CITY COUNCIL REGULAR MEETING AGENDA  
TUESDAY, FEBRUARY 25, 2020  
CITY HALL COUNCIL CHAMBER – 7:00 P.M

CALL TO ORDER

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

APPROVAL OF MINUTES

Regular Council Meeting minutes from January 14, 2020

Amended Council Meeting minutes from October 8, 2019

PRESENTATIONS/PROCLAMATIONS

1. Presentation of the Florida League of Cities Institute of Elected Municipal Official (IEMO) Training Certificate to Council Member Bob Sharek

2. Presentation of the 2019 City of Indian Harbour Beach Police Department Officer of the Year Award

3. Irish American Heritage Month Proclamation

REPORTS

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

UNFINISHED BUSINESS

None
NEW BUSINESS

1. First Reading of Ordinance No. 2020-01 Updating the Comprehensive Plan of the City and Updating the Capital Improvements Element

ORDINANCE NO. 2020-01

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 2019-20 THROUGH FY 2023-24); UPDATING THE CAPITAL IMPROVEMENT ELEMENT BY UPDATING THE SCHEDULE OF CAPITAL IMPROVEMENTS (FY 2019-20 THROUGH FY 2023-24) 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.

2. First Reading on Ordinance No. 2020-02 Amending Article XIII, Section 2 of the Supplementary District Regulations of Appendix A of the Code Ordinances Pertaining to Fences and Walls

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH AMENDING ORDINANCE NO. 81-4, ZONING CODE OF THE CITY; AMENDING ARTICLE XIII, SECTION 2 OF THE SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY ENTITLED FENCES AND WALLS ON PROPERTY OTHER THAN THAT ABUTTING SR A1A, SOUTH PATRICK DRIVE AND SR 3; PROVIDING THAT ALLOWING UP TO SIX INCHES OF ALLOWABLE FENCE AND WALL HEIGHT FOR CAPS, FINIALS, POSTS, AND DECORATIVE ITEMS AND AMENDED SETBACK REQUIREMENTS FOR FENCES ON SIDE CORNER LOTS; PROVIDING FOR CONFLICTING PROVISIONS SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE.

3. First Reading on Ordinance No. 2020-03 Amending the Land Development Regulations of the City, Chapter 109, Streets; Amending Section 109-04 (c)
Minimum Widths for Commercial and Industrial, Local Private or public streets or parking lot aisles

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY; AMENDING CHAPTER 109, STREETS; AMENDING SECTION 109-4 (c) MINIMUM WIDTHS AND GRADES RELATING TO PAVEMENT WIDTHS FOR COMMERCIAL AND INDUSTRIAL LOCAL PRIVATE OR PUBLIC STREETS OR PARKING LOT DRIVE ISLES PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

4. Approval of the ranking of the firms for RFQ 2020-01 and authorize staff to begin negotiations with the selected firm W & J Construction - Rockledge, Florida as the Construction Management at Risk with a Guaranteed Maximum Price for the construction of the new Indian Harbour Beach Police Headquarter.

5. Approval of an Amendment to the Restated Interlocal Agreement establishing the Space Coast Transportation Planning Organization providing for Representation on the Central Florida Expressway Authority.

6. Approve the construction of a Low Impact Development dry retention area within the Palm Springs Boulevard medians by Atlantic Development of Cocoa, Inc., at a cost not to exceed $40,000.00 and funded via the city’s Stormwater Utility Fund.

7. Approval of Change Order with Environmental Consulting and Technology Inc. for Professional Engineering Services for the Design, Permitting, and Construction Administration Services of a 2nd Generation Baffle Box on the East End of the Big Muddy Canal at a Cost Not to Exceed $20,000.

8. Staff is seeking direction from the City Council whether to develop an ordinance amending this code pertaining to fences and walls on SR A1A, South Patrick Drive and SR 3.

PUBLIC FORUM

ADJOURN

ALL PERSONS WISHING TO BE HEARD SHOULD APPEAR IN PERSON AT THESE HEARINGS OR SEND WRITTEN COMMENTS TO THE CITY CLERK. ALL PERSONS AND PARTIES ARE HEREBY ADVISED THAT IF THEY SHOULD DECIDE TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND 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. F.S. 286.0105. IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT (ADA), ANYONE WHO NEEDS A SPECIAL ACCOMMODATION FOR TH IS MEETING SHOULD CONTACT THE CITY CLERK AT 321-773-3181 AT LEAST 48 HOURS IN ADVANCE OF THIS MEETING.
CALL TO ORDER

The Regular City Council meeting was called to order at 7:01 p.m. by Mayor Scott Nickle with the following present:

Deputy Mayor David Panicola  
Council Member Frank Guertin  
Council Member James Nolan  
Council Member Bob Sharek  

City Manager Mark Ryan  
City Attorney Karl Bohne  
City Clerk Sue Frank

PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

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

APPROVAL OF MINUTES

Motion made by Council Member Guertin to approve the regular Council Meeting minutes from December 10, 2019 as presented, seconded by Council Member Sharek – motion carried 5-0.

REPORTS

City Manager’s Report

ACTION ITEMS

Request by the Indian Harbour Beach Volunteer Fire Department Corporation for Increased Funding for Legal Defense Counsel and for Liability Insurance for the IHBVFD Corporation
Motion made by Deputy Mayor Panicola to increase the reimbursement to the Indian Harbour Beach Volunteer Fire Department $4,000 for additional litigation expenses, seconded by Council Member Guertin – motion carried 5-0.

Motion made by Council Member Nolan to deny an additional payment of $2,555 to the IHBVFD to be used for their liability insurance premium. Motion died for lack of a second.

Motion made by Deputy Mayor Panicola to pay the IHBVFD Corporation $2,555, this year only, to pay for the Corporation’s liability insurance premium, seconded by Council Member Guertin.

After additional discussion, Deputy Mayor Panicola amended his motion to state the City would reimburse the IHBVFD $2,555 this year only, to pay for the Corporation’s liability insurance premium, the amended motion was agreed to by Council Member Guertin – motion carried 4-1 with Council Member Nolan opposing.

2019 Municipal Elections

The consensus of Council was to look at options for amending the length of terms that Council would serve from two (2) years to four (4) years and the process for implementing.

INFORMATIONAL ITEMS

- 2019 Christmas in the Park
- 2020 Mayors Fitness Challenge
- Letters of Appreciation
- Victims of Crime Act Grant
- 2020 Legislative Update
- Waste Management CPI Rate Adjustment
- February 5th Planning and Zoning Board Meeting

City Attorney’s Report – No report

Council Comments

Council Member Sharek stated that he had attended the IEMO (Institute for Elected Municipal Officials) training in Jacksonville; and he and Council Member Guertin attended the Space Coast League of Cities dinner in Palm Bay.

Council Member Nolan stated that he does not like the direction the City is going.

Council Member Guertin congratulated staff for how the Christmas Holiday was handled and wished them a better new year.
Public Comments (Agenda Items Only) – there were no speakers.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. **Public Hearing** - Conduct a Public Hearing and consider the request by Jake Wise of Construction Engineering Group (CEG) LLC, to amend the Future Land Use Map from Commercial Mixed Use to Multi-Family Residential for a 5.32 Acre Parcel on Mediterranean Way (north side of Eau Gallie Blvd., south of Golden Beach Blvd., west of Bay View Drive, and east of the Dunes Apartments) and First Reading of Ordinance No. 2019-12 Amending the Future Land Use Map of the Comprehensive Plan Implementing Amendment

Mayor Nickle read the title of Ordinance No. 2019-12 and opened the public hearing.

