

**Agenda**  
**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:**

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

1. Presentations and proclamations: None
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 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.

**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

**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:*  
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.

2. Ordinance 2022-01 Second/Final Reading, *Adopting the 13<sup>th</sup> Amendment to the Personnel/Civil Service Manual*:  
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.
3. Ordinance 2022-02 Second/Final Reading, *Implementing a Dog-Friendly Beach for a Period of Six Months*:  
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.
4. Ordinance 2022-03 Second/Final Reading, *Adopting Procedures for Street Renaming*:  
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.
4. Ordinance 2022-04 First 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:** None.

**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**  
**Regular Meeting of the Town Council**  
**Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903**  
**Wednesday, December 8, 2021 at 7:00 p.m.**

**A. Call to Order:**

A regular meeting of the Indialantic Town Council was called to order at 7:03 p.m. by Mayor Berkman with the following members 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. Pledge of Allegiance was led by Mayor Berkman.
2. Oath of Office:
  - a) Councilmember Julie McKnight, Seat #1, was sworn in by Town Attorney Gougelman for a term of two years.
  - b) Councilmember Doug Wright, Seat #3, was sworn in by Town Attorney Gougelman for a term of two years.
3. Election of Deputy Mayor:  
**Motion by Mayor Berkman, seconded by Councilmember McKnight, and vote unanimous to elect Stu Glass as Deputy Mayor for a term of one year. Motion carried 5-0.**
4. Mayor's Nominations:
  - a) Space Coast League of Cities Voting Delegate and Alternate  
Motion by Mayor Berkman, seconded by Councilmember Wright, and vote unanimous to appoint Deputy Mayor Glass as voting delegate and Councilmember Kemp as alternate. Motion carried 5-0.
  - b) South Beaches Coalition Representative and Alternate

**Motion by Mayor Berkman, seconded by Deputy Mayor Glass, and vote unanimous to appoint Councilmember Kemp as representative and Councilmember Wright as alternate. Motion carried 5-0.**

5. Presentation: Florida Department of Transportation (FDOT) regarding US 192/Fifth Avenue Resurfacing and Roadway Improvements

The following people spoke on behalf of FDOT:

Ashraf Elmaghraby, Project Management Supervisor

Jim Stroz, District 5 Traffic Operations Engineer

Bill Hartland, Consultant for the project with Connelly & Wicker INC.

Also present:

Anna Taylor, Government Affairs Administrator

Marquise McMiller, Government Affairs Liaison

Loreen Bobo, District 5 Safety Administrator

In summary, Rectangular Rapid Flashing Beacons (RRFBs) will be placed at crosswalks on Fifth Avenue as well as a Pedestrian Hybrid Beacon (PHB) at the intersection of Palm Avenue for pedestrian safety. Road resurfacing will also be done, and lane closures will occur during non-peak hours. The pedestrian hybrid beacon is a newer device which will alert drivers with yellow flashing lights followed by a solid yellow light and then a red light. Construction will begin in the summer of 2022. For more information, residents can go to the website:

<http://www.cflroads.com/project/442883-1>

6. Mayor Berkman read the following public announcements:
- There are openings on the following boards and committees: Board of Adjustment, Civil Service, Parks Recreation & Beautification, and the General Employees' Pension Board
  - Town Hall will be closed for the holidays on the following dates: Dec. 23-24, and Dec. 31
  - Annual beach parking permits for 2022 are available now. To purchase one, bring \$40 and your vehicle registration to Town Hall. There are no residency requirements to buy a permit.
  - Luminary Kits are available at Town Hall; kits are \$5.00 each and contain ten LED lights and ten paper bags.

## **B. Consent Agenda:**

1. Approve Council Meeting Minutes 11-10-2021
2. Approve Automatic Mutual Aid Agreement with Brevard County for fire protection and rescue service
3. Approve Resolution 20-2021 Budget Adjustment FY 20-21

**Motion by Deputy Mayor Glass, seconded by Councilmember McKnight, and vote unanimous to approve the consent agenda as written. Motion carried 5-0.**

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

1. Ordinance 2022-01 First Reading, *Adopting the 13<sup>th</sup> Amendment to the Personnel/Civil Service Manual:*

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.

Town Attorney Gougelman read the ordinance title. Town Manager Casey explained the proposed changes which are noted in the memorandum.

**Motion by Councilmember Kemp, seconded by Deputy Mayor Glass to approve Ordinance 2022-01.**

Deputy Mayor Glass inquired about the cost of adding two paid holidays, Martin Luther King Jr. Day and Presidents Day; Mr. Casey indicated it would cost between \$4300-4500 for each to cover holiday pay for the police and fire department. There were no public comments.

**Motion carried unanimously, 5-0.**

2. Ordinance 2022-02 First Reading, *Implementing a Dog-Friendly Beach for a Period of Six Months:*  
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 28-1.2, 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.

Town Attorney Gougelman read the ordinance title.

**Motion by Mayor Berkman, seconded by Councilmember Wright to approve Ordinance 2022-02.**

Several council members expressed concerns regarding safety, liability, enforcement, and the small size of the beach. Other council members commented that dog bites can occur anywhere at any time, with or without an ordinance.

**Public Comments:**

Brett Miller, 220 Cocoa Avenue, is opposed to the dog-friendly beach. If the council moves forward however, he suggested they consider setting specific hours for dogs on the beach instead of the vague timeframe written in the ordinance.

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

3. Ordinance 2022-03 First Reading, *Adopting Procedures for Street Renaming:*  
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.

Town Attorney Gougelman read the ordinance title.

**Motion by Councilmember McKnight, seconded by Councilmember Wright to approve Ordinance 2022-03.**

It was noted that this ordinance does not rename any streets, it simply provides rules and procedures for renaming. After some discussion, Deputy Mayor Glass asked to have the language on lines 106-116 updated to be consistent with other policies the Town has adopted.

There were no public comments.

**Motion carried 4-1; nay vote my Councilmember Kemp.**

**D. Unfinished Business:**

**1. Grosse Pointe Renaming**

Town Manager Casey indicated that the county won't allow a partial road renaming. In addition, they would participate in the voting process as well.

Mayor Berkman asked to remove this item from the agenda as 100% of the owners on the street are opposed to the renaming.

**Public Comments:**

Elsie Amos, 211 Grosse Pointe, provided a petition<sup>1</sup> opposing the renaming, signed by property owners. She provided history regarding the name "Grosse Pointe" and explained that she and other residents maintain their properties nicely and support the Town in many ways. They have no issues with the Longdogger's restaurant; however, they do not want their street renamed.

Mayor Berkman confirmed the Town would not move forward with the renaming with so many opposed.

**E. New Business: None.**

**F. Public Comments, Non-Agenda items:**

Brett Miller, 220 Cocoa Ave., spoke regarding the first annual golf cart parade; which begins at 6pm at Orlando Park. Police Chief Connor noted that the police department will provide an escort for the parade.

Chuck Sigmund, 225 Grosse Pointe Ave., asked to have a sidewalk installed on his street as it is used by many pedestrians to get to the bus stop and the new Publix. Town Manager Casey commented that a speed limit sign would be installed. Mayor Berkman suggested adding the street to the sidewalk masterplan and seeking grant funding.

Jill Hoffman, 125 Michigan Ave., spoke regarding the absence of holiday decorations on Fifth Avenue; Town Manager Casey explained the costly requirements imposed by FP&L to hang decorations on the poles.

## **G. Administrative Reports:**

1. Town Attorney – None.
2. Town Manager – None.

## **H. Council Reports:**

Councilmember McKnight said the garden club is selling pavers for Lily Park which make a nice holiday gift.

Councilmember Kemp spoke regarding the Space Coast TPO meeting; he explained that a northbound sidewalk will be installed at Grosse Pointe and on other areas along A1A will to provide access to the crosswalks. He would like to get sea oat and dune restoration signage for the beaches to remind people to avoid damaging the beneficial plants.

Mayor Berkman thanked all departments for their work on the tree lighting which was a nice event. Santa will be on the fire truck this year on Christmas Eve delivering gifts.

## **I. Adjournment:**

There being no further discussion, the meeting was adjourned at 8:30 p.m.

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Dave Berkman, Mayor

Attested by:

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Rebekah Raddon, CMC, Town Clerk

<sup>1</sup> Petition, Grosse Pointe Ave., on file at Town Hall



## **Rebekah Raddon**

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**From:** "Tom Flamm" <tflamm@indialantic.com>  
**Date:** Thursday, January 6, 2022 11:14 AM  
**To:** <mcasey@indialantic.com>; "Rebekah Raddon" <rraddon@indialantic.com>  
**Attach:** Foundation Logo jpg-RGB (2).jpg; Donated by-logo for grants (2).jpg; Foundation Logo-VectorCMYK (2).eps; 2022 Q1 Social Media Template FINAL.docx; Foundation Logo-VectorCMYK (2).ai; 2022 Q1 Press Release Template FINAL.docx  
**Subject:** Fw: APPROVED: Firehouse Subs Public Safety Foundation Grant

The Fire Department just received word that we were awarded a grant for \$35,300 for a new rescue tool (jaws of life). This tool is electronic and therefore we are no longer tethered to a hydraulic power supply. This is a 100% grant.

**From:** Firehouse Subs Public Safety Foundation  
**Sent:** Thursday, January 06, 2022 10:00 AM  
**To:** tflamm@indialantic.com ; tburnett@indialantic.com  
**Cc:** Firehouse Subs Public Safety Foundation ; Ty Lowry ; John Papa ; Britt Diaz  
**Subject:** APPROVED: Firehouse Subs Public Safety Foundation Grant

Dear Chief Flamm & Todd,

We are pleased to announce that the Firehouse Subs Public Safety Foundation Board of Directors has awarded the **Town of Indialantic, on behalf of Indialantic Fire Rescue in Indialantic, FL** the requested **Hurst Cutter, Spreader, Ram & Accessories** valued at up to **\$35,300.00**. If your grant award must be approved by your city council, please add this item to the agenda immediately, and contact us with the meeting date.

### **PROCUREMENT:**

**The procurement process for your grant award will be determined by our Foundation, and we will contact you no later than Monday, March 7, 2022 to initiate the process. Do not make any advanced purchases, as failure to adhere to our chosen method will jeopardize your grant award.**

If you have any fulfillment questions, please email [Procurementfoundation@firehousesubs.com](mailto:Procurementfoundation@firehousesubs.com).

### **PUBLIC RELATIONS (PR) NOTES**

- PR announcements from your organization regarding the grant award are optional. If you choose to share the good news, please use the attached press release template and/or social media post template and send it back to [Foundation@firehousesubs.com](mailto:Foundation@firehousesubs.com) and [FHSPSF@coynepr.com](mailto:FHSPSF@coynepr.com) for review and approval (allowing for 72 hours turnaround time). *Please do not pitch or post before receiving approval from the Foundation team.*

Use of the Firehouse Subs Public Safety Foundation logo:

- We ask that your organization acknowledges the grant by displaying our Foundation logo on granted items/equipment whenever possible. Our Foundation logo is attached for your convenience. Please note that the final artwork will need to be approved by our Foundation via

<mailto:Foundation@firehouseaubs.com> before being displayed.

Did you know?

More than 70% of the funds raised for the Firehouse Subs Public Safety Foundation come from the generosity of Firehouse Subs guests and the restaurant brand? Please consider supporting a Firehouse Subs restaurant near you.

We are very excited to assist your organization and ultimately improve the lifesaving capabilities of your community.

**Firehouse Subs Public Safety Foundation**

[foundation@firehousesubs.com](mailto:foundation@firehousesubs.com)

[FirehouseSubsFoundation.org](http://FirehouseSubsFoundation.org)

[Twitter](#)   [Facebook](#)

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**SUBJECT: Ord. 2021-09 (Second/Final Reading) Amending Comprehensive Plan Adding A Property Rights Element**

**Staff Report – Town of Indialantic**

**Meeting Date: January 12, 2022**

**Summary:**


The Florida Legislature passed House Bill 59, Florida Statutes Section 163.3178 mandating counties and municipalities add a private property rights elements and accompanying goals, objectives and policies to the existing elements of the comprehensive plan. The ordinance was reviewed and approved by the Zoning and Planning Board, approved on first reading by the Town Council in November, and subsequently submitted to the state agency for approval. One minor change was made to the ordinance based on feedback received from the state, changing the word 'or' to 'and' on page 6, under *Goal 1*.

