CALL TO ORDER

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

APPROVAL OF MINUTES

Regular Council Meeting Minutes – December 11, 2018

PROCLAMATIONS AND INTRODUCTION

1. Proclamation – Recognition of Ms. Helen Margaret Roberts

2. Proclamation – Recognition of Ms. Sally Sullivan, Administrative Assistant to the Chief of Police

3. Introduction – Cristina Bryson, Administrative Assistant to the Chief of Police

REPORTS

City Manager’s Report
City Attorney’s Report
Council Comments
Public Comments (Agenda Items Only)

UNFINISHED BUSINESS

1. PUBLIC HEARING – Conduct a public hearing and approve on second reading Ordinance No. 2018-09 Amending Chapter 7 of the Code of Ordinances Adding Article III: Open Burning; Regulating Outdoor Burning; Prohibiting Fires for Burning Trash, Underbrush, Leaves, Trees, Other Vegetative Materials, and Construction Debris

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; CREATING ARTICLE III
“OUTDOOR BURNING” IN THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENTS, PROHIBITIONS, PENALTIES AND PROCEDURES FOR THE PAYMENT AND PROCESSING OF CIVIL FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

NEW BUSINESS

1. Approve Resolution No. 701 Endorsing the East Coast Greenway Route through Indian Harbour Beach.

   RESOLUTION NO. 701

   A RESOLUTION OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, ENDORSING THE EAST COAST GREENWAY ROUTE THROUGH THE CITY OF INDIAN HARBOUR BEACH; PROVIDING AN EFFECTIVE DATE.

2. Approve the first reading of Ordinance No. 2019-01 updating the City of Indian Harbour Beach Five Year Capital Improvements Element of the Comprehensive Plan

   ORDINANCE NO. 2019 - 01

   AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, UPDATING THE COMPREHENSIVE PLAN OF THE CITY; UPDATING THE CAPITAL IMPROVEMENT ELEMENT BY UPDATING POLICY CI-7.1 REGARDING THE YEARLY ADOPTION OF THE BREvard COUNTY SCHOOL DISTRICT’S FIVE-YEAR WORK PROGRAM, (FY 2018-19 THROUGH FY 2022-23); UPDATING THE CAPITAL IMPROVEMENT ELEMENT BY UPDATING THE SCHEDULE OF CAPITAL IMPROVEMENTS (FY 2018-19 THROUGH FY 2022-23) TO INCLUDE THE BREvard COUNTY SCHOOL DISTRICT’S FIVE-YEAR WORK PROGRAM AND ITS PROJECTED COSTS AND PROJECTED REVENUES AND THE YEARLY CITY EXPENDITURES FOR DRAINAGE AS WELL AS OTHER APPLICABLE CITY CAPITAL IMPROVEMENTS ; AND UPDATING SECTIONS WHICH ARE REQUIRED TO MAINTAIN INTERNAL CONSISTENCY WITH THESE CHANGES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.
3. Approve on First Reading Ordinance No. 2019-02 adopting a new Article III of Chapter 4 of the Code of Ordinances of the City of Indian Harbour Beach, Florida prohibiting the retail pet sale of Dogs, Cats, Rabbits, Ferrets and Guinea Pigs in the City.

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY ENTITLED “ANIMALS” BY CREATING ARTICLE III, ENTITLED “RESTRICTIONS ON RETAIL PET SALES AND PET MILLS” BY CREATING SECTIONS 4-50, “DEFINITIONS”; SECTION 4-51 “PROHIBITIONS”; SECTION 4-52 “EXEMPTIONS”; SECTION 4-53 “CERTIFICATE OF SOURCE”; SECTION 4-55 “PENALTY”; SECTION 4-55 “ENFORCEMENT”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

4. Approval for Archangel Engineering and Construction to clear a limited portion of the interior of Gleason Park of Brazilian Pepper trees at a cost not to exceed $50,000 and waive the bidding process in awarding this project.

5. Initiate a follow-up discussion on the stormwater projects and provide staff direction for use of the FY 2018-2019 Stormwater Utility Funds.

PUBLIC FORUM

ADJOURN

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE 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. FSS 286.0105
CALL TO ORDER

The Regular City Council meeting was called to order at 7:00 p.m. by Mayor David Panicola with the following present:

Mayor David Panicola  Council Member James Nolan
Deputy Mayor Scott Nickle  City Manager Mark Ryan
Council Member Frank Guertin  City Clerk Sue Frank

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

Mayor Panicola led the Pledge of Allegiance followed by a moment of silent meditation.

APPROVAL OF MINUTES

The consensus of Council was to approve the November 13, 2018 meeting minutes as presented.

Swearing-in Newly Elected City Council Member, Election of Mayor for 2018-2019, Election of Deputy Mayor, Appointment of Representatives

City Clerk Sue Frank swore in re-elected City Council Member David Panicola, Seat # 3 for a term of three (3) years ending upon the swearing in of the elected Council Member after the election in 2021.

Motion made by Council Member Nolan to elect David Panicola as Mayor for the period of November 2018 – November 2019, seconded by Council Member Guertin – motion carried 4-0.

Motion made by Council Member Nolan to elect Scott Nickle as Deputy Mayor for the period of November 2018 – November 2019, seconded by Council Member Guertin – motion carried 4-0.

Motion made by Council Member Nolan to appoint Frank Guertin as the voting delegate to the Technical Advisory Committee of the Space Coast Transportation Planning Organization, seconded by Deputy Mayor Nickle – motion carried 4-0.
Motion made by Deputy Mayor Nickle to appoint Jim Nolan as the representative to the South Beaches Coalition of the Space Coast Transportation Planning Organization, seconded by Council Member Guertin – motion carried 4-0.

Motion made by Deputy Mayor Nickle to appoint Frank Guertin as the voting delegate to the Space Coast League of Cities, seconded by Council Member Nolan – motion carried 4-0.

Motion made by Council Member Nolan to appoint Mayor Panicola as the alternate voting delegate to the Space Coast of League of Cities, seconded by Council Member Guertin – motion carried 4-0.

INTRODUCTIONS

Indian Harbour Beach’s new Police K-9: Xena

Police Chief David Butler introduced the new Police K-9, Xena to Council.

Swearing-In of Indian Harbour Beach Police Officer Ben Herron

Police Chief David Butler swore in new Police Officer Ben Herron.

Mayor Panicola called for a short recess.

Motion made by Council Member Nolan to excuse Council Member Newberry from the meeting, seconded by Deputy Mayor Nickle – motion carried 4-0.

PRESENTATIONS

2018 Tsunami Ready Drill

Council received a presentation from Indian Harbour Beach Police Sergeant Matthew Jankowski on the 2018 Tsunami Ready Drill.

Algonquin Sports Complex Drainage Project

Council received a presentation from Ed Shinskie, P.E., RKE Enterprises LLC, regarding the Algonquin Sports Complex Drainage Project.

REPORTS

City Manager’s Report

ACTION ITEMS

Scrivener’s Error Ordinance No. 2018-04

Motion made by Council Member Nolan to acknowledge the scrivener’s error in Ordinance No. 2018-04 and authorize the ordinance be amended accordingly, seconded by Deputy Mayor Scott – motion carried 4-0.
Approval of a Revised Employee Holiday Policy

Motion made by Deputy Mayor Nickle to approve the revised Employee Holiday policy with an effective date of January 1, 2019, seconded by Council Member Nolan – motion carried 4-0.

INFORMATIONAL ITEMS

- SR A1A Mid-Block Crossing (South of Atlantic Boulevard)
- 2019 Brevard County Legislative Delegation Meeting, January 15, 2019
- Florida Inland Navigation District 2018 Assistance Program Grant Awards
- City of Indian Harbour Beach Building Code Effectiveness Review by the ISO
- Waste Management Rate Increase
- 2018 Christmas in the Park, Friday, December 14th
- 2018 Art & Craft Show
- Letters of Appreciation
- Architectural/Engineering Services for the Planning & Site Plan Development and Approval, and the Design of a New Police Headquarters
- City of Indian Harbour Beach Sea Level Rise Community Survey
- Banana River Drive/Pine Tree Drive Corridor Study
- Holiday Closures
- Revenue and Expenditure Report (October 2018)
- Fund Balance/Cash Reserve Report
- Upcoming Public Hearings
- 2018-2019 Key Legislative Dates
- 2018 IHB Employee Holiday Luncheon
- Space Coast League of Cities Social Media Training
- Countywide Mayors’ Fitness Challenge
- 2019 Florida Legislative Update

City Attorney’s Report – City Attorney Karl Bohne was excused.

Council Comments – Council Member Guertin stated that he had attended the Space Coast League of Cities dinner.

Public Comments (Agenda Items Only) – there were no public comments.

UNFINISHED BUSINESS

Remove from the table, conduct a public hearing and based upon the letters of utility providers, staff recommends adoption of Resolution No. 700 and approval of vacating and abandoning a portion of a Public Utilities and Drainage Easement on Lot 91, Indian Harbour Beach Subdivision, Section 9 (123 Anona Place)

Motion made by Deputy Mayor Nickle to remove from the table for discussion Resolution No. 700, seconded by Council Member Nolan – motion carried 4-0.

Mayor Panicola read the title of Resolution No. 700 and opened the public hearing.
RESOLUTION NO. 700

A RESOLUTION OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; VACATING AND ABANDONING A PORTION OF A CERTAIN DRAINAGE EASEMENT DESCRIBED IN THIS RESOLUTION; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE

There being no speakers, the public hearing was closed.

Motion to approve Resolution No. 700 was made by Council Member Nolan, seconded by Deputy Mayor Nickle – motion carried 4-0.

NEW BUSINESS

First Reading of Ordinance No. 2018-09 Regulating Outdoor Burning

Mayor Panicola read the title of Ordinance No. 2018-09.

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; CREATING ARTICLE III “OUTDOOR BURNING” IN THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENTS, PROHIBITIONS, PENALTIES AND PROCEDURES FOR THE PAYMENT AND PROCESSING OF CIVIL FINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

Motion made by Council Member Nolan to approve on first reading Ordinance No. 2018-09 Amending Chapter 7 of the Code of Ordinances Adding Article III: Open Burning: Regulating Outdoor Burning: Prohibiting Fires for Burning Trash, Underbrush, Leaves, Trees, Other Vegetative Materials, and Construction Debris, seconded by Council Member Guertin – motion carried 4-0.

Sole Source Procurement for the replacement of the athletic lights at Mallozzi Field

Motion made by Council Member Nolan to approve the sole source procurement for the replacement of the athletic lights at Mallozzi Field in the Algonquin Sports Complex from T & V Electric at a cost not to exceed $40,000, seconded by Deputy Mayor Nickle – motion carried 4-0.
Sole Source Emergency Purchase for a replacement 20 ton compressor and air handler for Gleason Community Center

Motion made by Council Member Nolan to approve the Sole Source emergency purchase of a replacement 20 Ton Compressor and Air Handler for the Gleason Community Center, furnished and installed by Allison Air Conditioning & Electric Service, at a cost not to exceed $27,000.00, seconded by Council Member Guertin – motion carried 4-0.

Purchase of a new Mitel VOIP Premise Based Telephone System

Motion made by Council Member Nolan to approve the purchase of a new Mitel VOIP Premise Based Telephone System utilizing the State of Florida State Term Contract with Verteks Consulting, Inc. in an amount not to exceed $40,000, seconded by Deputy Mayor Nickle – motion carried 4-0.

Staff direction on developing an ordinance prohibiting the retail pet sale of dogs, cats, rabbits, ferrets and guinea pigs in the city

The consensus of Council was for staff to develop an ordinance prohibiting the retail pet sale of dogs, cats, rabbits, ferrets and guinea pigs in the city.

PUBLIC FORUM

The following people spoke:
Ms. Gwen Burley, 710 Unity Drive;
Ms. Ashley Berke, 2768 Majestic Avenue, Melbourne;
Mr. Norman Hayes, 103 Anona Place.

ADJOURN

Motion made by Deputy Mayor Nickle to adjourn the meeting at 8:21 p.m., seconded by Council Member Guertin – motion carried 4-0.

______________________________
Mayor David A. Panicola

ATTEST:

______________________________
Sue Frank, City Clerk
City Council Agenda Item

Recognition of Indian Harbour Beach Resident Helen Margaret Roberts for her 100th Birthday

Meeting Date: January 8, 2019

Staff Recommendation: Adopt a proclamation recognizing Indian Harbour Beach resident Helen Margaret Roberts for her 100th birthday.

Background Information:

Ms. Helen Margaret Roberts, an Indian Harbour Beach Resident will turn 100 years young in January 2019. The attached Proclamation recognizes Helen and congratulates her for this milestone.