**ORDINANCE NO. 2019-12**

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; ADOPTING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT NO. 2019-01; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY FROM COMMERCIAL TO MULTI-FAMILY RESIDENTIAL ON A PARCEL DESCRIBED AS A PORTION OF LANDS DESCRIBED IN O.R. BOOK 4355, PAGE 0333, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LANDS LYING IN SECTION 13, TOWNSHIP 27 SOUTH, RANGE 37 EAST, LOCATED IN INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

The following people spoke during the public hearing:

Lazaro Rodriguez, 1414 Narcoossee Rd, St. Cloud, Florida;
Fenny Csaszar, 120 Mediterranean Way, Indian Harbour Beach

Mayor Nickle closed the public hearing.

Council discussion included concern about a discrepancy in the amount of acreage that was included on the application.

Motion made by Council Member Sharek to send the request for a small scale comprehensive plan amendment back to Planning and Zoning to resolve the acreage issue and to require the applicant to submit a title report on the property to the Planning and Zoning Board, seconded by Council Member Guertin – motion carried 5-0.
2. **Public Hearing** - Conduct a Public Hearing and consider the request by Jake Wise of Construction Engineering Group (CEG) LLC, to Rezone a 5.32 Acre Parcel on Mediterranean Way (north side of Eau Gallie Blvd., south of Golden Beach Blvd., west of Bay View Drive, and east of the Dunes Apartments) from B1, Commercial to R-2, Multiple Family – Low Density and First Reading of Ordinance No. 2019-13 Implementing the Rezoning of this Property from B1, Commercial to R-2 Multiple Family – Low Density

**ORDINANCE NO. 2019-13**

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; REZONING PROPERTY AS FOLLOWS:

A PORTION OF LANDS DESCRIBED IN O.R. BOOK 4355, PAGE 0333, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LANDS LYING IN SECTION 13, TOWNSHIP 27 SOUTH, RANGE 37 EAST, LOCATED IN INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, FROM GENERAL COMMERCIAL (B-1) TO MULTI-FAMILY RESIDENTIAL - LOW DENSITY (R-2) WITH A DENSITY LIMITATION OF SEVEN (7) DWELLING UNITS PER GROSS ACRE; PROVIDING FOR AMENDMENT TO THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

The rezoning public hearing was not held due to the small scale comprehensive plan amendment application being sent back to Planning and Zoning for additional clarification.

Motion made by Deputy Mayor Panicola to send the request for rezoning back to Planning and Zoning Board until the acreage issue has been resolved, seconded by Council Member Guertin – motion carried 5-0.

3. **Ratification of Mr. John Breitfeller** as a member of the Indian Harbour Beach Municipal Police Officers’ Retirement Trust Fund Board of Trustees for former member Bob Sharek’s term that will expire Sept. 30, 2020.

Motion made by Council Member Sharek to ratify the appointment of Mr. John Breitfeller to the Indian Harbour Beach Municipal Police Officers’ Retirement Trust Fund Board of Trustees, seconded by Deputy Mayor Panicola – motion carried 5-0.

4. **Approval of Resolution No. 708** , Providing Signatory Authority for the City of Indian Harbour Beach with Banking Institutions.

Motion made by Deputy Mayor Panicola to approve Resolution No. 708 amending the signatory authority for the City of Indian Harbour Beach with banking institutions, seconded by Council Member Sharek – motion carried 5-0.
5. Approve the purchase of a 2020 Ford F-350 One Ton Regular Cab Dual Wheels XL Pickup Truck from Duval Ford, Jacksonville, Florida utilizing the Florida Sheriff’s Association/Florida Association of Counties & Florida Fire Chief’s Association Automotive Contract with a cost not to exceed $37,000.

Motion made by Deputy Mayor Panicola to approve the purchase of a 2020 Ford F-350 one ton regular cab dual wheels XL pickup truck from Duval Ford, Jacksonville, Florida utilizing the Florida Sheriff’s Association/Florida Association of Counties & Florida Fire Chief’s Association Automotive Contract with a cost not to exceed $37,000, seconded by Council Member Guertin – motion carried 5-0.

PUBLIC FORUM

There were no speakers.

ADJOURN

Motion to adjourn at 7:44 p.m. was made by Deputy Mayor Panicola, seconded by Council Member Guertin – motion carried 5-0.

X
Scott Nickle
Mayor

ATTEST:

X
Sue Frank, MMC
City Clerk
CITY COUNCIL REGULAR MEETING

OCTOBER 8, 2019

Revised Minutes

CALL TO ORDER

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

Deputy Mayor Scott Nickle
Council Member Frank Guertin
Council Member James Nolan
Council Member Bob Sharek

City Manager Mark Ryan
City Attorney Karl Bohne
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 Regular City Council Meeting minutes from September 17, 2019 as presented.

PRESENTATIONS

Council accepted a presentation by Commissioner Jerry Sansom of the Florida Inland Navigation District (FIND) for funding one-half of the cost of a new Public Safety Boat and boat storage improvements.

Recess City Council Meeting and Convene the Zoning Board of Adjustments & Appeals

Mayor Panicola recessed the Regular Council Meeting and convened the Zoning Board of Adjustments and Appeals meeting at 7:08 p.m.

QUASI-JUDICIAL HEARING

City Attorney Karl Bohne swore in all witnesses that planned on testifying during the hearing that was be before the Zoning Board of Adjustments & Appeals.

City Council, acting as the Zoning Board of Adjustments & Appeals, held a quasi-judicial hearing for a request by the Eau Gallie Yacht Club, 100 Datura Drive, asking for an Administrative Appeal of the decision of the Building Official to deny a permit for an upland
retaining wall. The members heard testimony from the representatives of the Eau Gallie Yacht Club and the public.

A motion was made by Member Bob Sharek to reverse the decision of the Building Official, and that the proposed upland retaining wall will not violate Paragraph 13 of Ordinance 86-12, seconded by Member Jim Nolan.

A roll call vote was taken: Member Nolan – yes; Member Sharek – yes; Member Nickle – yes; Member Guertin – yes.

Member David Panicola, a member of the Board of Governors of the Eau Gallie Yacht Club, recused himself from voting due to a conflict of interest. Form 8B, Memorandum of Voting Conflict will be attached to these minutes.

Adjourn the Zoning Board of Adjustments & Appeals

Mayor Panicola adjourned the Quasi-Judicial hearing at 8:52 p.m. and called for a five (5) minute recess.

City Attorney Bohne was excused from the rest of the City Council meeting.

Mayor Panicola called the Regular City Council Meeting back to order at 8:57 p.m.

REPORTS

City Manager’s Report — None

A. ACTION ITEMS

1. Personnel

   a. Combine Fire Marshal and Code Enforcement positions

Motion made by Council Member Nolan to combine the Fire Marshal and Code Enforcement position at an annual pay rate of $54,080, seconded by Council Member Sharek – motion carried 5-0.

   b. Amend personnel policy Retirement Section 9.04.01 - Eligibility

Motion made by Council Member Sharek to amend Section 9.04.01 of the Personnel Policy to include FRS Investment Plan members must meet the Investment Plan normal retirement requirements to be eligible to receive the retirement payout, seconded by Deputy Mayor Nickle – motion carried 5-0.

