

Agenda
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, January 13, 2021 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. Pledge of Allegiance:
2. Oath of Office:
Simon Kemp, Councilmember, Seat #2
3. Presentations and Proclamations:
4. Public Comments, Non-agenda items:
Persons wishing to address the Town Council on a matter not listed on the agenda may speak at this time. Speakers must provide their name and address and direct their comments to the council and not to members of the audience. Please observe the 3-minute time limit and speak only after being recognized by the Mayor.
5. Public Announcements:
 - There are openings on the following boards and committees: Civil Service; Code Enforcement; Heritage; Parks, Recreation & Beautification; and Pension – General Employees.
 - The Mayors' Fitness Challenge begins Feb. 6, a link to register is on the Town website www.indialantic.com. All are welcome to join this free competition to earn the title Most Fit City.
 - 'Shop Local' Indialantic canvas bags with local business coupons are for sale at Town Hall for \$10 each.
 - Beach Parking decals are for sale for \$40; car registration is required for purchase. Anyone can purchase a decal, you don't have to be a resident of Indialantic.

B. Consent Agenda:

1. Resolution 01-2021 Temporarily Waiving Sign Code and Outdoor Dining Code (extends Res. 18-2020)
2. Resolution 02-2021 Election Qualifying Fee
3. Resolution 03-2021 Election Qualifying Fee for Write-In Candidates
4. Resolution 04-2021 Alarm Permit Fee

5. Res. 05-2021 Wireless Co-location Fee
6. Res. 06-2021 Lien Search Fee
7. Res. 07-2021 Administrative Fee for Unmaintained Pools
8. Res. 08-2021 Adopting the Brevard County Local Hazard Mitigation Strategy Plan
9. Council Meeting Minutes 11-12-2020
10. Council Meeting Minutes 12-9-2020

C. Ordinances and Public Hearings:

1. Ordinance 2021-01 Second Reading/Public Hearing (*Adopting proofs showing changes for recodification of the Town Code of Ordinances*):
An Ordinance Adopting And Enacting A New Code For The Town Of Indialantic, Brevard County, Florida; Making Findings; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing For The Inclusion Of Subsequently Adopted Future Ordinances; Requiring The Town Clerk To Maintain Codes And Copies; Specifying That No Zoning Or Comprehensive Planning Ordinances Designating The Use Of Certain Properties Are Amended Or Repealed; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.
2. Ordinance 2021-02 Second Reading/Public Hearing (*Adopting the recodified Town Code of Ordinances*):
An Ordinance Adopting And Enacting A New Code For The Town Of Indialantic, Brevard County, Florida; Making Findings; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing For The Inclusion Of Subsequently Adopted Future Ordinances; Requiring The Town Clerk To Maintain Codes And Copies; Specifying That No Zoning Or Comprehensive Planning Ordinances Designating The Use Of Certain Properties Are Amended Or Repealed; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; Providing A Severability Clause; And Providing For An Effective Date.
3. Ordinance 2021-03 First Reading/Public Hearing (*Native Plant Landscaping Requirements for Commercial Properties*):
An Ordinance Of The Town Of Indialantic, Brevard County, Florida, Relating To The Land Development And Zoning; Making Findings; Creating Article X. Landscaping, Sections 17-170 Through 17-171, Code Of Ordinance Of The Town Of Indialantic, Florida, Providing Definitions And Purpose; Setting Forth Standards For Commercial Landscaping; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.

D. Unfinished Business:

1. (Discussion) Food Trucks – Draft ordinance

E. New Business:

1. (Discussion) Ramona Avenue right-of-way
2. (Discussion) Effective date for Parking Permits

F. Administrative Reports:

1. Town Attorney
2. Town Manager

G. Council Reports:

H. 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.

Agenda Item B.1

SUBJECT: Resolution 01-2021

Staff Report – Town of Indialantic Meeting Date: Jan. 13, 2021

Summary:

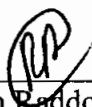
Town Council passed Resolution 06-2020 on July 8, 2020 which temporarily waived enforcement of certain provisions of the Town's sign code section 17-106 and outdoor cafes section 17-132 because of COVID-19 and expired on October 1, 2020. Resolution 18-2020 continued the temporary waiver with an expiration date of February 1, 2021. Resolution 01-2021 would extend the temporary waiver until July 1, 2021.

Recommendation:

Approve Resolution 01-2021


MOTION:
Approve Resolution 01-2021

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

RESOLUTION 01-2021**A RESOLUTION OF THE TOWN OF INDIALANTIC, FLORIDA, TEMPORARILY WAIVING ENFORCEMENT OF CERTAIN PROVISIONS OF THE TOWN'S SIGN CODE SECTION 17-106 AND OUTDOOR CAFES SECTION 17-132; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHERE AS, on March 27, 2020, by Emergency Executive Order No. 2020-01, the Mayor and the Town Manager of the Town of Indialantic issued a local Declaration of Emergency within the Town of Indialantic regarding COVID-19 ("Declaration") following declarations of emergency issued respectively by the President of United States, Governor Ron DeSantis and Brevard County; and

WHERE AS, on March 16, 2020, the Center for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and bars, restaurants, food courts, gyms and other indoor and outdoor venues where groups of people congregate should be closed; and

WHERE AS, in furtherance of the President's and the CDC's guidance and the guidance of the State Surgeon General, Governor DeSantis has issued several Executive Orders to-date that restrict the operations of various businesses in order to implement and comply with social distancing guidelines; and

WHERE AS, businesses around the country, including those in the Town of Indialantic, that are still permitted to operate have been forced to adapt to these social distancing guidelines and orders, and are implementing creative operational changes to attract and service customers during the emergency period; and

WHERE AS, on April 16, 2020, the President of the United States released Guidelines for Opening up America to help state and local officials when reopening their economies due to the sustained downward trajectory of influenza-like illnesses in gradual phases slowly easing the business impacts COVID-19 mitigation while adhering to physical distancing and sanitation protocols; and

WHERE AS, Florida Governor Ron DeSantis has convened his Re-Open Florida Task Force to consider the President's Guidelines and to make recommendations on how to best re-open the State of Florida and Governor DeSantis is expected to release direction and guidance to local governments soon after; and

WHERE AS, the Town of Indialantic is committed to supporting retailers, restaurants and their employees as they pursue creative business practices that safely serve customers during this temporary period of social distancing and emergency; and

WHERE AS, in order to promote the sale of available and necessary goods and services to the public and to attract potential customers in need of such goods and services while traveling along the rights-of-way without unnecessarily leaving their vehicles and maintaining social distancing guidelines, the Town supports a temporary waiver of the Town's Sign Code during this unique COVID-19 emergency to allow the installation of certain on-premises signs by businesses providing goods and services to the public provided the signs comply with the terms of this Resolution; and

WHERE AS, in order to promote social distancing while allowing dining establishments to serve customers prepared food on premises, the Town supports a temporary waiver of the Town's Outdoor Café code,

WHERE AS, the terms and conditions imposed by this Resolution are derived predominantly from the terms and conditions established by the Town Council for other authorized on-premises signs as set forth in Section 17-106 of the Town of Indialantic code and the terms and conditions set forth in Section 17-132 for outdoor cafes; and

WHERE AS, the Town's Sign Code rules reflects the Town's concern about aesthetics and the safety of the public, and the Town is still concerned about aesthetics and safety, so is only temporarily relaxing those rules where doing so will not create blight or render roads unsafe; and

WHERE AS, traffic is reduced due to the emergency, and the Town is willing to temporarily sacrifice aesthetics in order to ensure the residents can obtain necessary goods and services during this extraordinary time; and

WHERE AS, this Resolution is intended to apply to dining and retail businesses located within the Town's commercial zoning areas designated as C, C-1, C-2, SC, R-P; and

WHERE AS, Town Council passed Resolution 06-2020 on July 8, 2020 which temporarily waived enforcement of certain provisions of the Town's sign code section 17-106 and outdoor cafes section 17-132 and expired on October 1, 2020; Town Council passed Resolution 18-2020 on October 7, 2020 which continued temporarily waived enforcement of certain provisions of the Town's sign code section 17-106 and outdoor cafes section 17-132 and expiring on February 1, 2021 and,

WHERE AS, this resolution would grant a continuation of resolution 06-2020 that would expire on July 1, 2021, at which time the waiver authorized by this Resolution shall expire and any unpermitted signage erected pursuant to this Resolution shall be permanently removed, and Town regulations for outdoor cafes will resume; and,

WHERE AS, associated with COVID-19, the Governor's emergency order, and the Declaration, the Town of Indialantic understands that local businesses and organizations need to communicate with their customers now more than ever and be able to serve customers while maintaining social distancing; and,

WHERE AS, signage is a good communication tool, and outdoor cafes will help increase business at local dining establishments by allowing more patrons to safely be served; and,

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

SECTION 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.

SECTION 2. Sign Code Waiver – On-Premises Banners, A-Frame Signs and Detached Signs. On property currently zoned C, C-1, C-2, SC, R-P the prohibition of banners, a-frame signs, and ground signs are hereby temporarily waived for dining and retail businesses that are open for business and providing goods and services to the public. Such businesses shall be permitted to install one temporary on-premises banner, one A-Frame sign, and up to four ground signs for the time period allowed in this Resolution under the following terms and conditions:

1. Must be substantially secured or weighted to resist movement while on display.
2. Must not encroach into vehicular circulation areas or be in parking areas.
3. Temporary signs must be removed and brought inside a building when there are storm warnings so as not to become a hazard during a storm event.
4. No provision of this Resolution shall be construed or interpreted as authorizing the installation of an off-premises banner, ground sign, or A-Frame sign.
5. The Town hereby waives the permit fees for all temporary signs enacted under the authority of this Resolution.
6. At such a time as this Resolution is terminated, all signs installed pursuant to this Resolution must be removed by the business or property owner within 24 hours of said termination.

SECTION 3. Outdoor Cafe Waiver – Inspections and Approval from Fire Department and Building Department. Maximum Number of Seats, and Requirements for Fencing. On property currently zoned C, C-1, C-2, SC, R-P the requirements for inspections and approval from the fire department and building department prior to opening an outdoor seating area are hereby temporarily waived for restaurants that are open for business and providing food services to the public. Fencing requirements are hereby temporarily waived. Such businesses shall be authorized to create an outdoor seating area for the time period allowed in this Resolution under the following terms and conditions:

SUBJECT: Fee Resolutions

Staff Report – Town of Indialantic

Meeting Date: January 13, 2020

Summary:

Our previous Town Code specified fee amounts for certain items such as election qualifying, alarm permits, hourly parking meter rates, etc. Upon adoption of the new Town Code of Ordinances, all fees and fee schedules were removed and will be implemented and/or updated via resolution instead of ordinance. This is appropriate due to the administrative nature of fees and allows for changes to be made as often as necessary without amending the Code, saving on advertising and supplementation costs. Town Attorney Gougelman drafted the following resolutions, all of which implement preexisting fees with the exception of the lien search fee which is new:

Resolution 02-2021 – Election Qualifying Fee. No changes, \$10 fee.

Resolution 03-2021 – Election Qualifying Fee, write-in candidates. No changes, \$10 fee.

Resolution 04-2021 – Annual Alarm Permit Fee. No changes, \$10 fee.

Resolution 05-2021 – Annual Co-location Fee for small wireless facilities on town-owned utility poles. No changes, \$150 fee.

Resolution 06-2021 – Adoption of a Lien Search Fee. \$25 (**New fee**). The Town is unusual in that it currently offers this service at no charge; the majority of municipalities in Brevard County charge for this service with the average fee being \$25.

Resolution 07-2021 – Administrative fee for unsanitary swimming pools. No changes, \$50 fee. This covers the administrative costs associated with remedying a “public nuisance” swimming pool.

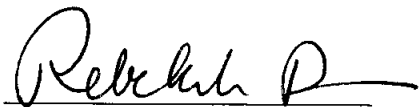
Recommendation:

Adopt Resolutions.

MOTION:

Adopt the consent agenda as written.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SETTING A FEE TO ACCOMPANY THE NOMINATING PETITION TO RUN FOR TOWN COUNCIL PURSUANT TO SECTION 10-5(a); MAKING FINDINGS; ADOPTING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 10-5(a), Town of Indian Land Code of Ordinances, provides:

Sec. 10-5. Filing fee; form of nominating petition.

(a) A fee in the amount established by resolution from time to time for filing shall accompany the nominating petition for town office required by section 2.02(4) of the charter, payable in full at the time of such filing. . . .; and

WHEREAS, the purpose of this Resolution is to establish the fee to accompany the nominating petition; and

WHEREAS, the fee adopted by this Resolution is to compensate the Town for the cost of checking the elector and residency status of individuals signing the nominating petition; and

WHEREAS, the Town Council has had the opportunity to review the Town budget, the cost of the program funded by this Resolution, and the amount of money that the fee adopted by this Resolution is expected to generate; and

WHEREAS, the Town Council finds that the fee revenues generated by this Resolution will be less than the program described herein; and

WHEREAS, the Town Council finds that this fee is voluntary in that it is charged only to those individuals using the program funded by the fee charge adopted below; and

WHEREAS, this Resolution is adopted pursuant to the home rule powers of the Town of Indialantic, as a municipal corporation. See Art. VIII, §2, Fla. Const. of 1968; §166.021, Florida Statutes; and

WHEREAS, the Town Council finds that this Resolution is in promotion of the public health, safety, welfare, and aesthetics of the Town by providing in part for the operation of the Town nominating and election system.

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45 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUCIL OF THE TOWN OF
46 INDIALANTIC, FLORIDA:
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48 SECTION 1. Recitals. Each and all of the recitals ("WHEREAS" clauses) are
49 hereby incorporated herein.
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51 SECTION 2. Adoption of Election Nominating Petition Fee. Pursuant to Section
52 10-5(a), Town Code of Indialantic, the fee to be paid at the time of submitting the
53 nominating petition to the Town Clerk to run for an office on the Town Council shall be
54 \$10.00. This fee shall be in effective until such time as it may be terminated or amended
55 by resolution or ordinance of the town. The fee revenues generated by this Resolution
56 shall be used solely to offset in part the expense to the Town of the program funded
57 hereby.
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59 SECTION 3. Severability Clause. In the event that any term, provision, clause,
60 sentence or section of this Resolution shall be held by a court of competent jurisdiction to
61 be partially or wholly unenforceable or invalid for any reason whatsoever, any such
62 invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms,
63 provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall
64 be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause,
65 sentence, or section did not exist.
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67 SECTION 4. Effective Date. This Resolution shall become effective upon
68 adoption.
69

70 PASSED by the Town Council of the Town of Indialantic on the 13th day of
71 January, 2021.
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73 TOWN OF INDIALANTIC, FLORIDA,
74 A Florida Municipal Corporation
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78 _____
79 David Berkman
80 Mayor
81

81 ATTEST: _____
82 Rebekah Raddon, CMC
83 Town Clerk

RESOLUTION NO. 03-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SETTING A QUALIFYING FEE TO ACCOMPANY THE NOMINATING PETITION TO RUN FOR TOWN COUNCIL AS A WRITE-IN CANDIDATE PURSUANT TO SECTION 10-5(c)(1) OF THE TOWN CODE OF ORDINANCES; MAKING FINDINGS; ADOPTING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 10-5(c)(1), Town of Indialantic Code of Ordinances, provides:

Sec. 10-5. Filing fee; form of nominating petition.

* * *

(c) Qualification of write-in candidates.

(1) Each person seeking to qualify for election to office as a write-in candidate shall file his qualification papers with the town clerk during the period for qualifying as a candidate. Any person who is seeking election as a write-in candidate shall be required to pay a filing fee in the amount established by resolution from time to time in the form of a check drawn on the candidate's campaign account but shall not be required to pay a qualifying fee/election assessment consisting of the payment to the department of state election trust fund required by F.S. § 99.093; and

WHEREAS, the purpose of this Resolution is to establish the write in election qualifying fee as provided in Section 10-5(c)(1) of the Town of Indialantic Code of Ordinances; and

WHEREAS, the fee is to compensate for the cost of processing election candidacy write-in paperwork by the Town Clerk's Office; and

WHEREAS, the Town Council has had the opportunity to review the Town budget, the cost of the program funded by this Resolution, and the amount of money that the fee adopted by this Resolution is expected to generate; and

WHEREAS, the Town Council finds that the fee revenues generated by this Resolution will be less than the program described herein; and

WHEREAS, the Town Council finds that this fee is voluntary in that it is charged only to those individuals using the program funded by the fee charge adopted below; and

WHEREAS, this Resolution is adopted pursuant to the home rule powers of the Town of Indialantic, as a municipal corporation. See Art. VIII, §2, Fla. Const. of 1968; §166.021, Florida Statutes; and

WHEREAS, the Town Council finds that this Resolution is in promotion of the public health, safety, welfare, and aesthetics of the Town by providing in part for the handling and processing of the Town Council write-in candidacy paperwork.

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

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

SECTION 2. Adoption of Write-In Town Council Candidacy Qualifying Fee. Pursuant to Section 10-5(c)(1), Town Code of Indialantic, the fee to be paid at the time of submitting paperwork to qualify as a write-in candidate to run for an office on the Town Council shall be \$10.00. This fee shall be in effect until such time as it may be terminated or amended by resolution or ordinance of the town. The fee revenues generated by this Resolution shall be used solely to offset in part the expense to the Town of the program funded hereby.

SECTION 3. Severability Clause. In the event that any term, provision, clause, sentence or section of this Resolution shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 4. Effective Date. This Resolution shall become effective upon adoption.

PASSED by the Town Council of the Town of Indialantic on the 13th day of January, 2021.

TOWN OF INDIALANTIC, FLORIDA,
A Florida Municipal Corporation

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David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

RESOLUTION NO. 04-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SETTING AN ANNUAL ALARM PERMIT FEE TO OPERATE AN ALARM SYSTEM ON PROPERTY SUBJECT TO A BUSINESS TAX PURSUANT TO SECTION 12-20(a) AND (b), TOWN CODE OF ORDINANCES; MAKING FINDINGS; ADOPTING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 12-20(a) and (b), Town of Indialantic Code of Ordinances, provides:

Sec. 12-20. Permits required; fee; renewal.

(a) It shall be unlawful for any person subject to business tax regulation to operate an alarm system in the town without a valid permit, regardless of whether said operator is also the owner or merely the user of such alarm system in a rental or lease situation. Operation of an alarm system without a permit shall be grounds for a hearing before the code enforcement board.

