

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

**A. Call to Order:**

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

1. Pledge of Allegiance:
2. Changes to Agenda:
3. Presentations:
  - Presentation of a Proclamation for Dr. Ken Lindeman, by Mayor McDermott.
  - The Indialantic Parks, Recreation and Beautification Committee and Surfrider Foundation Presentation.
  - Introduction and confirmation of the new Fire Chief Keith Maddox.
4. Public Comments, Non-Agenda Items:

Persons wishing to address the Town Council on a matter not listed on the agenda may speak at this time. Speakers must provide their name and address, observe the 3-minute time limit, and speak only after being recognized by the Mayor.
5. Public Announcements:
  - There are openings on the following boards and committees:

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

- Town Hall will be closed on Monday, February 19<sup>th</sup>, in observance of President's Day

## **B. Consent Agenda:**

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

## **C. Ordinances and Public Hearings:**

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

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

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

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

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

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

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

4. Ordinance 2024-05, First Reading/Public hearing, *relating to the Solid Waste Collection:*

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

**D. Unfinished Business:**

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

**E. New Business:**

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

**F. Administrative Reports:**

1. Town Attorney
2. Town Manager

**G. Council Reports:**

**H. Staff Reports:**

**I. Adjournment:**

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



**TOWN OF INDIALANTIC**  
*Brevard County, Florida 32903*  
**PROCLAMATION**

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

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

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

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

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

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

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

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

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

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Mayor Mark McDermott

## Agenda Item A-3

### **SUBJECT: Fire Chief Appointment Confirmation**

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

#### **Summary:**

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

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

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

#### **Recommendation:**

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

#### **MOTION:**

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

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager

# Keith Maddox



## SKILLS

Emergency Response

Firefighting Operations

Public Administration

Paramedic Certified

## EXPERIENCE

### **Orlando Fire Department - Assistant Chief**

Orlando, FL • 02/2017- 11/2022

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

### **Orlando Fire Department - Deputy Chief**

Orlando, FL • 04//2015 - 02/2017

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

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

### **Orlando Fire Department - Assistant Chief**

Orlando, FL • 03/2012 - 04/2015

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

### **Orlando Fire Department - District Chief**

Orlando, FL • 10/2006 - 03/2012

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

### **Orlando Fire Department - Fire Lieutenant**

Orlando, FL • 08/2000 - 10/2006

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

### **Orlando Fire Department - Engineer/Paramedic**

Orlando, FL • 05/1997 - 08/2000

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

### **Orlando Fire Department - Firefighter**

Orlando, FL • 11/1992 - 05/1997

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

## **Education**

### **Valencia College**

Orlando, FL – 6/1990

**Associate of Arts Degree**

**University of Central Florida**

**Orlando, FL - 12/1992**

**Bachelor of Science Degree**

**Valencia State College**

**Orlando, FL - 12/97**

**Licensed State of Florida Paramedic**

## **Professional Summary**

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

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

**A. Call to Order:**

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

**Present:**

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

**Also present:**

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

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

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

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

Town Manager Casey addressed the following:

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

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

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

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



Discussion ensued and the following items were discussed:

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

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

5. Mayor McDermott read the following Public Announcements:

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

## **B. Consent Agenda:**

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

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

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

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

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

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

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

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

Discussion ensued and the following items were discussed:

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

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

Public Comments:

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

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

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

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

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

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

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

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

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

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

Public Comment:

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

**Vote to approve Consent Agenda Item# 5**

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

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

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

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

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

Public Comment: None

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

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

**C. Ordinances and Public Hearings:**

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

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

Attorney Gougelman read the ordinance title.

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

Public Comments: None

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

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

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

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

Attorney Gougelman read the ordinance title.

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

Discussion ensued and the following items were discussed:

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

Public Comment:

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

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

Discussion ensued and the following items were discussed:

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

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

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

**D. Unfinished Business:**

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

Discussion ensued and the following items were discussed:

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

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

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

Public Comments:

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

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

**THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)**

#### **E. New Business:**

##### **1. Rough Draft of the 2024 Capital Improvement Plan-**

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

Discussion ensued and the following items were discussed:

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

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

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

#### Public Comment:

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

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

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

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

Discussion ensued and the following items were discussed:

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

Public Comments:

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

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

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

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

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

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



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

Discussion ensued and the following items were discussed:

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

Public Comments:

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

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

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

#### **F. Administrative Reports:**

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

#### **G. Council Reports:**

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

#### **H. Staff Reports:**

1. Chief Connor- No Report

## **I. Adjournment:**

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

Mark McDermott, Mayor. Signature on file.

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

DRAFT

## Agenda Item B-2

**SUBJECT: 1<sup>st</sup> Class Grass agreement amendment**

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

### **Summary:**

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

### **Recommendation:**

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

Town Staff has no recommendation.

MOTION:

Submitted by:

Mollie Carr  
Mollie Carr  
Town Clerk

Approved for agenda:

Michael Casey  
Michael L. Casey  
Town Manager

# Proposed Price Increase

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

Statement Date:  
Date Due:

## STATEMENT OF ACCOUNT

*Town of Indialantic*  
216 Fifth Avenue  
Indialantic, Florida 32903

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

Signature: \_\_\_\_\_

Good morning, Town of Indialantic,

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

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

Thank you so much for your understanding.

Sincerely,

*Jymmy Perillo*

Jymmy Perillo

Owner/Operator 1st Class Grass Inc.

**BID SHEET - MOWING AND LANDSCAPE MAINTENANCE**

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

Name of individual or corporation: 1ST Class Grass, Inc.By:   
(signature)Jimmy Perillo  
(printed name)PresidentJanuary 14, 2021  
(date)(title)(date)Mailing Address: 407 Orlov Road, NW Palm Bay, Florida 32907Phone number: (321) 557-7709Email Address: jimjymyp@yahoo.com

## Public Works

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



## TOWN OF INDIALANTIC

## APPLICATION TO SERVE ON TOWN BOARDS

1. Name: Logan Watters Home: 321-514-1378
2. Home Address: 400 Melbourne Ave Cell Phone: \_\_\_\_\_
3. Email: Loganwatters80@gmail.com
4. Business: \_\_\_\_\_ Business Phone: \_\_\_\_\_
5. Business Address: \_\_\_\_\_
6. Resume of Education and Experience: \_\_\_\_\_  
(Use additional sheets or submit resume if you prefer)
7. Are you a registered voter? Yes ✓ No \_\_\_\_\_
8. Are you a resident of the Town? Yes ✓ No \_\_\_\_\_
9. Do you hold a public office? Yes \_\_\_\_\_ No ✓
10. Do you serve on a Town Board at present? Yes \_\_\_\_\_ No ✓
11. If yes, which Board/Committee? N/A
12. PLEASE NUMBER THE BOARDS OR COMMITTEES OF INTEREST TO YOU, IN ORDER OF PREFERENCE:
- \_\_\_\_\_ \*BOARD OF ADJUSTMENT
  - \_\_\_\_\_ \*BUDGET & FINANCE COMMITTEE
  - \_\_\_\_\_ CIVIL SERVICE BOARD
  - ✓ \*CODE ENFORCEMENT BOARD
  - 1 ✓ HERITAGE COMMITTEE
  - ✓ PARKS, RECREATION AND BEAUTIFICATION COMMITTEE
  - \_\_\_\_\_ \*PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
  - \_\_\_\_\_ \*PENSION BOARD OF TRUSTEES POLICE/FIRE
  - \_\_\_\_\_ SUSTAINABLE COMMUNITY AND RESILIENCY COMMITTEE
  - \_\_\_\_\_ \*ZONING & PLANNING BOARD



\*Florida Statute requires Financial Disclosure Form upon appointment.

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

SIGNATURE: \_\_\_\_\_

DATE: 11/19/23

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



## TOWN OF INDIALANTIC

## APPLICATION TO SERVE ON TOWN BOARDS

1. Name: Isaac Allen Home: N/A
2. Home Address: 101 Ocean Terrace Apt C, Indialantic, FL 32903 Cell Phone: 321-302-2096
3. Email: iallen@dgklawgroup.com
4. Business: DSK Law Business Phone: 321-421-5529
5. Business Address: 1825 Riverview Dr., Melbourne, FL 32901
6. Resume of Education and Experience: See Attached Resume  
(Use additional sheets or submit resume if you prefer)
7. Are you a registered voter? Yes X No
8. Are you a resident of the Town? Yes X No
9. Do you hold a public office? Yes        No X
10. Do you serve on a Town Board at present? Yes        No X
11. If yes, which Board/Committee? N/A
12. PLEASE NUMBER THE BOARDS OR COMMITTEES OF INTEREST TO YOU, IN ORDER OF PREFERENCE:
- \*BOARD OF ADJUSTMENT
  - \*BUDGET & FINANCE COMMITTEE
  - CIVIL SERVICE BOARD
  - X \*CODE ENFORCEMENT BOARD
  - HERITAGE COMMITTEE
  - PARKS, RECREATION AND BEAUTIFICATION COMMITTEE
  - \*PENSION BOARD OF TRUSTEES GENERAL EMPLOYEES
  - \*PENSION BOARD OF TRUSTEES POLICE/FIRE
  - SUSTAINABLE COMMUNITY AND RESILIENCY COMMITTEE
  - \*ZONING & PLANNING BOARD

\*Florida Statute requires Financial Disclosure Form upon appointment.

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

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

SIGNATURE: ISAAC ALLEN DATE: 01/25/24

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

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

# Isaac D. Allen

isaacdavidallen@gmail.com | 321.302.2096 | Indialantic, FL

**Florida Bar Member Number:** 1039844

## EXPERIENCE

### **DSK Law Group**

*Associate Attorney*

**Melbourne, FL**

Aug. 2023 - Present

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

### **E Light Electric Services, Inc.**

*Contracts Manager*

**Englewood, CO**

Aug. 2022 - Aug. 2023

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

### **Florida Department of Transportation**

*Legal Intern*

**Tallahassee, FL**

Jan. 2022 - Apr. 2022

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

### **Green Street Power Partners**

*Law Clerk*

**Tallahassee, FL**

Jan. 2022 - Apr. 2022

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

### **L3Harris Technologies, Inc.**

*In-house Corporate Counsel Intern*

**Melbourne, FL**

May 2021 - Jul. 2021

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

### **Environmental Protection Commission of Hillsborough County**

*Pro Bono Intern*

May 2021 - Jul. 2021

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

### **Florida Public Service Commission**

*Legal Intern*

**Tallahassee, FL**

May 2020 - Jul. 2020

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

## EDUCATION

### **Florida State University College of Law**

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

**Tallahassee, FL**

May 2022

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

### **University of Florida**

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

**Gainesville, FL**

May 2018





## TOWN OF INDIALANTIC

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

**MAYOR**  
Mark McDermott  
**DEPUTY MAYOR**  
Stuart Glass  
**COUNCIL MEMBERS**

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

Carol DeLuccia  
416 Melbourne Avenue  
Indialantic, Florida 32903



~~November 02, 2023; December 20, 2023; December 28, 2023~~

Dear Ms. DeLuccia:

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

~~Your term will expire on November 13, 2023, but we hope you are willing to be reappointed to this very important Committee.~~

~~If you would like to continue serving, please sign below and return to Town Hall. Your reappointment will go before the Town Council on November 08, 2023.~~

Your term expired on November 13, 2023, but we hope you are willing to be reappointed to this very important Committee.

If you would like to continue serving, please sign below and return to Town Hall. Your reappointment will go before the Town Council on January 10, 2024.

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

Again, thank you for your past service.

Sincerely,

Victoria Mercer

Administrative Assistant

X

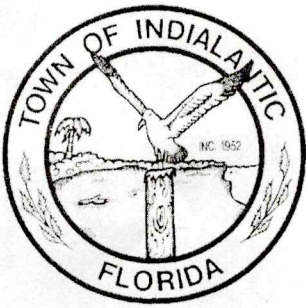
Yes, I would like to be reappointed to the Parks, Recreation and Beautification Committee.

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

  
Signature

1/11/23

Date



## TOWN OF INDIALANTIC

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

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

Stacie Miller  
220 Cocoa Avenue  
Indialantic, Florida 32903

December 20, 2023



Dear Ms. Miller:

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

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

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

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

Again, thank you for your past service.

Sincerely,

*Victoria Mercer*  
Administrative Assistant



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

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

Signature

Date

01/26/24

## Agenda Item B-5

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

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

### **Summary:**

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

### **Recommendation:**

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

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

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager



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

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

**TO: Michael Casey, Town Manager**

**FROM: Joseph F. Gervais, Public Works Director**

**DATE: February 06, 2024**

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

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

Sincerely,

Joseph Gervais  
Director of Public Works





**Don Bo, Inc.**

concrete

contractor

## Proposal

Submitted To: Town of Indialantic

Dated: 02/05/2024

Attn: Joe

Phone:

Fax:

Email: jgorvais@indialantic.com

Project / Job Name: South Riverside Dr

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

Remove and replace Miami curb.

Price. \$25,00.00

1 mobilization fee. \$4,500.00

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

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

\$ \_\_\_\_\_

Owner to supply: Grade +/- 1/10<sup>th</sup>

Survey Bldg. Corner's with Elevation

All Testing Required

Permitting

Access for concrete trucks

Soil Treatment

Locate and relocate all sprinkler systems to accommodate concrete work

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

Authorized Signature: Lewis Marin Date: \_\_\_\_\_

### ACCEPTANCE OF PROPOSAL

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

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Licensed • Insured  
Commercial • Residential

2835 Kirby Circle NE • Unit #101 • Palm Bay, FL 32905 • (321) 768-2287 • Fax (321) 725-7669

---

# **PALM BAY CONCRETE & MATERIALS, INC.**

## **RIVERSIDE DRIVE ESTIMATE**

500 linear feet of Miami Curb-Riverside Dr.

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

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

All concrete is 3500psi with fiber



## Agenda Item B-6

**SUBJECT: Piling Removal and Installation at Crossovers**

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

**Summary:**

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

**Recommendation:**

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

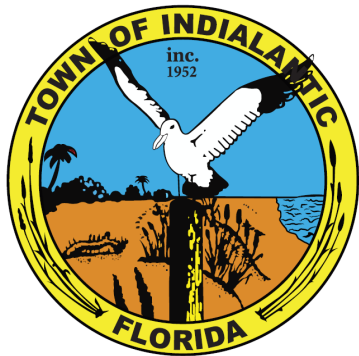
**MOTION: Approve the Town Manager to sign an agreement with Shoreline Marine Contractors to perform demolition and installation of the new pilings.**

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager



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

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

**TO: Michael Casey, Town Manager**

**FROM: Joseph F. Gervais, Public Works Director**

**DATE: February 06, 2024**

**SUBJECT: Piling removal and Installation at Crossovers**

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

Sincerely,

Joseph Gervais  
Director of Public Works



January 22,2024

**Mr. Joseph Gervais**  
**Town of Indialantic**  
216 5th Avenue  
Indialantic, FL 32903  
[jgervais@indialantic.com](mailto:jgervais@indialantic.com)

Dear Mr. Gervais,

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

### PROJECT SCOPE

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

Piling to be installed as follows (Sunrise):

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

Piling to be installed as follows (Sea Park):

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

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

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

### TOTAL COMPENSATION

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

#### Sunrise

<b>Demo 12 Existing Pilings:</b>	<b>\$ 1,500.<sup>00</sup></b>
<b>Demo Entire Crossover:</b>	<b>\$ 1,350.<sup>00</sup> (add to above demo)</b>
<b>14 -8" dia. pilings (material):</b>	<b>\$ 2,040.<sup>00</sup></b>
<b>Install 14 pilings:</b>	<b>\$ 3,800.<sup>00</sup></b>

**SeaPark**

<b>Demo 6 Existing Pilings:</b>	<b>\$ 1,250.<sup>00</sup></b>
<b>Demo Entire Crossover:</b>	<b>\$ 1,350.<sup>00</sup> (add to above demo)</b>
<b>6 -8" dia. pilings (material):</b>	<b>\$ 874.<sup>00</sup></b>
<b>Install 6 pilings:</b>	<b>\$ 1,900.<sup>00</sup></b>

**Access #8**

<b>Demo 4 Existing Pilings:</b>	<b>\$ 750.<sup>00</sup></b>
<b>Install 4 pilings:</b>	<b>\$ 950.<sup>00</sup></b>
<b>4 -8"x8" posts (material):</b>	<b>Provided by the town</b>

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

**NOT INCLUDED IN CONTRACT**

The following items are not included in the contract:

- Permitting.
- Surveying of location.
- Dumpsters

**PAYMENT SCHEDULE**

The following payments shall be made as follows:

- Final (Sunrise) \$ 7,340.<sup>00</sup> (not including option for full demo)
- Final (Seapark) \$ 4,024.<sup>00</sup> (not including option for full demo)
- Final (Access #8) \$ 1,700.<sup>00</sup>

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

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

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

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

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

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

Sincerely,

*Michael A. Kalajian*

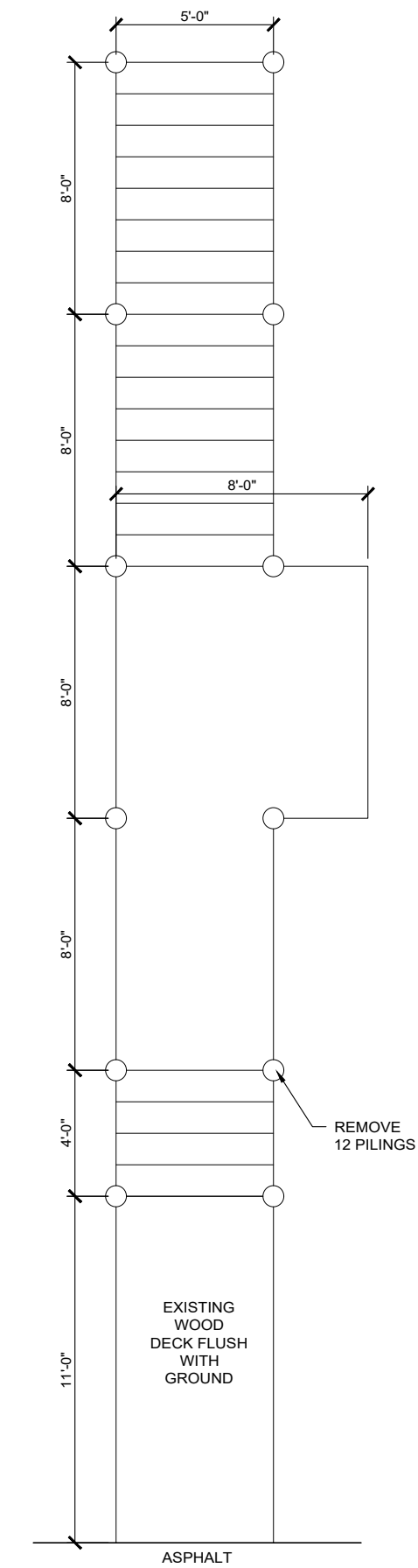
*Terry Auter*

Authorization by **Mr. Joseph Gervais**

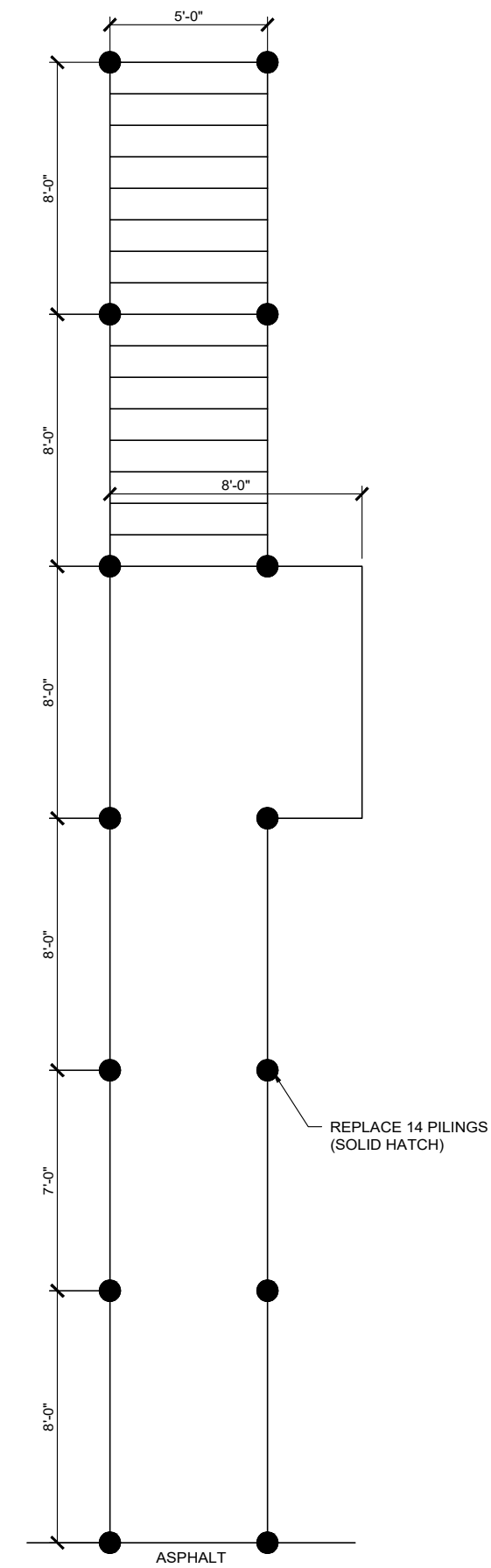
For Shoreline Marine Contractors to provide the above described services:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

