

Agenda
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, April 7, 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. Presentations: Florida City and County Management Association (Mark Ryan, City Manager, Indian Harbour Beach)
3. 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.
4. Public Announcements:
 - There are openings on the following boards and committees: Civil Service; Heritage; Pension – General Employees, and Environmental Advisory Taskforce.

B. Consent Agenda:

1. Approve Council Meeting Minutes 3-10-2021
2. Adopt Resolution 13-2021 amending Fiscal Year 2020-2021 budget
3. Approve Special Event application for Turtle Krawl 5K Fun Run/Walk at Nance Park on Sept. 11, 2021 at 7:30 a.m. and authorize FDOT road closure for a portion of S.R. A1A
4. Approve aerial spraying for mosquitos – Brevard County Mosquito Control
5. Approve the following Appointments/Reappointments:
 - a) **Heritage Committee** – Appoint Annette Joyner; reappoint Carol Andren

C. Ordinances and Public Hearings:

1. Ordinance 2021-05 First Reading/Public Hearing (*Mobile Food Dispensing Vehicles*):

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO ZONING REQUIREMENTS FOR MOBILE FOOD DISPENSING VEHICLES; EXEMPTING MOBILE FOOD DISPENSING VEHICLES FROM CONCURRENCY MANAGEMENT IN CHAPTER 105; CREATING SECTION 113-49, 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.

D. Unfinished Business:

1. North Riverside Drive/Second Avenue Sewer Lift Station (Casey)

E. New Business:

1. Award contract to Atlantic Development of Cocoa, Inc. for B-6 Wayne/Riverside crossing stormwater management rehabilitation and improvement \$66,853.50 (Casey)
2. Traffic Calming Policy (Casey)
3. Petition for speed cushions – Miami Ave., 100 block (Casey)
4. Low Speed Vehicle registration/permitting (Kemp)

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.

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, March 10, 2021 at 7:00 p.m.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order on Wednesday, March 10, 2021, at 7:02 p.m. by Mayor Berkman with the following members present:

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

Also present:

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

1. Pledge of Allegiance was led by Mayor Berkman.
2. Presentations and Proclamations: None.
3. Public Comments, Non-agenda items: None.
4. Public Announcements were ready by Mayor Berkman:
 - There are openings on the following boards and committees: Civil Service; Heritage; and Pension – General Employees, and the Environmental Advisory Taskforce.

B. Consent Agenda:

1. Approve Council Meeting Minutes 2-10-2021
2. Adopt Resolution 10-2021 opposing Senate Bill 522/House Bill 219 regarding short-term vacation rentals (Glass)
3. Adopt Resolution 11-2021 opposing Senate Bill 266/House Bill 403 regarding home-based businesses (Glass)
4. Adopt Resolution 12-2021 banning the use of herbicides containing glyphosate on Town-owned properties (Kemp)
5. Approve the following Appointments/Reappointments:
 - a) **Board of Adjustment** – Reappoint Jeffrey Schulte

- b) **Budget & Finance Committee** – Reappoint Vincent Benevente; Reappoint Karen Turja
- c) **Code Enforcement Board** – Appoint new member John Brady as Alternate #2; move regular board member Adam Pillow to Alternate #1 per his request; move Brett Miller (currently Alternate #1) to regular board member position
- d) **Heritage Committee** – Reappoint Jenifer Marx
- e) **Parks, Recreation, & Beautification Committee** – Reappoint Beata Pezzeminti; Reappoint Lisa Esrock

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

C. Ordinances and Public Hearings:

1. Ordinance 2021-04 Second Reading/Final Public Hearing (*Annual Update to the Town's Capital Improvement Element of the Comprehensive Plan*)

Mayor Berkman read the ordinance title:

An Ordinance Of The Town Indialantic, Florida Updating The Five-Year Schedule Of Capital Improvements Of The Town's Comprehensive Plan As Mandated By Florida Statutes Sections 163.3177(3)(B); Providing A Conflicts Clause And Severability Clause; Providing An Effective Date.

Motion by Councilmember McKnight, seconded by Deputy Mayor Glass to adopt Ordinance 2021-04 on second reading.

Mr. Casey noted a correction on Exhibit A, copies of which are on the dais.

Motion carried 5-0.

D. Unfinished Business:

1. North Riverside Drive/Second Avenue Sewer Lift Station
After some discussion, it was the consensus of the council to have a representative from the county come to next month's meeting to discuss the county's desire to purchase land from the Town for a lift station. It was suggested that the town attorney be consulted regarding the possibility of leasing the land instead of selling it to avoid a costly referendum.

E. New Business: None.

F. Administrative Reports:

1. Town Attorney Report - None.

2. Town Manager Report:

Mr. Casey stated that the Town received a petition for speed humps from the residents living in the 100 block of Miami Avenue. He is working on a policy for traffic calming and will bring information to the council next month. Chief Connor spoke briefly regarding a traffic study. Mr. Casey provided an update regarding the Town Hall roof repairs and the need for mold remediation; he noted the AC was back on. The storm water pipe repairs on Tenth Avenue are nearing completion and work will begin soon on Riverside Drive. Mr. Casey commented regarding several commercial properties which sold recently, and provided an update regarding COVID-19 vaccines being administered by the Indian River Fire Department.

G. Council Reports:

Councilmember McKnight will advertise the \$10 canvas tote bags on the "Shop Local" Facebook page; there are plenty left over at Town Hall and they make a great beach bag and include coupons from local businesses.

Deputy Mayor Glass provided an update regarding several bills being considered by the state legislature; he noted that Senator Mayfield requested the Town review and provide feedback regarding SB 522 (short term rentals). It was the consensus of the council to have Deputy Mayor Glass review the bill and respond on the Town's behalf.

Councilmember Kemp provided an update regarding the Space Coast TPO meeting he attended; he noted the TPO did not support the crosswalk bill sponsored by Representative Randy Fine. The South Beach Coalition may reach out to Melbourne to request their support for prohibiting golf carts on S.R. A1A. He provided an update regarding litter signage; donations and supplies (especially paint and 5" stencils) are welcome. It was noted that there will be a solar compactor and recycling bin installed in Nance Park.

H. Adjournment:

There being no further discussion, the meeting was adjourned at 7:26 p.m.

Dave Berkman, Mayor

Attested by:

Rebekah Raddon, CMC, Town Clerk

SUBJECT: Resolution 13-2021 Amending the Fiscal Year 2020-2021 Budget

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Summary:

Resolution 13-2021 amends the FY 2021-2021 budget to reflect grant funding received by the Town and donations for memory benches and allocates those funds for expenditure.

Recommendation:

Adopt Resolution 13-2021.

MOTION:

Adopt Resolution 13-2021.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

RESOLUTION 13-2021

A RESOLUTION AMENDING THE BUDGET FOR THE TOWN OF INDIALANTIC FOR FISCAL YEAR 2020-2021

WHEREAS, it is necessary to adjust certain line items of the FY 2020-2021 budget;

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

Section 1. That the adopted budget for the General Fund in the amount of \$4,314,077 be amended to increase the General Fund portion by \$100,682 for a total General Fund budget of \$4,414,759.

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

THIS RESOLUTION WILL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

PASSED AND ADOPTED on the 7th day of April, 2021.

TOWN OF INDIALANTIC

David Berkman
Mayor

ATTEST: _____
Rebekah Raddon, CMC
Town Clerk

FY 20/21 BUDGET ADJUSTMENT #1		
GENERAL FUND REVENUE ADJUSTMENTS		
Acct. No.	Name	Increase/ (Decrease)
338-1200	League of Cities Safety Grant	3,052
338-1300	Local Law Enforcement Grant	10,935
338-1360	FDLE CESF Grant	32,205
338-2000	Save Our Indian River Lagoon Grant	16,680
338-2500	DEP Grant	30,000
366-1000	Miscellaneous	7,810
		100,682
GENERAL FUND EXPENSE ADJUSTMENTS		
Acct. No.	Name	Increase/ (Decrease)
513-4900	Other Charges	1,600
521-5200	Operating Supplies	5,260
521-5260	Other Equipment	26,815
521-6400	Capital	11,500
524-3100	Professional Services	800
541-4620	Bldg/Grounds Maintenance	16,897
541-5260	Other Equipment	4,350
541-6300	Street Improvements	30,000
541-7520	Riverside Park	1,360
572-4900	Recreation Events	2,100
	Total	100,682

SUBJECT: Turtle Krawl 5K Fun Run/Walk -Authorize requesting FDOT to enable the closing of a portion of SR-A1A to accommodate the Turtle Krawl 5K on September 11, 2021, and declare it a Special Event.

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Summary:

Council is being requested to seek Florida Department of Transportation (FDOT) authorization to close a portion of SR-A1A (from Miami Avenue to Sixth Avenue) for the Sea Turtle Preservation Society's Turtle Krawl 5K. Additionally, Council is being requested to designate this as a special event.

The Turtle Krawl 5K race is scheduled for the morning of Saturday, September 11, 2021, beginning at 7:30 a.m.

Requesting FDOT to permit the road closure involves providing a Maintenance of Traffic plan.

Recommendation:

Authorize requesting FDOT to enable the closing of a portion of SR-A1 A to accommodate the Turtle Krawl on September 11, 2021, and declare it a Special Event.

MOTION:

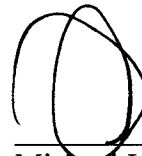
Authorize requesting FDOT to enable the closing of a portion of SR-A1A to accommodate the Turtle Krawl on September 11, 2021, and declare it a Special Event.

Submitted by:

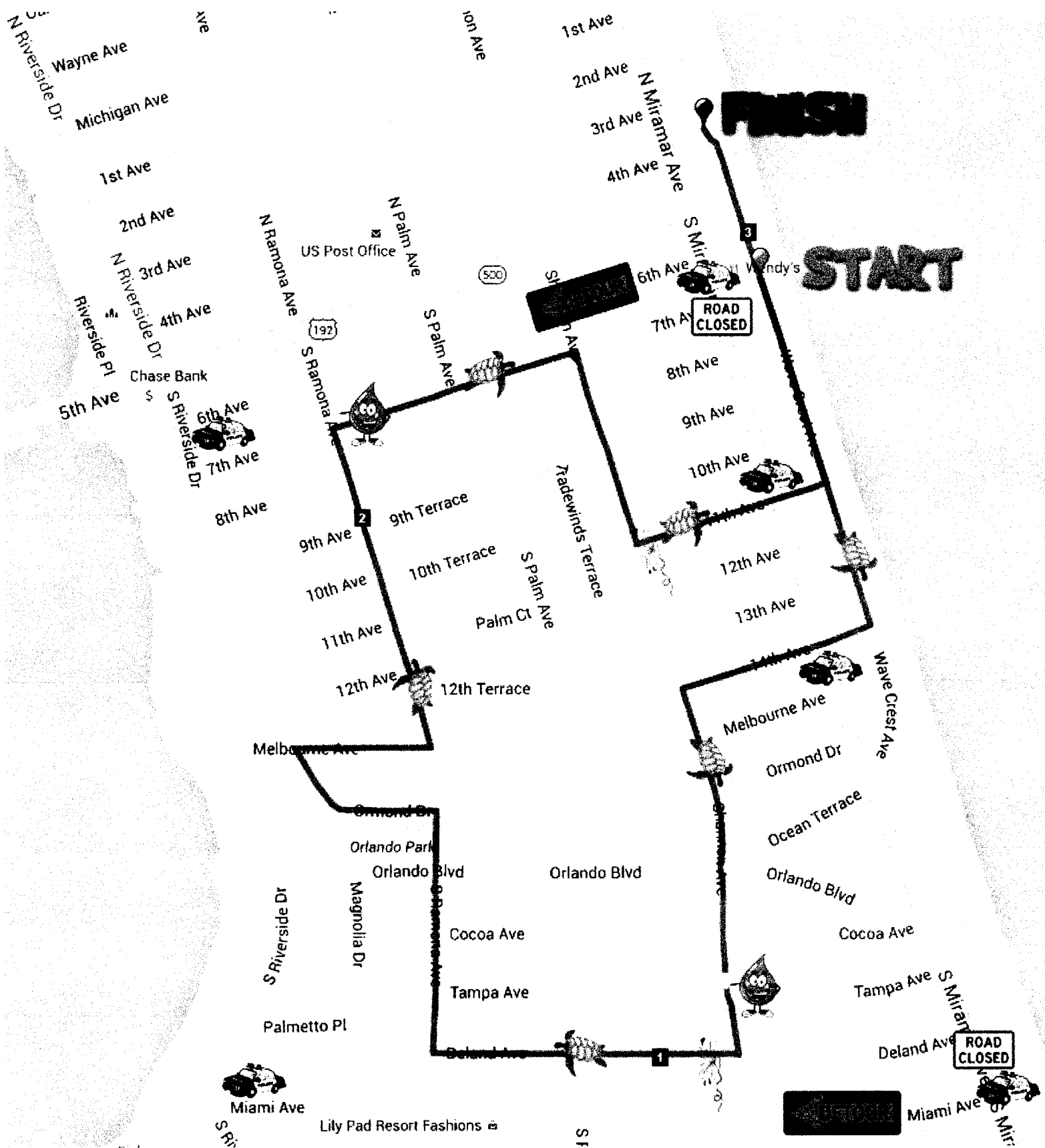


Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager



**SUBJECT: Brevard County Mosquito Control – Approval for aerial
Spraying of mosquitoes**

Staff Report – Town of Indialantic Meeting Date: April 7, 2021

Summary:

Council is being requested to authorize the aerial spraying of mosquitoes by Brevard County Mosquito Control. In order to provide effective mosquito control and prevent mosquito-borne disease, Brevard County Mosquito Control must be able to operate its aircraft over the Town.