Staff Recommendation:

Adopt a proclamation recognizing Indian Harbour Beach resident Helen Margaret Roberts for her 100th birthday.
Proclamation
City of Indian Harbour Beach, Florida

WHEREAS, longevity of life is a blessing for an individual and for a community, which
benefits from the knowledge, creativity, and experiences this individual brings to all; and

WHEREAS, the City of Indian Harbour Beach recognizes with respect and admiration the
contribution of senior citizens to our community; and

WHEREAS, Helen Margaret Roberts was born in Iowa on January 26, 1919, the first of five
girls, and

WHEREAS, Miss Helen grew up in Illinois, and graduated Dixon High School a couple of
years after Ronald Reagan, who attended the same school at the same time; and

WHEREAS, Miss Helen's first job was at Overstreet Jewelers on Main Street in Dixon; and

WHEREAS, one of her customers offered her a job at his bank where she worked her way up
from safe deposit boxes to Senior Vice-President of the bank; and

WHEREAS, in the year 1958 she relocated to Brevard County and married her first husband
and was employed by the Bank of Melbourne and Trust Company; and

WHEREAS, she continued working in banking her entire career and outlived four husbands;
and

WHEREAS, Miss Helen moved to Zon Beachside in 2017, becoming a resident of Indian
Harbour Beach; and

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that the Mayor and City Council
of Indian Harbour Beach, do hereby honor:

Helen Margaret Roberts

As she celebrates becoming a centenarian, and wish her many more years of good health and
happiness.

IN WITNESS THEREOF, I have hereunto set my hand
and caused the seal of the City of Indian Harbour Beach
to be so affixed on this the 8th day of January, 2019.

MAYOR
City Council Agenda Item

Recognition of Sally Sullivan, Administrative Assistant to the Chief of Police Indian Harbour Beach Police Department

Meeting Date: January 8, 2019

Staff Recommendation: Adopt a proclamation recognizing Sally Sullivan, Administrative Assistant to the Chief of Police Indian Harbour Beach Police Department.

Background Information:

Since 1985 Ms. Sally Sullivan, Administrative Assistant to the Chief of Police Indian Harbour Beach Police Department, has provided our community with exemplary service; service from the heart. Ms. Sullivan is retiring this month. This community is truly blessed to have such an outstanding caring employee for more than thirty years. The Mayor and City Council desire to recognize her and her accomplishments with the passage of the attached proclamation.

Staff Recommendation:

Adopt a proclamation recognizing Sally Sullivan, Administrative Assistant to the Chief of Police Indian Harbour Beach Police Department for her outstanding career here with the city wishing her well in her next chapter of her life.
WHEREAS, over thirty-three years ago, following prior municipal employment experience, Sally Sullivan was chosen to fill the position of Secretary to the Police Chief in the City of Indian Harbour Beach Police Department and immediately became recognized as an invaluable member of our City staff; and

WHEREAS, Sally was recognized for her excellent work and promoted to Administrative Assistant in 1998; and served three Police Chiefs in her career: Chief Fred Fernez, Chief Robert Sullivan and Chief David Butler; and

WHEREAS, Sally was selected by City Manager Jacqueline R. Burns to receive the prestigious Employee of the Year Award in 1996, and was selected again in 2018 by City Manager Mark K. Ryan; and

WHEREAS, Sally, with a caring heart, has looked out for the citizens of Indian Harbour Beach making lives better for our citizens throughout her entire career; and

WHEREAS, her dedication coordinating the City’s Christmas Outreach program for the past 15 years, ensured our less fortunate families and seniors in our community, have a merrier Christmas; and

WHEREAS, Sally was selected by members of the International City Management Association as one of 10 Community Heroes, throughout the nation and globe, for her many years of coordinating and managing the Christmas Outreach Program; and

WHEREAS, from both a professional and personal standpoint, our City has been extremely fortunate and blessed to have had Sally Sullivan as one of our “Family” for the years she has been here.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that I, David A. Panicola, Mayor of the City of Indian Harbour Beach and on the behalf of the City Council, the citizens, and City staff extend congratulations and best wishes on her retirement to Sally Sullivan, with sincere appreciation and heartfelt thanks for her many years of dedicated service to the City of Indian Harbour Beach.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Indian Harbour Beach, to be so affixed on this the 8th day of January 2019.

MAYOR
City Council Agenda Item

Introduction of Cristina Bryson, Administrative Assistant to the Chief of Police for the Indian Harbour Beach Police Department

Meeting Date: January 8, 2019

Staff Recommendation: Introduction of Cristina Bryson, Administrative Assistant to the Chief of Police for the Indian Harbour Beach Police Department.

Background Information:

Sally Sullivan, Administrative Assistant to the Chief of Police for the Indian Harbour Beach Police Department will retire later this month after more than 30 years of dedicated service to the City of Indian Harbour Beach and this great community.

After an extensive search for a new Administrative Assistant, Police Chief David Butler has selected Ms. Cristina Bryson, formerly Administrative Assistant to the Director of the Metropolitan Bureau of Investigation in the Orange County Sheriff’s Office.

Ms. Bryson has a Bachelor of Science Degree in Legal Studies, and Criminal Law and Liberties Specialization Certification.

Ms. Bryson has served the Orange County Sheriff’s Office since March 1992 and received recognition for distinguished service and administrative excellence in her career.

Please welcome our in-coming I.H.B Police Department Administrative Assistant, Cristina Bryson.

Staff Recommendation:

Introduction of Cristina Bryson, Administrative Assistant to the Chief of Police for the Indian Harbour Beach Police Department.
MEMORANDUM  
January 3, 2019

TO: The Honorable Mayor and City Council

FROM: Mark K. Ryan, City Manager

SUBJECT: January 8, 2019 City Manager's Report

The following is my report for council's regular meeting of January 8, 2019.

Happy New Year from your talented and dedicated professional team members here in Indian Harbour Beach!

A. ACTION ITEMS

1. City of Melbourne Meeting to Discuss Fluoride in the Drinking Water

   As you are aware, the City of Melbourne is the regional water provider for most of South Brevard County, including the residents and businesses in Indian Harbour Beach. Included in this agenda packet is a copy of correspondence from Melbourne City Manager Shannon Lewis indicating the Melbourne City Council will hold a special meeting on Thursday, January 24, 2019 at 6:00 p.m. to discuss fluoride in the drinking water. Attached to Ms. Lewis correspondence are copies of the October 23, 2018 Melbourne City Council Meeting minutes where this issue was discussed and their staff was given direction to schedule a special meeting to discuss the same.

   As discussed in Ms. Lewis' correspondence our community is being afforded an opportunity to provide a position on this issue.

B. INFORMATIONAL ITEMS

1. 2019 Brevard County Legislative Delegation Meeting, January 15, 2019 State Representative Randy Fine, Chairperson of the Brevard County Legislative Delegation, has announced the Brevard Delegation Meeting will be held on Tuesday, January 15, 2019, in the Palm Bay City Council Chambers located at 120 Malabar Road SE in Palm Bay. The meeting will start at 5:00 p.m.

   Mayor Panicola and I will be attending and presenting the City of Indian Harbour Beach Legislative Priorities.
2. 2018 Christmas in the Park

Congratulations to Kristin Cusimano, Recreation Director and entire team, Chief David Butler and the Indian Harbour Beach Police Department, and Fire Chief Todd Scaldo and the members of the Indian Harbour Beach Volunteer Fire Department for planning and carrying out the 2018 Christmas in the Park in Gleason Park. This team of professionals did an amazing job, and I truly believe the community thoroughly enjoyed themselves. Awesome job team!

3. Joint Special Meeting with the Indian Harbour Beach Planning and Zoning Board

As with many coastal areas in Florida, and especially barrier islands, the City of Indian Harbour Beach faces potential impacts from sea level rise, storm surge and other flooding threats. In order to encourage local governments to begin to prepare for these flooding threats, the Florida Legislature passed Senate Bill 1094 in 2015, known as the peril of flood legislation, which requires cities and counties to revise their comprehensive plans with considerations to reduce flood risks.

Recently, the City of Indian Harbour Beach received a grant from the Florida Department of Environmental Protection Florida Coastal Management Program to amend the Conservation and Coastal Management Element of City’s Comprehensive Plan to meet the latest peril of flood requirements.

The preliminary stages of this planning effort have included the administration of a survey to residents and other community stakeholders, as well as preparation of some analysis of the specific flooding risks faced by the City.

The next step is to include the City Planning & Zoning Board and Council members to discuss draft Comprehensive Plan policies which are intended to encourage best practices in any new development or redevelopment and develop strategies to reduce flood risks. The joint session of these two bodies will be held on January 31, 2019, at 6:00 PM in the Council Chambers.

4. Banana River Drive/Pine Tree Drive Corridor Study

On Wednesday, February 13, 2019 from 5:00 p.m. to 7:00 p.m. the community is invited to attend a public meeting for the Banana River/Pine Tree Drive Study being conducted by the Space Coast Transportation Planning Organization (SCTPO) in coordination with the City of Indian Harbour Beach. This study is looking at alternatives that improve pedestrian and bicycle facilities from the Mathers Bridge to SR A1A.

This study by Kittelson & Associates, Inc., a firm hired by the Space Coast Transportation Planning Organization (SCTPO) is examining the Banana River Drive/Pine Tree Drive Corridor as a candidate for a Complete Streets Project.
Complete Streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

5. Revenue and Expenditure Report (November 2018)

In accordance with Article VI, Section 4 (H) of the Charter of the City of Indian Harbour Beach, the Revenue and Expenditure Report for the period ending November 30, 2018 will be provided. As you can see from this data, the General Fund Revenues for the community are tracking at 19.2% of the budget versus a target of 16.66% for the first two months of the fiscal year. Additionally, this data reflects an expenditure rate in the General Fund of 14.8% which is below the target for the first two months (16.66%).

As previously stated, the departments are managing to the bottom line.

6. Upcoming Public Hearings

In January the city will have public hearings on the following items.

Capital Improvements Element of the Comprehensive Plan

Wednesday, January 9, 2019 - Planning & Zoning Board Public Hearing
Tuesday, January December 22, 2019 – Second Reading and Public Hearing City Council

7. 2018-2019 Key Legislative Dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 7-11, 2019</td>
<td>Legislative Interim Committee Week</td>
</tr>
<tr>
<td>January 22-25, 2019</td>
<td>Legislative Interim Committee Week</td>
</tr>
<tr>
<td>February 4-8, 2019</td>
<td>Legislative Interim Committee Week</td>
</tr>
<tr>
<td>February 11-15, 2019</td>
<td>Legislative Interim Committee Week</td>
</tr>
<tr>
<td>February 19-22, 2019</td>
<td>Legislative Interim Committee Week</td>
</tr>
<tr>
<td>March 5, 2019</td>
<td>2019 Legislative Session Begins</td>
</tr>
<tr>
<td>March 26-27, 2019</td>
<td>FLC Legislative Action Days</td>
</tr>
<tr>
<td>May 3, 2019</td>
<td>2019 Legislative Session Ends</td>
</tr>
</tbody>
</table>

8. Space Coast League of Cities Social Media Training

The Space Coast League of Cities, in cooperation with the Florida League of Cities is planning a 2019 Social Media Training for elected and appointed officials here in Brevard County. This training is scheduled for Thursday, January 17, 2019 from 9 a.m. to 4 p.m. at the Satellite Beach Civic Center on Cassia Boulevard.
9. Countywide Mayors' Fitness Challenge

The 2019 Mayors' Fitness Challenge, the third year of this great event, is a collaboration between Health First, United Way of Brevard County, and Healthiest Weight Brevard.

This project is an 8-week challenge that provides an opportunity for residents in each participating municipality to come together and become healthier communities and will commence in February.

The following is a list of different milestones for the 2019 Fitness Challenge.

December 14   Registration Begins
January 15    Registration cut off for t-shirts
February 2    Kick off Walks (there are several sites as there were last year). This year, Satellite is hosting the beachside walk. Details to be provided at a later date.
March 16      Mayors' Walk Hosted by IHB: a 2 mile walk through the community and Gleason Park
March 29      Challenge Ends
April 13      Awards Ceremony at Wichkam Park

A special thank you to Kristin Cusimano, Recreation Director for stepping up to the plate to serve as our Team Captain in 2019.

10. 2019 Florida Legislative Update

The Legislative Season is now in full swing. As of COB on January 2nd 159 bills have been filed. Some of the 159 bills filed are having hearings this month. One such bill is SB 82 by Senator Bradley. This legislation prohibits local governments from regulating vegetable gardens on residential properties except as otherwise provided by law; specifying that such regulations are void and unenforceable, etc. SB 82 will be heard in the Senate Community Affairs Committee on Tuesday, January 8, 2019 at 4:30 p.m. in Room 3001 of the Senate Office Building.
Additionally, I previously reported about SB 58 Citing this act as the “Truth in Government Act”; deleting provisions regarding the administration of oaths and affirmations to witnesses appearing before legislative committees, and associated penalties, to conform to changes made by the act; requiring that persons addressing a legislative committee take an oath or affirmation of truthfulness; providing criminal penalties for certain false statements before a legislative committee, etc. SB 58 will be heard in the Senate Judiciary Committee on Monday, January 7, 2019 at 4:30 p.m. in Room 110 of the Senate Office Building.