(b) An annual permit fee in the amount established by resolution from time to time shall be levied on each and every business alarm system installed and in use within the town. If a business has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit shall be required for each structure; and

* * *

WHEREAS, the purpose of this Resolution is to establish the annual alarm fee permit fee as provided in Section 12-20(a) and (b) of the Town of Indialantic Code of Ordinances; and

WHEREAS, the fee is to compensate for the cost of processing an alarm fee annual permit for properties in the Town subject to a business tax; and

WHEREAS, the Town Council has had the opportunity to review the Town budget, the cost of the program funded by this Resolution, and the amount of money that the fee adopted by this Resolution is expected to generate; and

42 WHEREAS, the Town Council finds that the fee revenues generated by this
43 Resolution with be less than the program described herein; and
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45 WHEREAS, the Town Council finds that this fee is voluntary in that it is charged
46 only to those individuals having a burglar alarm on properties subject to a business tax;
47 and
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49 WHEREAS, this fee is adopted pursuant to Sections 166.221 and 553.7931,
50 Florida Statutes, which states:
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52 166.221 Regulatory fees.—A municipality may levy
53 reasonable business, professional, and occupational
54 regulatory fees, commensurate with the cost of the regulatory
55 activity, including consumer protection, on such classes of
56 businesses, professions, and occupations, the regulation of
57 which has not been preempted by the state or a county
58 pursuant to a county charter.
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60 553.7931 Alarm system registrations.—

61 (1) As used in this section, the term “applicable local
62 governmental entity” means the local enforcement agency or
63 local law enforcement agency responsible for the
64 administration of alarm system registration in a jurisdiction.

65 (a) The owner, lessee, or occupant, or an authorized
66 representative thereof, of a property must register his or her
67 alarm system with the applicable local governmental entity if
68 such entity requires registration of alarm systems; and
69

70 WHEREAS, this Resolution is adopted pursuant to the home rule powers of the
71 Town of Indialantic, as a municipal corporation. See Art. VIII, §2, Fla. Const. of 1968;
72 §166.021, Florida Statutes; and
73

74 WHEREAS, the Town Council finds that this Resolution is in promotion of the
75 public health, safety, welfare, and aesthetics of the Town by providing in part for the
76 handling and processing of the Town Council alarm registrations.
77

78 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUCIL OF THE TOWN OF
79 INDIALANTIC, FLORIDA:
80

81 SECTION 1. Recitals. Each and all of the recitals (“WHEREAS” clauses) are
82 hereby incorporated herein.
83

84 SECTION 2. Adoption of Annual Alarm System Fee. Pursuant to Section
85 12-20(a) and (b), Town Code of Indialantic, the fee to be paid at the time of submitting
86 paperwork for an annual alarm fee shall be \$10.00 for each year or part thereof starting
87 October 1st and ending the following September 30th. This fee shall be in effective until
88 such time as it may be terminated or amended by resolution or ordinance of the town.
89 The fee revenues generated by this Resolution shall be used solely to offset in part the
90 expense to the Town of the program funded hereby, including permit issuance and
91 recording and monitoring or responding to burglar alarms.

92
93 SECTION 3. Severability Clause. In the event that any term, provision, clause,
94 sentence or section of this Resolution shall be held by a court of competent jurisdiction to
95 be partially or wholly unenforceable or invalid for any reason whatsoever, any such
96 invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms,
97 provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall
98 be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause,
99 sentence, or section did not exist.

100
101 SECTION 4. Effective Date. This Resolution shall become effective upon
102 adoption.

103
104 PASSED by the Town Council of the Town of Indialantic on the 13th day of
105 January, 2021.

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107 TOWN OF INDIALANTIC, FLORIDA,
108 A Florida Municipal Corporation
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112 _____
113 David Berkman
114 Mayor

115 ATTEST: _____
116 Rebekah Raddon, CMC
117 Town Clerk

RESOLUTION NO. 05-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SETTING A FEE FOR CO-LOCATION OF A SMALL WIRELESS SYSTEM ON A TOWN OWNED UTILITY POLE AS PROVIDED BY BUSINESS TAX PURSUANT TO SECTION 28-66(e)(1), TOWN CODE OF ORDINANCES; MAKING FINDINGS; ADOPTING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 28-66(e)(1), Town of Indialantic Code of Ordinances, relating to co-location of a small wireless system on a town utility pole provides:

(e) Collocation on town utility poles.

(1) The rate to collocate a small wireless facility on a town utility pole shall be as established by resolution.

* * *

WHEREAS, the purpose of this Resolution is to establish the annual co-location fee for a small wireless system to co-locate on a Town owned utility pole, as provided in Section 28-66(e)(1) of the Town of Indialantic Code of Ordinances; and

WHEREAS, the fee is to compensate for the cost of processing a co-location fee for small wireless systems to co-locate on each individual Town owned utility pole and the fee for co-location on a Town owned utility pole; and

WHEREAS, the Town Council has had the opportunity to review the Town budget, the cost of the program funded by this Resolution, and the amount of money that the fee adopted by this Resolution is expected to generate; and

WHEREAS, the Town Council finds that the fee revenues generated by this Resolution will be less than the program described herein; and

WHEREAS, the Town Council finds that this fee is voluntary in that it is charged only to those individuals with a small wireless system desiring to co-locate on an individual Town owned utility pole; and

WHEREAS, this fee is adopted pursuant to Sections 166.221 and 337.401(7)(e) and (f), Florida Statutes, which states:

166.221 Regulatory fees.—A municipality may levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter.

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

* * *

(7) . . .

(e) An authority may not require any permit or other approval or require fees or other charges, costs, or other exactions for:

1. Routine maintenance, the performance of service restoration work on existing facilities, or repair work, including, but not limited to, emergency repairs of existing facilities or extensions of such facilities for providing communications services to customers;

2. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or

3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the rights-of-way and who is remitting taxes under chapter 202. An authority may require an initial letter from or on behalf of such provider, which is effective upon filing, attesting that the micro wireless facility dimensions comply with the limits of this subsection. The authority may not require any additional filing or other information as long as the provider is deploying the same, a substantially similar, or a smaller size micro wireless facility equipment.

Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing service restoration on an existing facility and the work is done in compliance with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual. An authority may require notice of

84 such work within 30 days after restoration and may require an
85 after-the-fact permit for work which would otherwise have
86 required a permit.

87 (f) Collocation of small wireless facilities on authority
88 utility poles is subject to the following requirements:

89 1. An authority may not enter into an exclusive
90 arrangement with any person for the right to attach equipment
91 to authority utility poles.

92 2. The rates and fees for collocations on
93 authority utility poles must be nondiscriminatory, regardless of
94 the services provided by the collocating person.

95 3. The rate to collocate small wireless facilities
96 on an authority utility pole may not exceed \$150 per pole
97 annually.

98 4. Agreements between authorities and
99 wireless providers that are in effect on July 1, 2017, and that
100 relate to the collocation of small wireless facilities in the
101 right-of-way, including the collocation of small wireless
102 facilities on authority utility poles, remain in effect, subject to
103 applicable termination provisions. The wireless provider may
104 accept the rates, fees, and terms established under this
105 subsection for small wireless facilities and utility poles that are
106 the subject of an application submitted after the rates, fees,
107 and terms become effective.

108 5. A person owning or controlling an authority
109 utility pole shall offer rates, fees, and other terms that comply
110 with this subsection. By the later of January 1, 2018, or 3
111 months after receiving a request to collocate its first small
112 wireless facility on a utility pole owned or controlled by an
113 authority, the person owning or controlling the authority utility
114 pole shall make available, through ordinance or otherwise,
115 rates, fees, and terms for the collocation of small wireless
116 facilities on the authority utility pole which comply with this
117 subsection.

118 a. The rates, fees, and terms must be
119 nondiscriminatory and competitively neutral and must comply
120 with this subsection.

121 b. For an authority utility pole that
122 supports an aerial facility used to provide communications
123 services or electric service, the parties shall comply with the
124 process for make-ready work under 47 U.S.C. s. 224 and
125 implementing regulations. The good faith estimate of the

126 person owning or controlling the pole for any make-ready work
127 necessary to enable the pole to support the requested
128 collocation must include pole replacement if necessary.

129 c. For an authority utility pole that does
130 not support an aerial facility used to provide communications
131 services or electric service, the authority shall provide a good
132 faith estimate for any make-ready work necessary to enable
133 the pole to support the requested collocation, including
134 necessary pole replacement, within 60 days after receipt of a
135 complete application. Make-ready work, including any pole
136 replacement, must be completed within 60 days after written
137 acceptance of the good faith estimate by the applicant.
138 Alternatively, an authority may require the applicant seeking to
139 collocate a small wireless facility to provide a make-ready
140 estimate at the applicant's expense for the work necessary to
141 support the small wireless facility, including pole replacement,
142 and perform the make-ready work. If pole replacement is
143 required, the scope of the make-ready estimate is limited to
144 the design, fabrication, and installation of a utility pole that is
145 substantially similar in color and composition. The authority
146 may not condition or restrict the manner in which the applicant
147 obtains, develops, or provides the estimate or conducts the
148 make-ready work subject to usual construction restoration
149 standards for work in the right-of-way. The replaced or altered
150 utility pole shall remain the property of the authority.

151 d. An authority may not require more
152 make-ready work than is required to meet applicable codes or
153 industry standards. Fees for make-ready work may not include
154 costs related to preexisting damage or prior noncompliance.
155 Fees for make-ready work, including any pole replacement,
156 may not exceed actual costs or the amount charged to
157 communications services providers other than wireless
158 services providers for similar work and may not include any
159 consultant fee or expense; and

160
161 WHEREAS, this Resolution is also adopted pursuant to the home rule powers of
162 the Town of Indialantic, as a municipal corporation. See Art. VIII, §2, Fla. Const. of 1968;
163 §166.021, Florida Statutes; and
164

165 WHEREAS, the Town Council finds that this Resolution is in promotion of the
166 public health, safety, welfare, and aesthetics of the Town by providing in part for the
167 handling and processing of the co-location of small wireless systems on Town owned
168 utility pole and the cost of co-location.

169
170 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUCIL OF THE TOWN OF
171 INDIALANTIC, FLORIDA:
172

173 SECTION 1. Recitals. Each and all of the recitals ("WHEREAS" clauses) are
174 hereby incorporated herein.
175

176 SECTION 2. Adoption of Annual Alarm System Fee. Pursuant to Section
177 28-66(e)(1), Town Code of Indialantic, the fee to be paid at the time of submitting
178 paperwork for an annual co-location fee or for automatic renewal of same by a small
179 wireless provider co-locating on an individual Town owned utility pole shall be \$150.00
180 for each year or part thereof starting October 1st and ending the following September 30th.
181 This fee shall be in effective until such time as it may be terminated or amended by
182 resolution or ordinance of the town. The fee revenues generated by this Resolution shall
183 be used solely to offset in part the expense to the Town of the program funded hereby,
184 including but not limited to allow issuance and monitoring of the pole location program for
185 small wireless providers or co-locators .
186

187 SECTION 3. Severability Clause. In the event that any term, provision, clause,
188 sentence or section of this Resolution shall be held by a court of competent jurisdiction to
189 be partially or wholly unenforceable or invalid for any reason whatsoever, any such
190 invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms,
191 provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall
192 be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause,
193 sentence, or section did not exist.
194

195 SECTION 4. Effective Date. This Resolution shall become effective upon
196 adoption.
197

198 PASSED by the Town Council of the Town of Indialantic on the 13th day of
199 January, 2021.
200

201 TOWN OF INDIALANTIC, FLORIDA,
202 A Florida Municipal Corporation
203

204
205
206 _____
207 David Berkman
208 Mayor
209

209 ATTEST: _____
210 Rebekah Raddon, CMC
211 Town Clerk

RESOLUTION NO. 06-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SETTING A FEE FOR LIEN SEARCHES OF TOWN PUBLIC RECORDS MAINTAINED BY THE TOWN CLERK; PURSUANT TO SECTIONS 24-24, 24-56, AND 24-91, TOWN CODE OF ORDINANCES, CODE ENFORCEMENT LIENS MAINTAINED IN THE RECORDS OF THE TOWN CLERK, AND OTHER TOWN LIENS MAINTAINED IN THE RECORDS OF THE TOWN CLERK; MAKING FINDINGS; ADOPTING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 24-24, Town of Indialantic Code of Ordinances, relating to lot clearing lien and public nuisances:

Sec. 24-24. Condition may be remedied by town.

(a) If within ten days after the mailing of the notice to said owner, or said owner's agent, no hearing has been requested and the condition described in the notice has not been remedied, the town manager or said manager's designee may cause the condition to be remedied by the town at the expense of the property owner. If a hearing has been held and has been concluded adversely to the property owner, the town manager may cause the condition to be remedied by the town at the expense of the property owner.

(b) After causing the condition to be remedied, the town manager or said manager's designee shall certify to the town clerk the expense incurred in remedying the condition and shall include a copy of the notice above-described and a copy of the decision of the code enforcement board, if any, whereupon such expense shall become payable within 30 days, after which a special assessment lien and charge will be made upon the property, which shall be payable with interest at the rate of eight percent *per annum* from the date of such certification until paid. Notice of such lien shall be maintained in the town clerk's office in a file created for such purpose and may be filed in the office of the clerk of the circuit court and recorded among the public records of the county. Such lien shall be enforceable immediately or at any time within a period of 20 years after recording of same in the records of the town

44 clerk, all in the same manner as a special assessment lien in
45 favor of the town under F.S. ch. 170 and may be satisfied at
46 any time by payment thereof including accrued interest. Upon
47 such payment, the town clerk shall, by appropriate means,
48 evidence the satisfaction and cancellation of such lien upon
49 the record, and as appropriate, in the public records of county
50 thereof; and
51

52 WHEREAS, Section 24-56, Town of Indialantic Code of Ordinances, relating to
53 attractive nuisance liens including but not limited to unsecured swimming pools,
54 abandoned wells or shafts; excavations; abandoned refrigerators/freezers with doors or
55 motor vehicles with unlocked doors; any structurally unsound fences or structures;
56 lumber, trash/debris, or any other materials which may provide a hazard, provides:
57

58 **Sec. 24-56. Condition may be remedied by town.**

59 (a) If within three days after the mailing of the notice to
60 said owner, or said owner's agent, no hearing has been requested
61 and the condition described in the notice has not been remedied,
62 the town manager or said manager's designee may cause the
63 condition to be remedied by the town at the expense of the property
64 owner. If a hearing has been held and has been concluded
65 adversely to the property owner, the town manager may cause the
66 condition to be remedied by the town at the expense of the property
67 owner.

68 (b) After causing the condition to be remedied, the town
69 manager or said manager's designee shall certify to the town clerk
70 the expense incurred in remedying the condition and shall include
71 a copy of the notice above- described and a copy of the decision of
72 the town manager or code enforcement board, if any, whereupon
73 such expense shall become payable within 30 days, after which a
74 special assessment lien and charge will be made upon the property,
75 which shall be payable with interest at the rate of eight percent *per*
76 *annum* from the date of such certification until paid. Notice of such
77 lien shall be maintained in the town clerk's office in a file created for
78 such purpose and may be filed in the office of the clerk of the circuit
79 court and recorded among the public records of the county. Such
80 lien shall be enforceable immediately or at any time within a period
81 of 20 years after recording of same in the records of the town clerk,
82 all in the same manner as a special assessment lien in favor of the
83 town under F.S. ch. 170 and may be satisfied at any time by
84 payment thereof including accrued interest. Upon such payment,
85 the town clerk shall by appropriate means evidence the satisfaction
86 and cancellation of such lien upon the record, and as appropriate, in

87 the public records of the county thereof; and
88

89 WHEREAS, Section 24-91, Town of Indialantic Code of Ordinances, relating to
90 liens for administrative charges for swimming pool maintenance provides:
91

92 **Sec. 24-91. Condition may be remedied by town.**

93 (a) If within ten days after the mailing of the notice
94 specified in section 24-88 to said owner, no hearing has been
95 requested and the condition described in the notice has not
96 been remedied, the town manager may cause the condition to
97 be remedied by the town at the expense of the owner. If a
98 hearing has been held and has been concluded adversely to
99 the owner, the town manager may cause the condition to be
100 remedied by the town at the expense of the property owner.
101 Whenever the town acts to correct any violation of this
102 section, the town shall charge an administrative fee of in the
103 amount established by resolution in addition to the total costs
104 of remedying the condition.

105 (b) After causing the condition to be remedied, the
106 town manager shall certify to the town clerk the expense
107 incurred in remedying the condition and shall include a copy
108 of the notice above-described, if any, whereupon such
109 expense shall become payable within 30 days, after which a
110 special assessment lien and charge will be made upon the
111 property, which shall be payable with interest at the rate as
112 calculated pursuant to F.S. § 55.03, from the date of such
113 certification until paid. Notice of such lien shall be maintained
114 in the town clerk's office in a file created for such purpose and
115 shall be filed in the office of the clerk of the circuit court and
116 recorded among the public records of the county. Such lien
117 shall be enforceable immediately or at any time within a
118 period of 20 years after recording of same in the records of
119 the town clerk, all in the same manner as a special
120 assessment lien in favor of the town and may be satisfied at
121 any time by payment thereof including accrued interest. Upon
122 such payment, the town clerk shall by appropriate means
123 evidence the satisfaction and cancellation of such lien upon
124 the record, and as appropriate, in the public records of the
125 county thereof; and
126

127 WHEREAS, Section 162.09(3), Florida Statutes, relating to liens for code
128 enforcement violations provides:
129

130 162.09 Administrative fines; costs of repair; liens.—
131 * * *

132 (3) A certified copy of an order imposing a fine, or a
133 fine plus repair costs, may be recorded in the public records
134 and thereafter shall constitute a lien against the land on which
135 the violation exists and upon any other real or personal
136 property owned by the violator. Upon petition to the circuit
137 court, such order shall be enforceable in the same manner as
138 a court judgment by the sheriffs of this state, including
139 execution and levy against the personal property of the
140 violator, but such order shall not be deemed to be a court
141 judgment except for enforcement purposes. A fine imposed
142 pursuant to this part shall continue to accrue until the violator
143 comes into compliance or until judgment is rendered in a suit
144 filed pursuant to this section, whichever occurs first. A lien
145 arising from a fine imposed pursuant to this section runs in
146 favor of the local governing body, and the local governing
147 body may execute a satisfaction or release of lien entered
148 pursuant to this section. After 3 months from the filing of any
149 such lien which remains unpaid, the enforcement board may
150 authorize the local governing body attorney to foreclose on
151 the lien or to sue to recover a money judgment for the amount
152 of the lien plus accrued interest. No lien created pursuant to
153 the provisions of this part may be foreclosed on real property
154 which is a homestead under s. 4, Art. X of the State
155 Constitution. The money judgment provisions of this section
156 shall not apply to real property or personal property which is
157 covered under s. 4(a), Art. X of the State Constitution; and
158

159 WHEREAS, a copy of the code enforcement lien may also be filed in the records
160 of the Town Clerk; and
161

162 WHEREAS, the purpose of this Resolution is to establish the fee for conducting a
163 lien search for a person in the records of the Town Clerk; and
164

165 WHEREAS, the Town Council has had the opportunity to review the Town budget,
166 the cost of the lien search program in the records held by the Town Clerk and funded by
167 this Resolution, and the amount of money that the fee adopted by this Resolution is
168 expected to generate; and
169

170 WHEREAS, the Town Council finds that the fee revenues generated by this
171 Resolution will be less than the program described herein; and
172

173 WHEREAS, the Town Council finds that this fee is voluntary in that it is charged
174 only to those individuals seeking a lien search of the records maintained by the Town
175 Clerk; and
176

177 WHEREAS, this Resolution is also adopted pursuant to the home rule powers of
178 the Town of Indialantic, as a municipal corporation. See Art. VIII, §2, Fla. Const. of 1968;
179 §166.021, Florida Statutes; and
180

181 WHEREAS, the Town Council finds that this Resolution is in promotion of the
182 public health, safety, welfare, and aesthetics of the Town by providing in part for the
183 handling and searching of liens for a single person which have been filed in the records
184 of the Town Clerk.
185

186 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUCIL OF THE TOWN OF
187 INDIALANTIC, FLORIDA:
188

189 SECTION 1. Recitals. Each and all of the recitals ("WHEREAS" clauses) are
190 hereby incorporated herein.
191

192 SECTION 2. Adoption of Lien Search Fee. The fees set forth below are solely for
193 the search of the Town Clerk's records for any liens on file for an individual person. Each
194 search by name shall be subject to an additional charge as set forth below. The search
195 of the Town Clerk's records by the Clerk shall be \$25.00 per search for code enforcement
196 liens on file in the Town Clerk's records, attractive nuisance liens, lot clearing liens, and
197 swimming pool maintenance liens. This fee shall be in effective until such time as it may
198 be terminated or amended by resolution or ordinance of the town. The fee revenues
199 generated by this Resolution shall be used solely to offset in part the expense to the
200 Town of the program funded hereby for lien searches of the Town Clerk's records. The
201 search set forth in this Resolution shall be only of the records maintained by the Town
202 Clerk as provided by the Town Code of Ordinances or other ordinances or resolutions of
203 the Town. Code enforcement or other liens recorded in the Public Records of Brevard
204 County and records of which are maintained by the Brevard County Clerk of Circuit Court
205 shall not be subject to a search provided by the Town.
206

207 SECTION 3. Severability Clause. In the event that any term, provision, clause,
208 sentence or section of this Resolution shall be held by a court of competent jurisdiction to
209 be partially or wholly unenforceable or invalid for any reason whatsoever, any such
210 invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms,
211 provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall
212 be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause,
213 sentence, or section did not exist.
214

215 SECTION 4. Effective Date. This Resolution shall become effective upon

216 adoption.

