

Agenda
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, February 9, 2022 at 7:00 p.m.

A. Call to Order:

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

1. Presentation: Atlantic Right Whale Migration (Joel Cohen)
2. Public Announcements:
 - There are openings on the following boards and committees: Board of Adjustment, Civil Service, Parks Recreation & Beautification, the General Employees' Pension Board; and Zoning and Planning
 - Town Hall will be closed Monday, Feb. 21 in observance of Presidents' Day
 - T-shirts for the Mayors' Fitness Challenge are available at Town Hall, you can still register for the challenge at www.uwbrevard.org. Fill out our local team form at: <https://indialantic.fitness/> to get updates on events.

B. Consent Agenda:

1. Approve Council Meeting Minutes 12-29-2021
2. Approve Council Meeting Minutes 1-12-2022
3. Adopt Resolution 01-2022 Fiscal Year 21-22 Budget Adjustment #1
4. Approve 2022 Ocean Lifeguard Agreement
5. Authorize/designate Special Event: PineappleMan Triathlon, June 5, 2022, 6 a.m. – 10:30 a.m.
6. Authorize/designate Special Event: Turkey Trot 5K, Nov. 24, 2022, 7:30 a.m. – 9:30 a.m.
7. Approve the following Appointments/Reappointments:
 - a) Parks, Recreation, & Beautification Committee – Reappoint Stacie Miller

C. Ordinances and Public Hearings:

1. Ordinance 2022-04 Second/Final Reading, *Adopting Rules of Procedure for Town Council Meetings:*
AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS; MAKING FINDINGS; AMENDING

SECTION 2-34, TOWN OF INDIALANTIC CODE OF ORDINANCES; SETTING FORTH RULES OF PROCEDURE, DEBATE, AND PUBLIC COMMENT; PROVIDING FOR AGENDA PREPARATION; AMENDING SECTION 2-35 RELATING TO INTERRUPTION OF DELIBERATIONS AND MAINTENANCE OF ORDER AND DECORUM; REPEALING PREVIOUS RULES OF PROCEDURE; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Unfinished Business: None.

E. New Business:

1. (Discussion) Accessory Buildings (Berkman)
2. (Discussion) Charter Amendment (Glass)

F. 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.

G. Administrative Reports:

1. Town Attorney
2. Town Manager

H. Council 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, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Town for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Americans with Disabilities Act: Persons planning to attend the meeting who need special assistance must notify the office of the town clerk at 321-723-2242 no later than 48 hours prior to the meeting.

**Meeting Minutes
Town of Indialantic
Special Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, December 29, 2021 at 5:00 p.m.**

A. Call to Order:

A special meeting of the Indialantic Town Council was called to order by Mayor Berkman at 4:59 p.m. with the following members present:

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

Also attending:

Michael Casey, Town Manager
Mollie Carr, Administrative Assistant
Paul Gougelman, Town Attorney
Cliff Stokes, Building Official

B. New Business:

1. Plat of Marvista

Motion by Deputy Mayor Glass, seconded by Councilmember Kemp, and vote unanimous to approve the Plat of Marvista. Motion carried 4-0.

2. Stormwater Agreement – Marvista Townhomes

Motion by Councilmember Kemp, seconded by Councilmember McKnight, and vote unanimous to approve the Marvista Townhome Stormwater Agreement. Motion carried 4-0.

C. Adjournment:

There being no further discussion, the meeting was adjourned at 5:01 p.m.

Attested by:

Dave Berkman, Mayor

Rebekah Raddon, CMC, Town Clerk

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, January 12, 2022 at 7:00 p.m.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order by Mayor Berkman at 7:00 p.m., followed by the Pledge of Allegiance. The following members were present:

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

Also attending:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk
Michael Connor, Chief of Police

1. Presentations and proclamations: None
2. Mayor Berkman read the following Public Announcements:
 - There are openings on the following boards and committees: Board of Adjustment, Civil Service, Parks Recreation & Beautification, the General Employees' Pension Board; and Zoning and Planning
 - Town Hall will be closed Jan. 17 in observance of Dr. Martin Luther King, Jr. Day (*pending approval of Ord. 2022-01*)
 - Annual beach parking permits for 2022 are available now; to purchase, bring \$40 and your vehicle registration to Town Hall.

Mayor Berkman asked for Public Comments on non-agenda items:

Brett Miller, 220 Cocoa Ave., thanked Police Chief Connor for helping with the golf cart parade; it went smoothly and many enjoyed the event.

B. Consent Agenda:

1. Approve Council Meeting Minutes 12-8-2021
2. Approve and authorize acceptance of \$35,300 in grant funds from Firehouse Subs Public Safety Foundation for new fire rescue equipment

3. Approve the following Appointments/Reappointments:
 - a) Budget and Finance Committee – Reappoint Lorraine Schulte
 - b) Heritage Committee – Reappoint Denise Bozeman
 - c) Zoning and Planning Board – Reappoint Alan King; reappoint Rick Bertel

Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve the Consent Agenda as written. Motion carried 5-0.

C. Ordinances and Public Hearings:

1. Ordinance 2021-09, Second/Final Reading *Adding a private property rights amendment to the comprehensive plan and authorizing transmittal to state agencies:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; MAKING FINDINGS; AMENDING SECTION 101-23, TOWN CODE OF ORDINANCE OF THE TOWN OF INDIALANTIC, ADDING A PROPERTY RIGHTS ELEMENT AND ACCOMPANYING GOAL, OBJECTIVE AND POLICIES TO THE EXISTING ELEMENTS OF THE COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTION 163.3178; SETTING FORTH THE PROVISIONS OF THE COMPREHENSIVE PLAN AMENDMENT; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no public comments.

Motion by Councilmember Kemp, seconded by Councilmember McKnight to adopt Ordinance 2021-09 on second reading. Mr. Gougelman commented that there was one minor change on page 6 of the ordinance, changing the word 'or' to 'and' which was requested by the state.

Councilmember Kemp modified his motion to adopt ordinance 2021-09 with the amended language on page 6 as noted by the town attorney. Councilmember McKnight concurred with the modified motion. The motion carried 5-0.

2. Ordinance 2022-01 Second/Final Reading, *Adopting the 13th Amendment to the Personnel/Civil Service Manual:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO EMPLOYEES; AMENDING SECTION 2-201, TOWN CODE; ADOPTING THE 13TH AMENDMENT TO THE PERSONNEL/CIVIL SERVICE MANUAL, DATED JANUARY, 2022; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

There were no public comments.

Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to adopt Ordinance 2022-01 on second reading. Motion carried 5-0.

3. Ordinance 2022-02 Second/Final Reading, *Implementing a Dog-Friendly Beach for a Period of Six Months:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PROVIDING A SECTION OF THE BEACH ON WHICH DOGS ARE PERMITTED; MAKING FINDINGS; ADDING SECTION 8-5(d), TOWN OF INDIALANTIC CODE OF ORDINANCES; PROVIDING A SECTION OF THE BEACH NEAR THE WATSON DRIVE CROSSOVER THAT PERMITS DOGS ON THE BEACH; PROVIDING CONDITIONS THEREOF; PROVIDING FOR A LIMITED DURATION; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Councilmember McKnight, seconded by Councilmember Wright to adopt Ordinance 2022-02 on second reading.