**Recommendation:**

Adopt Ord. 2021-09 on second/final reading.

**MOTION:**  
**Adopt Ord. 2021-09 on second/final reading.**

Submitted/Approved by:

  
\_\_\_\_\_  
Rebekah Raddon  
Town Clerk

\_\_\_\_\_  
Michael L. Casey  
Town Manager

Ron DeSantis  
GOVERNOR



Dane Eagle  
SECRETARY

December 17, 2021

The Honorable David Berkman  
Mayor, Town of Indialantic  
216 5<sup>th</sup> Avenue  
Indialantic, Florida 32903

Dear Mayor Berkman:

The Department of Economic Opportunity ("Department") has reviewed the Town of Indialantic's proposed comprehensive plan amendment (Amendment No. 21-01ESR), received on November 23, 2021, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the Town's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

- The local government has proposed its own property rights element instead of the statement of rights provided by Section 163.3177(6)(i)1., F.S. (Ch. 2021-195, Laws of Fla.). Please be advised the property rights element adopted by the local government may not conflict with the statement of rights provided under Section 163.3177(6)(i)1., F.S. Prior to adoption, it is recommended that the Town model the property rights element more closely to statutory language by revising its goal to consider judicially acknowledged and constitutionally protected private property rights instead of potentially considering only one of these, as noted by the proposed use of the word "or". Additionally, to ensure adopted language does not conflict, the Department recommends that the local government consult with its legal department.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

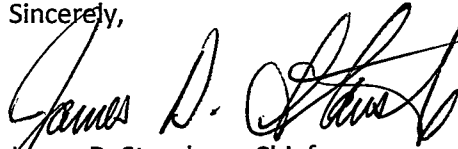
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
(850) 245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://www.Twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://www.Facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Melissa Corbett, Planning Analyst, by telephone at (850) 717-8505 or by email at [Melissa.Corbett@deo.myflorida.com](mailto:Melissa.Corbett@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/mc

Enclosure(s): Procedures for Adoption

cc: James G. LaRue, AICP, Planning Consultant for Town of Indian River  
Hugh Harling, P.E., Executive Director, East Central Florida Regional Planning Council

**ORDINANCE NO. 2021-09**

**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.**

**WHEREAS**, Chapter 163, Florida Statutes, authorizes amendments to adopted Comprehensive Plans under the Expedited Review Process; and

**WHEREAS**, the Town of Indialantic respects judicially acknowledged and constitutionally protected private property rights; and

**WHEREAS**, the Florida Legislature passed the Committee Substitute/Committee Substitute/Committee Substitute for House Bill 59, a/k/a Chapter 2021-195, Laws of Florida, requiring municipalities and counties to adopt a Property Rights Element into the their respective comprehensive plans; and

**WHEREAS**, this amendment applies to interests protected by the U.S. Constitution (Fifth Amendment as applied through the Fourteenth Amendment), the Florida Constitution (Article I, Sections 2 and 9 and Article X, Section 5, Florida Constitution of 1968), and the Bert J. Harris, Jr., Act, Section 70.001, Florida Statutes, and the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, Florida Statutes. See House of Representatives Staff Analysis at I.A., State Affairs Committee CS/CS/CS HB-59 (June 11, 2021); and

**WHEREAS**, the Committee Substitute/Committee Substitute/Committee Substitute for House Bill 59, a/k/a Chapter 2021-195, Laws of Florida, does not create a cause of action but requires that certain private property rights be *considered* in local government decision-making. See House of Representatives Staff Analysis at I.A., State Affairs Committee CS/CS/CS HB-59 (June 11, 2021);

**WHEREAS**, the Florida Legislature in adopting the Committee Substitute/Committee Substitute/Committee Substitute for House Bill 59, a/k/a Chapter 2021-195, Laws of Florida, provided that it was intended to assist in implementing Section 187.101(3), Florida Statutes, that provides:

**187.101 Description of plan; legislative intent; construction and application of plan.—**

\* \* \*

(3) The goals and policies contained in the State Comprehensive Plan shall be reasonably applied where they are economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights. The plan shall be construed and applied as a whole, and no specific goal or policy in the plan shall be construed or applied in isolation from the other goals and policies in the plan.; and

**WHEREAS,** the Florida Legislature in adopting the Committee Substitute/Committee Substitute/Committee Substitute for House Bill 59, a/k/a Chapter 2021-195, Laws of Florida, provided that it was intended to assist in implementing Section 163.3161(10), Florida Statutes, that provides:

**163.3161 Short title; intent and purpose.—**

\* \* \*

(10) It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, comprehensive plans and amendments thereto, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must ultimately be determined in a judicial action.; and

**WHEREAS,** Town respects the rights of all people to participate in the comprehensive planning and land use planning processes; and

**WHEREAS,** the Town Council desires to add a Plan Element, Goal, Objective, and Policies of the Comprehensive Plan to address property rights in an effort to

implement the Committee Substitute/Committee Substitute/Committee Substitute for House Bill 59, a/k/a Chapter 2021-195, Laws of Florida; and

**WHEREAS**, proposed amendments to the Town's Property Rights Element were reviewed by the Zoning and Planning Board (Land Planning Agency) at a duly advertised public hearing on October 26, 2021; and

**WHEREAS**, Town Council has agreed with the recommendations of the Local Planning Agency that the proposed amendments comply with the requirements of Chapter 163, and that the proposed amendments are internally consistent with the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council finds that this Ordinance is consistent with the Committee Substitute/Committee Substitute/Committee Substitute for House Bill 59, a/k/a Chapter 2021-195, Laws of Florida,

**WHEREAS**, Town Council held a duly advertised public hearing on November 10, 2021, for submittal of the amendment engrossed in this Ordinance and transmittal to the State Land Planning Agency; and

**WHEREAS**, the Town Council held a duly advertised public hearing on \_\_\_\_\_, 2022, and adopted this Ordinance.

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

**SECTION 1.** Recitals. The foregoing recitals ("WHEREAS" clauses) are hereby fully incorporated herein by this reference.

**SECTION 2.** That section 101-23 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 101-23. - Comprehensive plan adopted.**

(b) The town comprehensive plan consists of a one volume book entitled Town of Indialantic Comprehensive Plan adopted August 23, 1988 (Ord. No. 88-13); amended September 9, 1997 (Ord. No. 97-11)(land use map amendment); December 21, 1999 (Ord. No. 99-06);, and amended September 16, 2008 (Ord. No. 08-08)(adopts Public School Facilities Element); June 16, 2009 (Ord. No. 09-06)(adopts Potable Water Sub-Element plan, amends Coastal Management and Conservation Element and Intergovernmental Coordination Element); November 17, 2009 (Ord. No. 09-14)(EAR and amends text of Future Land Use Element, Coastal Management and Conservation Element, and Recreation and Open Space Element); January 18, 2011(Ord. No. 2011-03)(amends Public School Facilities Element and Capital



Improvements Element); September 17, 2013 (Ord. No. 2013-12)(updates 5-year capital improvement schedule); June 19, 2019 (Ord. No. 2019-02)(amends Coastal Management and Conservation Element); July, 2019 (Ord. No. 2019-13)(small scale land use amendment); and amended ~~December~~ November, 2021 (Ord. No. 2021-08 (adoption of private property rights element)). The foregoing is incorporated by this reference and is the official comprehensive plan for and of the town.

**SECTION 3.** That the Comprehensive Plan of the Town of Indialantic, Florida, is hereby amended by adding an element, to be numbered 10., which said element reads as follows:

## TOWN OF INDIALANTIC COMPREHENSIVE PLAN

Adopted August, 1988

Amended September, 1997

Amended December, 1999

Amended September, 2008

Amended June, 2009

Amended November, 2009

Amended January, 2011

Amended: September 2013

Amended July, 2019

Amended: July 2019

Amended December, 2021

## Table of Contents

### 1. FUTURE LAND USE ELEMENT

Goals, Objectives and Policies .....	1-1
Future Land Use Map series .....	1-5

### 2. TRANSPORTATION ELEMENT

Goals, Objectives and Policies .....	2-1
--------------------------------------	-----

Transportation Map series .....	2-4
<b>3. HOUSING ELEMENT</b>	
Goals, Objectives and Policies .....	3-1
<b>4. INFRASTRUCTURE ELEMENT</b>	
Goals, Objectives and Policies .....	4-1
<b>5. COASTAL MANAGEMENT AND CONSERVATION ELEMENT</b>	
Goals, Objectives and Policies .....	5-1
<b>6. RECREATION AND OPEN SPACE ELEMENT</b>	
Goals, Objectives and Policies .....	6-1
<b>7. INTERGOVERNMENTAL COORDINATION ELEMENT</b>	
Goals, Objectives and Policies .....	7-1
<b>8. PUBLIC SCHOOL FACILITIES ELEMENT</b>	
Goals, Objectives and Policies .....	8-1
<b>9. CAPITAL IMPROVEMENTS ELEMENT</b>	
Goals, Objectives and Policies .....	9-1
<b><u>10. PROPERTY RIGHTS ELEMENT</u></b>	
Goals, Objectives and Policies .....	<u>10-1</u>

\* \* \*



### **Property Rights Element**

## **Property Rights Element**

**Goal 1:** The Town shall consider judicially acknowledged ~~and~~ constitutionally protected private property rights when making decisions.

### **Objective 1:**

Decisions made by the Town shall consider the private property rights of each affected land owner.

**Policy 1.1:** Decisions made by the Town shall consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

**Policy 1.2:** Decisions made by the Town shall consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to constitutional provisions, federal or state law and local ordinances

**Policy 1.3:** Decisions made by the Town shall consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property. This policy is not intended to prohibit Town officials from undertaking emergency or actions authorized by law, a court, or case law.

**Policy 1.4:** Decisions made by the Town shall consider the right of a property owner to dispose of his or her property through sale or gift.

**SECTION 3.** The Town Manager shall transmit the proposed amendments to the applicable agencies in accordance with State Statutes governing the adoption of Comprehensive Plan amendments.

### **SECTION 4. Severability Clause/Interpretation.**

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

(b) That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text.

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

**SECTION 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

**PASSED** by the Town Council of the Town of Indialantic on first reading on the 10th day of November, 2021, and **ADOPTED** by the Town Council of the Town of Indialantic, Florida, on final reading on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

TOWN OF INDIALANTIC

\_\_\_\_\_  
David Berkman  
Mayor

ATTEST: \_\_\_\_\_  
Rebekah Raddon, CMC  
Town Clerk

1<sup>st</sup> reading: November 10, 2021

2<sup>nd</sup> reading:

Effective:

**SUBJECT: Ordinance 2022-01 (Second/Final Reading) adopting a 13<sup>th</sup> Amendment to the Personnel/Civil Service Manual**

**Staff Report – Town of Indialantic**

**Meeting Date: January 12, 2022**

**Summary:**

After conducting a review of the Personnel/Civil Service Manual, staff and department heads have requested changes on the following pages:

- Pg. 2 – Law enforcement officers, code enforcement officers, firefighters, and their families' addresses are exempt from disclosure (clarification)
- Pg. 11 – Remove Medical Insurance Card requirement (unnecessary)
- Pg. 12 – Work hours vary, remove designation of 'normal workday' (unnecessary)
- Pg. 15 – Remove 'Credit Union' (unnecessary); specify that bonuses for degrees are for hourly employees, not salaried employees (clarification)
- Pg. 17 – Increase number of minimum hours worked to be eligible for health insurance from 24 hours to 32 hours per week; add Martin Luther King Jr. and Presidents' Day as paid holidays (reference *Municipalities' 2021 Holidays*; all other municipalities in Brevard County observe Martin Luther King Jr. Day and most observe Presidents' Day)
- Pg. 18 – Remove Firefighter holiday pay (unnecessary, covered by union contract); floating holiday accrual (clarification); vacation leave accrual (clarification)
- Pg. 19 – Sick leave accrual (clarification)
- Pg. 31 – Add requirement for use of safety belt
- Pg. 49 -- Remove reference to Health First insurance (not applicable)


All changes were approved unanimously by the Civil Service Board at their meeting on November 29, 2021.

**Recommendation:**

Discuss/approve updates.