217
218 PASSED by the Town Council of the Town of Indialantic on the 13th day of
219 January, 2021.

220
221 TOWN OF INDIALANTIC, FLORIDA,
222 A Florida Municipal Corporation
223

224
225
226 _____
227 David Berkman
228 Mayor

229 ATTEST: _____
230 Rebekah Raddon, CMC
231 Town Clerk

RESOLUTION NO. 07-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SETTING A FEE FOR RESPONSE, ASSESSMENT OF CONDITIONS, AND RECORD KEEPING AND NOTICE RELATED TO REMEDIATION OF SWIMMING POOL PUBLIC NUISANCE CONDITIONS PURSUANT TO ARTICLE IV., CHAPTER 24, TOWN CODE OF ORDINANCES; MAKING FINDINGS; ADOPTING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 24-91(a), Town of Indialantic Code of Ordinances, relating to liens for administrative charges for swimming pool maintenance provides:

Sec. 24-91. Condition may be remedied by town.

(a) If within ten days after the mailing of the notice specified in section 24-88 to said owner, no hearing has been requested and the condition described in the notice has not been remedied, the town manager may cause the condition to be remedied by the town at the expense of the owner. If a hearing has been held and has been concluded adversely to the owner, the town manager may cause the condition to be remedied by the town at the expense of the property owner. Whenever the town acts to correct any violation of this section, the town shall charge an administrative fee of in the amount established by resolution in addition to the total costs of remedying the condition.

(emphasis supplied); and

WHEREAS, the purpose of this Resolution is to establish the administrative fee for response, assessment, and record keeping and notice related to the remediation of swimming pool conditions in violation of Article IV. of Chapter 24, Town Code of Ordinances; and

WHEREAS, the Town Council has had the opportunity to review the Town budget, the cost of the remediation response called for by the Town Code of Ordinances and funded by this Resolution, and the amount of money that the fee adopted by this Resolution is expected to generate; and

43 WHEREAS, the Town Council finds that the fee revenues generated by this
44 Resolution with be less than the program described herein; and
45

46 WHEREAS, the Town Council finds that this fee is voluntary in that it is charged
47 only to those individuals who do not respond to and correct a swimming pool public
48 nuisance as provided for in Article IV. of Chapter 24, Town Code of Ordinances; and
49

50 WHEREAS, this Resolution is also adopted pursuant to the home rule powers of
51 the Town of Indialantic, as a municipal corporation. See Art. VIII, §2, Fla. Const. of 1968;
52 §166.021, Florida Statutes; and
53

54 WHEREAS, the Town Council finds that this Resolution is in promotion of the
55 public health, safety, welfare, and aesthetics of the Town by providing in part for the Town
56 response to public nuisance conditions created by an unmaintained swimming pool.
57

58 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUCIL OF THE TOWN OF
59 INDIALANTIC, FLORIDA:
60

61 SECTION 1. Recitals. Each and all of the recitals ("WHEREAS" clauses) are
62 hereby incorporated herein.
63

64 SECTION 2. Adoption of Administrative Charge by the Town to a Swimming Pool
65 Public Nuisance Condition. The administrative charge referenced in Section 24-91(a) of
66 the Town Code of Ordinances shall be \$50.00, plus the actual costs of remedying the
67 swimming pool public nuisance condition. This fee shall be in effective until such time as
68 it may be terminated or amended by resolution or ordinance of the Town. The fee
69 revenues generated by this Resolution shall be used solely to offset in part the expense
70 to the Town of the program funded hereby.
71

72 SECTION 3. Severability Clause. In the event that any term, provision, clause,
73 sentence or section of this Resolution shall be held by a court of competent jurisdiction to
74 be partially or wholly unenforceable or invalid for any reason whatsoever, any such
75 invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms,
76 provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall
77 be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause,
78 sentence, or section did not exist.
79

80 SECTION 4. Effective Date. This Resolution shall become effective upon
81 adoption.
82

83 PASSED by the Town Council of the Town of Indialantic on the 13th day of
84 January, 2021.

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TOWN OF INDIALANTIC, FLORIDA,
A Florida Municipal Corporation

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

SUBJECT: Resolution 08-2021 Adopting the Brevard County Local Mitigation Strategy

Staff Report – Town of Indian Lake

Meeting Date: January 13, 2021

Summary:

The Florida Division of Emergency Management (FDEM) has determined that Brevard County has developed and submitted all the necessary plan revisions, is compliant with federal standards, and is ready for formal community adoption. In addition to the County, each participating jurisdiction must adopt a resolution and the Local Mitigation Strategy (LMS).

An approved and adopted LMS is a requirement for state and local governments, in order to receive Hazard Mitigation Grant Program funding following a Presidential Disaster Declaration, per the Robert T. Stafford Disaster Relief Act and the Code of Federal Regulations.

Additional benefits to having a local hazard mitigation strategy are that it:

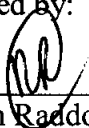
1. Increases public awareness and understanding of vulnerabilities as well as support for specific actions to increase resiliency and reduce losses from future natural disasters.
2. Builds partnerships with diverse stakeholders increasing opportunities to leverage data and resources in reducing workloads as well as achieving shared community objectives.
3. Expands understanding of potential risk reduction measures to include structural and regulatory tools, where available, such as ordinances and building codes.
4. Allows for development, prioritization, and implementation of mitigation projects. Projects are designed to accrue cost benefits and increase community resiliency, as losses are reduced after each hazard event.

Recommendation:

Approve

MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

LMS Executive Summary

The development and implementation of a local mitigation strategy provides a mechanism to address issues that will reduce or eliminate exposure to hazard impacts. Due to the importance of avoiding or minimizing the vulnerabilities to these hazards, the public and private sector interests of Brevard County have joined together in **Brevard Prepares**. Brevard Prepares Steering Committee has undertaken a comprehensive planning process in conjunction with Brevard County Emergency Management, culminating in the publication of this 2020 update of the "Brevard County Local Mitigation Strategy."

This is a multi-jurisdictional hazard mitigation plan, and the planning effort has been conducted through the coordinated, cooperative effort of local governments and other organizations and agencies within Brevard County. The local governments include the City of Cape Canaveral, the City of Cocoa, the City of Cocoa Beach, the Town of Grant-Valkaria, the Town of Indialantic, the City of Indian Harbour Beach, the Town of Malabar, the City of Melbourne, the Town of Melbourne Beach, the City of Palm Bay, the Town of Palm Shores, the City of Rockledge, the City of Satellite Beach, the City of Titusville, the City of West Melbourne and Brevard County.

Other key participant organizations and agencies involved with this project include Waste Management, Canaveral Port Authority, St. John's River Water Management District (SJRWMD), Harris Corporation, Florida Institute of Technology, and Brevard Public Schools.

For this 2020 update, a new hazard and risk analysis was completed by Brevard County Emergency Management in cooperation with partner jurisdictions. Brevard Prepares Steering Committee worked to identify, justify and prioritize specific proposals for projects and programs that will avoid or minimize these vulnerabilities in the future. These proposed projects and programs are also referred to as "Mitigation Initiatives" in this document.

This update has been submitted to the Florida Division of Emergency Management (FDEM), who also has the authority to review the document on behalf of the Federal Emergency Management Agency (FEMA), for review in comparison to the requirements from the Local Mitigation Plan Review Guide, revised by FEMA in October 2011. Once a decision has been made that the updated plan adequately addresses these requirements, the plan will be submitted to the participating jurisdictions' governing Brevard County Local Mitigation Strategy Aug 11, 2020 bodies for formal adoption and approval. Adoption resolutions can be found in Appendix VII.

The final draft plan will be submitted to the governing bodies of the participating jurisdictions for final approval and adoption. Consistent with the normal practices of the participating jurisdictions, which conduct meetings in accordance with Florida's open meetings statutes, the public will have an opportunity to comment upon each jurisdiction's adoption of the plan during public meetings. In accordance with Federal practice, the participating local jurisdictions have one year from the date of State approval of the plan to complete the formal adoption.

This plan will continue to be updated in the future to ensure it addresses changing conditions in the participating jurisdictions, experiences with disasters that occur and any changes in the characteristics of the hazards that threaten the involved communities. This updating process and future editions of the local mitigation strategy will also be used to inform and involve the public, and other interested groups, to elicit their participation in making the community more resilient to the impacts of future disasters.

RESOLUTION 08-2021

**A RESOLUTION OF THE TOWN OF INDIALANTIC,
BREVARD COUNTY, FLORIDA CONCERNING THE
BREVARD COUNTY LOCAL HAZARD MITIGATION
STRATEGY PLAN.**

WHEREAS, the Town of Indialantic and all of Brevard County are vulnerable to the human and economic costs of natural, technological and societal disasters; and

WHEREAS, the Town of Indialantic recognizes the importance of identifying, reducing and eliminating vulnerabilities for the overall good and welfare of the community; and

WHEREAS, the Town of Indialantic has been an active participant in the Brevard Prepares Local Mitigation Strategy steering committee, which has established a comprehensive and coordinated planning process to eliminate or decrease these vulnerabilities; and

WHEREAS, the Town of Indialantic's representatives and staff have identified, justified and prioritized a number of proposed projects and programs needed to mitigate the vulnerabilities of the Town of Indialantic to the impacts of future disasters; and

WHEREAS, proposed projects and programs have been incorporated into the updated 2020 edition of the Brevard County Local Mitigation Strategy plan that has been prepared and issued for consideration and implementation by the communities of Brevard County; and

WHEREAS, the 2020 Brevard County Local Mitigation Strategy plan is in compliance with the local hazard mitigation requirements of Section 322 of the Disaster Mitigation Act of 2000 (DMA2K) as implemented in 44 C.F.R., Part 201; and

WHEREAS, approval and adoption of the Local Mitigation Strategy is necessary in order to maintain eligibility for future hazard mitigation project funding;

NOW, THEREFORE, be it resolved by the Town Council of the Town of Indialantic, Brevard County, Florida, as follows:

SECTION 1. The Town of Indialantic accepts and adopts the 2020 Brevard Prepares Local Mitigation Strategy plan.

SECTION 2. The Town of Indialantic expects to explore available funding opportunities for implementation of the proposals designated therein.

SECTION 3. The Town of Indialantic will, upon securing such funding or other necessary resources, seek to implement the proposals contained in its section of the strategy.

SECTION 4. The Town of Indialantic will continue to participate in the Brevard Prepares Local Mitigation Steering Committee to update and expand the Brevard Prepares Local Mitigation Strategy Plan in the future.

SECTION 5. The Town of Indian River County will further encourage other businesses, industries, and community groups within Brevard to participate in Brevard Prepares to support the Brevard Prepares Local Mitigation Strategy plan.

SECTION 6. Severability/Interpretation Clause.

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

SECTION 6. Effective Date. This Resolution shall become effective upon its adoption.

PASSED by the Town Council of the Town of Indialantic on the 13th day of January, 2021.

**TOWN OF INDIALANTIC, FLORIDA,
A Florida Municipal Corporation**

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

**Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chambers, 216 Fifth Avenue, Indialantic, FL 32903
Thursday, November 12, 2020 at 7:00 p.m.**

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order by Deputy Mayor Glass on Thursday, November 12, 2020 at 7:01 p.m. with the following members present:

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

Also in attendance:

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

1. Pledge of Allegiance was led by Deputy Mayor Glass.
2. Changes to Agenda – None.
3. Public Comments, non-agenda items – None.
4. Presentations and Proclamations:

Deputy Mayor Glass read a proclamation in appreciation of the services provided by Waste Management staff. Dina Reider-Hicks, along with two other representatives from Waste Management, accepted the proclamation.

5. Deputy Mayor Glass read the following Public Announcements:
 - There are openings on the following boards and committees: Civil Service Board, Code Enforcement Board, Heritage Committee, Parks Recreation & Beautification Committee, Pension Board of Trustees – General Employees
 - Town Hall will be closed on Nov. 26 & Nov. 27 in observance of Thanksgiving
 - Heritage Committee Luminary Kits will be available for purchase at Town Hall beginning December 1; kits are \$5.00 each and contain ten LED lights and ten paper bags.

Mr. Casey confirmed that luminaries will be sold this year, however, staff will be assembling them instead of the Heritage Committee due to COVID-19.

B. Consent Agenda:

1. Council meeting minutes for Oct. 7, 2020 and October 12, 2020
2. Ratify Resolution 20-2020 adopted Oct. 12, 2020 re: the use of face coverings
3. Approve MOU with neighboring municipalities for a grant application to purchase fire department bunker gear extraction equipment
4. ~~Approve special event Pineappleman Triathlon on Sunday, Dec. 13, 2020 from 6:00 a.m. — 9:00 a.m.~~
5. Approve renewal of parking meter use agreement with Bizzarro's Famous New York Pizza
6. Approve renewal of parking meter use agreement with Indialantic Acai LLC (Café Surfinista)
7. Approve Appointments/Reappointments:
 - a. Playground Advisory Committee – Appoint Kimmie Morgan
 - b. Parks, Recreation, & Beautification Committee – Reappoint JoAnne Nadeau
 - c. Heritage Committee – Reappoint Linda Glass, Reappoint Denise Bozeman, Reappoint Kira Wortman
 - d. Melbourne Beach Library Advisory Board – Thomas Carnohan
 - e. Zoning and Planning Board – Reappoint Michael Lentini

MOTION by Councilmember Kemp, seconded by Councilmember McKnight to approve the consent agenda as written. Deputy Mayor Glass asked to amend the motion and pull item #4 for discussion.

Councilmembers Kemp and McKnight agreed to amend the motion, which carried unanimously 4-0.

4. Special Event Pineappleman Triathlon Dec. 13, 2020

Mitch Varnes, Race Director, 660 Cinnamon Court, Satellite Beach, introduced himself and answered questions raised by the Council regarding COVID-19 safety precautions and single-use plastics. Mr. Varnes described the safety protocol he implemented which includes temperature checks during packet pickup on Dec. 12, the use of masks at all times by participants except while racing, and staggered start times. He noted that the brunch is cancelled and there will not be a group awards ceremony. He anticipates a significantly lower number of participants than usual due to COVID-19. He agreed to move water stations outside the Town boundaries to comply with the Town's prohibition of single-use plastics at special events.

MOTION by Councilmember Wright, seconded by Councilmember McKnight, and vote unanimous to approve the Pineappleman Triathlon special event. Motion carried 4-0.

C. Ordinances and Public Hearings: None

D. Unfinished Business:

1. Litter Signage Update

Councilmember Kemp provided a brief update; in summary, he hopes to create sign-making kits that people can pick up in lieu of hold a group event in the park.

2. Tree Lighting Update

Mr. Casey said the Parks, Recreation, & Beautification Committee agreed it would be best to not serve drinks or refreshments at the event. There will be no choir this year, however, Santa will be at the event and children can put their letters in the mailbox. He mentioned that several local organizations inquired about selling items and asked for Council's input. Due to the event being outdoors, the Council felt the requests could be accommodated and would like signage reminding attendees to heed safety precautions such as masks usage and social distancing.

MOTION by Councilmember Kemp, seconded by Councilmember McKnight, and vote unanimous to allow the Junior ROTC, Surfing Santas, and the Town's Parks committee to sell items at the tree lighting event. Motion carried unanimously, 4-0.

E. Administrative Reports:

Mr. Casey said Town Attorney Gougelman was absent due to illness and is currently hospitalized. Ms. Raddon worked on the litter citation and is gathering price quotes for printing costs. Mr. Casey spoke with representatives from 7-11 regarding site planning; he noted there are numerous issues with their proposal. He spoke briefly regarding the 110 Wavecrest property.

F. Council Reports:

Councilmember Wright commended the Garden Club by the Sea and Town staff for the work done on the Magnolia bike path and in Orlando Park. People are out enjoying birdwatching.

Councilmember McKnight complimented the new copper roof on the Lily Park gazebo.

Councilmember Kemp thanked residents for allowing him to serve on the Council for another term. He mentioned the Mayors' Fitness Challenge will begin in February and asked if anyone else was interested in being the team captain.

Deputy Mayor Glass complimented the county Supervisor of Elections for a fantastic job running the polling locations. He thanked Police Chief Connor and staff for their help and presence at the polls. Deputy Mayor Glass mentioned he is attending Florida League of Cities policy meetings in-person and via Zoom Webinar and they are drafting policies for Natural Resources.

Mr. Casey commented that Pam Dunn was instrumental in getting the new copper roof.