There was brief discussion by the council; Councilmember Kemp reiterated his concerns regarding the small size of the beach and potential crowding issues that could occur as a result of the ordinance. Deputy Mayor Glass noted he is still concerned about public safety, liability, and environmental issues. Councilmember McKnight agreed that crowding could be a concern but she is willing to move forward with the six-month trial period. Councilmember Wright commented briefly regarding enforcement.

Public Comments:

Cynthia Bernstein, 601 N. Miramar Ave., spoke in support of the ordinance. She feels it will not attract nonresidents to the beach and crowding won't be an issue. She anticipates the beach will be cleaner than ever, similar to Sunrise Park.

Jay Michael, 505 N. Miramar Ave., spoke in opposition to the ordinance. He feels it is a bad idea and it does not add value to the area. He is concerned about enforcement and feels police time is better spent elsewhere. He has witnessed dogs on beaches digging up sea turtle nests and expects Canova Beach visitors will come here. Once something is allowed, it is hard to undo. Councilmember McKnight noted that the ordinance can be rescinded sooner than six months if there are issues.

Tim Usher, 505 N Miramar Ave., spoke in opposition to the ordinance. He feels we shouldn't fix what is not broken. He inquired about rumors regarding Bleu Beach Resorts privatizing its beach; Town Attorney Gougelman commented that the public has rights to the beach.

Tracey Cushing, 560 Watson drive, spoke in support of the ordinance, noting that dog owners regulate themselves and keep the areas they use clean. Her experience with dog parks has been positive with owners keeping dogs on leashes. She pledged to help keep the beach clean.

Maggie Leone, 735 N Highway A1A, spoke in support of the ordinance; she feels if the dogs behavior is good and the sea turtle nests aren't disturbed, they should be allowed on the beach.

Motion carried 3-2; nay votes by Deputy Mayor Glass and Councilmember Kemp.

4. Ordinance 2022-03 Second/Final Reading, *Adopting Procedures for Street Renaming:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO FACILITY OR STREET NAMING OR RENAMING; AMENDING SECTION 28-1, AND ADDING SECTION 28-1.1, TOWN

OF INDIALANTIC CODE OF ORDINANCES; PERMITTING STREET RENAMING; PROVIDING A PROCEDURE FOR STREET, PARK, OR PUBLIC FACILITY NAMING OR RENAMING; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Deputy Mayor Glass, seconded by Councilmember McKnight to adopt Ordinance 2022-03 on second reading.

Councilmember Kemp explained why he was opposed to the ordinance; he noted that the streets north of Fifth Avenue are named after places in the northern U.S. and streets south of Fifth Avenue are named after places in the southern U.S. He prefers to forego the ordinance altogether and not consider renaming streets. Deputy Mayor Glass spoke in support of the ordinance simply because it provides standards for how to handle requests if they come in. It was noted that the ordinance was drafted in response to a request for a street renaming which has since been rescinded.

There were no public comments.

Motion carried 4-1; nay vote by Councilmember Kemp.

5. Ordinance 2022-04 First Reading, *Adopting Rules of Procedure for Town Council Meetings:*

Town Attorney Gougelman read the ordinance title:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS; MAKING FINDINGS; AMENDING SECTION 2-34, TOWN OF INDIALANTIC CODE OF ORDINANCES; SETTING FORTH RULES OF PROCEDURE, DEBATE, AND PUBLIC COMMENT; PROVIDING FOR AGENDA PREPARATION; AMENDING SECTION 2-35 RELATING TO INTERRUPTION OF DELIBERATIONS AND MAINTENANCE OF ORDER AND DECORUM; REPEALING PREVIOUS RULES OF PROCEDURE; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion ensued; several typos were pointed out that need to be corrected. It was noted that *public comments, non-agenda items* can be moved on the agenda at the discretion of the mayor or town manager.

Motion by Mayor Berkman, seconded by Deputy Mayor Glass to approve ordinance 2022-04 on first reading, with revisions as noted, and omitting the language regarding seating order.

It was noted that the intent of the ordinance was to help maintain order during meetings. It was the consensus of the council to make the ordinance applicable to all town boards.

Public Comments:

Brett Miller, 220 Cocoa Avenue, suggested that the ordinance be applicable to town boards and committees and noted that the presiding officer should be indicated for each board/committee.

Motion carried 5-0.

D. Unfinished Business: None.

E. New Business: None.

F. Public Comments, Non-Agenda items: *Heard out-of-order after Public Announcements.*

G. Administrative Reports:

Town Manager:

Mr. Casey spoke regarding promotions in the police department and a new hire to replace Sgt. Baker who recently retired. The dog beach ordinance doesn't become effective until Feb. 1. The town received funds to repair the boardwalk which was damaged by two vehicle accidents in November and December.

Town Attorney:

Mr. Gougelman spoke regarding legislation sponsored by Representative Randy Fine that would require municipalities, school boards, and special districts in Brevard County to hold partisan elections. The local bill would only be applicable to Brevard County, and only has one committee stop before being voted on. He feels it is inconsistent with state law.

H. Council Reports:

Councilmember Wright thanked Councilmember Kemp for his help with the post-holiday bonfire; Mayor Berkman clarified it is not a town event.

Councilmember McKnight spoke regarding the playground fundraiser which will be held on Sunday, Jan. 16 at Djon's Village Market from 5pm-8pm; tickets are available for purchase. Mayor Berkman added that Sheriff Wayne Ivey will be helping with the auction and donating a SWAT team experience.

Councilmember Kemp commented there were no TPO meetings this month.

Deputy Mayor Glass spoke regarding bills being considered in Tallahassee currently that, if adopted, would be detrimental to municipalities. He will have Ms. Raddon add links with information on the Town website. He urged residents to contact their representatives.

Mayor Berkman spoke regarding 7-11; he anticipates they will be changing their plan based on community feedback.

Town Attorney Gougelman stated that no application has been submitted to the town, and if the applicant pursues a rezoning, it will go before the Zoning and Planning Board and then two Town Council meetings. The town could enter into a binding development agreement with provisions in the interest of the town. In response to councilmembers' questions, he further explained that if council

members discuss the proposed project with anyone, they will need to disclose that at the public hearings. The council acts in the capacity of a judge at a trial; as such, opinions and conclusions shouldn't be reached before the evidence is presented at the hearing.

I. Adjournment:

There being no further discussion, the meeting was adjourned at 7:51 p.m.

Dave Berkman, Mayor

Attested by:

Rebekah Raddon, CMC, Town Clerk

SUBJECT: Resolution No. 01-2022 - Budget Adjustment #1 – FY-22

Staff Report – Town of Indialantic

Meeting Date: February 9, 2022

Summary:

Council is being requested to approve Resolution No. 01-2022 adopting Budget Adjustment #1 for FY-22.

Adjustments have been made to account for actual revenue and expenses for the ARPA Funding and 2 additional grants.