Although a variety of methods are used, the Federal Aviation Administration (FAA) requires written approval from the political subdivision over which spraying operations are conducted. The authorization letter will cover a two year period commencing on May 31, 2021 and ending on May 31, 2023

Districts historically make this request of local governments.

Recommendation:

Authorize the aerial spraying of mosquitoes by Brevard County Mosquito Control.

MOTION:

Authorize the aerial spraying of mosquitoes by Brevard County Mosquito Control

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

SAMPLE APPROVAL LETTER



BOARD OF COUNTY COMMISSIONERS

Brevard County Mosquito Control
800 Perimeter Rd
Titusville, FL 32780

March 2, 2021

Joseph Faella, Director
Brevard County Mosquito Control
800 Perimeter Rd
Titusville, FL 32780

Dear Mr. Faella:

Please accept this notice for the approval of use of aircraft operations over the City of [blank] for the effective control of mosquitoes, for a two-year period, effective May 31, 2021, 12:00:00 through May 31, 2023, 12:00:00. This approval letter is per the Federal Aviation Administration (FAA) requirement 137.51 (b)(1), which states written approval must be obtained from the appropriate official or governing body of the political subdivision over which aircraft operations are conducted.

Thank you,

Jane Doe
[Title]
[City or Town]

Brevard County Mosquito Control
800 Perimeter Rd
Titusville, FL 32780



BOARD OF COUNTY COMMISSIONERS

March 5, 2021

Mr. Michael Casey
Town Manager, Indialantic
216 5th Ave.
Indialantic, FL 32903

RE: Approval of Aerial Treatment Operations for Mosquito Control

Dear Mr. Casey,

Brevard County Mosquito Control is mandated per Florida Statute to maintain mosquito populations and mosquito-borne diseases at safe and comfortable levels for residents within all Brevard County jurisdictions. In doing so, we employ an integrated environmental approach which utilizes water level management techniques in salt marsh breeding areas (i.e., mosquito impoundments), fish stocking, waste tire disposal, and even public education. Our scientists and technicians trap, count, and identify mosquitoes as well as monitor for mosquito-borne diseases throughout the County every week. These data, in turn, help us plan our daytime biopesticide treatments and nighttime chemical spray applications more selectively and comprehensively when population levels meet or exceed state thresholds. Such treatments are conducted via ground vehicles and aircraft. Nighttime chemical spraying is literally our last resort, once all of these other aforementioned means are exhausted.

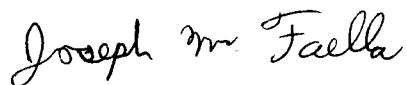
In order for us to conduct aerial pesticide operations over a political subdivision, the Federal Aviation Administration (FAA), under Federal Aviation Regulations Chapter 137.51 (b) (1), requires prior written approval from the City Manager or other appropriate official or governing body. Rest assured, all pesticides used by

Brevard County Mosquito Control are tested and approved by the US Environmental Protection Agency (EPA), and all pesticide applicators on staff are licensed through the FL Department of Agriculture and Consumer Services (FDACS) per Florida Statute. Aerial treatments are critical means of combating the spread of important diseases like eastern equine encephalitis, West Nile virus, Zika virus, dengue fever, and others which have historically been detected in our region.

In essence, in order for us to effectively provide the level of public health protection and comfort that our taxpayers expect, we must be able to operate our aircraft over your area, and your written approval is required. **A brief authorization letter is therefore requested to cover a two-year time period. With your approval, coverage will be effective May 31, 2021, 12:00:00 through May 31, 2023, 12:00:00. Fortunately, your position within your political subdivision allows you to grant this permission under FAA regulations.**

As always, approval of this request and your continued cooperation is greatly appreciated. I would be happy to answer any questions or explain more about our operation. Enclosed is a sample approval letter for your convenience. Please don't hesitate to contact me at joseph.faella@brevardfl.gov or 321-264-5032.

Sincerely,

A handwritten signature in cursive script that reads "Joseph M. Faella".

Joseph Faella, Department Director
Brevard County Mosquito Control

Enclosure: Sample Letter



TOWN OF INDIALANTIC

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

MAYOR

David Berkman

DEPUTY MAYOR

Stuart Glass

COUNCIL MEMBERS

Simon Kemp

Doug Wright

Julie McKnight

Michael L. Casey, Town Manager

Rebekah Raddon, CMC, Town Clerk

April 8, 2021

Joseph Faella, Director
Brevard County Mosquito Control
800 Perimeter Road
Titusville, FL 32780

Dear Mr. Faella:

Please accept this notice for the approval of use of aircraft operations over the Town of Indialantic for effective control of mosquitoes, for the two-year period, effective May 31, 2021, 12:00:00 through May 31, 2023, 12:00:00. This approval letter is per the Federal Aviation Administration (FAA) requirement 137.51(b)(1), which states written approval must be obtained from the appropriate official or governing body of the political subdivision over which aircraft operations are conducted.

Thank you,

Michael L. Casey
Town Manager,
Town of Indialantic

C: J. Gervais

TOWN OF INDIALANTICAPPLICATION TO SERVE ON TOWN BOARDS

1. Name: Nancy Joyner (Annette) ^{Prefer} Home: —
2. Home Address: 230 Ormond DR Cell Phone: 561-339-0120
3. Email: NAJ33458@yahoo.com
4. Business: — Business Phone: —
5. Business Address: —
6. Resume of Education and Experience: Went to Ind. Sem Home + Mel High. Graduated from
(Use additional sheets or submit resume if you prefer) US. Many yrs experience in Info Technology
for large aerospace company. Retired Now
7. Are you a registered voter? Yes ✓ No —
8. Are you a resident of the Town? Yes ✓ No —
9. Do you hold a public office? Yes — No ✓
10. Do you serve on a Town Board at present? Yes — No ✓
11. If yes, which Board/Committee? —

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

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

*Florida Statute requires Financial Disclosure Form upon appointment.

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

I grew up here in the 60's & 70's & just moved back home. I have always
been interested in the history of the town & would like to be part of
helping to preserve Indialantic's Rich Heritage.

SIGNATURE: NancyDATE: 3/17/21

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

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

SUBJECT: Ordinance 2021-05 regarding Mobile Food Dispensing Vehicles (Food Trucks)

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Background:

The Florida legislature adopted HB 1193 in 2020 enacting F.S. 509.102 limiting a municipality's ability to regulate food trucks with the exception of zoning (locations). Section 509.102, F.S., provides that a municipality may not prohibit mobile food dispensing vehicles from operating within the entirety of a municipal jurisdiction. Town Attorney Paul Gougelman drafted Ordinance 2021-05 to establish land use and zoning regulations for property upon which a mobile food dispensing vehicle is authorized to operate, similar to an ordinance adopted by the City of Cape Canaveral.

At their regular meeting on March 23, 2021, the Zoning and Planning Board found the ordinance consistent with the comprehensive plan and voted unanimously to adopt the ordinance as written. The board heard comments from the public; one speaker felt the limitation which allows food trucks to operate at a location for only 3 days in a 15-day period was too restrictive and would be detrimental to food trucks. Ultimately, the Board felt that the ordinance was sufficient and could be amended in the future if needed.

Recommendation: Discussion/Action.

Motion: Approve Ordinance 2021-05 on first reading.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO ZONING REQUIREMENTS FOR MOBILE FOOD DISPENSING VEHICLES; EXEMPTING MOBILE FOOD DISPENSING VEHICLES FROM CONCURRENCY MANAGEMENT IN CHAPTER 105; CREATING SECTION 113-49, 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

45 **WHEREAS**, the Town Council further finds that although Section 509.102, Florida
46 Statutes, does preempt municipalities in certain areas, Section 509.102, Florida Statutes
47 is intended to be a partial preemption of municipal home rule authority because it
48 expressly states that “this section may not be construed to affect a municipality,
49 county, or other local governmental entity’s authority to regulate the operation of
50 mobile food dispensing vehicles other than the regulations described in Section
51 509.102(2), Florida Statutes; and

52
53 **WHEREAS**, the Town Council hereby finds that despite Section 509.102, Florida
54 Statutes, municipalities continue to enjoy significant home rule authority to regulate land
55 use, zoning and operational standards related to mobile food dispensing vehicles; and

56
57 **WHEREAS**, under regulated circumstances, mobile food dispensing vehicles
58 provide a valuable and convenient service to the community by providing food and
59 beverage options at special events and other appropriate venues; and

60
61 **WHEREAS**, the Town Council wishes to support convenient food and beverage
62 options at special events and other appropriate venues and encourage and support
63 local business and entrepreneurship by adopting uniform regulations to allow the
64 operation of mobile food dispensing vehicles within the Town consistent with the
65 preemption provided in Section 509.102, Florida Statutes; and

66
67 **WHEREAS**, the Town Council finds that the use and operation of mobile food
68 dispensing vehicles on real property directly affects the use of land within the Town, and
69 therefore, such uses are subject to the Town’s legitimate land use and zoning powers
70 under the Florida Municipal Home Rule Powers Act, Community Planning Act and other
71 applicable law. See *also*, Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365
72 (1926) (The concept of planning and zoning is a legitimate exercise of the police power
73 of municipalities.); and

74
75 **WHEREAS**, unless the operation of mobile food dispensing vehicles within the
76 Town is limited to certain commercial and industrial zoning districts or temporary
77 special events, and subject to some level of site plan review by the Town to ensure that
78 the real property on which they operate is suitable to accommodate such use, the
79 operation of such vehicles may negatively impact the use of real property and
80 surrounding properties and create public nuisances; and

81
82 **WHEREAS**, the Town Council desires to avoid such negative impacts and public
83 nuisances; and

84
85 **WHEREAS**, the Town Council also finds that the use and operation of mobile food
86 dispensing vehicles should be governed by other traditional land use and zoning
87 requirements as more specifically stated herein in order to avoid adverse negative
88 effects which may be caused by the operation of such vehicles on real property and

89 safeguard the community; and
90

91 **WHEREAS**, the Town Council further finds that for mobile food dispensing
92 vehicles to successfully operate their respective businesses for profit within the
93 jurisdictional limits of the Town, such vendors must also rely upon and use Town streets;
94 and
95

96 **WHEREAS**, the Town Council additionally finds and recognizes that Florida courts
97 have long held that municipalities have the historic ability to regulate commercial use
98 of Town streets and that the use of public roads for profit is a privilege, not a right, and
99 can be regulated and controlled by the government in furtherance of the public health,
100 safety and welfare. See Seaboard Air Line Ry. Co. v. Wells, 100 Fla. 1027, 1034, 130
101 So. 587, 591 (Fla. 1930); Pennington v. Quigg, 94 Fla. 1056, 1065, 114 So. 859, 862
102 (Fla. 1927) (The right to use Town streets for conducting private business is not an
103 inherent right and can only be acquired by permission or license from the Town); Jarrell
104 v. Orlando Transit Co., 123 Fla. 776, 778, 167 So. 664, 665 (Fla. 1936) (There is then
105 no such thing as a natural right to use the public highways for commercial purposes.
106 A Town may grant a limited right to use the streets for private business, but such is
107 “a privilege that may be restricted or withdrawn at the discretion of the granting power.
108 The power to do so is plenary and may extend to absolute prohibition”); and
109

110 **WHEREAS**, the Town Council deems that it is necessary to regulate mobile food
111 dispensing vehicles operating upon streets within the Town so such vendors operate
112 in areas with sufficient pedestrian traffic and in a manner that avoids traffic conflicts
113 and congestion and otherwise generally protects public safety and does not detract
114 from the aesthetic beauty and attractiveness of the surrounding streetscape and
115 properties; and
116

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

118
119 Policy 3.1: Continually review the Zoning Code to ascertain if there
120 are any uses permitted or loopholes to allow any uses which are
121 not consistent with the low density character of the Town, and
122 amend the Code accordingly; and
123

124 **WHEREAS**, Objective 7 of the Future Land Use Element of the Comprehensive Plan
125 states:
126

127 Objective 7: Encourage the use of innovative land
128 development regulations; and
129

130 **WHEREAS**, Policy 3.3 of the Transportation Element of the Comprehensive Plan states:
131

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

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

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

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

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

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

SECTION 2. That section 105-4 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 105-4. - Exemptions.

The following types of development are exempt from the requirements of this chapter:

- (1) Remodeling or repair, provided that no increase in square footage is made.
- (2) Accessory structures for existing single-family homes that will not increase the number of inhabitants of the structure.
- (3) Other developments which do not result in any increase in demand upon established levels of service for public facilities identified in this chapter, as determined by the building official.
- (4) Vested projects.
- (5) Mobile food dispensing vehicle.

SECTION 3. Mobile Food Dispensing Vehicles. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a section, to be numbered 113-249, which said section reads as follows:

Sec. 113-249. Mobile Food Dispensing Vehicles.