2. FY 2019 Budget True-up and Re-Allocation for Committed Projects

Motion made by Council Member Sharek to amend the FY 2019 budget by releasing or reallocating funds to the FY 2020 budget, seconded by Council Member Guertin – motion carried 5-0.
B. INFORMATIONAL ITEMS

- Revenue and Expenditure Report (August 2019)
- FY 2020 Budget Wage Adjustment
- Indian Harbour Beach Police Officers Pension Plan FY 2020 Budget
- Police Officers Supplemental Pension Plan FY 2020 Budget
- East Central Florida Regional Resilience Collaborative Signing Ceremony – Wednesday, October 23, 2019
- SR 513 (South Patrick Drive) Lighting Study
- SR A1A Periodic Lane Closures
- SR A1A FDOT Sidewalk Project (SR 518 – Eau Gallie Blvd. to Volunteer Way)
- 2020 Legislative Update, and Participation in Committee Weeks
- Florida League of Cities 59th Annual Legislative Conference
- Schools Stop the Bleed Grant
- National Night Out Event
- October 22, 2019 City Council Meeting Cancellation
- Fourth Annual Trunk or Treat, Friday, October 25, 2019 – Gleason Park
- New Police K-9, Dino
- FMIT Safety Grant
- Bulletproof Vest Partnership 2019 Grant Award
- Christmas in the Park 2019, Friday, December 13th

City Attorney’s Report – None

Council Comments

Council Member Sharek stated that he had attended a Satellite High Leadership meeting on September 26, 2019.

Council Member Guertin stated that he had attended the Space Coast TPO meeting.

Public Comments (Agenda Items Only)

Police Commander Ralph Garcia recognized Head Mechanic Dean West for the assistance he provided to the Police Department during the purchase and receipt of the new Police Boat.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Adopt Resolution No. 704 in support of Senator Debbie Mayfield’s efforts to ensure the safety of all passenger rail systems in Florida.

RESOLUTION NO. 704

A RESOLUTION OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, IN SUPPORT OF FLORIDA SENATOR DEBBIE
MAYFIELD’S EFFORTS TO ENSURE THE SAFETY OF ALL PASSENGER RAIL SYSTEMS IN FLORIDA BY ENCOURAGING THE GOVERNOR AND FLORIDA DEPARTMENT OF TRANSPORTATION TO FULFILL THE RECOMMENDATIONS WITHIN THE OFFICE OF PUBLIC POLICY AND GOVERNMENT ACCOUNTABILITY’S STUDY REGARDING PASSENGER RAIL; AND PROVIDING AN EFFECTIVE DATE

Motion made by Deputy Mayor Nickle to adopt Resolution No. 704, seconded by Council Member Sharek – motion carried 5-0.

Ratify the amendments to Articles 9 (Vehicles and Equipment), 19 (Holidays), and 30 (Compensation) of the 2018-2021 Collective Bargaining Agreement (CBA) between the City of Indian Harbour Beach and Florida State Lodge Fraternal Order of Police (FOP).

Motion made by Council Member Sharek to ratify the amendments to Articles 9 (Vehicles and Equipment), 19 (Holidays), and 30 (Compensation) of the 2018-2021 Collective Bargaining Agreement (CBA) between the City of Indian Harbour Beach and Florida State Lodge Fraternal Order of Police (FOP), seconded by Council Member Nolan – motion carried 5-0.

Council Discussion on Continuing Food Trucks in Oars & Paddles Park.

The consensus of Council was to continue allowing one (1) food truck in Oars & Paddles Park. The City will follow what the county does and put the availability out to bid.

PUBLIC FORUM

There were no speakers.

ADJOURN

Motion to adjourn at 9:21 p.m. was made by Deputy Mayor Nickle, seconded by Council Member Sharek – motion carried 5-0.

Scott Nickle
Mayor

ATTEST:

Sue Frank, MMC
City Clerk
City Council Agenda Item

Presentation of the Florida League of Cities Institute of Elected Municipal Officials (IEMO) Training Certificate to Council Member Robert Sharek

Meeting Date: February 25, 2020

Staff Recommendation:

Presentation of the Florida League of Cities Institute of Elected Municipal Officials (IEMO) Training Certificate to Council Member Robert Sharek

Background Information:

The Florida League of Cities Institute for Elected Municipal Officials (IEMO) is a three-day educational program that is specially designed for newly elected officials and those with less than one term in office. The primary objective of the IEMO is to provide elected municipal officials with an intensive academic program that will assist them in effectively meeting the requirements of their elected role. The program offers a comprehensive overview of Florida municipal government, presented by a faculty of top professionals in the field.

Council Member Robert Sharek attended and successfully completed the January 2020 IEMO Training

Congratulations Council Member Sharek!

Staff Recommendation:

Presentation of the Florida League of Cities Institute of Elected Municipal Official (IEMO) Training Certificate to Council Member Robert Sharek.
City Council Agenda Item

Presentation of the 2019 City of Indian Harbour Beach Police Department Officer of the Year Award

Meeting Date: February 25, 2020

Staff Recommendation:

Publically recognize a member of the Indian Harbour Beach Police Department as the 2019 Officer of the Year

Background Information:

The City of Indian Harbour Beach is extremely fortunate to have so many talented and dedicated professionals who epitomize excellence in local government. The Indian Harbour Beach Police Department each year selects one Police Officer who exemplifies the professionalism, talents, skills, and leadership necessary in public safety. This officer truly lives up the department motto: “We serve...We Care.”

The nominees for the 2019 Indian Harbour Beach Police Officer of the Year are:

Officer Matthew Wimmer
Officer Jim Adams
Officer Diarmuid McGrory
Officer Jennifer Imperato
Detective Eric Thompson

We are proud to announce Detective Eric Thompson as Indian Harbour Beach Police Department’s 2019 Officer of the Year. Officer Thompson began his career with the Indian Harbour Beach Police Department in November 2017.

Staff Recommendation:

Presentation of the 2019 City of Indian Harbour Beach Police Department Officer of the Year Award.
PROCLAMATION

WHEREAS, by 1776 nearly 300,000 natives of Ireland had emigrated to the colonies that would become the United States, and

WHEREAS, five signers of the Declaration of Independence were of Irish descent and three signers were Irish born; and

WHEREAS, Irish Americans helped to fashion a system of government for our young Nation; and

WHEREAS, 22 Presidents have proudly proclaimed their Irish American heritage, and

WHEREAS, in 1792 Irish born James Hoban and Irish immigrants assisted in the original construction of the United States Capital, and

WHEREAS, Irish born Commodore John Barry was recognized by the United States Congress in September 2002 as the “First Flag Officer of the United States Navy” and fought the last sea battle of the American Revolution off the coast of Florida; and

WHEREAS, the Irish first came to Spanish “La Florida” in the 1500s – first as missionaries and mercenary soldiers and then as planters, traders, businessmen, doctors and administrators; and

WHEREAS, Andrew Jackson, whose family came from County Antrim, was appointed the First Governor of Florida, and

WHEREAS, Irish Floridians can look back with pride on the legacy of their Irish forebears, who have contributed significantly to American education, business, sports, literature, science, engineering, medicine, science and the arts; and

WHEREAS, Irish Americans continue to provide leadership in this State, County and Communities in political, business and arts areas of our daily life and

NOW THEREFORE, I, David A. Panicola, by virtue of the authority vested in me as Mayor of the City of Indian Harbour Beach, Brevard County, Florida, proclaim the month of March 2019 as

“IRISH AMERICAN HERITAGE MONTH”

in the City of Indian Harbour Beach and urge all citizens and friends to join me in observing the month with appropriate ceremonies and activities.