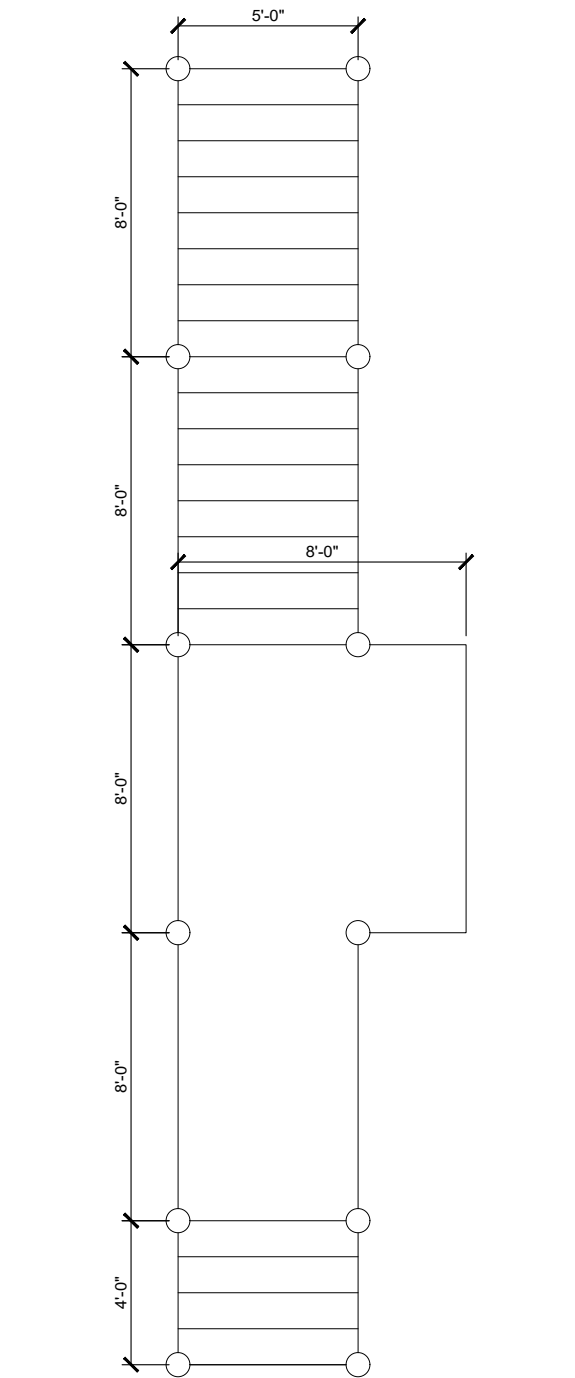
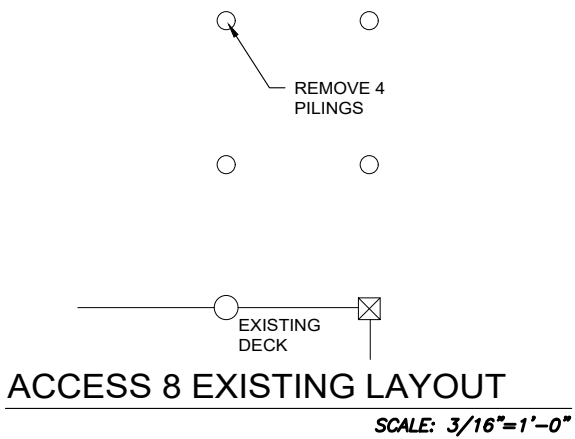
Signed: \_\_\_\_\_



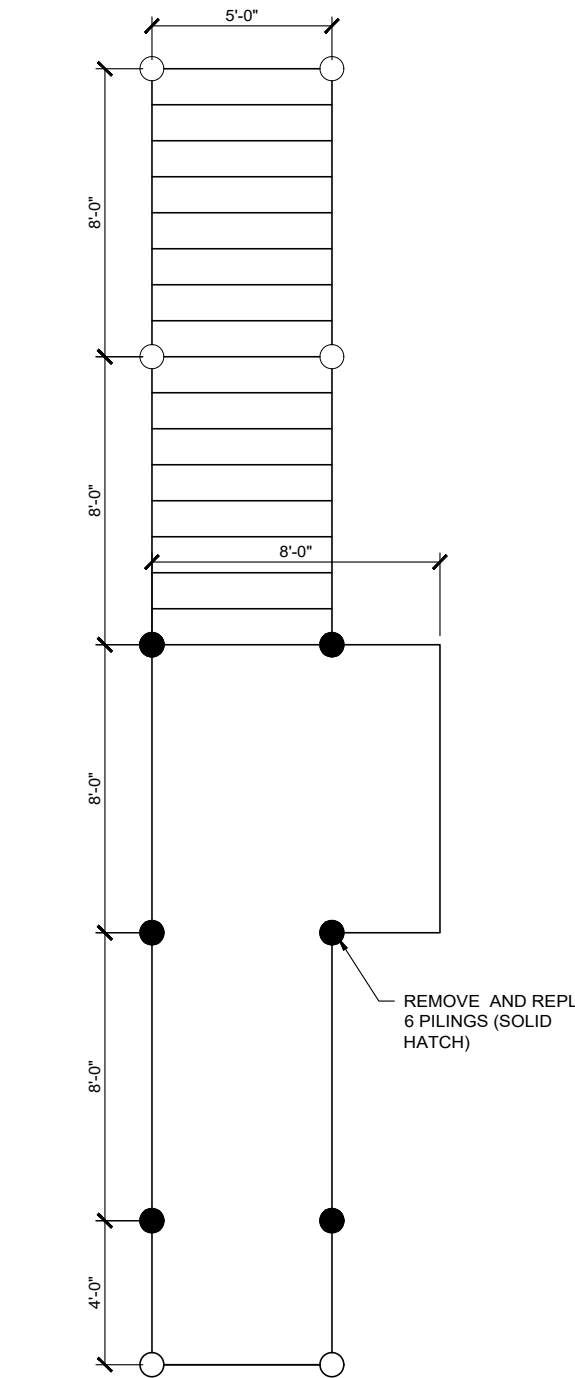
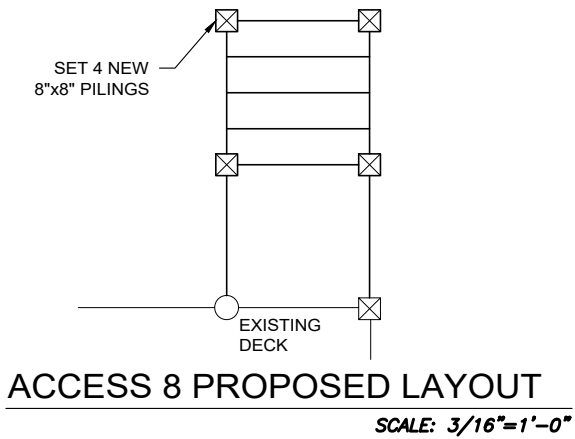
SUNRISE EXISTING LAYOUT  
SCALE: 3/16"=1'-0"



SUNRISE PROPOSED LAYOUT  
SCALE: 3/16"=1'-0"



ACCESS 8 EXISTING LAYOUT  
SCALE: 3/16"=1'-0"



ACCESS 8 PROPOSED LAYOUT  
SCALE: 3/16"=1'-0"

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

INDIALANTIC  
CROSSOVERS

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

MAK  
STRUCTURAL  
ENGINEERING

issued for PROPOSAL  
date 01/22/2024  
revisions  
description

sheet number

S1

drawn by: MAK  
checked by: MAK

by MK Structural Engineering, LLC. all rights reserved. When plotted at full size, this sheet requires 11"x17"

# Sunset Docks & Decks Inc.

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



Date: 2/1/2021

Customer: Joe Gervais

Address: Town of Indialantic

Phone: 321-265-2455

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

## **Seapark:**

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

**Estimated Total Cost: \$6,470**

## **Sunrise:**

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

**Estimated Total Cost: \$10,370**

## **Access #8:**

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

**Estimated Total Cost: \$2,750**

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

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

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

\*This quote is valid for 30 days.

Sincerely,

Jason Waugh

**Sunset Docks & Decks Inc.**

High-Quality Marine Construction

321-615-7732

Lic.# M1 1244





# LAND AND SEA MARINE CONSTRUCTION

CENTRAL FLORIDA'S FINEST  
**DOCKS AND SEAWALLS**

STATE CERTIFIED GENERAL CONTRACTORS #CGC1515639

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

## PROPOSAL

**TO:**  
Joseph Gervais  
Public Works  
Indialantic, FL

**JOB LOCATION:**  
Same

**DATE:** 2/2/2024

**PROPOSAL #** 0624211

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

### Crossover work for the city of Indialantic.

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

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

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

**Schedule** - To be completed next week.

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

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

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

**PAYMENT TO BE MADE AS FOLLOWS:** Pay at completion

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

**AUTHORIZED SIGNATURE:**

**DATE:**

## Agenda Item B-7

**SUBJECT: Easter Egg Event**

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

**Summary:**

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

**Recommendation:**

MOTION:

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager

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

## SPECIAL EVENT REQUEST

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

Review Town Code of Ordinances Sec. 8-7 and/or  
Sec. 28-4 at [www.indialantic.com](http://www.indialantic.com)



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

APPLICANT AND EVENT HOLDER OR SPONSOR Shirley Miller / party + rec comm Hec

EVENT ADDRESS Orlando Park

CONTACT NUMBER 615 830 8222

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

EVENT DATE START 03/16/24 10:00

END 10:00<sup>su</sup> 03/16/24 1300

TIME OF EVENT START \_\_\_\_\_

END \_\_\_\_\_

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

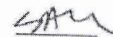
TYPE OF MERCHANDISE DISPLAYED/SET-UP (include a separate sheet of paper with a diagram of dimensions indicating where the items will be displayed/set-up)

(Private Property = Insurance and Letterhead not needed)

### PAPERWORK NEEDED BEFORE PROCESS WILL BEGIN:

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

Town of Indialantic  
216 Fifth Avenue  
Indialantic, FL 32903

  
INITIALS

### Sec. 8-7. Special events.

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



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

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

-----  
Sec. 28-4. Display of goods.

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

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

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

-----  
Sec. 28-4. Display of goods.

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

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

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

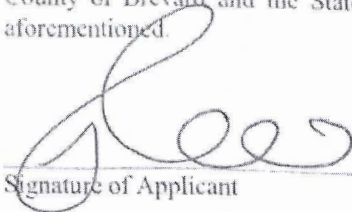
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Sec. 28-4. Display of goods.

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

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

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

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

  
Signature of Applicant

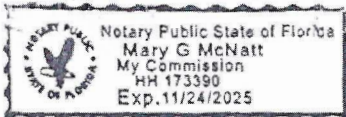
Susan Miller  
Printed Name of Applicant

State of Florida

Orange County

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

Notary Seal:



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

Personally Known ☒ OR Produced Identification: \_\_\_\_\_

FOR OFFICE USE ONLY

Permit for this event is APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

With the following reasons: \_\_\_\_\_

Code Enforcement Officer/ Building Official \_\_\_\_\_

Fire Chief \_\_\_\_\_

Public Works Director \_\_\_\_\_

Town Manager \_\_\_\_\_

Police Chief \_\_\_\_\_

Administrative Assistant \_\_\_\_\_

Mailed \_\_\_\_\_ PD/FD \_\_\_\_\_ Filed \_\_\_\_\_

## Agenda Item C-1

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

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

**Summary:**

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

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

MOTION:

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

Submitted by:

Approved for agenda:

*Mollie Carr*

Mollie Carr  
Town Clerk

*Michael Casey*

Michael L. Casey  
Town Manager

## Memorandum

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

---

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

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

### Future Land Use Element:

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

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



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

**Objective 7:**

Encourage the use of innovative land development regulations.

Transportation Element:

**Goal 1:**

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

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

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

Coastal Management and Conservation Element:

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

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

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



ORDINANCE NO. 2024-02

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

WHEREAS, the Zoning and Planning Board has determined that it is in the public interest to adopt land development regulations relating to platting of subdivisions; and

WHEREAS, the need and justification of this Ordinance is to implement Chapter 177, Florida Statutes, to provide land development regulations providing for subdividing and platting of property as provided for in the Comprehensive Plan, and to promote a subdivision plan for future redevelopment of the town; and

WHEREAS, Future Land Use Policy 1.1 of the Comprehensive Plan provides:

Policy 1.1: Adopt new regulations or implement existing land development regulations that will contain specific and detailed

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

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

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

90  
91 Policy 3.3: The Town shall require consideration of pedestrian  
92 safety in the planning, design, and construction of all  
93 transportation facilities; and  
94

95 WHEREAS, this Ordinance is consistent with Transportation Element Policy 3.3,  
96 because platting will permit planning for and provision of sidewalks and pedestrian safety;  
97 and  
98

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

101  
102 Policy 3.7: Although no new construction of roads is  
103 anticipated, the Town shall continue to review land  
104 development regulations to provide for the safe and efficient  
105 location of the connections and access points of driveways  
106 and roads to roadways; and  
107

108 WHEREAS, this Ordinance is consistent with Transportation Element Policy 3.7,  
109 because subdivision platting and regulation will permit plan approval by minimizing direct  
110 access to certain roads; and  
111

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

114  
115 Policy 1.4: Review and revise, as necessary, the stormwater  
116 management regulations to ensure that the maximum  
117 protection to the Indian River Lagoon has been given and  
118 ensure that the Town's goals, objectives and policies are  
119 consistent with those of the Indian River Lagoon  
120 Comprehensive Conservation and Management Plan; and  
121

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

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

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

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

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

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

SECTION 1. Recitals. Each and all of the recitals ("WHEREAS" clauses) are hereby incorporated herein.

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

*Oath* includes affirmations.

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

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

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

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

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

Governing body means the town council of the town.

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

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

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

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

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

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

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

(2) Dimensions of lots.

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

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

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

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

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

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

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

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

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

*Monument* means a survey marker which must:

(1) Be composed of a durable material.

(2) Have a minimum length of 18 inches.

(3) Have a minimum cross-section area of material of 0.2 square inches.

(4) Be identified with a durable marker or cap bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable.

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

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

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

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

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

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

(1) "P.C.P.s" set in impervious surfaces must:

a. Be composed of a metal marker with a point of reference; and

b. Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.C.P."

452 (2) "P.C.P.s" set in pervious surfaces must:

453 a. Consist of a metal rod having a minimum length of 18 inches and a  
454 minimum cross-section area of material of 0.2 square inches. In certain materials,  
455 encasement in concrete is optional for stability of the rod. When used, the concrete shall  
456 have a minimum cross-section area of 12.25 square inches and be a minimum of 24  
457 inches long.

458 b. Be identified with a durable marker or cap with the point of reference  
459 marked thereon bearing either the Florida registration number of the professional  
460 surveyor and mapper in responsible charge or the certificate of authorization number of  
461 the legal entity, which number shall be preceded by LS or LB as applicable and the letters  
462 "P.C.P."

463 (3) "P.C.P.s" must be detectable with conventional instruments for locating  
464 ferrous or magnetic objects.

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

466 (1) Consist of a metal rod having a minimum length of 18 inches and a minimum  
467 cross-section area of material of 0.2 square inches. In certain materials, encasement in  
468 concrete is optional for stability of the rod. When used, the concrete shall have a minimum  
469 cross-section area of 12.25 square inches and be a minimum of 24 inches long.

470 (2) Be identified with a durable marker or cap with the point of reference marked  
471 thereon bearing either the Florida registration number of the professional surveyor and  
472 mapper in responsible charge or the certificate of authorization number of the legal entity,  
473 which number shall be preceded by LS or LB as applicable and the letters "P.R.M."

474 (3) Be detectable with conventional instruments for locating ferrous or magnetic  
475 objects.

476 If the location of the "P.R.M." falls in a hard surface such as asphalt or concrete, alternate  
477 monumentation may be used that is durable and identifiable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) *Arterial street:*

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

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

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

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

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

subdivisions.

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

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

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

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

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

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

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

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

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

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

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

common tangent.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. *Service charges and cost recovery.*

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

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

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

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

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

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

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

804  
805                               (2)       Required exhibits.

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

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

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

814                                       3.       Names of adjoining subdivisions;

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

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

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

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

861                   (1)     Construction plans meeting the standards in section 111-5 and  
862 technical provisions adopted pursuant to section 111-8 and showing the following:

- 863                   a.     Water plan (profile required at utility crossings).  
864                   b.     Sanitary sewer plan and profile.  
865                   c.     Stormwater management study and stormwater management  
866 system plan, profile, and sections.  
867                   d.     Sidewalks, pedways, and bikeways plans.  
868                   e.     Streets plan and profile.  
869                   f.     Reuse/reclaimed water plan.  
870                   g.     Lot grading plan with lot corner elevations.

871                   (2)     Approval of the preliminary plat shall not be construed as authority  
872 for filing of the plat with the clerk of the circuit court of this county, nor as authority for the  
873 sale of lots in reference thereto. Approval of the preliminary plat shall, however, authorize  
874 the subdivider to exercise either of the following options preparatory to submitting the final  
875 plat:

876                   a.     *Option 1. Complete construction.* Prepare construction plans  
877 and specifications for all required improvements which shall meet the approval of the  
878 town engineer and this code. After receiving an erosion and sedimentation control permit  
879 issued by the town, and receiving written approval of construction plans from the town  
880 engineer, a tree removal permit may be considered for issuance by the building  
881 department. Upon issuance thereof the subdivider is allowed to install all required  
882 improvements, including fill dirt, in accordance with the approved plans and specifications  
883 and shall complete the required improvements within 365 days from the date of  
884 construction plan approval. Time extensions to complete construction may be granted, if  
885 approved by the town engineer. Dependent upon the location of the proposed subdivision,  
886 the subdivider may be required to construct sidewalks in accordance with section  
887 111-6(b)(7). The subdivider shall construct the required sidewalk for vacant lots within  
888 365 days from the date of issuance of a certificate of completion of the required  
889 subdivision improvements. In the interim, the subdivider shall post a bond, cash escrow,  
890 or letter of credit issued by a bank having offices in this state, for sidewalks in the amount  
891 of 110 percent (110%) of the cost of construction of said sidewalks, as estimated by the  
892 town engineer as a condition of final approval and acceptance of a certificate of  
893 completion. The bond, cash escrow, or letter of credit shall satisfy the requirements of  
894 section 111-3(d)4.b. The subdivider may periodically reduce the bond amount to account  
895 for the units already constructed.

896                   b.     *Option 2. Surety for completion of improvements.* Prepare  
897 construction plans and specifications for all required improvements which shall meet the  
898 approval of the town engineer as described for option 1 and this code and provide a bond  
899 or other similar surety, cash escrow, or letter of credit, to guarantee construction and  
900 completion of all improvements as provided for in subsection 111-5(d)4.b. The  
901 bond/surety, cash escrow, or letter of credit issue by a bank with offices in the state shall

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

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

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

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

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

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

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

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

the section of the project where the CO is requested.

(3) Final plat approval procedure. The procedure for obtaining final plat approval is as follows:

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

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

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

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

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

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

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



application for final plat approval.

a. The final plat shall be drawn on a mylar at a scale of not less than 100 feet to the inch, meeting all the platting requirements of the town and state, and shall substantially conform to the preliminary plat as approved. The plat shall be drawn on mylar, as described above, 24 inches wide by 36 inches long at a scale of not less than 100 feet to one inch. A margin of one inch shall be left on the top, bottom and right side of each sheet with a three-inch margin on the left side of each sheet for binding purposes. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this code. All legal documents set forth in section 111-3(d)(4)g. or other documents to be recorded prior to or simultaneous with the final plat shall be submitted to the town prior to or simultaneously with the final plat. The final plat shall be prepared by a surveyor, who shall be qualified by law to prepare plats for recording in the public records of the county, and shall show all of the following information:

1. Each plat shall show the applicable section, township, and range of the property to be platted, and, if a land grant, the plat will so state.

2. The name of the town, county, and state in which the land being platted is situated shall appear under the name of the plat as applicable.

3. Each plat shall show a metes and bounds legal description of the lands subdivided, and the description shall be exactly the same in the title certification required to be submitted by section 111-3(d)(4)c., of this code. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

4. Vicinity map indicating the location of the subdivision in proximity to arterial and collector streets and adjoining land uses.

5. Name of surveyor/engineer of record with seal, signature, and a date of survey and plat preparation.

6. Title, date, name of the subdivision, true north point, and graphic scale.

7. The circuit court clerk's certificate and the land surveyor's certificate and seal.

8. All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. The point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of governments surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well established corner.

9. Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

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

pursuant to the town code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

(c) Notice of hearing. Upon receipt of the application, the town clerk shall cause a notice of the application and the time and place of the hearing thereon to be published at least fifteen (15) days and not more than thirty (30) days prior to such hearing, in a newspaper of general circulation, and shall post a copy of said notice in the town hall. The town clerk shall also send by certified mail a notice to those persons owning property within the

radius of two hundred (200) feet of the property lines affected by the application.

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

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

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

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

(4) The particulars of the platting application.

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

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

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

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

1277  
1278 **Sec. 111-4. Construction of new subdivision on unplatted lands.**  
1279

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

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

1288  
1289 **Sec. 111-5. - Required improvements.**  
1290

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



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

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

(1) *General requirements.*

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

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

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

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

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

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

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

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

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

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

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

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

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

f. The proposed street layout of subdivisions with residential public streets shall be reviewed for conditions which would promote or result in operating speeds greater than the posted speed or which unreasonably attract traffic volumes beyond the immediate street or area streets within or in close proximity to the subdivision. A town or other traffic engineer may require the redesign of the road pattern to address traffic safety issues including the construction of traffic calming measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Stormwater management.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1744  
1745 **Sec. 111-7. - Amendments; interpretations.**  
1746

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

1751  
1752                   (b) Interpretation.

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

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

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

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

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

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

(2) Hearings; appeals; notice.

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

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

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

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

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

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

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

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

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

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

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

- (1) Street design specifications.
- (2) Water system specifications.
- (3) Sewer system specifications.
- (4) Stormwater system specifications.
- (5) Landscaping specifications.
- (6) Sidewalk and bike path specifications.
- (7) Illumination specifications.
- (8) Thoroughfare plan.
- (9) Lift station specifications.
- (10) Reclaimed water system specifications.
- (11) Cross connection control manual.
- (12) Driveway specifications.
- (13) As-built drawing requirements.

SECTION 11. Severability Clause/Interpretation.

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

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

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

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

PASSED by the Town Council of the Town of Indialantic on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2024, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the \_\_\_\_ day of \_\_\_\_\_, 2024.

TOWN OF INDIALANTIC

\_\_\_\_\_  
Mark McDermott  
Mayor

ATTEST: \_\_\_\_\_  
Mollie Carr, Town Clerk

## Agenda Item C-2

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

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

### **Summary:**

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

### **Recommendation:**

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

#### **MOTION:**

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

Submitted by:

Mollie Carr  
Mollie Carr  
Town Clerk

Approved for agenda:

Michael Casey  
Michael L. Casey  
Town Manager



## Memorandum

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

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

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

### Future Land Use Element:

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

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

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

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

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

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

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

**Objective 7:**

Encourage the use of innovative land development regulations.

**Housing Element:**

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

**Objective 1:**

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

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

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

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

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**AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-334, 113-335, AND 113-337, TOWN CODE OF ORDINANCES, TO PROVIDE FOR TOWNHOUSE RESIDENTIAL UNIT DEVELOPMENT WITHIN THE R-3, R-P, AND T ZONING DISTRICTS; DEFINING "TOWNHOUSE RESIDENTIAL UNIT;" SETTING STANDARDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council desires to consider setting zoning standards for townhouse residential units in the R-3, T, and R-P zoning districts; and

WHEREAS, the Town Council finds it to be in the public interest to define the terms “townhouse” or “townhouse residential unit”; and

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

WHEREAS, based in part on the report of the Zoning and Planning Board, the Town Council finds that the absence of this regulation would not endanger or harm the public health, welfare, economic order, aesthetics, safety, or public interest of the Town, given that this Ordinance sets minimal standards for certain types of multi-family residential housing; and

WHEREAS, this Ordinance will promote the public health, welfare, economic order, aesthetics, safety, or public interest of the Town for the following reasons:

\* Minimal standards are set for yard size for townhouse residential units to provide an environment similar to that of other residential dwelling units within the Town; and

\* This Ordinance sets minimal dwelling size square footage for townhouse residential units providing for improved habitability; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

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

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

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

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



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



(2) *Accessory buildings, structures and uses.*

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

b. All accessory buildings and structures located in the rear yard shall be set back not less than four feet from all lot lines. Utility sheds may be placed as permitted by .

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

a. All uses which are not permitted uses.

b. Vacation rentals.

c. Bed and breakfast facilities.

d. Medical marijuana treatment center dispensing facility.

(4) *Building height limitation.*

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

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

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

(6) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum dimensions of any lot shall be:

a. Depth: 100 feet.

b. Width at building line: 100 feet.

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

(8) *Side yards.* Side yards shall be not less than:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Single-family dwellings.

b. Parish houses.

c. Essential municipal uses.

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

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

f. Duplex family living units.

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

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

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

1. Accountants.
2. Architects.
3. Attorneys.
4. Barber shops/beauty salons.
5. Chiropractors.
6. Dental labs.
7. Dentists.
8. Engineers.
9. Existing church building.
10. Insurance brokers.
11. Optometrists.
12. Osteopaths.
13. Physicians.
14. Real estate brokers.
15. Consultants to the above.
16. Professional activities similar and conforming to the standards governing the above and not more detrimental, objectionable, or annoying to the community.

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

k. Townhouse residential units subject to the following restrictions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. All uses which are not permitted uses.

b. Vacation rentals.

c. Bed and breakfast facilities.

d. Medical marijuana treatment center dispensing facility.

(4) *Building height limitation:*

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

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

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

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

a. Depth: 100 feet.

b. Width at building line: 100 feet.

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

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

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

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

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

(10) *Living and professional use areas.*

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

1. Single-family dwellings: 1350 square feet.

2. Duplex dwellings: 800 square feet per unit.

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

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

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

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

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

(11) *Parking spaces.*

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

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

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

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

(14) *Buffer wall.*

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Within T Tourist Districts, the following regulations shall apply:

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

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

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

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

d. Clubs.

e. Lodges.

f. Bed and breakfast facilities.

g. Vacation rentals.

h. Townhouse residential units, subject to the following restrictions.

1. Density shall be no greater than 20 units per acre.

2. Lot area for each unit. No townhouse residential unit site shall be less than 2,000 square feet, and each unit shall have its foundation on its individual site, except where the units are separated by a common party wall in which the foundation may be installed equidistant on each side of the lot line for the length of the party wall and its extension along the offset of the townhouses on abutting lots.

3. No townhouse residential unit shall be smaller than 1,000 square feet.

4. No townhouse residential unit shall exceed three stories or 35 feet in height.

5. No townhouse residential unit shall be less than 20 feet in width.

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

7. Front yards for a townhouse residential unit shall be not less than 25 feet.

8. Rear yards for a townhouse residential unit shall be not less than 25 feet.

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

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

(2) *Accessory buildings and uses.*

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

b. Where a parcel of land is developed with more than one building, buildings will be spaced by at least 20 feet between outside walls.

c. All accessory buildings shall be located in the rear yard and set back not less than four feet from all lot lines.

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

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

a. All uses which are not permitted uses.

b. Medical marijuana treatment center dispensing facility.

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

(5) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum dimensions of any lot shall be:

a. Depth: 90 feet.

b. Width: 100 feet.

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

(7) *Side yards.* Except as otherwise provided herein, side ~~Side~~ yards on interior lots shall be not less than ten feet in depth on each side. Side yards on corner lots shall be not less than 20 feet on the street side.

(8) *Rear yards.* Except as otherwise provided herein, rear Rear yards shall be not less than 15 feet in depth.

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

a. Motels: 300 square feet per unit.

b. Apartments (construction commenced or building permit issued prior to October 1, 2007): 500 square feet per unit.

c. Condominiums/apartments/vacation rentals (except townhouse residential units): 1,000 square feet per unit.

d. Bed and breakfast facilities: 200 square feet per dwelling room or suite, which may include a bathroom, with at least one common area for the use of guests from all dwelling rooms or suites only.

(10) *Parking spaces.*

a. There shall be provided off-street parking for each living or rental unit as designated in each of the following categories:

1. Hotels, motels: One space per unit.

2. Duplexes and apartment houses with rental units: 1½ spaces per unit.

3. Separately and/or privately owned apartments, triplexes, condominiums, vacation rentals, or co-op apartments: Two spaces per unit.

4. Restaurants and lounges will be required to meet an additional parking requirement of one parking space for every five seats.

5. Bed and breakfast facility: one space per unit (dwelling room).

b. All off-street parking areas shall meet the requirements of section 113-232(b).

(11) *Advertising signs.* Section 113-301 applies.

(12) *Floor area ratio.* The floor area ratio is defined as the gross floor area of a building on a lot or parcel, divided by the total area of the lot or parcel. The maximum floor area of buildings or structures erected after April 1, 1971, in a T district shall be determined by a floor area ratio of 2.0.

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

a. At least 20 percent of the parcel of land must be devoted to lawn or plants.

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

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

(14) *Building height limitation.* The maximum height (see definition, section 113-4) of any building shall be 35 feet and the building shall not exceed three stories.

(15) *Density.* The maximum density for this district shall be not greater than 25 units per acre for motels and not greater than 20 units per acre for all other multifamily uses.

(16) *Oceanfront setbacks.* All buildings must be set back not less than 25 feet from the bluff line or not less than 50 feet of the mean high-water line along the Atlantic Ocean (see section 113-220), whichever is greater.

(17) *Breezeways.* A minimum 30 percent breezeway will be maintained on all property in the tourist zone. The term "breezeway" means a clear, open vertical area free of construction or buildings running from the ocean to Highway A1A. The 30 percent calculation is measured on a line parallel to Highway A1A to include the percentage of open distance (breezeway) from the building to the property lines perpendicular to Highway A1A. This provision requires a 30 percent breezeway defined by rectangular dimensions (running basically east to west) with a clear and open line of sight from Highway A1A to the ocean. This requirement shall apply regardless of the configuration

of platted lots of record (or portions thereof) and regardless of the configuration of a building site (or portion thereof) based on ownership of that site.

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

#### SECTION 6. Severability Clause/Interpretation.

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

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

(c) Drafter's Notes shall not be codified.

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

PASSED by the Town Council of the Town of Indialantic on first reading on the 10th day of January, 2024, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the 14<sup>th</sup> day of February, 2024.

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TOWN OF INDIALANTIC, a  
Florida Municipal Corporation

\_\_\_\_\_  
Mark McDermott  
Mayor

ATTEST: \_\_\_\_\_  
Mollie Carr, Town Clerk

## Agenda Item C-3

**SUBJECT: Ordinance 2024-04 Relating to the required residency prior to qualifying to run for Town Council**

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

### **Summary:**

Attorney Gougelman advised the Town Council the necessity of updating the language in the current Town Charter regarding the residency requirements for qualifying to run for Town Council. On December 13, 2023, by consensus, the Town Council requested Attorney Gougelman to prepare an Ordinance to amend the language in the Town Charter relating to the residency qualifications to run for Town Council. On January 10, 2024 the Town Council approved the first reading of Ordinance 2024-04.

### **Recommendation:**

Approve and adopt Ordinance 2024-04- Relating to the required residency prior to qualifying to run for Town Council, on second reading/public hearing.

MOTION:

**Approve and adopt Ordinance 2024-04- relating to the required residency prior to qualifying to run for Town Council, on second reading/public hearing.**

Submitted by:

*Mollie Carr*

Mollie Carr  
Town Clerk

Approved for agenda:

*Michael Casey*

Michael L. Casey  
Town Manager



**ORDINANCE NO. 2024-04**

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

WHEREAS, the Town Charter currently requires residency for one year prior to qualifying to run for Town Council; and

WHEREAS, recently Florida's Third District Court of Appeal found that a one year durational residency requirement in the City of Miami's Charter did not specify that a prospective candidate must have been a resident for a continuous period of one year prior to qualifying. See City of Miami v. Gabela, \_\_ F.Supp.3d \_\_, 2023 WL 7319553, Case No. 3D-23-1776 (Fla. 3<sup>rd</sup> DCA op. filed No. 7, 2023); and

WHEREAS, the Town of Indialantic's durational residency requirements set forth in the Town's Charter is worded similar to that of the City of Miami's Charter; and

WHEREAS, it is the intention of the Town Council to submit to the electors of the Town of Indialantic a charter amendment that will specify that residency for a *continuous* period of one (1) non-calendar year *immediately prior to qualifying* is the residency requirement for candidates for Town Council; and

WHEREAS, a one year residency requirement for city council candidates has been upheld as constitutionally reasonable in Florida in Daves v. City of Longwood, 423 F.Supp. 503 (M.D. Fla. 1976); see *also* Brandenburg v. McClellan, 427 F.Supp. 943 (E.D. Mo. 1977); Russell v. Hathaway, 423 F.Supp. 833 (N.D. Tex 1976)(upholding the validity of a one (1) year residency requirement); and

WHEREAS, while a one year residency requirement has been found to be constitutional, this should be contrasted with cases in which a five (5) year residency requirement for city council candidates was found unconstitutional, Wellford v. Battaglia, 485 F.2d 1152 (3 Cir. 1973), and a two (2) year residency requirement was found to be too broad for city council candidates, Green v. McKeon, 468 F.2d 883 (6<sup>th</sup> Cir. 1972); and

WHEREAS, a one year residency requirement has been found to be constitutional and reasonable, because it requires a period of residency which is not undue thereby allowing prospective candidates to know the issues, allowing voters to get to know the prospective candidates, and is supportable because it demonstrates that a council candidate is a true and committed resident, Daves v. City of Longwood, 423 F.Supp. 503 (M.D. Fla. 1976); and

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

BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

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

SECTION 2. Referendum Election. A referendum election is hereby called and scheduled to be held concurrent with the general Town election on the 5th day of November, 2024, to determine whether the amendment to the Charter of the Town of Indialantic, Florida, appearing in Section 3. hereof shall be approved by a majority of the votes cast in such election in which the qualified electors of the Town shall participate. Such referendum election shall be held and conducted in the manner prescribed by law for all elections. The places for voting in such referendum election shall be such locations as shall be otherwise established for the general election to elect the Council Members on November 5, 2024, or by early voting or by absentee ballot, as provided by law. All duly qualified electors of the Town of Indialantic shall be entitled to participate in said election.

SECTION 3. Amendment to Charter. In interpreting the amendment in this Section, language that is underlined is an addition to the existing text of the Town Charter. Language that is ~~stricken through~~ is a deletion from the existing text of the Town Charter. “\* \* \*” and the insertion of asterisks indicates existing Charter language not inserted in this Ordinance that remains unamended. It is proposed that Section 2.02(2) of the Town Charter of the Town of Indialantic, Florida, shall be amended to read as follows:

**Sec. 2.02. - Composition and qualifications.**

\* \* \*

(2) Members of the Town Council shall have been residents of the Town continuously for at least one non-calendar (1) year, said one (1) year period being immediately prior to the date of qualifying for office and shall have the qualifications of a Town elector.

\* \* \*

SECTION 4. Ballot Question. Concurrent with the Town General Election scheduled for November 5, 2024, the following question shall be placed on the ballot following the placement on the ballot of candidates for the office of Council Member, if any. The issue shall be worded substantially as follows:

**No. 1**

**INDIALANTIC TOWN CHARTER AMENDMENT**

**SECTION 2.02(2), TOWN CHARTER  
TOWN COUNCIL RESIDENCY**

The Town Charter currently requires that a candidate for Town Council must have been a resident of the Town for one year at any time prior to qualifying. The amendment proposes to clarify the language by requiring that a candidate for Town Council must have been a resident for a continuous period of one year immediately prior to qualifying as a candidate.

YES (for approval) \_\_\_\_\_

NO (for rejection) \_\_\_\_\_

SECTION 5. Coordination with Supervisor of Elections. The Town Clerk is hereby authorized and directed to coordinate with the Supervisor of Elections of Brevard County to include the above-described question on the ballot concurrent with the general election to be held on November 5, 2024.

SECTION 6. Severability Clause. In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to

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

#### SECTION 7. Effective Date.

(a) Section 3. of this Ordinance shall become effective only if a majority of the registered electors of the Town of Indialantic, Florida, casting votes at the municipal election on November 5, 2024, on Town Charter Question No. 1 approve the amendment set forth in Section 3. of this Ordinance. If the amendment is approved by the registered electors, the Charter amendment embodied herein shall be immediately effective and shall be incorporated into the Town Charter. The Town Clerk is directed upon adoption of Section 3. of the Ordinance to promptly file the Charter with said amendment incorporated therein with the State of Florida, Secretary of State, as required by Section 166.031, Florida Statutes.

(b) Sections 1., 2., 4., 5., 6., and 7., of this Ordinance shall become effective upon adoption of this Ordinance.

PASSED by the Town Council of the Town of Indialantic on first reading on the 10th day of January, 2024, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the 14<sup>th</sup> day of February, 2024.

TOWN OF INDIALANTIC, FLORIDA

By: \_\_\_\_\_  
Mark McDermott, its Mayor

ATTEST: \_\_\_\_\_  
Mollie Carr, Town Clerk

## Agenda Item C-4

**SUBJECT: Ordinance 2024-05, First Reading/Public Hearing**

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

**Summary:**

Based upon discussion about yard debris at previous Council meeting and lacking the ability to enforce how yard trash/debris is placed for pickup for both containerized and large bulk piles. Attorney Gougelman prepared. Ordinance 2024-05 addressing the changed method of pick up of yard trash/debris with Waste Management and giving code enforcement the ability to enforce the compliance of the code.

**Recommendation:**

Approve Ordinance 2024-05- Relating to yard trash/debris, on first reading/public hearing

**MOTION: Approve Ordinance 2024-05 – Relating to yard trash/debris, on first reading/public hearing.**

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager

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**WHEREAS**, throughout the Town there has been an accumulation of yard trash and debris from residential properties; and

**WHEREAS**, the yard trash has either not been properly prepared for collection or the residential property occupant does not timely and properly coordinate with Harris Sanitation, Inc., a Florida Corporation, the Town's approved solid waste collector; and

**WHEREAS**, the uncollected piles of yard trash violate the public aesthetics because uncollected piles of refuse occur throughout the Town's residential areas; and

**WHEREAS**, the uncollected piles of yard trash violate the public health and safety because uncollected piles of refuse become breeding grounds and habitats for rodents and other vermin resulting in unsanitary conditions from which disease can be generated; and

**WHEREAS**, Section 26-20 of the Town Code of Ordinances, provides that it is illegal to permit the accumulation of yard trash and other debris that might endanger the public health and safety; and

**WHEREAS**, Section 26-21 of the Town Code of Ordinances, provides that it is illegal for yard trash to accumulate on residential property in the Town for over four (4) days; and

**WHEREAS**, Section 26-23 of the Town Code of Ordinances, provides that residents or occupants of residential dwellings are required to coordinate with the



Town's solid waste collector to remove yard trash; and

**WHEREAS**, Section 26-23(a) of the Town Code of Ordinances, provides:

Sec. 26-23. - Duty to use contract collector; fees.

(a) *Residential*. All residents or occupants of residential dwellings, houses and units in the town, wherever situated as to zoning, shall be required to have accumulations of garbage and trash removed and disposed of by the collector holding a contract or franchise agreement with the town, and for such service shall pay the collector such fees and charges as are agreed upon by the terms of the franchise agreement. Fees and charges for garbage and trash shall be chargeable on newly constructed residential units immediately upon occupancy or whenever the first garbage and trash collection is made by the contractor, whichever shall occur first; and

**WHEREAS**, the purpose of this Ordinance is to provide standards for the collection of yard trash, to stop the accumulation of piles of yard trash in the Town's residential area, and to set forth standards for an enforcement program; and

**WHEREAS**, the Town Council of the Town of Indialantic, Florida, hereby finds this Ordinance is needed to protect and will promote the public health, safety, welfare, and aesthetics of the community by stopping the proliferation of yard trash in the residential neighborhoods and is in the best interests of the public health, safety, and welfare of the citizens of Indialantic.

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

SECTION 1. Recitals. The foregoing recitals ("WHEREAS" clauses) are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the Town Council of the Town of Indialantic.

SECTION 2. That section 26-19 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 26-19. - 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:

*Automated garbage collection truck* means the vehicle that is partially open at the top and accepts garbage conveyed from a cart provided by the collector.

*Clam shell* means a garbage and trash collector vehicle which is equipped with a crane to pick up and carry away large objects for disposal.

*Contractor or collector* means the person with whom the town has entered into a contract or to whom the town has granted a franchise for the collection and disposal of garbage and refuse generated in the town.

*Diameter at breast height or dbh* ~~(dbh)~~ means the diameter of the trunk of a tree, or the sum of the stems of a multi-stemmed tree, measured 4½ feet above natural or development grade.

*Dumpster* means a large container supplied by the contract collector used to contain garbage and trash usually generated by commercial concerns.

*Front loader* means the vehicle which picks up dumpsters and empties them into itself.

*Garbage* means the solid or semi-solid waste generated in both household and commercial handling of food and ordinary refuse. Consistent with F.S. § 790.33, ammunition shall not be included in this definition of the term "garbage."