Recommendation:

Approve Resolution No. 01-2022 adopting Budget Adjustment #1 for FY-22

MOTION:

Approve Resolution No. 01-2022 adopting Budget Adjustment #1 for FY-22

Submitted by:



Rebekah Raddon, CMC
Town Clerk

Approved for agenda:



Michael Casey
Town Manager

RESOLUTION 01-2022

A RESOLUTION AMENDING THE BUDGET FOR THE TOWN OF INDIALANTIC FOR FISCAL YEAR 2021-2022

WHEREAS, it is necessary to adjust certain line items of the FY 2021-2022 budget;

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

Section 1. That the adopted budget for the General Fund in the amount of \$4,681,804 be amended to increase the General Fund portion by \$767,586 for a total General Fund budget of \$5,449,390.

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

THIS RESOLUTION WILL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

PASSED AND ADOPTED on the 9th day of February, 2022.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

FY 21/22 BUDGET ADJUSTMENT #1		
GENERAL FUND REVENUE ADJUSTMENTS		
		Increase/
Acct. No.	Name	(Decrease)
332-0000	ARPA Funding	728,241
338-1250	Firehouse Subs Public Safety Grant	35,300
338-1410	Florida Firefighters Assistance Grant	1,995
366-1000	Miscellaneous	2,050
		767,586
GENERAL FUND EXPENSE ADJUSTMENTS		
		Increase/
Acct. No.	Name	(Decrease)
519-4500	Insurance	3,000
522-5260	Other Equipment	1,995
522-6400	Capital	35,300
541-5241	Solid Waste	3,000
541-6310	Street Drainage	728,241
541-7510	Douglas Park	2,050
572-4400	Holiday Lighting	(6,000)
	Total	767,586

SUBJECT: Annual Ocean Rescue Lifeguard Agreement – 2022 Season

Staff Report – Town of Indialantic

Meeting Date: February 9, 2022

Summary:

The annual Ocean Rescue Lifeguard Agreement for the 2022 season will be sent under separate cover as soon as it becomes available. Paper copies will be on the dais. This agreement with the Board of County Commissioners provides lifeguard services from mid-March through Labor Day. For reference, last year's cost was \$39,162.46; this year's cost will be \$39,645.72.

Recommendation:

MOTION:
Approve the 2022 Ocean Rescue Lifeguard Agreement with the Brevard County Board of County Commissioners

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUBJECT: PINEAPPLEMAN TRIATHLON

Staff Report – Town of Indialantic

Meeting Date: February 9, 2022

Summary:

Council is being requested to approve as a special event the Melbourne Beach Rotary Pineappleman Triathlon on Sunday, June 5, 2022, from 6:00 AM to 10:30 AM. The route in Town will be north on South Palm Avenue, east on Eighth Avenue to South Shannon Avenue and south on South Shannon Avenue into Melbourne Beach.

Recommendation:

APPROVE THE MELBOURNE BEACH ROTARY PINEAPPLEMAN TRIATHLON JUNE 5, 2022 AS A SPECIAL EVENT.

MOTION: Approve the Melbourne Beach Rotary Pineappleman Triathlon on June 5, 2022 as a special event.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUBJECT: Running Zone Races

Staff Report – Town of Indian Lake

Meeting Date: February 9, 2022

Summary:

The Running Zone Foundation is requesting permission to hold a special event -i.e. run/walk events on US-192/SR-S00 in Town.

The event is the Space Coast Turkey Trot 5K Run/Walk on November 24, 2022 (Thanksgiving Day) from 7:30 a.m. to 9:30 a.m. in the southernmost eastbound lane from the Town's western boundary to east of the Ernest Kouwen-Hoven Bridge (i.e. Bridge #700181).

Recommendation:

Approve the Space Coast Turkey Trot 5K Run/Walk.

MOTION: Approve the November 24, 2022, Space Coast Turkey Trot 5K Run/Walk.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUBJECT: Ordinance 2022-04 (Second/Final Reading) Rules of Procedure for Town Council Meetings

Staff Report – Town of Indialantic

Meeting Date: February 9, 2022

Summary:


Town Attorney Gougelman drafted Ordinance 2022-04 to provide citizens a reasonable opportunity to participate in town meetings in a calm and businesslike professional environment. The ordinance provides a formal set of rules for Town Council meetings relating particularly to debate, public comment, and maintenance of order and decorum. Changes suggested at the January council meeting were made and are highlighted.

Recommendation:


Adopt Ordinance 2022-04 on second/final reading

MOTION: Adopt Ordinance 2022-04 on second/final reading

Submitted/Approved by:



Rebekah Raddon
Town Clerk



Michael L. Casey
Town Manager

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WHEREAS, the Town Council has noted a need to revise the procedures for town meetings in an effort to expedite the handling of town business, give citizens a reasonable opportunity to participate in a calm and businesslike professional environment; and

WHEREAS, the Town Council recognizes that federal appellate courts have determined town council meetings to be a limited public forum for First Amendment purposes, meaning that meetings are reserved to the purposes for which they are called and do not operate as a public forum such as a public park or sidewalk where the presentation of any issue is appropriate for free speech purposes; and

WHEREAS, the Town Council desires to provide procedures that balance the public's right to free speech and right to petition its legislators and representatives while restricting unruly, impertinent, slanderous, obscene or profane, or other nuisance forms of behavior or speech; and

WHEREAS, Florida law provides in Section 871.01(1), Florida Statutes, that:

871.01 Disturbing schools and religious and other assemblies.—
(1) Whoever willfully interrupts or disturbs any school or any assembly of people met for the worship of God or for any lawful purpose commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(emphasis supplied); and

WHEREAS, the Town Council desires to provide procedures for the handling of Town Council and other meetings,

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 2-34 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 2-34. - Rules of procedure; Town council and certain boards.

(a) As used in this section, the term "board" shall refer to the zoning and planning board, the board of adjustment, or the code enforcement board.

(b) (a) For matters not addressed by this code or state law, all meetings of the town council all All meetings of the council shall be conducted in accordance with Robert's Rules of Order, Newly Revised, most recent tenth edition, except that the rules may be waived for particular purposes by unanimous consent of the council, or members of a board, voting at a meeting. Unless objection thereto is made by a council member or a member of a board, the presiding officer mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The mayor may make and second motions upon passing the gavel to the deputy mayor or, in the absence of the deputy mayor, to any council member. A presiding officer at a board meeting may make and second motions upon passing the gavel to the vice-chair or, in the absence of the vice-chair, to any board member.

(c) (b) Mayor to serve as presiding officer at town council meetings; Board chair to serve as presiding officer at board meetings. The mayor shall be the presiding officer at all town council meetings. The deputy mayor shall act as the presiding officer during the absence of the mayor. In the absence of both the mayor and the deputy mayor, the remaining council members shall, by majority vote, select a presiding officer to carry out the functions of mayor for that meeting. The board chair shall be the presiding officer at all board meetings. The board vice-chair shall act as the presiding officer during the absence of the board chair. In the absence of both the board chair and the vice-chair, the remaining board members shall, by majority vote, select a presiding officer to carry out the functions of the board chair as the presiding officer for that meeting.

(d) (c) Presiding officer to determine questions of order. The presiding officer at a meeting may determine questions of order raised by the council or ask the town attorney to advise on such questions. The town attorney shall be the parliamentarian.