Here is a synopsis of some of the bills that were filed after the previous update that you may wish to monitor. This is by no means an all-inclusive list.

- **HB 85/SB 214 - Onsite Sewage Treatment and Disposal Systems**  
  Onsite Sewage Treatment and Disposal Systems: Directs DOH to identify certain information for onsite sewage treatment & disposal systems, update database of such systems, & submit report to Governor & Legislature; requires periodic inspection of such systems; directs DOH to administer onsite sewage treatment & disposal system inspection program & adopt rules; provides inspection requirements; provides exceptions; requires owners to pay costs of inspections & pump-outs; requires that inspections & pump-outs be performed by certain registered contractors; provides notice requirements; requires system disclosure summary for certain properties & acknowledgement of such disclosures by purchaser before or at execution of contract for sale.

- **HB 89/SB 164 - Verification of Employment Eligibility**  
  Verification of Employment Eligibility: Requires employers to register with & use E-Verify system to verify employment eligibility of new employees; suspends employer licenses until registration with E-Verify system; provides for license reinstatement; prohibits employer from knowingly employing unauthorized alien; authorizes complaint to be filed with DEO; provides specified immunity; requires DEO to maintain public database containing certain information & make such information available on its website; authorizes injunctive relief; provides private cause of action & remedies; requires public employers, contractors, & subcontractors to register with & use E-Verify system for specified purposes; prohibits such entities from entering into contract unless each party to contract registers with & uses E-Verify system; authorizes termination of contract; authorizes challenge to such termination.

- **SB 90/HB139 - Early Childhood Courts**  
  Early Childhood Courts: Authorizing circuit courts to create early childhood court programs; providing requirements and guidelines for the Office of the State Courts Administrator when hiring community coordinators and a statewide training specialist; authorizing the office to provide funding to circuit courts that choose to establish a coordination system in lieu of creating a community coordinator position, etc.
• HB 97 - Monuments and Memorials
  Monuments and Memorials: Designates act "Soldiers' and Heroes' Monuments
  and Memorials Protection Act"; defines "remembrance"; prohibits damage to or
  removal of certain remembrances; prohibits removal or other specified activities
  concerning remembrances on public property; grants certain persons standing
  for enforcement.

• SB 98/HB 133 - Emergency Medical Air Transportation Services
  Emergency Medical Air Transportation Services: Creating the "Emergency
  Medical Air Transportation Act"; directing the Department of Health to establish
  the Emergency Medical Air Transportation Act Account within the Emergency
  Medical Services Trust Fund; providing conditions for the department to increase
  Florida Medicaid reimbursement payments to emergency medical air
  transportation services providers, etc.

• HB 101 - Retainage
  Retainage: Revises amounts that a public entity may withhold from progress
  payment to contractor as retainage until & after 50-percent completion of
  construction services; provides that contractor may elect to withhold retainage
  from payments to its subcontractors at higher rate after 50-percent completion of
  construction services.

• SB 104 - Prescription Drug Donation Repository Program
  Prescription Drug Donation Repository Program: Creating the "Prescription Drug
  Donation Repository Program Act"; creating the program within the Department
  of Health; authorizing the department to contract with a third-party vendor to
  administer the program; providing inspection, inventory, and storage
  requirements for centralized and local repositories; authorizing the department to
  establish a direct-support organization to provide assistance, funding, and
  promotional support for program activities; authorizing the Governor to waive
  program patient eligibility requirements during a declared state of emergency,
  etc.

• HB 105 - Domestic Wastewater Collection System Assessment and
  Maintenance
  Domestic Wastewater Collection System Assessment and Maintenance:
  Establishes Blue Star Collection System Assessment & Maintenance Program
  within DEP for domestic wastewater utilities; provides that certified utilities are
  presumed to comply with state water quality standards; directs DEP to issue
  certain permits to certified utilities; authorizes DEP to reduce penalty amounts;
  provides that certain utilities are eligible to participate in Clean Water State
  Revolving Fund Program & receive Small Community Sewer Construction
  Assistance Grants.
• HB 107 - Use of Wireless Communications Devices while Driving
Use of Wireless Communications Devices while Driving: Revises short title & legislative intent; prohibits person from operating motor vehicle while using wireless communications device for purpose of nonvoice or voice interpersonal communication; redefines term "wireless communications device" to include voice communications; requires deposit of fines into Emergency Medical Services Trust Fund; removes provision requiring that enforcement be accomplished only as secondary action.

• SB 110 - Youth in Solitary Confinement
Youth in Solitary Confinement: Creating the “Youth in Solitary Confinement Reduction Act”; prohibiting the Department of Corrections or a local governmental body from subjecting a youth to solitary confinement except under certain circumstances; requiring that within a specified time and at specified intervals a mental health clinician evaluate face to face a youth prisoner who is subjected to emergency cell confinement; providing for an individualized suicide crisis intervention plan, if applicable; requiring sheriffs and chief correctional officers to adopt model standards relating to youth prisoners, etc.

• SB 114 - High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act
High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act: Designating the act as the “Dorothy L. Hukill Financial Literacy Act”; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives, etc.

• HB 127/SB 142 - Permit Fees
Permit Fees: Requires governing bodies of counties & municipalities to post their permit & inspection fee schedules & building permit & inspection utilization reports on their websites; requires governing bodies of local governments to post their building permit & inspection utilization reports on their websites by specified date; provides requirements for such governing bodies; provides reporting requirements.

• SB 132/HB 75 - Drones
Drones: Defining the terms “dangerous or deadly weapon” and “large-scale event”; authorizing the use of a drone by a law enforcement agency to prepare for or monitor safety and security at a large-scale event; prohibiting a law enforcement agency using a drone in an authorized manner from equipping it with specified attachments or using it to fire projectiles, etc.

• HB 6003 - Traffic Infraction Detectors
Traffic Infraction Detectors: Repeals provisions relating to Mark Wandall Traffic Safety Program & authorization to use traffic infraction detectors; repeals
provisions relating to distribution of penalties, transitional implementation, & placement & installation; conforms cross-references & provisions to changes made by act.

• **HB 141/SB 216 - Water Quality Improvements**  
Water Quality Improvements: Provides appropriation for certain projects related to Indian River Lagoon Comprehensive Conservation & Management Plan; authorizes DEP, with other specified entities, to provide grants for such projects; directs DEP to submit an annual report; requires each wastewater facility that unlawfully discharges sewage into waterway or aquifer to notify its customers; provides penalties.

• **HB 145 - Vegetable Gardens**  
Vegetable Gardens: Prohibits local governments from regulating vegetable gardens on residential properties except as otherwise provided by law; specifies that such regulations are void & unenforceable; specifies exceptions.

• **SB 144 - Impact Fees**  
Impact Fees: Revising the minimum requirements for impact fees adopted by a local government; exempting water and sewer connection fees from the Florida Impact Fee Act, etc.

• **SB 146 - Advanced Well Stimulation Treatment**  
Advanced Well Stimulation Treatment: Defining the term “advanced well stimulation treatment”; prohibiting the performance of advanced well stimulation treatments; clarifying that permits for drilling or operating a well do not authorize the performance of advanced well stimulation treatments, etc.

• **HB 147 - Duty to Assist**  
Duty to Assist: Requires certain persons under specified circumstances to provide reasonable assistance to another person who is exposed to or has suffered serious bodily injury; provides penalties.

• **SB 154 - Medical Marijuana Retail Facilities**  
Medical Marijuana Retail Facilities: Requiring that the medical marijuana use registry maintained by the Department of Health be accessible to medical marijuana retail facilities for certain verification purposes; prohibiting a medical marijuana treatment center from owning or operating a medical marijuana retail facility; requiring the department to license medical marijuana retail facilities, beginning on a specified date, for a specified purpose; requiring that the department identify applicants with strong diversity plans and implement training and other educational programs to enable certain minority persons and enterprises to qualify for licensure, etc.
• HB 157 - Fertilizers
Fertilizers: Requires county & municipal governments to adopt & enforce Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; specifies that county & municipal governments must require use of specified slow-release fertilizers; provides additional requirements for counties & municipalities within estuary runoff areas; authorizes county & municipal governments to adopt additional standards if certain criteria are met.

• HB 161 - Firefighters’ Bill of Rights
Firefighters’ Bill of Rights: Revises definition of "interrogation" to include questioning pursuant to informal inquiry; requires witnesses to be interviewed & certain information to be provided before firefighter is interrogated; authorizes firefighter to provide voluntary statement at any time after being informed of certain rights; prohibits firefighter from being threatened; requires copy of interrogation to be provided to firefighter within specified time; provides firefighter may not be retaliated against for exercising his or her rights; requires firefighter to be notified & provided certain information before certain actions are taken; provides firefighter with opportunity to address certain findings; requires certain information to be kept confidential until specified time.

• SB 168/SB170 - Federal Immigration Enforcement
Federal Immigration Enforcement: Citing this act as the “Rule of Law Adherence Act”; creating provisions relating to federal immigration enforcement; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to comply with and support the enforcement of federal immigration law; authorizing local governmental entities and law enforcement agencies to petition the Federal Government for reimbursement of certain costs; providing whistle-blower protections for persons who report violations; requiring repeal of existing sanctuary policies within a specified period, etc.

• SB 202 - Property Tax Exemptions
Property Tax Exemptions: Increasing the property tax exemption for residents who are widows, widowers, blind, or totally and permanently disabled, etc.

• SB 204 - Detention Facilities
Detention Facilities: Requiring that a custodial interrogation at a place of detention be electronically recorded in its entirety in connection with certain offenses; requiring law enforcement officers who do not comply with the electronic recording requirement or who conduct custodial interrogations at a place other than a place of detention to prepare a specified report; prohibiting introduction into or possession of any cellular telephone or other portable communication device on the grounds of any county detention facility, etc.

• SB 210 - Searches of Cellular Phones and Other Electronic Devices
Searches of Cellular Phones and Other Electronic Devices: Revising the exceptions to conduct that constitutes unlawful access to stored communications;
authorizing an investigative or law enforcement officer to apply to a judge of competent jurisdiction for a warrant, rather than an order, authorizing real-time location tracking or acquisition of historical location data; providing requirements for the return of the warrant to the judge and service of a copy of the warrant on the person who was tracked or whose property was tracked; authorizing any investigative or law enforcement officer who is specially designated by certain persons and who makes specified determinations to engage in real-time location tracking if a warrant is later obtained as specified, etc.

• SB 218 - Smoking
Smoking: Prohibiting the smoking of tobacco on public beaches; providing civil penalties; authorizing a law enforcement officer to issue a citation as prescribed by a county or municipality to any person who smokes tobacco on a public beach, etc.

a. Special Meetings

Joint Special Meeting with City Council and the Planning and Zoning Board
Thursday, January 31, 2019 @ 6:00 pm City Council Chamber

Community Meeting for the Banana River Drive/Pine Tree Drive Corridor Study
Wednesday, February, 13, 2019 from 5:00 p.m. to 7:00 p.m. City Council Chamber

b. Upcoming Events

Flags in Gleason Park
Martin Luther King Jr. Day
Monday, January 21, 2019 - Volunteers needed for retrieval at 5:00 p.m.
December 19, 2018

Mark Ryan, City Manager  
City of Indian Harbour Beach  
2055 South Patrick Drive  
Indian Harbour Beach, FL 32937

The Melbourne City Council will hold a special meeting on January 24, 2019 at 6:00 p.m. in the Council Chamber of Melbourne City Hall to discuss fluoride. Several citizens have expressed concerns about the addition of fluoride to the drinking water. As a jurisdiction that the City of Melbourne supplies water to, the City Council would like to offer you an opportunity to provide a position on this topic. You may either attend the meeting or submit a written communication that will be included in the agenda package.

For your reference, an excerpt from the October 23, 2018 Melbourne City Council minutes on this topic is enclosed.

If you wish to provide a written communication, please forward to the following by 5:00 p.m. on January 15, 2019:

City Clerk  
900 E. Strawbridge Avenue  
Melbourne, FL 32901  
city.clerk@MLBFL.org

Thank you for your consideration.