G. Adjournment:

There being no further discussion, the meeting was adjourned at 7:44 p.m.

Dave Berkman, Mayor

Attested by:

Rebekah Raddon, CMC, Town Clerk

**Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, December 9, 2020 at 6:00 p.m.**

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order on Wednesday, December 9, 2020 at 6:02 p.m. by Mayor Berkman with the following members present:

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

Also in attendance:

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

1. Pledge of Allegiance was led by Mayor Berkman
2. Oath of Office: Mr. Gougelman swore in Mayor Dave Berkman and Councilmember Stu Glass (Seat #4) for a term of two years.
3. Election of Deputy Mayor: Motion by Mayor Berkman, seconded by Councilmember McKnight to elect Councilmember Glass as Deputy Mayor for a term of one year. Motion carried unanimously, 4-0.
4. Mayor's Nominations:
 - a) Space Coast League of Cities Voting Delegate and Alternate
Motion by Mayor Berkman, seconded by Deputy Mayor Glass and vote unanimous to appoint Deputy Mayor Glass as the voting delegate and Councilmember Kemp as the alternate voting delegate. Motion carried 4-0.
 - b) South Beaches Coalition Representative and Alternate
Motion by Mayor Berkman, seconded by Councilmember McKnight, and vote unanimous to appoint Councilmember Kemp as representative and Councilmember Wright as alternate. Motion carried 4-0.
5. Presentations and Proclamations: None.
6. Public Comments, non-agenda items: None.

7. Mayor Berkman read the following public announcements:

- There are openings on the following boards and committees: Civil Service; Code Enforcement; Heritage; Parks, Recreation & Beautification; and Pension – General Employees.
- Town Hall will be closed on Dec. 24, Dec. 25, and Jan. 1st
- Luminaries are for sale at Town Hall; each kit is \$5 and contains ten LED lights & bags
- 'Shop Local' Indialantic canvas bags with local business coupons are for sale at Town Hall for \$10 each

B. Consent Agenda:

1. Resolution 21-2020 amending the FY 2019-2020 Budget
2. Approve Appointments/Reappointments:
 - a. Board of Adjustment – Reappoint Chris Campbell

Motion by Deputy Mayor Glass, seconded by Councilmember McKnight, and vote unanimous to approve the consent agenda as written. Motion carried 4-0.

C. Ordinances and Public Hearings:

1. Ordinance 2021-01 First Reading/Public Hearing (*Adopting proofs showing changes for recodification of the Town Code of Ordinances*)

Mr. Gougelman read the ordinance title:

An Ordinance Adopting And Enacting A New Code For The Town Of Indialantic, Brevard County, Florida; Making Findings; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing For The Inclusion Of Subsequently Adopted Future Ordinances; Requiring The Town Clerk To Maintain Codes And Copies; Specifying That No Zoning Or Comprehensive Planning Ordinances Designating The Use Of Certain Properties Are Amended Or Repealed; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; Providing A Severability/Interpretation Clause; And Providing For An Effective Date.

Motion by Deputy Mayor Glass, seconded by Councilmember Wright, and vote unanimous to approve Ordinance 2021-01 on first reading. Motion carried 4-0.

2. Ordinance 2021-02 First Reading/Public Hearing (*Adopting the recodified Town Code of Ordinances*)

Mr. Gougelman read the ordinance title:

An Ordinance Adopting And Enacting A New Code For The Town Of Indialantic, Brevard County, Florida; Making Findings; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein; Providing For The Inclusion Of Subsequently Adopted Future Ordinances; Requiring The Town Clerk To Maintain Codes And Copies; Specifying That No Zoning Or Comprehensive Planning Ordinances Designating The Use Of Certain Properties Are Amended Or Repealed; Providing A Penalty For The Violation Thereof; Providing For The Manner Of Amending Such Code; Providing A Severability Clause; And Providing For An Effective Date.

Motion by Councilmember Wright, seconded by Councilmember McKnight, and vote unanimous to approve Ordinance 2021-02 on first reading. Motion carried 4-0.

D. Unfinished Business: None

E. New Business:

1. Solid Waste Collection Agreement

Mr. Casey provided an informational handout and explained that the contract for waste collection expires Sept. 30, 2021 and the Town needs to either negotiate a new rate with the existing service provider, Waste Management, or go out to bid. After some discussion, it was the consensus of the council to negotiate a new rate with Waste Management and if an agreement cannot be reached then the Town will go out to bid.

2. Food Trucks

Mr. Casey provided an informational handout and explained that recent legislative changes limit the local regulation of food trucks. Municipalities cannot prohibit them but can regulate the location. Mayor Berkman expressed concerns about food trucks hurting local businesses and suggested allowing them in the motorhome parking area of Nance Park or for Special Events approved by the Town, and limiting the hours of operation to lunchtime and early evening, for example noon – 5pm. He also suggested that single-use plastics be prohibited.

F. Administrative Reports:

1. Town Attorney – None.
2. Town Manager

Mr. Casey is getting estimates for mold remediation at Town Hall. The Zoning and Planning Board approved the commercial landscaping ordinance at their last meeting. Mr. Casey will be out of the office for a week after Christmas for his wife's surgery.

G. Council Reports:

Councilmember Wright thanked public works for their help with the tree lighting event.

Councilmember McKnight offered to recycle the Brevard Business Newspapers and take them to the parrot rescue organization. She was pleased to notice less litter on the beaches than usual although there were some masks.

H. Adjournment:

There being no further discussion, the meeting was adjourned at 6:33 pm.

Dave Berkman, Mayor

Attested by:

Rebekah Raddon, CMC, Town Clerk

SUBJECT: (Second Reading) Ordinances 2021-01 and 2021-02

Staff Report – Town of Indialantic

Meeting Date: January 13, 2020

Summary:

In accordance with our agreement for recodification, Municode has conducted a full legal review of the Town's code followed by editing and reorganizing. All previously uncoded ordinances adopted by the Town in 2019 and ordinances adopted Jan. 1, 2020 - June 10, 2020 have been incorporated into the new code. Ordinances adopted after June 10, 2020 will be codified at regularly scheduled intervals.

Town Attorney Gougelman drafted Ordinance 2021-01 which adopts a copy of the code ("proofs") showing changes with strike-through and underline for historical record keeping purposes, and Ordinance 2021-02 which adopts a clean copy of the new code. After adoption is complete, Municode will host our code online and we will have a link on our Town website to access the code.

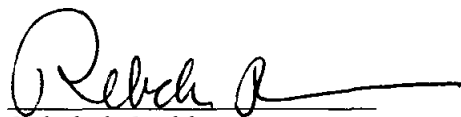
Both ordinances were approved on first reading on Dec. 9, 2020. Exhibits are on file at Town Hall.

Recommendation:

Adopt both ordinances on second reading.

<p>MOTION: Adopt Ordinance 2021-01 on second reading. Adopt Ordinance 2021-02 on second reading.</p>
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Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

ORDINANCE NO. 2021-01

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; MAKING FINDINGS; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE INCLUSION OF SUBSEQUENTLY ADOPTED FUTURE ORDINANCES; REQUIRING THE TOWN CLERK TO MAINTAIN CODES AND COPIES; SPECIFYING THAT NO ZONING OR COMPREHENSIVE PLANNING ORDINANCES DESIGNATING THE USE OF CERTAIN PROPERTIES ARE AMENDED OR REPEALED; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Indialantic Code of Ordinances was last re-codified on December 21, 1993, by virtue of the adoption of Ordinance No. 94-1; and

WHEREAS, the Town of Indialantic has determined that it is in the best interests of the Town of Indialantic and the community to recodify its code and did contract with Municipal Code Corporation in 2019 to undertake the recodification; and

WHEREAS, the recodification will be accomplished by the adoption of two ordinances; and

WHEREAS, this Ordinance will adopt the recodification and will display using stricken through language and underlined language of all textual language (except section titles and section numbers) so that there will be an historical record of changes made as part of the recodification; and

WHEREAS, the second ordinance, Ordinance No. 2020-02, will not include stricken through language and underlined language in order to adopt a clean unmarked version of the re-codified code,

33 NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF
34 INDIALANTIC, BREVARD COUNTY, FLORIDA:

35
36 SECTION 1. Recitals. Each and all of the foregoing recitals ("WHEREAS" clauses)
37 be and the same are hereby incorporated herein.

38 SECTION 2. Adoption of Recodification. The Code entitled "Code of Ordinances
39 of Indialantic, Florida," published by Municipal Code Corporation, consisting of chapters
40 1 through 113, each inclusive, attached hereto as Exhibit "A" to this Ordinance and by
41 this reference is hereby incorporated herein, is adopted. Said Code of Ordinances shall
42 be treated and considered as a new and original ordinance which shall supersede all
43 general and permanent ordinances of the Town of Indialantic adopted on or before June
44 10, 2020.

45 SECTION 3. Repeal of Certain Ordinances. All ordinances of a general and
46 permanent nature enacted on or before June 10, 2020, and not included in the Code or
47 recognized and continued in force by reference therein, be and the same are hereby
48 repealed. The repeal of certain Ordinances as provided for in this section shall not be
49 construed to revive any Ordinance or part thereof that has been repealed by a subsequent
50 Ordinance that is repealed by this Ordinance.

51 SECTION 4. Adoption of Future Ordinances. Any and all additions and
52 amendments to such Code, when passed in such form as to indicate the intention of the
53 Town Council to make the same a part of such Code, shall be deemed to be incorporated
54 in such Code so that reference to the "Code of Ordinances of Indialantic Florida," shall be
55 understood as intended to include such additions and amendments.

56 SECTION 5. Official Copy of the Re-codified Code shall be kept on File in the
57 Office of the Town Clerk. A copy of such re-codified code shall be kept on file in the office

of the Town Clerk preserved in loose-leaf form, or in such other form as the Town Clerk may consider most expedient. It shall be the express duty of the Town Clerk, or someone authorized by the Town Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the Town Council to make the same a part of such Code, when the same has been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the Town Council. This copy of such Code shall be available for all persons desiring to examine the same.

SECTION 6. Rights Reserved Under Repealed Ordinances. The repeal of any Ordinance or code section pre-existing the adoption of this Ordinance shall not affect any right accrued before such repeal or any civil remedy where a suit is pending as of the date of adoption of this Ordinance.

SECTION 7. Comprehensive Planning and Zoning. Other than reference or form with regard to codification, adoption of this Ordinance shall not repeal or amend: the Town's Official Zoning Map; the Town's permitted, accessory, conditional or prohibited use categories; or the Town's Comprehensive Plan, all as may have existed prior to the date hereof.

SECTION 8. Penalties. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment. Except as otherwise provided by law or ordinance: (i) With respect to violations of this Code that are continuous with respect to time, each day that the

violation continues is a separate offense; and (ii) With respect to other violations, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 9. Future Additions or Amendments to this Code. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments. Ordinances adopted after June 10, 2020, that amend or refer to Ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 10. 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) With the exception of Section numbers, 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

104 Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in
105 the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall
106 remain unchanged from the language existing prior to adoption of this Ordinance.

107 SECTION 11. Effective Date. This Ordinance shall become effective upon
108 adoption of this Ordinance.

109 PASSED by the Town Council of the Town of INDIALANTIC on first reading on the ____
110 day of _____, 2020, and ADOPTED by the Town Council of the Town of
111 INDIALANTIC, Florida, on final reading on the ____ day of _____, 202__.

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TOWN OF INDIALANTIC,
FLORIDA, a Florida Municipal
Corporation

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ATTEST:

David Berkman, Mayor

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Rebekah Raddon, CMC

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Town Clerk

ORDINANCE NO. 2021-02

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA; MAKING FINDINGS; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE INCLUSION OF SUBSEQUENTLY ADOPTED FUTURE ORDINANCES; REQUIRING THE TOWN CLERK TO MAINTAIN CODES AND COPIES; SPECIFYING THAT NO ZONING OR COMPREHENSIVE PLANNING ORDINANCES DESIGNATING THE USE OF CERTAIN PROPERTIES ARE AMENDED OR REPEALED; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Indialantic Code of Ordinances was last re-codified on December 21, 1993, by virtue of the adoption of Ordinance No. 94-1; and

WHEREAS, the Town of Indialantic has determined that it is in the best interests of the Town of Indialantic and the community to recodify its code and did contract with Municipal Code Corporation in 2019 to undertake the recodification; and

WHEREAS, the recodification will be accomplished by the adoption of two ordinances; and

WHEREAS, Ordinance No. 2021-01 adopted the recodification and displays using stricken through language and underlined language of all textual language (except section titles and section numbers) so that there will be an historical record of changes made as part of the recodification; and

WHEREAS, this Ordinance, Ordinance No. 2020-02, will not include stricken through language and underlined language in order to adopt a clean unmarked version of the re-codified code,

33 NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF
34 INDIALANTIC, BREVARD COUNTY, FLORIDA:

35
36 SECTION 1. Recitals. Each and all of the foregoing recitals ("WHEREAS" clauses)
37 be and the same are hereby incorporated herein.

38 SECTION 2. Adoption of Recodification. The Code entitled "Code of Ordinances
39 of Indialantic, Florida," published by Municipal Code Corporation, consisting of chapters
40 1 through 113, each inclusive, attached hereto as Exhibit "A" to this Ordinance and by
41 this reference is hereby incorporated herein, is adopted. Said Code of Ordinances shall
42 be treated and considered as a new and original ordinance which shall supersede all
43 general and permanent ordinances of the Town of Indialantic adopted on or before June
44 10, 2020.

45 SECTION 3. Repeal of Certain Ordinances. All ordinances of a general and
46 permanent nature enacted on or before June 10, 2020, and not included in the Code or
47 recognized and continued in force by reference therein, be and the same are hereby
48 repealed. The repeal of certain Ordinances as provided for in this section shall not be
49 construed to revive any Ordinance or part thereof that has been repealed by a subsequent
50 Ordinance that is repealed by this Ordinance.

51 SECTION 4. Adoption of Future Ordinances. Any and all additions and
52 amendments to such Code, when passed in such form as to indicate the intention of the
53 Town Council to make the same a part of such Code, shall be deemed to be incorporated
54 in such Code so that reference to the "Code of Ordinances of Indialantic Florida," shall be
55 understood as intended to include such additions and amendments.

56 SECTION 5. Official Copy of the Re-codified Code shall be kept on File in the
57 Office of the Town Clerk. A copy of such re-codified code shall be kept on file in the office

of the Town Clerk preserved in loose-leaf form, or in such other form as the Town Clerk may consider most expedient. It shall be the express duty of the Town Clerk or someone authorized by the Town Clerk, or the Town's codification service, to insert in their designated places all amendments or ordinances which indicate the intention of the Town Council to make the same a part of such Code, when the same has been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the Town Council. This copy of such Code shall be available for all persons desiring to examine the same.

SECTION 6. Rights Reserved Under Repealed Ordinances. The repeal of any Ordinance or code section pre-existing the adoption of this Ordinance shall not affect any right accrued before such repeal or any civil remedy where a suit is pending as of the date of adoption of this Ordinance.

SECTION 7. Comprehensive Planning and Zoning. Other than reference or form with regard to codification, adoption of this Ordinance shall not repeal or amend: the Town's Official Zoning Map; the Town's permitted, accessory, conditional or prohibited use categories; or the Town's Comprehensive Plan, all as may have existed prior to the date hereof.

SECTION 8. Penalties. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment. Except as otherwise provided by law or ordinance: (i) With respect to violations of this Code that are continuous with respect to time, each day that the

violation continues is a separate offense; and (ii) With respect to other violations, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 9. Future Additions or Amendments to this Code. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments. Ordinances adopted after June 10, 2020, that amend or refer to Ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 10. Severability Clause. In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 11. Effective Date. This Ordinance shall become effective upon adoption of this Ordinance.

PASSED by the Town Council of the Town of INDIALANTIC on first reading on the ____ day of _____, 2020, and ADOPTED by the Town Council of the Town of INDIALANTIC, Florida, on final reading on the ____ day of _____, 202__.

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TOWN OF INDIALANTIC,
FLORIDA, a Florida Municipal
Corporation

ATTEST:

Rebekah Raddon, CMC
Town Clerk

David Berkman, Mayor

SUBJECT: (First Reading) Ordinance 2021-03 Native Plant Requirements for Commercial Landscaping

Staff Report – Town of Indialantic

Meeting Date: Jan. 13, 2021

Summary:

Ordinance 2021-03 addresses commercial landscaping by requiring new commercial development in the C, C-1, C-2, SC, R-3, and RP zoning districts to utilize Florida native plants for 75% of the site landscaping. The Zoning and Planning Board, at their regular meeting on Dec. 9, 2020 voted 4-1 in favor of adopting the ordinance.

Recommendation:

Discussion.

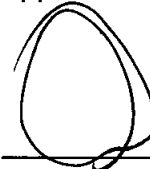
MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE LAND DEVELOPMENT AND ZONING; MAKING FINDINGS; CREATING ARTICLE X. LANDSCAPING, SECTIONS 17-170 THROUGH 17-171, CODE OF ORDINANCE OF THE TOWN OF INDIALANTIC, FLORIDA, PROVIDING DEFINITIONS AND PURPOSE; SETTING FORTH STANDARDS FOR COMMERCIAL LANDSCAPING; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this Ordinance provides a uniform system to address surface water runoff in commercial areas; and

WHEREAS, the Zoning and Planning Board, sitting as the Local Planning Agency pursuant to Section 11-10, Town of Indialantic Code of Ordinances, has reviewed this Ordinance, as required by Sections 163.3174(4)(c) and 163.3194(2), Florida Statutes; and

WHEREAS, Objective 1 and Policy 1.1b. of the Future Land Use Element of the Town's Comprehensive Plan provide:

Objective 1:

The Town will continue to manage future growth, development, and redevelopment through the preparation, adoption, implementation, and enforcement of necessary land development regulations by a date consistent with the requirements of Section 163.3202, Florida Statutes.

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

* * *

b. Regulate the use of land and water consistent with this Element and ensure that land uses are compatible with adjacent land uses in the County and the Town of Melbourne Beach; and

WHEREAS, Objective 1 and Policy 1.4 of the Coastal Management and Conservation Element of the Comprehensive Plan provides:

Objective 1:

Protect, conserve, and enhance remaining coastal wetlands, living marine resources, coastal barriers, wildlife habitat, and estuarine quality.

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

WHEREAS, Objective 6 and Policy 6.3 of the Coastal Management and Conservation Element of the Comprehensive Plan provides:

Objective 6:

The Town will reduce the amount of surface runoff, if economically feasible.

Policy 6.3: The Town shall maximize unpaved landscape to ease stormwater infiltration. The Town will adhere to native landscaping methods which emphasize salt tolerance and water absorption vegetation. The Town will implement landscaping programs through its local development review process, establishing meaningful standards and salient guidelines to promote vegetation that is highly water absorbent to withstand the marine environment and the impacts of tropical winds.