87 The council shall decide appeals by the council members or board members of the
88 presiding officer's ruling on a point of order. Such decisions shall be guided by the law,
89 this code, and proper parliamentary procedure, and such decisions shall not be used to
90 thwart the will of the majority of the council. A majority vote of the town council or a board,
91 following a proper motion and a second appealing the presiding officer's decision, will
92 ultimately govern appeals of questions of order. The council presiding officer may
93 consult with the town attorney for advice on any question of order at any time.
94

95 (e) (d) *Presiding officer conduct of council meeting.* The presiding officer
96 shall have a voice and a vote on all questions and items, and be called last when the vote
97 is being called. The presiding officer does not have veto power. The presiding officer
98 may make and second motions upon passing the gavel to the deputy mayor or, in the
99 absence of the deputy mayor, to any council member, and in the case of a board, the
100 presiding officer may make and second motions upon passing the gavel to the board
101 vice-chair or, in the absence of the board vice-chair, to any other board member. The
102 presiding officer shall introduce agenda items by the agenda item and number. The town
103 attorney shall read the titles of legislation as may be requested by the presiding officer.
104 Thereafter, the presiding officer may call upon the town manager to give any needed
105 explanation of the item up for consideration. Following this, the item shall be opened for
106 town council or board discussion or public hearing as required by the item, under the
107 guidelines established herein. All comments or questions by the attending public shall be
108 directed to the presiding officer. All motions shall be read aloud before a vote is taken.
109 After a decision is made, it shall be read back by the town clerk as clearly and concisely
110 as possible.
111

112 (f) (e) *Presiding officer to maintain decorum at town council or board meetings.*
113 Should a member of the audience become unruly or behave in any improper manner
114 prejudicial to the proper conduct of the meeting, the presiding officer shall maintain order
115 and decorum. Council and board meetings are a limited public forum for constitutional
116 free speech purposes.

117 (1) All comments must relate to the agenda item under discussion. All
118 items during public comment periods must relate to town business.

119 (2) The broadest possible accommodation shall be provided for
120 statements of personal opinion on issues before the council or a board, but no one shall
121 engage in physical violence or threat thereof, use obscene language, make slanderous
122 comments or personal attacks or use impertinent language during council proceedings.
123 Proper titles shall be used at all times, to contribute to a respectful and business-like
124 atmosphere.

125 (3) The presiding officer may interrupt a speaker to maintain order and
126 decorum, but such interruption shall not reduce the speaker's time. The presiding officer
127 is given the right and the authority to require such person to leave town hall, to be
128 accompanied, if necessary, by a law enforcement officer. In the event the audience, or
129 a part thereof, becomes unruly, the presiding officer may either recess or adjourn the
130 officers present and noting the willful interruption or disturbance.

131
132 **[DRAFTER's NOTE:** The Council is a "limited public forum."
133 This means that the public is limited to what is on the agenda.
134 It is not an open public forum for any issue to be brought up.
135 *Steinberg v. Chesterfield County Planning Commission*, 525
136 F.3d 377 (4th Cir. 2008); *Jones v. Heyman*, 888 F.2d 1328
137 (11th Cir. 1989). *Jones*, is interesting because the federal
138 appellate court found that the Mayor of Key West's actions in
139 attempting to confine speaker to an agenda item in city
140 commission meeting, and having speaker removed from the
141 meeting when speaker became disruptive, constituted a
142 reasonable time, place and manner regulation, and did not
143 violate speaker's First Amendment rights.]

144 (g) (f) Council discussion and debate.

145 (1) In order to expedite the council proceedings and arrive at a decision,
146 discussion and debate of any item by council or board members may be limited from time
147 to time by decision of the council or the board. Each council or board member shall be
148 afforded the opportunity to offer rebuttal on each item discussed, which may also be
149 limited from time to time by the council or the board.

150 (2) A council or board member, once recognized by the presiding officer,
151 should direct all comments or questions on the subject matter being discussed to or
152 through the presiding officer. Council or board members should not engage in cross
153 conversation with other council or board members or the public, and shall not engage in
154 slanderous, impertinent, or obscene comments or personal attacks. Council or board
155 members shall not interrupt another council or board member who has the floor, and shall
156 be polite and respectful.

157 (3) The town manager (or the town manager's designee) or town
158 attorney may play a role in keeping the council or board member discussion on topic and
159 keeping the meeting moving forward. The presiding officer shall not unreasonably
160 withhold or delay recognition of any council or board member desiring to speak. The
161 presiding officer Mayor should recognize council or board members in rotation and not
162 call on any council or board member a second time or subsequent time until such time as
163 all council or board members have had an opportunity to speak.

164 (4) Questions by council or board members. In the event that a council
165 or board member wishes to direct questions to another council or board member or to the
166 public, the questions should be directed to and through the presiding officer who, in turn,
167 will recognize the council or board member or member of the public who wishes to
168 answer the specific questions. In the event a council or board member wishes to direct
169 a question to the town manager, town clerk, the town attorney, or other town staff, the
170 question shall be directed through the presiding officer Mayor, who will, in turn, recognize
171 the council or board member.

172
173 (h) (g) Public comment and discussion.

174 (1) *Public hearings and comment.* Individuals wishing to speak on
175 matters that appear on the agenda as public hearings or other agenda items need only to
176 be recognized by the presiding officer. A member of the public shall be permitted to
177 speak after the presiding officer opens an item for public hearing or comment, for a
178 maximum of three minutes each. After the public hearing or public comment is closed by
179 the presiding officer, only council or board members, the town attorney, or the town
180 administration, shall discuss the item.

181 (2) *Addressing council; Manner and time.* Public discussion at public
182 hearings or at items which are opened to public discussion (other than then the general
183 public comment portion of the meeting) shall be limited to three minutes maximum per
184 person. A person's allotted speaking time may not be shared by multiple people.
185 Speaking time allotted to one person may not be donated to another person. However,
186 the presiding officer may authorize the extension of this time frame, after due
187 consideration for the substance, content, and relative importance of the subject. Each
188 person who addresses the council or board shall approach the speaker's podium, shall
189 give his or her name and state his address. No person other than the member of the
190 public recognized by the presiding officer as having the floor shall be permitted to enter
191 into discussion without the permission of the presiding officer. No person shall approach
192 the dais without first receiving permission from the presiding officer. All questions from
193 the public to the council shall be addressed through the presiding officer, and shall be
194 handled in the manner that the presiding officer sees proper. The normal practice shall
195 be for the town manager or a designated staff person, to follow up on questions or
196 requests, and to avoid conversation between the public speaker and the members of the
197 council or board and or the town administration. Any answers that may be given shall not
198 reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful
199 manner, and shall use proper titles when addressing council members, the presiding
200 officer, or other town officials or staff by name. Persons who are disruptive shall receive
201 at least one warning before being ejected in accordance with code section 2-35.
202

203 (i) ~~(h)~~ *Placement of items on council agenda.*

204 (1) *Regular meetings.*

205 (A) Any council or board member, the town manager, the town
206 clerk, or the town attorney, may place items on the regular council or board meeting
207 agenda for consideration. In coordination with the presiding officer at an upcoming
208 meeting and the town clerk, the town manager shall establish the agenda and order of
209 items to be considered. The general order of items on the regular council agenda,
210 subject to alteration by the presiding officer or town manager, shall be: call to order,
211 pledge of allegiance; roll call; admission to participation by members not physical present;
212 changes to the agenda; presentations and proclamations; public comments on
213 non-agenda items; public announcements; consent agenda; ordinances and public
214 hearings; unfinished business; new business; reports by the town manager, town
215 attorney, and council members; and adjournment. When any applicable law may require
216 a different order or procedure for the council meeting, such as for meetings involving the

217 budget, those laws shall be followed and the meeting procedures altered as may be
218 appropriate.