IN WITNESS THEREOF, I have hereunto set my hand this 25th day of February 2020.

Scott Nickle
Mayor
CITY MANAGER REPORT

The following is my report for the council’s regular meeting of February 25, 2020.

A. ACTION ITEMS

1. Follow-up Discussion of Municipal Elections

   You will recall at last month’s meeting we had a discussion concerning the Indian Harbour Beach Municipal Elections. As background information, in November 2019 the City of Indian Harbour Beach held a municipal election for City Council Seat No. 5. When there is a municipal election without a corresponding federal, state, or county election, the municipality holding the election must pay all of the costs incurred by the Brevard County Supervisor of Elections to hold such an election. For the 2019 Indian Harbour Beach City Council Seat No. 5 election, the cost was $8,658.50 with a total of 903 votes cast.

   The Indian Harbour Beach City Charter provides that the Council Members serve three year staggered terms, which results in the potential for a municipal election every year, including an off year when there are no federal, state or county elections.

   During last month’s discussion, staff was asked to bring back a potential scenario for use to transition to four year terms, should you choose to move forward with a proposed City Charter amendment. Included as an attachment is a table reflecting a potential transition schedule.

   While amending the Charter will reduce elections costs, as such elections will coincide with national, state, and countywide elections, this will result, upon completion of the transition period, three members, or a majority of the City Council elected at the same time.

   It would be appropriate to discuss this issue and provide staff direction.

2. Audit Selection Committee

   In 2019 the Florida Legislature adopted SB 7014 Government Accountability. This legislation addresses a myriad of issues, and changes how local governments obtain Certified Public Accountants to perform municipal audits. Local governments must now create an Audit Selection Committee with a minimum of three members, one of whom must be a member of the governing body. The Chief Executive Officer (City or County Manager) and his or her staff may not serve as a member of the Audit Selection Committee, and may only serve in an advisory capacity during the recruitment and selection process.

   As such, staff is proposing to solicit resumes from interested citizens who are willing to serve on this committee via the city newsletter. The interested citizens will be interviewed by you, the Mayor and City Council, selected for appointment. Additionally, at the time of this selection, you must determine which member of the City Council will serve on this committee.
3. Asset Disposal

An Indian Harbour Beach Police Vehicle (2014 Chevrolet Caprice) has been placed on the list to be sold at auction, due to the vehicle needing significant repairs. The vehicle is in very bad shape and requires a new transmission, as well as other items. We do not believe it is cost effective to continue investing in the needed repairs and upkeep.

Our Head Mechanic, Dean West, suggested we list it for sale at $900.00. Commander Ralph Garcia has listed the vehicle on the website, GOVDEALS.com, for $5000.00. The highest bid so far is $3500.00. Because the vehicle has an asset valuation over $5000.00, based upon the depreciation rates we must get approval from City Council to authorize the sale $3500.00. This vehicle’s depreciation was set at 10 years, however it only lasted 6 years due to mileage, wear and tear, and that this vehicle was poorly designed. The current value of this vehicle, according to the Comptroller’s Office, is $14,687.18. The following is the vehicle’s information.

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B. INFORMATIONAL ITEMS

1. SR A1A Mid-Block Crossings

In February the Florida Department of Transportation made presentations to the Space Coast Transportation Planning Organization Technical Advisory Committee/Citizens Advisory Committee, and Governing Board concerning proposed modifications to the existing and proposed sixteen (16) mid-block crossings on SR A1A. These modifications include the following:

- Advanced Flashing Warning Signs at the entrance to RRFB Area
- Gateway Signs, six at each mid-block crossing
- Updated Detector Signs at each push button activator warning pedestrians to wait for traffic to stop before entering crosswalk
- Speed Limit reduction to 35 mph with a memorandum of understanding with local governments for enforcement
- Enhanced educational program

2. Indian Harbour Beach Planning and Zoning Board

Sadly, I reported the passing of Planning and Zoning Board Alternate Member Edward Kasold earlier this month. Unless directed otherwise, we will place an announcement in the next edition of the city newsletter soliciting resumes of citizens willing to serve the unexpired term of Mr. Kasold.
3. July Space Coast League of Cities Meeting Hosted by Indian Harbour Beach

Each year the City of Indian Harbour Beach hosts the July Space Coast League of Cities (SCLC) Dinner Meeting. For at least five years this dinner has been held at the Eau Gallie Yacht Club (EGYC), a private club that has opened up the club on a day usually closed to allow the city to showcase the fine culinary skills of EGYC, as well as the scenic view of the Indian River Lagoon.

During this time the cost for the selected menu, as well as the cost of opening the club staffed for the event, have increased. The city has attempted to solicit sponsorships to defray the costs exceeding the SCLC maximum per meal allotment ($30).

Staff has initiated discussions with the EGYC to host the July 13th meeting. Unfortunately, the EGYC has responded with a per meal cost of $52 per meal, which far exceeds the potential sponsorship. We are examining various options for the 2020 SCLC Dinner. These options include the following:

- Zon Beachside Assisted Living Facility
- Gleason Recreation Center with a caterer
- Hilton and Crown Plaza Hotel

4. Revenue and Expenditure Report (December 2019 and January 2020)

In accordance with Article VI, Section 4 (H) of the Charter of the City of Indian Harbour Beach, I am including in this agenda package a copy of the Revenue and Expenditure Reports for the period ending December 31, 2019.

From the revenue perspective, this report reflects receipt of 38.1% of the anticipated revenue at 25% of the budget year. The expenditure portion of this report reflects expenses totaling 20% of budgeted expenses through 25% of the budget year.

5. 2020 Mayors Fitness Challenge

The 2020 Mayors’ Fitness Challenge, the fourth year of this great event, is a collaboration between Health First, United Way of Brevard County, and Healthiest Weight Brevard, and is fast approaching.

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 began in February and will conclude on March 27th.

A special thank you to Cristina Bryson, Administrative Assistant to Chief Butler for stepping up to the plate to serve as our Team Captain in 2020. In the coming weeks Ms. Bryson will announce events here in Indian Harbour Beach.

We encourage you, your family, and friends to register as we try to achieve the designation of “Most Fit” city in Brevard County for 2020.
6. Census 2020

The 2020 U.S. Census will begin in March 2020. As mandated by the United States Constitution, a census is taken every ten years. The Census helps determine how billions of dollars in federal funding flow into states and communities throughout America. Additionally, the Census results determine how many seats in Congress each state is allotted.

Between March 12th and March 20th invitations to participate in the 2020 Census will begin arriving at households throughout the country. This invitation will include instructions on how to respond to the 2020 Census online or by phone. By April 1, most households will have received an invitation delivered either by mail or by a census taker. In areas of the country that are less likely to respond online, a paper questionnaire will be included in the initial mailing to households. Reminder mailings will be sent to households that do not respond, and in the fourth mailing every household that has not yet responded will receive a paper questionnaire.