*Garbage container or garbage receptacle* means a container of not greater than 96-gallon capacity or less as provided by the collector.

*Land clearing* means the removal of vegetation from a vacant lot or parcel, however, the term "land clearing" does not include mowing, trimming or pruning of vegetation so as to maintain it in a healthy and viable condition.

*Native vegetation* means plant material indigenous to the county.

*Rear loader* means the vehicle into the rear of which is emptied the contents of trash containers approximately 32-gallon size.

*Recyclable materials* means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste, including:

(1) Glass (all unbroken, clear, brown, and green glass containers. Flat glass, window glass, dishes, crockery, etc., are excluded).

(2) Metal cans (aluminum and bi-metal), aluminum foil, aluminum pie tins.

(3) Newspapers (daily newspapers, including inserts), magazines, office paper, brown paper bags, junk mail, telephone books.

(4) Plastic bottles numbers one—seven.

Residential dwelling means a property with three or fewer residential units on the property.

*Trash* means all debris and rubbish, and all materials generated as a result of individual ground maintenance and improvements, and all items other than garbage intended for disposal, but does not include autos, auto parts, or materials that accumulate as the result of building operations, building alterations, or clearing of lots. Consistent with F.S. § 790.33, ammunition shall not be included in this definition of the term "trash."

*Tree* means a woody or fibrous perennial plant with one or more upright limbs with a minimum dbh of four inches, or a sum of four or more inches for multi-stemmed trees, and which will attain an average mature height of at least ten feet.

*User* means any customer of contract collector or a tenant of a customer of contract collector.

*Vegetation* means any plant material including, but not limited to, trees, shrubs, herbs and grasses.

*Yard trash* means vegetation, lawn, grass, or shrubbery cuttings, or clippings and dry leaf rakings, palm fronds, tree branches, bushes, or shrubs, vines, leaf cuttings, coconuts, fruits, or other matter usually created as refuse in the care of lawns and yards. Yard trash must be generated by the owner or the occupant of a residential dwelling at the residential unit wherein the yard trash is to be collected.

SECTION 3. That section 26-20 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 26-20. - Accumulations prohibited generally.**

(a) All lands in the town shall be kept free from any kind of yard trash, trash, garbage, yard trash, or filth including, but not limited to, broken tree limbs, leaves or branches, any uncontainerized garbage or refuse, or any other type of material which might conceal pools of water, create breeding places for mosquitoes or which might

be otherwise detrimental to the health or safety of the inhabitants of the town. The existence of any such trash or filth is hereby declared to be a nuisance.

(b) The occupant and the owner of a residential dwelling unit shall have a duty and is required to properly prepare all yard trash for collection by the town's solid waste collector. With regard to yard trash, the occupant of a residential dwelling unit shall either be collected by the solid waste collector's clam shell truck or placed into a garbage receptacles supplied by the solid waste collector.

(c) *Preparation of yard trash generally.* Regardless of the method of collection, yard trash, tree limbs, and branches, for solid waste collector pickup and removal shall not exceed four (4) feet in length or four (4) inches in diameter.

(1) *Disposal by receptacle.* Loose yard trash must be placed in a garbage receptacle. There are no limits on the number of garbage receptacles the owner or the occupant of a residential dwelling can use. All garbage receptacles must be placed at the curbside on the designated collection day by 6:00 a.m. in the morning. The solid waste collector shall designate one day per calendar week for garbage receptacle pickup of yard trash. The occupant and the owner of a residential dwelling may determine this day by contacting the solid waste collector, and periodically, the town, by use of the town newsletter or email alert, will provide notice of the collection day to residential dwelling occupants.

(2) *Disposal by clam shell truck.* When the amount of yard trash is so great that it cannot fit into a solid waste collector provided garbage receptacle, or in the case of yard trash, tree trimmings, palm fronds, and other yard trash, that are 3 cubic yards or greater in amount, disposal shall be by the solid waste collector's clam shell truck. The pile of yard trash shall be accumulated in a pile that is similar in size to a conventional picnic table which shall not exceed four feet in length or fifty pounds in weight.

The yard trash shall be placed in a compact pile rather than strewn along a driveway. Yard trash is to be placed curbside on the lawn of a residential dwelling. If ditching bisects the property and right-of-way, the curbside then becomes the roadside of the ditch. Placing yard trash for clam shell truck disposal at the end of the residential dwelling occupant's concrete or paved driveway abutting the paved right-of-way on the lawn of a residential dwelling will result in the yard waste *not* being picked up, because the clam shell equipment can be damaged by striking concrete or a paved driveway, and the solid waste collector refuses to be held responsible for said damage. The yard trash pile shall not be placed next to a mailbox or trees as the clam truck will not be able to pick piles up.

The occupant and the owner of a residential dwelling shall have the obligation of contacting the solid waste collector via telephone or email at least 48 hours prior to the designated collection day to schedule clam shell pickup of yard trash.

SECTION 4. That section 26-21 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 26-21. - Accumulations longer than four days prohibited; exception.**

(a) Accumulation of yard trash for more than four consecutive days. Except when a holiday celebrated on a normal collection day results in the closure of the county landfill, it shall be unlawful to permit an accumulation of garbage, yard trash, or trash upon any premises in the town for a period longer than four days; without having arranged for disposal of such accumulation by the town's designated solid waste collector, or by some person qualified by the aforesaid solid waste collector to perform such services.

(b) Proactive code enforcement. The town code enforcement officer shall begin an active program of patrolling residential dwelling areas of the town and citing individuals who there is probable cause to believe may be in violation of section 26-21(a) of the code. Each street with residential dwellings shall be inspected at least twice per calendar month to ascertain violations of section 26-21(a). When the code inspector has probable cause to believe that a particular residential dwelling is in violation of section 26-21(a) of this code, the code inspector shall promptly cite the occupant *and* the owner of the residential dwelling, issue a notice of violation, and timely schedule a hearing before the code enforcement board. Once cited, no case may be dismissed unless compliance is obtained or a written agreement is consummated with a schedule by which compliance will be obtained. If the alleged violator comes into compliance before the hearing, the code inspector may dismiss the charges, or the code inspector may prosecute the case to establish a violation such that an additional violation will be legally viewed as a repeat violation. Notwithstanding the immediate citation of a violation, the code enforcement officer shall have a continuing duty to contact the alleged violator to seek and obtain compliance with this code.

As part of the proactive code enforcement program, authority is hereby delegated to the town manager to designate members of the town staff as code enforcement officers so that code enforcement may occur for any potential violation of the town code during evenings or weekends, or at such times that the town code inspector is not on duty.

As part of the proactive code enforcement program, the town manager shall not less often than once every 180 consecutive day time period publish in the town newsletter and give notice by residents registered to receive town emails, concerning the contents of section 26-20, 26-21, and 26-22 of this code in a non-legalistic and plain meaning english presentation.

(c) *Presumption of violation of code.* If the code inspector finds at a residential dwelling that there is probable cause to believe a violation of section 26-20 of this code may exist, the code inspector shall keep accurate records of such location and photograph the violation, and when the code inspector has probable cause to believe that the residential dwelling location is in violation of section 26-21(a), a rebuttable presumption of a violation of section 26-21(a) is created. The rebuttable presumption is created if on more than one day of inspection which subsequent day of violation is more than four (4) days after initially determining a violation of section 26-20(c)(2), an un-containerized pile of yard trash is not changed substantially as to location on the residential dwelling property, or is not substantially decreased as to size or amount, during said period.

SECTION 5. That section 26-22 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 26-22. - Accumulations presumed sanitary nuisance; abatement.**

Except when a holiday celebrated on a normal collection day results in the closure of the county landfill, accumulation of garbage or trash at any residential or commercial unit or building for more than five days because of non-collection shall be *prima facie* evidence of a sanitary nuisance. In such cases, and by agreement with the board of county commissioners to utilize the services of the county health officer, the latter shall, in coordination with town authorities, notify the person responsible for the violation to remove or cause to be removed such garbage or trash within 24 hours, failing which the health officer may take corrective action as prescribed for similar violations within the county.

SECTION 6. That section 26-23 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 26-23. - Duty to use contract collector; fees.**

(a) *Residential.* All residents or occupants of residential dwellings, houses and units in the town, wherever situated as to zoning, shall be required to have accumulations of garbage, and trash, and yard trash, removed and disposed of by the collector holding a contract or franchise agreement with the town, and for such

288 service shall pay the collector such fees and charges as are agreed upon by the terms  
289 of the franchise agreement. Fees and charges for garbage and trash, and yard trash,  
290 collection shall be chargeable on newly constructed residential units immediately  
291 upon occupancy or whenever the first garbage and trash, or yard trash, collection is  
292 made by the contractor, whichever shall occur first;

293  
294 SECTION 7. Severability Clause/Interpretation.

295  
296 (a) In the event that any term, provision, clause, sentence or section of  
297 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly  
298 unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or  
299 unenforceability shall not affect any of the other or remaining terms, provisions, clauses,  
300 sentences, or sections of this Ordinance, and this Ordinance shall be read and/or  
301 applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or  
302 section did not exist.

303  
304 (b) That in interpreting this Ordinance, underlined words indicate  
305 additions to existing text, and ~~stricken through~~ words include deletions from existing  
306 text. Asterisks (\* \* \*) indicate a deletion from the Ordinance of text, which exists in the  
307 Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by  
308 the asterisks and not set forth in this Ordinance shall remain unchanged from the  
309 language existing prior to adoption of this Ordinance.

310  
311 SECTION 8. Effective Date. This Ordinance shall become effective upon adoption  
312 of this Ordinance.

313  
314 PASSED by the Town Council of the Town of Indialantic on first reading on the  
315 \_\_\_\_ day of February, 2024, and ADOPTED by the Town Council of the Town of  
316 Indialantic, Florida on final reading on the \_\_\_\_ day of March, 2024.

317  
318 TOWN OF INDIALANTIC

319  
320  
321 \_\_\_\_\_  
322 Mark McDermott  
323 Mayor

324  
325 ATTEST: \_\_\_\_\_  
326 Mollie Carr, Town Clerk



## Agenda Item D-2

**SUBJECT: Capital Improvement Plan**

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

**Summary:**

The Capital Improvement Plan is needed for the Town Planner to update the comprehensive plan for the state. Attached is the Capital Improvement Plan to include information requested by Council.

**Recommendation:**

Approve the Capital Improvement Plan to be sent to the Town Planner so he can bring the updated comprehensive plan to Council for Approval

**MOTION: Approve the Capital Improvement Plan to be sent to the Town Planner so he can bring the updated comprehensive plan back to Council for Approval**

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager



## Five-Year Capital Improvement Plan FY 2024 to FY 2029

Project Name	Source	FY-24	FY-25	FY-26	FY-27	FY-28	FY-29	6 Year Total
<b>Drainage</b>								
400 Blk Oakland	General	\$140,000						\$140,000
Ramona 6th to 7th	General	\$60,000						\$60,000
607 S. Riverside	General	\$44,000						\$44,000
Miami 300 Blk	General		\$150,000					\$150,000
Watson 500 BLK	General		\$250,000					\$250,000
Stormwater	General	\$244,000	\$400,000					\$644,000
Goal's of Stormwater improvements = bring up standards to restore and/or improve flow of stormwater system								
<b>Parks</b>								
Riverside Pier	General		\$150,000					\$150,000
Riverside Pier	FIND		\$100,000					
Orlando Park	FRDAP			\$112,000				\$112,000
Orlando Park	General			\$48,000				\$48,000
Parks								\$310,000
Goal's of parks improvements is to replace or add new amenities for residents of Indialantic.								
<b>Streets</b>								
Fifth Ave. median	General	\$256,300						\$256,300
South Riverside Dr.	General	\$250,000						\$250,000
6th Ave 200 & 300 Blk	General	\$30,000						\$30,000
South Ramona Miami to 5th	General				\$150,000			\$150,000
South Shannon Melbourne Ave to 6th	General		\$140,000					\$140,000
5-Way Intersection of Watson Dr N. Palm A\	General		\$13,000					\$13,000
Watson Shannon to Miramar	General		\$50,000					\$50,000
100 Blk Wayne	General		\$20,000					\$20,000
4th Ave. 400 Blk	General			\$60,000				\$60,000
S. Palm Miami to 5th Ave.	General					\$175,000		\$175,000
Orlando Blvd. Miriamar to Riverside	General						\$70,000	\$70,000
Resurfacing	General	\$536,300	\$223,000	\$60,000	\$150,000	\$175,000	\$70,000	\$1,214,300

Goal's of Paving = Remove old asphalt by milling to correct height to allow for proper height of pavement to curbing and driveways

## Five-Year Capital Improvement Plan FY 2024 to FY 2029

### Enterprise

Nance Park Bathroom House	FRDAP		\$75,000					\$75,000
Nance Park Bathroom House	Enterprise		\$25,000					\$25,000
Nance Park Pavilion	Enterprise			\$70,000				\$70,000
Nance Crossover	Enterprise	\$55,000						\$55,000
Nance Park Decking	Enterprise				\$75,000			\$75,000
Wavecrest Sidewalk	Enterprise					\$48,000		\$48,000
Wavecrest remaining crossovers	Enterprise	\$7,500	\$15,000					\$15,000
Wavecrest Decking	Enterprise			\$50,000	\$50,000	\$50,000		\$150,000
Sea Parking crossover	Enterprise	\$7,500						\$7,500
Sunrise Crossover	Enterprise	\$7,500						\$7,500
Sunrise Ramp	Enterprise				\$5,000			\$5,000
Crossover #8	Enterprise	\$15,000						\$15,000
Enterprise	Enterprise	92,500	115,000	120,000	130,000	98,000	0	555,500

Goal's of enterprise improvement is to replace or add new amenities for residents of Indialantic.

<b>Total</b>	<b>\$872,800</b>	<b>\$738,000</b>	<b>\$180,000</b>	<b>\$280,000</b>	<b>\$273,000</b>	<b>\$70,000</b>	<b>\$2,413,800</b>
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### **Parks in Indialantic**

- Dewey Park
- Ernest-Kouwen-Hoven Park
- Gus Carey Park
- Indialantic Ocean Beach
- Indian River Park
- Lily Park
- Orlando Park
- Sea Park
- Sunrise Park
- Tradewinds Park
- Vincent Benevente Sunset Park
- Wavecrest Park
- Wavecrest Extended Park
- Douglas Park
- Nance Park
- Indialantic Ocean Beach Park

### **Drainage Improvements**

- 400 Blk Oakland replace undersized pipes to help improve stormwater flow
- Ramona 6<sup>th</sup> to 7<sup>th</sup> repair pipe with CIPP for pipe integrity
- 607 S. Riverside Drive repair pipe with CIPP for pipe integrity
- Miami 300 Blk replace pipes that have deteriorated
- Watson 500 Blk no pipes exist in area to add pipes due to stormwater complaints

### **Parks Improvements**

- Riverside Pier replaces decking from decking/stringers for pier to covered area
- Riverside Pier adds a kayak launch to pier
- Orlando Park replaces some aged equipment and add some new features

### **Streets Improvements**

- Fifth Ave. median to replace plants as approved by FDOT with partial grant from FDOT
- South Riverside Dr. mill and repave the street
- 200 & 300 blk of 6<sup>th</sup> Ave mill and repave street
- South Ramona from Miami Ave. to 5<sup>th</sup> Ave mill and repave street
- South Shannon Melbourne Ave to 5<sup>th</sup> Ave mill and repave street
- Watson Shannon Ave to Miramar mill and repave street
- 100 blk of Wayne Ave mill and repave street
- 4<sup>th</sup> Ave 400 blk mill and repave street
- S. Palm Miami Ave to 5<sup>th</sup> Ave mill and repave street
- Orlando Blvd Miramar to Riverside Dr mill and repave street

### **Enterprise Improvements**

- Nance Park Bathroom house update and repair or replace bathroom structure
- Nance Park Pavilion update to look similar to smaller pavilion
- Nance Crossover replace and update as condition of materials is deteriorating
- Nance Park Decking replace and update as condition of materials is deteriorating
- Wavecrest sidewalk
- Wavecrest remaining crossovers replace and update as condition of materials is deteriorating
- Wavecrest Decking replace and update as condition of materials is deteriorating
- Sea Park Crossover replace and update as condition of materials is deteriorating
- Sunrise Crossover replace and update as condition of materials is deteriorating
- Sunrise Ramp replace and update as condition of materials is deteriorating
- Crossover #8 replace and update as condition of materials is deteriorating

# BENEFITS FOR MILLING ROADS

Milling a road makes it suitable to lay new asphalt without making the height of the road increase. This also ensures the paving leaves the curbs, drainage, and other structures in the surrounding area alone.

If your road currently has cracks, dings, or other signs of asphalt damage, those cracks and dings will eventually reappear. It's called reflective cracking – the top layer reflects what's going on down below. This means your new asphalt overlay will someday crack too.

# CIPP Lining List

Location of curbing to be replaced:	Length:	Height:	Width:	Pipe Size:	Pipe Type:	Reason for Lining:	Priority:
607 S. Rivereside Drive to Pedway	205	30	30	30	ADS	Sinkhole behind CB @ 607 S. Riverside Drive	<b>HIGH</b>
S. Ramona Ave. Between 6th Ave.& 7th Ave.	162	12	23	18	CMP	Sinkhole at CB @ SE Corner of 6th Ave. S. Ramona Ave.	<b>HIGH</b>
Across S. Riverside Drive @ Orlando Blvd.	64	19	30	28.5	ERCP	Sinkhole Orlando Blvd. and S. Riverside Drive SE Corner.	<b>HIGH</b>

# North Street Measurements List

**PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names	Paving Priority:	Length:	Width:	Paved On:
Grosse Pointe Avenue (Paved 200 & 300 Block of Grosse Pointe Avenue)	1	1134	10	12/5/2017
200 Block of Chalet Avenue	1	630	20	
N. Shannon Avenue from Watson Drive to Grosse Pointe Avenue	1	1088	28	
100 Block of Watson Drive	2	747	22	
300 Block of Watson Drive	1	595	22	
400 Block of Watson Drive	1	665	22	
500 Block of Watson Drive	1	1040	22	
500 Block of Genesee Avenue	1	747	19	
5-Way Intersection of Watson Drive and N. Palm Avenue	3	122	60	
100 Block of Wayne Avenue	3	383	20	
200 Block of Wayne Avenue	1	667	20	
300 Block of Wayne Avenue	1	648	20	
400 Block of Wayne Avenue	1	881	20	
Riverside Place South of Wayne Avenue West Side of Riverside Drive	1	263	26	
100 Block of Michigan Avenue	1	40	38	12/5/2017
200 Block of Michigan Avenue	1	727	18	
300 Block of Michigan Avenue	2	25	18	
400 Block of Michigan Avenue	2	125	18	
100 Block of 1st Avenue	1	736	19	
200 Block of 1st Avenue	2	647	19	
300 Block of 1st Avenue	3	676	19	
400 Block of 1st Avenue	1	819	19	
100 Block of 2nd Avenue	1	737	16	
200 Block of 2nd Avenue	1	663	16	
300 Block of 2nd Avenue	1	663	16	
400 Block of 2nd Avenue	1	792	16	
2nd Avenue (North of Eatsminister Church)	1	243	16	3/23/2021
100 Block of 3rd Avenue	2	741	17	
200 Block of 3rd Avenue	1	660	17	

300 Block of 3rd Avenue	1	653	17	
400 Block of 3rd Avenue	1	771	17	
100 Block of 4th Avenue	1	737	24	
200 Block of 4th Avenue	1	658	24	
300 Block of 4th Avenue	1	666	24	
400 Block of 4th Avenue	2	739	24	
N. Shannon Avenue from Watson to 5th Avenue	1	1780	27	
N. Palm Avenue from Watson to 5th Avenue	1	1991	20	
N. Ramona Avenue from Watson to 5th Avenue	1	2175	27	
Riverside Place N. (West of Eastminister Church)	1	243	16	3/23/2021

## South Street Measurements List

**PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names	Paving Priority:	Length:	Width:	Paved On:
100 Block of 6th Avenue	1	749	22	
200 Block of 6th Avenue	3	650	22	
300 Block of 6th Avenue	1	659	22	
400 Block of 6th Avenue	1	702	22	
100 Block of 7th Avenue	1	738	20	
200 Block of 7th Avenue	1	661	20	
300 Block of 7th Avenue	1	659	20	
400 Block of 7th Avenue	1	739	20	
100 Block of 8th Avenue	1	745	17	
200 Block of 8th Avenue	1	654	17	
300 Block of 8th Avenue	1	656	17	
400 Block of 8th Avenue	1	777	17	
100 Block of 9th Avenue	1	741	17	
400 Block of 9th Avenue	3	621	17	
Tradewinds Terrace	2	1104	27	
200 Block of 9th Terrace	1	202	27	
300 Block of 9th Terrace	1	716	27	