MOTION: Adopt Ordinance 2022-01 on second/final reading adopting the 13<sup>th</sup> Amendment to the Personnel/Civil Service Manual

Submitted/Approved by:

  
\_\_\_\_\_  
Rebekah Raddon  
Town Clerk

\_\_\_\_\_  
Michael L. Casey  
Town Manager

**ORDINANCE NO. 2022-01**

**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.**

**WHEREAS**, the Town Charter reflects that Council shall provide rules and regulations for a civil service system; and

**WHEREAS**, the Town has an operational civil service system that needs to be updated and amended periodically; and

**WHEREAS**, the purpose of the Town's Personnel/Civil Service Manual is to accurately familiarize each employee with various policies, rules and benefits; and

**WHEREAS**, the Civil Service Board has reviewed these modifications to the manual and support their adoption.

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

**SECTION 1.** Recitals. The foregoing recitals are hereby fully incorporated herein by this reference.

**SECTION 2.** That Section 2-201 of the Code of Ordinances of Indian River County, Florida, is hereby amended to read:

**Sec. 2-201. Civil service implemented.**

Pursuant to Section 4.05 of the Town Charter, a civil service system is hereby created and implemented for Town employees as set forth in the Personnel/Civil Service Manual, dated March 1997, as amended by the document entitled First Amendment to Personnel/Civil Service Manual, dated February, 2001 and as adopted by Ordinance No. 01-05, and as amended by the document entitled Second Amendment to Personnel/Civil Service Manual, dated April, 2001 and as adopted by Ordinance 01-08, and as amended by the document entitled Third Amendment to Personnel/Civil Service Manual, dated August, 2002 and as adopted by Ordinance 02-21, and as amended by the document entitled Fourth Amendment to Personnel/Civil Service Manual, dated September, 2003 and as adopted by Ordinance 03-13, and as amended by the document entitled Fifth Amendment to Personnel/Civil Service Manual, dated March, 2008 and as adopted by Ordinance 08-05, and as amended by the document entitled Sixth Amendment to Personnel/Civil Service Manual, dated February, 2009 and as adopted by Ordinance 09-05 and as amended by the document entitled Seventh

Amendment to Personnel/Civil Service Manual dated May, 2010 and as adopted by Ordinance 10-07, and as amended by the document entitled Eight Amendment to Personnel/Civil Service Manual dated October, 2010 and as adopted by Ordinance 10-11, and as amended by the document entitled Ninth Amendment to Personnel/Civil Service Manual dated August, 2012 and as adopted by Ordinance 12-12, subject to any collective bargaining obligations and as amended by the document entitled Tenth Amendment to Personnel/Civil Service Manual dated February, 2013 and as adopted by Ordinance 13-07, and as amended by the document entitled Eleventh Amendment to Personnel/Civil Service Manual dated May, 2015 and as adopted by Ordinance 15-3, and as amended by the document entitled Twelfth Amendment to Personnel/Civil Service Manual dated April, 2018, and as adopted by Ordinance 18-05, and as amended by the document entitled Thirteenth Amendment to Personnel/Civil Service Manual dated January, 2022, and as adopted by Ordinance 2022-01.

### SECTION 3. 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 4. 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 8<sup>th</sup> day of December, 2021, and **ADOPTED** by the Town Council of the Town of Indialantic, Florida, on final reading on the \_\_\_\_ day of January, 2022.

TOWN OF INDIALANTIC

\_\_\_\_\_  
David Berkman, Mayor

ATTEST: \_\_\_\_\_  
Rebekah Raddon, CMC, Town Clerk



## SECTION 1

# GENERAL POLICIES AND ADMINISTRATION

### 1. SCOPE OF PERSONNEL POLICY MANUAL

The intent and will of the Town Council of the Town of Indialantic is that this personnel policy manual and all provisions contained in it shall apply to and govern all matters of and pertaining to employment, employee relations, personnel practices and human resources within the Town of Indialantic, including the police department and fire department, as well as the work and conduct of all Town employees, Civil Service or otherwise.

### 2. APPOINTING AUTHORITY

Subject to confirmation by the Town Council, the Town Manager shall appoint Department Heads, the Town Clerk, the Police Chief and Fire Chief to serve at the pleasure of the Town Manager.

The Town Manager shall employ, appoint or remove all other Town employees. No employee will be hired or removed without prior approval of the Town Manager.

### 3. ADMINISTRATION

The Town Clerk shall supervise and direct the administration of the personnel program and is responsible for the custody and use of all personnel records in the Town. It shall be the responsibility of the Town Clerk to present to the Town Manager and members of the Civil Service Board for its approval, the rules, regulations and changes necessary for the effective administration of the personnel system/Civil Service system.

The Clerk's Office renders services in the fields of personnel management, benefits, employee relations, salary administration, Equal Employment Opportunity and Affirmative Action, recruitment and selection, training and employee development in an honest, fair and efficient manner.

The records of this Department are open for inspection under the Public Records Act of the state of Florida except as exempted under F.S. 119.07. Exceptions to this policy include active and former law enforcement officers' personnel, active and former firefighters' and their families' home addresses, telephone numbers and photographs. The home address and telephone number for active and former Code Enforcement Officers, social security numbers for all employees and medical records, including drug test results, are also exempt.



## 20. RETURN OF TOWN PROPERTY

Upon an employee's resignation or termination, it shall be the Department Head's responsibility to obtain the following items of Town property from the departing employee:

- ~~Medical Insurance Card (Forward to the Town Clerk)~~
- Town I.D. Card (Forward to the Town Clerk)
- Keys
- Tools
- Uniforms
- Any other items belonging to the Town

Final paychecks are not to be distributed to employees until all properties are returned or accounted for.

## SECTION 3

# WORKWEEK & HOURS OF WORK

### 1. WORK-WEEK

The basic work-week for all full-time, regular employees is 40 hours per week. The Town Manager may approve deviations from the basic work-week for certain departments or individual positions as in departments covered by the public safety exceptions of the Fair Labor Standards Act. Daily hours of work and work days may vary according to the service requirements of the department. Generally speaking, most employees will work five, eight-hour days per week.

### 2. HOURS OF WORK

A. Administration / Public Works: The work week shall start at 12:00 a.m. Thursday and end at 12:00 midnight Wednesday.

Police Department: The work week shall start at 12:00 a.m. Wednesday and end at 12:00 midnight Tuesday.

Fire Department: The work week shall start at 12:00 a.m. Monday and end at 12:00 midnight Monday.

B. Nonexempt employees may be required to document their start and stop times by means of a time clock. No one is permitted to punch a time card for anyone else. An employee may punch in 10 minutes or less before the start of the scheduled shift and not more than 10 minutes after the end of the shift, unless prior authorization has been given by the employee's supervisor. Employees must sign their time cards for validation on the last scheduled day of each pay period. If an employee does not punch in or out, the employee must make sure to take the time card to the immediate supervisor either that day or the next morning. Failure to do so may result in disciplinary action in accordance with Section Nine of this manual.

C. All employees are required to be present on their assigned jobs for the total hours in the workweek unless absence from duty is authorized in advance by the appropriate authority in accordance with these personnel policies. All absences shall be properly recorded and charged. Town employees shall work forty (40) hours a week except where other provisions are specifically approved in advance by the proper authority. ~~Normal workday shall be from 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m. Monday through Friday, unless otherwise scheduled.~~ Lunch times may be scheduled at the discretion of the Department Head, shall be unpaid, and are a time free from work interruption.

### 3. RECORDING TIME WORKED

It is the employee's responsibility to report correctly and accurately the hours he or she worked each day. To assure that each employee is paid accurately, each employee must be certain to understand how to turn in his or her time properly. The employee's supervisor will explain

Revised 4/16/18 (Ord. No. 18-05)

#### 4. **INCENTIVE PAY PROGRAMS**

Police and firefighters incentive pay will be provided pursuant to Florida statutes.

Communications officers will receive compensation in the amount of forty dollars per month for having a Bachelor's degree or twenty dollars per month for having an Associate's degree as provided for by the Agreement covering these bargaining unit personnel. Communications officers, regardless of the number of Bachelor or Associate degrees attained, will be eligible for compensation for only one degree. Degrees shall be from an accredited facility as determined by the Town.

Full-time **hourly** employees not covered by Florida Statutes or a bargaining agreement for purposes of receiving an educational degree incentive will receive compensation in the amount of forty dollars per month for having a Bachelor's degree or twenty dollars per month for having an Associate's degree. These employees, regardless of the number of Bachelor or Associate degrees attained, will be eligible for compensation for only one degree. Degrees shall be from an accredited facility as determined by the Town.

#### 5. **ADDITIONAL COMPENSATION FOR WORK IN SUPERVISORY CLASSIFICATION**

An employee who temporarily assumes and occupies the position and duties of a supervisor will be paid within the pay range of the position being filled and at least 1.05 times his/her base rate per day for each full day worked in such position commencing after the 40th consecutive hour worked by such employee in such supervisory position. Once additional compensation commences, it will be paid retroactive to when the employee first began the continuous service as an acting supervisor and shall continue until the employee's continuous service as an acting supervisor ceases.

#### 6. **PAYROLL DEDUCTIONS**

The standard deductions that are authorized by law to be taken from an employee's pay are as follows:

- Social Security
- Federal Income Tax
- Court-Order Deductions
- Police/Fire Pension Fund
- General Employees' Pension Fund

Other deductions that only the employee may authorize include:

- **Credit Union**
- ICMA Deferred Compensation
- Optional Insurance
- Union Dues

Revised 4/16/18 (Ord. No. 18-05)



## SECTION 6

# **BENEFITS**

***DESCRIPTIONS OF HEALTH, DENTAL, LIFE AND DISABILITY INSURANCE BENEFITS IN THIS MANUAL ARE NOT CONTROLLING: ONLY THE COMPLETE PLANS/DOCUMENTS WHICH ARE AVAILABLE TO EMPLOYEES THROUGH THE TOWN CLERK, ARE TO BE RELIED ON AS CONTAINING A COMPLETE AND ACCURATE DESCRIPTION OF COVERAGE, BENEFITS AND OTHER FEATURES.***

### 1. **HEALTH INSURANCE**

The Town of Indialantic contributes toward the cost of group medical insurance for all regular employees working a minimum of 24 32 hours per week and their eligible dependents. The Clerk's office will provide you with a booklet describing your coverage and when you are eligible to enroll in the plan. A dental program is provided in conjunction with this coverage.

### 2. **LIFE INSURANCE**

The Town provides to each regular full-time employee, at no cost to the employee, life insurance coverage. Police and firefighters have additional coverage in the event of accidental death and dismemberment while in the line of duty. Additional coverages are available to employees who wish to pay for them.

### 3. **LONG TERM DISABILITY INSURANCE**

The Town provides each regular full-time employee wage protection through a disability plan, conjunctive with accrued sick leave and at a reduced salary level. You will be provided with a plan booklet describing the coverage.

### 4. **HOLIDAYS**

A. The following are holidays which may be observed by all departments in which certain functions can be discontinued without adversely affecting required services to the public.

New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Floating Holiday	

Revised 4/16/18 (Ord. No. 18-05)  
Revised 5/13/15 (Ord. 15-03)  
Revised 10/19/10 (Ord. 10-11)

When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.  
When a holiday falls on Sunday, the following Monday shall be observed as a holiday.

- B. Eligibility. Employees on the active payroll (as regular full-time employees) on the date of the holiday shall be eligible for holiday pay at their base hourly rate of pay. Employees who regularly work five (5) days (forty (40) hours per week), will receive eight (8) hours of pay for each holiday. Employees who regularly work four (4) day (forty (40) hours per week), will receive ten (10) hours of pay for the same conditions as mentioned above. Firefighters will receive twelve (12) hours of pay for each holiday.
- C. Work During Holidays. Employees whose work schedules require that they work on designated holidays will be paid holiday pay at time and a half for each holiday worked. ~~Firefighters who work a holiday shall receive, in addition to his/her regular pay, an additional 18 hours pay at regular time.~~ Police sergeants who work a holiday shall receive, in addition to his/her regular pay, an additional one shift's compensation at straight time unless they work one of the following holidays: New Year's Day, Independence Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve or Christmas Day for which they will be compensated at time and one-half for hours worked.
- D. Holidays During Paid Leave. Employees on vacation or sick leave on a designated holiday shall be paid for the holiday as holiday pay and not charged with vacation or sick leave for the day.
- E. Use of Floating Holiday. An employee's request to use a floating holiday must be approved by the appropriate Department Head at least three (3) working days prior to the desired time off. If the employee has not used the floating holiday within the calendar year, the floating holiday shall be considered lost and forfeited. During the initial six (6) months of employment, an employee is not entitled to a floating holiday. All eligible employees will receive a floating holiday at the beginning of the calendar year.