Sincerely,

Shannon M. Lewis  
City Manager

An Equal Opportunity Employer  
www.melbourneflorida.org  • city.manager@mlbfl.org
a. Approval of a Right-of-Way Consent Agreement between the City and Florida Power & Light.

b. Approval of a Florida Gas Transmission Assignment and Amendment to Encroachment Agreement.

c. Final plat approval request (SD-2014-01) for a 103-lot subdivision on 103.21± acres at an overall density of one unit per acre, zoned R-1AAA (Single-Family Low Density Residential District) located on the west side of Washingtonia Drive, north of Lake Washington Road and south of the Pineda Causeway.

Mrs. Dittmer reviewed the agenda report along with the agreements required with the final plat. On October 4, the Planning and Zoning Board voted unanimously to recommend approval of this request.

Mayor Meehan disclosed that on September 18 she spoke with Don Facciobene who asked that the project be expedited and that the FPL agreement be finalized.

The Mayor opened the public hearing. There were no comments.

Moved by Lopez/Alfrey for approval of the Right-of-Way Consent Agreement between the City and Florida Power & Light. Motion carried unanimously.

Moved by D. Thomas/Alfrey for approval of the Florida Gas Transmission Assignment and Amendment to Encroachment Agreement. Motion carried unanimously.

Moved by Minus/Alfrey for approval of SD-2014-01 based upon the findings and conditions contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

14. Discussion of fluoride in drinking water. (Requested by Council Member Lopez)

Council Member Lopez said that several citizens have expressed concern about having fluoride added to the drinking water. She referenced the research that she asked to be forwarded to City Council titled "50 Reasons to Oppose Fluoridation." The information includes a list of 20 countries that either don't use fluoride in the water or stopped using it. Mrs. Lopez made the following comments: Fluoride is a chemical added to water for the purpose of medical treatment to fight tooth decay; the U.S. Food and Drug Administration has classified fluoride as a drug, which means consumers of our water are being forced to take medicine without their consent; the fluoride dosage in water cannot be controlled as some people drink more water than others; there is also concern regarding the same dosage being given to adults and children; the American Dental Association recommends the use of non-fluoridated water for babies; there is no reason to swallow fluoride to protect teeth from tooth decay; fluoride should be administered via toothpaste; and the U.S. National Institute of Health funded a study and found no significant relationship between tooth decay and fluoride intake.
Additionally, Mrs. Lopez said that the research conducted by doctors specializing in this issue have stated that fluoride in water may: interfere with functions of the brain; cause lower IQ; damage bones or lead to bone damage; cause bone cancer, cause reproductive problems, etc. She closed by recommending that the city stop spending $50,000 in taxpayer money to purchase fluoride that consumers don't want because of the damage to their health.

Linda Palmisano, 509 Amherst Circle, Satellite Beach, commented that the Centers for Disease Control have stated that fluoride is primarily topical; ingesting fluoride does not protect teeth from cavities. She referenced her handout from the American Dental Association (ADA), which indicates that research has shown that minority populations have a higher incidence of fluoride toxicity in the body. The ADA warns against fluoride ingestion for infants and children up to the age of eight. Additionally, Ms. Palmisano asked if the possible reduction of one or two cavities over a person's lifetime is worth the adverse health effects. She closed by saying that she believes the addition of hydrofluorosilicic acid to drinking water is causing harm to our citizens. She asked Council to consider the information being provided on the subject and protect the health of our local citizens by ending water fluoridation.

John Palmisano, Satellite Beach, stated that hydrofluorosilicic acid (FSA) is a manmade chemical that does not exist naturally. It is a resultant toxic waste product primarily from the phosphate mining industry that is highly acidic and reactive with metal. Mr. Palmisano made the following comments: a source that worked in the industry has stated that FSA can be contaminated with chlorides, diesel fuel, kerosene, metals, etc.; the organization that tests and certifies the FSA added to the Melbourne water system tests less than one percent of the fluoridation chemicals used by municipal water systems; research shows that fluoride additives contain significant levels of arsenic, lead, and aluminum; the 2017 annual water report for Cocoa shows an arsenic level of .0006 parts per billion while the same report for Melbourne shows a level 0.52 parts per billion; and continuing to add FSA to the municipal water system after it has been filtered needlessly exposes citizens to toxic chemical contaminants. Mr. Palmisano referenced the letter he distributed from the EPA to Dartmouth College regarding the scientific data on the effects of fluosilicic acid or sodium silicofluoride on health and behavior.

Melissa Gallico, Stuart, Florida, provided her education, background and experience in science and technology and expressed support for ending fluoride in the public water supply. She discussed the external effect fluoride had on her skin when she lived in cities with fluoridated water. Conditions caused by fluoride are often misdiagnosed because the negative side effects have not been adequately studied. Fluoridation experts will say there is no evidence of adverse reactions to fluoride, but there are no studies that support it as being completely safe for everyone. The government made a decision to endorse fluoridation over 70 years ago and at this point, government is finding it difficult to change course.
Stel Bailey, Cocoa, CEO of Florida Health Connection, stated that her campaign called "Fight for Zero" relates to the fight for zero contaminants in the water and soil. Ms. Bailey stated that the residents of Satellite Beach want fluoride removed from the water system.

Tiffany Johnson, 1350 Westover Street, expressed support for stopping the addition of fluoride to water. She referenced research and data that support the negative consequences of being exposed to fluoride and read from a report to support her position.

Daniel Willemin, Satellite Beach, echoed the comments of the previous speakers. He referenced a recommendation that had been made to the city to change its water filtration media to remove PFBA from the water system. He asked if the change has been made.

Mr. McNees replied that he does not have information regarding that at this meeting.

Jennifer Jackson, Melbourne, said that she no longer wants to give the City of Melbourne permission to put fluoride in the water. She shared her personal health history as a 28-year survivor of a rare form of bone cancer.

A motion was made by Lopez/Alfrey to (remove) fluoride in all city water, especially drinking water. Mr. Alfrey later withdrew his second.

Mr. McNees advised that this is a policy decision for the City Council. The city is following an ordinance providing for the fluoridation of water that was adopted in the 1960s. Staff's recommendation is that Council not take action at this meeting after hearing only one side of the issue. The U.S. Environmental Protection Agency (EPA) is the regulatory authority that adopts national drinking water standards. The EPA conducts a review of those standards every six years. In March 2017, the EPA put out a request for public comment on the 76 different water standards to determine which needed potential review; fluoride was not listed as one of those. Mr. McNees stated that the speakers have made compelling arguments; however, compelling arguments have been made by those on the other side of the issue.

Council Member Alfrey said that although he understands there are two sides, he is leaning towards erring on the side of caution. He stated that he would like to know why certain cities have stopped fluoridating their water supply and, besides saving money, what the effect has been.

Public Works and Utilities Director Ralph Reigelsperger advised that the city has been adding fluoride to the water since 1966 at the recommendation of the then Florida Board of Health. As recent as today, the Centers for Disease Control supports fluoride being added to the water. He cited various sources that indicate the benefits of adding fluoride to water. Communities in other states that have stopped fluoridating are considering putting fluoride back in the system. With regard to the City of Melbourne, the city adds the minimum amount to water because fluoride does occur naturally in the water. He noted that the city spends $4.1 million per year in chemicals to treat the water.
Mrs. Lopez stated that we should not have any chemicals in our body that we do not need, including fluoride. She asked how many cases of cancer we need to experience before we learn that fluoride is not good for us.

Vice Mayor Minus stated that she Googled fluoride and found just as much information in support of fluoride. Mrs. Minus recommended that this item be postponed until Council hears the other side of this issue.

Council Member Debbie Thomas said that she doesn’t have enough information to determine whether she is for or against fluoride. She would like to know how and where the fluoride is added and whether there are different concentrations throughout the system. Mrs. Thomas recommended that Council get as much information as possible from both sides. She added that it’s important that the city put a notice out to the public because she would like to hear from more people who consume our water.

Council Member Tim Thomas commented that the speakers have been very compelling regarding the impact of FSA. He stated that he would like to know more about the long-term impact on ingestion; agreed that a decision should not be made at this meeting; and asked to see the pros/cons of removing fluoride from the water.

Mr. Alfrey said that when this item returns, he would like information on the cities that have removed fluoride and those that are considering adding it again, along with information on the long-term effects.

Council Member Moore stated that in addition to receiving more information, she would like to hear from the communities that Melbourne provides water to and their position on fluoride.

Mayor Meehan said that she Googled and found more support for the use of fluoride. She cautioned against voting on this one-sided issue at this meeting.

At this point, Mr. Alfrey withdrew his second. Additionally, he cautioned against relying on Google for information. He agreed that this is a multi-faceted issue that involves other cities.

Mr. Thomas said that when this item returns it needs to be heavily advertised and the “house needs to be packed with residents.”

Mrs. Lopez asked if the city is going to invite experts when this item returns and the timeframe.

Mr. McNees said that the city relies on the EPA and large scientific organizations. The city needs to give thought and consideration to choosing its experts objectively.

Mrs. Lopez expressed support for advertising this item so that Council can hear from residents who support and oppose fluoride.
A brief discussion followed regarding when this item will return to City Council. Mrs. Thomas cautioned against a timeframe. Although the item should not be pushed off, it's important and a big task for staff.

Mr. McNees pointed out that City Council has already been provided extensive information on the state of the scientific research. Staff will ensure that the information is distributed again and Council can begin doing its own reading. As to who the city is going to have advocate for the other side of the coin, staff will begin working on that immediately.

Mrs. Thomas added that notice needs to be provided to the public. Mr. McNees confirmed for Council that the city will inform all of its customers.

Mr. Reigelsperger extended an invitation to tour the water plant and see the process. He emphasized that the city's water is safe to drink.

Moved by Alfrey/Minus to (postpone) this item. Motion carried unanimously.

15. Board Appointments

a. Citizens’ Advisory Board

Moved by Minus/D. Thomas to reappoint Christy Lynn Allison. Motion carried unanimously. (Term: November 12, 2018 through November 11, 2021)

Moved by Minus/Moore to appoint Leslie Purdy and Peter John Murphy as regular members. Motion carried unanimously. (Terms: November 12, 2018 through November 11, 2021)

b. Golf Courses Advisory Board

Moved by Moore/T. Thomas to reappoint Jack Bryant Dwight Reed, and John Francey to the Golf Courses Advisory Board. Motion carried unanimously. (Terms: November 9, 2018 through November 8, 2021)

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Mr. McNees reported that City Hall fourth floor renovations have been completed.

Vice Mayor Yvonne Minus thanked the Council Members who attended the recent Melbourne Police Community Relations Council forum. Additionally, she invited Council Members to attend a community outreach meeting hosted by New Shiloh Christian Center on Saturday, October 27, at the intersection of University Boulevard and Main Street.
For the Period: 10/1/2018 to 11/30/2018

<table>
<thead>
<tr>
<th>Fund</th>
<th>001 - General Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
</tr>
<tr>
<td>Dept: 0000 Miscellaneous Government</td>
<td></td>
</tr>
<tr>
<td>Ad Valorem Taxes</td>
<td>4,948,454.00</td>
</tr>
<tr>
<td>Local Option, Use &amp; Fuel Taxes</td>
<td>306,000.00</td>
</tr>
<tr>
<td>Utility Services Taxes</td>
<td>582,500.00</td>
</tr>
<tr>
<td>Other General Taxes</td>
<td>283,000.00</td>
</tr>
<tr>
<td>Franchise Fees</td>
<td>619,600.00</td>
</tr>
<tr>
<td>State Grants</td>
<td>0.00</td>
</tr>
<tr>
<td>State Shared Revenue</td>
<td>780,840.00</td>
</tr>
<tr>
<td>Grants From Other Local Units</td>
<td>223,245.00</td>
</tr>
<tr>
<td>Shared Local Gov't Revenue</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Miscellaneous Government</td>
<td>7,749,639.00</td>
</tr>
<tr>
<td>Dept: 1900 General Government</td>
<td></td>
</tr>
<tr>
<td>Other General Taxes</td>
<td>35,000.00</td>
</tr>
<tr>
<td>Special Assessments</td>
<td>0.00</td>
</tr>
<tr>
<td>Other Permits &amp; Fees</td>
<td>8,300.00</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>10,690.00</td>
</tr>
<tr>
<td>Judgements, Fines &amp; Forfeits</td>
<td>0.00</td>
</tr>
<tr>
<td>Interest &amp; Other Earnings</td>
<td>118,800.00</td>
</tr>
<tr>
<td>Rents and Royalties</td>
<td>69.00</td>
</tr>
<tr>
<td>Sales</td>
<td>5,200.00</td>
</tr>
<tr>
<td>Contributions and Donations</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Miscellaneous Revenues</td>
<td>15,750.00</td>
</tr>
<tr>
<td>Other Sources - Non-Operating</td>
<td>138,927.00</td>
</tr>
<tr>
<td>General Government</td>
<td>337,736.00</td>
</tr>
<tr>
<td>Dept: 2100 Police Department</td>
<td></td>
</tr>
<tr>
<td>Insurance Premium Tax</td>
<td>61,500.00</td>
</tr>
<tr>
<td>Federal Grants</td>
<td>1,080.00</td>
</tr>
<tr>
<td>State Grants</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### Revenues