Once households receive invitations, please respond to the 2020 Census by using the provided Census ID. If a household is unable to enter the Census ID people can still respond, by providing an address. Whether people respond online, by phone or by mail, it is important to respond right away.

As the 2020 Census will be largely submitted electronically, the city will be utilizing the newsletter to relay the importance in responding, and alert our residents of the potential of individuals attempting to use the Census for scams and other criminal activities.

7. Letters of Appreciation

Since we last met we have received letter(s) of appreciation or e-mails from citizens acknowledging the hard work and professional efforts of the following team member(s).

<table>
<thead>
<tr>
<th>Employee</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer Jennifer Imperato</td>
<td>Police Department</td>
</tr>
</tbody>
</table>

Congratulations!

8. Oars & Paddles Park Tourist Development Tax Payment

The improvements within Oars & Paddles Park funded via the Brevard County Tourist Development Tax are now complete. Julie Bradford, Comptroller reports the final disbursement of these funds, $147,751.01, has been remitted to the city.

9. Victims of Crime Act Grant

You will recall we previously announced the Indian Harbour Beach Police Department has been awarded a Victim Advocate Grant by the Office of the Attorney General (OAG),
Bureau of Advocacy and Grants Management for the period ending September 30, 2020 has been approved.

A condition of this grant award is a requirement for the city to utilize a volunteer to help facilitate the mission of this grant program. This current solicitation is underway.

10.2020 Legislative Update

The 2020 Legislative Session is racing toward the conclusion on Friday, March 13, 2020.

Since we last met I made several trips to Tallahassee to testify before various committees on legislation impacting our community. This legislation includes:

- SB 1128 Preempting Local Government Regulations of Vacation Rentals
- HB 1101 Preempting Local Government Regulation of Vacation Rentals
- SB 603 Allowing Cities and Counties to Establish Smoke-free or Designated Smoking Areas in Public Parks
- SB 1302 Increasing the Statutory Liability Limits for the State and Local Governments
- HB 4117 Indian Harbour Beach and Satellite Beach Muck Dredging Local Funding Request

Additionally, I was hopeful to speak on SB 1174 Communications Services Tax and the impact it will have on our community. Unfortunately, due to an error on my part I was not able to speak on this legislation.

During these travels I met with each of our legislative delegation members during the Florida League of Cities Legislative Action Days, and participated in the Brevard Days at the Capitol.

I am continuing to work on other legislation, including, but not limited to:

- Proposed Committee Bill SAC 20-05 - Establishes a 6-member task force (two each from Governor, Speaker and Senate). To convene no later than November 2020 and report to Legislature by 2022. Purpose of task force is to “review the governance structure of local governments and whether any changes are necessary to make such governments more efficient.”

- Proposed Committee Bill SAC 20-06 - A permit application required by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance within a time certain.

- HB 537 - Home Based Businesses

  Preempts local government regulations and allows any home based businesses within a residential zoning, regardless of whether they reside in the home and up to two employees.
• CS/SB 1270 - Fiduciary Duty of Care for Appointed Public Officials and Executive Officers.

Establishing standards for the fiduciary duty of care for appointed public officials and executive officers of specified governmental entities; requiring training on board governance beginning on a specified date; requiring the Department of Business and Professional Regulation to contract for or approve such training programs or publish a list of approved training providers; specifying requirements for the appointment of executive officers and general counsels of governmental entities, etc.

• CS/SB 1066 - Impact Fees

Revising requirements for counties and municipalities that adopt, collect, or administer an impact fee by ordinance and for special districts that adopt, collect, or administer an impact fee by resolution; requiring local governments to provide impact fee credits or other forms of compensation under certain conditions; requiring certain counties and municipalities to establish impact fee review committees, etc. I will be traveling to Tallahassee to testify before the committees.

• SJR 1502 - Information About Counties and Municipalities

Proposing an amendment to the State Constitution to require the Chief Financial Officer, as prescribed by general law, to annually provide information about counties and municipalities to residents in a manner that allows residents to compare economic and noneconomic factors of each local government, etc.

• CS/SB 1000 - Traffic and Pedestrian Safety

Requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to be controlled by traffic control signal devices and pedestrian control signals that conform to specified requirements; requiring, by a specified date, the entity with jurisdiction over a public highway, street, or road with a certain pedestrian crosswalk to ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals, etc.

• CS/HB 519/CS/SB 1766 Private Property Rights

This proposed legislation CS/HB 519 revises notice of claim requirements for property owners; revises procedures for determination of compensation; authorizes property owners to bring claims against governmental entities in certain circumstances; authorizes property owners to bring actions to declare prohibited exactions invalid; provides for resolution of disputes concerning comprehensive plan amendments under Florida Land Use & Environmental Dispute Resolution Act; requires DOT to afford right of first refusal to previous property owner before disposing of property in certain circumstances.
11. Stop the Bleed

The Indian Harbour Beach Volunteer Fire Department and Indian Harbour Beach Police Department have teamed up with Intercoastal Insurance, Inc., Health First, Atlantis Urgent Care, Lowe's Home Improvement Indian Harbour Beach, and the Students and Staff of Ocean Breeze Elementary School to provide Stop the Bleed Kits for each Classroom at Ocean Breeze Elementary School. In the event of a serious incident, these supplies can make the difference in life or death of a student or staff member if seriously injured when seconds count and help may be minutes away. Each Kit contains, Towels, Quick Clot Agent, Sterile Power-Free Latex Gloves, 2 Tourniquets, Chem Lights, Flashlight, Gauze, Duct Tape, 1-way valve CPR Mask and a Permanent Marker.

Again, we would like to thank the following community partners for making this happen and providing a safer environment for our students, teachers and staff at Ocean Breeze Elementary School.

Intercoastal Insurance, Inc.- Cindy Dropeski
Health First
Atlantis Urgent Care Dr. Bjorn Dimberg and Meghan Kirby
Lowe's Home Improvement Indian Harbour Beach Manager Chip Grennan and Tammi Harris
Ocean Breeze Elementary School- Principal Shelley Michaud

12. Space Coast Transportation Planning Organization 2019 Education Award to the Indian Harbour Beach Police Department

On Thursday, March 12, 2020 the Indian Harbour Beach Police Department will be recognized by the Space Coast Transportation Planning Organization with the 2019 Education Award. This award will recognize the public education efforts of our Police Department in public education and safety.

Congratulations to the Indian Harbour Beach Police Department!

Special Meetings and Upcoming Events

Special Meetings
None

Upcoming Events
None
## Potential City Council Seat Transition Schedule

To Elect During a State, Federal, and County Election Cycle

<table>
<thead>
<tr>
<th>Seat #</th>
<th>Expiration of Current Term</th>
<th>Transition Term of Office</th>
<th>Next Election</th>
<th>Term of Office</th>
<th>Next Election</th>
<th>Final Term of Office All Members</th>
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<td>2023</td>
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<td>2026</td>
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<td>2 Years</td>
<td>2024</td>
<td>4 Years</td>
<td>2028</td>
<td>4 Years</td>
</tr>
</tbody>
</table>
City Council Agenda Item

First Reading of Ordinance No. 2020-01 Updating the Comprehensive Plan of the City and Updating the Capital Improvements Element

Meeting Date: February 25, 2020

Staff Recommendation:

Approve Ordinance No. 2020-01 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. Jim LaRue, Planning and Zoning Consultant for this update. Mr. LaRue’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 held a public hearing on February 5, 2020 for the update of the Capital Improvement Element. Following this public hearing, the board recommended approval of the updated CIE.