## 5. VACATION LEAVE

All regular full-time employees shall earn vacation leave. Temporary and part-time employees, if any, shall not be eligible for vacation leave. Employees are eligible to use accrued vacation leave after six months from date of hire. Newly hired personnel will begin accumulating vacation leave at the beginning of the month following their hire date. Vacation is provided at the following annual rates:



### Length of Service

### Vacation Hours

Up to 36 months	80
37 to 60 months	96
61 to 120 months	120
121 months of and thereafter	160

The maximum number of vacation hours which can be accumulated by any employee at the end of any fiscal year is 240 hours. Any vacation time earned in excess of the hours authorized which is not taken before the end of the fiscal year is forfeited and lost as of the beginning of the next fiscal year; provided however, an employee who has been unable to take earned vacation time off for which he has made a prior written request solely because the Town has denied the request for other than mission requirements shall be paid at his base hourly rate for sufficient hours to avoid such forfeiture.

Revised 2/17/09 (Ord. 09-05)

Accrued vacation time in excess of an annual accrual may be sold back to the Town if approved by the Town Clerk and the Town Manager.

Vacation leave shall not be authorized prior to the time it is earned and credited to the employee. On reasonable notice, the Town may require an employee to use any part of his accrued vacation leave for vacation purposes. The minimum charge for vacation leave shall be units of one quarter hour.

Employees will be paid at straight time for unused but earned vacation leave upon layoff or termination from the employment of the Town, except that an employee who resigns must give two weeks written notice of resignation prior to his last day of work in order to receive such payment and will forfeit such payment by failure to meet this condition unless this requirement is waived by the Town Manager. In the event of death of an employee with earned but unused vacation leave, payment for such earned leave shall be made at straight time to the employee's beneficiary, personal representative or estate or as provided by the laws of Florida.

## **6. SICK LEAVE POLICY**

Sick leave shall be granted to and shall be earned only by regular full-time employees. ~~Personnel hired on or before the 15th of the month shall accumulate sick leave benefits from the 1st of the month. Personnel hired after the 15th of the month shall not accrue sick leave benefits until the 1st of the next month.~~ Newly hired personnel will begin accumulating sick leave at the beginning of the month following their hire date. Earned sick leave may not be utilized until the first day of the month following ninety (90) days of continuous employment with the Town.

Sick leave shall be accrued at the rate of 8 hours per month. There is no limit on the amount of sick leave employees may accrue.

An employee who is unable to work due to illness shall notify his on duty immediate supervisor as early as possible prior to his scheduled reporting time, giving the reason for absence and the expected period of absence. Such procedure shall be followed for each shift the employee is unable to work. Any employee who fails to notify the on duty immediate supervisor, as above required, within three calendar days following the shift missed by such employee, will be considered as having resigned without notice.

Sick leave shall be used only with the approval of the Department Head or his designee. Sick leave shall

- (17) Every vehicle operator or front seat passenger shall be restrained by a safety belt, meaning restricted by an appropriately adjusted safety belt which is properly fastened at all times when a motor vehicle is in motion.

GROUP II OFFENSES

FIRST OFFENSE

WRITTEN REPRIMAND AND TWO DAYS  
SUSPENSION WITHOUT PAY

SECOND OFFENSE

DISCHARGE

- (1) Threatening, intimidating, coercing or interfering with fellow employees or supervision at any time, including abusive language.
- (2) Being in possession of intoxicating beverages while on duty unless engaged in the lawful performance of duty.
- (3) Engaging in illegal gambling at any time on Town premises.
- (4) Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the Town, or its operation beyond the boundaries of free speech.
- (5) Leaving the job during regular working hours without permission.
- (6) Refusal to give non-self incriminating testimony in work-related accident investigations.
- (7) Causing material, parts or equipment to be damaged or scrapped due to carelessness.
- (8) Referral, directly or indirectly, while acting within the scope of Town employment, of any person, firm, corporation or other entity to any vendor, provider or supplier of services or goods.
- (9) Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on Town premises unless authorized.
- (10) Chronic absenteeism.
- (11) Disregarding job duties by loafing or neglect or other work during working time.
- (12) Discourtesy to persons with whom the employee is in contact while working.
- (13) Soliciting or accepting money for services performed while on duty or while wearing any Town uniform, insignia or other thing identifying an employee as a Town employee, whether or not such services relate to the employee's Town-related duties.



**Consequences of refusal to submit to drug test or “testing positive” for a drug/loss of benefits.**

Under the Florida Workers’ Compensation Law, workers’ compensation is not payable if an on-the-job injury is caused primarily by the intoxication of the employee or by the influence of any illegal drug or any other drug, barbiturate or other stimulant not prescribed by a physician. “On-the-job” means arising out of and in the course of employment. Thus, any employee who is so injured will lose his or her eligibility for medical and indemnity benefits under the Workers’ Compensation law if the injury is caused as above-stated.

In addition, any employee who is injured in an on-the-job accident or who has an apparent part in causing an on-the-job injury who refuses to submit to drug testing under this program will forfeit eligibility for medical and indemnity benefits for such injury and, in all likelihood, will be discharged by the Town for such refusal. This may not apply, in the Town’s discretion, to situations in which employees such as police officers are injured by intentional wrongdoing.

Any employee who is tested under this program and who has a positive confirmed test result which is not set aside by means of the employee protection procedures of this program will in all likelihood be discharged. In any such case, the Town will oppose any claim for unemployment compensation.

Employees subject to federal or state regulation, such as federal motor carrier safety regulations or Florida Department of Transportation rules who have a positive confirmed drug test not set aside under the employee protection procedure of this program or who are required and requested under this program to submit to drug testing and who refuse to do so may forfeit their license and other privileges as granted by law.

To discourage the use and/or distribution of illegal drugs and abuse of legal drugs in the Town’s workplace, the Town may, upon reasonable suspicion, conduct searches for illegal drugs, alcohol, other legal drugs suspected to be the subject of abuse or drug-related paraphernalia on Town property and Town work sites, including areas accessible to employees, such as but not limited to Town vehicles, equipment, toolboxes, lockers, desks, etc. Illegal items discovered may be referred to appropriate law enforcement authorities.

Employee assistance programs/alcohol and drug rehabilitation programs. The following are names, addresses and telephone numbers of various employee assistance programs and local alcohol and drug rehabilitation programs which employees may utilize, at their expense, as appropriate.

**Circles of Care - Offered through Health First insurance**

**952-6000**

Outpatient Services

2020 Commerce Dr.

Melbourne, FL 32901

A Counseling Center

728-0046

1900 Palm Bay Road NE

Palm Bay, FL 32907

Revised 4/16/18 (Ord. No. 18-05)



## Municipalities 2021 Holidays

MUNICIPALITY	New Year's Day	Martin Luther King Jr	President's Day	Memorial Day	Independence Day	Labor Day	Veteran's Day	Thanksgiving Day	Day after Thanksgiving	Christmas Eve	Christmas Day	New Year's Eve Day	Floating/Personal Day	TOTAL
City of Cape Canaveral	1	1	1	1	1	1	1	1	1	1	1		1	12
City of Cocoa														
- President's Day - PBA do not have off	1	1	1	1	1	1	1	1	1	1	1			11
- Christmas Eve - IAFF do not have off														
City of Cocoa Beach	1	1	1	1	1	1	1	1	1	1	1			11
Town of Grant-Valkaria														
- Closed from Christmas until the Monday after New Year's Day.	1	1	1	1	1	1	1	1	1	1	1	1		12
Town of Indialantic	1			1	1	1	1	1	1	1	1		1	10
City of Indian Harbour Beach														
-	1	1	1	1	1	1	1	1	1	1	1		1	12
Town of Malabar	1	1	1	1	1	1	1	1	1	.5	1	.5	1	12
City of Melbourne *IAFF & LIUNA Unions get Veteran's Day off	1	1		1	1	1	*	1	1	1	1			9/10*
Town of Melbourne Beach	1	1	1	1	1	1	1	1	1	1	1		1	12
Town of Melbourne Village	1	1	1	1	1	1	1	1	1		1		1	11
City of Palm Bay														
*Christmas Eve and New Years Eve approved annually by council	1	1	1	1	1	1	1	1	1	1	1	1	2	12/14*
Town of Palm Shores	1	1	1	1	1	1	1	1	1		1			10
City of Rockledge														
- Floating Holidays - granted to employees with six months of unbroken (continuous) service with the City	1	1		1	1	1	1	1	1		1		2	11
City of Satellite Beach	1	1		1	1	1	1	1	1	1	1		2	12
City of Titusville														
- Floating Holidays - two given initially, after 10 years one added, and after 20 years one added	1	1		1	1	1		1	1	1	1		2	11
City of West Melbourne	1	1	1	1	1	1		1	1	1	1		1	11

**SUBJECT: Second/Final Reading: Ordinance 2022-02 implementing a dog-friendly beach for a period of six months**

**Staff Report – Town of Indialantic**

**Meeting Date: January 12, 2022**

**Summary:**

Town Attorney Gougelman drafted Ordinance 2022-02 based on the council's request for a policy to allow dogs on certain beaches with restrictions. This ordinance would temporarily allow leashed dogs at the Watson Drive beach access in the early morning and evening hours for a trial period of six months, Feb. 1, 2022 – Aug. 1, 2022.

**Recommendation:**

Discuss/approve ordinance

MOTION: Adopt Ordinance 2022-02 on second/final reading
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Submitted/Approved by:



\_\_\_\_\_  
Rebekah Raddon  
Town Clerk

\_\_\_\_\_  
Michael L. Casey  
Town Manager

ORDINANCE NO. 2022-02

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.

WHEREAS, Section 6-8 of the Town Code of Ordinances provides:

**Sec. 6-8. - Prohibited in parks and on beaches; exception.**

No domestic animal shall enter into or on any public park or beach in the town unless the town council, in its discretion, by ordinance designates a beach or park area where domestic animals shall be permitted. Parks and beach areas so designated will be properly identified and posted. Any domestic animal found in a park or on a beach not designated for such animals shall be deemed to be committing an act in violation of this chapter and the owner thereof shall be punished as provided for in section 6-2. This section shall not prohibit any dog that is owned by a law enforcement agency, or the service of which is employed by a law enforcement agency, or service animal, as defined in F.S. § 413.08, trained to assist or aid disabled or handicapped persons when such service animal is actually being used to assist or aid such person in any park or beach, provided that law enforcement agency dogs, or any service animal, as required by F.S. § 828.30, has a current rabies vaccination, and certificate thereof, that was administered by a licensed veterinarian. Upon request of a law enforcement officer, a person having a service animal in a town park must produce the certification of vaccination to the law enforcement agency within three hours of a request, therefor. A disabled person, as defined under the federal Americans with Disabilities Act, Public Law No. 101-336, 42

44 USC 12101 et seq., shall have the right to be accompanied  
45 into or on any public beach or park by a service animal  
46 without violating this section.  
47

48 WHEREAS, the Town Council has determined that it is in the public interest to  
49 permit, as a pilot or test project, dogs on a limited portion of the beach (to the North of the  
50 Watson Drive Dune Crossover) under certain conditions; and  
51

52 WHEREAS, the Town Council finds that this Ordinance is in promotion of the  
53 public health, safety, welfare, and aesthetics of the Town by providing for requirements to  
54 remove defecated feces and to require dogs to be keep on a leash.  
55

56 NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:  
57

58 SECTION 1. Recitals. Each and all of the recitals ("WHEREAS" clauses) are  
59 hereby incorporated herein.  
60

61 SECTION 2. That Section 8-5 of the Code of Ordinances of Indialantic, Florida,  
62 is hereby amended to read as follows:  
63

64 **Sec. 8-5. - Animal access.**  
65

66 (a) Definitions. The following words, terms and phrases, when used in this  
67 section, shall have the meanings ascribed to them in this subsection, except where the  
68 context clearly indicates a different meaning:  
69

70 *Aggressive dog* means any dog that, according to the records of the animal control  
71 authority, has severely injured or killed a domestic animal while unprovoked and off the  
72 owner's property which does not otherwise meet the definition of the term "dangerous  
73 dog." See section 14-36, Brevard County code of ordinances.  
74

75 *Animal control authority* means the entity tasked with animal control and animal  
76 services for the county. The animal control authority shall be designated by the board  
77 of county commissioners and authorized to enforce this chapter and the animal control  
78 laws of the state. See section 14-36, Brevard County code of ordinances.