178 (a) Purpose and intent. The purpose and intent of this section is to establish
179 land use and zoning regulations for real property upon which a mobile food dispensing
180 vehicle is authorized to operate within the jurisdictional limits of the town. Mobile food
181 dispensing vehicles, except for those operating on real property authorized in this
182 section, are prohibited and unlawful on other real property not so authorized. This
183 section is neither intended to prohibit mobile food dispensing vehicles from operating
184 within the entirety of the town nor regulate the licensing, registration, permitting and
185 fees of mobile food dispensing vehicles preempted by the state under
186 F.S. §509.102.

187
188 (b) Definitions. As used in this section, the following words and phrases shall
189 have the following meanings, unless the context clearly indicates that a difference
190 meaning is intended:

191
192 Accessory means clearly incidental or subordinate to and customary in
193 connection with the principal building or use on a developed site and which is located
194 on the same lot or parcel with such principal building or use.

195
196 Town manager means the town manager, or said manager's designee.

197
198 Developed site means real property upon which a building and other permanent
199 improvements have been legally constructed and which is currently in compliance with
200 all land development regulations and the town code.

201
202 Food means all substances commonly used for human consumption as food,
203 beverage, confectionery or condiments, whether simple, mixed or compound, and all
204 substances or ingredients used in preparation thereof.

205
206 Mobile Food Dispensing Vehicle has the same meaning as that term is defined in
207 section 509.102(1), Florida Statutes, and upon the effective date of this section means
208 any vehicle that is a public food service establishment and that is self-propelled or
209 otherwise moveable from place to place and includes self-contained utilities, including,
210 but not limited to, gas, water, electricity, or liquid waste disposal.

211
212 Public road means any public right-of-way for cars and trucks in the town.

213
214 Special event means any organized, temporary public or private celebration or
215 gathering of people which requires a town special event permit including by way of
216 example events relating to athletic contests, carnivals, fairs, cook-offs, entertainment,
217 dancing, music concerts, dramatic productions, art exhibitions, parades, fundraisers
218 (such as religious, charitable, patriotic or philanthropic events), or the sale of
219 merchandise, food or alcohol, or any combination of the foregoing.

220
221 (c) Authorized Locations. Subject to the terms and conditions set forth in

subsection (d), mobile food dispensing vehicles shall be allowed to operate within the jurisdictional limits of the town in the following authorized areas:

(1) As a temporary accessory use on property which is designated CH, P (except Orlando Park as shown on the plat of Indialantic By-The-Sea Section A, plat book 3, page 90, public records of the county), or SC, on the town's official zoning map. Site plan approval is required pursuant to section 113-27 of this code.

(2) To deliver food for sale during normal lunch (approximately 12:00 PM) or dinner (approximately 6:00 PM) time to employees on-site of an existing business located on property with a zoning designation of C, C-1, C-2, or SC. Sale of food shall be strictly limited to only the employees of the business working on-site during normal business hours of the business. The sale to any other persons shall be strictly prohibited. Sales permitted under this subsection shall be limited to no more than two (2) hours on any day in which the business being served is open for employees to work. The sale of food authorized by this subsection shall be exempt from subsections (d)(4) and (d)(6) of this section. Site plan approval pursuant to section 113-27 of this code is not required; provided, that the property owner or business owner shall coordinate the mobile food dispensing vehicle location with the town to assure that no impediment to traffic or pedestrian travel shall occur.

(3) Within a clearly delineated area on town property or a public road which has been specifically and temporarily set aside for a mobile food dispensing vehicle to operate during a special event which is 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. Site plan approval pursuant to section 113-27 of this code is not required; provided, that the property owner or business owner shall coordinate the mobile food dispensing vehicle location with the town to assure that no impediment to traffic or pedestrian travel shall occur.

(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, that 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. Site plan approval is required pursuant to section 113-27 of this code.

(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 on said property.

(6) Mobile food dispensing vehicle may operate and sell pre-prepared food on local, non-arterial or non-collector streets in residential zoning districts during daylight hours between sunrise and sunset; provided, that: (i) no stopped or standing mobile food dispensing vehicle interrupts the flow of traffic on the street or pedestrian travel on any sidewalk; (ii) no stopped or standing mobile food dispensing vehicle, partially or wholly, blocks any driveway or point of motor vehicular access from the street on to any public or private property; and (iii) no mobile food dispensing vehicle is stopped on any one block of said street for more than 15 consecutive minutes. Site plan approval is not required for this activity. No mobile food dispensing vehicle may stop and sell food on any local, collector, or arterial street in a non-residential zoning district under this paragraph (c)(6).

(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.

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

312
313 (3) No more than one mobile food dispensing vehicle shall be parked or
314 in operation on a single property at any given time, except multiple mobile food
315 dispensing vehicles may be allowed with express written permission of the town during
316 an authorized special event.

317
318 (4) With the exception of use pursuant to paragraph (c)(2), (4), and (6),
319 a A mobile food dispensing vehicle may operate at a single location up to a maximum
320 of 3 consecutive days per 15 consecutive day period which shall be 15 consecutive days
321 before and after the time of operation, or if operation is allowed as part of a special
322 event permit, said vehicles may operate in accordance with the duration of the special
323 event permit.

324
325 (5) Except with the express written permission of the town during an
326 authorized special event, hours of operation shall be limited between 11 a.m. and 5 p.m.

327
328 (6) The person in charge of the mobile food dispensing vehicle when in
329 operation on the developed site must be present at all times during hours of operation.

330
331 (7) When the mobile food dispensing vehicle will be operating on private
332 property, the vehicle must be parked when in operation within an area on the property
333 specifically authorized for accessory temporary outdoor sales on the property owner's
334 site plan previously approved by the town. If the property owner does not have specific
335 site plan approval for accessory temporary outdoor sales on the site plan, the property
336 owner shall be required to obtain supplemental site plan approval pursuant to the
337 site plan amendment review procedure and criteria under section 113-27 of the town
338 code before the mobile food dispensing vehicle may operate as an accessory use on
339 the subject property. For purposes of obtaining supplemental site plan approval, the
340 property owner shall submit a site plan or detailed sketch depicting the proposed location
341 of temporary mobile food dispensing vehicle operations; all parking spaces, entrances
342 and exits to and from the site; and distances from any buildings or structures, sidewalks,
343 rights-of-way, fire hydrants, fire lanes and landscaped areas, storm drains, and such
344 other information or documentation deemed by the town to be reasonably necessary
345 to authorize outdoor accessory temporary sales on the subject property in a manner
346 that is compatible with the existing uses on the subject property and the surrounding
347 area and protects the public health, safety, aesthetics, and welfare of the citizens of the
348 town. The supplemental site plan submittal requirements required under this subsection
349 for mobile food dispensing vehicles are in lieu of the site plan amendment submittal
350 requirements under section 113-27, unless major building or infrastructure
351 improvements are being proposed to accommodate the mobile food dispensing
352 vehicles. The mobile food dispensing vehicle temporary sales area must be on a
353 paved surface and not exceed an area of 600 square feet unless the town determines

354 more area is required and the subject property clearly has ample space to support a
355 larger sales area. The approved area must not adversely affect existing uses on the
356 subject property or the flow of pedestrian and vehicular traffic on the developed site.
357 There must be an adequate number of parking spaces available for the general public
358 visiting the developed site. Supplemental site plan approval granted by the town under
359 this subsection is subject to being suspended or revoked pursuant to subsection (e) or
360 at such time the site plan is revoked or modified by the town.

361
362 (8) Outdoor dining areas are prohibited including, but not limited to,
363 tables, chairs, booths, bar stools, benches, and standup counters, except if dining areas
364 are allowed with express written permission of the town during an authorized special
365 event.

366
367 (9) Mobile food dispensing vehicles selling or dispensing of food to
368 customers in a moving vehicle or otherwise engaging in drive-up sales is prohibited.

369
370 (10) A mobile food dispensing vehicle shall not be located on private
371 property upon which uncorrected code violations exist, or which is under citation for code
372 violations.

373
374 (11) Mobile food dispensing vehicles and all materials associated with
375 such vehicles must physically be removed from the property ~~moved~~ at least daily and
376 cannot remain on the subject property outside the approved hours of operation unless
377 otherwise allowed by the town for special events. Overnight parking of mobile food
378 dispensing vehicles is prohibited unless located within an enclosed garage or on
379 property zoned for an authorized open storage use and said storage complies with any
380 applicable storage requirements set forth in the town code.

381
382 (12) Mobile food dispensing vehicles shall not sell or dispense alcohol
383 unless specifically approved as part of a special event or other permit approved by the
384 town. The alcohol-related restrictions of chapter 4 of the town code are applicable unless
385 otherwise authorized by the town code, or expressly waived by the town.

386
387 (13) The operation of a mobile food dispensing vehicle must not
388 obstruct or interfere with vehicular or pedestrian traffic, building access, fire lanes,
389 crosswalks, driveways, fire hydrants, loading areas, stormwater drainage systems, or
390 landscape buffers associated with the principal use.

391
392 (14) Mobile food dispensing vehicles must not enter or park upon
393 playgrounds, playing fields and courts, sidewalks, footpaths or bicycle paths.

394
395 (15) Mobile food dispensing vehicles must not stand or park upon
396 any "no parking" area, loading zone, driveway, handicapped parking space, or
397 designated public safety lane (e.g., fire lanes) or within 20 feet of a crosswalk or within

398 15 feet of a fire hydrant or storm drainage structure.

399
400 (16) No additional signage shall be permitted on the developed site
401 related to the mobile food dispensing vehicle except as to signage permanently affixed
402 and displayed on the vehicle.

403
404 (17) Amplified music or other sounds from any mobile food dispensing
405 vehicle or from audio equipment installed on the developed site by the property owner
406 or person in charge of the vehicle is prohibited.

407
408 (18) Mobile food dispensing vehicles shall maintain an appropriate
409 number and size of operable fire extinguishers.

410
411 (19) The operation of a mobile food dispensing vehicles shall not create or
412 cause nuisance conditions to include, but not be limited to, displaying flags or
413 unauthorized signage, loud noises, visual glare, flashing or animated lights, shouting or
414 amplified music or sound, excessive fumes or smoke, environmental hazards, and any
415 vehicular or pedestrian hazard.

416
417 (20) The grounds around the mobile food dispensing vehicle and within
418 the vending space shall be kept free of litter, trash, paper and waste at all times. Waste
419 containers shall be provided by the mobile food dispensing vehicle operator,
420 and all trash shall be taken with the vehicle when the vendor leaves the developed
421 site or the mobile food dispensing vehicle is placed in a garage, or the trash must be
422 placed inside a commercial solid waste dumpster provided by the property owner and
423 in use and located on the developed site.

424
425 (21) Mobile food dispensing vehicles must not discharge waste, fat, oil,
426 grease or such other similar substances from the vehicle. All such substances related
427 to or generated from the vehicle shall be taken with the vehicle when vehicle leaves
428 the subject property and disposed of in accordance with law or local ordinance.

429
430 (22) Mobile food dispensing vehicles shall comply with all applicable
431 federal, state and local laws, rules and regulations including, but not limited to, the
432 standards specified by Chapter 5K-4.002, F.A.C., and the U.S. Food and Drug
433 Administrative 2001 Food Code, as such laws, rules and regulations may be amended
434 from time to time.

435
436 (23) A copy of the appropriate license(s) issued from the Florida
437 Department of Business & Professional Regulation (Division of Hotels and Restaurants)
438 shall be displayed conspicuously to the general public be maintained on the mobile food
439 dispensing vehicle at all times when the vehicle is in operation on real property located
440 within the town, and shall be made available for inspection upon request by the town's

law or code enforcement officers.

(24) Because of the temporary nature of the placement of mobile food dispensing vehicles, the placement of a mobile food dispensing vehicle is exempted from compliance with concurrency management as provided in chapter 105 of this code.

(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 4. 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:

485 Sec. 113-338. CH Church Districts.

486 * * *

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

489 (1) Satellite dish antenna in the manner specified in section 113-243.

490 (2) Accessory ecclesiastical buildings.

491 (3) Meeting rooms.

492 (4) Parking areas.

493 (5) Any other accessory use of one or more of the principal uses clearly
494 incidental to the principal permitted use and in keeping with the character of the zoning
495 district.

496 (6) Mobile food dispensing vehicles consistent with section 113-249 of
497 this code.

498 * * *

499 SECTION 5. Amendment of SC zoning district. That section 113-339 of the Code
500 of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

501 Sec. 113-339. SC Shopping Center Districts.

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

503 * * *

504 (1.5) Accessory uses. Mobile food dispensing vehicles consistent with
505 section 113-249 of this code.

506 * * *

507 SECTION 6. Severability Clause/Interpretation.

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

515 (b) That in interpreting this Ordinance, underlined words indicate
516 additions to existing text, and ~~stricken through~~ words include deletions from existing
517 text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the
518

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

PASSED by the Town Council of the Town of Indialantic on first reading on the ____ 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 D. 1

SUBJECT: N. Riverside/2nd Ave. Lift Station

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Summary:

Brevard County Sewer inquired about relocating their lift station at N. Riverside and 2nd Ave from the east side of N. Riverside to the west side of N. Riverside on the town's property (2nd Avenue retention area). Per council's request, Edward Fontanin, Director of Brevard County Utility Services, has been invited to this meeting.