#### Dept: 2100 Police Department

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Shared Revenue</td>
<td>94,500.00</td>
<td>94,500.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>94,500.00</td>
<td>0.0</td>
</tr>
<tr>
<td>Grants From Other Local Units</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.0</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>2,625.00</td>
<td>2,625.00</td>
<td>170.15</td>
<td>12.25</td>
<td>0.00</td>
<td>2,454.85</td>
<td>6.5</td>
</tr>
<tr>
<td>Judgements, Fines &amp; Forfeits</td>
<td>7,800.00</td>
<td>7,800.00</td>
<td>1,367.68</td>
<td>556.97</td>
<td>0.00</td>
<td>6,432.32</td>
<td>17.5</td>
</tr>
<tr>
<td>Contributions and Donations</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.0</td>
</tr>
<tr>
<td>Miscellaneous Revenues</td>
<td>500.00</td>
<td>500.00</td>
<td>76.74</td>
<td>60.43</td>
<td>0.00</td>
<td>423.26</td>
<td>15.3</td>
</tr>
</tbody>
</table>

**Police Department**

<table>
<thead>
<tr>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>168,005.00</td>
<td>168,005.00</td>
<td>1,614.57</td>
<td>629.65</td>
<td>0.00</td>
<td>166,390.43</td>
<td>1.0</td>
</tr>
</tbody>
</table>

#### Dept: 2200 Fire Department

| Contributions and Donations       | 0.00         | 0.00        | 0.00       | 0.00     | 0.00        | 0.00     | 0.0   |

**Fire Department**

<table>
<thead>
<tr>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.0</td>
</tr>
</tbody>
</table>

#### Dept: 2400 Building Department

| Permits           | 103,000.00  | 103,000.00 | 29,638.00 | 8,880.00  | 0.00     | 73,362.00 | 28.8  |
| Other Permits & Fees | 13,880.00  | 13,880.00  | 14,990.29 | 544.20    | 0.00    | -1,110.29 | 108.0 |
| Charges for Services | 34,000.00  | 34,000.00  | 8,430.00  | 2,535.00  | 0.00    | 25,570.00 | 24.8  |
| Judgements, Fines & Forfeits | 190.00     | 190.00     | 0.00      | 0.00      | 0.00    | 190.00    | 0.0   |
| Miscellaneous Revenues          | 0.00        | 0.00        | 0.00       | 0.00     | 0.00        | 0.00     | 0.0   |

**Building Department**

<table>
<thead>
<tr>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>151,070.00</td>
<td>151,070.00</td>
<td>53,058.29</td>
<td>12,359.20</td>
<td>0.00</td>
<td>98,011.71</td>
<td>35.1</td>
</tr>
</tbody>
</table>

#### Dept: 4100 Public Works

| Charges for Services | 31,647.00 | 31,647.00 | 0.00      | 0.00      | 0.00    | 31,647.00 | 0.0   |
| Contributions and Donations | 0.00     | 0.00        | 0.00       | 0.00     | 0.00        | 0.00     | 0.0   |
| Miscellaneous Revenues | 0.00        | 0.00        | 0.00       | 0.00     | 0.00        | 0.00     | 0.0   |

**Public Works**

<table>
<thead>
<tr>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>31,647.00</td>
<td>31,647.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>31,647.00</td>
<td>0.0</td>
</tr>
</tbody>
</table>

#### Dept: 7200 Recreation Center

| Charges for Services | 184,460.00 | 184,460.00 | 24,616.12 | 12,400.03  | 0.00    | 159,843.88 | 13.3  |
| Contributions and Donations | 2,500.00   | 2,500.00   | 1,925.00  | 350.00     | 0.00    | 575.00     | 77.0  |
| Miscellaneous Revenues | 6,200.00   | 6,200.00   | 290.00    | 40.00      | 0.00    | 5,910.00   | 4.7   |

**Recreation Center**

<table>
<thead>
<tr>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>193,160.00</td>
<td>193,160.00</td>
<td>26,831.12</td>
<td>12,790.03</td>
<td>0.00</td>
<td>166,368.88</td>
<td>13.9</td>
</tr>
</tbody>
</table>

**Revenues**

<table>
<thead>
<tr>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,631,257.00</td>
<td>8,631,257.00</td>
<td>1,656,080.06</td>
<td>1,492,976.48</td>
<td>0.00</td>
<td>6,975,176.94</td>
<td>19.2</td>
</tr>
</tbody>
</table>
## REVENUE/EXPENDITURE REPORT

**City of Indian Harbour Beach**

**FYTD: November 2018**  
Page: 3  
12/10/2018  
9:44 am

For the Period: 10/1/2018 to 11/30/2018

<table>
<thead>
<tr>
<th>Fund: 001</th>
<th>General Fund</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept: 1100</td>
<td>Legislative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Services</td>
<td>2,081.00</td>
<td>2,081.00</td>
<td>433.52</td>
<td>304.76</td>
<td>0.00</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>71,350.00</td>
<td>71,350.00</td>
<td>12,466.36</td>
<td>9,519.70</td>
<td>0.00</td>
</tr>
<tr>
<td>Legislative</td>
<td>73,431.00</td>
<td>73,431.00</td>
<td>12,899.88</td>
<td>9,624.46</td>
<td>0.00</td>
</tr>
<tr>
<td>Dept: 1200</td>
<td>Executive</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Services</td>
<td>425,118.00</td>
<td>425,118.00</td>
<td>65,941.19</td>
<td>46,621.08</td>
<td>0.00</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>17,945.00</td>
<td>17,945.00</td>
<td>4,500.00</td>
<td>1,152.53</td>
<td>0.00</td>
</tr>
<tr>
<td>Executive</td>
<td>443,063.00</td>
<td>443,063.00</td>
<td>70,441.19</td>
<td>47,973.61</td>
<td>0.00</td>
</tr>
<tr>
<td>Dept: 1300</td>
<td>Finance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Services</td>
<td>173,582.00</td>
<td>173,582.00</td>
<td>29,809.08</td>
<td>22,538.30</td>
<td>0.00</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>54,245.00</td>
<td>54,245.00</td>
<td>5,850.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Finance</td>
<td>227,827.00</td>
<td>227,827.00</td>
<td>35,659.08</td>
<td>22,538.30</td>
<td>0.00</td>
</tr>
<tr>
<td>Dept: 1350</td>
<td>Information Technology</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Services</td>
<td>89,184.00</td>
<td>89,184.00</td>
<td>13,880.52</td>
<td>9,658.13</td>
<td>0.00</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>60,935.00</td>
<td>60,935.00</td>
<td>20,634.23</td>
<td>9,571.87</td>
<td>0.00</td>
</tr>
<tr>
<td>Information Technology</td>
<td>150,119.00</td>
<td>150,119.00</td>
<td>34,514.75</td>
<td>19,430.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Dept: 1400</td>
<td>Legal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>34,500.00</td>
<td>34,500.00</td>
<td>6,756.34</td>
<td>2,536.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Legal</td>
<td>34,500.00</td>
<td>34,500.00</td>
<td>6,756.34</td>
<td>2,536.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Dept: 1900</td>
<td>General Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>565,515.00</td>
<td>565,515.00</td>
<td>94,870.84</td>
<td>29,603.20</td>
<td>0.00</td>
</tr>
<tr>
<td>Capital outlay - Land</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Capital outlay - Bldg imp</td>
<td>41,000.00</td>
<td>41,000.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Capital Outlay - Infrastructure</td>
<td>410,679.00</td>
<td>410,679.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Capital outlay - Property Imp</td>
<td>135,000.00</td>
<td>135,000.00</td>
<td>0.00</td>
<td>0.00</td>
<td>29,964.25</td>
</tr>
<tr>
<td>Capital outlay - Computers</td>
<td>15,200.00</td>
<td>15,200.00</td>
<td>7,317.50</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Capital outlay - Equipment</td>
<td>210,900.00</td>
<td>210,900.00</td>
<td>41,933.68</td>
<td>34,608.49</td>
<td>24,266.94</td>
</tr>
<tr>
<td>Capital outlay - Software</td>
<td>1,000.00</td>
<td>1,000.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Capital outlay - Vehicles</td>
<td>182,000.00</td>
<td>182,000.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100,338.00</td>
</tr>
<tr>
<td>Construction in progress</td>
<td>300,000.00</td>
<td>300,000.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Original Bud.**

**Amended Bud.**

**YTD Actual**

**CURR MTH**

**Encumb. YTD**

**UnencBal**

**% Bud**
City of Indian Harbour Beach

For the Period: 10/1/2018 to 11/30/2018

<table>
<thead>
<tr>
<th>Fund: 001 - General Fund</th>
<th>Original Bud</th>
<th>Amended Bud</th>
<th>YTD Actual</th>
<th>CURR MTH</th>
<th>Encumb. YTD</th>
<th>UnencBal</th>
<th>% Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept: 1900 General Government</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.0</td>
</tr>
<tr>
<td>General Government</td>
<td>1,861,294.00</td>
<td>1,861,294.00</td>
<td>144,122.02</td>
<td>64,211.69</td>
<td>154,569.19</td>
<td>1,562,602.79</td>
<td>16.0</td>
</tr>
<tr>
<td>Dept: 2100 Police Department</td>
<td>2,954,704.00</td>
<td>2,954,704.00</td>
<td>409,246.94</td>
<td>306,835.34</td>
<td>0.00</td>
<td>2,545,457.06</td>
<td>13.9</td>
</tr>
<tr>
<td>Personnel Services</td>
<td>235,460.00</td>
<td>235,460.00</td>
<td>35,498.42</td>
<td>8,346.49</td>
<td>0.00</td>
<td>199,961.58</td>
<td>15.1</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>235,460.00</td>
<td>235,460.00</td>
<td>35,498.42</td>
<td>8,346.49</td>
<td>0.00</td>
<td>199,961.58</td>
<td>15.1</td>
</tr>
<tr>
<td>Police Department</td>
<td>3,190,164.00</td>
<td>3,190,164.00</td>
<td>444,745.36</td>
<td>315,181.83</td>
<td>0.00</td>
<td>2,745,418.64</td>
<td>13.9</td>
</tr>
<tr>
<td>Dept: 2200 Fire Department</td>
<td>181,675.00</td>
<td>181,675.00</td>
<td>19,966.40</td>
<td>7,202.51</td>
<td>11,250.00</td>
<td>150,458.60</td>
<td>17.2</td>
</tr>
<tr>
<td>Personnel Services</td>
<td>181,675.00</td>
<td>181,675.00</td>
<td>19,966.40</td>
<td>7,202.51</td>
<td>11,250.00</td>
<td>150,458.60</td>
<td>17.2</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>181,675.00</td>
<td>181,675.00</td>
<td>19,966.40</td>
<td>7,202.51</td>
<td>11,250.00</td>
<td>150,458.60</td>
<td>17.2</td>
</tr>
<tr>
<td>Fire Department</td>
<td>184,043.00</td>
<td>184,043.00</td>
<td>20,168.40</td>
<td>7,272.76</td>
<td>11,250.00</td>
<td>152,624.60</td>
<td>17.1</td>
</tr>
<tr>
<td>Dept: 2400 Building Department</td>
<td>196,781.00</td>
<td>196,781.00</td>
<td>32,121.08</td>
<td>23,574.21</td>
<td>0.00</td>
<td>164,659.92</td>
<td>16.3</td>
</tr>
<tr>
<td>Personnel Services</td>
<td>196,781.00</td>
<td>196,781.00</td>
<td>32,121.08</td>
<td>23,574.21</td>
<td>0.00</td>
<td>164,659.92</td>
<td>16.3</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>49,091.00</td>
<td>49,091.00</td>
<td>8,611.35</td>
<td>3,888.52</td>
<td>0.00</td>
<td>40,479.65</td>
<td>17.5</td>
</tr>
<tr>
<td>Building Department</td>
<td>245,872.00</td>
<td>245,872.00</td>
<td>40,732.43</td>
<td>27,462.73</td>
<td>0.00</td>
<td>205,139.57</td>
<td>16.6</td>
</tr>
<tr>
<td>Dept: 4100 Public Works</td>
<td>851,778.00</td>
<td>851,778.00</td>
<td>129,910.85</td>
<td>89,631.35</td>
<td>0.00</td>
<td>721,867.15</td>
<td>15.3</td>
</tr>
<tr>
<td>Personnel Services</td>
<td>851,778.00</td>
<td>851,778.00</td>
<td>129,910.85</td>
<td>89,631.35</td>
<td>0.00</td>
<td>721,867.15</td>
<td>15.3</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>489,940.00</td>
<td>489,940.00</td>
<td>44,026.60</td>
<td>15,904.68</td>
<td>0.00</td>
<td>445,913.40</td>
<td>9.0</td>
</tr>
<tr>
<td>Public Works</td>
<td>1,341,718.00</td>
<td>1,341,718.00</td>
<td>173,937.45</td>
<td>105,536.03</td>
<td>0.00</td>
<td>1,167,780.55</td>
<td>13.0</td>
</tr>
<tr>
<td>Dept: 7200 Recreation Center</td>
<td>498,476.00</td>
<td>498,476.00</td>
<td>67,073.75</td>
<td>49,257.09</td>
<td>0.00</td>
<td>431,402.25</td>
<td>13.5</td>
</tr>
<tr>
<td>Personnel Services</td>
<td>498,476.00</td>
<td>498,476.00</td>
<td>67,073.75</td>
<td>49,257.09</td>
<td>0.00</td>
<td>431,402.25</td>
<td>13.5</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>380,750.00</td>
<td>380,750.00</td>
<td>47,585.66</td>
<td>22,747.86</td>
<td>0.00</td>
<td>323,276.34</td>
<td>15.1</td>
</tr>
<tr>
<td>Recreation Center</td>
<td>679,226.00</td>
<td>679,226.00</td>
<td>114,639.41</td>
<td>72,004.95</td>
<td>0.00</td>
<td>754,678.89</td>
<td>14.2</td>
</tr>
<tr>
<td>Expenditures</td>
<td>8,631,257.00</td>
<td>8,631,257.00</td>
<td>1,098,616.31</td>
<td>694,372.36</td>
<td>175,727.19</td>
<td>7,356,913.50</td>
<td>14.8</td>
</tr>
</tbody>
</table>

