	reported to have been parked for over a week, with someone poss living in RV, observed by MLC 07/29/2020, Letter sent
Zone 5						
SR500	Prohibited Sign	7/9/2020	17.106.2(2)(a)	Prohibited sign	Removed	West Bound
Zone 6 (Miramar & Wave Crest)						
200 South Miramar Avenue	over sized real estate sign	05/27/20	17-106.3(1)	Oversized real estate sign	Removed	Letter sent 05/27/2020 observed by CPS
1101 South Miramar Ave	Hydrant Clearance	06/08/20	FFPC 18.3.4.1	landscaping blking view of hydrant	Complied	Letter sent to association and property mgmt company 06/08/2020/spoke to HOA and hydrant will be cleared by weekend. Spoke with HOA pres on site, crotons will be removed and very low ground cover put in
Miramar Avenue/Fifth Avenue	Prohibited Sign	7/1/2020	17.106.2(2)(a)	Prohibited sign	Removed	north east corner
Miramar Avenue/Fifth Avenue	Prohibited Sign	7/1/2020	17.106.2(2)(a)	Prohibited sign	Removed	north west corner
South Miramar Ave/Eighth Ave	Prohibited Sign	7/1/2020	17.106.2(2)(a)	Prohibited sign	Removed	north east corner
1318 South Miramar Avenue	Landscaping	07/02/20	5.5-68	Ornaments in ROW	Complied	JG/MC 07/02/2020, letter sent 07/06/2020
205 Wavecrest Ave	Prohibited Sign	7/1/2020	17.106.2(2)(a)	Prohibited sign	Removed	South east corner
301 South Miramar Avenue	Trash Container Area	07/14/20	Sec. 5.5-65	Accumulation of debris	Outstanding	Compl rec'd by Ipd# 2020-7250, ref trash outside of dumpster, Cliff Stokes will meet with contractor on 07/15/2020, roll off dumpster removed but as of 07/29/2020 large items left out on side on of enclosure

1 Eighth Avenue	Turtle Light	07/24/20	Division 3	Turtle Light Violation	Outstanding	IPD#2020-7691, FWC report in file, 07/24 spoke to Bob Cochran (poc for magnolia key), he advised the condo lightning had been designed and approved to state and town guidelines
612 Wave Crest Avenue	Turtle Light	7/24/2020	Division 3	Turtle Light Violation	Outstanding	IPD# 2020-7690, FWC report in file, left message to sepak to supervisor at Ocean Front Cottages, spoke with Chastity who stated all lightning should be turtle compliant but will check the property to confirm