Staff Recommendation:

Staff recommends approval of Ordinance No. 2020-01 on first reading that will update the City of Indian Harbour Beach Five Year Capital Improvement Program of the Capital Improvements Element of the Comprehensive Plan.
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 2019-20 THROUGH FY 2023-24); UPDATING THE CAPITAL IMPROVEMENT ELEMENT BY UPDATING THE SCHEDULE OF CAPITAL IMPROVEMENTS (FY 2019-20 THROUGH FY 2023-24) 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 Statues, 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 February 5, 2020 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 February ____, 2020 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 2019-20 through 2023-24, 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 (FY2019-20 - 2023-24)
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五: 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.


CITY OF INDIAN HARBOUR BEACH BREVARD COUNTY, FLORIDA

Scott Nickle
Mayor

ATTEST:

Sue Frank, MMC
City Clerk

First Reading: February 11, 2020
Second Reading: February 25, 2020
Effective Date: February 25, 2020
City Council Agenda Item

First Reading on Ordinance No. 2020-02 Amending Article XIII, Section 2 of the Supplementary District Regulations of Appendix A of the Code Ordinances Pertaining to Fences and Walls.

Meeting Date: February 25, 2020

Staff Recommendation:

Conduct first reading of Ordinance No. 2020-02 Amending Article XIII, Section 2 of the Supplementary District Regulations of Appendix A of the Code Ordinances Pertaining to Fences and Walls.

Background Information:

Article XIII, Section 2 of Appendix A of the Code of Ordinances provides the regulation of the installation of fences in the community. Section 2 reads as follows:

Sec. 2. - Fences and walls on property other than that abutting SR A1A, South Patrick Drive and SR 3.

Notwithstanding other provisions of this ordinance, fences and walls may be permitted in the side and rear yards of property not abutting SR A1A, South Patrick Drive or SR 3; provided, that no fence or wall or support structures thereof or decorative feature thereon, shall be over six (6) feet in height, except fences for tennis courts and other recreational facilities, which may be ten (10) feet in height. For purposes of this section, the height of the fence or wall shall be measured from the highest normal elevation of the ground in the adjacent yards. No fence shall be installed closer than twenty-five (25) feet to a street right-of-way line except where side corner yard requirements are less than twenty-five (25) feet, in which case the fence shall be no closer to the street right-of-way line than the existing building line.

Notwithstanding the restriction on fences being installed closer than twenty-five (25) feet to a street right-of-way line, any fence installed on property in the M-1, Light Industrial District, may be located within ten (10) feet of a street right-of-way line. Provided; however, that any fence installed in the front yard of the property shall be of a chain link style.
Material for any fence or wall shall be chain link, wood, PVC, aluminum or concrete block. Any fence or wall constructed of other materials must first be approved by the city council before a permit is issued. The fence or wall shall be installed so that the exposed framing, stringers, and posts to support each section face the interior of the yard of the lot on which the fence or wall is placed, regardless of whether or not another fence or wall already exists.

In interpreting this code for many years the prior and current Building Officials and department staff have utilized the following definition of a street in enforcing this regulation:

Street. Any public or private right-of-way set aside for public travel which is fifty (50) feet or more in width.

(1) Street right-of-way line: The property line which abounds the right-of-way set aside for use as a street.

(2) Street center line: The line midway between the street right-of-way lines.

Basically, for many years the Building Department has provided that on a side corner lot the required twenty-five (25) feet setback has been measured from the edge of the street and curb line. Unfortunately, this interpretation is in conflict with the code referenced above and has resulted in numerous non-conforming fences on side corner lots throughout the city that are closer than twenty-five (25) feet from the property line/right-of-way line. Should a non-conforming fence be destroyed or replaced the non-conforming fence will have to meet the code as currently written.

The City Council directed staff to benchmark what other communities are doing in terms of the setback for fences on corner lots. David Wiles, Building Official has determined a common setback for such lots is ten (10) feet from the side corner lot line.

Ordinance No. 2020-02 incorporates this change, along with some changes recommended by Building Official Wiles, related to allowing increases in the maximum height of up to six inches to accommodate caps, finials, posts, and decorative items.

The Planning and Zoning Board held a public hearing on this proposed Ordinance on February 5, 2020, and following this hearing recommended approval of this code modification.

Staff Recommendation:

Conduct first reading of Ordinance No. 2020-02 Amending Article XIII, Section 2 of the Supplementary District Regulations of Appendix A of the Code Ordinances pertaining to fences and walls.
AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH
AMENDING ORDINANCE NO. 81-4, ZONING CODE OF THE CITY;
AMENDING ARTICLE XIII, SECTION 2 OF THE SUPPLEMENTARY
DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF
ORDINANCES OF THE CITY ENTITLED FENCES AND WALLS ON
PROPERTY OTHER THAN THAT ABUTTING SR A1A, SOUTH PATRICK
DRIVE AND SR 3; PROVIDING THAT ALLOWING UP TO SIX INCHES OF
ALLOWABLE FENCE AND WALL HEIGHT FOR CAPS, FINIALS, POSTS,
AND DECORATIVE ITEMS AND AMENDED SETBACK REQUIREMENTS
FOR FENCES ON SIDE CORNER LOTS; PROVIDING FOR CONFLICTING
PROVISIONS SEVERABILITY; CODIFICATION AND AN EFFECTIVE
DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE City of Indian Harbour Beach of
Brevard County, Florida, as follows:

SECTION 1. Article XIII, Section 2 of Appendix A of the Code of Ordinances of the
City is amended to read as follows:

"Sec. 2. - Fences and walls on property other than that abutting SR A1A,
South Patrick Drive and SR 3.

Notwithstanding other provisions of this ordinance, fences and walls maybe
permitted in the side and rear yards of property not abutting SR A1A, South Patrick
Drive or SR 3; provided, that no fence or wall or support structures thereof or
decorative feature thereon, shall be over six (6) feet in height, excluding caps, finials,
posts, etc. which may extend up to six (6) inches above the maximum six (6) foot
height provided for herein, except fences for tennis courts and other recreational
facilities, which may be ten (10) feet in height. For purposes of this section, the
height of the fence or wall shall be measured from the highest normal elevation of
the ground in the adjacent yards. No fence shall be installed closer than twenty-five
(25) feet to a street right-of-way line except where for side corner lots the setback
yard requirements are less than twenty-five (25) feet, in which case the fence shall
be no closer to the street right-of-way line than ten (10) feet and must be to the rear
of the front building setback the existing building line.

Notwithstanding the restriction on fences being installed closer than twenty-five (25)
feet to a street right-of-way line, a Any fence installed on property in the M-1, Light
Industrial District, may be located within ten (10) feet of a street right-of-way line.
Provided; however, that any fence installed in the front yard of the property shall be
of a chain link style.
Material for any fence or wall shall be chain link, wood, PVC, aluminum or concrete block. Any fence or wall constructed of other materials must first be approved by the city council before a permit is issued. The fence or wall shall be installed so that the exposed framing, stringers, and posts to support each section face the interior of the yard of the lot on which the fence or wall is placed, regardless of whether or not another fence or wall already exists."