WHEREAS, this Ordinance will assist the Town in managing development and redevelopment by adopting a surface runoff management system to reduce runoff in an economically feasible manner; and

WHEREAS, the Zoning and Planning Board, sitting as the Local Planning Agency, finds that this Ordinance is consistent with the Town's Comprehensive Plan and in particular Future Land Use Element Objective 1 and Policy 1.1 b. and Coastal

Management and Conservation Element of the Comprehensive Plan Objectives 1 and 6 and Policies 1.4 and 6.3; and

WHEREAS, the Zoning and Planning Board finds that the need and justification for this Ordinance is to:

(1) Create and maintain the established natural and suburban character of the town by preserving areas of natural vegetation between land uses, along roadways and within the interior of developed sites;

(2) Ensure that landscaping is native, drought tolerant, sensitive to site constraints, low maintenance, and an enhancement of the site;

(3) Carefully balance the natural environment with new landscape installations which are complementary;

(4) Foster civic pride and community spirit by maximizing the positive impact of development;

(5) Promote water conservation through use of native plantings and water recharge; and

(6) Provide for use of existing landscaping and landscape buffers to minimize the impact of adjoining differing land uses, enhance and protect the integrity of roadway corridors, and reduce the surface heat and negative visual impact of paved vehicular use areas; and

WHEREAS, the Town Council adopts the findings of the Zoning and Planning Board and finds it in the public interest to revise the Indialantic Zoning Code,

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

SECTION 1. Recitals. Each and all of the foregoing recitals is hereby incorporated herein.

SECTION 2. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a new article, to be numbered X., and a new section, to be numbered section 17-170, which said section reads as follows:

ARTICLE X. LANDSCAPING

Sec. 17-170. General Provisions.

(a) Purpose. The purpose of this article is to ensure quality landscape design and maintain and enhance an attractive natural environment within the town, this article specifies landscaping criteria required for all development as stated herein. This article is intended to serve the following purposes:

(1) Create and maintain the established natural and suburban character of the town by preserving areas of natural vegetation between land uses, along roadways and within the interior of developed sites;

(2) Ensure that landscaping is native, drought tolerant, sensitive to site constraints, low maintenance, and an enhancement of the site;

(3) Carefully balance the natural environment with new landscape installations which are complementary;

(4) Foster civic pride and community spirit by maximizing the positive impact of development;

(5) Promote water conservation through use of native plantings and water recharge; and

(6) Provide for use of existing landscaping and landscape buffers to minimize the impact of adjoining differing land uses, enhance and protect the integrity of roadway corridors, and reduce the surface heat and negative visual impact of paved vehicular use areas.

(b) Definitions. For the purposes of this article, the following terms shall be defined to mean the following, unless the context affirmatively demonstrates to the contrary:

(1) "Commercial" means any lot or parcel of land within the C, C-1, C-2, SC, R-3, or RP zoning districts.

(2) "Development" shall be defined as set forth in ss. 163.3164 and 380.04, Florida Statutes, as amended from time to time.

(3) "Florida native plant" means a species presumed to have been occurring within the state boundaries prior to European contact, according to the best available scientific and historical documentation. Florida native plants include those

species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape. See Rule 5B-40.001(1)(m), Fla. Admin. Code; Definition, Florida Native Plant Society, fnps.org/natives/definition.

SECTION 3. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a new section, to be numbered section 17-171, which said section reads as follows:

Sec. 17-171. Commercial Landscaping.

(a) For new commercial development in C, C-1, C-2, SC, R-3, or RP zoning districts, excluding areas where erosion control is required, seventy five percent (75%) of site landscaping, including ground cover, grasses, vines, shrubs and trees, must be Florida native plants. As used in this sub-section, the term "new commercial development" shall include but not be limited to the following:

(1) A change in the use of a major and material nature. For example, a change from a residential use to a professional office use would constitute a major and material change;

(2) Clearing of an entirely undeveloped property in the C, C-1, C-2, SC, R-3, or RP zoning districts and making use of the property. For example, use of the property as a parking lot, an office, or a commercial structure, would meet this description; or

(3) Demolition of an existing principal structure and development of a new principal structure for use as a professional office or commercial structure;

(b) No plants listed on the Florida Exotic Pest Plant Council's list of invasive plant species as Category I or Category II invasive exotics will be permitted. See FLEPPC.org list of invasive plant species.

SECTION 6. Severability Clause/Interpretation.

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

(b) That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the

180 asterisks and not set forth in this Ordinance shall remain unchanged from the language
181 existing prior to adoption of this Ordinance.

182
183 SECTION 7. Effective Date. This Ordinance shall become effective upon
184 adoption of this Ordinance.

185
186 PASSED by the Town Council of the Town of Indialantic on first reading on the _____
187 day of _____, 2021, and ADOPTED by the Town Council of the Town of
188 Indialantic, Florida on final reading on the _____ day of _____, 2021.

189
190
191 TOWN OF INDIALANTIC
192

193
194
195 _____
196 David Berkman
197 Mayor
198

199 ATTEST: _____
200 Rebekah Raddon, CMC, Town Clerk

SUBJECT: Draft Ordinance regarding Mobile Food Dispensing Vehicles (Food Trucks)

Staff Report – Town of Indialantic

Meeting Date: Jan. 13, 2021

Summary:

Based on the council's discussion at their regular meeting on December 9, 2020 Town Attorney Gougelman prepared a rough draft of an ordinance that would establish land use and zoning regulations for property upon which a mobile food dispensing vehicle is authorized to operate. In summary, this ordinance, as it is written, would allow food trucks to operate:

In general -

- (1) As a temporary accessory use on property designated CH (Church), SC (Shopping Center), with an approved site plan, or P (Parks), except for Orlando Park;
- (2) To provide food to employees at lunchtime (noon) or dinnertime (6pm) on-site of an existing business on property zoned C, C-1, C-2, or SC, for a maximum of two hours total per day;


At Special Events -

- (3) At a Town- approved and permitted special event in a delineated area on town property or public road which has been set aside for a mobile food dispensing vehicle;
- (4) At a Town-approved and permitted school sponsored special event on private school or public school property, in a delineated area which has been set aside for a mobile food dispensing vehicle;
- (5) At a Town-approved and permitted special event on private property (subject to site plan approval), in a delineated area located entirely on the private property which has been set aside for a mobile food dispensing vehicle. This excludes single or multi-family residentially zoned properties UNLESS the area being used is a common area of a residential project with at least 20 dwelling units; and,

Food trucks would have to adhere to all requirements and conditions specified in the ordinance. Mr. Gougelman would like council to review the draft ordinance and make suggestions prior to first or second reading.

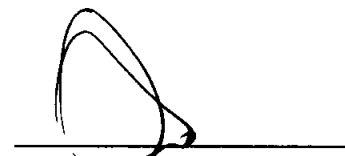
Recommendation: Discussion.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

DRAFT ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO ZONING REQUIREMENTS; CREATING SECTION 113-249, TOWN CODE OF ORDINANCES, AUTHORIZING THE OPERATION OF "MOBILE FOOD DISPENSING VEHICLES" AS A TEMPORARY ACCESSORY USE IN CERTAIN LIMITED ZONING DISTRICTS IN FURTHERANCE OF SECTION 509.102(2), FLORIDA STATUTES, AND AT SPECIAL EVENTS AUTHORIZED BY THE TOWN; PROVIDING GENERAL STANDARDS FOR OPERATING MOBILE FOOD DISPENSING VEHICLES; AMENDING PERMITTED ACCESSORY USES IN THE CH AND SC ZONING DISTRICTS IN SECTION 113-338 AND 113-339 OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY/INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Florida Legislature recently enacted Section 509.102, Florida Statutes, which defines the term "mobile food dispensing vehicle" as any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal; and

WHEREAS, the Town Council recognizes that effective July 1, 2020, Section 509.102, Florida Statutes, (§75, Chapter 2020-160, Laws of Florida), provides a limited state preemption regarding "mobile food dispensing vehicle" and that a municipality may not require a separate license, registration, or permit other than the license required by the state, or require the payment of any license, registration, or permit fee other than the fee required by the state, as a condition for the operation of a mobile food dispensing vehicle within the municipality; and

WHEREAS, the Town Council also recognizes that Section 509.102, Florida Statutes, provides that a municipality may not prohibit mobile food dispensing vehicles from operating within the entirety of a municipal jurisdiction; and

WHEREAS, the Town Council further finds that although Section 509.102, Florida Statutes, does preempt municipalities in certain areas, Section 509.102, Florida Statutes is intended to be a partial preemption of municipal home rule authority because it

expressly states that "this section may not be construed to affect a municipality, county, or other local governmental entity's authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in Section 509.102(2), Florida Statutes; and

WHEREAS, the Town Council hereby finds that despite Section 509.102, Florida Statutes, municipalities continue to enjoy significant home rule authority to regulate land use, zoning and operational standards related to mobile food dispensing vehicles; and

WHEREAS, under regulated circumstances, mobile food dispensing vehicles provide a valuable and convenient service to the community by providing food and beverage options at special events and other appropriate venues; and

WHEREAS, the Town Council wishes to support convenient food and beverage options at special events and other appropriate venues and encourage and support local business and entrepreneurship by adopting uniform regulations to allow the operation of mobile food dispensing vehicles within the Town consistent with the preemption provided in Section 509.102, Florida Statutes; and

WHEREAS, the Town Council finds that the use and operation of mobile food dispensing vehicles on real property directly affects the use of land within the Town, and therefore, such uses are subject to the Town's legitimate land use and zoning powers under the Florida Municipal Home Rule Powers Act, Community Planning Act and other applicable law. *See also, Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926) (The concept of planning and zoning is a legitimate exercise of the police power of municipalities.); and

WHEREAS, unless the operation of mobile food dispensing vehicles within the Town is limited to certain commercial and industrial zoning districts or temporary special events, and subject to some level of site plan review by the Town to ensure that the real property on which they operate is suitable to accommodate such use, the operation of such vehicles may negatively impact the use of real property and surrounding properties and create public nuisances; and

WHEREAS, the Town Council desires to avoid such negative impacts and public nuisances; and

WHEREAS, the Town Council also finds that the use and operation of mobile food dispensing vehicles should be governed by other traditional land use and zoning requirements as more specifically stated herein in order to avoid adverse negative effects which may be caused by the operation of such vehicles on real property and safeguard the community; and

WHEREAS, the Town Council further finds that for mobile food dispensing

vehicles to successfully operate their respective businesses for profit within the jurisdictional limits of the Town, such vendors must also rely upon and use Town streets; and

WHEREAS, the Town Council additionally finds and recognizes that Florida courts have long held that municipalities have the historic ability to regulate commercial use of Town streets and that the use of public roads for profit is a privilege, not a right, and can be regulated and controlled by the government in furtherance of the public health, safety and welfare. See Seaboard Air Line Ry. Co. v. Wells, 100 Fla. 1027, 1034, 130 So. 587, 591 (Fla. 1930); Pennington v. Quigg, 94 Fla. 1056, 1065, 114 So. 859, 862 (Fla. 1927) (The right to use Town streets for conducting private business is not an inherent right and can only be acquired by permission or license from the Town); Jarrell v. Orlando Transit Co., 123 Fla. 776, 778, 167 So. 664, 665 (Fla. 1936) (There is then no such thing as a natural right to use the public highways for commercial purposes. A Town may grant a limited right to use the streets for private business, but such is “a privilege that may be restricted or withdrawn at the discretion of the granting power. The power to do so is plenary and may extend to absolute prohibition”); and

WHEREAS, the Town Council deems that it is necessary to regulate mobile food dispensing vehicles operating upon streets within the Town so such vendors operate in areas with sufficient pedestrian traffic and in a manner that avoids traffic conflicts and congestion and otherwise generally protects public safety and does not detract from the aesthetic beauty and attractiveness of the surrounding streetscape and properties; and

WHEREAS, Policy 3.1 of the Future Land Use Element of the Comprehensive Plan states:

Policy 3.1: Continually review the Zoning Code to ascertain if there are any uses permitted or loopholes to allow any uses which are not consistent with the low density character of the Town, and amend the Code accordingly; and

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

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

WHEREAS, Policy 3.3 of the Transportation Element of the Comprehensive Plan states:

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

133 **WHEREAS**, the Zoning and Planning Board has reviewed this Ordinance and finds that it
134 is consistent with the Comprehensive Plan and in particular with Policy 3.1 and Objective 7 of
135 the Future Land Use Element and Policy 3.3 of the Transportation Element; and
136

137 **WHEREAS**, the Town Council adopts the findings of the Zoning and Planning Board and
138 finds that this Ordinance is in promotion of the public safety and aesthetics by providing for
139 parking areas providing safety to pedestrians and motor vehicle drivers and by improving the
140 attractiveness of parking areas; and
141

142 **WHEREAS**, the Town Council of the Town of Indialantic, Florida, hereby finds this
143 Ordinance to be in the best interests of the public health, safety, aesthetics, and
144 welfare of the citizens of Indialantic.
145

146 NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF
147 INDIALANTIC, FLORIDA:
148

149 SECTION 1. Recitals. The foregoing recitals ("WHEREAS" clauses) are hereby
150 fully incorporated herein by this reference as legislative findings and the intent and
151 purpose of the Town Council of the Town of Indialantic.
152

153 SECTION 2. Mobile Food Dispensing Vehicles. That the Code of Ordinances of
154 Indialantic, Florida, is hereby amended by adding a section, to be numbered 113-249,
155 which said section reads as follows:
156

157 Sec. 113-249. Mobile Food Dispensing Vehicles.
158

159 (a) Purpose and intent. The purpose and intent of this section is to establish
160 land use and zoning regulations for real property upon which a mobile food dispensing
161 vehicle is authorized to operate within the jurisdictional limits of the town. Mobile food
162 dispensing vehicles, except for those operating on real property authorized in this
163 section, are prohibited and unlawful on other real property not so authorized. This
164 section is neither intended to prohibit mobile food dispensing vehicles from operating
165 within the entirety of the town nor regulate the licensing, registration, permitting and
166 fees of mobile food dispensing vehicles preempted by the state under
167 F.S. §509.102.
168

169 (b) Definitions. As used in this section, the following words and phrases shall
170 have the following meanings, unless the context clearly indicates that a difference
171 meaning is intended:
172

173 Accessory means clearly incidental or subordinate to and customary in
174 connection with the principal building or use on a developed site and which is located
175 on the same lot or parcel with such principal building or use.
176

177 Town manager means the town manager, or said manager's designee.

178 Developed site means real property upon which a building and other permanent
179 improvements have been legally constructed and which is currently in compliance with
180 all land development regulations and the town code.

182 Food means all substances commonly used for human consumption as food,
183 beverage, confectionery or condiments, whether simple, mixed or compound, and all
184 substances or ingredients used in preparation thereof.

186 Mobile Food Dispensing Vehicle has the same meaning as that term is defined in
187 section 509.102(1), Florida Statutes, and upon the effective date of this section means
188 any vehicle that is a public food service establishment and that is self-propelled or
189 otherwise moveable from place to place and includes self-contained utilities, including,
190 but not limited to, gas, water, electricity, or liquid waste disposal.

192 Public road means any public right-of-way for cars and trucks in the town.

194 Special event means any organized, temporary public or private celebration or
195 gathering of people which requires a town special event permit including by way of
196 example events relating to athletic contests, carnivals, fairs, cook-offs, entertainment,
197 dancing, music concerts, dramatic productions, art exhibitions, parades, fundraisers
198 (such as religious, charitable, patriotic or philanthropic events), or the sale of
199 merchandise, food or alcohol, or any combination of the foregoing.

201 (c) Authorized Locations. Subject to the terms and conditions set forth in
202 subsection (d), mobile food dispensing vehicles shall be allowed to operate within the
203 jurisdictional limits of the town in the following authorized areas:

205 (1) As a temporary accessory use on property which is designated CH,
206 P (except Orlando Park as shown on the plat of Indialantic By-The-Sea Section A, plat
207 book 3, page 90, public records of the county), or SC, on the town's official zoning map.

209 (2) To deliver food for sale during normal lunch (approximately 12:00
210 PM) or dinner (approximately 6:00 PM) time to employees on-site of an existing
211 business located on property with a zoning designation of C, C-1, C-2, or SC. Sale of
212 food shall be strictly limited to only the employees of the business working on-site during
213 normal business hours of the business. The sale to any other persons shall be strictly
214 prohibited. Sales permitted under this subsection shall be limited to no more than two
215 (2) hours on any day in which the business being served is open for employees to work.
216 The sale of food authorized by this subsection shall be exempt from subsections
217 (d)(4) and (d)(6) of this section.

219 (3) Within a clearly delineated area on town property or a public road
220 which has been specifically and temporarily set aside for a mobile food dispensing
221

vehicle to operate during a special event which is open to the general public, provided the event has been lawfully permitted by the town and any mobile food dispensing vehicle has been contractually arranged by the event organizer to be part of the event.

(4) Within a clearly delineated area on public or private school property which has been specifically and temporarily set aside for a mobile food dispensing vehicle to operate during a school sponsored event held entirely on school property which is open to the faculty and student body, provided the event has been lawfully permitted by the town and any mobile food dispensing vehicle has been contractually arranged by the school to be part of the event.

(5) Within a clearly delineated area on private property which has been specifically and temporarily set aside for a mobile food dispensing vehicle to operate during a special event held entirely on private property which is private or open to the general public; provided, that the event has been lawfully permitted by the town and any mobile food dispensing vehicle has been contractually arranged by the event organizer to be part of the event. However, a mobile food dispensing vehicle shall not be allowed to operate on any existing single or multi-family residential use property, unless the area being used is common area of a residential project with at least 20 dwelling units. Additionally, a special event allowed on private property under this subsection shall be limited to no more than one event per calendar quarter.

(d) *Conditions of Land Use and Operational Standards.* The following land use and operational standards shall apply to all mobile food dispensing vehicles operating within the town:

(1) When the mobile food dispensing vehicle will be operating on private property, a notarized affidavit signed by the property owner indicating that the vehicle has permission to operate and vend on the property shall be submitted to the town. The affidavit must be on a form approved and provided by the town and shall also indicate that the property owner acknowledges the following requirements:

a. The property owner shall comply with all ordinances regarding solid waste disposal and must provide the vehicle access to solid waste collection on the subject property;

b. The property owner shall require that the vehicle meet all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes including, but not limited to, applicable land use and zoning requirements regarding the subject property including site plan requirements;

c. The property owner shall acknowledge that the property owner understands the regulations governing mobile food dispensing vehicles and will be held responsible, along with the vehicle owner, for any code violations; and

d. The property owner shall ensure that the property will be

continuously maintained in a neat, clean, and orderly manner; and

e. The property owner shall ensure the mobile food dispensing vehicle be limited to operating as a temporary accessory use on the subject property.

(2) The subject property must be a developed site. The subject property must not be vacant or unimproved.