Recommendation:

Discussion

MOTION:

Submitted by:

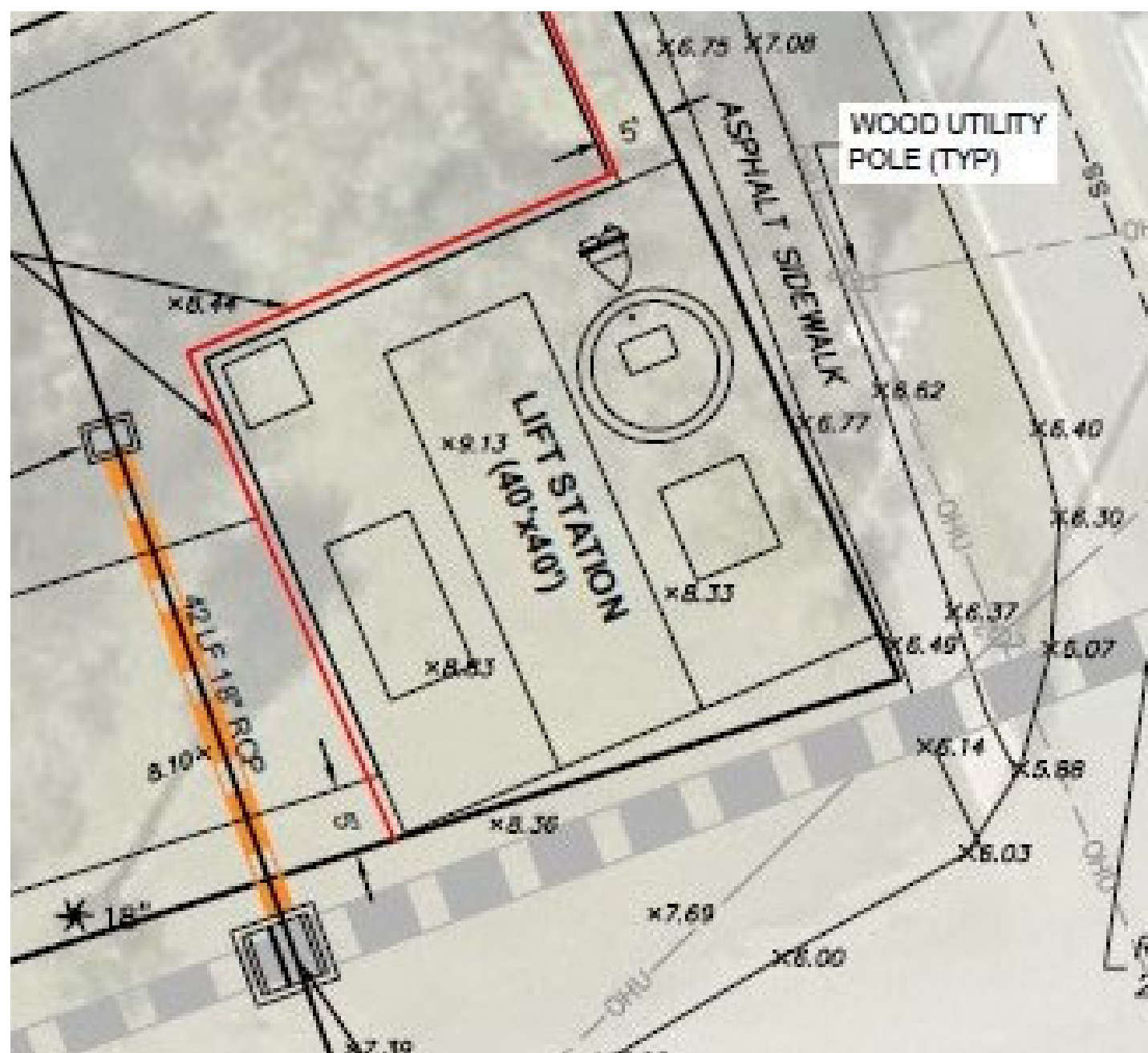


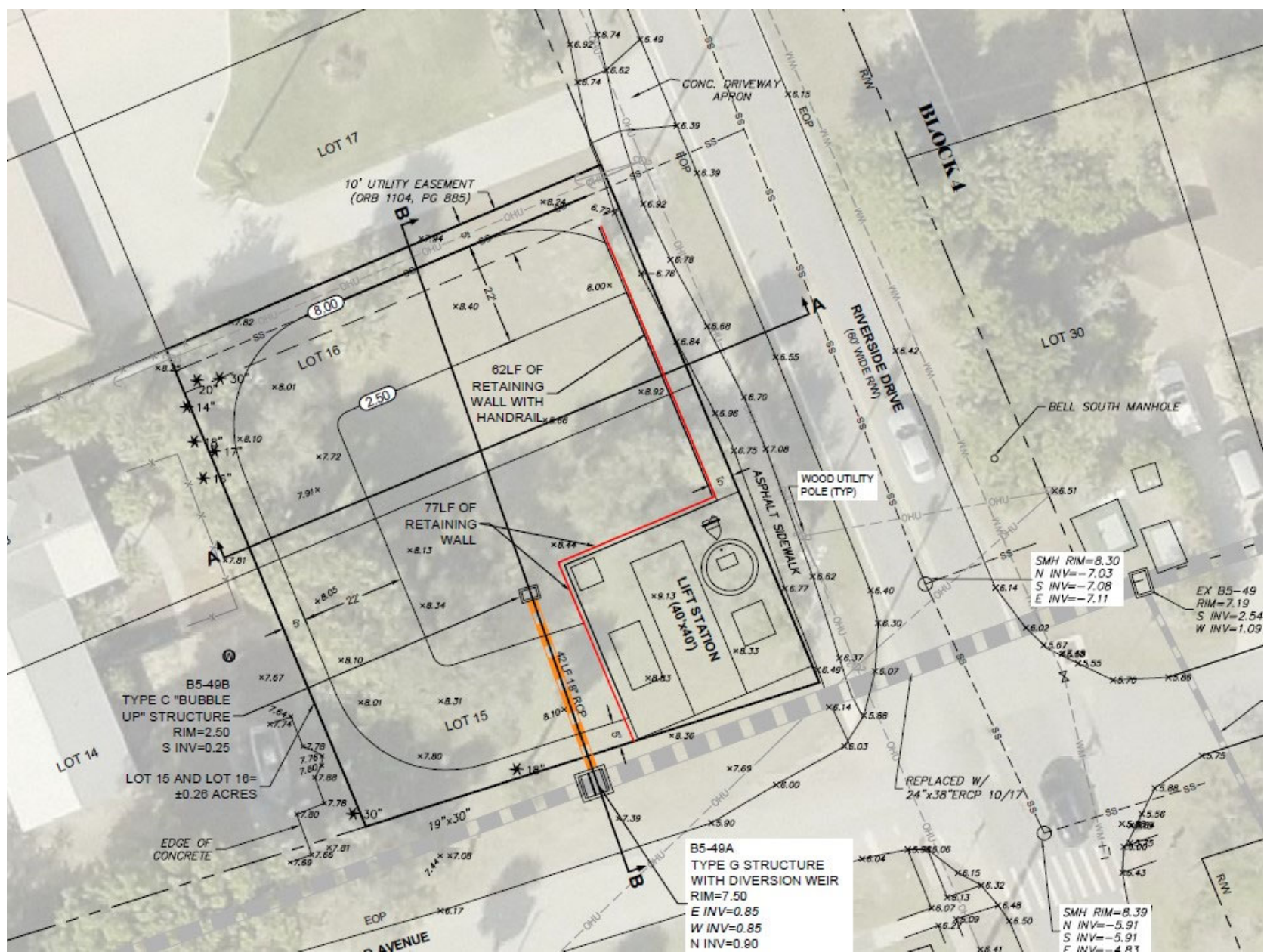
Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager





SUBJECT: Rehabilitation and Improvement of Town Stormwater Management System B-6 Wayne/Riverside Crossing

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Summary:

This project was originally awarded as part of a larger contract in October of 2019 to PRP Construction. PRP Construction could not complete this portion of contract and it was subtracted off of their contract final payout. Atlantic Development was also an original bidder and is currently working in town on another project and has a long history of working with the Town. To get this project done in a timely manner, and due to the complexity of this project which includes working with Brevard County to implement a road closure on N. Riverside Dr., staff recommends awarding the contract to Atlantic Development of Cocoa Inc. for \$66,853.50.

Recommendation:

Award Rehabilitation and Improvement of Town Stormwater Management System B-6 Wayne/Riverside Crossing to Atlantic Development of Cocoa Inc. for \$66,853.50

MOTION:

Award Rehabilitation and Improvement of Town Stormwater Management System B-6 Wayne/Riverside Crossing to Atlantic Development of Cocoa Inc. for \$66,853.50

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

ATLANTIC DEVELOPMENT OF COCOA, INC.

2185 W. King Street ♦ Cocoa, Florida 32926

Phone: 321-639-8788 ♦ Fax: 321-639-0936

QUOTE**B-6 Wayne Ave & Riverside Dr.****3/12/2021****ADC #21-018**

DESCRIPTION	QTY	UNIT	PRICE/ITEM	TOTAL
MOBILIZATION	1	LS	\$1,200.00	\$1,200.00
MOT	1	LS	\$4,732.30	\$4,732.30
DEMO & HAUL OFF EXIST(STRUCTURES & PIPE)	1	LS	\$3,600.00	\$3,600.00
DEWATER	1	LS	\$8,500.00	\$8,500.00
INSTALL 36" RCP	40	LF	\$285.65	\$11,426.00
CONSTRUCT TYPE 'G' INLET	2	EA	\$6,780.00	\$13,560.00
INSTALL 'G' INLET TOP	2	EA	\$1,875.00	\$3,750.00
FLOWABLE FILL	35	CY	\$355.00	\$12,425.00
2" TYPE SP 9.5 ASPHALT	54	SY	\$86.30	\$4,660.20
THERMO STRIPING	1	LS	\$1,800.00	\$1,800.00
REGRADE & SOD DISTURBED RIGHT OF WAY	1	LS	\$1,200.00	\$1,200.00
				\$0.00
				\$0.00
TOTAL				\$66,853.50

EXCLUSIONS

All items affected by cost of petroleum products are subject to any future price escalations of said petroleum products. (including, but not limited to, concrete curb, concrete sidewalk, asphalt, etc.) Unless otherwise noted proposal does not include connection charges, fees, bonds, testing, permits, NPDES Monitoring, construction lay out, as built drawing, relocation of any utility, rock excavation, de-mucking, concrete flat work, sod, seed, mulch or any unforeseen obstructions or obstacles, or the replacement of any unsuitable materials. Earthwork prices are submitted based upon all on-site excavated material being suitable for structural fill. Earthwork prices do not include removal and/or replacement of any organic or hardpan materials underlying the retention area, building pads or roadways. Unless a lump sum price is to be paid for the foregoing work, and is clearly so stated, it is understood and agreed that the quantities referred to above the estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the contractor as determined upon completion of the work and based on field

ATLANTIC DEVELOPMENT OF COCOA, INC.

2185 W. King Street ♦ Cocoa, Florida 32926

Phone: 321-639-8788 ♦ Fax: 321-639-0936

QUOTE

B-6 Wayne Ave & Riverside Dr.

3/12/2021

ADC #21-018

measurements. This proposal expires thirty (30) days from the date here of, but may be accepted at any later date at the sole option of Atlantic Development of Cocoa, Inc. Bids and proposals are not commitment to do a job. All jobs are subject to credit approval and funds availability. Atlantic Development reserves the right to withdraw any bid provided.

Accepted by:

Date:

(Signature)

(Print)

SUBJECT: Traffic Calming Policy

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Summary:

Currently the Town has no written policy for traffic calming devices (i.e. speed cushions). This policy was developed to implement a standard written policy. The policy is based upon several other Brevard County municipalities' similar policies.


Recommendation:

Discussion and approval of policy

MOTION:


Approve traffic calming policy.

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

Town of Indialantic Residential Traffic Calming Criteria and Procedures

The residential traffic calming program provides residents an opportunity to present a concern for traffic safety with respect to observed volume and speeds on neighborhood streets, and a formal method to study and evaluate, design, and install measures to mitigate these concerns.

This program incorporates the three "E's" of traffic control: Education, Enforcement, and Engineering. Increased education and enforcement through spot speed enforcement and increased law enforcement visibility effectively cause self-enforcement of speed regulations. Where increased education and law enforcement have not made measurable improvement in speed reductions, then engineering measures through physical means may be the last resort to effectively reduce neighborhood speeds.

Traffic calming methods can be a useful strategy in reducing the speed and traffic volumes in residential areas. However, there must be limitations on the implementation of this strategy.

The utilization of speed humps could result in other undesirable side effects, such as the following:

- Speed humps may cause delays for police, fire, and medical emergency vehicles
- Speeds may increase between humps as drivers speed to make up for lost time
- Speeds may increase over time as drivers get used to the feel of the speed humps
- Speed humps may increase noise levels as vehicles drive over the humps
- Traffic volume may be diverted onto adjacent streets as drivers seek alternate routes to avoid the speed humps
- Some motorists drive with their right wheels in the gutter or bike lane (if one exists) in order to minimize the impact of the humps
- Speed humps may have a negative impact on air quality and energy consumption due to the increased slowing and braking
- Motorcycles, bicycles, and low clearance vehicles must use extra care
- If no sidewalks exist on the street, the accessibility of the roadway for pedestrians or other devices to assist with mobility, as per ADA requirements may not be achieved.