100 Block of 10th Avenue	1	738	19	
400 Block of 10th Avenue	1	661	19	
300 Block of 10th Terrace	2	758	27	
100 Block of 11th Avenue	1	738	17	
400 Block of 11th Avenue	1	650	17	
300 Block of Palm Court	1	508	26	
100 Block of 12th Avenue	1	744	17	
400 Block of 12th Avenue	1	641	17	
200 Block of 12th Terrace	1	375	27	
300 Block of 12th Terrace	1	713	27	
100 Block of 13th Avenue	1	732	17	
100 Block of 14th Avenue	1	741	17	
100 Block of Melbourne Avenue	1	744	18	
200 Block of Melbourne Avenue	1	686	18	
300 Block of Melbourne Avenue	1	708	18	
400 Block of Melbourne Avenue	2	704	18	
500 Block of Melbourne Avenue	2	277	18	
100 Block of Ormond Drive	2	738	17	
200 Block of Ormond Drive	1	709	17	
300 Block of Ormond Drive	1	750	17	
400 Block of Ormond Drive	1	485	17	
100 Block of Ocean Terrace	2	856	18	
William Dewey Park East Roadway	1	111	22	
100 Block of Orlando Blvd.	3	996	18	
200 Block of Orlando Blvd.	1	727	18	
300 Block of Orlando Blvd.	2	758	18	
400 Block of Orlando Blvd.	2	429	18	
500 Block of Orlando Blvd.	3	382	18	
Indian River Park	1	211	18	
100 Block of Cocoa Avenue	1	1040	18	
200 Block of Cocoa Avenue	1	732	18	
300 Block of Cocoa Avenue	1	755	18	
100 Block of Tampa Avenue	1	1115	18	12/5/2017
200 Block of Tampa Avenue	1	759	18	
300 Block of Tampa Avenue	2	757	18	

400 Block of Palmetto Avenue	1	621	16	12/5/2017
100 Block of Deland Avenue	1	1174	18	
200 Block of Deland Avenue	1	820	18	
300 Block of Deland Avenue	2	779	18	
100 Block of Miami Avenue	1	1198	19	
200 Block of Miami Avenue	1	929	19	
300 Block of Miami Avenue	1	891	19	
400 Block of Miami Avenue	1	990	19	
S. Shannon Avenue from Melbourne Beach to South of Orlando Blvd.	1	1419	20	
S. Shannon Avenue from Orlando Blvd. to 5th Avenue	3	3336	20	
S. Palm Avenue from Melbourne Beach to South of Melbourne Avenue	1	2053	18	
S. Palm avenue from Melbourne Avenue to 5th Avenue	3	2490	18	
S. Ramona Avenue from Melbourne Beach to 5th Avenue	2	4095	27	
900 Block of Magnolia Drive	1	412	19	
1100 Block of Magnolia Drive	1	1278	15	
S. Riverside Drive from Melbourne Beach to 5th Avenue	3	4432	27	
Riverside Place S.	1	199	19	

## ENTERPRISE I

**PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

N. Miramar Avenue (Sunrise Park)	1	300	37
4th Avenue Bizzaros Pizza/Surfinista Café Parking Lot	3	229	65
Zero Block of 5th Avenue Westbound	1	204	25
Zero Block of 5th Avenue Eastbound	1	209	25
Zero Block of 8th Avenue	1	246	32
Zero Block of 11th Avenue	1	247	31
Zero Block of 14th Avenue	1	250	17
Wave Crest Avenue from zero Block of 4th Avenue to South of C. O. # 15 to Include Parking Areas	2	1981	60
Wave Crest Avenue from Extension to A1A	2	1349	19
Wave Crest Avenue Sidewalk from Access # 6 to Access # 8	3	193	7
Wave Crest Avenue Sidewalk from Access # 9 to South of C.O. # 15	3	1581	9
1501 A1A Sea Park	1	190	26

Sea Park Parking Area	1	72	17
Sea Park Sidewalk	1	129	6

## ENTERPRISE II

**PAVING KEY: 1 = GOOD SHAPE, 2 = OKAY, 3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

James Nance Park Wave Crest Avenue	1	906	25
James Nance Park Parking Handi-Cap Area South of Restrooms	1	39	17
James Nance Park Parking Handi-Cap Area North of Restrooms (East Side)	1	144	18
James Nance Park Parking Handi-Cap Area North of Restrooms (West Side)	1	152	18
James Nance Park RV Parking	1	45	26
James Nance Park Parking Area West of RV Parking North Side	1	117	18
James Nance Park Parking Area West of RV Parking South Side	1	68	18
James Nance Park West Side of Park North of Sidewalk (West Side)	1	109	18
James Nance Park West Side of Park North of Sidewalk (West Side)	1	58	18
James Nance Park West Side of Park South of Sidewalk (East Side)	1	138	18
James Nance Park West Side of Park South of Sidewalk (East Side)	1	90	18
James Nance Parking Next to Bizzaros Parking	1	112	18
James Nance Park Parking next to Pump House	1	48	18

# Paving List

This is milling and re-paving to a height of 2" for all runs.

Location of curbing to be replaced:	Length:	Width:	Total Sq. Ft. Area:	Square Yards:	Tonnage:	Cost:	Milling Cost:	Priority:
S. Riverside Drive from Melbourne Beach to 5th Avenue.	4650	28	130,200	14,466.67	1591.33	\$193,347	\$35,443	
6th Avenue 200 Block	582	20	11,640	1,293.33	142.27	\$17,285	\$3,169	
Radius 6th Avenue @ S. Palm Avenue (east side)	37	28	1,036	115.11	12.66	\$1,538	\$282	
Radius 6th Avenue @ S. Shannon Avenue (west side)	47	23	1,081	120.11	13.21	\$1,605	\$294	
6th Avenue 300 Block	605	20	12,100	1,344.44	147.89	\$17,969	\$3,294	
Radius 6th Avenue @ S. Palm Avenue (west side)	37	28	1,036	115.11	12.66	\$1,538	\$282	
Radius 6th Avenue @ S. Ramona Avenue (east side)	47	23	1,081	120.11	13.21	\$1,605	\$294	
Orlando Blvd. 400 Block	675	18	12,150	1,350.00	148.50	\$18,043	\$3,308	
Radius Orlando Blvd. @ S. Ramona Avenue (east side)	46	30	1,380	153.33	16.87	\$2,049	\$376	
Orlando Blvd. 500 Block	723	20	14,460	1,606.67	176.73	\$21,473	\$3,936	
Radius Orlando Blvd. @ S. Riverside Drive (east side)	46	23	1,058	117.56	12.93	\$1,571	\$288	
Radius Orlando Blvd. @ S. Ramona Avenue (west side)	46	35	1,610	178.89	19.68	\$2,391	\$438	
Wayne Avenue 100 Block	280	20	5,600	622.22	68.44	\$8,316	\$1,524	
Radius Wayne Avenue @ Watson Drive (south side)	53	23	1,219	135.44	14.90	\$1,810	\$332	
Radius Wayne Avenue @ N. Shannon Avenue (east side)	40	38	1,520	168.89	18.58	\$2,257	\$414	
Watson Drive from N. Shannon Avenue to A1A	710	20	14,200	1,577.78	173.56	\$21,087	\$3,866	
Radius Watson Drive @ N. Shannon Avenue (east side)	25	20	500	55.56	6.11	\$743	\$136	
5 Way Intersection of Palm Avenue and Watson Drive	125	55	6,875	763.89	84.03	\$10,209	\$1,872	
S. Shannon Avenue from Melbourne Avenue to 5th Avenue	2300	28	64,400	7,155.56	787.11	\$95,634	\$17,531	
Michigan Avenue 300 Block.	631	18	11,358	1,262.00	138.82	\$16,867	\$3,092	
Radius Michigan Avenue @ N. Palm Avenue (west side)	49	24	1,176	130.67	14.37	\$1,746	\$320	
Radius Michigan Avenue @ N. Ramona Avenue (east side)	44	28	1,232	136.89	15.06	\$1,830	\$335	
Michigan Avenue 400 Block.	770	18	13,860	1,540.00	169.40	\$20,582	\$3,773	
Radius Michigan Avenue @ N. Riverside Drive (east side)	49	24	1,176	130.67	14.37	\$1,746	\$320	
Radius Michigan Avenue @ N. Ramona Avenue (west side)	44	28	1,232	136.89	15.06	\$1,830	\$335	
Miami Avenue Area Intersection	145	45	6,525	725.00	79.75	\$9,690	\$1,776	
		<b>Total</b>	319,705	35,523	3,908	\$474,762	\$87,031	

<b>Tonnage of Asphalt:</b>	3,908			
<b>Add 10%</b>	391			
<b>Total Asphalt</b>	4,298	\$522,238		
<b>Total Asphalt Cost</b>		\$522,238		
<b>Total Milling Cost</b>			\$87,031	
<b>Grand Total</b>				\$609,269

# Concrete Curbing Replacement

Location of curbing to be replaced:	Length:	Width:	Total Sq. Ft. Area:	Priority Level:
650 S. Riverside Drive	8	2	16	HIGH
800 S. Riverside Drive	14	2	28	
914 S. Riverside Drive	19	2	38	
1000 S. Riverside Drive Driveway Entrance	14	2	28	
1100 S. Riverside Drive (Indian River Park Entrance)	24	4	96	
Between 1202 & 1204 S. Riverside Drive	4	2	8	
1204 S. Riverside Drive Driveway	8	2	16	
Between 1302 to 1314 S. Riverside Drive	207	2	414	HIGH
1316 S. Riverside Drive	15	2	30	
1320 S. Riverside Drive	8	2	16	
1400 S. Riverside Drive Catch Basin Top	8	8	64	
1400 S. Riverside Drive Curb Next to Catch Basin Top	2	2	4	
1301 S. Riverside Drive SE Corner of Palmetto Avenue	8	2	16	
609 S. Riverside Drive	11	2	22	
Across 8th Avenue @ S. Riverside Drive	32	4	128	HIGH
NE Corner of 8th Avenue and S. Riverside Drive	32	2	64	HIGH
<b>Total</b>	414	42	988	
<b>Total Cubic Yards</b>			18	
<b>Add 10%</b>			2	
<b>Total Concrete</b>			20	

## Agenda Item D-3

**SUBJECT: Shipping Container Discussion**

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

**Summary:**

Mayor McDermott has requested a discussion on shipping containers use as an accessory building after a situation in the unincorporated area of Indialantic. Building Official Stokes has attached some of his thoughts to the agenda on shipping containers. Building Official Stokes will be attending meeting to answer questions.

**Recommendation:**

Discussion

MOTION:
---------

Submitted by:

Mollie Carr

Mollie Carr  
Town Clerk

Approved for agenda:

Michael Casey

Michael L. Casey  
Town Manager

## Discussion of shipping containers used as sheds / accessory structures

Recently the topic of shipping containers has come up. Specifically for their use as a shed or accessory structure. Current town ordinances do not address them. In an effort to give homeowners this option while at the same time softening the appearance of the containers I have attached some basic language that gives the design professional the framework they need to accomplish this for the homeowner.



Requirements for shipping containers used as a shed or an accessory structure where allowed by Zoning Ordinances

Setback , height and size requirements will remain the same (already in place, no need for change)

Anchoring to meet current Florida Building Code wind speed requirements.

Outside of container shall be clad with any material allowed by The Florida Building Code Residential.

Top of container shall have a trussed roof attached and roofed with any roofing allowed by The Florida Building Code Residential.

Site specific engineering shall be required for anchoring, attachment of all components and cladding as well as the trusses and roofing.

## Agenda Item E-1

**SUBJECT: Form 6 Litigation**

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

**Summary:**

Weiss Serota Helfman Cole & Bierman, PL has decided to file a lawsuit for declaratory and injunctive relief regarding the newly required Form 6, if at least ten municipalities sign on as plaintiffs. They have prepared a form resolution that can be used by cities and elected officials to join the lawsuit.

**Recommendation:**

None

**MOTION:**

**Approve the resolution, authorizing participation in a lawsuit seeking a declaration that the provisions of section 112.144(1)(d) Florida Statutes, that require municipal elected officials to file form 6 financial disclosure forms is unconstitutional and invalid**

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager

**From:** [Jamie Alan Cole](#)  
**To:** [Jamie Alan Cole](#)  
**Subject:** Potential Form 6 Litigation  
**Date:** Tuesday, January 9, 2024 9:49:32 AM  
**Attachments:** [Form Resolution Authorizing Participation In Lawsuit Challenging Form 6 Requirement.docx](#)

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**EXTERNAL EMAIL:** This email originated from outside of the organization. DO NOT REPLY, CLICK LINKS, or OPEN ATTACHMENTS unless you recognize the sender and know the content is safe

City Attorneys:

Sorry for the group email, but I wanted to reach out to everyone on this important topic. As I know you are all aware, the Florida legislature last year passed a law that requires all municipal elected officials to complete a Form 6, rather than a Form 1, financial disclosure form, as of January 1, 2024. Over a hundred municipal elected officials have resigned rather than fill out the new form, which requires them to disclose their exact net worth, income and asset values. Numerous city officials have contacted us regarding the filing of a lawsuit for declaratory and injunctive relief. Our Firm has decided to file such a lawsuit, if at least ten municipalities sign on as plaintiffs. Attached is a form resolution that can be used by cities and their elected officials to join the lawsuit. Our legal theories are set forth in the resolution and are based upon the right to privacy and free speech. If your municipality is interested in joining or if you want to discuss, please let me know. Thanks.

CITY OF \_\_\_\_\_, FLORIDA

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY \_\_\_\_\_ OF THE CITY OF \_\_\_\_\_, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form ("Form 6") that requires, among other things, the disclosure of the specific amounts of an official's net worth, income and asset values; and

**WHEREAS**, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form ("Form 1") that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official's net worth, income and asset values; and

**WHEREAS**, the Mayor and all current elected members of the City \_\_\_\_\_ (the "City Elected Officials") were elected by the voters of the City subject to and in reliance upon Florida law that required the Mayor and \_\_\_\_\_ Members to annually file Form 1 (not Form 6) financial disclosures forms; and

**WHEREAS**, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

**WHEREAS**, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

**WHEREAS**, because the right of privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

**WHEREAS**, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

**WHEREAS**, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

**WHEREAS**, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected

officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

**WHEREAS**, in fact, many municipal officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

**WHEREAS**, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

**WHEREAS**, requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

**WHEREAS**, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

**WHEREAS**, the City desires to participate in a lawsuit seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected

officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the "Lawsuit"); and

**WHEREAS**, the City \_\_\_\_\_ believes it is in the best interest of the citizens and residents of the City to participate in the Lawsuit and urges other municipalities and their elected officials to also participate as plaintiffs.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF \_\_\_\_\_, FLORIDA AS FOLLOWS:**

**Section 1:** That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

**Section 2:** The City \_\_\_\_\_ hereby authorizes the participation of the City, and any of individual Members of the \_\_\_\_\_ who choose to participate as plaintiffs, in a lawsuit seeking declaratory, injunctive and other appropriate relief challenging the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms, based upon any appropriate legal theories, including those set forth above, subject to the participation of at least ten municipalities.

**Section 3:** Weiss Serota Helfman Cole + Bierman, PL (the "Firm") is hereby retained to represent the City in this litigation. The Firm will charge the City a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the litigation in the trial court. The City and elected officials recognize that such flat fee may be less than the actual attorneys' fees and costs incurred, and that if the City and elected officials prevail in the Lawsuit, the Firm may apply with the Court for its actual reasonable attorneys' and costs

from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The City and its elected officials also acknowledges that the Firm will be representing other local governments and officials in this lawsuit and waives any conflicts related to such representation. [ONLY FOR CITIES WHERE WSH DOES NOT SERVE AS CITY ATTORNEY: The City further acknowledges that, from time to time, the Firm may be called upon by client to represent them as to requests for various approvals and as to other matters with respect to or involving the City. The City hereby waives any potential conflict of interest in the Firm's representation of those clients arising from its representation of the City in the Lawsuit.]

**Section 4:** The City \_\_\_\_\_ invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

**Section 5:** The City Clerk is directed to distribute this Resolution to all local governments in \_\_\_\_\_ County.

**Section 6:** That the appropriate City Officials are hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

**Section 7:** That this Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_



City Clerk

Approved as to form:

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City Attorney

**SUBJECT: Discuss extending the Qualifying Period to two weeks**

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

**Summary:**

At the January Council Meeting, Vinnie Taranto, Sustainable Community and Resiliency Committee Member, suggested that the Town consider extending the qualifying period from one-week to two-week period. Mr. Taranto explained that he felt this would be less of a burden on the clerk as well as giving potential candidates more time to qualify.

Town Staff does not feel that there is a necessity for the change and that no problem exists that the Ordinance will correct. Currently Election forms are available at <https://dos.myflorida.com/elections/forms-publications>. The complete Town of Indialantic Election Packet will be made available online and at the Indialantic Town Hall by July 1, 2024. Town Staff feels that there is more the sufficient time for a Candiadte to qualify with the current qualifying period. The addition of another week is not beneficial in any way to the Town Staff.

Lastly, the privilege of being a Councilmember or Mayor comes with a hefty amount of responsibility. The Town Council is often tasked with processing a large amount of information that they must research, form a viewpoint, and be prepared to discuss in a public meeting, in a short amount of time. Town Staff feels that the Town Residents deserve an effective leader in our community that is readily able to prioritize timelines and goals.

**Recommendation:**

No action.

MOTION:

**No action**

Submitted by:

*Mollie Carr*

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Mollie Carr  
Town Clerk

Approved for agenda:

*Michael Casey*

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Michael L. Casey  
Town Manager



## MEMORANDUM

TO: Mayor and Town Council

FROM: Paul Gougelman, Town Attorney

SUBJECT: Charter Amendment Relating to Dates of  
Qualifying to Run for Town Council

DATE: January 18, 2024

At the January Town Council meeting, I was asked whether the proposed charter amendment regarding required duration of residency prior to qualifying could be further modified to allow for the qualifying dates to be further expanded. I responded that such a change in the proposed ordinance might confuse voters with regard to the proposed amendment, and that I believed that Florida law does not require voter consent to amend the Town charter with regard to the qualifying dates. I advised that I would report to the Council.

Section 100.3605(2), Florida Statutes, which is a part of the Florida Election Code, provides:

**100.3605 Conduct of municipal elections.—**

\* \* \*

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

Of course, charter amendments submitted to the voters by a municipality's governing body are based on the adoption of an ordinance. Consequently, this somewhat ambiguous statute does not necessarily explicitly provide for the change of qualifying dates in a charter by adoption of an ordinance without a referendum of the electorate.

However, this statute has been twice interpreted by the Attorney General to mean that a municipality's governing body may amend its charter with regard to qualifying dates by ordinance **without** a referendum. In AGO 2013-05, it was determined that the City of Arcadia could amend its charter to alter qualifying dates without a referendum pursuant to Section 100.3605, Florida Statutes, and that based on a review of that and another statute, a referendum was not required. See *also* AGO 2000-61 (similar determination for the City of Mulberry).

Mayor and Town Council

January 18, 2024

Page 2 of 2

Thus, if the Town Council wishes to expand the dates for qualifying set forth in the charter, it may do so by ordinance without a referendum of the Town electorate. If the Town Council decides to change the qualifying dates, I recommend that the Town Clerk should first coordinate with the Supervisor of Elections to ascertain what the last date for qualifying can be to accommodate the Supervisor's preparation of the 2024 general election ballot.

PRG/mb

Pc: Michael Casey, Town Manager  
Mollie Carr, Town Clerk

# LUXOR® CONTROLLER

LANDSCAPE & ARCHITECTURAL LIGHTING

FXLuminaire®



# Bring Nighttime Living Spaces to Life

*When Luxor controls an LED landscape lighting system, lights don't simply turn on and off.* They come alive! As FX Luminaire's premium lighting control option, Luxor is the most advanced and flexible low-voltage landscape lighting transformer on the market. Luxor incorporates zoning, dimming, and color capabilities into a single control system using a simple two-wire path installation.