79 *Dangerous dog* means any dog that according to the records of the appropriate  
80 authority:  
81

82 (1) Has aggressively bitten, attacked, or endangered or has inflicted severe  
injury on a human being on public or private property;

83 (2) Has more than once severely injured or killed a domestic animal while off  
84 the owner's property; or

(3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority. See F.S. § 767.11.

Leashed means for a dog to have a harness, leash, or tether, extended to no more than ten (10) feet in length, securely fastened on or around the dog's body or neck that is held on the other end by a person who keeps the dog under control at all times.

*Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery. See F.S. § 767.11.

*Unprovoked* means that the victim, who has been conducting himself peacefully and lawfully, has been bitten or chased in a menacing fashion or attacked by a dog. See F.S. § 767.11.

(b) Except as provided in section 6-8 or in subsection (c) of this section, no person shall be permitted to take any animal into any park, whether on a leash, in arms, or running at-large. Notwithstanding the foregoing, dogs trained to assist or aid disabled persons when such dogs are actually being used to assist or aid such person are permitted at any time that such person is not prohibited from being in a park.

(c) Dogs in parks.

(1) Within Gus Carey Park, Dewey Park, Ernest Kouwen-Hoven Riverside Park, Douglas Park, and subject to subsection (c)(2) of this section, Sunrise Park, dogs may be permitted. Notwithstanding the foregoing, no dangerous dog, no aggressive dog; and no dog during the pendency of an investigation and resolution of any hearings related to classification of a dog as an aggressive dog, or a dangerous dog, shall be permitted within any town park at any time.

(2) No dog, except a service animal or police dog, as permitted by section 6-8, may be permitted within Sunrise Park until the town manager determines that permitting dogs within said park does not violate a lease provision for the property, a management plan for the property, or a state regulation.

(3) Regulations relating to permitting dogs in parks may be promulgated from time to time by resolution of the town council, or for a period not exceeding 60 consecutive days by the town manager. Violation of any such regulation adopted shall be deemed a violation of this code.

(4) Whenever an animal defecates in a town park, as described in subsection (c)(1) of this section, the owner, or person having temporary custody or control of the dog while in the town park, shall immediately remove and properly dispose of the feces in a sanitary manner. As utilized in this subsection, the term "immediately" means prior to said person or dog leaving the park. See also section 14-57(d), Brevard County code of ordinances. Failure of the owner, or person having temporary custody or control of the dog, that has defecated in a town park to remove

and properly dispose of the feces in a sanitary manner, shall constitute a violation of the code and the creation of a public nuisance.

(d) Dogs permitted on certain sections of the beach.

(1) Consistent with section 6-8, dogs may be permitted on the following described section of the beach from the Watson Drive beach pedestrian dune crossover Eastward to the mean high water line of the Atlantic Ocean; thence generally North/Northwestward along said mean high water line to the corporate municipal limits of the town; thence Westward along said corporate municipal limits to seaward side of the beach dunes; thence South/Southeastward to the Watson Drive beach pedestrian dune crossover (hereinafter: the "dog friendly beach area"). Dogs shall only be permitted in the dog friendly beach area from sunrise until two hours after sunrise and from two hours before sunset until sunset. All dogs must be leashed. Notwithstanding the foregoing, no dangerous dog, no aggressive dog, and no dog during the pendency of an investigation and resolution of any hearings related to classification of a dog as an aggressive dog or a dangerous dog, shall be permitted on any town beach, or on the dog friendly beach area, at any time.

(2) Regulations relating to permitting dogs on the dog friendly beach area may be promulgated from time to time for a period not exceeding 60 consecutive days by the town manager or by resolution of the town council. Violation of any such regulation adopted shall be deemed a violation of this code.

(3) Whenever an animal defecates on the beach, the owner, or person having temporary custody or control, of the dog while on the beach shall immediately remove and properly dispose of the feces in a sanitary manner. As utilized in this subsection, the term "immediately" means immediately after the dog has defecated on the beach. Failure of the owner, or person having temporary custody or control, of the dog that has defecated on the beach to remove and properly dispose of the feces in a sanitary manner, shall constitute a violation of the code and the creation of a public nuisance.

(4) The town manager shall post signage conspicuously at the Watson Drive beach crossover, on the beach at the South end of the dog friendly beach area, and on the beach immediately adjacent to the town municipal corporate limits. Said signage shall provide:

That this is a dog friendly beach;

The boundaries of the dog friendly beach area;

That the dog friendly beach area permits dogs on the beach from sunrise until two hours after sunrise and from two hours before sunset until sunset;

That no dangerous or aggressive dog as described in section 8-5(a), town code of ordinances, is permitted on any town beach at any time;

That all dogs must be on a leash at all times with the leash no more than 10 feet in length;

That the owner, or person having temporary custody or control, of the dog while on the beach shall immediately remove and properly dispose of the feces in a sanitary

manner. That the term "immediately" means immediately after the dog has defecated on the beach;

That the owner, and the person having custody or control, of the dog while on the beach is liable for any damage to property or injury to any person or other animal;

That any person coming onto the dog friendly beach area, agrees that the town shall not be liable for any damage to property or injury to any person or other animal; and

That it shall be a violation of the town code of ordinances to take a dog seaward of the mean high water mark.

(5) The town manager shall coordinate with the chief of police and the public works director to provide a regular schedule for enforcement of this code provision and to provide for assuring that the dog friendly beach area is cleaned of feces.

(6) That this sub-section (d) is a test or pilot project so that the town council may judge the effects of this sub-section (d). This sub-section (d) shall become effective on February 1, 2022, and shall expire and be terminated on August 1, 2022, unless extended.

### SECTION 3. 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 4. 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 \_\_\_\_\_, 202\_\_, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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TOWN OF INDIALANTIC

\_\_\_\_\_  
David Berkman  
Mayor

ATTEST: \_\_\_\_\_  
Rebekah Raddon  
Town Clerk



**SUBJECT: Second/Final Reading: Ordinance 2022-03 Relating to Facility or Street Naming or Renaming**

**Staff Report – Town of Indialantic**

**Meeting Date: January 12, 2022**

**Summary:**

Town Attorney Gougelman drafted Ordinance 2022-03 based on council's request for a policy on street renaming. The ordinance does not rename any streets; rather, it implements a set of rules and procedures for doing so. At first reading, Deputy Mayor Glass asked that the Ordinance be amended to more closely track the language in the traffic calming/speed hump resolution with regard to who must consent to the change. Mr. Gougelman revised Ordinance No. 2022-03 to reflect the change.

**Recommendation:**

Adopt Ordinance 2022-03 on second/final reading

MOTION: Adopt Ordinance 2022-03 on second/final reading
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Submitted/Approved by:



\_\_\_\_\_  
Rebekah Raddon  
Town Clerk

\_\_\_\_\_  
Michael L. Casey  
Town Manager

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**ORDINANCE NO. 2022-03**

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.

WHEREAS, the Town Council has determined that it is in the public interest to permit the renaming of streets within the Town; 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 limited opportunities for the consideration of whether streets should be renamed and under what circumstances.

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 28-1 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 28-1. - Facility naming.**

(a) *Purpose.* The purpose of this section is to establish a uniform method to assist the town council in naming town facilities.

(b) *Naming guidelines.*

(1) A town council member, a resident of the town, a non-resident descendent of a former resident who contributed to the town who desires that a descendent be recognized, or a group or organization may file a request with the town clerk to name/rename a town facility.

(2) Facilities to be considered for naming or renaming may include streets, parks, dune crossovers, beach accesses, pavilions, piers, shelters, and walkways. ~~Streets shall not be considered for naming/renaming.~~

44 (3) Names under consideration shall not include any names that  
45 include promote alcohol or tobacco products or a political organization.

46 (4) Any person ~~Anyone~~ for whom a facility is named should be a  
47 person who has been deceased for a minimum of 12 months. However, the council  
48 may consider naming a facility for a person who is not deceased, or has not been  
49 deceased for a minimum of 12 months; ~~provided, that~~ the person has made a  
50 contribution or gift of an extraordinary nature. A street may be named for an  
51 organization or company.

52 (5) The request shall include a detailed account of the relationship of  
53 the proposed name to the subject facility, the contribution made by the individual to the  
54 town, an indication as to the worthiness of the individual as to why this request is being  
55 made, an indication as to the length of time that the person was a resident of the town,  
56 the current name of the facility (if previously named), and the physical location of the  
57 facility.

58  
59 (c) *Naming determination.* The Council shall consider the request at a  
60 noticed public hearing. Naming or renaming shall be accomplished by ordinance which  
61 shall be codified in the town code.

62  
63 SECTION 3. That the Code of Ordinances of Indialantic, Florida, is hereby  
64 amended by adding a section, to be numbered 28-1.1, which said section reads as  
65 follows:

66  
67 **Sec. 28-1.1 - Procedure to initiate street; facility or park name changes;**  
68 **application fee.**

69  
70 (a) Application by town. A proposal to change the name of any private or  
71 public street or any public facility or park within the town may be initiated by a  
72 vote of the town council. Such vote shall constitute direction to the town manager and  
73 town attorney to prepare either an ordinance for a street renaming or public facility or  
74 park renaming. Said ordinance or resolution shall be classified as an "application," as  
75 that term is used herein. Applications initiated by the town council shall be exempt from  
76 the requirements of subsections (b), (c), and (d) of this section.

77  
78 (b) Application by general public, real property owner, or other governmental  
79 agency. Every applicant seeking to change the name of any public or private street or  
80 any public facility or park, other than the town, including, but not limited to, an  
81 owner of real property within the town, a governmental entity other than the town, or  
82 other person, shall be required to file an application pursuant to the  
83 requirements of subsection (c) of this section and to satisfy the applicable  
84 requirements of subsections (d), (e), (f), (g), (h), and (i) of this section.

86       (c) Application form. A complete application for a change of the name  
87 of a street or any public facility or park within the town shall be submitted to the town  
88 manager along with the consent to change a street name form provided for in  
89 subsection (d) of this section and an application fee as set from time to time by  
90 resolution of the town council. All costs including notices, mailings, sign changes and  
91 associated costs shall be the responsibility of the applicant. When the town determines  
92 the costs to be greater than the application fee, an estimate will be provided to the  
93 applicant and payment for the difference shall be submitted for the application to be  
94 considered complete. Any unutilized funds will be returned to the applicant.

95  
96       (d) Consent by adjacent property owners required for street name changes.

97       (1) For the purposes of this section, a property owner is defined as any  
98 individual, corporation, partnership, or other legal entity who owns in fee simple or holds  
99 a leasehold interest with a remaining term of 30 years or more in real property.

100       (2) At least 75 percent by number of the property owners who own real  
101 property, any portion of which abuts the right-of-way/street segment which is subject to  
102 the application for name change, must execute a consent to change street name form  
103 which form shall be attached to the application. A person who has executed a consent  
104 form may at any time up until final passage of the ordinance request in writing that his  
105 signature be deleted from the consent form.

106       (3) In determining if at least 75 percent of the property owners who  
107 own real property abutting the right-of-way/street segment which is subject to the  
108 application for name change have executed the consent form, the town shall ascertain  
109 the total number of properties abutting both sides of the right-of-way/street segment  
110 subject to the application. This number shall form a denominator of a fraction. The  
111 numerator shall be the total number properties whose owners have executed the  
112 consent form. If the fraction is not greater than 75 percent, then the application shall be  
113 deemed to be insufficient for further review and consideration. In computing the overall  
114 number of properties abutting the right-of-way/street segment subject to an application  
115 to change the street name:

116       (A) Public streets and roadways owned by a governmental  
117 entity or property owned by the town shall not be considered; and

118       (B) Private property which is contiguous at a point shall not be  
119 counted.

120       (4) Determination of property signatories.

121       (A) In determining whether a person executing a consent form is  
122 in fact a fee simple owner of real property able to consent to a street name change as  
123 provided herein, the town may use the latest *ad valorem* tax rolls prepared by the  
124 county at the time of receipt of the application or more current evidence of ownership in  
125 the form of a deed submitted to the town. No consent shall be valid if it is executed  
126 more than 120 days prior to the date of submission of the application to change the  
127 street name, or if any of the required information is not completed.

128                   (B)    The consent to change a street name form shall be in a  
129 format provided by the town manager.