Traffic calming devices shall be limited to two (2) lane residential streets with a speed limit of 25 miles per hour (MPH) or less.

A written petition of the property owners on the street supporting traffic calming devices and installation is required. The petition supporting the installation of traffic calming devices on the roadway must be signed by a minimum of seventy-five percent (75%) of the property owners on the street where the traffic calming device is being requested. In instances where vacant lots exist on the roadway, the vacant lot shall be included in the calculation as if a home existed along the roadway.

Upon receipt of the petition, the Indialantic Police Department shall perform a study concerning the speed of the traffic along the roadway where the traffic calming device is requested. This study shall measure the speed of the motorists traveling the roadway during the morning and evening peak hours. To qualify for consideration of traffic calming device, a minimum of seventy-five percent (75%) of the motorists must exceed the posted speed limit by at least 5 MPH during these peak hours.

The installation of traffic calming devices shall be limited to residential roadways where the average daily traffic volume is a minimum of three hundred (300) to a maximum three thousand (3,000) vehicles per day.

If upon completion of the report from the Indialantic Police Department cited above, the roadway meets the above-referenced criteria, and the Town Clerk will conduct a vote of all property owners on the street where the traffic calming device has been requested. If a minimum of seventy-five percent (75%) vote in favor of a traffic calming device and the road meets the above-referenced criteria a public hearing before the Indialantic Town Council shall be scheduled.

Once all the criteria has been met, a public hearing before the Town Council is held. If approved and with adequate funds budgeted and available, the traffic calming plan can then be implemented.

The Indialantic Town Council, via its legislative authority, reserves the right to approve or disapprove the installation of all traffic calming devices. The criteria cited within this policy are intended to provide for minimum specifications for consideration of the use of traffic calming devices.

SUBJECT: Petition 100 Block of Miami Speed Cushions

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Summary:

The Town Clerk received a petition for speed cushions from residents of the 100 block of Miami Ave. Attached is a copy of the petition, a memo from the Town Manager and results of a recent speed study performed.

Recommendation:

Discussion

MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

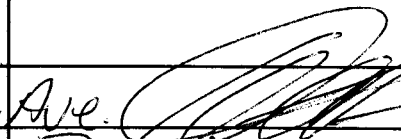

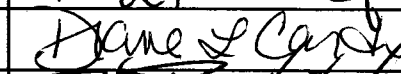
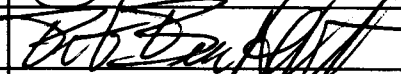
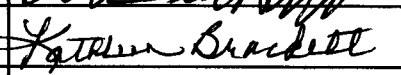
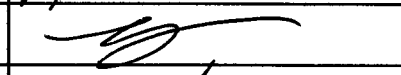
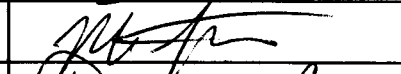
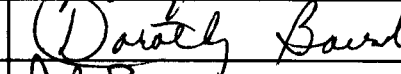
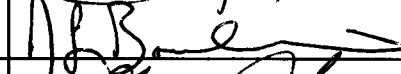


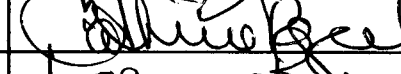
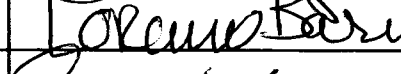
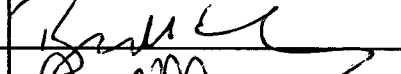


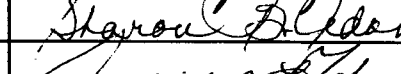
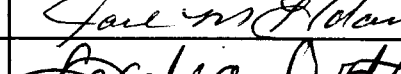

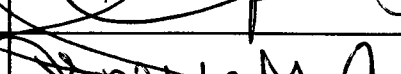

Approved for agenda:



Michael L. Casey
Town Manager


MC

PETITION FOR SPEED BUMP/BUMPS ON THE 100 BLOCK OF MIAMI AVENUE, INDIALANTIC, FL

NAME	ADDRESS	SIGNATURE	OWNER OR RESIDENT
Christopher Derek McMillan	162 Miami Ave.		Owner
Robert Carthy	141 Miami Ave		owner
Diane Carthy	141 Miami Ave		resident
PETER BRACKETT	140 MIAMI AVE		OWNER
KATHLEEN BRACKETT	140 MIAMI AVE		Resident/owner
Michael Lentini	131 Miami Ave		owner
Mollie Lentini	131 Miami Ave		resident
DOTIE BOURLIER	101 Miami Ave		owner
Don Bourlier	101 Miami Ave		owner
Gary Thusa	91 Miami		owner
Patrick Brower	81 Miami		owner
Catherine Beal	10 Miami Ave		owner/tenant
Loraine Barne	10 Miami Ave		owner
Bruce McNear	156 Miami Ave		owner
Jennifer Moner	156 Miami Ave		owner/tenant
Merla Ortiz	117 Miami Ave		resident
SHARON ADAMS	115 MIAMI AVE		OWNER
Carl Adams	113 Miami Ave		owner
Cecelia Ortiz	117 Miami Ave		resident
Julie McWhir	120 Miami Ave		resident/owner
Brenna Baker	" "		Resident

MEMORANDUM

TO: Mayor & Council

FROM: Michael L. Casey 
Town Manager

RE: Miami Ave. Speed Study

DATE: March 31, 2021

In response to a petition received from the residents in the 100 block of Miami Ave. I requested the police department conduct a speed study of the street. The area is a residential street travelling east and west with a posted speed limit of 20 MPH. The speed study began March 10, 2021 for eastbound traffic and ran until March 17, 2021. The westbound speed study was conducted from March 17, 2021 to March 24, 2021.

The results of the speed study for eastbound traffic during the period showed an average of 417 vehicles per day on weekdays and 412 vehicles per day on weekends travelled on the road, with the peak traffic period from 11:00 AM to 2:00 PM. On the eastbound traffic 85.74% of the vehicles were travelling 25 MPH or less, 12.61% were travelling 26 MPH to 30 MPH, and 1.63% were travelling in excess of 31 MPH. The average speed during the study was 19.1 MPH.

The results of the speed study for westbound traffic during the period showed an average of 206 vehicles per day on weekdays and 227 vehicles per day on weekends travelled on the roadway, with the peak traffic period from 11:00 AM to 3:00 PM. On the westbound traffic 82.93% of the vehicles were travelling 25 MPH or less, 15.04% were travelling 26 MPH to 30 MPH, and 2% were travelling in excess of 31 MPH. The average speed during the study was 19.57 MPH.

The speed results from the most recent study is comparable to one conducted approximately the same time in 2020. The overall amount of vehicles decreased in the most recent traffic study by 627 vehicles travelling during the overall period compared to 2020. In 2020 5,150 vehicles travelled during the study and in the most recent study 4,523 vehicles travelled. Both of these speed studies consisted of seven days monitoring the eastbound and westbound traffic.

See attachments.

Indialantic Police Department
220 Fifth Avenue
Indialantic Florida 32903
Traffic Survey Summary

Location: 100 Block Miami Ave
Start Date: 3/10/2021
End Date: 3/17/2021

Zone: Residential
Start Time: 09:19:06
End Time: 09:45:31
Travel Direction: E

Speed	1 - 25	26 - 30	31 - 35	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	61 - 65	66 - 70	71 - 75	76 - 999
Volume	2562	377	44	3	1	1	0	0	0	0	0	0
% of Total	85.74%	12.61%	1.47%	0.1%	0.03%	0.03%	0%	0%	0%	0%	0%	0%
								Total Vehicles: 2988				

Indialantic Police Department
220 Fifth Avenue
Indialantic Florida 32903
Traffic Survey Summary

Location: 100 Block Miami Ave
Start Date: 3/17/2021
End Date: 3/24/2021

Zone: Residential
Start Time: 10:13:32
End Time: 10:16:12
Travel Direction: W

Speed	1 - 25	26 - 30	31 - 35	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	61 - 65	66 - 70	71 - 75	76 - 999
Volume	1273	231	29	0	1	0	1	0	0	0	0	0
% of Total	82.93%	15.04%	1.88%	0%	0.06%	0%	0.06%	0%	0%	0%	0%	0%
									Total Vehicles: 1535			

Indialantic Police Department
 220 Fifth Avenue
 Indialantic Florida 32903
Traffic Summary Week

Location: 100 Block Miami Ave
 3/10/2021 to 3/16/2021

Zone: Residential
 Travel Direction: E

	Wed 10 Mar	Thu 11 Mar	Fri 12 Mar	Sat 13 Mar	Sun 14 Mar	Mon 15 Mar	Tue 16 Mar	Weekday Average	Weekend Average
Midnight	0	5	0	3	11	10	0	3	7
1:00	0	0	3	3	3	0	0	0	3
2:00	0	0	0	0	2	0	0	0	1
3:00	0	1	2	0	0	0	0	0	0
4:00	0	0	0	1	0	0	0	0	0
5:00	0	0	0	0	3	2	4	1	1
6:00	0	2	4	3	3	7	21	6	3
7:00	0	15	17	10	8	20	10	12	9
8:00	0	53	27	23	16	37	21	27	19
9:00	29	36	34	27	18	23	18	28	22
10:00	36	34	38	29	25	17	28	30	27
11:00	36	42	33	42	23	26	31	33	32
12:00	38	18	51	48	35	34	56	39	41
13:00	31	40	42	50	37	35	31	35	43
14:00	41	30	22	44	25	23	21	27	34
15:00	35	40	37	37	37	34	27	34	37
16:00	32	25	29	14	32	25	21	26	23
17:00	37	45	22	21	17	23	34	32	19
18:00	31	38	28	25	24	16	20	26	24
19:00	33	35	16	34	20	13	21	23	27
20:00	12	14	11	11	19	6	9	10	15
21:00	5	15	3	15	2	5	5	6	8
22:00	11	6	10	6	9	2	0	5	7
23:00	6	3	8	5	4	2	0	3	4
Totals	413	497	437	451	373	360	378	417	412

Indialantic Police Department
 220 Fifth Avenue
 Indialantic Florida 32903
Traffic Summary Week

Location: 100 Block Miami Ave
 3/17/2021 to 3/23/2021

Zone: Residential
 Travel Direction: W

	Wed 17 Mar	Thu 18 Mar	Fri 19 Mar	Sat 20 Mar	Sun 21 Mar	Mon 22 Mar	Tue 23 Mar	Weekday Average	Weekend Average
Midnight	0	0	0	1	0	0	1	0	0
1:00	0	0	0	1	1	0	2	0	1
2:00	0	0	0	0	0	0	0	0	0
3:00	0	0	0	0	1	0	0	0	0
4:00	0	0	1	1	1	1	1	0	1
5:00	0	2	0	1	1	3	3	1	1
6:00	0	6	3	1	3	3	4	3	2
7:00	0	14	6	8	9	16	13	9	8
8:00	0	9	10	20	6	9	9	7	13
9:00	0	7	13	31	6	13	16	9	18
10:00	7	25	9	25	11	12	14	13	18
11:00	11	15	36	26	17	13	21	19	21
12:00	20	14	15	19	16	32	14	19	17
13:00	17	23	22	21	15	20	33	23	18
14:00	10	15	14	12	13	10	15	12	12
15:00	9	19	12	13	17	11	19	14	15
16:00	20	17	17	6	32	14	23	18	19
17:00	13	16	17	17	18	18	14	15	17
18:00	6	14	10	14	12	17	8	11	13
19:00	14	10	12	12	10	15	11	12	11
20:00	9	5	9	12	8	11	3	7	10
21:00	4	6	4	6	4	2	2	3	5
22:00	6	1	2	4	1	1	2	2	2
23:00	0	3	3	2	0	1	0	1	1
Totals	146	221	215	253	202	222	228	206	227

SUBJECT: Golf Carts/Low Speed Vehicles

Staff Report – Town of Indialantic

Meeting Date: April 7, 2021

Summary:

Councilman Kemp requested discussion regarding the permitting of golf carts/low speed vehicles similar to Satellite Beach, allowing them to operate on local roadways without the requirement of registering them with DHSMV but making registration with the municipality mandatory. The Satellite Beach Police Department inspects golf carts/low speed vehicles to ensure they have the required equipment and registers them for fee. Attached is Satellite Beach code on this subject matter.

Recommendation:

Discussion

MOTION:

Submitted by:



Rebekah Raddon
Town Clerk

Approved for agenda:



Michael L. Casey
Town Manager

ARTICLE IV. - LOW SPEED VEHICLES

Sec. 34-101. - Legislative intent.

It is the intent of this article to permit and regulate the use of low speed vehicles with the city.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-102. - Definitions.

City shall mean the City of Satellite Beach.

Low speed vehicle (LSV) shall mean any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including but not limited to, neighborhood electric vehicles.

Permit/registration shall mean the official authorization issued by the Satellite Beach Police Department pursuant to this article designating that a low speed vehicle meets the requirements of this Code.

Prohibited streets shall mean Highway A1A and South Patrick Drive (SR513).