(3) No more than one mobile food dispensing vehicle shall be parked or in operation on a single property at any given time, except multiple mobile food dispensing vehicles may be allowed with express written permission of the town during an authorized special event.

(4) A mobile food dispensing vehicle may operate at a single location up to a maximum of 3 consecutive days per 15 consecutive day period which shall be 15 consecutive days before and after the time of operation, or if operation is allowed as part of a special event permit, said vehicles may operate in accordance with the duration of the special event permit.

(5) Except with the express written permission of the town during an authorized special event, hours of operation shall be limited between 11 a.m. and 5 p.m.

(6) The person in charge of the mobile food dispensing vehicle when in operation on the developed site must be present at all times during hours of operation.

(7) When the mobile food dispensing vehicle will be operating on private property, the vehicle must be parked when in operation within an area on the property specifically authorized for accessory temporary outdoor sales on the property owner's site plan previously approved by the town. If the property owner does not have specific site plan approval for accessory temporary outdoor sales on the site plan, the property owner shall be required to obtain supplemental site plan approval pursuant to the site plan amendment review procedure and criteria under section 113-27 of the town code before the mobile food dispensing vehicle may operate as an accessory use on the subject property. For purposes of obtaining supplemental site plan approval, the property owner shall submit a site plan or detailed sketch depicting the proposed location of temporary mobile food dispensing vehicle operations; all parking spaces, entrances and exits to and from the site; and distances from any buildings or structures, sidewalks, rights-of-way, fire hydrants, fire lanes and landscaped areas, storm drains, and such other information or documentation deemed by the town to be reasonably necessary to authorize outdoor accessory temporary sales on the subject property in a manner that is compatible with the existing uses on the subject property and the surrounding area and protects the public health, safety, aesthetics, and welfare of the citizens of the town. The supplemental site plan submittal requirements required under this subsection for mobile food dispensing vehicles are in lieu of the site plan amendment submittal requirements under section 113-27, unless major building or infrastructure

improvements are being proposed to accommodate the mobile food dispensing vehicles. The mobile food dispensing vehicle temporary sales area must be on a paved surface and not exceed an area of 600 square feet unless the town determines more area is required and the subject property clearly has ample space to support a larger sales area. The approved area must not adversely affect existing uses on the subject property or the flow of pedestrian and vehicular traffic on the developed site. There must be an adequate number of parking spaces available for the general public visiting the developed site. Supplemental site plan approval granted by the town under this subsection is subject to being suspended or revoked pursuant to subsection (e) or at such time the site plan is revoked or modified by the town.

(8) Outdoor dining areas are prohibited including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters, except if dining areas are allowed with express written permission of the town during an authorized special event.

(9) Mobile food dispensing vehicles selling or dispensing of food to customers in a moving vehicle or otherwise engaging in drive-up sales is prohibited.

(10) A mobile food dispensing vehicle shall not be located on private property upon which uncorrected code violations exist, or which is under citation for code violations.

(11) Mobile food dispensing vehicles and all materials associated with such vehicles must physically be moved at least daily and cannot remain on the subject property outside the approved hours of operation unless otherwise allowed by the town for special events. Overnight parking of mobile food dispensing vehicles is prohibited unless located within an enclosed garage or on property zoned for an authorized open storage use and said storage complies with any applicable storage requirements set forth in the town code.

(12) Mobile food dispensing vehicles shall not sell alcohol unless specifically approved as part of a special event or other permit approved by the town. The alcohol-related restrictions of chapter 4 of the town code are applicable unless otherwise authorized by the town code, or expressly waived by the town.

(13) The operation of a mobile food dispensing vehicle must not obstruct or interfere with vehicular or pedestrian traffic, building access, fire lanes, crosswalks, driveways, fire hydrants, loading areas, stormwater drainage systems, or landscape buffers associated with the principal use.

(14) Mobile food dispensing vehicles must not enter or park upon playgrounds, playing fields and courts, sidewalks, footpaths or bicycle paths.

354 (15) Mobile food dispensing vehicles must not stand or park upon
355 any "no parking" area, loading zone, driveway, handicapped parking space, or
356 designated public safety lane (e.g., fire lanes) or within 20 feet of a crosswalk or within
357 15 feet of a fire hydrant or storm drainage structure.

358
359 (16) No additional signage shall be permitted on the developed site
360 related to the mobile food dispensing vehicle except as to signage permanently affixed
361 and displayed on the vehicle.

362
363 (17) Amplified music or other sounds from any mobile food dispensing
364 vehicle or from audio equipment installed on the developed site by the property owner
365 or person in charge of the vehicle is prohibited.

366
367 (18) Mobile food dispensing vehicles shall maintain an appropriate
368 number and size of operable fire extinguishers.

369
370 (19) The operation of a mobile food dispensing vehicles shall not create or
371 cause nuisance conditions to include, but not be limited to, displaying flags or
372 unauthorized signage, loud noises, visual glare, flashing or animated lights, shouting or
373 amplified music or sound, excessive fumes or smoke, environmental hazards, and any
374 vehicular or pedestrian hazard.

375
376 (20) The grounds around the mobile food dispensing vehicle and within
377 the vending space shall be kept free of litter, trash, paper and waste at all times. Waste
378 containers shall be provided by the mobile food dispensing vehicle operator,
379 and all trash shall be taken with the vehicle when the vendor leaves the developed
380 site or the mobile food dispensing vehicle is placed in a garage, or the trash must be
381 placed inside a commercial solid waste dumpster provided by the property owner and
382 in use and located on the developed site.

383
384 (21) Mobile food dispensing vehicles must not discharge waste, fat, oil,
385 grease or such other similar substances from the vehicle. All such substances related
386 to or generated from the vehicle shall be taken with the vehicle when vehicle leaves
387 the subject property and disposed of in accordance with law or local ordinance.

388
389 (22) Mobile food dispensing vehicles shall comply with all applicable
390 federal, state and local laws, rules and regulations including, but not limited to, the
391 standards specified by Chapter 5K-4.002, F.A.C., and the U.S. Food and Drug
392 Administrative 2001 Food Code, as such laws, rules and regulations may be amended
393 from time to time.

394
395 (23) A copy of the appropriate license(s) issued from the Florida
396 Department of Business & Professional Regulation (Division of Hotels and Restaurants)

shall be displayed conspicuously to the general public be maintained on the mobile food dispensing vehicle at all times when the vehicle is in operation on real property located within the town, and shall be made available for inspection upon request by the town's law or code enforcement officers.

(e) Penalties.

(1) Owners and operators of mobile food dispensing vehicles, and property owners on which such vehicles operate, shall be jointly and severally liable for any violations of this section. The penalty provisions set forth in section 1-9 of the town code shall apply to violations of this section.

(2) In addition to the penalties authorized by subsection (1), the town manager may also suspend or revoke the property owner's site plan approval for accessory temporary outdoor sales and/or special event permit, as may be applicable, upon a finding that a mobile food dispensing vehicle was operating on the subject property in violation of this section. Prior to suspending or revoking the applicable site plan approval and/or special event permit, the town manager shall: (i) Afford the property owner notice of the violation(s) and a reasonable, informal opportunity to be heard regarding the violation(s); (ii) Consider the property owner's past record of compliance with this section and related laws; and (iii) Consider the degree of risk to public health, safety, aesthetics, and welfare arising from the alleged violation(s) in evidence.

(3) The town manager's decision under subsection (2) shall be rendered in writing and shall be deemed final.

(4) Any site plan approval or special event permit suspended or revoked pursuant to this subsection shall immediately be void and of no further use and effect to any person. If revoked, the property owner shall be prohibited from seeking subsequent site plan approval for accessory temporary outdoor sales or a special event permit for the subject property for a period of one (1) year from the date of the revocation.

(5) The operation of a mobile food dispensing vehicle without a valid site plan approval for accessory temporary outdoor sales or special event permit (including if operated during a period of license suspensions or revocation) shall subject the owner of the property and the owner of the vehicle and operator thereof to code enforcement action, civil action, or action as otherwise allowed by state law or the town code.

SECTION 3. Amendment of CH zoning district. That section 113-338(c) of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 113-338. CH Church Districts.

* * *

(c) *Accessory buildings and uses.* All accessory uses shall meet the requirements of section 113-225. The following accessory uses are permitted:

- (1) Satellite dish antenna in the manner specified in section 113-243.
- (2) Accessory ecclesiastical buildings.
- (3) Meeting rooms.
- (4) Parking areas.
- (5) Any other accessory use of one or more of the principal uses clearly incidental to the principal permitted use and in keeping with the character of the zoning district.
- (6) Mobile food dispensing vehicles consistent with section 113-249 of this code.

* * *

SECTION 4. Amendment of SC zoning district. That section 113-339 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 113-339. SC Shopping Center Districts.

Within SC Shopping Center Districts, the following regulations shall apply:

* * *

(1.5) Accessory uses. Mobile food dispensing vehicles consistent with section 113-249 of this code.

* * *

SECTION 5. 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 6. Effective Date. This Ordinance shall become effective upon adoption of this Ordinance.

PASSED by the Town Council of the Town of Indialantic on first reading on the ____ day of _____, 2021, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the ____ day of _____, 2021.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

Agenda Item

SUBJECT: Ramona Avenue Right-of-Way

Staff Report – Town of Indialantic

Meeting Date: January 13, 2021

Summary:

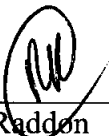
Mayor Berkman has requested this item be put on agenda for discussion after being contacted by a resident at 401 Miami interested in buying the right-of-way at Miami Ave. & Ramona Ave.

Recommendation:

Discussion on matter.


MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

Chapter 11

PLANNING AND DEVELOPMENT*

- Art. I. Comprehensive Plan and Land Development Code, 11-1--11- 9**
Art. II. Local Planning Agency, 11-10--11-19
Art. III. Concurrency Management, 11-20--11-31

**ARTICLE I. COMPREHENSIVE PLAN AND LAND
DEVELOPMENT CODE**

Secs. 11-1--11- 5. Reserved.

Editor's note--Ord. No. 82-301, 1, adopted Dec. 15, 1981, repealed 11-1--11-5 of the Code, pertaining to the Indianalantic Comprehensive Planning Agency, its organization, duties, financing, etc.; which agency, having fulfilled its mandate, had become obsolete. The plan developed by the former agency remains in force, as set out by 11-6 of this chapter. The repealed provisions were derived from Ord. No. 195, 2-6, adopted June 15, 1976.

11-5.5. Sale of public real property.

(a) Prior to the sale or other disposition of any public real property or any interest therein, including right of ways and easements, the Town shall require an appraisal of the real property or interest therein by a qualified MAI appraiser.

(b) Prior to the sale or other disposition of public real property or any interest therein, including right of ways and easements, the Town Council shall submit the terms and conditions of such sale or disposition to the voters of the Town for their approval at a public referendum to be held at the next General election or, if required by the Town Council, at a Special election.

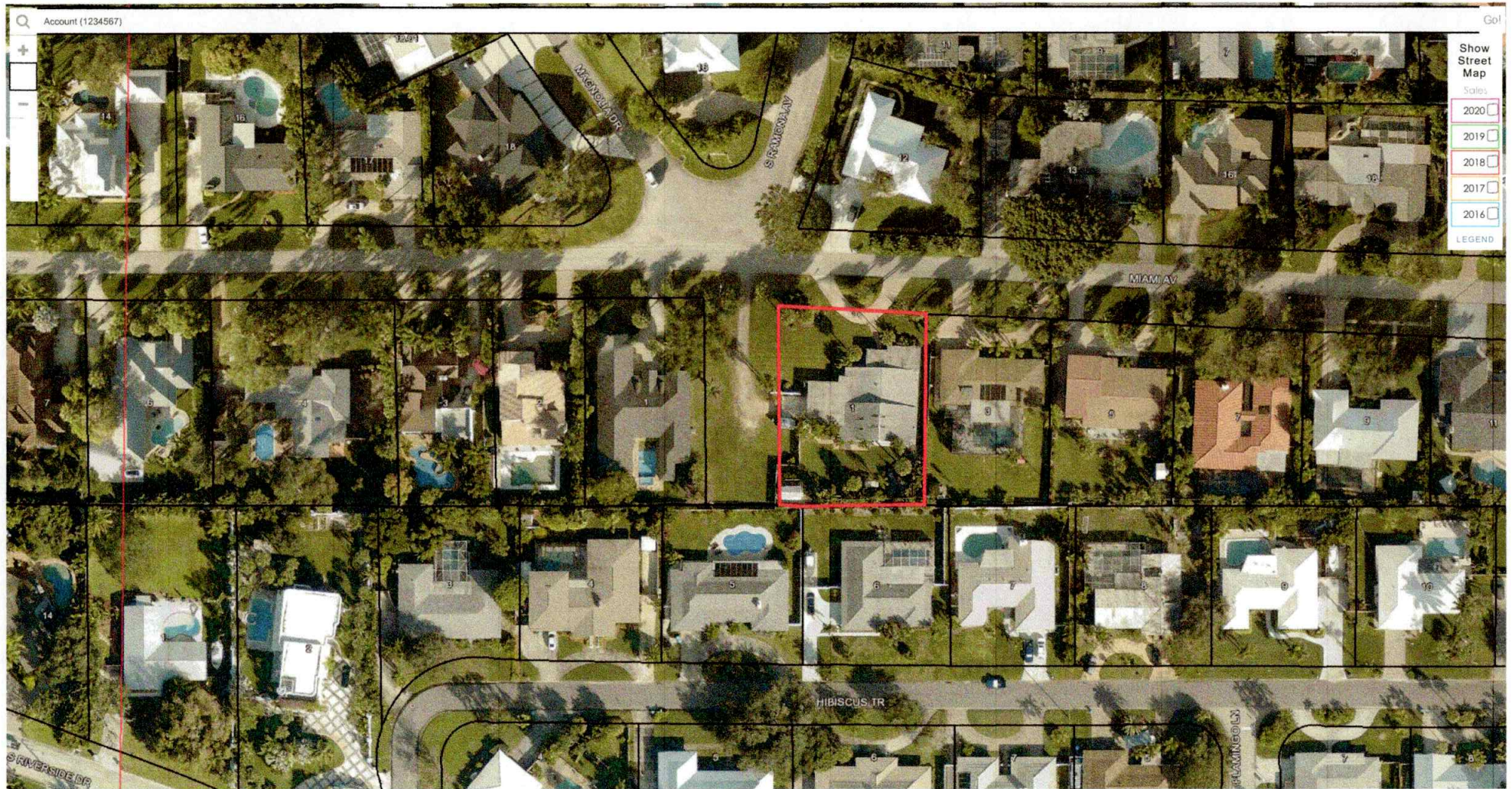
(c) If the sale or disposition is approved by a majority of the voters at such election, the sale or other disposition shall be closed within ninety (90) days of the election. If the sale or disposition is not approved by a majority of the voters, then such sale or disposition of public real property shall be prohibited unless subsequently approved by the voters of the Town. (Ord No. 89-26, 11-7-89)

Editor's note: Ord. No. 89-26, passed by a referendum vote at the General Election on 11-7-89, designated this section as Sec. 11-7. Inasmuch as a section so designated is already included herein, the editor has redesignated the newly enacted provision as section 11-5.5 hereof.

Sec. 11-6. Comprehensive plan adopted.

(a) This section is enacted pursuant to and in accordance with the provisions of Chapter 163.3161 et seq., Florida Statutes (Local Government Comprehensive Planning and Land Development Regulation Act).

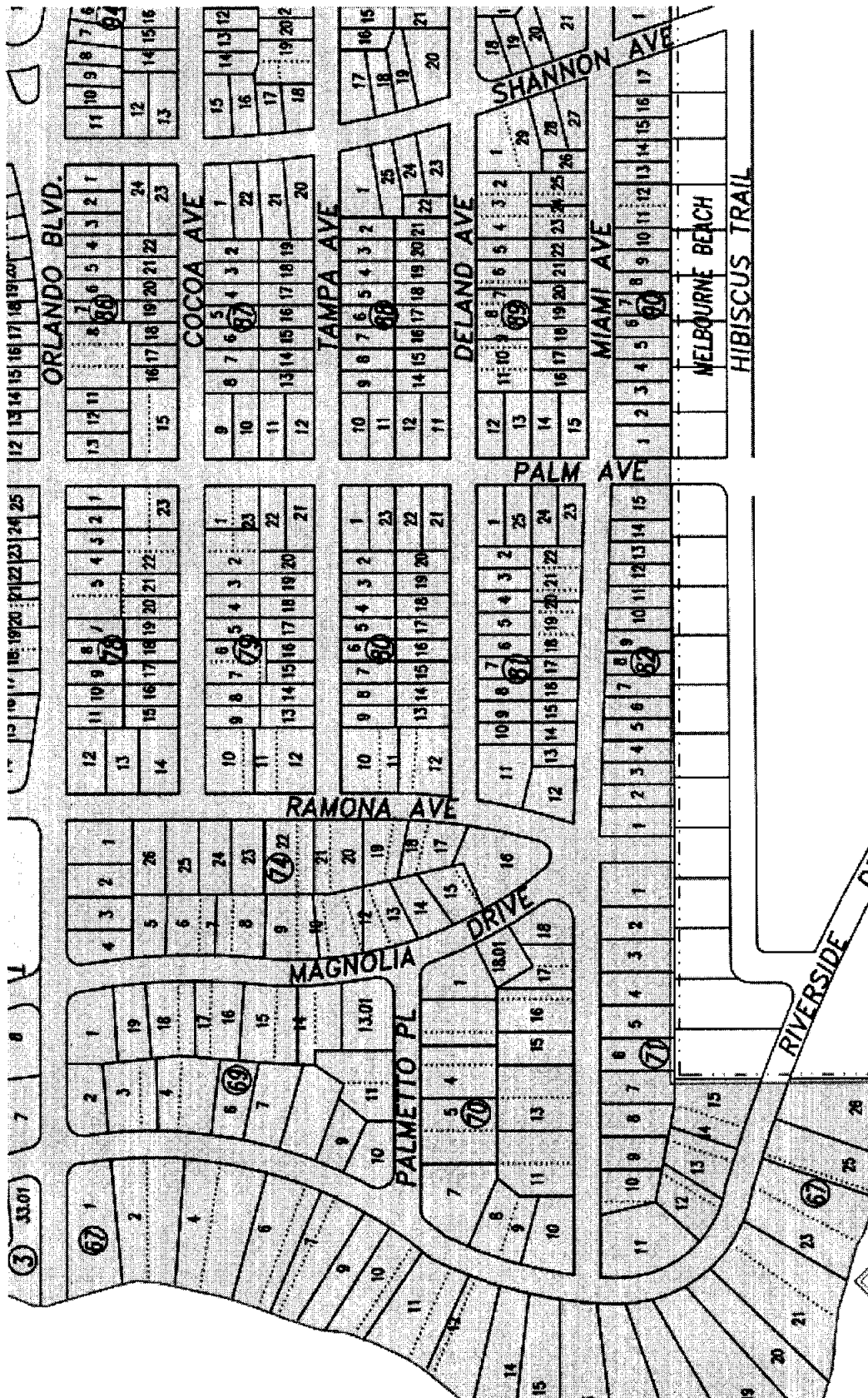
***Cross references**--Beautification, Ch. 5.5; town color code, 5.5-41 et seq.; property maintenance, 5.5-61 et seq.; buildings and construction, Ch. 6; subdivisions of land, Ch. 13.5; trees and shrubs, Ch. 16; zoning regulations, Ch. 17; zoning and planning board, 17-30 et seq.; board of adjustment, 17-46 et seq.; environmentally sensitive lands, Ch. 18.