219 (B) *Consent agenda.* The town manager may determine that
220 certain items may be placed on a consent agenda at a council meeting when said items
221 are, in the town manager's estimation, likely subject to being unopposed by any council
222 member and can be adopted with little or no debate. At a council meeting, any council
223 member may remove an item from the consent agenda for consideration by the body as
224 a separate item for discussion and vote.

225 (C) All information relating to items to be placed on the agenda
226 shall be submitted to the town manager by a date certain as established by the town
227 manager or town clerk of the week prior to a regular meeting. Unless otherwise required
228 by law, a complete package of all agenda material shall be provided to the town council
229 or board by the town clerk by the close of business five days prior to the regular meeting
230 and by posting the agenda material on the town website at least five days prior to the
231 regular meeting. In the event that pertinent information relating to the agenda item is
232 missing or unaccounted for prior to the meeting, the information or item may be furnished
233 to the town council or board late but due to volume or complexity of information the item
234 is subject to removal from the agenda at the regular meeting. Any power point-style
235 presentations to be presented at a regular council meeting must be supplied to the town
236 clerk at least six days prior to the regular council meeting and shall be provided to the
237 council or board by the town clerk at least 48 hours prior to the meeting time, to the extent
238 feasible.

239 (2) *Regular and special meetings.*

240 (A) All appropriate background material shall accompany the
241 item for this purpose, and the action proposed to be taken shall be clearly stated. Copies
242 of contracts or agreements to be approved should be included in the council agenda
243 package. All items shall include a summary of background information and
244 recommendation of the town manager when placed on the agenda.

245 (B) *Preparation of Legislation.* Unless otherwise requested by
246 the council or the town manager, ordinances and resolutions shall generally be prepared
247 by the town attorney. Upon adoption, ordinances and resolutions shall be executed by
248 the mayor and the town clerk, shall be listed in an ordinance or resolution index by
249 ordinance or resolution number and subject, and filed in an ordinance book or separate
250 resolution book, maintained by the town clerk.

251 (C) *Sequence of agenda items.* Upon request by the presiding
252 officer ~~mayor~~ or a council or board member, items on the agenda may be moved out of
253 sequence in order to expedite matters before the town council or board, to assure that
254 items that are related to each other are considered in context, or for such other reasons
255 as may be deemed appropriate by the town council or board.

256
257 (i) ~~(i)~~ *Minutes.* The town clerk shall prepare the minutes for town council or
258 board review and approval. The town clerk should have the minutes for a particular
259 council or board meeting ready for approval by the council or board by not later than the

following council **or board** meeting agenda, if feasible, considering the number and length of pending minutes and other workload considerations. The minutes shall contain: (i) the type of council **or board** meeting (special, regular, or workshop); (ii) date, time, and location of the council **or board** meeting; (iii) the identification of all council **or board** members present and whether in person or by telecommunications; (iv) identification of any excused council **or board** members; (v) names of other town officials present, whether in person or by telecommunications; (vi) if any council **or board** members are attending by telecommunications, the reason for attendance by telecommunications; (vii) approval of the town council **or board** members physically present approving attendance of individual members by telecommunications, unless attendance by telecommunications is permitted by the state; (viii) approval of the minutes of a previous meeting, together with any revisions to the draft minutes; (ix) a separate paragraph for each subject matter discussed at the council **or board** meeting; (x) the wording of each motion and the maker of any motions and the individual seconding the motion, as well as the vote of each council **or board** member, as well as any abstentions from voting; (xi) ~~(x)~~ any points of order, or appeals of the rulings of the presiding officer, as well as the disposition of same; **(xii) (xi)** the signature of the town clerk upon approval of the minutes by the council.

~~(j) **Order of seating.** On the council dais (facing the audience), the town clerk shall be seated at the left end and the town attorney shall be seated immediately to the right of the town clerk. Next and to the right of the town attorney, the Mayor (or other presiding officer (facing the audience) shall be seated in the center of the dais. To the right of the Mayor shall be seated the deputy mayor and to the right of the deputy mayor in order of tenure on the council shall be seated the other council members. The town manager shall be seated at a table adjacent to the dais.~~

(k) Waiver of the procedures.

(1) The intent of these procedures is to assure the smooth and efficient functioning of council **or board** meetings, and to prioritize the completion of town business. The procedures shall always be applied and interpreted to carry out the will of the majority of the council **or the board** while giving due consideration to the rights of the minority. However, any council **or board, member** may propose to waive the strict application of the procedures in a particular circumstance. The procedure shall be waived upon a proper motion, second and approval of the waiver by a simple majority. A permanent change to the procedures shall be accomplished by adopting an ordinance.

(2) Although these rules or procedure shall be adhered to, by general, unanimous, or silent consent, the town council, or a town board, can do business with little regard for the rules of procedure, as they are made for the protection of the minority. When there is no minority to protect, there is little need for the restraint of the rules, except such as to protect the rights of absent members. In the former case the consent of the absentees cannot be given. A single objection defeats a request for general consent. By the legitimate use of the principle that the rules are designed for the protection of the minority, and generally need not be strictly enforced when there is no minority to protect, business may be greatly expedited. When there is evidently no

304 opposition, except in the case of state law requiring a recorded vote or when a written
305 resolution is being adopted in final form, the formality of voting can be avoided by the
306 presiding officer asking if there is any objection to the proposed action, and if there is
307 none, announcing the result. The action thus taken is said to be done by general consent,
308 or unanimous or silent consent. Thus, after an order has been adopted limiting the
309 speeches to three minutes each, if a speaker is so interesting that when said speaker's
310 time has expired, there is a general demand for the speaker to be permitted to continue
311 making remarks, the presiding officer, instead of waiting for a motion and taking a vote,
312 could accept it as the will of the assembly that the speaker's time be extended, and would
313 direct the speaker to proceed. Or, the presiding officer might say that if there is no
314 objection, the member's time will be extended two minutes, or some other time.

315
316 [DRAFTER's NOTE: The foregoing sub-paragraph is
317 excerpted from Robert's Rules of Order.]
318

319 SECTION 3. That Section 2-35 of the Code of Ordinances of Indialantic, Florida,
320 is hereby amended to read as follows:
321

322 **Sec. 2-35. - Interrupting deliberations; Maintaining order, decorum at town council**
323 **and board meetings.**

324
325 (a) The chief of police or such law enforcement officer of the town police
326 department as the chief of police may designate shall serve as a sergeant-at-arms at
327 regular and special meetings of the town council and may serve as needed at any town
328 board meeting. To the extent not inconsistent with the law, the sergeant-at-arms shall
329 carry out orders and instructions given by the presiding officer, or by a majority of the
330 town council or board, present for the purpose of maintaining order and decorum at a
331 town meeting.