## LUXOR SPECIFICATIONS

### Primary Features

- Zone control: Turn individual or groups of fixtures on and off at desired times
- Dimming control: Adjust the intensities of individual or groups of fixtures from 0-100%
- Color control: Choose from 30,000 vibrant colors for unlimited design possibilities
- Color palette: Generate and save up to 250 custom colors
- Astronomical timing: Set your location to automatically track sunrise and sunset times
- Scene/theme creation: Design up to 40 themes ranging from every-night living to holidays and special celebrations
- Event-based programming: Turn custom themes or lighting fixtures on and off as desired throughout the night
- Calendar-based programming: Ensure specific programs run only when needed with dedicated date-range programming
- Wireless control: Interact with the controller using iOS® and Android™ devices
- LAN connection: Conveniently incorporate wireless control using the preinstalled LAN module
- Smart home integration: Integrate and control Luxor with today's most popular smart home automation systems

Programs					
MO	TU	WE	TH	FR	SA SU
Event	Time	Grp/Thm	Color	%	
Sunset	+ 1:00	Thm A		On	
Time	11:00p	Thm B		On	
Sunrise	- 0:30	All Lts		Off	



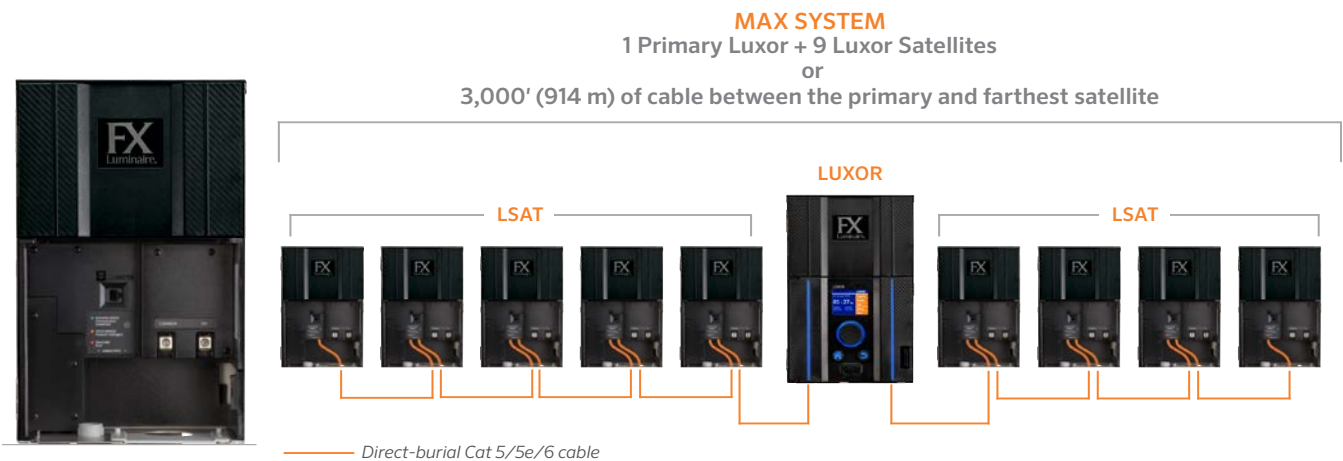
WIRELESS ACCESSORIES	
WIFIMOD2	Wi-Fi Module
WIFIMOD2RMT	Wi-Fi Module Remote Mount
LAM	Lighting Assignment Module



iOS is a trademark or registered trademark of Cisco in the U.S. and other countries and is used under license. Android is a trademark of Google LLC.

# Expand Your System with Luxor Linking

*Simplify and expand your lighting design.* With Luxor Linking, you can hardwire up to nine Luxor Satellite controllers while maintaining a single point of control. The addition of Luxor Satellite controllers improves Wi-Fi connectivity and brings simplicity to complex or large-scale lighting designs.



## LUXOR ACCESSORIES

# Luxor Plays Well with Others

## ZD MR-16 LAMPS

*The ZD MR-16 is a convenient drop-in LED replacement lamp* that converts incandescent fixtures to energy-efficient LED fixtures. When connected to a Luxor controller, the ZD MR-16 adds zoning, dimming, and Wi-Fi control capabilities to any brand of low-voltage lighting fixture.



## LUXOR CUBE

*With the LUXOR CUBE,* Luxor can control, zone, and dim almost any brand of dimmable 12V or 110V light fixtures. It can also control items that use relay inputs such as gates and pond pumps to provide total management of outdoor living spaces.

LUXOR CUBE MODELS		
Type	Model No.	Max Load
Low-voltage	LCM-LV	60W / 5A
Line-voltage	LCM-HV	400W / 3.3A
Relay / 0-10V	LCM-RLY-010V	250VAC / 5A



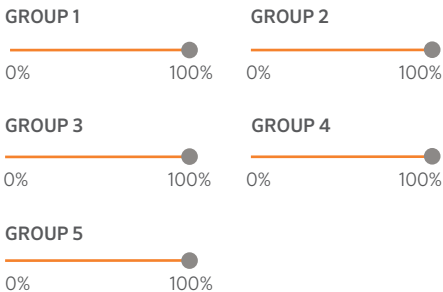


# Get in the Zone

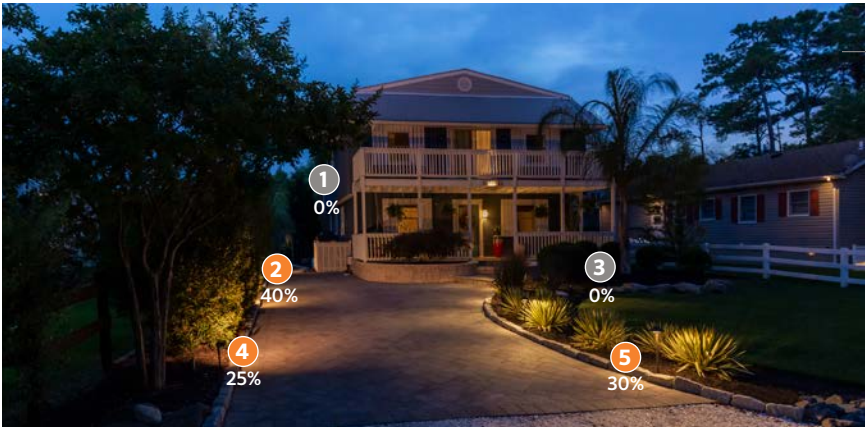
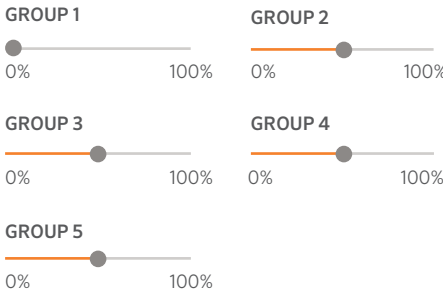
*Luxor's zoning and dimming capabilities provide virtually limitless design possibilities.* Easily adjust intensity from 0-100% for individual fixtures or groups of fixtures to create the perfect mood for any setting.



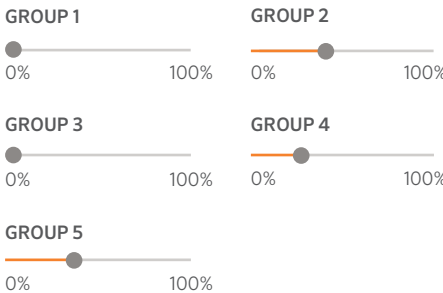
## Sunset



## 9 p.m.



## Midnight



# Color Your World

*Using state-of-the-art LED technology, Luxor lets you create perfect scenes with a spectrum of 30,000 beautiful colors.*

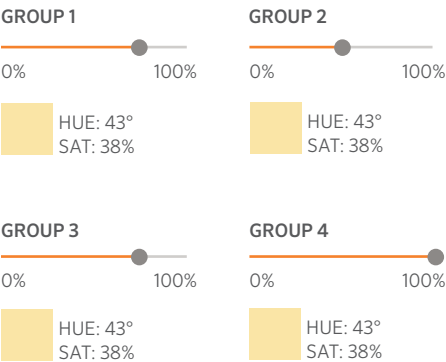
Adjust color temperatures to match vegetation and architecture to offer distinctive landscape looks throughout the year.

## Living in the Dark?

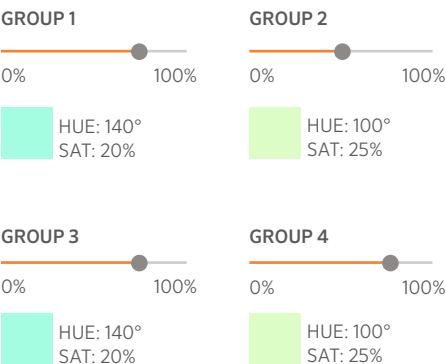
Don't be stuck in the dark ages! An outdoor lighting system will expand your nighttime living space, enhance safety and security, and add instant curb appeal to your home.



## Warming Up



## Match Maker



# Total Wireless Control

*The Luxor app provides ultimate flexibility and convenience for remote lighting management.*

With the app, you can adjust fixture intensity and color, create unique themes, and fine-tune your color palette for special occasions — right from the palm of your hand!



## Programming

Create custom lighting schedules for everyday living, holidays, and celebrations.



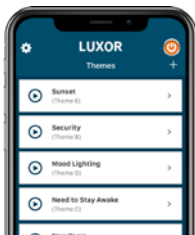
## Color Creation

Create up to 30,000 colors using the latest RGBW LED technology.



## Groups

Adjust intensity and colors of individual or groups of fixtures to fine-tune your lighting design.



## Themes

Design one-of-a-kind holiday displays, create team spirit for the big game, or add company colors for corporate events.



## Site Management

Work smarter with simple remote site management and convenient site sharing.



# Bring the Outside In

*Seamlessly integrate the next-generation capabilities of the Luxor lighting controller* into your smart home system for one-stop management of indoor and outdoor living spaces. Luxor fully integrates with leading home automation solutions.



## FXLuminaire

*A Hunter Industries Company*

Our mission is to create the most energy-efficient lighting products in the world while maintaining the highest level of quality and reliability. In every instance we will back our innovations with the unwavering support our customers need to succeed.



Gregory R. Hunter, CEO of Hunter Industries



Gene Smith, President, Landscape Irrigation and Outdoor Lighting

Website [fxl.com](http://fxl.com) | Customer Support 760-744-5240

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## Agenda Item E-5

**SUBJECT: Town Hall Sign**

**Staff Report – Town of Indialantic**

**Meeting Date: February 14, 2024**

**Summary:**

The sign in front of Town Hall was budgeted for replacement in this year's budget that was approved. After the sign was installed, concerns were raised about the sign. The sign message board was shut down until the Council decides on the direction they wish to proceed. Option 1 is to leave the sign as installed. Option 2 the sign company has agreed to take message boards back and refund the cost of the message boards at \$6,000 each for a total of \$12,000. With option 2 bottom cabinets the additional cost of \$6,766.45 for the work to remove signs, retrofit the cabinet for Two (2) new LED illuminated 3' x 5' reader-board cabinets

**Recommendation:**

MOTION:

Submitted by:

Approved for agenda:

Mollie Carr  
Mollie Carr  
Town Clerk

Michael Casey  
Michael L. Casey  
Town Manager

Customer:	Contact:
Billing Address:	Phone #:
Project Address:	Fax #:
Email:	Date:

**PROPOSAL/CONTRACT**

**SCOPE OF WORK:**

**TERMS & CONDITIONS:** A deposit is due upon acceptance of job. Balance is due upon installation. Any payments not received in a timely manner by Kendal Signs shall bear interest from the due date at the rate of 18% per annum, with a \$50 late fee assessed per month for the past due accounts until paid in full. All signage to remain property of Kendal Signs until paid in full. Customer's failure to submit prompt final payment following installations as per plan shall constitute default. The client/buyer agrees to pay all cost in the event of default of payment by the client/buyer, including reasonable attorney's fees. The client/buyer hereby grants Kendal Signs the right of entry into and on the property of the client/buyer for the purpose of retaking possession of the signage in the event of default, regardless of partial payment received for signage.

**RESPECTFULLY SUBMITTED BY:**

**EMAIL:**

**NOTES:** Kendal Signs will complete all work as per plan. Customer shall be assessed a lost trip charge if site is not ready upon our crews arrival. Pricing based upon 120 volt primary power to sign location by others. Substandard soil conditions (i.e. coquina, rock, large roots, water, pipe, etc.) or fascias (i.e. steel beams) are additional. All additions, changes or errors that require additional time, labor or materials will be charged at Kendal Signs standard pricing. Kendal Signs reserves the right to apply minor final adjustments and revisions to any sign designs that is deemed in our sole discretions to benefit the sign's operation and/or overall appearance.

**PRODUCT WARRANTY:** Our standard warranty is as follows: One (1) year on materials, finishes, general workmanship; includes parts and labor. One (1) on ballasts and transformers; includes parts only; labor to be billed as extra. Ninety (90) days on neon; includes parts and labor. Thirty (30) days on fluorescent lamps; included parts and labor. Warranties for specialty products such as electronic message centers (LED displays) issued separately.

**580 Gus Hipp Blvd. • Rockledge, FL. 32955 • 321-636-5116 • [www.kendalsigns.com](http://www.kendalsigns.com)**

**ACCEPTANCE OF PROPOSAL:** The above price(s), specifications and conditions are satisfactory and are hereby accepted. I authorize Kendal Signs to perform the works as specified. I agree to make payments as outlined above.

\_\_\_\_\_  
DATE OF ACCEPTANCE

\_\_\_\_\_  
AUTHORIZED CUSTOMER PRINTED NAME

\_\_\_\_\_  
AUTHORIZED CUSTOMER SIGNATURE



Customer: Town of Indialantic	Contact: Molly
Billing Address: 216 Fifth Ave. Indialantic, FL 32903	Phone #: 321-723-2242
Project Address: SAME	Fax #:
Email: mcarr@indialantic.com	Date: 10-16-2023

**PROPOSAL/CONTRACT**

**SCOPE OF WORK:**

Remove existing sign cabinet, cutting pole down to grade, discard legally.

Manufacture and install one (1) new double sided, internal LED illumination, monument sign. ID cabinet to be fabricated aluminum with flat acrylic faces with first surface applied hi-performance vinyl decoration. \$6,233.00

New monument to be installed on new single pole support, in concrete foundation engineered to meet the Current wind-load. \$3,405.00

Two (2) single sided 10mm 3' x 5' RGB full color message units. Mounted to monument bottom position, with filler panels. Kendal signs to hook up to supplied power, By OTHERS. Cloud based software, with Wi-fi bridge communication. Kendal signs to work with City's IT department, prior to installation to tie into there Internet system. \$12,000.00

Tax exempt certificate needed.

Price includes sealed engineers drawing, permit acquisition labor. Does NOT include cost of permit and is billed at actual cost.

City PO Accepted

Date Paid On 11-15-23 Chk. No. 35912

depos. 7 of 50%

Engineering

Change Acct. No. 590-620 11,019.00 \$200.00

Permit Acquisition Labor

\$200.00

**SUBTOTAL: \$22,038.00 TAX: \$0.00 TOTAL: \$22,038.00 DEPOSIT DUE: \$11,019.00**

**TOTAL DOES NOT INCLUDE THE COST OF THE PERMIT AND WILL BE BILLED AT ACTUAL COST UPON COMPLETION.**

**TERMS & CONDITIONS:** A deposit is due upon acceptance of job. Balance is due upon installation. Any payments not received in a timely manner by Kendal Signs shall bear interest from the due date at the rate of 18% per annum, with a \$50 late fee assessed per month for the past due accounts until paid in full. All signage to remain property of Kendal Signs until paid in full. Customer's failure to submit prompt final payment following installations as per plan shall constitute default. The client/buyer agrees to pay all cost in the event of default of payment by the client/buyer, including reasonable attorney's fees. The client/buyer hereby grants Kendal Signs the right of entry into and on the property of the client/buyer for the purpose of retaking possession of the signage in the event of default, regardless of partial payment received for signage.

**RESPECTFULLY SUBMITTED BY:** Danny Priore

**EMAIL:** dpriore@kendalsigns.com

**NOTES:** Kendal Signs will complete all work as per plan. Customer shall be assessed a lost trip charge if site is not ready upon our crews arrival. Pricing based upon 120 volt primary power to sign location by others. Substandard soil conditions (i.e. coquina, rock, large roots, water, pipe, etc.) or fascias (i.e. steel beams) are additional. All additions, changes or errors that require additional time, labor or materials will be charged at Kendal Signs standard pricing. Kendal Signs reserves the right to apply minor final adjustments and revisions to any sign designs that is deemed in our sole discretions to benefit the sign's operation and/or overall appearance.

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**ACCEPTANCE OF PROPOSAL:** The above price(s), specifications and conditions are satisfactory and are hereby accepted. I authorize Kendal Signs to perform the works as specified. I agree to make payments as outlined above.

DATE OF ACCEPTANCE

AUTHORIZED CUSTOMER PRINTED NAME

AUTHORIZED CUSTOMER SIGNATURE



# TOWN MANAGER'S REPORT

February 14, 2024

## 1. Intergovernmental Activity:

- a. **US-192/SR-500 Resurfacing:** FDOT is proposing to resurface US-192/SR-500 (aka Fifth Avenue) from the easternmost relief bridge to SR-A1A in FY-22. (04/16/18) FDOT has agreed to analyze the mid-block crossings and determine if Rectangular Rapid Flashing Beacons (RRFBs) are warranted. (06/18/18) FDOT has determined that pedestrian counts indicate that Rapid Rectangular Flashing Beacons (RRFBs) are not warranted at the Fifth Avenue mid-block pedestrian crossings. However, FDOT did recommend improving the lighting and signage at these locations which will be factored into the resurfacing project that should commence in FY-22. (04/16/19) FDOT has determined that pedestrian activated crossing signals are not warranted for mid-block crossings on Fifth Avenue at this time. (05/08/19) Resurfacing scheduled for FDOT fiscal year 2023, scheduled for 11/22 (2/3/20) FDOT notified of input meetings coming up soon.(11/4/20) FDOT sent notification of changes for crossings during repaving, adding now midblock RRFBs crossings in updated plans. Changes to crossing at Palm for school crossing (2/2/21) Had meeting with FDOT 2/24/21 was advised start date after July 2022 for the state 2023 fiscal year (3/3/21) FDOT updated information on midblock crossings and design (7/6/21) FDOT to give presentation at December Council meeting (11/2/21) FDOT hosting meeting 2/22/22 virtually and in person Eau Gallie Shriners (2/2/22) FDOT is now placing traffic light at Palm Ave. & US-192, raised crosswalks and lowering speed limit to 30 MPH, project late summer to fall time to begin (3/2/22) FDOT to May Council meeting give presentation.(3/29/22) After May meeting council desires to not have traffic light at median, meeting set with FDOT 5/27/2022 to discuss updates (5/27/22) Resolution red flashing light 5<sup>th</sup> & Palm (6/6/22) Waiting for updated plans (7/11/22) Scheduled resurfacing to being 2/6/23 (11/1/22) FDOT message sign stating construction begins 2/8/2023 on causeway (1/31/23) Work has begun as of 2/23/23 (3/1/23) Work continues with on the installation of power for lights (4/6/23) Construction continues mast arms installed at Palm Ave for modified HAWK system (5/3/23) The installation of sidewalks and curbing continue to make project ADA complaint with new standards. Waiting for update from FDOT on project completion estimate (7/3/23) Expect completion fall of 2023 (8/2/23) FDOT advised project completion is the end of November (11/2/23) 200 Blk had installed speed table with bad results and removed, meetings with FDOT and looking at options. FDOT presentation at the December Council meeting (11/30/23) Waiting on Resolution at January Council Meeting (12/29/23) Resolution given to FDOT and they have given updated plans (2/1/24)
- b. **Pedestrian Crossing Signals:** FDOT inspected the US-192 intersections at Riverside Drive and SR-A1A on 2/22/19 and are evaluating possible audible pedestrian signal improvements. (03/13/19) Spoke to DOT sent Jay email 8/15/19. FDOT looking at updating traffic lights and crossing conducting

# TOWN MANAGER'S REPORT

study to work into the resurfacing in 22/23 FDOT fiscal year (2/27/20) During meeting 2/24/21 told they are being done during resurfacing in 22/23 FDOT fiscal year (3/3/21) FDOT is now placing traffic light at Palm Ave. & US-192, raised crosswalks and lowering speed limit to 30 MPH, project late summer to fall time to begin (3/2/22) After May meeting council desires to not have traffic light at median, meeting set with FDOT 5/27/2022 to discuss updates (5/27/22) Hybrid crossing at Palm/Fifth waiting updated plans(8/3/22) All mid block crossing have RRFB and flashing lights in roadway, Palm Ave crossing is Hybrid construction begins 2/8/23 (1/31/23) Mast arms installed at Palm Ave. for hybrid light (5/3/23) 200 Blk had installed speed table with bad results and removed, meetings with FDOT and looking at options. FDOT presentation at the December Council meeting (11/30/23)

- c. **Pedestrian Crossing SRA1A:** FDOT adding crossing just north of Watson expected spring of 2022. Also all crossing getting flashing lights in street from US192 to Pineda in future (12/6/21) Have begun from Pineda working south installing lights the end of February and in Satellite Beach this week (3/2/22)Progressing south prep work began (3/29/22) Finished upgrading in road lights flashing and all crosswalks, FDOT will be installing new signage post in middle of roadway in next few weeks (5/27/22) Finished all upgrades waiting for Watson & Miramar (7/14/22) Waiting for update on Watson crossing but also waiting on council decision on 11<sup>th</sup> Ave crossing (1/31/23) Submitted request to FDOT for crossing at 11<sup>th</sup> (3/1/23) FDOT has public meeting scheduled 11/30 for update placement and design for Watson crossing (11/30/23) Meeting went good positive feedback (12/29/23)
- d. **H&H Study Grant:** DEP has grant waiting for final approval (12/6/21) Received email update from FDEP stating the grant is been selected for the resiliency and under final review (3/2/22) Received email awarding the \$86,810 award for H&H completed paperwork for FDEP for contacts and insurance submittal as requested, was told they are reviewing and will follow up soon (5/27/22) State sent additional paperwork to complete (6/27/22) Completing required paperwork to submit to FDEP (8/3/22) Submitted paperwork to FDOT (9/7/22) Grant approved and signed with FDEP, met with engineers to past week to work on timeline (10/6/22) Expecting to start project in January (12/5/22) Quarterly report to state (11/3/23) Quarterly report sent to state waiting on BSE to get updated numbers planning on presentation to the council at the March 2023 meeting (1/31/23) Pushed time to a later date as of priority of other issues (4/6/23)Spoke with SG about moving project forward (8/2/23)
- e. **FDOT Repaving S. SRA1A from US192:** Repaving from US192 to Oak St. in fiscal year 2026 (5/4/22)