130                   (C)    A "property" shall consist of one or more platted lots or  
131 parcels of land which constitutes a building site for the principal use of the property.  
132 The petition and supporting signatures must be filed with the Town Clerk. Each  
133 signature must identify the property for which it has been signed.

134                   (D)    In instances where two or more people own a property, the  
135 signature by all of the property owners shall be required to count the property as being  
136 in support of the petition. For example, the deed for the property indicates that it is  
137 owned by a husband and wife. Both the husband and wife must sign the petition for  
138 the property to be counted as in support of the petition. In instances where a trust  
139 owns the property, the petition must be signed by the trustee(s) authorized and  
140 required to sign on behalf of the trust to count the property as favoring the petition, and  
141 proof of authority to sign must be included or apparent from a review of the public  
142 records of Brevard County. In instances in which a corporation owns the property, the  
143 signature of the president or a vice-president shall be required to count the property  
144 as favoring the petition. In cases of the property being owned by a limited liability  
145 company, a signature of a company manager in the case of a manager-operated  
146 limited liability company or a signature of a company member in the case of a  
147 member-operated company, shall be required to count the property as in favor of the  
148 petition. In all other cases, the Town Attorney shall be consulted for a determination  
149 whether the petition has been properly signed by a property owner.

150                   (E)    In instances where vacant properties exist on the roadway,  
151 the vacant property shall be included in the calculation as if a home or other principal  
152 use existed along the roadway. For condominiums, each unit shall be considered to  
153 be a property. For rental apartments, apartment building shall be considered to be a  
154 separate property.

155                   (F)    Once the petition and the supporting signatures have been  
156 filed with the Town, no person's signature may be added to the petition, but any person  
157 who has signed the petition may remove his or her signature from the petition; provided,  
158 however, that to remove a signature supporting the petition, the individual must write to  
159 the Town Clerk prior to the Town Council meeting to give final approval or disapproval to  
160 street renaming petition, to request the removal of his or her signature from the petition.

161                   (G)    Upon submission of the petition with supporting signatures,  
162 the Town Clerk shall examine the petition signatures to determine that owners of  
163 seventy-five percent (75%) of the properties on the street segment where the street  
164 renaming has been requested have signed the petition. The Town Clerk may conduct a  
165 random sample of the signatories to confirm their execution of the petition by whatever  
166 means that the Clerk deems appropriate. If owners of a minimum of seventy-five percent  
167 (75%) properties vote in favor of a street renaming, the petition shall be considered  
168 sufficient for further consideration.

169                   (e)    Amendments by an applicant petitioning for  
170 change of name of town street, facility or park. After the application has been filed,

amendments are not permitted without the approval of the town council, or as otherwise permitted in this section.

(f) Criteria for renaming a street, facility or park. The following criteria shall be used by the town manager, or designee, to determine whether the town street, facility or park is eligible for renaming:

(1) The change of name of a town street shall not prove disruptive or adverse to the ability of emergency services, including police, fire, paramedic, ambulance services, and the county's emergency 911 system, to respond to an emergency involving the life, safety, or health of any person.

(2) If the request is to change the name of a private street, or a public street operated and maintained by other than the town, the town shall attempt to obtain consent to the name change from the owner/operator of the street.

(3) Required consent from abutting property owners for a street name change, as required in subsection (d)(4), has been met.

(4) Duplicate street, park, or public facility names will not be considered.

(5) Names that promote alcohol and tobacco products or political organizations shall not be considered.

(6) Names with connotations which by contemporary community standards are derogatory or offensive shall not be considered.

(g) The following additional guidelines shall be used by the town council to evaluate the request for renaming a town street, facility or park:

(1) The cost that the renaming will have on any other person that is or could be materially affected by the name change.

(2) Use of recognized geographic names.

(3) Use of natural historic features.

(4) Cultural or historical significance to the town or surrounding neighborhood.

(5) Preference to names of long established local usage and names that lend dignity to the street, facility or park.

(6) When naming for a person, a biography and other relevant background information must be included.

(7) The person may not be a current town council member.

(8) The person may have made a significant financial or other contribution to the town or to a specific facility or park.

(h) Courtesy notice.

(1) A courtesy notice shall be prepared and mailed by the town to the property owners of record of any parcel of real property, any portion of which abuts, as described in subsection (d) of this section, the right-of-way/street segment subject to consideration to have its name changed. Courtesy notices will also be mailed to property owners of record within 500 feet of a facility or park that is being considered for renaming. Failure to mail the courtesy notice, failure to include all information in correct form or substance as required herein, or failure of the intended recipient to

214 receive the notice shall not affect any proceeding or action taken with regard to an  
215 ordinance to change the name of any segment of any street. The property owners to  
216 whom the courtesy notice may be mailed shall be those property owners listed on the  
217 latest ad valorem tax rolls prepared by the county at the time of mailing of the courtesy  
218 notice. Mailing shall be by first class, United States mail, postage prepaid. Notice shall  
219 be deemed to have been given when the courtesy notice is deposited in the United  
220 States mail.

221 (2) The courtesy notice shall state that a proposal has been made to  
222 change the name of a segment of a town street, facility or park, identify the existing and  
223 proposed name of the street, facility or park; the date when the change would go into  
224 effect; and the end points of the street segment affected. The notice shall also state  
225 the time, date and place of the proposed public hearing by the town council. The  
226 courtesy notice shall be mailed at least ten days prior to the second reading of an  
227 ordinance to accomplish a name change of the segment of a town street.

228 (3) This sub-section shall take effect on January 1, 2022 and shall only  
229 apply to applications filed after that date.

230  
231 (i) Town council consideration. Following a determination that the  
232 application is sufficient for consideration or a vote by the town council to initiate  
233 consideration as set forth in subsection (a) of this section, the town council, shall review  
234 the application taking into consideration the preceding criteria and shall make a  
235 decision on the application.

#### 236 237 SECTION 4. Severability Clause/Interpretation.

238  
239 (a) In the event that any term, provision, clause, sentence or section of  
240 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly  
241 unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or  
242 unenforceability shall not affect any of the other or remaining terms, provisions, clauses,  
243 sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied  
244 as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did  
245 not exist.

246  
247 (b) That in interpreting this Ordinance, underlined words indicate  
248 additions to existing text, and stricken through words include deletions from existing text.  
249 Asterisks (\*\*\*\*) indicate a deletion from the Ordinance of text, which exists in the Code  
250 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the  
251 asterisks and not set forth in this Ordinance shall remain unchanged from the language  
252 existing prior to adoption of this Ordinance.

253  
254 SECTION 5. Effective Date. This Ordinance shall become effective upon  
255 adoption.  
256

257 PASSED by the Town Council of the Town of Indialantic on first reading on the 8th  
258 day of December, 2021, and ADOPTED by the Town Council of the Town of Indialantic,  
259 Florida on final reading on the 12th day of January, 2022.

260  
261  
262 TOWN OF INDIALANTIC

263  
264  
265  
266 \_\_\_\_\_  
267 David Berkman  
268 Mayor

269 ATTEST: \_\_\_\_\_  
270 Rebekah Raddon  
271 Town Clerk



**SUBJECT: Ordinance 2022-04 (First reading) Rules of Procedure for Town Council Meetings**

**Staff Report – Town of Indialantic**

**Meeting Date: January 12, 2022**

**Summary:**

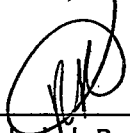
Town Attorney Gougelman drafted Ordinance 2022-04 to provide citizens a reasonable opportunity to participate in town meetings in a calm and businesslike professional environment. The ordinance provides a formal set of rules for Town Council meetings relating particularly to debate, public comment, and maintenance of order and decorum.

**Recommendation:**

Approve Ordinance 2022-04 on first reading

MOTION: Approve Ordinance 2022-04 on first 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 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

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.

Indialantic/Rules &amp; Procedures2.Ord

1

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.**

(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 voting at a meeting. Unless objection thereto is made by a council, the 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.

(b) Mayor to serve as presiding officer. 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.

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

(d) Presiding officer conduct of council meeting. The presiding officer shall have a voice and a vote on all questions and items, and be called last when the vote is being called. The presiding officer does not have veto power. The presiding officer may make and second motions upon passing the gavel to the deputy mayor or, in the absence

87 of the deputy mayor, to any council member. The presiding officer shall introduce  
88 agenda items by the agenda item and number. The town attorney shall read the titles of  
89 legislation as may be requested by the presiding officer. Thereafter, the presiding officer  
90 may call upon the town manager to give any needed explanation of the item up for  
91 consideration. Following this, the item shall be opened for town council discussion or  
92 public hearing as required by the item, under the guidelines established herein. All  
93 comments or questions by the attending public shall be directed to the presiding officer.  
94 All motions shall be read aloud before a vote is taken. After a decision is made, it shall  
95 be read back by the town clerk as clearly and concisely as possible.  
96

97 (e) Presiding officer to maintain decorum at town council meetings. Should a  
98 member of the audience become unruly or behave in any improper manner prejudicial to  
99 the proper conduct of the meeting, the presiding officer shall maintain order and decorum.  
100 Council meetings are a limited public forum for constitutional free speech purposes.

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

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

108 (3) The presiding officer may interrupt a speaker to maintain order and  
109 decorum, but such interruption shall not reduce the speaker's time. The presiding officer  
110 is given the right and the authority to require such person to leave town hall, to be  
111 accompanied, if necessary, by a law enforcement officer. In the event the audience, or  
112 a part thereof, becomes unruly, the presiding officer may either recess or adjourn the  
113 meeting. Persons violating Florida Statute Section 871.01 may be arrested by police  
114 officers present and noting the willful interruption or disturbance.  
115

116 [DRAFTER's NOTE: The Council is a "limited public forum."  
117 This means that the public is limited to what is on the agenda.  
118 It is not an open public forum for any issue to be brought up.  
119 Steinberg v. Chesterfield County Planning Commission, 525  
120 F.3d 377 (4<sup>th</sup> Cir. 2008); Jones v. Heyman, 888 F.2d 1328  
121 (11<sup>th</sup> Cir. 1989). Jones, is interesting because the federal  
122 appellate court found that the Mayor of Key West's actions in  
123 attempting to confine speaker to an agenda item in city  
124 commission meeting, and having speaker removed from the  
125 meeting when speaker became disruptive, constituted a  
126 reasonable time, place and manner regulation, and did not  
127 violate speaker's First Amendment rights.]

128 (f) Council discussion and debate.

129           (1) In order to expedite the council proceedings and arrive at a decision,  
130 discussion and debate of any item by council members may be limited from time to time  
131 by decision of the council. Each council member shall be afforded the opportunity to offer  
132 rebuttal on each item discussed, which may also be limited from time to time by the  
133 council.

134           (2) A council member, once recognized by the presiding officer, should  
135 direct all comments or questions on the subject matter being discussed to or through the  
136 presiding officer. Council members should not engage in cross conversation with other  
137 council members or the public, and shall not engage in slanderous, impertinent, or  
138 obscene comments or personal attacks. Council members shall not interrupt another  
139 council member who has the floor, and shall be polite and respectful.

140           (3) The town manager or town attorney may play a role in keeping the  
141 council member discussion on topic and keeping the meeting moving forward. The  
142 presiding officer shall not unreasonably withhold or delay recognition of any council  
143 member desiring to speak. The Mayor should recognize council members in rotation and  
144 not call on any council member a second time or subsequent time until such time as all  
145 council members have had an opportunity to speak.

146           (4) Questions by council members. In the event that a council member  
147 wishes to direct questions to another council member or to the public, the questions  
148 should be directed to and through the presiding officer who, in turn, will recognize the  
149 council member or member of the public who wishes to answer the specific questions. In  
150 the event a council member wishes to direct a question to the town manager, town clerk,  
151 the town attorney, or other town staff, the question shall be directed through the Mayor,  
152 who will, in turn, recognize the council member.  
153

154           (g) Public comment and discussion.

155           (1) Public hearings and comment. Individuals wishing to speak on  
156 matters that appear on the agenda as public hearings or other agenda items need only to  
157 be recognized by the presiding officer. A member of the public shall be permitted to  
158 speak after the presiding officer opens an item for public hearing or comment, for a  
159 maximum of three minutes each. After the public hearing or public comment is closed by  
160 the presiding officer, only council members, the town attorney, or the town administration,  
161 shall discuss the item.