Streets shall mean, for purposes of this article, all streets and roads with the city that are not prohibited streets.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-103. - Authorized use and operation of low speed vehicles.

- (a) Licensed drivers may operate low speed vehicles that have been issued permits by the city on any street within the city in compliance with this article and all statutes, regulations and ordinances governing traffic control, including traffic control devised, and the operation, stopping and parking of vehicles. Such vehicles may not be operated within the right-of-way of any prohibited street. Further, the authorization granted by this article to operate low speed vehicles on the streets of the city does not authorize operation of such vehicles on sidewalks, bicycle paths, swales or other stormwater facilities or structures or within or on any park in the city.
- (b) The prohibition of operating a low speed vehicle on prohibited streets does not prohibit the operation of a low speed vehicle solely for the purpose of crossing a prohibited street at vehicular intersections with a traffic light.
- (c) A permit to use a low speed vehicle issued pursuant to this article does not allow entry onto private or semi-private property, including retail parking lots, private roads or condominium or homeowners' association common areas. Access to these areas may be regulated and restricted by the owners of such property. Further, such use does not allow entry or parking upon any property owned by any property owned by another public or quasi-public entity such as Brevard County, and any of its departments/agencies, and the Brevard County School Board.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-104. - Permit; revocation.

The operation of a low speed vehicle on streets shall be deemed a use permitted by city council revocable in whole or in part upon the will of city council in its legislative capacity based upon its consideration of the general health, safety and welfare of the public arising from such use. The issuance of a permit or other permission for the operation of low speed vehicles on streets shall not limit or otherwise preclude city council from amending this article IV, repealing this article IV in its entirety, contracting or expanding the streets and prohibited streets, or changing the designation of crossing points for prohibited streets. Any person operating a low speed vehicle within the city under a permit issued by the city shall do so on the condition that there shall be no claim for any monetary loss or other claim for the loss of allowed low speed vehicle operation within the city or any monetary claim based upon a claim for action in reliance on the provisions of this article. The city council retains the unlimited legal authority to revoke, amend or otherwise legislate regarding the operation of low speed vehicles on city streets without liability of any kind arising from its legislative decisions.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-105. - Waiver of claims.

Any person operating a low speed vehicle for which a permit was issued, and all persons who are passengers in such vehicle, shall be deemed to have waived any claim against the city for its legislative decision to allow operation of such low speed vehicles on streets in compliance with this article. The consideration and adoption of this article by city council is declared to be a legislative act of the city.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-106. - Permit application; registration; decal.

- (a) All low speed vehicles operating on streets shall, prior to such operation, be registered with the city on an annual basis as provided herein. A registration decal provided by the city must be visibly affixed to each registered low speed vehicle on the rear bumper of that vehicle. The registration decal must be current at all times the low speed vehicle is operated on streets.
- (b) Each person wishing to operate a low speed vehicle on streets must apply for a permit with the police department to operate and register that vehicle with the city. The application shall include the name(s) and address(es) of the owner(s) of the low speed vehicle, copies of current driver's license(s) of all persons who own and will operate the low speed vehicle, and proof of insurance required by F.S. § 316.2122, which insurance must be kept in effect at all times
- (c) Each permit application shall be accompanied by a \$150.00 permit/registration fee. Any permit/registration issued by the city shall be valid for one year from the date of issuance, and must be renewed annually. The renewal permit/registration fee shall be \$50.00 for each year of renewal of the same low speed vehicle.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-107. - Inspection; required equipment.

- (a) Any person desiring to register a low speed vehicle for operation within the city shall present the low speed vehicle to the police department for inspection regarding all required safety equipment at such place as the police department shall designate for such inspections.

- (b) In order for any low speed vehicle to be registered and operate within the city, said vehicle must meet the following minimum safety requirements which must be in operating order:
- (1) Headlamps;
 - (2) Approved FDOT windshield;
 - (3) Driver-side and interior rear-view mirrors or both driver-side and passenger-side mirrors;
 - (4) Parking lamps;
 - (5) Front and rear turn signals meeting the minimum standards of F.S. § 316.234(2);
 - (6) Brake lamps meeting the minimum requirements of F.S. § 316.234(1);
 - (7) Side reflex reflectors;
 - (8) Horn;
 - (9) LSV triangle reflector affixed to the rear;
 - (10) Seat belt for each designated seat;
 - (11) Tires meeting manufacturer's specifications;
 - (12) Reliable steering apparatus; and
 - (13) Vehicle identification number (VIN) or manufacturer's serial number.
- (c) Upon the successful completion of any inspection, and as a condition of issuance of any registration and decal, the owner(s) must sign an acknowledgment (i) recognizing the necessity of obtaining annual inspections/registration for any low speed vehicle, together with payment of an annual registration fee, and (ii) receipt of a copy of this article IV governing low speed vehicles.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-108. - Prohibitions.

It shall be unlawful for any person to operate a low speed vehicle in the city:

- (1) Where any of the required equipment or information set forth in subsection 34-107(b) is either inoperative or missing.
- (2) Without a current valid operator's driver's license.
- (3) Without insurance required by this article or state law. Proof of insurance must be presented to a law enforcement officer upon request.
- (4) On the right-of-way of any prohibited street (except to properly cross to the other side as provided in this article), or on any sidewalk, bike path, swale or other stormwater facilities or structures or within or on any park in the city.
- (5) Without a valid registration issued by the city or properly exhibited registration decal issued by the city.
- (6) That obstructs or interferes with normal traffic flow.
- (7) Which carries more passengers than the registered low speed vehicle was designed, or there are more passengers than there are seat belts provided.
- (8) Where the driver and/or any passengers are not properly using their seat belts or fail to comply with any laws governing use of child restraint equipment. Further, no child shall be allowed to sit in the lap of the driver or any passenger. The driver and all passengers must remain seated with their seatbelts properly

fastened at all times the low speed vehicle is in motion, and no parts of the body of any occupant of the low speed vehicle may extend outside the vehicle.

(9) In violation of any state traffic law or regulation or Code of the city applicable to the operation of motor vehicles.

(10) On any street where the posted speed limit is greater than 35 miles per hour.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-109. - Parking.

Low speed vehicles shall comply with all parking regulations of the city.

(Ord. No. 1166, § 2, 9-19-18)

Sec. 34-110. - Enforcement.

(a) Violations of this article shall be enforced by the police department pursuant to F.S. ch. 316 and F.S. ch. 320, and applicable city ordinances.

(b) In addition to enforcement pursuant to subsection (a), above, any person operating a low speed vehicle without a proper registration or decal issued by the city shall be fined \$50.00 for the first violation, \$100.00 for the second violation and \$150.00 for the third and each subsequent violation.

(Ord. No. 1166, § 2, 9-19-18)

TOWN MANAGER'S REPORT

April 7, 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) FDOT sent notification of changes for crossings during repaving, adding now midblock RRFBs crossings in updated plans. Changes to crossing at Palm for school crossing (2/2/21) Had meeting with FDOT 2/24/21 was advised start date after July 2022 for the state 2023 fiscal year (3/3/21)
- b. **Pedestrian Crossing Signals:** FDOT inspected the US-192 intersections at Riverside Drive and SR-A1A on 2/22/19 and are evaluating possible audible pedestrian signal improvements. (03/13/19) Spoke to DOT sent Jay email 8/15/19. FDOT looking at updating traffic lights and crossing conducting study to work into the resurfacing in 22/23 FDOT fiscal year (2/27/20) During meeting 2/24/21 told they are being done during resurfacing in 22/23 FDOT fiscal year (3/3/21)
- c. **COVID Vaccine:** Meeting scheduled with other beachside municipalities managers and fire chiefs for looking at coordinating vaccine sites. Preliminary meeting set for 3/9/21 (3/3/21)Signed MOU with county and FD starting vaccines administered to all qualified 4/6/21 based upon supply availability (3/30/21)

2. Fiscal Activity:

- a. **Fifth Avenue median:** The Town is soliciting proposals from Registered Landscape Architects for consideration to develop a plan to replace the existing plants in the Fifth Avenue median. (06/18/18) A recommendation will be presented to Council for 8/8/18. (08/08/18) Staff is negotiating a contract with Susan Hall Landscape Architecture, Inc. (09/12/18) Workshop will be held 10-18-18 at 6:30 p.m. (10-10-18) Options will be presented to Council at the January meeting for approval. (01/09/19) Some coonties in the median are being relocated to Nance and Douglas parks and to the Fifth Avenue median east of SR-A1A to determine if the areas are suitable for relocation once the new plants are installed in the median. (02/13/19) The 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

TOWN MANAGER'S REPORT

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 Hall's office for initial submission to DOT for review and I submitted them to FDOT for first review 8/20/19. Heard from DOT Dawn Latchum assigned project number is **442883-2-58-01** for submission (8/21/19). Received comments from FDOT and Susan Hall Landscaping Architecture, Inc is reviewing comments (9/30/19) Spoke with Ryan and his is looking into if lighting can be used (10/28/19) Ryan responded to comments from FDOT on median plans (11/1/19). FDOT wants meeting with landscape architect and town (11/15/19). Meeting with FDOT and Susan Hall on 1/28/20 at 2 PM FDOT Deland (11/25/19) Attending meeting and project is still moving forward. Nothing can be done until after repaving is done. Project funded in FDOT 2023 fiscal year earliest project could happen in 8/22 (2/3/20) Ryan recently responded to comments from FDOT (8/4/20) FDOT holding virtual meetings for planning (12/3/20) Updated Susan Hall on new plans for midblock crossings RRFBs (2/2/21) Repaving now scheduled for 22/23 fiscal year (3/1/21)

3. **Organizational Activity:**

- a. **Swale:** Public works installing swale in at 405 Orlando Blvd.(9/30/20) Environmental task force reviewing swale ordinance to make changes, native plant portion separated at going to P&Z December meeting (12/3/20) Native plant and swale ordinance separated plant ordinance before council (2/2/21)
- b. **Meters:** 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) Joe has put pad in for new Kiosk and moving one of existing. Expect installation soon all meters will be removed north of Wendy's to include Nance Park for new kiosk (2/2/21) Kiosk installed across from Wendy's and a spaces marked (3/3/21) All parking space north of Wendy's meters removed and Kiosk use only (3/30/21)
- c. 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) Expect this work to begin 2nd week of February (2/2/21) Project complete except for a few houses sod needed (3/30/21)

TOWN MANAGER'S REPORT

- d. 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)
- e. 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) After contractor finishes Tenth Ave. they will move to this one (2/2/21) Project underway and old pipes being removed and new ones installed at this time (3/30/21)
- f. 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) Contractor is adding sand to uneven areas and seeding, this should complete project (2/2/21)
- g. 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) Project having sewer conflict been working with county and problem now resolved. Contractor can now finish project (2/2/21) Issues with contractor trying to resolve driveway problems for resident, awaiting evaluation by our engineer (3/3/21) Waiting on resident to decide on driveway color and pattern rest of project complete (3/30/21)
- h. B-4 Melbourne Ave 200 block awarded by council 2/10/21 and contract signed for pipe replacement. Should begin in next several weeks (3/3/21) Expect to proceed first few weeks of April (3/30/21)

Indialantic Police Department

Monthly Activity Report

February 2021

OPERATIONS:

* The Department Responded to 805 Incidents.

* 28 Subpoenas were issued.