Grand Total Net Effect: 0.00 0.00 557,483.75 798,604.12 175,727.19 -381,736.56
City Council Agenda Item


Meeting Date: January 8, 2019


Background Information:

Fire Chief Todd Scaldo and Fire Marshal Jim Bliss have submitted a request for the city to enact an ordinance prohibiting fires for burning trash, underbrush, leaves, trees, other vegetative materials, and construction debris. This proposed regulation would not regulate the use of grills or outdoor fire pits that comply with applicable regulations.

Ordinance No. 2018-09 is submitted for first reading to implement this requested code modification.

Staff Recommendation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, that:

SECTION 1: Chapter 7 is amended to add a new Article III to read as follows:

“ARTICLE III. OPEN BURNING”

Section 7-21. Purpose.

The purpose of this article is to set certain requirements and criteria to regulate and control all types of open burning, as described in Section 7-27 of this code, within the city so as not to pose a threat to health, life, adjoining properties or public ways, or to endanger natural vegetation and wildlands, or cause an "unauthorized fire" within the city.

Section 7-22. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Words in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural the singular.

FDACS means the Florida Department of Agriculture and Consumer Services

FFS means the Florida Forest Service

Open burning means the burning of material in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

Unauthorized fire means any combustion or fire that is determined to be unauthorized, that cannot be controlled, that escapes from where it was initially set and confined, or one that was not intended to exist or poses a threat to life or property.
**Garbage** means the refuse accumulation of animal, fruit or vegetable matter which attends the preparation, use, cooking and dealing in or storage of edibles, and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors; or which, during or after decay, will or may serve as the breeding or feeding material for flies and other insects.

**Rubbish** means the refuse accumulation of paper, excelsior, rags, carpet or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operation of stores, offices and other business places; and any bottles, cans or other containers which are discarded after use.

**Vegetative debris** includes yard trash and vegetative waste generated by natural disasters, including hurricanes and tornadoes.

**Trash** means all accumulations of leaves, grass, or shrubbery cuttings and all other refuse attending the care of lawns, shrubbery, vines and trees.

**Section 7-23. Permit required to burn.**

(a) It shall be unlawful for any person to conduct open burning of any kind within the city without first obtaining a written permit from the chief of the fire department or his assigned designee.

(b) Only those persons who are involved in land clearing for future construction purposes will be considered for burning permits.

(c) All persons obtaining burnings permits will follow all FDACS regulations, FFS regulations, and/or the requirements of this article. If the requirements of this article differ from the requirements of the FDACS or the FFS, the more stringent requirement shall apply.

**Section 7-24. Hours of burning.**

Burning will be permitted only between the hours of 9:00 a.m. and one hour prior to sunset, excluding special permits.

**Section 7-25. Name of property owner, township, section, range, to be provided.**

Prior to the issuance of a burn permit within the city, the person desiring the permit shall provide to the fire chief or his designee the name of the owner of the property, the township, section, and range upon which the material is to be burned. This information will also be required by FDACS and/or FFS.
Section 7-26. On site survey required.

(a) The fire chief or his assigned designee shall conduct a survey of the proposed burning site to determine if it meets the requirements of this article and/or FDACS and FFS regulations.

(b) The fire chief or his assigned designee shall conduct a visual inspection of the forced air device required by FDACS and/or FFS, to insure that it meets specific standards that will accomplish complete combustion with a minimal amount of smoke. The forced air system shall provide a minimum air transference of 14,000 cubic feet per minute (CFM) and maintain a minimum static pressure of ninety (90) miles per hour (mph). This information shall be provided to the fire chief or his assigned designee by the permittee. Manufacturer's specifications or written statements by an approved testing agency are acceptable.

(c) The site must meet the FDACS and/or FFS requirements of one hundred fifty (150) feet from any road and one hundred fifty (150) from any occupied structure, with a minimum fifty (50) feet clear area around the piles.

Section 7-27. Types of burning prohibited.

The burning of tires, rubber material, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, garbage, or any other material listed by the State of Florida or this section is prohibited. Unless authorized by this Article and a burn permit is issued by the city the following burn activities are prohibited

(a) General prohibitions: Any open burning not specifically allowed by this article, by FDACS, FSS or other laws is prohibited. No person shall ignite, cause to be ignited, or permit to be ignited any material which will result in any prohibited open burning as defined in this section; nor shall any person suffer, allow, burn, conduct, or maintain any prohibited open burning. Any authorized fire control agency empowered by law or ordinance to extinguish unlawful burning may extinguish, or cause to be extinguished, any fire that is unauthorized or does not comply with this chapter. Any person responsible for unlawful open burning shall bear any applicable costs involved in extinguishing the fire.

(b) Open burning to reduce yard trash and household garbage is prohibited.

(c) Open burning of tires, rubber material, bunker C residual oil, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, garbage, or yard trash is prohibited.

(d) Open burning of waste pesticide containers is prohibited.

(e) Open burning of waste material generated by demolition of a structure is prohibited.

(f) Open burning of land clearing vegetative debris is prohibited.
(g) Open burning of animal carcasses is prohibited.

(h) **Prohibition of Open Burning During Adverse Conditions.** No open burning may be conducted during a National Weather Service air stagnation advisory, an air pollution episode, or if the Florida Division of Forestry determines that weather conditions are unfavorable for safe burning.

(i) **Applicability of Other Laws, Rules, or Ordinances.** Nothing in this article may be construed to allow open burning which violates other laws, rules, regulations, or ordinances.

**Section 7-28. Means of controlling unauthorized fire.**

Any person conducting a permitted burning operation shall have a means of controlling an unauthorized fire immediately available on site. Example:

(a) Front end loader;
(b) Pumping water from wells or holding ponds; or
(c) Other means acceptable and approved by the fire chief or his assigned designee.

**Section 7-29. Extinguishing of fire by fire department personnel.**

(a) If burning sites are left unattended while debris is still burning, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.

(b) If debris piles are not extinguished by stated time, the fire department will respond to extinguish said debris and the permittee will be subject to incur all costs of extinguishment.

(c) If debris reignites after extinguishment by the permittee, and the fire department is required to respond and extinguish said debris, the permittee will incur all costs of extinguishment.

**Section 7-30. Burn permit denied or revoked.**

A burn permit may be denied or revoked at any time by the fire chief or his assigned designee for any one or more of the following reasons:

(a) Failure to provide DOF FDACS and/or FFS permit number;

(b) Failure to provide immediate means of controlling unfriendly fire;

(c) Wind speed is in excess of ten (10) miles per hour;

(d) Extremely dry conditions as determined by the fire chief or his assigned designee;

(e) Failure to provide a competent person to attend to the burning operation while burning is in progress.
(f) Two (2) or more complaints are received from nearby residents or building occupants in reference to health reasons, possible damage to property, smoke hazard, any other legitimate reason which would interfere with the health or well-being of a person in the vicinity of the burning operation;

(g) Any time the burning operation is found to be in violation of FDACS and/or FFS regulations or in violation of any part of this article; and

(h) Any time the fire chief, or his assigned designee, determines that a fire may cause a threat to health, safety and welfare.

**Section 7-31. Types of burning permitted.**

(a) Special burning permits may be issued by the fire chief or his assigned designee for camp fires or bonfires for special events within the city when weather conditions permit.

(b) Miscellaneous open burning. A campfire, bonfire, or other fire will be allowed, that is used solely for recreational purposes, for ceremonial occasions, or for outdoor noncommercial preparation of food, as long as excessive smoke is not created and such open burning is approved by fire chief or his assigned designee.

(c) The use of outdoor grills or outdoor fire pits that comply with all applicable regulations is permitted.

(d) Open burning for the training of firefighters.

(e) Prescribed burns performed by the Federal Government, the State of Florida or the City.

**Section 7-32. Penalties for violation.**

(a) Any person cited for a violation of Article III of Chapter 7 shall be deemed to be charged with a noncriminal violation and shall be assessed a civil penalty according to the following schedule:

1. One Hundred dollars ($100.00) if paid in accordance with section 7-34 (a) (1).
2. One Hundred and Fifty dollars ($150.00) if a violation is found to occur at a hearing held pursuant to section 7-34 (a)(2).
3. One Hundred dollars ($100.00) if paid in accordance with section 7-34 (b).
4. One Hundred and Fifty dollars ($150.00) if a violation is found to occur at a hearing held pursuant to section 7-34 (c).

(b) All payments shall be made by either cash or money order. The city council may change the fines charged herein by resolution of the city council which such changes in fines shall be incorporated into this section.
(c) All monies received by the comptroller as a result of the citations issued by the city shall be paid to the city and remain the funds of the city.

(d) All fines imposed by the special magistrate shall accrue interest at the rate established by the Florida Department of Financial Services on judgments.

(e) A person found to be in violation of Article III of Chapter 7 by the special magistrate shall also have all administrative costs added to the final amount owed. Such costs shall include, but is not limited to, staff time, attorney fees, magistrate fees, and any costs incurred by the City in enforcing Article III of Chapter 7.

(f) Any person who is issued a subsequent citation for a violation of Article III of Chapter 7 shall have the fines in subsection (a) doubled.

Section 7-33– Issuance of citations.
(a) When any police officer employed by the city police department or any code enforcement officer as defined by Section 21-1 of the City Code of Ordinances finds a violation of Article III of Chapter 7 he/she shall issue a citation to the person or persons or other responsible party who has committed such a violation. Said citation form shall be on pre-numbered forms as required and approved by the city and shall contain the following information:

(1) Date, time and location of violation.
(2) Blanks for names and mailing addresses of persons receiving citation.
(3) Name and signature of issuing officer.
(4) Descriptions of violations and amounts of penalties.
(5) Directions as to payment of penalty or request for hearing.
(6) Statement as to effect of election to request hearing and failure to comply with citation.
(b) The original copy of the citation form shall be forwarded to the comptroller when completed for processing.

Section 7-34. – Procedures governing payment of civil penalties and proceedings to enforce payment for violations.
(a) Any person issued a city citation, pursuant to Article III of Chapter 7, shall answer the citation by either of the following procedures within ten (10) days after the date of issuance of the citation:
(1) Payment of the penalty indicated on the citation may be remitted to the comptroller, pursuant to the directions on such citation, or
(2) A hearing before the city’s special magistrate may be requested by the person receiving such citation for the purpose of presenting evidence before the city’s special magistrate concerning a violation. To request a hearing within ten (10) days of the issuance of the citation, the person receiving the citation should take the citation to the office of the Clerk of the City, and a hearing will be scheduled for the person at which the special magistrate will determine whether a violation has been committed. Any person who requests a hearing and does not appear in accordance with the said statement shall be deemed to have waived all grounds to contest the citation and shall be deemed to have admitted the violation.
(b) Upon receipt of a completed citation the comptroller shall notify the person listed on the citation of its issuance if there has been no response to the citation pursuant to subsection (a) of this section. Such notice shall be sent by certified mail and shall inform said person concerning the nature and location of the violation and direct compliance with either of the alternatives specified in subsection (a) of this section within ten (10) days after the date said notice is mailed, according to the records maintained by the comptroller.