332 (b) No person shall at any time, or for any cause, interrupt the deliberations
333 of the town council, or any town board, while in session in any meeting, without first
334 obtaining the consent of the presiding officer, under penalty of expulsion from the
335 meeting place. While any meeting of the town council or any town board is in session,
336 the members of the public shall not, by conversation or otherwise, delay or interrupt the
337 proceedings nor the peace of the meeting and shall obey all orders of the town council
338 or board, or its respective presiding officer, except as otherwise herein provided. All
339 persons attending any town meeting shall render inaudible any beepers, cellular
340 telephones, or other mechanical or electronic devices while such meeting is in session.
341 The presiding officer shall preserve strict order and decorum at all meetings.
342 Unauthorized remarks from the audience, heckling, stomping of feet, whistles, yells and
343 similar demonstrations constitute an interruption to public meetings, are prohibited and
344 shall not be permitted by the presiding officer. All speakers shall comply with section
345 2-34(f) (e) of this code regarding refraining from and not using profane, slanderous,
346 impertinent, or obscene language.

347 (c) The foregoing conduct is unauthorized and, if the individual engaged in
348 the conduct has not been recognized and granted leave to speak by the presiding
349 officer, any person who causes an interruption of the meeting shall be given the option
350 to cease the conduct which constitutes an interruption or to leave the meeting. If the
351 individual fails to cease the offending conduct or to voluntarily leave the meeting after
352 one or more warnings by the presiding officer and continues interrupting the meeting,
353 the individual may be removed from the meeting room if the sergeant-at-arms is so
354 directed by the presiding officer, and such person may be barred from further audience
355 for the remainder of the meeting. In case the presiding officer shall fail to act, any
356 member of the town council, or a town board, may move to require the presiding officer
357 to act to enforce the rules, and the affirmative vote of the majority of the town council
358 or board may require the presiding officer to act.

359 (b) Any person who, at a town council or board meeting, willfully interrupts or
360 disturbs such meeting in violation of F.S. § 871.01, entitled "Disturbing Schools and
361 Religious and Other Assemblies," or in violation of this code, is subject to removal from
362 any town meeting, or arrest, by town law enforcement officers present. This may be
363 done in the absence of the conduct being noted, or the offender being called to order,
364 by the presiding officer. Once any person is declared out of order by the presiding
365 officer and ordered expelled, and does not immediately leave the council chamber or
366 meeting room, the following steps shall be taken:

367 (1) The person will be approached by the sergeant-at-arms and
368 advised that he or she has been ordered expelled. Expulsion is only for the meeting at
369 which such conduct occurs.

370 (2) If the person does not remove himself or herself from the area, and
371 continues to willfully interrupt or disturb the meeting, he or she may be placed under
372 arrest for violation of F.S. § 871.01 or this code, or may first be ordered from the
373 meeting room.

374 (3) Should any person who is ordered expelled leave the chamber or
375 meeting room voluntarily and subsequently return to the same meeting, he or she is
376 subject to arrest for violation of F.S. § 871.01 or this code, should he or she continue to
377 willfully interrupt or disturb the meeting.

378
379 **[DRAFTER's NOTE: See Drafter's Note following Section**
380 **2-34(f) of the Town Code in this Ordinance.]**
381

382 SECTION 4. Repeal of Previous Rules. During the tenure of Robert Cochran as
383 Mayor, rules of procedure were adopted by the Town Council. All previous rules of
384 procedure adopted by vote of the Town Council are hereby repealed.
385

386 SECTION 5. Severability Clause/Interpretation.
387

388 (a) In the event that any term, provision, clause, sentence or section of
389 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly
390 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) Sections 1, 4, 5, and 6 of this Ordinance, as well as the Drafter's Notes shall not be codified.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

PASSED by the Town Council of the Town of Indialantic on first reading on the ____ day of _____, 2022, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the ____ day of _____, 2022.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon
Town Clerk

SUBJECT: ACCESSORY BUILDINGS

Staff Report – Town of Indialantic

Meeting Date: February 9, 2022

Summary:

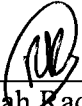
Mayor Berkman has requested discussion on accessory buildings

Recommendation:

Discussion on accessory buildings.

MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SUBJECT: CHARTER AMENDMENT

Staff Report – Town of Indialantic

Meeting Date: February 9, 2022

Summary:

Councilman Glass would like to discuss a possible charter amendment.

Recommendation:

Discussion of possible charter amendment.

MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

TOWN MANAGER'S REPORT

February 9, 2022

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 mid block 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)
- 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 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)
- 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)
- d. **H&H Study Grant:** DEP has grant waiting for final approval (12/6/21)

2. Fiscal Activity:

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

TOWN MANAGER'S REPORT

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)

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)
- 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)
- c. Town Hall: Public works removed carpets from hallway & conference room damaged from leaking roof. Mold found on drywall and was removed and replaced by public works. Tile has been ordered to replace carpets. Project should take several weeks to complete (11/2/21) Finished with work and tile, removing molding drywall (12/6/21)

TOWN MANAGER'S REPORT

- d. Nance Playground Committee: Fundraising is going on and have on hand \$90,000. Committee has event planned for 1/16/22 at Village Market. Finalizing plans and should bring contract to Council soon for playground (11/2/21) Contract signed with and excess of \$190,000 raised. Pre build meeting 2/7/22 with build date of 4/19/22 (2/2/22)
- e. American Rescue Plan Act (ARPA) received first payment from FDEM. Working on stormwater project to be funded from ARPA with town engineer (11/2/21)
- f. Boardwalk damage from vehicle 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)
- g. FDOT adding flashing lights and audible signals to pedestrian crossing north of US192 to Pineda Cswy and should start sometime soon as contract has been awarded (2/22/22)

Indialantic Police Department

Monthly Activity Report

December 2021

OPERATIONS:

* The Department Responded to 973 Incidents.

* 4 Subpoenas were issued.

* Activity	12	Arrests
		0 Felony
		7 Misdemeanor
		5 Traffic
		0 DUI & 0 Drug
	75	Traffic Citations
	216	Traffic Stops
	151	Verbal Warnings
	0	Capias Filed

TRAINING:

Parrish: LEADS De-escalation Strategies with Implicit Bias

Indialantic Police Department
Monthly Crime Index
December 2021

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	0				0%
Larceny	7	1			14%
Veh Theft	0				0%
Assault/Battery	1				0%
Arson	0				0%
Total Part I	8				
Part II					
Kidnapping	0				
Fraud/Forgery	2				
Criminal Mischief	2				
Weapons	0				
Sex Offenses	0				
Narcotics	0				
DUI	0				
Liquor Laws	0				
Disorderly	0				
Ordinance/Litter	2				
Trespass	2				
Total Part II	8				
Part III & IV					
Patrol Area	594				
911 Investigations	86				
Citizen Contact	11				
Juvenile	0				
Warrant	0				
Misc Traffic	68				
Traffic Accidents	12				
Sick/Injured	1				
Death	0				
Mentally Ill	0				
Suicide/Attempt/Threat	0				
Animal	10				
Information	16				
Alarm/Open Door	11				
Fire	0				
Lost/Found	4				
Disturbances	14				
Susp Incidents	54				
Assists	47				
Details	28				
Missing Persons	1				
Total III & IV	957				
Grand Total	973				