* Activity	10	Arrests
		1 Felony
		3 Misdemeanor
		6 Traffic
		1 DUI & 0 Drug
	126	Traffic Citations
	299	Traffic Stops
	193	Verbal Warnings
	2	Capias Filed

TRAINING:

Booth: Field Training Officer

Fournier: DWI & SFST, ARIDE

Chamberlain, Nigh: DWI & SFST

Indialantic Police Department
Monthly Crime Index
February 2021

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	1	0			0%
Larceny	1	0			0%
Veh Theft	0				0%
Assault/Battery	0				0%
Arson	0				0%
Total Part I	2				
Part II					
Kidnapping	0				
Fraud/Forgery	4				
Criminal Mischief	0				
Weapons	0				
Sex Offenses	0				
Narcotics	0				
DUI	2				
Liquor Laws	0				
Disorderly	0				
Ordinance/Litter	6				
Trespass	6				
Total Part II	18				
Part III & IV					
Patrol Area	459				
911 Investigations	94				
Citizen Contact	4				
Juvenile	0				
Warrant	1				
Misc Traffic	50				
Traffic Accidents	20				
Sick/Injured	0				
Death	1				
Mentally Ill	2				
Suicide/Attempt/Threat	0				
Animal	4				
Information	20				
Alarm/Open Door	8				
Fire	1				
Lost/Found	10				
Disturbances	12				
Susp Incidents	50				
Assists	34				
Details	14				
Missing Persons	1				
Total III & IV	785				
Grand Total	805				

Indialantic Police Department
YTD Information Report
February 2021

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Value Stolen	\$ 53	\$ 28											\$ 81
Value Recovered	\$ 11	\$ 28											\$ 39
Traffic Warnings	0	0											0
Equip Warnings	0	0											0
Verbal Warnings	214	193											407
Field Interrogation	0	0											0
Parking Violations	6	3											9
Parking Fines	\$ 120	\$ 60											\$ 180
Traffic Citations	167	126											293
Arrests	21	10											31
DUI Charges	0	1											1
Drug Charges	1	0											1
Wavecrest Activity	35	48											83

Indialantic Fire Rescue

Monthly Report for March 2021

FIRES		
Structure Fires		1
Brush Fires		
Vehicle Fires		1
Trash Fires		
Other Fire Calls		1
RESCUE & EMERGENCY MEDICAL		
Medical		26
Well Being Check		2
Water Rescue		1
Motor Vehicle/Pedestrian Accident with injuries		1
Motor Vehicle with no injuries		2
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem/Gas Leak		2
GOOD INTENT CALL		
Dispatched and Cancelled Enroute		
Dispatched and Cancelled on Scene		2
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		5
Smoke Detector activation due to smoke or dust		
SPECIAL INCIDENT TYPE		
Fire Inspection/Business Tax Receipt (BTR)		5
Public Service Calls		
Assist Other Government Agency		2
Special Type of Incident		
Hydrant Inspections		
TOTAL CALLS		51
RUNNING TOTAL OF PREVIOUS MONTHS		82
TOTAL CALLS YEAR TO DATE		133
MUTUAL AIDE	GIVEN	3
	RECEIVED	3

AVERAGE RESPONSE TIME	INDIALANTIC FIRE	3.37
	BREVARD COUNTY	11:04

VOLUNTEER HOURS		260
	SAVINGS REALIZED BY THE TOWN	\$5,200

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VOLUNTEER F/F ACTIVITY	The Volunteers held their monthly business meeting on March 2nd and weekly training meeting on March 9th, 16th, & 23rd. Volunteers provided support to the COVID-19 vaccinations on March 19th & 26th. Volunteers removed the shed from behind the fire station and are no longer collecting aluminum cans for raising funds.
CAREER F/F ACTIVITY	Firefighters provided the second dose of COVID-19 vaccinations to 33 home bound residents on March 19th & 26th. A vaccination date has been filled for April 6th and we are working with other beach side agencies to provide a large scale (300) vaccination event on April 7th. Engine 57 required some pump plumbing repairs which was completed.

TOWN OF INDIALANTIC BUILDING REPORT

March-21			
	<u>CURRENT</u>	<u>YTD 21</u>	<u>YTD 20</u>
NO. OF PERMITS ISSUED	53	185	247
TOTAL PERMIT FEES	\$10,321.60	\$50,092	\$44,586.00
TOTAL CONSTRUCTION VALUE	\$1,374,329.00	\$6,097,543.40	\$6,085,460.00
PLAN REVIEW FEES	\$280.00	\$6,216.00	\$1,837.00
TOTAL SIGN FEES	\$79.00	\$286.00	\$610.00
NO. OF SIGN PERMITS ISSUED	1	4	3
NEW CONVENTIONAL HOMES	0	4	1
NEW MULTI FAMILY HOMES	0	4	0
NEW COMMERCIAL BUILDINGS	0	0	1
MISC. ADDITIONS/ALTERATIONS	4	11	3
CERTIFICATE OF OCCUPANCY	1	4	5
BUILDING CODE INSPECTIONS	28	334	71

Permit List

03/31/2021

Permit #	Address	Category	Applicant Name	Date Issued	Valuation	Amount Billed
PB21-0051	219 COCOA AVE	Shutters	Atlantic Storm Protection	03/03/2021	10,128.00	124.00
PB21-0069	1101 S MIRAMAR AVE	Addition	Florida Home & Dock Life LLC	03/01/2021	15,500.00	149.35
PB21-0082	421 7TH AVE	Replacement	COUTURE, JACOB MICHAEL; WEIL,	03/31/2021	660.00	64.00
PB21-0087	200 1ST AVE	New	ALL SUNCOAST ELECTRIC INC	03/15/2021	10,430.00	124.00
PB21-0092	135 10TH AVE	Replacement	WINDOW WORLD OF CENTRAL FL	03/04/2021	13,400.00	139.05
PB21-0094	225 MELBOURNE AVE	Remodel	CUSTOM POOL RENOVATIONS INC	03/12/2021	12,000.00	129.00
PB21-0098	304 10TH TER	Replacement	Wagner Pavers	03/01/2021	8,200.00	114.00
PB21-0099	228 EIGHTH AVE	Replacement	ROMANS ALUMINUM INC	03/02/2021	13,900.00	139.05
PB21-0100	344 FIFTH AVE	Permanent	SIGNS OF SUNSHINE	03/03/2021	1,124.00	79.00
PB21-0101	700 WAVE CREST AVE UNIT 3	Replacement	THE HOME DEPOT	03/01/2021	36,275.00	257.50
PB21-0103	1011 S MIRAMAR AVE UNIT 3	HVAC Replacement	PLATT'S AIR & HEAT INC	03/03/2021	3,929.00	79.00
PB21-0104	430 2ND AVE	HVAC Replacement	Smith Services	03/03/2021	6,132.00	79.00
PB21-0105	505 S MIRAMAR AVE UNIT C	Roofing	G & G ROOFING CONSTRUCTION I	03/03/2021	117,800.00	656.11
PB21-0106	200 TAMPA AVE	Replacement	FOUR SEASONS IMPACT WINDOWS	03/04/2021	10,676.00	124.00
PB21-0107	900 S MIRAMAR AVE	Remodel	Florida Select Building Co LLC	03/18/2021	550,000.00	2,384.45
PB21-0108	132 MIAMI AVE	HVAC Replacement	ROBERT D MILLER	03/03/2021	14,578.00	79.00
PB21-0109	1 EIGHTH AVE UNIT CMN	Roofing	G & G ROOFING CONSTRUCTION I	03/03/2021	126,555.00	693.19
PB21-0110	605 S MIRAMAR AVE UNIT C	Roofing	G & G ROOFING CONSTRUCTION I	03/03/2021	50,145.00	329.60
PB21-0111	520 N Riverside Dr	HVAC Replacement	ROBERT D MILLER	03/03/2021	0.00	79.00
PB21-0112	230 MELBOURNE AVE	Replacement	BREVARD WINDOW & DOORS	03/23/2021	10,308.00	124.00
PB21-0113	410 TWELFTH AVE	Shutters	AMERICAN SHUTTER WORKS	03/09/2021	9,000.00	114.00

PB21-0114	419 GENESEE AVE	Replacement	DEATER, GARY THOMAS,II; DEATE	03/09/2021	13,000.00	134.00
PB21-0115	884 N MIRAMAR AVE	HVAC Replacement	Bart Air & Heat LLC	03/08/2021	1,600.00	79.00
PB21-0116	110 TWELFTH AVE	Plumbing Remodel	Sun Plumbing	03/08/2021	13,480.00	139.00
PB21-0117	321 MELBOURNE AVE	Plumbing Remodel	Sun Plumbing	03/08/2021	5,280.00	99.00
PB21-0118	500 S RAMONA AVE	HVAC Replacement	MASTERS AIR AND HEAT INC	03/08/2021	5,200.00	79.00
PB21-0119	1011 S MIRAMAR AVE UNIT 1	Shutters	ATLANTIC STORM PROTECTION	03/09/2021	2,686.00	84.00
PB21-0120	700 WAVE CREST AVE 201	Replacement	HOME DEPOT	03/09/2021	26,979.00	206.00
PB21-0121	108 MICHIGAN AVE	Demolition	DBI Demolition	03/19/2021	6,620.00	104.00
PB21-0122	1209 S Riverside Dr	Electrical Repair	MAYERHOEFFER, ALAIN; MAYERH	03/09/2021	300.00	64.00
PB21-0123	132 COCOA AVE	Replacement	SUNSET VIEW CONSTRUCTION	03/12/2021	5,049.00	99.00
PB21-0125	501 ORLANDO BLVD	Electrical New	Home Run Electric	03/22/2021	2,200.00	84.00
PB21-0126	205 7TH AVE	Replacement	OMEGA GARAGE DOORS OF MID F	03/19/2021	3,726.00	89.00
PB21-0127	718 WAVE CREST AVE	New	Allied Fence LLC	03/24/2021	7,700.00	109.00
PB21-0128	1037 WAVE CREST AVE	Roofing	WINDANSEA INC	03/15/2021	9,909.00	74.00
PB21-0131	140 MIAMI AVE	Roofing	CCC HOLDING CO INC	03/18/2021	31,300.00	231.75
PB21-0132	129 MELBOURNE AVE	SFH	AMERIGAS	03/19/2021	626.00	64.00
PB21-0133	209 S Riverside Dr	Replacement	WINDOW WORLD OF CENTRAL FL	03/19/2021	6,604.00	104.00
PB21-0134	320 WAYNE AVE	Replacement	SUNSET VIEW CONSTRUCTION	03/19/2021	15,921.00	149.35
PB21-0139	164 DELAND AVE	Replacement	STILLWATER CONSTR INC	03/25/2021	7,500.00	109.00
PB21-0140	420 WAYNE AVE	Remodel	SLATE BUILDING AND CONTRACTI	03/31/2021	30,000.00	328.95
Plan Review Fee		107.50				
PB21-0141	215 S Riverside Dr	Replacement	WINDOW WORLD OF CENTRAL FL	03/24/2021	12,746.00	134.00
PB21-0142	1510 S MIRAMAR AVE	Replacement	BREVARD WINDOW & DOORS	03/26/2021	4,841.00	94.00
PB21-0144	333 EIGHTH AVE	HVAC Replacement	DAVE MASTRO AIR & HEAT INC.	03/25/2021	4,995.00	79.00

PB21-0145	301 S MIRAMAR AVE UNIT 10	Replacement	ROCKET BUILDERS INC	03/30/2021	9,800.00	119.00
PB21-0146	301 S MIRAMAR AVE UNIT 20	Replacement	ROCKET BUILDERS INC	03/30/2021	9,600.00	119.00
PB21-0147	301 S MIRAMAR AVE UNIT 30	Replacement	ROCKET BUILDERS INC	03/30/2021	9,800.00	119.00
PB21-0148	308 3RD AVE	Roofing	JK BEHAN GENERAL ROOFING CO	03/26/2021	18,900.00	164.80
PB21-0149	105 3RD AVE	Roofing	G & G ROOFING CONSTRUCTION I	03/26/2021	7,984.00	109.00
PB21-0150	130 14TH AVE	Replacement	FLORIDA HOME IMPROVEMENT A	03/30/2021	14,695.00	144.20
PB21-0151	410 9TH AVE	HVAC Replacement	Continous Cooling Inc	03/29/2021	5,868.00	79.00
PB21-0152	440 1ST AVE	Addition	Civilization Builders Inc	03/30/2021	43,880.00	526.05
Plan Review Fee		172.50				
PB21-0153	430 EIGHTH AVE	Roofing	ADVANCED ROOF TECHNOLOGY I	03/30/2021	14,800.00	144.20

Number of Permits: 53

Total of Plan Review Fees: \$280.00

Population: All Records

Permit.DateIssued Between 3/1/2021 12:00:00 AM AND
3/31/2021 11:59:59 PM

AND

Permit.AddressDisplayString = <Prompt For Value>

Total Construction Value: \$1,374,329.00

Total of Fees Paid: \$10,321.60

<u>Location:</u>	<u>Extra Information:</u>	<u>Date:</u>	<u>Code:</u>	<u>Description:</u>	<u>Status:</u>	<u>Notes</u>
February 10th Code Board	<u>Notified</u>					
128 Eighth Ave	12/4/2020					
Zone 1	North of Fifth Avenue/Westside					
409 Wayne Avenue	Accumulation prohibited	02/12/21	Sec 26-20	large trash pile not removed	Reported	Town received email compl regarding the up keep of the property. MC responded and observed large pile of trash on N/E corner of the lawn. Letter sent o finance company and resident 02/12/2021, rechecked on 02/23/21 and a new pile of trash was on property. Second Notice sent to resident and bank. 03/11/2021, spoke to Linda Sands who advised trash pile is picked-up but they are clearing the back yard and another pile will be added starting today, she will call WM immediately Also, she has furniture in fron tof her house in preparation for a garage sale that will occur the weekend on March 19th
430 Wayne Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.331(2)b	Shed within setback/no permit	Reported	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021
310 First Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.332(2)b	Shed within setback/no permit	Unfounded	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, BCPAO website aerial photos show shed on property prior to 2007
336 Third Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.332(2)b	Shed within setback/no permit	Reported	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, letter resent 03/19/2021 BCPAO address not deliverable, resent
445 First Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.332(2)b	Shed within setback/no permit	Complied	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, home owner spoke with C Stokes and will move shed and schedule inspection within 14 days, inspection passed 03/10/2021 CSTokes
911 N Riverside Dr	Parking and Storage of RV	2/24/2021	Sec113-236 Sec 32-34	Commercial trailer & boat in driveway	In Process	Calling on complaint recv'd 02/24/2021 re food truck in drive way , letter sent 02.25.2021, spoke with homeowner and discussed moving boat, commercial trailer should be picked up by 03/11/2021. Recheck 10 days.Spoke with H/O 03/08/21 trailer will be removed by 03/11/21 and boat behind proeprty line.
715 N Riverside Dr	Accumulation Prohibited	03/11/21	Sec 26-20	large trash pile not removed	complied	large uncontainerized pile of yard waste, coutesy letter sent 03/11/2021, customer contacted WM for pick-up, email confirmation sent MC 03/15/2021
458 Oakland Ave	Accumulation Prohibited	03/11/21	Sec 26-20	large trash pile not removed	Reported	large uncontainerized pile of yard waste, coutesy letter sent 03/11/2021, Patrice Brown will WM to schedule pick-up
333 Fourth Ave	Landscaping	03/19/21	Sec 103-286(d)	leaves not cleaned	reported	neighbor complained the large tree in ROW sheds leaves in the street, her yard and the sidewalk.
911 N Riverside Dr	Parking and Storage of RV	3/22/2021	Sec113-236	boat on trailer and boat in front yard	reported	MC/MC observed 03/22/2021, MC 03/23/2021@1501, MC 03 24 21@1428, letter sent 03/29/21
430 Michigan Ave	Parking and Storage of RV	03/22/21	Sec113-236	Boat on trailer in driveway	Complied	MC/MC observed 03/22/2021,
444 Michigan Ave	Parking and Storage of RV	03/22/21	Sec113-236	Boat in ft yard	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1459, MC 03 24 21@1430, letter sent 03/29/21
Zone 2	North of Fifth Avenue/Eastside					
227 Third Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.332(2)b	Shed within setback/no permit	Reported	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021
220 Wayne Ave	Commercial Vehicle	01/25/21	32-34	marked van in dw	30 day follow-up	commercial van parked in driveway over the weekend, PD will verify overnight parking, letter sent 01/26/2021, PD rechecked and van was parked overnight, Certified/RR letter sent 02/24/2021, has a side gate to park van but just resodded ad is put pavers down recheck 30 days 04/02/2021