162           (2) Addressing council; Manner and time. Public discussion at public  
163 hearings or at items which are opened to public discussion (other than the general Public  
164 Comment portion of the meeting) shall be limited to three minutes maximum per person.  
165 A person's allotted speaking time may not be shared by multiple people. Speaking time  
166 allotted to one person may not be donated to another person. However, the presiding  
167 officer may authorize the extension of this time frame, after due consideration for the  
168 substance, content, and relative importance of the subject. Each person who addresses  
169 the council shall approach the speaker's podium, shall give his or her name and state his  
170 address. No person other than the member of the public recognized by the presiding  
171 officer as having the floor shall be permitted to enter into discussion without the  
172 permission of the presiding officer. No person shall approach the dais without first

173 receiving permission from the presiding officer. All questions from the public to the  
174 council shall be addressed through the presiding officer, and shall be handled in the  
175 manner that the presiding officer sees proper. The normal practice shall be for the town  
176 manager or a designated staff person, to follow up on questions or requests, and to avoid  
177 conversation between the public speaker and the members of the council or the town  
178 administration. Any answers that may be given shall not reduce the speaker's time.  
179 Speakers shall conduct themselves in a polite and respectful manner, and shall use  
180 proper titles when addressing council members, the presiding officer, or other town  
181 officials or staff by name. Persons who are disruptive shall receive at least one warning  
182 before being ejected in accordance with code section 2-35.  
183

184 (h) *Placement of items on council agenda.*

185 (1) *Regular meetings.*

186 (A) Any council member, the town manager, the town clerk, or the  
187 town attorney may place items on the regular council meeting agenda for consideration.  
188 In coordination with the presiding officer at an upcoming meeting and the town clerk, the  
189 town manager shall establish the agenda and order of items to be considered. The  
190 general order of items on the regular council agenda, subject to alteration by the  
191 presiding Officer or town manager, shall be: call to order, pledge of allegiance; roll call;  
192 admission to participation by members not physical present; changes to the agenda;  
193 presentations and proclamations; public comments on non-agenda items; public  
194 announcements; consent agenda; ordinances and public hearings; unfinished business;  
195 new business; reports by the town manager, town attorney, and council members; and  
196 adjournment. When any applicable law may require a different order or procedure for the  
197 council meeting, such as for meetings involving the budget, those laws shall be followed  
198 and the meeting procedures altered as may be appropriate.

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

205 (C) All information relating to items to be placed on the agenda  
206 shall be submitted to the town manager by a date certain as established by the town  
207 manager or town clerk of the week prior to a regular meeting. Unless otherwise required  
208 by law, a complete package of all agenda material shall be provided to the town council  
209 by the town clerk by the close of business five days prior to the regular meeting and by  
210 posting the agenda material on the town website at least five days prior to the regular  
211 meeting. In the event that pertinent information relating to the agenda item is missing or  
212 unaccounted for prior to the meeting, the information or item may be furnished to the town  
213 council late but due to volume or complexity of information the item is subject to removal  
214 from the agenda at the regular meeting. Any power point-style presentations to be  
215 presented at a regular council meeting must be supplied to the town clerk at least six days

prior to the regular council meeting and shall be provided to the council by the town clerk at least 48 hours prior to the meeting time, to the extent feasible.

(2) *Regular and special meetings.*

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

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

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

(i) *Minutes.* The town clerk shall prepare the minutes for town council review and approval. The town clerk should have the minutes for a particular council meeting ready for approval by the council by not later than the following council 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 meeting (special, regular, or workshop); (ii) date, time, and location of the council meeting; (iii) the identification of all council members present and whether in person or by telecommunications; (iv) identification of any excused council members; (v) names of other town officials present, whether in person or by telecommunications; (vi) if any councilmembers are attending by telecommunications, the reason for attendance by telecommunications; (vii) approval of the town council 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 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 member, as well as any abstentions from voting; (x) any points of order, or appeals of the rulings of the presiding officer, as well as the disposition of same; (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

260 right of the Mayor shall be seated the deputy mayor and to the right of the deputy mayor  
261 in order of tenure on the council shall be seated the other council members. The town  
262 manager shall be seated at a table adjacent to the dais.  
263

264 (k) Waiver of the procedures.

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

273 (2) Although these rules or procedure shall be adhered to, by general,  
274 unanimous, or silent consent, the town council, or a town board, can do business with  
275 little regard for the rules of procedure, as they are made for the protection of the minority.  
276 When there is no minority to protect, there is little need for the restraint of the rules,  
277 except such as to protect the rights of absent members. In the former case the consent  
278 of the absentees cannot be given. A single objection defeats a request for general  
279 consent. By the legitimate use of the principle that the rules are designed for the  
280 protection of the minority, and generally need not be strictly enforced when there is no  
281 minority to protect, business may be greatly expedited. When there is evidently no  
282 opposition, except in the case of state law requiring a recorded vote or when a written  
283 resolution is being adopted in final form, the formality of voting can be avoided by the  
284 presiding officer asking if there is any objection to the proposed action, and if there is  
285 none, announcing the result. The action thus taken is said to be done by general consent,  
286 or unanimous or silent consent. Thus, after an order has been adopted limiting the  
287 speeches to three minutes each, if a speaker is so interesting that when said speaker's  
288 time has expired, there is a general demand for the speaker to be permitted to continue  
289 making remarks, the presiding officer, instead of waiting for a motion and taking a vote,  
290 could accept it as the will of the assembly that the speaker's time be extended, and would  
291 direct the speaker to proceed. Or, the presiding officer might say that if there is no  
292 objection, the member's time will be extended two minutes, or some other time.

293  
294 [DRAFTER's NOTE: The foregoing sub-paragraph is  
295 excerpted from Robert's Rules of Order.]  
296

297 SECTION 3. That Section 2-35 of the Code of Ordinances of Indialantic, Florida,  
298 is hereby amended to read as follows:  
299

300 **Sec. 2-35. - Interrupting deliberations; Maintaining order, decorum at town council**  
301 **and board meetings.**  
302



303 (a) The chief of police or such law enforcement officer of the town police  
304 department as the chief of police may designate shall serve as a sergeant-at-arms at  
305 regular and special meetings of the town council and may serve as needed at any town  
306 board meeting. To the extent not inconsistent with the law, the sergeant-at-arms shall  
307 carry out orders and instructions given by the presiding officer, or by a majority of the  
308 town council or board, present for the purpose of maintaining order and decorum at a  
309 town meeting.

310 (b) No person shall at any time, or for any cause, interrupt the deliberations  
311 of the town council, or any town board, while in session in any meeting, without first  
312 obtaining the consent of the presiding officer, under penalty of expulsion from the  
313 meeting place. While any meeting of the town council or any town board is in session,  
314 the members of the public shall not, by conversation or otherwise, delay or interrupt the  
315 proceedings nor the peace of the meeting and shall obey all orders of the town council  
316 or board, or its respective presiding officer, except as otherwise herein provided. All  
317 persons attending any town meeting shall render inaudible any beepers, cellular  
318 telephones, or other mechanical or electronic devices while such meeting is in session.  
319 The presiding officer shall preserve strict order and decorum at all meetings.  
320 Unauthorized remarks from the audience, heckling, stomping of feet, whistles, yells and  
321 similar demonstrations constitute an interruption to public meetings, are prohibited and  
322 shall not be permitted by the presiding officer. All speakers shall comply with section  
323 2-34(e) of this code regarding refraining from and not using profane, slanderous,  
324 impertinent, or obscene language.

325 (c) The foregoing conduct is unauthorized and, if the individual engaged in  
326 the conduct has not been recognized and granted leave to speak by the presiding  
327 officer, any person who causes an interruption of the meeting shall be given the option  
328 to cease the conduct which constitutes an interruption or to leave the meeting. If the  
329 individual fails to cease the offending conduct or to voluntarily leave the meeting after  
330 one or more warnings by the presiding officer and continues interrupting the meeting,  
331 the individual may be removed from the meeting room if the sergeant-at-arms is so  
332 directed by the presiding officer, and such person may be barred from further audience  
333 for the remainder of the meeting. In case the presiding officer shall fail to act, any  
334 member of the town council or a town board may move to require the presiding officer  
335 to act to enforce the rules, and the affirmative vote of the majority of the town council  
336 may require the presiding officer to act.

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

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

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

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

356  
357           **DRAFTER's NOTE:** See Drafter's Note following Section  
358 2-34(e) of the Town Code in this Ordinance.  
359

360           SECTION 4. Repeal of Previous Rules. During the tenure of Robert Cochran as  
361 Mayor, rules of procedure were adopted by the Town Council. All previous rules of  
362 procedure adopted by vote of the Town Council are hereby repealed.  
363

364           SECTION 5. Severability Clause/Interpretation.  
365

366           (a)    In the event that any term, provision, clause, sentence or section of  
367 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly  
368 unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or  
369 unenforceability shall not affect any of the other or remaining terms, provisions, clauses,  
370 sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied  
371 as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did  
372 not exist.  
373

374           (b)    That in interpreting this Ordinance, underlined words indicate  
375 additions to existing text, and stricken through words include deletions from existing text.  
376 Asterisks ( \* \* \* ) indicate a deletion from the Ordinance of text, which exists in the Code  
377 of Ordinances. It is intended that the text in the Code of Ordinances denoted by the  
378 asterisks and not set forth in this Ordinance shall remain unchanged from the language  
379 existing prior to adoption of this Ordinance.  
380

381           (c)    Sections 1, 4, 5, and 6 of this Ordinance, as well as the Drafter's  
382 Notes shall not be codified.  
383

384           SECTION 6. Effective Date. This Ordinance shall become effective upon  
385 adoption.  
386

387           PASSED by the Town Council of the Town of Indialantic on first reading on the  
388 \_\_\_\_\_ day of \_\_\_\_\_, 2022, and ADOPTED by the Town Council of the Town of

389 Indialantic, Florida on final reading on the\_\_\_\_ day of \_\_\_\_\_, 2022.  
390

391

392

TOWN OF INDIALANTIC

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396

\_\_\_\_\_  
David Berkman

397

Mayor

398

399

ATTEST:\_\_\_\_\_

400

Rebekah Raddon

401

Town Clerk

TOWN OF INDIALANTIC			
BUILDING REPORT			
December-21			
	<u>CURRENT</u>	<u>YTD 22</u>	<u>YTD 21</u>
NO. OF PERMITS ISSUED	29	548	125
TOTAL PERMIT FEES	\$5,219.52	\$134,968.91	\$30,250.00
TOTAL CONSTRUCTION VALUE	\$661,363.00	\$17,748,780.70	\$3,616,550.00
PLAN REVIEW FEES	\$0.00	\$18,969.00	\$5,193.50
TOTAL SIGN FEES	\$64.00	\$636.00	\$64.00
NO. OF SIGN PERMITS ISSUED	1	8	1
NEW CONVENTIONAL HOMES	0	6	4
NEW MULTI FAMILY HOMES	0	7	4
NEW COMMERCIAL BUILDINGS	0	0	0
MISC. ADDITIONS/ALTERATIONS	1	27	5
CERTIFICATE OF OCCUPANCY	2	15	3
BUILDING CODE INSPECTIONS	69	875	235