Indialantic Police Department
YTD Information Report
December 2021

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Value Stolen	\$ 53	\$ 28	\$ 974	\$ 40	\$ 223	\$ 500	\$ 3,323	\$ 45,362	\$ 25,875	\$ 11	\$ 85	\$ 10,585	\$ 87,059
Value Recovered	\$ 11	\$ 28	\$ -	\$ -	\$ 198	\$ 500	\$ 817	\$ 700	\$ 25,515	\$ 100	\$ -	\$ 431	\$ 28,300
Traffic Warnings	0	0	0	0	0	0	1	1	0	0	0	0	2
Equip Warnings	0	0	0	0	0	0	0	0	0	0	0	0	0
Verbal Warnings	214	193	217	229	193	226	155	172	199	141	113	151	2203
Field Interrogation	0	0	0	0	0	0	0	0	0	0	0	0	0
Parking Violations	6	3	10	17	5	5	11	18	1	6	0	0	82
Parking Fines	\$ 120	\$ 60	\$ 205	\$ 420	\$ 100	\$ 100	\$ 220	\$ 360	\$ 20	\$ 120	\$ -	\$ -	\$ 1,725
Litter Citations	0	0	1	1	1	0	0	0	0	0	0	0	3
Traffic Citations	167	126	137	110	180	182	223	161	229	120	67	75	1777
Arrests	21	10	15	11	11	18	11	10	11	12	18	12	160
DUI Charges	0	1	0	0	1	1	1	0	0	0	0	0	4
Drug Charges	1	0	0	0	0	0	0	0	0	0	0	0	1
Wavecrest Activity	35	48	106	79	93	81	60	47	80	67	44	51	791

Indialantic Fire Rescue Monthly Report for January 2022

FIRES		
Structure Fires		
Brush Fires		
Vehicle Fires		
Trash Fires		1
Other Fire Calls		
RESCUE & EMERGENCY MEDICAL		
Medical		21
Well Being Check		1
Water Rescue		
Motor Vehicle/Pedestrian Accident with injuries		3
Motor Vehicle with no injuries		1
Rescue Call, Other		6
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem/Gas Leak		
GOOD INTENT CALL		
Dispatched and Cancelled Enroute		
Dispatched and Cancelled on Scene		
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		1
Smoke Detector activation due to smoke or dust		
SPECIAL INCIDENT TYPE		
Fire Inspection/Business Tax Receipt (BTR)		4
Public Service Calls		5
Assist Other Government Agency		3
Special Type of Incident		2
Hydrant Inspections		
Public Education Demonstrations/talks		
TOTAL CALLS		48
RUNNING TOTAL OF PREVIOUS MONTHS		
TOTAL CALLS YEAR TO DATE		48
MUTUAL AIDE		
	GIVEN	3
	RECEIVED	0

AVERAGE RESPONSE TIME	INDIALANTIC FIRE	3.66
	BREVARD COUNTY	13.03

VOLUNTEER HOURS		7.75
	SAVINGS REALIZED BY THE TOWN	\$155

VOLUNTEER F/F ACTIVITY	Due to the increase in COVID infections, normal volunteer activity was cancelled for the month of January.
CAREER F/F ACTIVITY	Truck 57 taken out of service due to leaking hydraulic power assist cylinder. Chief Flamm, Capt. Burnett, FF Murtha and Capt. Distler attended a firefighter trade show in Daytona Beach on January 14th in preparation to the Town's purchase of a new Fire Engine. On-duty crews completed 247 hours of training and equipment check outs. Two career firefighters tested positive for COVID during the month.

TOWN OF INDIALANTIC BUILDING REPORT

January-22

	<u>CURRENT</u>	<u>YTD 22</u>	<u>YTD 21</u>
NO. OF PERMITS ISSUED	30	578	125
TOTAL PERMIT FEES	\$28,552.26	\$163,521.17	\$35,863.00
TOTAL CONSTRUCTION VALUE	\$4,041,145.00	\$21,789,925.70	\$4,279,255.40
PLAN REVIEW FEES	\$8,003.50	\$26,972.50	\$5,626.00
TOTAL SIGN FEES	\$0.00	\$636.00	\$128.00
NO. OF SIGN PERMITS ISSUED	0	8	2
NEW CONVENTIONAL HOMES	3	9	4
NEW MULTI FAMILY HOMES	1	8	4
NEW COMMERCIAL BUILDINGS	0	0	0
MISC. ADDITIONS/ALTERATIONS	0	27	6
CERTIFICATE OF OCCUPANCY	2	17	3
BUILDING CODE INSPECTIONS	56	931	281

Permit List

01/31/2022

Permit #	Address	Category	Applicant Name	Date Issued	Valuation	Amount Billed
PB21-0381	107 TRADEWINDS TER	Replacement	BREVARD WINDOW & DOORS	01/28/2022	18,770.00	164.80
PB21-0388	251 ORLANDO BLVD	Electrical Remodel	ALLSTAR ELECTRICAL SERVICES	01/10/2022	1,800.00	79.00
PB22-0013	134 MICHIGAN AVE	New	BREVARD SHUTTER & ACCESSORIE	01/10/2022	6,560.00	104.00
PB22-0054	1201 S SHANNON AVE	Electrical Repair	The Wire Ninja LLC	01/10/2022	2,450.00	84.00
PB22-0077	312 MELBOURNE AVE	New	CARRIE'S FENCE OF PALM BAY INC	01/13/2022	4,630.00	94.00
PB22-0079	225 5TH AVE	Remodel	COASTLINE CONTRACTOR GROUP,	01/05/2022	50,000.00	486.69
Plan Review Fee		157.50				
PB22-0087	401 N RIVERSIDE DR	New	PLAN IT POOLS INC.	01/07/2022	60,000.00	563.93
Plan Review Fee		182.50				
PB22-0096	230 3RD AVE	Roofing	Heart Roofing LLC	01/05/2022	1,810.00	79.00
PB22-0097	1041 WAVE CREST AVE	HVAC Replacement	COMPLETE AIR AND HEAT INC	01/05/2022	7,378.00	79.00
PB22-0098	601 N MIRAMAR AVE UNIT 30	HVAC Replacement	JAY'S AIR & HEAT	01/12/2022	0.00	79.00
PB22-0099	301 MICHIGAN AVE	Roofing	Eagle Roofing and Construction LLC	01/10/2022	73,850.00	448.05
PB22-0100	314 TAMPA AVE	New	JCG Demolition and Construction Inc	01/06/2022	20,622.00	220.10
PB22-0101	104 4TH AVE	New	SUN QUALITY BUILDERS	01/10/2022	1,216,077.00	7,579.77
Plan Review Fee		2,453.00				
PB22-0102	133 TAMPA AVE	Remodel	AFFORDABLE GLASS PROTECTION	01/12/2022	2,230.00	84.00
PB22-0103	115 MICHIGAN AVE	New	CALIBER HOMES INC	01/11/2022	801,576.00	5,687.16
Plan Review Fee		1,840.50				
PB22-0104	400 S Riverside Dr	Roofing	POE ROOFING & CONSULTING INC	01/07/2022	264,150.00	1,261.75
PB22-0105	208 SEVENTH AVE	New	LOMAS, LUIS R; LOMAS, GLORIA B	01/10/2022	696,000.00	5,010.44
Plan Review Fee		1,621.50				