216 Fourth Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.332(2)b	Shed within setback/no permit	Complied	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, shed removed
200 First Ave	Swimming pools	03/22/21	Sec 113-238	unsecured pool	unfounded	anon compl reg pool with no fence, C Stokes advised it was not in violation because the pool did not have water in it
219 Watson Ave	Parking and Storage of RV	3/22/2021	Sec113-236	RV in driveway	reported	MC/MC observed 03/22/2021, MC 03/23/2021@1452, H/O spoke to CS, he is in the process of installing a double gate and gravel path to move RV into side yard
104 Michigan Ave	Parking and Storage of RV	3/22/2021	Sec113-236	Trailer and RV in ft yard	reported	MC/MC observed 03/22/2021, MC 03/23/2021@1455, MC 03.24.21@1423, letter sent 03/29/21
126 Michigan Ave	Parking and Storage of RV	03/22/21	Sec113-236	boat in ft yard/empty lot	Removed	MC/MC observed 03/22/2021, MC 03/23/2021@1455
201 Third Ave	Parking and Storage of RV	03/22/21	Sec113-236	boat in ft yard	reported	MC/MC observed 03/22/2021, MC 03/23/2021@1445, MC 03.24.21@1420, letter sent 03/29/21
116 Third Ave	Temporary Portable Storage Units	03/25/21	Sec 113-247	POD w/out permit	Removed	POD in driveway, no permit
Zone 3	South of Fifth Avenue/Westside					
303 Sixth Ave	Prohibited Use	02/05/21	Sec 113-334	Vacation Rental	Complied/ 30 day follow-up	IPD# 3 inv for short term rental, certified/RR letter sent 02/05/2021, property posted, ad removed from AIRBNB, VRBO
303 S Riverside Dr	Accessory buildings, structures and uses.	02/11/21	Sec 113.332(2)b	Shed within setback/no permit	unfounded	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, spoke with homeowner, the structure we observed from the roadway is actually a covered porch, not a shed, porch had appropriate permit IND16_040
320 Ormond Ave	Livestock/Fowl Prohibited	2/22/2021	Sec. 6-10	rooster kept on property	complied	email complaint regarding rooster being kept in the yard, MC heard rooster crow at least 6x from street side of property on 02.23.2021 @ 10:58a.m., letter sent 02/23/2021, Lee Caraway called and advised he got rid of the roosters, follow-up in March
Vacant Lot 400blk of Sixth Ave	Parking and Storage of RV	3/5/2021	Sec113-236	Boat on empty lot	Reported	comp from 421 6th ave said a boat is parked on empty lot and a detailer came today and tried to hook up to his water. Tag NQNM08/FL25345P, PD went to address and is attempting contact with boat owner. Boat owner called 03/11/2021@1110, certified letter sent to property owner 03/11/21, neighbor Shane Cole at 405 Sixth Ave called, said boat belongs to a friend and it will be moved within 48 hours. Cole also complained reg the state of the lot.
215 Deland Ave	Swimming Pools	3/8/2021	Sec 113-238	No Pool Barrier	Complied	211 Deland Ave reported the construction site at 215 Deland Ave in unsecured and unsafe, specifically the pool. CStokes met with workers on site to arrange barrier installation. Cstokes advised complied 03/11/2021
Vacant Lot 400blk of Sixth Ave	Landscaping	3/15/2021	Sec 103-286	long grass	Reported	neighbor at 405 Sixth Ave compl regarding long grass and unkempt lot causing rats
129 Fifth Ave	Prohibited Signs	3/12/2021	Sec 113-303(1)	Obsolete Sign	Reported	one attached sign, one door and window sign, letter sent 03/18/2021
137 Fifth Ave	Prohibited Signs	3/12/2021	Sec 113-303(1)	Obsolete Sign	Reported	one attached sign, two window signs, letter sent 03/18/2021
405 Sixth Ave/vacant lot west	Parking and Storage of RV	3/19/2021	Sec113-236	Boat on empty lot	removed	spoke with boat owner who thought he moved the boat to his property, owner checked survey, noting boat was not stored on his property. Owner will expand gate on his fence and move the boat behind the fence. Observed 03/22/2021 by MC/MC, observed 03/23/2021@1504
903 S Riverside Dr	Landscaping	3/22/2021	Sec 103-286	long grass	Reported	email complaint received advising grass has not been cut in 3 months and is 2' tall at edges

405 Sixth Ave	No permit issued	3/19/2021	Chapter 103	Fence installed without permit	reported	fence installed without permit, noticed when MC & JG were on neighboring property for a code complaint, spoke with occupant and he will obtain a permit for fence and widened gate
903 S Riverside Dr	Accumulation Prohibited	03/11/21	Sec 26-20	large trash pile not removed	Reported	large uncontainerized pile of yard waste, coutesy letter sent 03/11/2021
1438 S Riverside Dr	Parking and Storage of RV	3/22/2021	Sec113-236	Trailer & RV in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1508, MC 03.24.21@1453, letter sent 03/29/2021
1216 S Riverside Dr	Parking and Storage of RV	3/22/2021	Sec113-236	RV in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1507, MC 03.24.21@1452, letter sent 03/29/2021
1212 S Riverside Dr	Parking and Storage of RV	3/22/2021	Sec113-236	Trailer in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1507, MC 03.24.21@1451, letter sent 03/29/2021
603 S Riverside Dr	Parking and Storage of RV	3/22/2021	Sec113-236	Trailer in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1506, MC 03.24.21@1435, letter sent 03/29/2021
604 S Riverside Dr	Parking and Storage of RV	3/22/2021	Sec113-236	Trailer in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1506, MC 03.24.21@1436, letter sent 03/29/2021
220 Eighth Ave	Parking and Storage of RV	3/22/2021	Sec113-236	trailer by road	In Process	MC/MC observed 03/22/2021, MC 03/23/2021@1533, spoke with neighbor, trailer is broken down and will be picked up with trash
S Miramar Ave/Sixth Ave	Temporary Portable Storage Untis	3/22/2021	Sec 113-247	POD w/out permit	removed	MC/MC observed 03/22/2021,
Zone 4	South of Fifth Avenue/Eastside					
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
128 Eighth Avenue	Parking and Storage of RV	3/22/2021	Sec113-236	Trailer in front yard	Reported	Anon compl recv'd by Mayor Berkman re a trailer in the front yard. MC/MC observed 03/22/2021, MC 03/23/2021@1533, 03.24.21@1508, letter sent 03/29/2021
132 Ocean Terrace	Livestock/Fowl Prohibited	01/07/21	Sec 4-25	Backyard Chickens	Reported	emailed by ericsilika30@gmail.com advised 132 Ocean Terrace keeping chickens in a coop in the backyard, 01/07/2021 MC heard chickens in the area, letter sent 01/12/2020, emailed with clerk, viol was explained again to h/o 01/19/2021 & 01/20/2021, mc & mc listened to chickens on 01/28/2021 and did not hear them, mc & jg did not hear chickens 02/04/2021. compl emailed, MC checked on 02.23.21@1105 and did not hear chcikens, comp was emailed and advised, MC & MLC did not hear chickens on 02.25.2021 @0930
108 Seventh Ave	Prohibited Use	01/13/21	Sec 17-121/113-334	Vacation Rental	Complied/90 day follow-up	PD inv, certified letter sent 01/15/2021, property changed to min 90 day rental
104 Seventh Ave	Prohibited Use	01/13/21	Sec 17-121/113-334	Vacation Rental	Complied/90 day follow-up	PD inv, certified letter sent 01/15/2021, property changed to min 90 day rental, spoke to h/o advised her re the town code on 01/27/2021 w/Weber, resent letter RR, Certified and 1st class to her current residence 01/27/2021
225 Melbourne Ave	Landscaping	01/22/21	Sec 103-286	Planting in ROW	Complied	hedges on the south side of the drive way, letter sent 01/22/2021, hedges are now dead, 2nd notice 02/05/2021, clean-up in process shrubs aptially removed
118 Tradewinds Terr	Trash Receptacles	2/12/2021	Sec 26-31	Location of trash rec	Unfound	The Town received a compl from a neighbor about green trash bins being stored in front of the front structure line. MC responded 02.12.2021 and observed cans by house not left by road. Code does not address cans being stored in front of ft structure line.

145 Eighth Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.331(2)b	Shed within setback/no permit	In Process	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, home owner spoke to C Stokes and will move shed and schedule an inspection within 14 days
810 S Shannon Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.331(2)b	Shed within setback/no permit	Complied	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, owner spoke with Cliff and said the shed had been there for a long time, shed was verified installed between 2017 and 2018 using BCPAO images. Cliff will call and direct her to move shed 4 foot off the property line.
901 S Shannon Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.331(2)b	Shed within setback/no permit	Reported	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021
801 S Palm Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.331(2)b	Shed within setback/no permit	Reported	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021
S. Miramar Ave/Ormond Dr	Permitted Temporary Signs	02/23/21	Sec 113-304(1)b	Real Estate Sign bt Roadway	Complied	Second Real Estate sign very close to Ormand Dr roadway within 15 ft of Miramar and placed in front of the stop sign, PW/JG called CurriKirschener Real Estate to remove sign spoke with Morgan
224 Melbourne Ave	Accessory buildings, structures and uses.	02/11/21	Sec 113.331(2)b	Shed within setback/no permit	complied	An On Record comp was received at the 02.10.2021 code Board mtg regard this specific address. MC & MLC inv shed location on 02.11.2021 and letter sent 02/26/2021, home owner moved the shed in to compliance and passed final inspection 03/08/2021 C Stokes
106 Tenth Ave	Parking and Storage of RV	3/22/2021	Sec113-236	Boat on trailer in driveway	Removed	MC/MC observed 03/22/2021, MC 03/23/2021@1526
974 S Shannon Ave	Parking and Storage of RV	03/22/21	Sec113-236	RV in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1528, MC 03.24.21@1504, letter sent 03/29/2021
1010 Magnolia	Parking and Storage of RV	03/22/21	Sec113-236	RV in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1513, MC 03.24.21@1458, letter sent 03/29/2021
317 Cocoa Ave	Parking and Storage of RV	03/22/21	Sec113-236	RV in driveway	Reported	MC/MC observed 03/22/2021, MC 03/23/2021@1518, MC 03/24/21@1555, letter sent 03/29/2021
Zone 5	SR500					
Zone 6	Miramar & Wave Crest					
1 Fifth Ave	Fences and Walls/Accumulation Prohibited	11/23/2020	Sec 5.5-71/8-2	broken fence/yard waste	In the Process	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. Received additional complaint regarding lack of progress at property. MC called and spoke to the mgr, mgr advised the first paid contractor for the fence left job without finishing and the owners are in the process of hiring a new fence company. MC will contact the mgr 02/22 for definitive start date. Spoke with Trish and new contractor will finish project within 30 days. Carl Stauer, an architect for Surf Style is preparing for a site plan modification. Property checked by MC 02/23/2021 and the fence was partially repaired and lot partially cleaned.
2 Fifth Ave	Prohibited Signs	2/24/2021	Sec 113-303(2)c	Flashing sign	Complied	Lily's restaurant has a rostating sign on A1A side, letter sent to business and owner 02.25.2021
215 Fifth Ave	Prohibited Signs	2/23/2021	Sec 113-303(1)	Obsolete Sign	Complied	obsolete sign not covered
100 N Mirarmar Ave	Prohibited Signs	3/12/2021	Sec 113-303(1)	Obsolete Sign	Reported	one monument sign, two building signs, 5 window signs and 1 door sign, letter sent 03/18/2021
501 N Miramar Ave	No permit issued	3/22/2021	Chapter 103	Demo without permit	Reported	demo to front office building prior to permit being applied for or issued, CS red stickered the door and owner was advised to stop working until a permit is obtained.