## 2. Fiscal Activity:

- 1. **Fifth Avenue median:** The Town is soliciting proposals from Registered Landscape Architects for consideration to develop a plan to replace

## TOWN MANAGER'S REPORT

the existing plants in the Fifth Avenue median. (06/18/18) A recommendation will be presented to Council for 8/8/18. (08/08/18) Staff is negotiating a contract with Susan Hall Landscape Architecture, Inc. (09/12/18) Workshop will be held 10-18-18 at 6:30 p.m. (10-10-18) Options will be presented to Council at the January meeting for approval. (01/09/19) Some coonties in the median are being relocated to Nance and Douglas parks and to the Fifth Avenue median east of SR-A1A to determine if the areas are suitable for relocation once the new plants are installed in the median. (02/13/19) The grant application was sent to FDOT on 3/7/19. (04/16/19) FDOT has approved the application with funding projected in FY-23. (05/08/19) FDOT contacted me and we are on schedule for FY-23 and working with Susan Hall Landscape Architecture, Inc on first past review of submission (7/29/19). Ryan from Susan Hall's sent preliminary information state approved first pass. Working with Ryan on Bid documents (8/1/19) Received initial Project Schedule, Landscape Plans, ITB and Opinion of Project Costs from Susan Halls office for initial submission to DOT for review and I submitted them to FDOT for first review 8/20/19. Heard from DOT Dawn Latchum assigned project number is **442883-2-58-01** for submission (8/21/19). Received comments from FDOT and Susan Hall Landscaping Architecture, Inc is reviewing comments (9/30/19) Spoke with Ryan and his is looking into if lighting can be used (10/28/19) Ryan responded to comments from FDOT on median plans (11/1/19). FDOT wants meeting with landscape architect and town (11/15/19). Meeting wet with FDOT and Susan Hall on 1/28/20 at 2 PM FDOT Deland (11/25/19) Attending meeting and project is still moving forward. Nothing can be done until after repaving is done. Project funded in FDOT 2023 fiscal year earliest project could happen in 8/22 (2/3/20) Ryan recently responded to comments from FDOT (8/4/20) FDOT holding virtual meetings for planning (12/3/20) Updated Susan Hall on new plans for midblock crossings RRFBs (2/2/21) Repaving now scheduled for 22/23 fiscal year (3/1/21) Spoke with Susan Hall gave update on paving project, she advised the final plans are due in June based upon schedule. She has some concerns about current availability and disease issues with vegetation chosen along with a council member question about trees. She would like to schedule speaking at the April Council meeting (3/2/22) FDOT to May meeting do to date change (3/15/22) Meeting with Susan Hall & Kemp on 3/24/22 (3/22/22) Had meeting with Susan Hall and she is updating plans and giving presentation to May Council meeting (3/28/22) Meeting with Susan Hall 4/27 and needs to meeting with SG, emailed presentation for May council meeting (4/25/22) After May meeting council wanted to go to Parks and Rec where Susan Hall gave presentation, Parks and Recreation Committee voted to use the Royal Palm, Ilex Stokes Dwarf, Spider Lily and for ground cover the Asiatic Jasmine, this will be on the June council agenda for final approval (5/27/22) On Council agenda

# TOWN MANAGER'S REPORT

6/8/22 (6/6/22) Susan waiting on updated plans (7/11/22) Got plans from Susan Hall forwarded to FDOT & received back email from FDOT under review (8/22/22) Received questions to FDOT Susan Hall will answer (9/6/22) Working on answers for FDOT grant (9/26/22) Submitted response to Susan Hall for FDOT response (10/6/22) FDOT rejected Royal Palm, Susan Hall to present at the 11/9/22 council meeting options (11/1/22) Submitted final plans to FDOT with updated trees waiting for answer (12/5/22) Responded to FDOT questions and resubmitted (12/27/22) FDOT sent back for correction (1/3/23) Submitted response to FDOT 1/9/23 and requested JPA for the February Council meeting (1/9/23) Dates needed to be updated per FDOT and resubmitted for JPA at special council meeting 2/16//2023 5:30 PM (1/30/23) Council wanted to not remove current palms been working with FDOT and Susan Hall. Received update paperwork for keeping current palms and submitted letter a variation request to keep palms. Can take up to 30 days to get answer, Susan Hall at March Council meeting (3/1/23) Resubmitted new information at request of FDOT after several emails an a conference call, found out only have to have JPA by end of June 2023 (4/6/23) JPA submitted and returned but heard back on variance for palm trees and they want changes (5/3/23) Sent new responses to FDOT on variance request (6/3/23) FDOT approved variance request & I have follow up meeting with Susan Hall to get timeline and bidding (7/24/23) Susan Hall to present at August Council meeting (8/1/23) Sent final timeline and package to FDOT, bid advertising is 9/7/23, pre bid meeting 9/21/23, bid opening 10/19/23 (8/31/23) Had virtual meeting with Susan Hall & FDOT and resubmitted paperwork to FDOT with changes requested by FDOT, waiting on notice to commence from FDOT (10/2/23) FDOT sent back some changes and expect the be reviewed by end of November with latest request pushed advertising for bids (11/2/23) FDOT requested changes to submission and resubmitted (11/29/23) FDOT is expecting to get approval in next few weeks, resubmitted updated plans and time table to FDOT (1/2/24) FDOT requested updated paperwork which has been supplied and waiting on NTC (2/1/24)

### 3. **Organizational Activity:**

- a. **Swale:** Public works installing swale in at 405 Orlando Blvd.(9/30/20) Environmental task force reviewing swale ordinance to make changes, native plant portion separated at going to P&Z December meeting (12/3/20) Native plant and swale ordinance separated plant ordinance before council (2/2/21) Environmental task force working on (6/3/21) Public works installed swale 400 block Melbourne Ave. (8/3/21) EATF is working on swale ordinance again. EATF still working on updating ordinance (9/30/21) EATF still working on swale ordinance, public works installed swale at 211 Eighth (11/2/21) Stability Committee sample swale Orlando & Ramona (2/2/22) Sustainability Committee working on issues (3/29/22) Public works will be

# TOWN MANAGER'S REPORT

installing swale on N. Shannon in front of the Chalets to resolve standing water issue in the next few weeks (5/27/22) Public works installed swale Ormond & Ramona as requested by Sustainability Board (8/3/22) Swale installed in front of Chalet and has resolved issue. Wavecrest by Casuarina Club complaint of water standing, worked with HOA and public works will install a swale agreed by HOA (9/7/22) Locates complete public works will install January 2023 (1/3/23) Project is under construction at this time (1/31/23) Project complete and has eliminated standing water in roadway (3/1/23) Swale installed at 4<sup>th</sup> Ave & S. Riverside (1/2/24)

- b. Riverside Pier met with town engineer about the condition of pier. Pier was built in 2001 at a cost of \$141,700. Some boards on the decking have been replaced over years to repair but majority is original. Decking is in need of replacement. Working with town engineer with options and approximate cost of these repairs. Also looking at the possibility of adding a kayak launch from pier. (10/5/21) First estimate to repair decking only \$120,000 (11/2/21) Placing money into reserves for FY 24 \$125,000 (7/14/22) Moving project to FY 25 for more funding of project (7/3/23)
- c. accident waiting on engineer expectation of cost. Money from insurance received from both crashes and town engineer working on getting quotes to award contract (2/2/22) Engineer is finalizing design to include guardrail and planters to protect area from further damage (3/29/22) Met with SG and he is making intersection crossing ADA compliant, also sent sample of planter (4/7/22) Gave SG the approval on design and he is getting quotes and bids, public works going to build planters (4/25/22) Joe has ordered planters supplies, SG is waiting on contractor to finalize prices so we can enter into contract, issues with the difficulty in getting cement also is one of the issues (5/27/22) SG working on getting bids for work and timeline (6/21/22) Sent email to SG today looking for update (7/11/22) Repairs approved by council at July meeting at work has begun (8/3/22) Concrete work expected 2<sup>nd</sup> week of September (9/7/22) Work finished on roadway and awaiting install of guardrails and replace rotted piling (10/6/22) Boardwalk back open, guardrail and planters waiting install for pipe repair (11/1/22) Temporarily installed jersey barriers to project boardwalk (1/3/23) Waiting on council approval for pipe repairs so permanent protection and planters installed (1/31/23) After Council moving pipes was decided and BSE is redesigning and getting cost estimates (3/1/23) Estimate received waiting on Mayor to see if any state funding is available (4/6/23) Awaiting meeting setup with SG, JG and planner (5/3/23) Met with SG and urban planner on 5/30/23 and waiting on follow up meeting (5/12/23) Met with urban planner mid-June and stated it would be about 90 days until he gets back with us on some information (7/3/23) Signed agreement with planner (7/19/23) Mayor and I met with urban planner is said it would take about four weeks until he completes conceptual plan and he will be speaking with individual councilmembers

## TOWN MANAGER'S REPORT

before giving presentation to council (8/1/23) Urban planner waiting on survey information so he can upload into CAD to create plans (11/2/23)

- d. Comp plan amendment Chapter 163, *Florida Statutes* (F.S.), requirement for local governments to adopt an updated Water Supply Facilities Work Plan and related comprehensive plan amendment within 18 months of governing board approval of the CSEC RWSP per SJRWMD. Sent email to Jim LaRue (4/19/22) Expect this to be finalized for submittal in June (5/27/22) Spoke to Jim LaRue this past week and he is working on update (11/1/22)
- e. Council approved ordering new firetruck, \$400,000 from already reserved money and \$181,426.09 from ARAP funds truck ordered in April expect 22 to 24 month delivery by Chief Flamm (5/27/22) Chief Flamm and Captain Burnett scheduled preconstruction meeting with Sutphen Fire Truck (9/7/22) Fire Chief advised after preconstruction meeting deliver date expected April 2024 (10/6/22) New date expected now in November 2024 (1/2/24)
- f. Hurricane Ian damages and issues, 1400 block Miami road damage, Riverside & Orlando partial collapse, 400 block Oakland pipe issues, 400 block of Genesee, 500 block Watson, Debris pickup interlocal agreement with county put into action (10/4/22) working on FEMA estimates for county (10/6/22) All Debris material picked up and back to normal services with Waste Management (11/1/22) Working with FEMA and have follow up meetings scheduled (1/3/23) Meeting with BSE needed to discuss options (1/3/23) Meeting with BSE and camera pipe damages and BSE working up numbers for repairs for outfall by need info by 2/1 scheduled for 1/26 or 1/27 (1/23/23) BSE sent updated cost to repair for areas, report from inspection coming (1/30/23) Met with FEMA rep today and gave updated cost and they are submitting numbers from damage (1/31/23) Several meetings with FEMA this past month to include site inspections, paperwork completed and returned to FEMA for the two sites and we are waiting on response from FEMA. Also received bill for our portion of the debris pickup from Brevard County \$5,436.30 (3/1/23) Update information on Orlando repairs waiting on from SG price estimates (4/6/23) Information received and all submitted to FEMA (5/3/23) Waiting on approval from FEMA (5/30/23) Mollie had meeting with FEMA (7/19/23) Mollie submitted signed paperwork to FEMA (7/24/23) Waiting on updated plans from BSE for submittal to FEMA (11/2/23) town clerk submitted updated paperwork to FEMA per their request (2/1/24)
- g. Fire Chief Flamm submitted is retirement paperwork for 7/24/2023, working advertising and posting for the Fire Chiefs job. No internal candidates are interested at this time (3/1/23) Chief Flamm notified he is pushing his retirement to the end of 2023 (4/6/23) Chief Flamm gave his retirement date as 3/18/24 (8/2/23) Ad placed for Fire Chief position on town website, Indeed and Florida Fire Chiefs' Association with a closing date of 12/15 (11/30/23) Reviewed applications and have five interviews set for 1/16/24 (1/3/24) After

## TOWN MANAGER'S REPORT

interviews Keith Maddox was selected as the new fire chief and begins 2/26/24 on February Council agenda for confirmation (2/2/24)

- h.** Spoke with Jim LaRue as the five year CPI is due in FY 24, will be working on it together in the next few months (8/31/23) Been in contact with Jim LaRue several times the past week working on getting more information (1/3/24)

INVOICE REGISTER FOR TOWN OF INDIALANTIC  
 POST DATES 01/01/2024 - 01/31/2024 POSTED PAID  
 BANK ACCOUNTS: GEN. ENT  
 Inv Ref # Vendor

Inv Ref #	Vendor	Invoice Date	Due Date	Invoice Amount	Amount Due Status	Posted
00002140	FMPTE	01/03/2024		21,813.00		Y
00002141	SALEM TRUST	01/03/2024		22,500.00		Y
00002148	BS&A	01/01/2024		9,505.00		Y
00002164	FPL	12/27/2023		5,406.68		Y
00002205	WEISS SEROTA HELFMAN P.L.	01/11/2024		5,309.52		Y
00002212	DIGIMATION	12/29/2023		14,999.00		Y
00002281	Florida Municipal Ins Trust	01/22/2024		31,508.05		Y
00002307	BSE CONSULTANTS, INC.	01/25/2024		12,611.42		Y
00002327	FPL	01/25/2024		5,375.64		Y
# of Invoices:		9	# Due: 0	129,028.31		0.00
# of Credit Memos:		0	# Due: 0	0.00		0.00
Net of Invoices and Credit Memos:				129,028.31		0.00



# Permit List

02/01/2024

Permit #	Address	Category	Applicant Nam	Date Issued	Valuation	Amount Billed
PB24-0163	222 1ST AVE	New	ERIC THE GAS MAN LLC	01/30/2024	1,625.00	\$79.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$75.00	
PB24-0162	217 EIGHTH AVE	Roofing	COVENANT ROOFING & CONSTR	01/30/2024	12,911.00	\$134.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$130.00	
PB24-0161	201 DELAND AVE	Window, Doors &	LOWE'S	01/29/2024	31,000.00	\$226.60
	Florida State Surcharge - 3%				\$6.60	
	Permit Fee				\$220.00	
PB24-0159	580 N RIVERSIDE DR	New	ALLGOOD, LARRY WAYNE; WILLIA	01/26/2024	2,000.00	\$79.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$75.00	
PB24-0158	132 OCEAN TER	Window, Doors &	Ikon Windows and Doors LLC	01/26/2024	18,086.00	\$164.80
	Florida State Surcharge - 3%				\$4.80	
	Permit Fee				\$160.00	
PB24-0157	425 7TH AVE	Window, Doors &	A BETTER VIEW	01/26/2024	9,100.00	\$119.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$115.00	
PB24-0156	105 N RIVERSIDE DR	Permanent	All Service Graphics	01/26/2024	135.00	\$64.00
	Permit Fee				\$60.00	
	Florida State Surcharge - \$4 Flat				\$4.00	
PB24-0155	335 1ST AVE	New	CARRIE'S FENCE OF PALM BAY IN	01/25/2024	1,080.00	\$79.00
	Permit Fee				\$75.00	

Florida State Surcharge - \$4 Flat	\$4.00					
PB24-0154	304 PALM CT	Replacement	DOUG HERRELL PLUMBING INC	01/23/2024	12,600.00	\$134.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$130.00					
PB24-0153	430 TWELFTH AVE	Electrical Addition	DURHAM & SONS INC.	01/22/2024	890.00	\$114.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$60.00					
PB24-0152	115 MICHIGAN AVE	New	DAVE'S FENCE INC	01/22/2024	6,700.00	\$104.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$100.00					
PB24-0151	151 DELAND AVE	Roofing	ADVANCED ROOF TECHNOLOGY I	01/23/2024	36,018.00	\$257.50
Florida State Surcharge - 3%	\$7.50					
Permit Fee	\$250.00					
PB24-0150	1110 S MAGNOLIA DR	HVAC Replaceme	COASTAL CLIMATE EXPERTS	01/19/2024	14,000.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0149	445 GENESEE AVE	MISCELLANEOU	SUPERIOR FENCE & RAIL OF BRE	01/19/2024	2,980.83	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0148	105 N RIVERSIDE DR	Permanent	Friend	01/22/2024	250.00	\$64.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$60.00					
PB24-0147	319 PALM CT	New	INTERCOASTAL POOL & SPA BUIL	01/18/2024	47,500.00	\$314.15
Florida State Surcharge - 3%	\$9.15					
Permit Fee	\$305.00					
PB24-0146	331 ORLANDO BLVD	Repair	ALPHA FOUNDATION	01/18/2024	37,994.81	\$262.65

Florida State Surcharge - 3%	\$7.65					
Permit Fee	\$255.00					
PB24-0145	904 WAVE CREST AVE	Remodel	Grounded Builds Brevard	01/17/2024	42,600.00	\$979.20
Florida State Surcharge - 3%	\$19.20					
Plan Review Fee	\$320.00					
New Plumbing	\$360.00					
Permit Fee	\$280.00					
PB24-0144	101 S MIRAMAR AVE	Demolition	BANDES CONSTRUCTION	01/25/2024	25,000.00	\$100.00
Building Demolition	\$100.00					
PB24-0143	801 S RAMONA AVE	Roofing	SAL VITALE THE ROOF DOCTOR I	01/17/2024	20,887.00	\$175.10
Florida State Surcharge - 3%	\$5.10					
Permit Fee	\$170.00					
PB24-0142	306 COCOA AVE	Electrical Remodel	GLADIATOR ELECTRIC INC	01/16/2024	5,200.00	\$99.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$95.00					
PB24-0141	314 COCOA AVE	HVAC Replaceme	FREEDOM AIR & HEAT INC	01/22/2024	12,501.12	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0140	305 N RIVERSIDE DR	Repair	ALPHA FOUNDATION	01/12/2024	11,558.21	\$129.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$125.00					
PB24-0139	1321 S MIRAMAR AVE UNIT	HVAC Replaceme	COOL GUYZ AC & HEAT INC.	01/12/2024	5,885.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0138	101 WATSON DR	Permanent	KENDAL SIGNS INC	01/11/2024	10,750.00	\$124.00
Florida State Surcharge - \$4 Flat	\$4.00					

Permit Fee	\$120.00					
PB24-0137	1004 WAVE CREST AVE	New	Grounded Builds Brevard	01/22/2024	1,750,000.00	\$9,049.95
Florida State Surcharge - 3%	\$177.45					
Plan Review Fee	\$2957.50					
Permit Fee	\$5915.00					
PB24-0136	417 1ST AVE	Replacement	AAA QUALITY FENCE LLC	01/17/2024	6,380.00	\$104.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$100.00					
PB24-0135	350 WATSON DR	Addition	SLATE BUILDING AND CONTRACT	01/11/2024	350,000.00	\$2,394.45
Plan Review Fee	\$782.50					
Florida State Surcharge - 3%	\$46.95					
Permit Fee	\$1565.00					
PB24-0134	214 7TH AVE	New	HELMS ALUMINUM INC.	01/11/2024	22,717.00	\$185.40
Florida State Surcharge - 3%	\$5.40					
Permit Fee	\$180.00					
PB24-0133	321 9TH TER	Roofing	MIKE WILLIS ROOFING & CONSTR	01/09/2024	24,650.00	\$195.70
Permit Fee	\$190.00					
Florida State Surcharge - 3%	\$5.70					
PB24-0132	700 S RIVERSIDE DR	NON-RES. ADDITI	AMERICAN FENCE	01/09/2024	2,100.00	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0131	337 MICHIGAN AVE	Electrical New	SCOPE SERVICES, INC	01/09/2024	1,100.00	\$79.00
Permit Fee	\$75.00					
Florida State Surcharge - \$4 Flat	\$4.00					
PB24-0130	903 S RIVERSIDE DR	HVAC Replaceme	EXTREME AIR & ELECTRIC INC	01/22/2024	14,705.00	\$79.00
Permit Fee	\$75.00					