**SECTION 2. Conflicting Provisions.** In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

**SECTION 3. Severability.** If any provision 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 end the provisions of this ordinance are declared severable.

**SECTION 4. Codification.** The City Clerk of the City is hereby directed to incorporate this Ordinance into the Zoning Code of the City.

**SECTION 5. Effective Date.** This ordinance shall take effect in accordance with the City Charter.

PASSED AND ADOPTED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida, this ______ day of __________________, 2020.

X
Scott Nickle
Mayor

ATTEST:

X
Sue Frank, MMC
City Clerk

First Reading:
Second Reading Public Hearing:
City Council Agenda Item

First Reading on Ordinance No. 2020-03 Amending the Land Development Regulations of the City, Chapter 109, Streets; Amending Section 109-04 (c) Minimum Widths for Commercial and Industrial, Local Private or public streets or parking lot aisles.

Meeting Date: February 25, 2020

Staff Recommendation:

Conduct first reading of Ordinance No. 2020-03 Amending the Land Development Regulations of the City, Chapter 109, Streets; Amending Section 109-04 (c) Minimum Widths for Commercial and Industrial, Local Private or public streets or parking lot aisles.

Background Information:

As indicated in the proposed ordinance, Chapter 109 Streets, Section 109-4 Minimum Widths and Grades, Sub-section (c) within the city’s land development regulations provides specifications for pavement widths. It has been determined the width for Commercial and Industrial local private or public streets or parking lot drive aisles are too great and this proposed changes reduces this minimum width to twenty-four (24) feet.

The Planning and Zoning Board held a public hearing on this proposed Ordinance on February 5, 2020, and following this hearing recommended approval of this code modification.

Staff Recommendation:

Conduct first reading of Ordinance No. 2020-03 Amending the Land Development Regulations of the City, Chapter 109, Streets; Amending Section 109-04 (c) Minimum Widths for Commercial and Industrial, Local Private or public streets or parking lot aisles.
ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY; AMENDING CHAPTER 109, STREETS; AMENDING SECTION 109-4 (c) MINIMUM WIDTHS AND GRADES RELATING TO PAVEMENT WIDTHS FOR COMMERCIAL AND INDUSTRIAL LOCAL PRIVATE OR PUBLIC STREETS OR PARKING LOT DRIVE ISLES PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

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

SECTION 1. Section 109-4 (c) of the Land Development Regulations of the City is amended in full to read as follows:

“Sec. 109-4 (c). Pavement widths, from edge of pavement to edge of pavement, excluding curbs or curbs and gutters, shall not be less than the following:

<table>
<thead>
<tr>
<th>Width</th>
<th>Street Type (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal arterial</td>
<td>50 or Florida Dept. of Transportation requirements whichever is greater</td>
</tr>
<tr>
<td>Minor arterial</td>
<td>50 or Florida Dept. of Transportation requirements whichever is greater</td>
</tr>
<tr>
<td>Collector</td>
<td>50</td>
</tr>
<tr>
<td>Commercial and Industrial local private or public streets or parking lot drive isles</td>
<td>28 24</td>
</tr>
<tr>
<td>Residential public and private local streets</td>
<td>24</td>
</tr>
<tr>
<td>Alley</td>
<td>22</td>
</tr>
</tbody>
</table>
SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision 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 end the provisions of this ordinance are declared severable.

SECTION 4. Codification. The City Clerk of the City is hereby directed to incorporate this Ordinance into the Land Development Regulations of the City.

SECTION 5. Effective Date. This ordinance shall take effect in accordance with the City Charter.

PASSED AND ADOPTED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida, this _______ day of ____________________, 2020.

______________________________
Scott Nickle
Mayor

ATTEST:

______________________________
Sue Frank, MMC
City Clerk

First Reading:
Second Reading:
City Council Agenda Item

Approval of the ranking of the firms for RFQ 2020-01 Construction Management at Risk Services for the Construction of all Site and Building Improvements for an Approximate 13,000 Sq. Ft. Police Headquarters on South Patrick Drive and authorize staff to begin negotiations with the number one ranked firm.

Meeting Date: February 25, 2020

Staff Recommendation:

Approval of the ranking of the firms for RFQ 2020-01 Construction Management at Risk Services for the Construction of all Site and Building Improvements for an Approximate 13,000 Sq. Ft. Police Headquarters on South Patrick Drive and authorize staff to begin negotiations with the number one ranked firm.

Background Information:

In accordance with Florida Statute 287.055, "Consultants' Competitive Negotiation Act", the City invited, under RFQ #2020-01, advertised on December 19, and December 26, 2020 in the Florida Today Newspaper, and was listed on the DemandStar website, for the construction of all site improvements and building improvements of an approximately 13,000 square feet stand-alone structure to be utilized as the Indian Harbour Beach Police Department and for an approximately 900 square foot stand-alone storage building on the same site. The design and construction minimum basis for this facility shall be the Florida Building Code 2017 Edition Occupancy Risk Category IV. Special emphasis shall be on energy conservation criteria, with a design and construction goal to qualify for a GREEN BUILDING Certification. This project will utilize the Construction Management at Risk with a Guaranteed Maximum Price mode of construction.

Contracting Firms were invited to submit their qualifications pertaining this RFQ with a submittal deadline of January 13, 2020. On this date the City received Statements of Qualifications and Responses to this solicitation from three contractors:

- Don Facciobene, Inc. (DFI) - Palm Bay, Florida
- MH Williams Construction Group - Melbourne, Florida
- W & J Construction - Rockledge, Florida
A committee comprised of Mark Ryan, City Manager, David Butler, Police Chief, and Todd Scaldo, Fire Chief/Public Works Director was formed to review and evaluate the submittals received by the City.

As only three responses were received to this RFQ, all three firms were invited to make a presentation to the committee regarding their qualifications and experience providing architectural and engineering consulting services on similar projects. The presentations were made on Thursday, January 23, 2020 at a publically notice meeting.

Each of these entities have unique qualifications and can bring a tremendous amount of experience to the city in designing this new facility. Unfortunately, only one firm can design this new facility.

Following the presentations at the January 23rd meeting the committee met again in an advertised meeting on January 29, 2020 for deliberation and final evaluations. The Committee ranked the firms as noted below:

1. W & J Construction - Rockledge, Florida
2. MH Williams Construction Group - Melbourne, Florida
3. Don Facciobene, Inc. (DFI) - Palm Bay, Florida

**Staff Recommendation:**

The committee requests City Council's approval of the ranking of the firms and authorize Staff to begin negotiations with the selected firm W & J Construction- Rockledge, Florida as the Construction Management at Risk with a Guaranteed Maximum Price for the construction of the new Indian Harbour Beach Police Headquarter.
City Council Agenda Item

Approval of an Amendment to the Restated Interlocal Agreement establishing the Space Coast Transportation Planning Organization Providing for Representation on the Central Florida Expressway Authority

Meeting Date: February 25, 2020

Staff Recommendation: Approval of an Amendment to the Restated Interlocal Agreement establishing the Space Coast Transportation Planning Organization providing for Representation on the Central Florida Expressway Authority

Background Information:

The Space Coast Transportation Planning Organization (SCTPO) desires to amend the interlocal agreement establishing the SCTPO. The Restated Interlocal Agreement between the Space Coast Transportation Planning Organization (TPO), FDOT and Brevard County municipalities that provides a mechanism for the TPO to provide transportation planning services to the members. A review of the Space Coast TPO Restated Interlocal Agreement necessitated an amendment and requires approval of each respective member board. The Restated Interlocal Agreement is being amended to include the Central Florida Expressway Authority as Brevard County is a member of the CFX Board. The Central Florida Expressway Authority has a vital and increasing role in the transportation facilities and services in Brevard County.