(c) If the comptroller receives proof of delivery of the notice mailed by certified mail, pursuant to subsection (b) of this section, and payment of the penalty is not received or a hearing requested within the ten-day period specified herein, the clerk shall cause the registered owner first listed on the citation to be served in accordance with the Florida Rules of Civil Procedure with a notice requiring payment or attendance at a hearing at a time and place specified in such notice. Any finding of a violation by the special magistrate shall include a fine as prescribed herein and all costs incurred by the city in bringing the matter before the special magistrate. Any final determination of a violation by the special magistrate may be enforced in accordance with subsection (e) below.

(d) If the Special Magistrate finds that a violation occurred and assesses the fine, or if the violator does not contest the citation as provided under this section, and the violator fails to pay the applicable fine, the Special Magistrate may enter an order imposing the fines previously set, plus costs of prosecution.

(e) The city may use any of the below methods to enforce the order, ruling and finding of the special magistrate:
   (1) A certified copy of the order imposing a civil penalty and costs may be recorded in the public records and enforceable in court pursuant to Chapter 162 of the Florida Statutes.
   (2) The city may, as an additional remedy, refer unpaid court ordered fines and costs to a debt collection agency for collection, including notice to credit bureaus. Any collection fees including any attorney’s fees paid to a collection agency shall be in accordance with applicable Florida and federal law.

(f) Appeals.
   (1) A party may appeal a decision of a Special Magistrate issued per this section to the circuit court as provided by F.S. § 162.11, and by the Florida Rules of Appellate Procedure.
   (2) A party may appeal a decision of a County Court Judge per this section to the Circuit Court as provided by the Florida Rules of Appellate Procedure.

(g) Satisfaction of Fines. Fines created pursuant to this section may be discharged and satisfied by paying the amount specified by the special magistrate, together with the administrative costs, filing and recording fees and fees paid to file a satisfaction of the fine in the public records. When such fine has been paid, the city shall execute and shall record a satisfaction discharging the fine in the public records.”

SECTION 2: In the event that any term, provision, clause or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid
for any reason whatsoever, any such invalidity, or illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 3: That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5: The City Clerk of the City is hereby directed to incorporate this Ordinance into the Code of Ordinances of the City.

SECTION 6: That this ordinance shall become effective upon adoption.


CITY OF INDIAN HARBOUR BEACH
BREVARD COUNTY, FLORIDA

______________________________
DAVID A. PANICOLA, MAYOR

ATTEST:

______________________________
SUE FRANK, MMC
CITY CLERK

First Reading: December 11, 2018
Second Reading: January 8, 2019
City Council Agenda Item

Approval of Resolution No. 701 Endorsing the East Coast Greenway Route Through Indian Harbour Beach

Meeting Date: January 8, 2019

Staff Recommendation: Approve Resolution No. 701 endorsing the East Coast Greenway Route through Indian Harbour Beach.

Background Information:

As part of the Bicycle Pedestrian Master Plan (BPMP) update by the Space Coast Transportation Planning Organization (SCTPO) an alignment analysis on the East Coast Greenway was completed and the attached alignment is the suggested priority map. The SCTPO would like to be able to make the minor changes so that the state maps mirror this recommendation. In order to do so outside of the map update cycle, the SCTPO has asked the cities that are along the alignment to adopt this alignment via resolution. Once all cities have bought in, the SCTPO Governing Board will adopt via resolution and then make a formal request and presentation to the Florida Greenways and Trails Council.

Staff Recommendation:

Approve Resolution No. 701 endorsing the East Coast Greenway Route through Indian Harbour Beach.
RESOLUTION NO. 701

A RESOLUTION OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, ENDORSING THE EAST COAST GREENWAY ROUTE THROUGH THE CITY OF INDIAN HARBOUR BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the East Coast Greenway is a proposed 3000-mile, shared-use trail that will pass through Indian Harbour Beach, to connect cities along the eastern seaboard from Calais, Maine to Key West, Florida; and

WHEREAS, the East Coast Greenway strives to promote public health, environmental sustainability, economic development, and civic engagement through trail use; and

WHEREAS, the East Coast Greenway will serve bicyclists, walkers, equestrians, disabled users, and other non-motorized users, both local residents and long-distance travelers; and

WHEREAS, the East Coast Greenway, will encourage people of all ages to get outdoors, increase their physical fitness, and improve community health, while utilizing multi-use trails that encourage access to parks and nature preserves; and

WHEREAS, the East Coast Greenway, by offering tourists access to cultural and historical sites, will bring economic benefits to towns and businesses along the route; and

WHEREAS, the Florida Department of Transportation and Office of Greenways and Trails has recognized the importance of the East Coast Greenway via the SUN Trails Program and prioritization; and

WHEREAS, the Space Coast Transportation Planning Organization, completed an alignment analysis of the East Coast Greenway, to establish a consistent proposed alignment in Brevard County and to promote, encourage, and engage local municipalities in their involvement of the regional trail; and
WHEREAS, the proposed alignment shows Indian Harbour Beach as an essential connection in completing this national, shared-use trail; and

WHEREAS, the East Coast Greenway can serve as a spine network to encourage a connected trail, bicycle, and pedestrian network in Brevard, County and Indian Harbour Beach; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Indian Harbour Beach does hereby endorse and support the development, through local and state partnerships, of the proposed alignment of the East Coast Greenway as depicted upon the attached exhibit A.

PASSED AND ADOPTED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida, this 8th day of January, 2019.

______________________________
DAVID A. PANICOLA, MAYOR

ATTEST:

______________________________
SUE FRANK, MMC
CITY CLERK
City Council Agenda Item

First Reading of Ordinance No. 2019-01 Updating the Comprehensive Plan of the City and Updating the Capital Improvements Element

Meeting Date: January 8, 2019

Staff Recommendation: Approve Ordinance No. 2019-01 on First Reading the Update of the City of Indian Harbour Beach Five Year Capital Improvement Program of the Capital Improvements Element of the Comprehensive Plan

Background Information:

Florida Statutes Section 163.3177(3)(b), requires the City’s Five Year Capital Improvement Program of the Capital Improvements Element (CIE) be updated annually. All local governments are required to include a Capital Improvements Element (CIE) in the Comprehensive Plan that considers the need for and location of public facilities and provides “a component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan.” The planning period for this element is five years.

Included in this agenda is a copy of the annual report from Mr. Ed Washburn, Planning and Zoning Consultant for this update. Mr. Washburn’s report outlines the data and analysis for services benchmarked to a level of service within the Comprehensive Plan. Additionally, this report summarizes the schedule of Capital Improvements proposed related to maintaining the required level of service for these public facilities.

The Planning and Zoning Board will consider the update of the Capital Improvement Element on Wednesday, January 9, 2019.

Staff Recommendation:

Approve Ordinance No. 2019-01 on First Reading the Update of the City of Indian Harbour Beach Five Year Capital Improvement Program of the Capital Improvements Element of the Comprehensive Plan.
ORDINANCE NO. 2019 - 01

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREvard COUNTY, FLORIDA, UPDATING THE COMPREHENSIVE PLAN OF THE CITY; UPDATING THE CAPITAL IMPROVEMENT ELEMENT BY UPDATING POLICY CI-7.1 REGARDING THE YEARLY ADOPTION OF THE BREvard COUNTY SCHOOL DISTRICT’S FIVE-YEAR WORK PROGRAM, (FY 2018-19 THROUGH FY 2022-23); UPDATING THE CAPITAL IMPROVEMENT ELEMENT BY UPDATING THE SCHEDULE OF CAPITAL IMPROVEMENTS (FY 2018-19 THROUGH FY 2022-23) TO INCLUDE THE BREvard COUNTY SCHOOL DISTRICT'S FIVE-YEAR WORK PROGRAM AND ITS PROJECTED COSTS AND PROJECTED REVENUES AND THE YEARLY CITY EXPENDITURES FOR DRAINAGE AS WELL AS OTHER APPLICABLE CITY CAPITAL IMPROVEMENTS ; AND UPDATING SECTIONS WHICH ARE REQUIRED TO MAINTAIN INTERNAL CONSISTENCY WITH THESE CHANGES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Indian Harbour Beach, in 1988, adopted the Comprehensive Plan for the City in accordance with Florida Statutes; and

WHEREAS, the City Council updated and amended the Comprehensive Plan in 1999 and 2010; and

WHEREAS, the City Council has identified, through the signing of the Interlocal Agreement for Public School Facility Planning and School Concurrency, changes and amendments necessary to be made to the Comprehensive Plan; and

WHEREAS, Section 163.3177(3)(b), Florida Statutes, requires that local governments review and update the Capital Improvements Element on an annual basis; and

WHEREAS, the City has prepared the necessary data and analysis that meet the requirements of Section 163.3177, Florida Statutes; and

WHEREAS, the City’s Local Planning Agency on January 9, 2019 held a duly noticed public hearing on the proposed changes and made recommendations to the City Council; and

WHEREAS, a public hearing on the proposed amendments hereinafter described was duly advertised and held by the City Council of the City of Indian Harbour Beach on January 22, 2019 and at such hearings interested parties commenting on the proposed plan amendments were heard; and
WHEREAS, the City Council of Indian Harbour Beach and the Local Planning Agency have complied with the requirements of the Community Planning Act in preparing and noticing these proposed changes to the Comprehensive Plan; and

WHEREAS, the proposed changes to be adopted by this Ordinance comply with the statutory and regulatory requirements of the aforesaid Act.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida that:

SECTION ONE: This ordinance is adopted in conformity with and pursuant to the Community Planning Act of the Florida Statutes.

SECTION TWO: Changes to the City of Indian Harbour Beach Comprehensive Plan hereinafter described are hereby adopted and approved.

SECTION THREE: UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENT ELEMENT

Update the City of Indian Harbour Beach's Comprehensive Plan Goals, Objectives and Policies, Section VIII, Capital Improvements, by changing Policy CI-7.1 as follows:

Policy CI-7.1: By December of each year, the City shall adopt as part of its Capital Improvement Element the School District of Brevard County’s Five-Year Work Program. The City hereby adopts by reference the School District of Brevard County’s Annual Five-Year Work Program for the planning period 2018-19 through 2022-23, as part of the School District budget, including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure that the level of service standards will be achieved by the end of the five-year period. This Program includes the latest School District Data and Analysis which includes the latest Tiered LOS Standards for the Planning Period.

SECTION FOUR: TEXT CHANGE TO THE CAPITAL IMPROVEMENT ELEMENT RELATED TO THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (FY2018-19 - 2022-23)

Update the Comprehensive Plan Goals, Objectives, and Policies, Section VIII, Capital Improvements by updating the Schedule of Five-Year Improvements to include the Brevard County School District’s Five-Year Work Program by reference and the yearly expenditures for drainage and other applicable City Capital Improvements attached hereto as Exhibit A and based on the data and analysis as shown in Exhibit B.

SECTION FIVE: The City Manager is hereby authorized and directed to forward these adopted Comprehensive Plan changes to the Florida Department of Economic Opportunity.
SECTION SIX: CONFLICTS. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

SECTION SEVEN: SEVERABILITY. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this and the provision of this Ordinance are declared severable.

SECTION EIGHT: EFFECTIVE DATE. These Comprehensive Plan changes shall become effective on the date of the adoption of this ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, ON THIS 22ND DAY OF JANUARY, 2019.

CITY OF INDIAN HARBOUR BEACH BREVARD COUNTY, FLORIDA

__________________________________________
David A. Panicola, Mayor

ATTEST:

__________________________________________
Sue Frank, City Clerk

First Reading: January 8, 2019
Second Reading: January 22, 2019
Effective Date: January 22, 2019
City Council Agenda Item

First Reading of Ordinance No. 2019-02 Adopting a New Article III of Chapter 4 of the Code of Ordinances of the City of Indian Harbour Beach, Florida Prohibiting the Retail Pet Sale of Dogs, Cats, Rabbits, Ferrets and Guinea Pigs in the City

Meeting Date: January 8, 2019

Staff Recommendation: Approve on First Reading Ordinance No. 2019-02 adopting a new Article III of Chapter 4 of the Code of Ordinances of the City of Indian Harbour Beach, Florida prohibiting the retail pet sale of Dogs, Cats, Rabbits, Ferrets and Guinea Pigs in the City.

Background Information:

The Indian Harbour Beach City Council has received a request from a South Brevard resident to enact an ordinance prohibiting the retail sale of dogs, cats, rabbits, ferrets, or guinea pigs in the corporate limits of the city. This ordinance would be the first of its kind in Brevard County to prohibit the retail sale of not just dogs and cats, but include rabbits, ferrets and guinea pigs. This area resident is pursuing this regulation to protect the animals from potential unhealthy and inhumane treatment, promote community awareness of animal welfare, promote the adoption of animals from local shelter facilities funded through local tax revenue, save the lives of many animals, and reduce the cost to operate local animal shelters.