# Permit List

12/28/2021

Permit #	Address	Category	Applicant Name	Date Issued	Valuation	Amount Billed
PB22-0008	700 S SHANNON AVE	Replacement	ELEGANT HOMES & DESIGNS	12/01/2021	18,544.00	164.80
PB22-0035	700 S SHANNON AVE	Replacement	ALLIANCE PAVERS	12/07/2021	6,600.00	104.00
PB22-0049	156 MIAMI AVE	New	SUPERIOR FENCE & RAIL OF BREV	12/01/2021	10,824.00	124.00
PB22-0055	112 ORLANDO BLVD	Electrical New	Atlantic Key Energy	12/01/2021	79,286.00	478.95
PB22-0058	212 ORMOND DR	New	DOUG HERRELL PLUMBING INC	12/01/2021	8,650.00	114.00
PB22-0059	144 5TH AVE	New	Struxure Outdoor of the Sea Coast	12/03/2021	66,240.00	412.00
PB22-0063	205 6TH AVE	HVAC Replacement	REYNOLDS AIR & HEAT INC TAX A	12/03/2021	12,030.00	154.50
PB22-0066	134 2ND AVE	Demolition	CHANG, AMBER R	12/13/2021	9,800.00	104.00
PB22-0067	328 DELAND AVE	Electrical Remodel	DURHAM & SONS INC.	12/01/2021	3,225.00	89.00
PB22-0069	974 S SHANNON AVE	Replacement	ELEGANT HOMES & DESIGNS	12/01/2021	10,508.00	124.00
PB22-0070	430 11TH AVE	HVAC Replacement	FRESH AIR AND HEAT INC	12/16/2021	15,705.00	79.00
PB22-0071	320 MIAMI AVE	HVAC Replacement	ABLE AIR INC.	12/03/2021	10,985.00	79.00
PB22-0072	201 1ST AVE	Replacement	A BETTER VIEW	12/07/2021	3,225.00	89.00
PB22-0073	401 2ND AVE	Replacement	A BETTER VIEW	12/07/2021	7,550.00	109.00
PB22-0075	701 S PALM AVE	Electrical New	AFFORDABLE SOLAR SERVICES	12/10/2021	92,246.00	545.90
PB22-0076	101 TRADEWINDS TER	Replacement	ALLIANCE PAVERS	12/09/2021	4,900.00	94.00
PB22-0078	1145 N SHANNON AVE UNIT	New	Acorn Stairlift, Inc	12/09/2021	9,000.00	114.00
PB22-0080	136 11TH AVE	Replacement	CURB PRO / PAVERS PRO	12/15/2021	10,900.00	124.00
PB22-0081	1210 S RAMONA AVE	Replacement	AMERICAN FENCE	12/15/2021	3,150.00	89.00
PB22-0082	121 5TH AVE	Permanent	FAST SIGNS	12/16/2021	743.00	64.00
PB22-0084	100 TRADEWINDS TER	Replacement	BRAD GREGORY WINDOW DOOR	12/21/2021	1,295.00	79.00

PB22-0085	235 WATSON DR	Replacement	BROOKS GLASS CO	12/20/2021	2,405.00	84.00
PB22-0086	330 MICHIGAN AVE	Replacement	PWD- Oralando DBA Pella Window & D	12/17/2021	55,000.00	350.20
PB22-0089	234 MIAMI AVE	Replacement	A Plumb Job DBA Ken & Carrie's Plumbi	12/20/2021	9,723.00	119.00
PB22-0090	444 TWELFTH AVE	Remodel	Smith Development and Construction, Inc	12/21/2021	170,620.00	874.47
PB22-0091	505 N MIRAMAR AVE UNIT 40	HVAC Replacement	SOUTHERN AIRE OF CENTRAL FL I	12/21/2021	6,004.00	79.00
PB22-0093	419 10TH AVE	Roofing	G & G ROOFING CONSTRUCTION I	12/28/2021	15,850.00	149.35
PB22-0094	321 DELAND AVE	Electrical Addition	DURHAM & SONS INC.	12/28/2021	1,025.00	79.00
PB22-0095	409 1ST AVE	Roofing	G & G ROOFING CONSTRUCTION I	12/29/2021	15,330.00	149.35

**Number of Permits: 29**

**Total of Plan Review Fees: \$**

Population: All Records

**Total Construction Value: \$661,363.00**

Permit.DateIssued Between 12/1/2021 12:00:00 AM AND  
12/31/2021 11:59:59 PM

**Total of Fees Paid: \$5,219.52**

AND

Permit.AddressDisplayString = <Prompt For Value>

## Inspection Totals

01/03/2022

69

**Grand Total**

69

Population: All Records

Inspection.DateTimeCompleted Between 12/1/2021  
12:00:00 AM AND 12/31/2022 11:59:59 PM

**Code Enforcement  
December 2021**

<u>Location:</u>	<u>Description:</u>	<u>Date:</u>	<u>Code:</u>	<u>Extra Info:</u>	<u>Status:</u>	<u>Notes</u>
	<u>Notified Date</u>	<u>CB Date</u>				
<b>Zone 1</b>	<b>North of Fifth Avenue/Westside</b>					
326 Oakland Ave	Landscaping	12/03/21	Sec 103-286	Lawn not mowed	complied	caller complained that the grass was long, cars were parked in grass area at the side of the house and they had children's toys all over. CS & MC observed high grass, letter sent 12/07/2021
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 realtor Sandra Sheibani and advised her of the code, Sheibani said her sign guy is 14 days out. MLC observed 12/22/2021
N Riverside Dr	Real Estate Sign	12/22/2021	Sec 113-304 (1)a(4)	Over sized sign	in process	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.
<b>Zone 2</b>	<b>North of Fifth Avenue/Eastside</b>					
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 rec'd a call stating property was not being rented on VRBO, property is no longer on VRBO as of 12/09/2021
700 N Miramar Ave	Prohibited Signs	12/10/2021	Sec. 113-303	Snipe sign	Removed	South Entrance
<b>Zone 3</b>	<b>South of Fifth Avenue/Westside</b>					
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.
1501 S Shannon Ave/Eighth Ave Condo	Trash Container areas	11/02/21	Sec 103-283	accumulation of trash around dumpster	complied	neighbor emailed a complaint regarding dumpster enclosure of condos being filled with trash. Letter sent 11/02/2021, add'l email rec'd 11/12/2021 showing pictures of the continuing violation. MC emailed WM regarding the dumpster size and the regularity of pick-ups. MC emailed with property manager and they are in the process of getting the area cleaned and fixed. Property management scheduled a dumpster removal so they could clean behind the dumpster on 12/07/2021, CS & MC check dumpster area but doors were shut and were unable to see if violation was corrected.
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	12/16/21	Sec 103-286	Lawn not mowed		still ok, but not mowed
443 Tenth Ave	Trash compl	12/27/2021	no app code viol		unfounded	neighbor comp he keeps putting his trash piles on her and another neighbor's property. CS & MC observed trash pile in front of 440 Tenth Ave, not in front of compl address at 444 Tenth Ave. Waste Management requires trash piles to be on one side of the street because of narrow roadway. No trash piles were observed in front of the complainant's residence.



**Code Enforcement**  
**December 2021**

[illegible]

# Indialantic Fire Rescue Monthly Report for December 2021

<b>FIRES</b>		
Structure Fires		2
Brush Fires		
Vehicle Fires		
Trash Fires		
Other Fire Calls		1
<b>RESCUE &amp; EMERGENCY MEDICAL</b>		
Medical		20
Well Being Check		
Water Rescue		
Motor Vehicle/Pedestrian Accident with injuries		
Motor Vehicle with no injuries		1
<b>HAZARDOUS CONDITIONS (No Fire)</b>		
Electrical Wiring/Equipment Problem/Gas Leak		3
<b>GOOD INTENT CALL</b>		
Dispatched and Cancelled Enroute		
Dispatched and Cancelled on Scene		2
<b>FALSE ALARM &amp; FALSE CALLS</b>		
False Alarm or False Call		
Smoke Detector activation due to smoke or dust		
<b>SPECIAL INCIDENT TYPE</b>		
Fire Inspection/Business Tax Receipt (BTR)		13
Public Service Calls		5
Assist Other Government Agency		2
Special Type of Incident		2
Hydrant Inspections		
Public Education Demonstrations/talks		
<b>TOTAL CALLS</b>		51
<b>RUNNING TOTAL OF PREVIOUS MONTHS</b>		476
<b>TOTAL CALLS YEAR TO DATE</b>		527
<b>MUTUAL AIDE</b>		
	GIVEN	5
	RECEIVED	0

<b>AVERAGE RESPONSE TIME</b>	INDIALANTIC FIRE	2.01
	BREVARD COUNTY	11.61

<b>VOLUNTEER HOURS</b>	261
<b>SAVINGS REALIZED BY THE TOWN</b>	\$5,220

<b>VOLUNTEER F/F ACTIVITY</b>	The Volunteers conducted their monthly business meeting on 12/7/21 and weekly training on 12/14/21, 12/21/21, and 12/28/21. The annual Santa run went well with 151 gifts delivered to children.
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<b>CAREER F/F ACTIVITY</b>	The career firefighters continued conducting annual fire safety inspections. The Department with Councilings blessing entered into an auto-aid agreement with Brevard County Fire Rescue which will provide a quicker response from Brevard Fire for fires within the Town as well as the County backfilling the area to cover additional calls in the Town.
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## Annualized Response Time Data

**2021**

<b>A Shift</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annualized</b>
	<b>10</b>	<b>7</b>	<b>19</b>	<b>16</b>	<b>11</b>	<b>15</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>10</b>	<b>7</b>	<b>13</b>	<b>141</b>
Number of Calls	10	7	19	16	11	15	10	11	12	10	7	13	141
Average Turn Out	1.811	2.200	1.100	1.080	1.510	1.290	1.200	1.110	1.550	0.870	1.430	1.050	1.35
Average Response	1.7130	2.4600	2.0310	1.9300	2.1700	1.8800	2.3300	2.1800	1.7500	1.7900	2.4300	2.3600	2.09
Average Total Response	3.5250	6.6100	3.1320	3.0100	3.6800	3.1700	3.5300	3.2800	3.3000	2.6500	3.8600	3.4000	3.60
Time on Scene	15.1830	8.4900	28.5300	18.5400	15.6400	16.5000	24.3500	20.0900	22.5300	15.8000	14.1400	26.7200	18.88

<b>B Shift</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annualized</b>
	<b>11</b>	<b>11</b>	<b>13</b>	<b>12</b>	<b>15</b>	<b>7</b>	<b>11</b>	<b>17</b>	<b>6</b>	<b>10</b>	<b>9</b>	<b>10</b>	<b>132</b>
Number of Calls	11	11	13	12	15	7	11	17	6	10	9	10	132
Average Turn Out	1.125	2.168	1.100	1.930	0.890	1.290	1.720	1.5100	1.110	1.780	1.300	2.050	1.50
Average Response	1.374	1.7300	2.0310	1.9100	1.3000	3.5300	1.5700	2.1400	1.0900	1.5300	2.4900	1.4500	1.85
Average Total Response	2.619	6.9590	3.1320	3.8400	2.1840	4.8200	3.2900	3.6500	2.2000	3.3000	3.7900	3.4900	3.61
Time on Scene	11:31	11.3090	28.5300	11.9900	13.2900	16.6100	20.1900	14.4600	27.1300	17.1200	21.9300	10.0300	17.67

<b>C Shift</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Annualized</b>
	<b>10</b>	<b>14</b>	<b>11</b>	<b>10</b>	<b>13</b>	<b>5</b>	<b>10</b>	<b>8</b>	<b>10</b>	<b>15</b>	<b>7</b>	<b>10</b>	<b>123</b>
Number of Calls	10	14	11	10	13	5	10	8	10	15	7	10	123
Average Turn Out	0.938	1.617	1.636	1.870	0.840	1.620	0.750	0.950	1.410	0.920	0.700	1.630	1.24
Average Response	1.3860	2.3830	2.2090	1.4800	2.2800	1.8400	1.1100	2.3100	2.2500	2.6600	2.3500	2.2300	2.04
Average Total Response	2.7960	6.2440	3.8450	3.3500	3.1120	3.4600	2.8500	3.2600	3.6700	3.5800	3.0500	3.8600	3.59
Time on Scene	21.9132	13.9880	18.2200	20.69	19.8300	17.6000	24.0800	18.8800	17.2900	25.3100	20.7400	17.5900	19.68

<b>Department</b>													<b>Annualized</b>
	<b>31</b>	<b>32</b>	<b>43</b>	<b>38</b>	<b>39</b>	<b>27</b>	<b>31</b>	<b>36</b>	<b>28</b>	<b>35</b>	<b>23</b>	<b>33</b>	<b>396</b>
Number of Calls	31	32	43	38	39	27	31	36	28	35	23	33	396
Dispatch Time	2:02	2:28	2:13	2:37	1:54	2:55	2:00	1:56	2:29	2:06	2:33	1:54	2:13
Average Turn Out	1.29	2.00	1.28	1.63	1.08	1.40	1.60	1.19	1.36	1.19	1.14	1.58	1.39
Average Response	1.49	2.19	2.09	1.77	1.92	2.42	2.07	2.21	1.70	1.99	2.42	2.01	2.02
Average Total Response	2.98	6.60	3.37	3.40	2.99	3.82	3.42	3.40	3.06	3.18	3.57	3.58	3.61
Time on Scene	18.8587	11.2623	25.0933	17.0733	16.2533	16.9033	22.8733	17.8100	22.3167	19.4100	18.9367	18.1133	18.74