Staff Recommendation:

Approval of an Amendment to the Restated Interlocal Agreement establishing the Space Coast Transportation Planning Organization providing for representation on the Central Florida Expressway Authority
City Council Agenda Item
Construction of a Low Impact Development Dry Retention Area in the Palm Springs Boulevard Medians

Meeting Date: February 25, 2020

Staff Recommendation: Approve the construction of a Low Impact Development dry retention area within the Palm Springs Boulevard medians by Atlantic Development of Cocoa, Inc., at a cost not to exceed $40,000.00 and funded via the city’s Stormwater Utility Fund.

Background Information:
Low-impact development (LID) is a term used in Canada and the United States to describe a land planning and engineering design approach to manage stormwater runoff as part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality.

Todd Scaldo, Public Works Director has been collaborating with Erin Trauger, P.E., Trauger Consulting Engineers, Inc., for the design of a LID dry retention area in the medians of the Palm Springs Boulevard. Based upon that design, Mr. Scaldo solicited quotations from construction contractors to construct the facility. The following is a recap of the quotations received for this project.

- Atlantic Development of Cocoa, Inc. $38,199.64
- L.H. Tanner Construction, Inc. $39,500.00
- Jobear Contracting, Inc. $84,475.00

The LID dry retention area for the Palm Springs Boulevard is part of the city’s Stormwater Master Plan. The funding for this project is the Stormwater Utility Fund.
Staff Recommendation:

Approve the construction of a Low Impact Development dry retention area within the Palm Springs Boulevard medians by Atlantic Development of Cocoa, Inc., at a cost not to exceed $40,000.00 and funded via the city’s Stormwater Utility Fund.
City Council Agenda Item

Approval of Change Order with Environmental Consulting and Technology Inc. for Professional Engineering Services for the Design, Permitting, and Construction Administration Services of a 2nd Generation Baffle Box on the East End of the Big Muddy Canal

Meeting Date: February 25, 2020

Staff Recommendation: Approval of Change Order with Environmental Consulting and Technology Inc. for Professional Engineering Services for the Design, Permitting, and Construction Administration Services of a 2nd Generation Baffle Box on the East End of the Big Muddy Canal at a Cost Not to Exceed $20,000.

Background Information:

You will recall the city made application to the Save Our Indian River Lagoon ½ Cent Sales Tax Oversight Committee to partially fund the installation of a 2nd Generation Baffle Box on the east end of the Big Muddy Canal. The initial project approved in early 2018 provided $26,637 for the construction of a $284,000 project that would treat 32 acres of the drainage basin.

We submitted and received approval of an enhancement to the previously approved project that increases the size of the drainage basin to be treated to 63.8 acres and increases the sales tax funding to $68,332.

The firm Environmental Consulting and Technology, Inc. (ECT), a firm that has designed and permitted similar baffle boxes and stormwater treatment facilities in our region, was approved for the design of these improvements, at a cost not to exceed $30,000.

ECT was tasked to prepare construction drawings and apply for an Environmental Resource Permit (ERP) for the project. In order to prepare the construction drawings ECT also performed a hydraulic analysis of the drainage system to ensure that no upstream impacts will be observed because of the project.

In performing this design, it was determined a 10-inch line conflicts with the proposed location of the baffle box and relocation, while an option, creates potential issues with access and neighboring properties. Additionally, the County cannot confirm whether this
10-inch line is active and the city will need to include a task in design for the selected vendor to tap into this line for verification.

As a result of this utility conflict, ECT has submitted a Change Order for Brevard County Utility Permitting, and the design of a force-main by-pass and relocation of the line at a cost of $6,760.00.

Additionally, ECT has submitted a proposal to provide Construction Administration Services associated with the project. These services include:

- shop drawing review
- one (1) addendum response and plan amendment
- participation in a pre-bid conference
- participate in a pre-construction conference
- three site visits during the construction
- review and prepare pay applications
- prepare and submit substantial and final completion inspections and letters, and certify the project complete to city, Brevard County, and SJRWMD requirements

The cost for the Constructions Administration Services is $12,133.60.

The total of the two tasks outlined above is $18,893.60.

Staff is requesting approval of the Utility Conflict Task and the Construction Administration Services Task at a cost not to exceed $20,000 and utilize the Stormwater Utility Fund for the cost of these services.

**Staff Recommendation:**

Approval of Change Order with Environmental Consulting and Technology Inc. for Professional Engineering Services for the Design, Permitting, and Construction Administration Services of a 2nd Generation Baffle Box on the East End of the Big Muddy Canal at a Cost Not to Exceed $20,000.
City Council Agenda Item
Advisability to Amend Article XIII, Section 2 of Appendix A of the Code of Ordinances (Zoning Code) Concerning Fences and Walls on SR A1A, South Patrick Drive and SR 3

Meeting Date: February 25, 2020

Staff Recommendation: Council discussion and direction to staff to prepare an ordinance amending Article XIII, Section 2 of Appendix A of the Code of Ordinances (Zoning Code) pertaining fences and walls on SR A1A, South Patrick Drive and SR 3

Background Information:

Article XIII, Section 2 of Appendix A of the Code of Ordinances provides the regulation of the installation of fences in the community. Section 2 reads as follows:

Sec. 2. - Fences and walls on property other than that abutting SR A1A, South Patrick Drive and SR 3.

Notwithstanding other provisions of this ordinance, fences and walls may be permitted in the side and rear yards of property not abutting SR A1A, South Patrick Drive or SR 3; provided, that no fence or wall or support structures thereof or decorative feature thereon, shall be over six (6) feet in height, except fences for tennis courts and other recreational facilities, which may be ten (10) feet in height. For purposes of this section, the height of the fence or wall shall be measured from the highest normal elevation of the ground in the adjacent yards. No fence shall be installed closer than twenty-five (25) feet to a street right-of-way line except where side corner yard requirements are less than twenty-five (25) feet, in which case the fence shall be no closer to the street right-of-way line than the existing building line.

David Wiles, Building Official, has discussed an apparent discrepancy in the fence code with City Attorney Karl Bohne. Mr. Wiles reports Section 2 states that NO FENCE shall
be closer than 25 feet to the street right of way line. All references prior to that stated FENCES AND WALLS. By not including a WALL it appears that not allowing walls to be constructed on side corner property could be challenged.

Also within Section 2, it is stated where property abutting A1A or South Patrick Drive (SR3) the code allows a wall to be constructed in the "front yard" up to the property line but does not provide that Property abutting these roads with "side corner yard" could construct a wall to the property line.

With specific attention to the definitions of fence, and wall, something may have been missed when this code was written. We are seeking direction whether it is the City Council’s intent to allow a wall (masonry) to be constructed to the property line on a side corner yard.

**Staff Recommendation:**

Staff is seeking direction from the City Council whether to develop an ordinance amending this code pertaining to fences and walls on SR A1A, South Patrick Drive and SR 3.