PB22-0106	201 MICHIGAN AVE	New	LIFESTYLE HOMES BUILDERS	01/10/2022	719,000.00	5,117.04
Plan Review Fee		1,656.00				
PB22-0108	1000 S RIVERSIDE DR	Electrical Repair	SCHULTZ ELECTRIC INC.	01/13/2022	1,075.00	79.00
PB22-0109	1101 S MIRAMAR AVE UNIT 3	HVAC Replacement	KABRAN AIR CONDITIONING AND	01/28/2022	0.00	79.00
PB22-0110	333 EIGHTH AVE	Roofing	Florida Roof Bros LLC	01/19/2022	16,798.00	154.50
PB22-0113	401 N RIVERSIDE DR	HVAC Replacement	BREVARD COOLING & HEATING I	01/19/2022	7,660.00	79.00
PB22-0115	500 S PALM AVE	Electrical Remodel	Beach Electric Inc.	01/20/2022	829.00	64.00
PB22-0116	310 WAYNE AVE	Replacement	TROPICAL DOORS INC.	01/24/2022	2,250.00	84.00
PB22-0117	235 WAYNE AVE	Replacement	AMERICAN FENCE	01/24/2022	5,575.00	99.00
PB22-0118	140 6TH AVE	Demolition	B&B Plumbing	01/25/2022	5,100.00	104.00
PB22-0119	604 S RIVERSIDE DR	HVAC Replacement	BREVARD COOLING & HEATING I	01/25/2022	10,671.00	79.00
PB22-0121	1000 S RIVERSIDE DR	HVAC Replacement	ISLAND AIR & HEAT INC	01/28/2022	5,284.00	79.00
PB22-0122	440 1ST AVE	Addition	MCMAHON, NEYSE MARIA V; MCM	01/27/2022	24,000.00	285.83
Plan Review Fee		92.50				
PB22-0123	815 S MIRAMAR AVE	Replacement	RIVERSIDE BUILDERS OF BREVAR	01/28/2022	15,000.00	144.20

Number of Permits: 30

Total of Plan Review Fees: \$8,003.50

Population: All Records

Permit.DateIssued Between 1/1/2022 12:00:00 AM AND

1/31/2022 11:59:59 PM

AND

Permit.AddressDisplayString = <Prompt For Value>

Total Construction Value: \$4,041,145.00

Total of Fees Paid: \$28,552.26

Inspection Totals

02/01/2022

56

Population: All Records

Grand Total

56

Inspection.DateTimeCompleted Between 1/1/2022 12:00:00
AM AND 1/31/2022 11:59:59 PM

**Code Report
January 2022**

Location:	Description:	Date:	Code:	Extra Info:	Status:	Notes
	Notified Date	CB Date				
Zone 1	North of Fifth Avenue/Westside					
580 Watson Dr	Real Estate Sign	12/21/2021	Sec 113-304 (1)a(4)	Over sized sign	in process	email comp received re an oversized sign, spoke to the realator Sandra Sheibani and advised her of the code, Sheibani said her sign guy is 14 days out. MLC observed 12/22/2021, 01/19/2022 sign still on property, CS called Sandra Shiehani to have sign removed, cerified letters sent 01/19/2022
N Riverside Dr	Real Estate Sign	12/22/2021	Sec 113-304 (1)a(4)	Over sized sign	removed	MC contacted a Sandra Sheibani regarding her large sign at 580 Watson Dr, Sheibani said the complaint was personal and complained about another sign on N Riverside that she felt was in violation. CS, MC and MLC spoke to homeowner and the sign will be removed within 10 days.
N Riverside Dr/5th	Prohibited Signs	12/10/2021	Sec. 113-303	Snipe sign	Removed	
Watson/N Riverside Ave	Prohibited Signs	1/19/2022	Sec. 113-303	Snipe sign	Removed	
Zone 2	North of Fifth Avenue/Eastside					
1145 N Shannon Ave Unit 7	Prohibited Use	11/30/2021	Sec 113-335 (3)b	Vacation rental	follow-up on 01/10/2021	certified letter sent 11/30/2021, CS recv'd a call stating property was not being rented on VRBO, property is no longer on VRBO as of 12/09/2021
N Miramar Ave/5th	Prohibited Signs	12/10/2021	Sec. 113-303	Snipe sign	Removed	
N Miramar Ave/5th	Prohibited Signs	12/10/2021	Sec. 113-303	Snipe sign	Removed	
Watson/N Miramar Ave	Prohibited Signs	1/19/2022	Sec. 113-303	Snipe sign	Removed	
Watson/N Miramar Ave	Prohibited Signs	1/19/2022	Sec. 113-303	Snipe sign	Removed	
Zone 3	South of Fifth Avenue/Westside					
606 S Palm Ave	Landscaping	11/12/2021	Sec 103-286	dead grass	reported	JG advised h/o has dead grass through the entirety of the front yard, letter sent 11/12/2021
406 Ormond Ave	Landscaping	11/12/21	Sec 103-286	landscaping in ROW	in-process	JG advised h/o has added landscaping, mulch and other lawn items in ROW without permission, letter sent 11/12/2021, follow-up second notice sent to respond to owner's letter sent 12/08/2021, owner emailed JG and will send revised plans. 01/05/2021 emailed revised plans received
1501 S Shannona Ave	Trash Container areas	01/26/22	Sec 103-283	accumulation of trash around dumpster	in-process	trash piled outside the dumpstaer area, MC spoke with property manager and was assured it would be cleaned up immediately
303 Sixth Ave	Prohibited Use	11/30/2021	Sec 113-335 (3)b	Vacation rental	follow-up 01/10/2021	certified letter sent 11/30/2021, property no longer listed on AirBNB 12/09/2021
300 Cocoa Ave	Landscaping	01/14/22	Sec 103-286	Lawn not mowed		still ok, but not mowed
South of Fifth Ave	RV parking, storage	01/25/22	Sec 113.236(b)(3)	RVs parked in front	reported	call in compl regarding RVs and boats being parked in violation of the town code, south area checked, caller was not familiar with requirements of the code. MC & CS checked south area and found 1 violation.
250 Orlando Blvd	RV parking, storage	01/25/22	Sec 113.236(b)(3)	RV in driveway	reported	call in compl regarding RVs and boats being parked in violation of the town code, CS & MC observed an RV parked in the driveway on 01/25/2022, courtesy letter sent 01/26/2022
320 Ormond Dr	Fence and walls	01/31/22	Sec 103-289	broken fence	reported	phone compl regarding east neighbors broken fence
Zone 4	South of Fifth Avenue/Eastside					
210 Sixth Ave	Delinquent BTR	7/29/2021	Sec 205.053(3)	Delinquent BTR	complied	BTR not renewed, property posted 07/29/2021,on 10/01/2021 summoned to October 13th Code board meeting

Code Report

January 2022

[illegible]