Account: 2846785 Parcel ID: 28-38-06-E5-82-1
Sale: 10/30/1992 \$120,000
BCPAO Market Value: \$378,130
Owners: GRIFFITH, IRENE E
Address: 355 MIAMI AVE INDIAN LANTIC FL 32903

[Zoom](#) | [Clear](#) | [Details](#) | [EagleView](#) | [Hide Info](#)

[BCPAO](#) Dana Bickley, CFA, Brevard County Property Appraiser | [Instructions](#) | [Disclaimer](#)



SUBJECT: Parking Permits

Staff Report – Town of Indialantic

Meeting Date: January 13, 2021

Summary:

Deputy Mayor Glass would like discussion regarding the effective date of future year parking permits which are purchased in December. Currently, a parking permit is only valid from January 1 through December 31. Deputy Mayor Glass has suggested future year permits become effective at the time of sale, i.e., a 2021 parking permit purchased on Dec. 10, 2020 would be valid for parking Dec. 10, 2020 through Dec. 31, 2021. Typically, Town Hall begins selling parking permits on or after Dec. 1 each year.

Recommendation:

Discussion on matter.

MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

TOWN MANAGER'S REPORT

January 13, 2021

1. Intergovernmental Activity:

- a. **US-192/SR-500 Resurfacing:** FDOT is proposing to resurface US-192/SR-500 (aka Fifth Avenue) from the easternmost relief bridge to SR-A1A in FY-22. (04/16/18) FDOT has agreed to analyze the mid-block crossings and determine if Rectangular Rapid Flashing Beacons (RRFBs) are warranted. (06/18/18) FDOT has determined that pedestrian counts indicate that Rapid Rectangular Flashing Beacons (RRFBs) are not warranted at the Fifth Avenue mid-block pedestrian crossings. However, FDOT did recommend improving the lighting and signage at these locations which will be factored into the resurfacing project that should commence in FY-22. (04/16/19) FDOT has determined that pedestrian activated crossing signals are not warranted for mid-block crossings on Fifth Avenue at this time. (05/08/19) Resurfacing scheduled for FDOT fiscal year 2023, scheduled for 11/22 (2/3/20) FDOT notified of input meetings coming up soon.(11/4/20)
- b. **Pedestrian Crossing Signals:** FDOT inspected the US-192 intersections at Riverside Drive and SR-A1A on 2/22/19 and are evaluating possible audible pedestrian signal improvements. (03/13/19) Spoke to DOT sent Jay email 8/15/19. FDOT looking at updating traffic lights and crossing conducting study to work into the resurfacing in 22/23 FDOT fiscal year (2/27/20)

2. Fiscal Activity:

- a. **Fifth Avenue median:** The Town is soliciting proposals from Registered Landscape Architects for consideration to develop a plan to replace the existing plants in the Fifth Avenue median. (06/18/18) A recommendation will be presented to Council for 8/8/18. (08/08/18) Staff is negotiating a contract with Susan Hall Landscape Architecture, Inc. (09/12/18) Workshop will be held 10-18-18 at 6:30 p.m. (10-10-18) Options will be presented to Council at the January meeting for approval. (01/09/19) Some coonties in the median are being relocated to Nance and Douglas parks and to the Fifth Avenue median east of SR-A1A to determine if the areas are suitable for relocation once the new plants are installed in the median. (02/13/19) The grant application was sent to FDOT on 3/7/19. (04/16/19) FDOT has approved the application with funding projected in FY-23. (05/08/19) FDOT contacted me and we are on schedule for FY-23 and working with Susan Hall Landscape Architecture, Inc on first past review of submission (7/29/19). Ryan from Susan Hall's sent preliminary information state approved first pass. Working with Ryan on Bid documents (8/1/19) Received initial Project Schedule, Landscape Plans, ITB and Opinion of Project Costs from Susan Halls office for initial submission to DOT for review and I submitted them to FDOT for first review 8/20/19. Heard from DOT Dawn Latchum assigned project number is **442883-2-58-01** for submission (8/21/19). Received comments from FDOT and Susan Hall Landscaping Architecture, Inc is reviewing comments (9/30/19) Spoke with Ryan and his is looking into if

TOWN MANAGER'S REPORT

lighting can be used (10/28/19) Ryan responded to comments from FDOT on median plans (11/1/19). FDOT wants meeting with landscape architect and town (11/15/19). Meeting with FDOT and Susan Hall on 1/28/20 at 2 PM FDOT Deland (11/25/19) Attending meeting and project is still moving forward. Nothing can be done until after repaving is done. Project funded in FDOT 2023 fiscal year earliest project could happen in 8/22 (2/3/20) Ryan recently responded to comments from FDOT (8/4/20) FDOT holding virtual meetings for planning (12/3/20)

3. **Organizational Activity:**

- a. **Swale:** Public Works has installed swales at 205 S. Ramona Avenue on the 7th Avenue side. (05/15/17) A swale was improved at 810 Wavecrest Avenue and a swale was added at 305 S. Ramona Avenue. (10-10-18) A swale was added at 812 Wavecrest Avenue. (11/07/18) A swale was added at 425 Second Avenue. (02/13/19) A swale was added at 435 Twelfth Avenue. (03/13/19) A swale was added to the west side of S. Riverside Place. (07/10/19) Swale ordinance is presented to town council March 2020 meeting (3/4/20). Waiting on Environmental Task Force to review and make further recommendations (7/1/20) Ordinance was reviewed at the July meeting and updating the swale design will be reviewed at the August Environmental Task Force meeting (8/4/20) Sending ordinance to September Z&P meeting for review (9/2/20) Swale ordinance not approved by P&Z going back to Environmental Task Force. Public works installing swale in at 405 Orlando Blvd.(9/30/20) Environmental task force reviewing swale ordinance to make changes, native plant portion separated at going to P&Z December meeting (12/3/20)
- b. **Meters:** Kiosk have been ordered and expected around the end of January 2020 (12/3/19). Kiosk expected to be shipped in a next few weeks for Nance Park (3/4/20). Kiosk is active and working as of this date (5/8/20). Kiosk are operating still some tweaking in signage (6/16/20). All kiosk and meters have been reprogrammed to \$2.50 per hours (9/2/20) Tampa Ave. and Watson Ave. beach access approved parking by permit only or golf cart (LSV), signs will be ordered after October 1, 2020 (9/30/20) Kiosk ordered for Wavecrest. Tampa and Watson posted for permit only & LSV (11/4/20) New kiosk have arrived and public works working on installing (1/6/21)
- c. **Pipes Under Pavement:** Placed legal ad for both north and south pipes under pavement project with bids being received from 7/16/19 thru 8/16/19. Had preconstruction meeting with prospective bidders and town engineer on 7/22/19 (7/31/19). Received bids from 4 contractors and have meeting on lowest bidder and BSE on 9/10/19 (9/5/19). Council asked to approve low bidder PRP at 10/9/19 council meeting (10/1/19). Have signed agreement with PRP and received all paperwork. Worked out agreement with City of Melbourne for laydown site on S. Palm old water tower property during project for PRP. Waiting on start date (11/7/19) Start date approximately the second week of January 2020 (12/30/19) PRP is working on project is

TOWN MANAGER'S REPORT

underway at this time, should last until mid-July (2/3/20) Project is underway and work expected to be completed by July 2020 (3/4/20). Work is progressing and July is expected finish date (5/8/20). PRP is still proceeding and expect to finish south residential this month and move to north residential (6/3/20). Project still proceeding and scheduled by end of summer completion (6/30/20). PRP finishing up in north end of town and also list we have given to correct issues (8/4/20). Work still proceeding (9/2/20) Project complete final inspection done, PRP only has to cleanup laydown area (9/30/20) Cleanup completed (11/4/20) PRP has completed pipes under pavement final payment is last item (1/6/21)

- d. **Code Codification:** Signed agreement and issued purchase order for with Municode for codification and hosting of Town Codes. Project approved by Council at the October 2019 meeting. Project will take in excess of year and working with staff, Town Attorney and Municode to review, update and make sure all corrections are made for the codification and web hosting (11/7/19). Received email last week from Municode and they have assigned personnel at this time but project is expected to be in excess of one year. Municode has been in contact with clerk and time table is still in line for next year (3/4/20). First review received from Municode and being reviewed by staff and town attorney (5/8/20) Hade meeting with Municode and proceeding with codification (6/3/20) Process is continuing with first reading of codification ordinance scheduled for the August Council meeting (8/4/20). Paul reviewing still and not ready for council review (9/2/20) Paul is finishing up review and expect to be finished in next 2 weeks and then sending back to Municode for updating (9/30/20) Paul has reviewed and Municode in finalizing should be ready for December Council meeting (11/4/20) first reading of ordinance is set for December Council meeting, after second reading in January set to have new code books and online (12/3/20) Second reading January meeting plus we need to update resolution because of code changes (1/6/21)
- e. B-4 10th Ave to Ramona Ave Storm Sewer Replacement awarded (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Atlantic Development is working on other projects in town and this one is on list to move to in near future. (9/2/20)
- f. B-5 2nd Ave/Riverside Drive off-line retention area (2/17/20) Waiting on approval of grants from council (5/8/20). Grants have been awarded and BSE is working with Atlantic Development to begin constructions (6/3/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Project scheduled to begin first week of August (8/4/20) Project underway at this time and should be finished up in next few weeks by Atlantic Development (9/2/20) Had a delay and addition to pipes at outfall project expected complete by mid-October (9/30/20) Project built but working on water retention area (11/4/20) A fix has been found and problem will be resolved by contractor. (1/6/21)

TOWN MANAGER'S REPORT

- g.** 2nd Avenue/Riverside Drive to Ramona Avenue Sewer Replacement (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Atlantic Development is working on other projects in town and this one is on list to move to in near future. (9/2/20) Contractor working on clearing right of way and will be installing pipes in next few weeks (11/4/20) Working on at this time several issues including sewer conflict need to be moved and working this week on issue (12/3/20) Project progressing and should be complete by end of month, slowly progress because of conflicts and water table (1/6/21)
- h.** B-6 Outfall Repair II at Wayne Ave. and Riverside Dr. Sewer Replacement (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Atlantic Development is working on other projects in town and this one is on list to move to in near future. (9/2/20) Met with residents about issues of plants in right of way, project scheduled to begin after January 1, 2021 (12/3/20)
- i.** B-4 Bike Path/9th Ave. to Melbourne Ave. Storm Water Replacement/Bike Path Relocation (2/17/20) Contractor notified waiting on start time (5/8/20) Preconstruction meeting held 6/26/20 construction begins in next few months (7/1/20) Meetings held with J&D Construction on site and project is scheduled to begin week of 8/10 and last about 60 days (8/4/20) Project under way at this time and construction should be completed by end of October. (9/2/20) Project progressing and expect to be completed by mid-October (9/30/20) Project complete but working on sod issues with contractor (11/4/20) Contractor is going sand and roll grass area to fix issues with sod (12/3/20) Grass had been rolled but all issues are not resolved and contractor working on resolution. (1/06/21)
- j.** B-3 Orlando Blvd bids opened 3/3/20 and given to BSE for evaluation (4/6/20) On 10/7 council agenda for awarding (9/30/20) Contracts signed and contractor beginning work on area this month (11/4/20) Contractor on Melbourne Ave. at this time when complete will move to this area (12/3/20) Work began 1/4/21 should be complete in few weeks (1/6/21)
- k.** B-4 Melbourne Ave bids opened 3/3/20 and given to BSE for evaluation (4/6/20) On 10/7 council agenda for awarding (9/30/20) Contracts signed and contractor beginning work on area this month (11/4/20) Contractor is approximately half finished on this project working at this time (12/3/20) Only a few areas needed to be sodded at this time (1/6/21)
- l.** B-4 Palm Ct bids opened 3/3/20 and given to BSE for evaluation (4/6/20) On 10/7 council agenda for awarding (9/30/20) Contracts signed and contractor work on area (11/4/20) Contractor has begun work but is finishing up Melbourne Ave. project first (12/3/20)

Indialantic Police Department

Monthly Activity Report

November 2020

OPERATIONS:

* The Department Responded to 832 Incidents.

* 28 Subpoenas were issued.

* Activity	20	Arrests
		2 Felony
		6 Misdemeanor
		12 Traffic
		1 DUI & 2 Drug
	173	Traffic Citations
	348	Traffic Stops
	192	Verbal Warnings
	2	Capias Filed

TRAINING:

Fournier: Narcotics & Dangerous Drugs
Chamberlain, Nigh: Speed Measurement

Indialantic Police Department
Monthly Crime Index
November 2020

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	1	0		0	0%
Larceny	2	1		1	50%
Veh Theft	0				0%
Assault/Battery	1	0		0	0%
Arson	0				0%
Total Part I	4				
Part II					
Kidnapping	0				
Fraud/Forgery	2				
Criminal Mischief	0				
Weapons	0				
Sex Offenses	0				
Narcotics	1				
DUI	0				
Liquor Laws	0				
Disorderly	0				
Ordinance	8				
Trespass	3				
Other Traffic	0				
Total Part II	14				
Part III & IV					
Patrol Area	438				
911 Investigations	105				
Citizen Contact	11				
Juvenile	0				
Warrant	0				
Misc Traffic	80				
Traffic Accidents	9				
Sick/Injured	3				
Death	0				
Mentally Ill	0				
Suicide/Attempt/Threat	0				
Animal	5				
Information	15				
Alarm/Open Door	15				
Fire	1				
Lost/Found	8				
Disturbances	13				
Susp Incidents	63				
Assists	39				
Details	8				
Missing Persons	1				
Total III & IV	814				
Grand Total	832				

Indialantic Police Department
YTD Information Report
November 2020

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Value Stolen	\$ 66	\$ 418	\$ 2,430	\$ 22	\$ 52,740	\$ 70	\$ 10,332	\$ 1,917	\$ 770	\$ 18	\$ 2,653		\$ 71,436
Value Recovered	\$ -	\$ 24	\$ 2,160	\$ 22	\$ 51,300	\$ 70	\$ 10,031	\$ -	\$ -	\$ -	\$ 150		\$ 63,757
Traffic Warnings	1	0	0	0	3	0	0	0	0	0	0		4
Equip Warnings	0	0	0	0	0	0	0	0	0	0	0		0
Verbal Warnings	181	192	148	5	128	159	69	62	117	234	192		1487
Field Interrogation	0	0	0	0	0	0	0	0	0	0	0		0
Parking Violations	0	2	5	11	16	8	17	12	6	8	10		95
Parking Fines	\$ -	\$ 45	\$ 100	\$ 220	\$ 330	\$ 160	\$ 340	\$ 240	\$ 200	\$ 160	\$ 440		\$ 2,235
Traffic Citations	212	276	108	18	94	81	42	28	104	191	173		1327
Arrests	10	15	8	8	31	10	5	9	14	17	20		147
DUI Charges	0	0	0	2	2	1	0	1	1	2	1		10
Drug Charges	0	0	0	0	0	0	0	0	0	4	2		6
Wavecrest Activity	42	47	67	115	99	76	92	91	58	65	50		802

Indialantic Fire Rescue Monthly Report for December 2020

FIRES		
Structure Fires		1
Brush Fires		
Vehicle Fires		
Trash Fires		
Other Fire Calls		1
RESCUE & EMERGENCY MEDICAL		
Medical		19
Well Being Check		1
Water Rescue		
Motor Vehicle/Pedestrian Accident with injuries		1
Motor Vehicle with no injuries		1
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem/Gas Leak		
GOOD INTENT CALL		
Dispatched and Cancelled Enroute		1
Dispatched and Cancelled on Scene		
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		1
Smoke Detector activation due to smoke or dust		2
SPECIAL INCIDENT TYPE		
Fire Inspection/Business Tax Receipt (BTR)		10
Public Service Calls		4
Assist Other Government Agency		
Special Type of Incident		2
Hydrant Inspections		
Public Education Demonstrations/talks		
TOTAL CALLS		44
RUNNING TOTAL OF PREVIOUS MONTHS		581
TOTAL CALLS YEAR TO DATE		625
MUTUAL AIDE		
	GIVEN	4
	RECEIVED	0

AVERAGE RESPONSE TIME	INDIALANTIC FIRE	4.6
	BREVARD COUNTY	10.4

VOLUNTEER HOURS	248
SAVINGS REALIZED BY THE TOWN	\$4,960

VOLUNTEER F/F ACTIVITY	The Volunteers held their monthly business meeting on Tuesday December 1st and conducted training on 12/8/20, 12/15/20, & 12/22/20. The volunteers drove Santa to Nance Park for the annual tree lighting ceremony and drove Santa around town on Christmas Eve.
CAREER F/F ACTIVITY	The on-duty staff made repairs to the coolant system on Trk 57, responded to a house fire in Melbourne Beach on 12/2/20, all small engines were serviced and all annual reports completed, repaired leaking toilet supply valve in down stairs bathroom.