Florida State Surcharge - \$4 Flat	\$4.00					
PB24-0129	116 MELBOURNE AVE	Roofing	3MG ROOFING	01/08/2024	36,285.00	\$257.50
Permit Fee	\$250.00					
Florida State Surcharge - 3%	\$7.50					
PB24-0128	311 DELAND AVE	Window, Doors &	NEWSOUTH WINDOW	01/22/2024	32,091.00	\$236.90
Florida State Surcharge - 3%	\$6.90					
Permit Fee	\$230.00					
PB24-0127	125 MICHIGAN AVE	Electrical Repair	EXTREME AIR & ELECTRIC INC	01/05/2024	2,100.00	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0126	222 1ST AVE	Remodel	S&W KITCHENS	01/04/2024	30,417.00	\$226.60
Florida State Surcharge - 3%	\$6.60					
Permit Fee	\$220.00					
PB24-0125	122 1ST AVE	Demolition	LIPSKY, MICHAEL F.	01/03/2024	1,000.00	\$206.00
Florida State Surcharge - \$4 Flat	\$4.00					
Work Started Without Permit	\$120.00					
Permit Fee	\$60.00					
PB24-0124	122 1ST AVE	Replacement	LIPSKY, MICHAEL F.	01/03/2024	2,000.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0123	700 WAVE CREST AVE CO	Electrical Remodel	ADVANCED ELECTRICAL INNOVA	01/03/2024	7,500.00	\$0.00
Florida State Surcharge - \$4 Flat	\$0.00					
Permit Fee	\$0.00					
PB24-0122	1209 S RIVERSIDE DR	Window, Doors &	MAYERHOEFFER, ALAIN; MAYERH	01/02/2024	4,300.00	\$94.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$90.00					

PB24-0121	424 1ST AVE	Replacement	API Action Plumbing LLC	01/02/2024	2,339.00	\$84.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$80.00	
PB24-0120	800 S Riverside Dr	Electrical New	CORNELIUS ELECTRICAL CONTR	01/02/2024	5,852.27	\$99.00
	Permit Fee				\$95.00	
	Florida State Surcharge - \$4 Flat				\$4.00	
PB24-0119		Window, Doors &	SUNSET VIEW CONSTRUCTION	01/11/2024	12,818.79	\$134.00
	Permit Fee				\$130.00	
	Florida State Surcharge - \$4 Flat				\$4.00	
PB24-0114	204 S RIVERSIDE DR	Electrical Remodel	GRAND ELECTRIC INC DBA BOB"S	01/04/2024	14,317.00	\$144.20
	Florida State Surcharge - 3%				\$4.20	
	Permit Fee				\$140.00	
PB24-0113	429 MIAMI AVE	Electrical Repair	DURHAM & SONS INC.	01/11/2024	2,100.00	\$84.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$80.00	
PB24-0110	1508 S MIRAMAR AVE	Roofing	JOHNSON, ELWIN AGUSTUS	01/03/2024	9,907.62	\$119.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$115.00	
PB24-0109	303 DELAND AVE	Electrical Remodel	MACKS ELECTRIC SERVICE INC	01/10/2024	4,000.00	\$89.00
	Florida State Surcharge - \$4 Flat				\$4.00	
	Permit Fee				\$85.00	
PB24-0104	431 9TH AVE	Roofing	HIPPO ROOFING LLC	01/04/2024	24,865.00	\$195.70
	Florida State Surcharge - 3%				\$5.70	
	Permit Fee				\$190.00	
PB24-0090	213 TWELFTH TER	Roofing	All Aluminum Contractors, inc.	01/15/2024	5,421.00	\$99.00
	Florida State Surcharge - \$4 Flat				\$4.00	

Permit Fee	\$95.00					
PB24-0089	415 WAYNE AVE	Roofing	JACOBS, DAVID; JACOBS, SUNNY	01/18/2024	1,500.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0084	225 WAYNE AVE	Window, Doors &	FLORIDA WINDOW & DOOR	01/18/2024	10,996.00	\$124.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$120.00					
PB24-0082	50 11TH AVE UNIT CMN	Electrical Repair	ADVANCED ELECTRICAL INNOVA	01/02/2024	7,500.00	\$109.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$105.00					

Number of Permits	53	Total Billed:	\$18,838.40
Populatio	All Records	Total Construction Valu	\$2,758,213.65

# Updated Code Enforcement Report 01/09/2024

Location:	Description:	Date:	Notice Frame	Code:	Extra Info:	Status:	Notes
	Notified Date	CB Date					
<b>Zone 1</b>	<b>North of Fifth Avenue/Westside</b>						
501 N Palm Ave	Sailboat in side yard; Uhaul trailers in DW	11/22/23		Sec 113.236(b)(3)	Boat storage/ trailers in driveway	notified	On 11/22/23 CS/ss observed a sailboat being stored in the side yard along the street. It needs to be moved to the rear yard. Also, multiple (10+) Uhaul trailers were ringed around the driveway of the house. 7 day Courtesy letter 11/27/23 CS informs me the UHauls are gone. ss 12/6/23 SS observed the Sailboat still in the side yard. Second notice sent. Owner given till 01/07/24 to finish fence repairs.ss.
337 Michigan Ave	Boat in driveway	12/15/23		Sec 113.236(b)(3)	Boat storage/ trailers in driveway	notified	On 12/15/23 it was observed there was a boat in the driveway that had been seen prior to this date as well. A Courtesy Letter was written requiring compliance by 12/24/23. on 1/2/24, CS/ss observed still non-compliant. A 2nd notice will be sent. Ss
<b>Zone 2</b>	<b>North of Fifth Avenue/Eastside</b>						
405 N Ramona Ave	Boat in driveway	11/22/23	1/4/2024	Sec 113.236(b)(3)	Boat in driveway	Complied	12/6/23 SS observed boat in driveway. 7 day Courtesy letter to be sent. Comply date of 12/25 being 'paused' so that the owner can talk to Cliff when he returns on 12/27. Owner contacted department requesting the meeting. 12/21 ss. CS spoke with the HO and will extend the date out 2 weeks from 01/02/24 - to 01/16/24. xx
109 1st Ave	RV in driveway	01/02/24		Sec 113.236(b)(3)	RV in driveway	notified	On 1/2/24, CS observed RV in front of front structure line. A courtesy letter will be sent. ss
117 1st Ave	RV in driveway	01/02/24		Sec 113.236(b)(3)	RV in driveway	notified	On 1/2/24, CS observed RV in front of front structure line. A courtesy letter will be sent. ss
337 2nd Ave	RV on right of way; trailer/camper in front of front line structure	01/02/24		Sec 113.236(b)(3)	RV on right of way; trailer/camper in front of front line structure	notified	On 1/2/24 CS observed 2 violations - RV on right of way; trailer/camper in front of front line structure. A courtesy letter will be sent . Ss
120/122 1st Ave	unpermitted work being conducted	01/02/24	1/3/2024		duplex demolition without a permit	Complied; permit pulled	12/31/23 a complaint was received by email about unpermitted work being done. CS/ss observed what appeared to be a duplex being gutted. CS approached the person on-site and came to an agreement that work would cease. A demolition permit would be obtained after the fact, and than a permit for the rebuild would be pulled after.



## Updated Code Enforcement Report 01/09/2024

134 Fifth Ave	No BTR	12/20/23		Sec 30.19	No info on file regarding the business located there. No BTR on file	notified	Letter sent regarding the violation on 12/20/23. Given 7 days to comply. Ss
501 N Miramar Ave	Noise Ordinance	12/31/23		Sec 22-33 (a)	IPD investigated noise ordinance violation after 10 PM	notified	Resident complaint to IPD, music too loud after 10 PM. Sent C/R letter to management of Bleu Beach Resort and also notified the registered owner. 1/8/24 ss
130 1st Ave	Boat in driveway	11/22/23	1/5/2024	Sec 113.236(b)(3)	Boat in driveway	Complied	On 11/22/23 CS/ss observed a boat being stored in the driveway. 7 day Courtesy letter to be sent. CS extended to 12/20 because fence work is being done. Ss 12/1/23 CS observed same violations on 01/02/2024 and since 2nd warning was sent, I will send a Final with an invite to a CEB meeting if it is not addressed by the time of the meeting. ss 01/05/24 CS confirmed the 2 boats were in the back yard of a neighbor now. ss
<b>Zone 3</b>	<b>South of Fifth Avenue/Westside</b>						
707 S Palm Ave	Boat in driveway	11/22/23		Sec 113.236 (b)(3)	Boat in Driveway	notified	On 11/22/23 CS/ss observed a boat being stored in the driveway. 7 day Courtesy letter to be sent. On 12/6/23, SS observed boat in driveway. I will send a Second Notice. Ss CS observed the property to still be non-compliant after a 2nd notice. He spoke to the resident and is giving her til March 3rd to find housing for the boat. After that date a final will be prepared with an invite to the CEB meeting if still not compliant. ss
<b>Zone 4</b>	<b>South of Fifth Avenue/Eastside</b>						
115 Melbourne Ave	Prohibited Use	11/27/23		Sec 113-332	Vacation Rental	notified	11/27/23 observed property advertising in Airbnb and VRBO for less than 90 day rental. Sent information to IPD to investigate. IPD found it to be in violation. Sent C/R letter, did not receive card back where it was delivered. On 12/27/23 saw it advertising again on both sites. C/R letter (2nd Final) sent again. On 1/2/24, the property was still being advertised as a STR. CS posted the property on 1/3/24 for immediate C & D, with CEB meeting if not achieved. (there were renters from GA at the property). On 1/5/24 I did not observe any advertising. I will continue to monitor to ensure continued compliance. ss
<b>Zone 6</b>	<b>Miramar &amp; Wave Crest</b>						
101 S Miramar	chain link fence over sidewalk	1/5/2024		Safety Hazard	trip hazard caused injury	complied	A resident informed us by email that he and his wife were walking on the sidewalk on the west side of Wave Crest next to Surf-Style. His wife tripped on exposed chain link fence wire that was sticking out over the sidewalk. She tripped, fell, and got scraped up a bit. HO asks for that to be fixed right away. SS called Trish at Surf-Style to report it. We asked that it be fixed today and that a picture is sent to me to verify it is not a trip hazard. Trish agreed to do that.

## Updated Code Enforcement Report 01/09/2024

North of 5th Ave	Yard debris piles not containerized	1/8/2024		Sec. 26-20	yard debris not containerized for pickup	Door handle flyers were put on the door with the message from Waste Management on proper disposal of yard debris.	on 1/8/24, SS toured the north side of 5th Ave and delivered door handle flyers to every address with uncontainerized yard debris. Letters were sent to the businesses with issues. The house addresses are below:
							144 5th Ave - letter being sent
							145 Fourth Ave - letter being sent
							420 Fourth Ave - letter being sent
							400 Oakland Dr
							211 Wayne Ave
							605 N Ramona Ave
							401 Wayne Ave
							425 Michigan Ave
							400 Michigan Ave
							605 Ramona Ave
							310 Michigan Ave
							130 1st Ave
							133 1st Ave
							225 1st Ave
							335 1st Ave
							420 2nd Ave
							415 2nd Ave
							143 2nd Ave
							118 2nd Ave
							121 A 3rd Ave
							136 3rd Ave
							300 Palm Ave
							216 3rd Ave
							230 3rd Ave
241 3rd Ave							
317 3rd Ave							
335 3rd Ave							
400 4th Ave							
South of 5th Ave	Yard debris piles not containerized	1/8/2024		Sec. 26-20	yard debris not containerized for pickup	Door handle flyers were put on the door with the message from Waste Management on proper disposal of yard debris.	on 1/9/24, SS toured the south side of 5th Ave and delivered door handle flyers to every address with uncontainerized yard debris. Letters were sent to the businesses with issues. The house addresses are below:
							425 6th Ave
							405 6th Ave
							311 6th Ave (business- letter)
							206 6th Ave corner parking lot (letter)
							210 7th Ave

## Updated Code Enforcement Report 01/09/2024

230 7th Ave
241 7th Ave (read door knob flier and scheduled a pickup)
310 7th Ave
232 8th Ave
100 9th Ave
120 10th Ave
125 11th Ave
137 11th Ave
112 12th Ave
116 13th Ave
140 14th Ave
122 14th Ave
1000 14th Ave (letter to owner of apts)
815 S Shannon Ave
105 Melbourne Ave
215 Melbourne Ave
408 Melbourne Ave
427 Melbourne Ave
903 S Riverside Dr
1001 S Riverside
1110 Magnolia Dr
1200 Magnolia Dr
225 Miami Ave
200 Miami Ave
157 Miami Ave
125 Deland Ave
200 Deland Ave
211 Deland Ave
235 Deland Ave
151 Cocoa Ave
1202 S Ramona Ave
343 Orlando Ave
107 Cocoa Ave
115 Cocoa Ave
125 Cocoa Ave
157 Cocoa Ave
161 Tampa Ave
144 Ocean
117 Ocean
101 Ocean (letter to owner)

# Indialantic Fire Rescue

## Monthly Report for January 2024

<b>FIRES</b>		
Structure Fires		
Brush Fires		
Vehicle Fires		
Trash Fires		
Other Fire Calls		1
<b>RESCUE &amp; EMERGENCY MEDICAL</b>		
Medical		18
Well Being Check		
Water Rescue		
Motor Vehicle/Pedestrian Accident		
Good Intent		2
Rescue Call, Other		
<b>HAZARDOUS CONDITIONS (No Fire)</b>		
Electrical Wiring/Equipment Problem/Gas Leak		4
<b>GOOD INTENT CALL</b> (citizen calls 911 for suspected incident)		
Dispatched and Cancelled Enroute		
Dispatched and Cancelled on Scene		
<b>FALSE ALARM &amp; FALSE CALLS</b>		
False Alarm or False Call		
Smoke Detector activation due to smoke or dust		4
<b>SPECIAL INCIDENT TYPE</b>		
Public Service Calls		6
Assist Other Government Agency		
Special Type of Incident		
<b>TOTAL E911 RESPONSE CALLS</b>		35
<b>RUNNING TOTAL OF PREVIOUS MONTHS</b>		
<b>TOTAL CALLS YEAR TO DATE</b> (Calendar Year to Date)		35
<b>Fire Inspections/Business Tax Receipt (BTR) Inspections</b>		20
<b>Hydrant Inspections</b>		0
<b>Public Education Demonstrations/Talks</b>		1
<b>MUTUAL AIDE</b>	GIVEN	7
	RECEIVED	2
<b>AVERAGE RESPONSE TIME</b> Time from dispatching to arrival		2:50

<b>VOLUNTEER HOURS</b>	\$ 242.25
SAVINGS REALIZED BY THE TOWN	\$ 4,845.00

<b>Department Activity:</b>
The volunteers held their monthl business meeting on 1/9/24 and trained on 1/16, 1/23, and 1/30. Truck 57 was sent to Kelly Ford for oil, filters and lube. The fire pumps on Truck 57 and Engine 57 were both tested with two minor issues with Trk 57 which have been repaired and several issues with Engine 57, none of which prevent either pumps from failing the test. Personnel completed 27 hrs of continuing education and 37 hrs of practical training. On duty crew replaced the pump intake strainers on Truck 57 and one pressure gauge on Truck 57. Truck and Engine 57 provided public education at Indialantic Elementary on 1/30/24 at the schools fund raiser open house.

All times are documented in the computer aided dispatch (CAD) system. These times are entered manually so actual times may differ from actual times.

# Indialantic Police Department

## Monthly Activity Report

December 2023

### OPERATIONS:

\* The Department Responded to 883 Incidents.

\* Subpoenas were 5 issued.

* Activity	7	Arrests
	4	Felony
	0	Misdemeanor
	3	Traffic
		0 DUI & 0 Drug
	64	Traffic Citations
	220	Traffic Stops
	155	Verbal Warnings
	0	Capias Filed

### TRAINING:

Indialantic Police Department  
Monthly Crime Index  
December 2023

<b>Part I</b>	<b>Reported</b>	<b>Cleared</b>	<b>Prior</b>	<b>Total</b>	<b>%</b>
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	1	0			0%
Larceny	2	1			50%
Veh Theft	1	0			0%
Assault/Battery	1	0			0%
Arson	0				0%
<b>Total Part I</b>	<b>5</b>				
<b>Part II</b>					
Kidnapping	0				
Fraud/Forgery	1				
Criminal Mischief	1				
Weapons	0				
Sex Offenses	0				
Narcotics	0				
DUI	0				
Liquor Laws	0				
Disorderly	0				
Ordinance/Litter	2				
Trespass	0				
<b>Total Part II</b>	<b>4</b>				
<b>Part III &amp; IV</b>					
Patrol Area	594				
911 Investigations	39				
Citizen Contact	5				
Juvenile	1				
Warrant	0				
Misc Traffic	56				
Traffic Accidents	10				
Sick/Injured	1				
Death	2				
Mentally Ill	0				
Suicide/Attempt/Threat	1				
Animal	5				
Information	8				
Alarm/Open Door	7				
Fire	0				
Lost/Found	10				
Disturbances	5				
Susp Incidents	58				
Assists	45				
Details	26				
Missing Persons	1				
<b>Total III &amp; IV</b>	<b>874</b>				
<b>Grand Total</b>	<b>883</b>				

Indialantic Police Department  
YTD Information Report  
December 2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Traffic Warnings	2	0	0	0	0	0	0	0	0	0	0	0	2
Equip Warnings	1	0	0	0	0	0	0	0	0	0	0	0	1
Verbal Warnings	195	99	178	228	138	99	72	81	115	144	147	155	1651
Field Interrogation	0	0	0	0	0	0	0	0	0	0	0	0	0
Parking Violations	2	9	17	8	2	6	14	8	1	4	0	0	71
Parking Fines	\$ 70	\$ 530	\$ 595	\$ 280	\$ 70	\$ 210	\$ 490	\$ 280	\$ 35	\$ 140	\$ -	\$ -	\$ 2,700
Traffic Citations	98	80	72	201	132	73	61	60	31	22	82	64	976
Arrests	0	0	0	21	27	11	19	12	14	3	10	7	124
DUI Charges	0	0	0	0	0	1	0	0	0	0	0	0	1
Drug Charges	0	0	0	1	2	0	0	3	0	0	0	0	6
Wavecrest Activity	50	58	80	62	48	52	45	41	34	45	43	27	585

# Monthly Report

## Departments

Public Works and Enterprise I&II

## MONTH OF

January 2024

### TASK COMPLETED

January 02, 2024, Public Works removed all tree lighting decorations throughout Nance Park and playground, tree lighting was a huge success. Started on Public Works up stairs storage removing ripped carpet then securing masonite board to flooring to install new flooring. Leroy and Joe finished flooring upstairs in Public Works building on 01/14/2024. Public Works ran data line to new message board, Durham and Sons ran electrical for front of Town Hall message board, due to it needing two dedicated circuit breakers. Dave installed new exhaust fan and light in Fire Departments upstairs restroom. On Wednesday January 17, 2024 had John and Leroy move the Jamacian Caper Tree from Lily Park to Tradewinds Park, since Lily Park Garden Club would be holding an Arbor Day Tree Planting on January 19, 2024 and would be planting a False Tamarind Tree in Lily Park. Public Works started on demo of Police Departments Dispatch Room on Monday January 22, 2024, to get ready for tile being installed on Thursday January 25, 2024. Paradise Flooring came in on Thursday January 25, 2024 to start tiling floor, only to find out wrong tile was delivered, Monday January 29, 2024 Paradise Flooring came in and started to tile to the correct flooring, after that Public Works continued to install ceiling tile and shelving.

### TASK IN PROGRESS

Received three quotes for demoing crossovers at Sunrise and Sea Park and access # 8 stairs, due to pillings being split from top to bottom, that way Public Works can rebuild crossovers. Still waiting on three quotes to remove and replace 400 - 500 linear feet of depressed Miami curbing along S. Riverside Drive, that way in April the Town of Indialantic can have S. Riverside Drive paved from 5th Avenue to Melbourne Beach City limits. Still waiting on plans from BSE for the three stormboxes removal and top replacement along S. Riverside Drive starting at address: 1302 and ending between Addresses: 1304 and 1314.

### SELF ASSESSMENT & COMMENTS

I appreciate all support from residents, thank you for making our Town thrive and be the best it can be. If you see a problem please call Town Hall during business hours (8 am-5pm) Monday thru Friday, or you can email me any questions, comments, concerns or suggestions. [jgervais@indialantic.com](mailto:jgervais@indialantic.com). Also please be aware that if you have a Landscape Company remove any yard debris they must take it with them. **Yard waste collection guidelines:** Prepare yard waste so that all branches, limbs, palm fronds and other materials are reduced to sizes not exceeding four (4) feet in length, two (2) feet in diameter, and fifty (50) pounds in weight. Yard waste (yard waste cuttings, grass cuttings, leaves, small clippings and trimmings) generated from a single family residence may be placed in a customer owned receptacle with a maximum 40-gallon capacity. Notify collector and arrange for a special pick-up if yard waste removal does not meet the size and weight limits listed above (Schedule Special Residential Yard Waste Pick-Up). Separate yard waste from other solid waste and place at your designated collection point. Containerize grass cuttings, leaves, small clippings and trimmings. Please note: the use of any type of bags (paper or plastic) for yard waste is prohibited. Set yard waste at the curb in time for residential collection which begins at 6:00 a.m. and runs until 8:00 p.m. Waste Management will pick up all properly prepared yard waste placed at the curb or at the designated collection point from each single-family and multi-family residence, not less than one (1) time per week. For more information call: South Brevard: 723-4455.