At the December 11, 2018, City Council Meeting the City Council directed staff to develop an ordinance prohibiting the retail sale of Dogs, Cats, Rabbits, Ferrets and Guinea Pigs in the city.

Staff Recommendation:

Approve on First Reading Ordinance No. 2019-02 adopting a new Article III of Chapter 4 of the Code of Ordinances of the City of Indian Harbour Beach, Florida prohibiting the retail pet sale of Dogs, Cats, Rabbits, Ferrets and Guinea Pigs in the City.
ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY ENTITLED “ANIMALS” BY CREATING ARTICLE III, ENTITLED “RESTRICTIONS ON RETAIL PET SALES AND PET MILLS” BY CREATING SECTIONS 4-50, “DEFINITIONS”; SECTION 4-51 “PROHIBITIONS”; SECTION 4-52 “EXEMPTIONS”; SECTION 4-53 “CERTIFICATE OF SOURCE”; SECTION 4-55 “PENALTY”; SECTION 4-55 “ENFORCEMENT”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWIT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Indian Harbour Beach finds that the humane treatment of animals is a vital public purpose; and

WHEREAS, the City Council of the City of Indian Harbour Beach finds that what is referred to as “pet mills” are inhumane and unsanitary commercial breeding facilities for animals in which the health of animals is disregarded in order to maintain a low overhead and maximize profits; and

WHEREAS, the City Council of the City of Indian Harbour Beach finds that because of the lack of proper animal husbandry practices at these pet mills, animals born and raised there are more likely to have genetic disorders and lack adequate socialization. Further breeding animals that are utilized there for that purpose are often subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, these facilities may house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization, allowing the spread of heritable and congenital disorders; infectious diseases; and potentially causing environmental contamination that may present immediately after a sale or not until several years later; and

WHEREAS, the practices used by these mass-breeders may be cruel, inhumane, or at least considered unreasonable to most pet owners, and detrimental to the pets used for breeding; and
WHEREAS, numerous alternatives exist to find pets, including adoption of animals from public animal shelters and private animal rescue organizations or purchase from reputable and conscientious breeders, and

WHEREAS, the City Council of the City of Indian Harbour Beach finds that prohibiting the retail sale of dogs, cats, rabbits, ferrets, and guinea pigs in pet stores within the city limits will promote community awareness of animal welfare and, in turn foster more humane environment as encourage pet consumers to adopt said pets from tax payer funded pet shelters, thereby saving the lives of many animals and reducing the cost of publicly funded animal shelters, and

WHEREAS, this Ordinance does not affect a consumer's ability to obtain a pet (as defined herein) of his or her choice directly from a breed-specific animal rescue organization or an animal shelter, or from a reputable breeder where the consumer can directly see the conditions in which the animals are bred, or can confer directly with the reputable local breeder concerning said conditions; and

WHEREAS, the City Council of the City of Indian Harbour Beach hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, that:

SECTION 1. A new Article III is hereby added to Chapter 4 of the Code of Ordinances to read as follows:

ARTICLE III - RESTRICTIONS ON RETAIL PET SALES AND PET MILLS

Sec. 4-50. - Definitions.

Definitions. For purposes of this section, the following definitions shall apply:

Animal rescue organization means humane society or other duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue Code, which organization is devoted to the rescue, care and/or adoption of stray, abandoned, injured or surrendered animals and which does not breed animals.
Animal shelter means a municipal or related public animal shelter or duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue Code devoted to the rescue, care and/or adoption of stray, abandoned, injured or surrendered animals, and which does not breed animals.

Cat means an animal of any age of the family of the order Carnivora.

Certificate of source means a document from the source or county animal shelter or animal control agency, humane society, non-profit rescue organization or hobby breeder declaring the source of origin of a pet on the premises to be sold or transferred or offered for sale or transfer. A certificate of source shall include at a minimum:

(a) A brief description of the pet (dog, cat, rabbit, ferret, or guinea pig), the name, address, telephone number, and e-mail address of the source of the pet;
(b) Shall be signed by the pet store certifying the accuracy of the certificate; and
(c) Shall be signed by the purchaser or transferee of the pet acknowledging receipt of the certificate of source.

Dog means an animal of any age of the Canidae family of the Carnivora.

Ferret means an animal of any age with the scientific name of Mustela Putorius Furo.

Guinea Pig means an animal of any age with the scientific name of Cavia Porcellus.

Hobby breeder means any person or entity that causes or allows the breeding or studding of a pet, as defined herein, resulting in no more than a total of one (1) litter per calendar year whether or not the animals in such litter are offered for sale or other transfer.

Owner means and includes any person feeding, owning, harboring or keeping any animal within the territorial limits of the city.

Pet means a dog, cat, rabbit, ferret, or guinea pig.

Pet mill means a facility where pets are bred for the purpose of selling them and where any two (2) of the following conditions are found to exist:

(1) More than twenty (20) dogs under the age of twelve (12) weeks or more than twenty (20) cats under the age of sixteen (16) weeks are kept at a single time;
(2) No genetic or heredity health testing appropriate for the breed of pet is conducted;
(3) No long-term [over one (1) year] guarantees are honored;
(4) A single female pet is bred every cycle;
(5) A single female pet is bred more than twice in one calendar year;
(6) There are no records of the pets' parents;
(7) More than eight pets are kept in a single cage or kennel area.

Pet store means any retail establishment open to the public that sells or transfers, or offers for sale or transfer, pets, regardless of the age of the pet. Pet store operator means a person who owns or operates a pet store.

Rabbit means an animal of any age with the scientific name of Oryctolagus Cuniculus.

Sec. 4-51. - Prohibitions.

(a) Sale or transfer of pets. No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of pets on or after the effective date of this section unless the pet store is exempt under [section] 4-52.

(b) Pet Mills. No pet mills shall be permitted to operate in the City of Indian Harbour Beach.

Sec. 4-52. - Exemptions.

The prohibitions contained in section 4-51 shall not apply to:

(a) An animal shelter.
(b) An animal rescue organization.
(c) An animal shelter or animal rescue organization that operates out of or in connection with a pet store or other retail store.
(d) Pet stores that possess an active City of Indian Harbour Beach local business tax receipt on the effective date of this ordinance shall have thirty (30) days therefrom to comply with the certificate of source in section 4-53.
(e) A hobby breeder as defined above.

Sec. 4-53. - Certificate of Source.

A pet store that obtains pets from a permitted source shall post conspicuously on the cage of each pet a signed certificate of source which shall specify at minimum:
(a) A description of the pet including species breed, sex, color, and distinctive markings, physical condition and health, and age (if known); and

(b) The name and address of the source from which the pet was obtained and date thereof;

(c) For each pet receiving medical care while in the custody or control of the pet dealer or pet shop, the type of service rendered, date, and veterinarian's name.

(d) A copy of the certificate of source shall be signed by and provided to the purchaser or transferee of any pet at the time of sale.

Sec. 4-54. - Penalty.

Violations of section 4-51 and 4-53 shall be punishable by Sections 1-11 and 21-1 through 2-10 of the Code of Ordinances.

Sec. 4-55. Enforcement

This article shall be enforced by the city's police department or any code enforcement official of the city authorized to enforce this article. The city may enforce the provisions of this ordinance by referring the violation to the City's Special Magistrate or by enforcement in a court of proper jurisdiction. The enforcement provisions herein are not exclusive.

Sec 4-56 – 4-60 Reserved.

SECTION 2: Severability/Interpretation Clause: In the event that any term, provision, clause or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, or illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 3: That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4: The City Clerk of the City is hereby directed to incorporate this Ordinance into the Code of Ordinances of the City.
SECTION 5: That this ordinance shall become effective upon adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREvard COUNTY, FLORIDA, ON THIS ___ DAY OF ______ 2019.

CITY OF INDIAN HARBOUR BEACH
BREVARD COUNTY, FLORIDA

__________________________
DAVID A. PANICOLA, MAYOR

ATTEST:

__________________________
SUE FRANK, MMC

First Reading: _____________

Second Reading and effective date: ______________
City Council Agenda Item

Approval of a Limited Brazilian Pepper Tree Removal in the Interior of Gleason Park

Meeting Date: January 8, 2019

Staff Recommendation: Approval for Archangel Engineering and Construction to clear a limited portion of the interior of Gleason Park of Brazilian Pepper trees

Background Information:

During the preparation of the Fiscal Year 2018-2019 Annual Operating Budget, Parks and Recreation Director, Kristin Cusimano, and Public Works Director, Todd Scaldo submitted a request to budget proposal to begin clearing a limited portion in the interior of Gleason Park (four sites) of Brazilian Pepper trees, and listed invasive tree species. Mr. Scaldo obtained quotations from Atlantic Development of Cocoa, Inc. and Archangel Engineering & Construction, Inc. to perform this task. The following is a synopsis of the quotations received.

Archangel Engineering & Construction, Inc. $44,586.00
Atlantic Development of Cocoa, Inc. $94,017.75

The budgeted appropriation in the Fiscal Year 2018-2019 Annual Operating Budget is $50,000 (account #001.7200.572.4676).

Approval of this proposal will require the City Council to waive the formal bidding process for this work.

As a part of this approval, we believe it would be appropriate to holding an informational meeting with the adjoining property owners prior to the commencement of this work. We seeking your input on holding such a meeting.

Staff Recommendation:

Approval for Archangel Engineering and Construction to clear a limited portion of the interior of Gleason Park of Brazilian Pepper trees at a cost not to exceed $50,000 and waive the bidding process in awarding this project.
City Council Agenda Item

Follow-up Discussion and City Council Direction on the Utilization of FY 2018-2019 Stormwater Utility Fund for Projects within the City

Meeting Date: January 8, 2019

Staff Recommendation: Initiate a follow-up discussion on the stormwater projects and provide staff direction for use of the FY 2018-2019 Stormwater Utility Funds.

Background Information:

This is a follow-up discussion concerning several stormwater projects within the community. You will recall at the December 11th City Council meeting you heard a presentation from Mr. Ed Shinskie, P.E., with R.K.E. Enterprises, LLC concerning the drainage canal on the north side of the Algonquin Sports Complex, approximately 1,200 feet in length. This canal has a depth exceeding seven feet, and is experiencing erosion that is impacting the maintenance roadway, and is difficult for our Public Works personnel to maintain. In 2017, Todd Scaldo, Public Works Director, initiated a project to prepare engineered drawings to repair, reduce the slope for improved access and maintenance (3:1 and 4:1), and stabilize the southern slope of the canal utilizing a stabilization system for slope and channel erosion control.

The city retained RKE Enterprises, LLC to design this project and obtain required outside agency permits. You will also recall this project, in all likelihood, would be the largest and costliest drainage project in the history of the community ($250,000 - $300,000). It was also pointed out this construction project is not eligible for funding via the Save Our Indian River Lagoon (SOIRL) ½ Cent Sales Tax. However, a future phase of the project (2020), installation nutrient removal plant material, utilizing the expertise of Dr. Claudia Listopad, Applied Ecology, maybe eligible under the Shoreline Restoration category of the SOIRL ½ Cent Sales Tax.

At the December meeting the City Council expressed several concerns, including but not limited to, the use of the stormwater utility funds for the project could impact funding for projects that provide nutrient removal and stormwater (BMAP) credits, such as baffle boxes. During the discussion it was pointed out that a baffle box project (Big Muddy...
Canal – east end) that was submitted for funding in 2018 by the SOIRL Sales Tax would receive less than ten percent ($25,837) of the total project cost ($283,975). Other concerns include that the reshaping of the canal only addresses the southern slope and the northern slope in the city of Satellite Beach is not part of the project.

Following the December meeting the SOIRL Sales Tax Oversight Committee met to review the city's modification to the previously submitted Baffle Box project. The modification to the original Baffle Box project will increase the area to be treated from 32 acres to 63.8 acres, and increase the amount of nutrients to be removed. The SOIRL Oversight Committee provided tentative approval of the modified request that will increase the ½ Sales Tax funding to $67,541 or 23.78% of the construction cost ($283,975). The remaining funds required to complete this project is $216,434. This recommendation will be presented to the Brevard County Board of County Commissioners for approval.

In FY 2018-2019 the city appropriated $318,720 for these types of improvements within the Stormwater Utility Fund.

Therefore, we are seeking direction on the utilization of the FY 2018-2019 Stormwater Utility Funds. The options are:

- Proceed with the bidding of the reshaping of the southside of the canal at the Algonquin Sports Complex presented at the December 11th City Council Meeting
- Proceed with the design and bidding of the proposed Baffle Box on the east end of the Big Muddy Canal

Staff Recommendation:

Initiate a follow-up discussion on the stormwater projects and provide staff direction for use of the FY 2018-2019 Stormwater Utility Funds.