INDIALANTIC FIRE RESCUE ANNUALIZED RESPONSE REPORT

2020

	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Totals	
Structure Fires		1	2			3			2	1		1	10	28
Brush Fires							1	1	1				3	
Vehicle Fires					1				1				2	
Trash Fires							1	1					2	
Other Fire Calls		1	1	5				1	1		1	1	11	
Medical	19	25	22	8	17	19	33	19	16	13	16	19	226	255
Well Being Check	1		3		2		1	2		3	1	1	14	
Rescue, Other	15												15	
Water Rescue		1	1	1	3	3		1	1	1			12	12
Vehicle Accident with injuries	1	1	4	2				1	1	2		1	13	28
Motor Vehicle with no injuries	2	1	1		2	3	1	1			3	1	15	
Hazardous Condition	4	1			1	2	3	3	2	3	1		20	20
Dispatched and Cancelled Enroute	1				1	4		1	1	1	4	1	14	65
Dispatched and Cancelled on Scene	1		1		3			1	1	1			8	
False Alarm or False Call	3	1	2	2		3	5	5	1	1	3	1	27	
Activation due to smoke or dust				3	2	1	2	1	2	1	2	2	16	
Fire Inspection/BTR	28	9	2	5	9	3	1	3		12	13	10	95	95
Public Service Calls	1	2	1			6	5	1	1	3	1	4	25	122
Assist Other Government Agency	2	1	1	2	2	2	2	2	2	2	2		20	
Special Type of Incident	1	1		2	4		6	1		2		2	19	
Hydrant Inspections			46	10					1				57	
Public Education									1				1	
TOTAL CALLS	79	45	87	40	47	49	61	45	35	46	47	44	625	625
TOTAL CALLS FOR YEAR	79	124	211	251	298	347	408	453	488	534	581	625		
MUTUAL AIDE GIVEN	3	3	2	7	6	8	4	5	3	2	2	4	49	
MUTUAL AIDE RECEIVED	1	0	0	0	0	0	0	2	0	1	0	0	4	
AVERAGE RESPONSE TIME														
INDIALANTIC FIRE	3.38	3	2.78	2.33	2.5	2.45	2.73	5.89	2.7	2.14	2.42	4.6	Average 3.08	
BREVARD COUNTY	10.33	9.23	8.66	10.1	10	8.72	12.15	11.132	10.7	8.51	8.9	10.4	9.90	
VOLUNTEER HOURS	270	208	120	0	32	115.75	154.75	195	219.75	271	201.25	248	2035.5	

INDIALANTIC FIRE RESCUE ANNUALIZED RESPONSE REPORT

Compiled Annual

	2013	2014	2015	2016	2017	2018	2019	2020
Structure Fires	1	5	4	7	6	4	4	10
Brush Fires	4	2	4	8	9	3	3	3
Vehicle Fires	3	1	1	5	1	1	1	2
Trash Fires	0	0	1	0	3	0	2	2
Other Fire Calls	0	1	3	5	4	1	1	11
Medical	218	193	221	211	256	347	296	241
Well Being Check	7	130	112	86	82	18	15	14
Water Rescue	2	7	4	14	7	5	9	12
Vehicle Accident with injuries	16	16	17	17	10	16	10	13
Motor Vehicle with no injuries	64	18	22	27	22	21	20	15
Hazardous Conditions	8	11	19	33	42	16	28	20
Dispatched and Cancelled Enroute	13	13	16	18	20	14	6	14
Dispatched and Cancelled on Scene	1	11	12	24	28	27	13	8
False Alarm or False Call	26	16	15	30	27	23	23	27
Activation due to smoke or dust	0	7	7	17	14	13	20	16
Fire Inspection/BTR	254	286	344	295	278	295	129	95
Public Service Calls	57	54	45	67	58	45	51	25
Assist Other Government Agency	26	33	24	16	22	19	17	20
Special Type of Incident	0	33	32	20	8	17	11	19
Good Intent	167	2	4					
Hydrant Inspections		93	91	89	90	90	89	57
Public Education							1	1
TOTAL CALLS	867	932	998	989	987	975	749	625

Total Emergency Calls	523	303	350	416	449	491	530	472
Non-Emergency Activities	344	629	648	573	538	484	219	153

MUTUAL AIDE GIVEN	4	22	15	44	47	21	34	49
MUTUAL AIDE RECEIVED	0	3	7	13	10	5	8	4

AVERAGE RESPONSE TIME

INDIALANTIC FIRE		2.78	2.87	2.81	2.77	2.76	2.69	3.08
BREVARD COUNTY		8.75	8.51	8.98	9.61	9.97	8.96	9.9

VOLUNTEER HOURS		3,213.25	3,618.95	7,106.50	3,344.75	2989.5	4,085.75	2035.5
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BURN PERMITS ISSUED		57	51	42	63	0	0	0
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Annualized Response Time Data

2020

Start use of CAD													
A Shift	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Annualized
Number of Calls	18	9	15	4	9	14	11	13	9	7	8	11	128
Average Turn Out	1.277	1.000	0.933	0.750	1.220	0.771	1.203	1.327	1.170	1.300	1.480	0.900	1.11
Average Response	2.4440	1.7770	1.4000	1.0000	2.1100	1.5910	2.1300	2.2300	2.1400	2.0800	2.0900	1.5900	1.88
Average Total Response	3.7200	2.7770	2.3300	2.0000	6.2200	4.4150	5.2800	4.9200	5.1100	4.2600	6.9100	3.6700	4.30
Time on Scene						19.0095	11.4600	11.12	16.2400	16.1000	15.9900	17.4300	15.34
B Shift	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Annualized
Number of Calls	12	13	9	7	12	15	23	10	8	18	900%	900%	145
Average Turn Out	1.6600	0.0760	1.1100	1.4200	1.0800	1.257	1.229	2.125	1.350	1.480	114%	78%	1.23
Average Response	2.25	1.85	3.11	2.28	2.33	2.6400	2.5560	1.5960	2.0300	2.2100	142%	159%	2.15
Average Total Response	3.416	2.769	4.220	3.710	5.090	6.3820	5.4670	5.6400	4.9900	4.7200	478%	364%	4.57
Time on Scene						18.7600	16.2260	19.3400	12.1600	11.6200	1470%	884%	14.52
C Shift	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Annualized
Number of Calls	16	6	13	8	13	8	22	13	12	7	7	7	132
Average Turn Out	1.3120	1.1600	0.3800	0.8750	1.0800	0.652	0.968	2.197	1.150	1.170	1.380	1.770	1.17
Average Response	2.250	1.833	2.923	4.500	1.610	3.1270	2.9590	3.0530	3.9400	2.1400	2.2100	1.6300	2.68
Average Total Response	3.562	3.000	3.307	5.620	3.460	6.4390	5.7360	7.1230	6.5600	5.1100	8.6600	6.0800	5.39
Time on Scene						16.2180	13.7880	18.4400	14.4	16.2400	14.4500	19.5900	16.16
Department	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Annualized
Number of Calls	46	28	37	19	34	37	56	36	29	32	24	27	405
Dispatch Time					1:55	2:34	1:44	1:42	1:37	2:18	3:50	2:16	0
Average Turn Out	1.42	0.75	0.81	1.02	1.13	0.89	1.44	1.88	1.22	1.32	1.13	1.15	1.18
Average Response	2.31	1.82	2.48	2.59	2.02	2.45	3.60	2.29	2.70	2.14	2.42	1.60	2.37
Average Total Response	3.57	2.85	3.29	3.78	4.92	5.75	7.55	5.89	5.55	4.70	3.55	4.46	4.65
Time on Scene						18.00	13.82	16.30	14.27	14.65	15.05	15.29	15.34

Building Department Permits Issued

PermitNo		CompanyName	OwnerName/Address		Construction Value	Permit Fee	Plan Fee	Surcharge Fee
IND20_593	12/11/2020	FOUR NEW TOWNHOMES- ADDRESS 108	KOFFLIN, FRANK D	614 MIRAMAR AV S	\$1,133,238.00	\$5,247.00	\$2,033.50	\$218.41
IND21_035	12/16/2020	HVAC	DAIGLER	700 WAVE CREST AV	\$6,300.00	\$75.00	\$0.00	\$4.00
IND21_037	12/9/2020	NEW POOL	SCOTT	800 RIVERSIDE DR N	\$42,890.00	\$280.00	\$0.00	\$8.40
IND21_048	12/3/2020	PAVERS DRIVEWAY	SCATURRO	430 SEVENTH AVE	\$13,000.00	\$130.00	\$0.00	\$4.00
IND21_064	12/7/2020	REPLACE GARAGE DOOR	MULFORD	435 TENTH AVE	\$2,373.00	\$80.00	\$0.00	\$4.00
IND21_072	12/10/2020	REPLACE BACKFLOW AND SERVICE LIN	PARAGON REALTY II LLC	325 FIFTH AV	\$6,300.00	\$0.00	\$0.00	\$0.00
IND21_074	12/3/2020	RE ROOF	GOSS	222 CHALET AVE	\$11,200.00	\$125.00	\$0.00	\$4.00
IND21_075	12/4/2020	SERVICE OVER TO UNDER	NOHRR	309 MICHIGAN AV	\$2,000.00	\$75.00	\$0.00	\$4.00
IND21_076	12/14/2020	HVAC	JOHNSON	91 MIAMI AV	\$9,727.00	\$75.00	\$0.00	\$4.00
Permits:				Grand Total	\$1,227,028.00	\$6,087.00	\$2,033.50	\$250.81

Permit List

01/05/2021

Permit #	Address	Category	Applicant Name	Date Issued	Date Expires	Amount Billed
PB21-0001	201 MELBOURNE AVE	Repair	LOWE'S	12/03/2020	06/01/2021	\$84.00
PB21-0002	301 S MIRAMAR AVE 206	Repair	WALDEN CUSTOM BUILDERS	12/10/2020	06/08/2021	\$79.00
PB21-0003	242 MIAMI AVE	Repair	Mr Rooter Plumbing	12/03/2020	06/12/2021	\$104.00
PB21-0005	205 7TH AVE	Repair	CLYDE HIPPCHEN CARPENTR	12/10/2020	06/27/2021	\$79.00
PB21-0006	417 9TH AVE	Remodel	ROCKET BUILDERS INC	12/16/2020	06/26/2021	\$119.00
PB21-0007	441 WAYNE AVE	Repair	SUNSET VIEW CONSTRUCTIO	12/07/2020	06/05/2021	\$154.00
PB21-0008	604 S RAMONA AVE	Repair	WINDOW WORLD OF CENTRA	12/07/2020	06/05/2021	\$99.00
PB21-0009	105 ORLANDO BLVD	Remodel	PINEAPPLE POOLS OF FL LLC	12/31/2020	06/29/2021	\$350.20
PB21-0010	900 S MIRAMAR AVE	Demolition	Florida Select Building Co LLC	12/10/2020	06/08/2021	\$104.00
PB21-0011	300 9TH TER	Roofing	MIKE WILLIS ROOFING & CO	12/14/2020	07/04/2021	\$195.70
PB21-0013	305 9TH TER	Repair	Gladiator Plumbing	12/14/2020	06/14/2021	\$84.00
PB21-0015	400 MICHIGAN AVE	Remodel	SUPERIOR CONCRETE OF BRE	12/11/2020	06/09/2021	\$104.00
PB21-0016	410 S MIRAMAR AVE	Remodel	ELEGANT HOMES & DESIGNS	12/11/2020	06/09/2021	\$94.00
PB21-0017	442 N Riverside Dr	Roofing	R&R ROOFING INC	12/16/2020	07/03/2021	\$401.70
PB21-0018	707 S PALM AVE	Repair	ROMANS ALUMINUM INC	12/29/2020	06/27/2021	\$190.55
PB21-0019	400 S Riverside Dr	SFH	AMERIGAS	12/16/2020	06/14/2021	\$84.00
PB21-0020	1209 S MAGNOLIA DR	Roofing	WINDWARD BUILDING COMP	12/30/2020	06/28/2021	\$109.00
PB21-0021	105 3RD AVE	Demolition	Triviam Luxory Homes LLC	12/21/2020	06/19/2021	\$104.00
PB21-0023	360 WATSON DR	Roofing	TOTAL HOME ROOFING	12/18/2020	06/16/2021	\$154.50
PB21-0024	2 FIFTH AVE	Permanent	INDIALANTIC PROPERTIES LL	12/28/2020	06/26/2021	\$64.00
PB21-0025	401 10TH AVE	Addition	SNYDER, LYLE D; KOVAL, JEN	12/28/2020	06/26/2021	\$84.00
PB21-0026	120 MIAMI AVE	Remodel	DOUG HERRELL PLUMBING I	12/21/2020	06/19/2021	\$99.00
PB21-0027	215 DELAND AVE	Addition	Grow Development	12/29/2020	06/27/2021	\$780.23
PB21-0029	201 6TH AVE	Roofing	Chillemi Restoration & Roofing Inc	12/23/2020	06/21/2021	\$190.55
PB21-0030	803 S SHANNON AVE	Remodel	EXTREME PLASTERING & STU	12/28/2020	06/26/2021	\$99.00
PE21-0001	222 CHALET AVE	Electrical Repair	LIGHTHOUSE ELECTRIC SERV	12/01/2020	05/30/2021	\$84.00
PE21-0002	321 7TH AVE	Electrical Remodel	Boys ElectricalContractors LLC	12/21/2020	06/19/2021	\$79.00
PE21-0003	500 N PALM AVE	Electrical New	SCHULTZ ELECTRIC INC.	12/18/2020	06/16/2021	\$84.00
PIND20_003	964 S SHANNON AVE	HVAC New	DON'T SWEAT IT AIR & HEAT	12/29/2020	06/27/2021	\$79.00
PMY21-0001	1709 S MIRAMAR AVE	Mechanical Repair	COMPLETE AIR & HEAT	12/03/2020	06/01/2021	\$79.00
PMY21-0002	225 MICHIGAN AVE	Mechanical New	DOYLE AIR & HEAT INC	12/14/2020	06/14/2021	\$79.00
PMY21-0003	420 4TH AVE	Mechanical Repair	DAVE MASTRO AIR & HEAT I	12/14/2020	06/12/2021	\$139.05
PMY21-0004	125 COCOA AVE	Mechanical Repair	EXTREME AIR & ELECTRIC IN	12/16/2020	06/14/2021	\$79.00
PMY21-0005	222 1ST AVE	Mechanical Repair	EXTREME AIR & ELECTRIC IN	12/16/2020	06/14/2021	\$79.00

Number of Permits: 34

Total Billed: \$4,791.48

Population: All Records

Permit.DateIssued Between 12/1/2020 12:00:00 AM AND
12/31/2020 11:59:59 PM

Inspection Result Date Summary 12/01/2020 through 12/31/20

<i>InspResult</i>	<i>Total Inspections</i>
Approved	58
Approved With Conditions	3
<i>All Results:</i>	61

<u>Location:</u>	<u>Extra Information:</u>	<u>Date:</u>	<u>Code:</u>	<u>Description:</u>	<u>Status:</u>	<u>Notes</u>
January Code Board	<u>Notified</u>					
128 Eighth Ave	12/4/2020				Outstanding	NOA to be issued 01/05/2021
300 North Miramar Ave	11/20/2020				Complied	
Zone 1	North of Fifth Avenue/Westside					

327 Wayne Ave	Landscaping	11/05/20	Sec. 5.5-68	Not Neat & Attractive	Complied	lawn over grown observed 11.05.20 @1046, 11/17/2020@0956, letter sent 11.18.2020
301 Third Ave	Boat/RV Storage	11/17/2020	17-103(b)(3)	boat on trailer	Complied	side lot, not behind ft structure line, letter sent 11/24/2020
431 Third Ave	Boat/RV Storage	11/17/2020	17-103(b)(3)	boat on trailer	Complied	spoke to resident and the truck need to move the boat is unavailable and the boat will be moved by 11/30 at the latest
310 Wayne Ave	Political Signs	12/4/2020	17.106.3(5)(b)(4)		reported	neighbor from 1145 N Shannon Complained re political signs still be display, JG spoke to res who advised he would not be removing signs, letter sent 12/11/2020
320 Wayne Ave	Political Signs	12/4/2020	17.106.3(5)(b)(4)		reported	neighbor from 1145 N Shannon Complained re political signs still be display, letter sent 12/11/2020
346 Third Ave	Political Signs	12/4/2020	17.106.3(5)(b)(4)		reported	neighbor from 1145 N Shannon Complained re political signs still be display, letter sent 12/11/2020

Zone 2	North of Fifth Avenue/Eastside					
700 N Miramar Ave	Prohibited Sign	11/30/2020	17.106.2(2)(a)	Prohibited sign	Removed	
235 First Ave	Accumulation Prohibited	11/05/20	Sec 8-2	large uncontainerized trash pile	Complied	Large trash piles
219 Watson Ave	Boat/RV Storage	12/9/2020	17-103(b)(3)	boat on trailer	reported	RV in drive way, observed 12/09/2020@1517, 12/14/2020@7:55AM, 12/16/2020@8AM, letter sent 12/16/2020
Fifth Ave/Palm Dr	Prohibited Sign	12/11/2020	17.106.2(2)(a)	Prohibited sign	Removed	garage sale sign
Zone 3	South of Fifth Avenue/Westside					
411 Melbourne Ave	Landscaping	11/10/20	Sec. 5.5-68	Not Neat & Attractive	Outstanding	empty lawn over grown, needs to be mowed, letter sent 11/18/2020
Zone 4	South of Fifth Avenue/Eastside					
332 Eighth Avenue	Prohibited Use	10/13/20	Sec 17-121	Vacation Rental	Complied	PD inv, certified letter sent 10/13/2020

128 Eighth Avenue	Inspection Failed	08/27/20	Chapter 6	Shed in Front/no Tie-Downs	Outstanding	neighbor comp/no permit issued for shed/certified letter sent Permit# IND20_465, 08/27/2020 inspection failed, certified letter sent, letter not delivered and left unclaimed, C Stokes posted property on 11/03/2020
116 Tampa Ave	Boat/RV Storage	11/17/20	17-103(b)(3)	Boat on trailer	Complied	boat in driveway, letter sent
300 N Shanon Ave	Boat/RV Storage	12/01/20	17-103(b)(3)	Trailer Parked in ROW	TOT PD	Trailer in ROW
101 Tradewinds Terr	Boat/RV Storage	12/04/20	17-103(b)(3)	Boat on trailer	Veh Removed	check to make sure RV properly parked and not occupied, res called about having family stay in RV in yard, neighbor called to complain people were staying in trailer on property
300 Cocoa Ave	Landscaping	11/05/20	Sec. 5.5-68	Not Neat & Attractive	Unfounded	PD complained property was overgrown CR# 2020-00122513, property checked by JG and MC and found no viol
Zone 5	SR500					
Zone 6	Miramar & Wave Crest					
300 North Miramar Avenue	Trash Container Areas	08/28/20	Sec 5.5-65	no enclosure	Complied	letter sent 08/28/2020, 11/05/2020, cert/rr letter sent 11/20/2020
1 Fifth Ave	Fences and Walls/Accumulation Prohibited	11/23/2020	Sec 5.5-71/8-2	broken fence/yard waste	Reported	comp regarding state of lot, MC observed fence in disrepair in multiple locations, accumulation of discarded pallets and dead yard waste, letter sent 11/23/20, working on clearing now and in the process of getting fence repaired or removed, projected date within 60 days
1001 S Miramar Ave	Landscaping	11/10/20	Sec. 5.5-68	Not Neat & Attractive	Unfounded	yard extremely over grown, vegetation growing and overhanging into neighboring property. Spoke to comp and advised she could trim back veg overhanging her property. JG and MC checked property and observed no viol and no visual impairments with veg
1301 S Miramar Ave		12/4/2020			Unfounded	compl of broken/dangerous sidewalk. Confirm location for FDOT, JG and MC checked area, no sidewalk in front of address and all sidewalks in the vicinity appear to be in good repair
S Miramar/Cocoa Ave	Prohibited Sign	12/28/2020	17.106.2(2)(a)	Prohibited sign	Removed	
S Miramar/Orlando Blvd	Prohibited Sign	12/28/2020	17.106.2(2)(a)	Prohibited sign	Removed	