



TOWN OF MELBOURNE BEACH

**TOWN COMMISSION
REGULAR MEETING**

FEBRUARY 17, 2021

AGENDA PACKET

TABLE OF CONTENTS

<u>AGENDA</u>	<u>5</u>
<u>CONSENT AGENDA</u>	<u>9</u>
A. JANUARY 20, 2021 RTCM DRAFT MINUTES	10
B. SITE PLAN REVIEW FOR 511 MAGNOLIA, MELBOURNE BEACH	23
C. SITE PLAN REVIEW FOR 508 HIBISCUS, MELBOURNE BEACH	31
<u>PUBLIC HEARINGS: APPLICATION FOR LAND USE AMENDMENT & REZONING (WITH BINDING DEVELOPMENT AGREEMENT) FOR 501 FIRST AVE</u>	<u>41</u>
A. STAFF REPORT	42
B. APPLICATION	49
C. PLANNING AND ZONING BOARD RECOMMENDED ORDER	65
D. ORDINANCE 2020-01; FUTURE LAND USE AMENDMENT	69
E. ORDINANCE 2021-02; REZONING	71
F. BINDING DEVELOPMENT AGREEMENT	73
<u>OLD BUSINESS</u>	<u>87</u>
A. REVIEW OF TOWN HOLIDAY SCHEDULE AND CONSIDERATION OF OPTIONS FOR TOWN OBSERVANCE OF MARTIN LUTHER KING JR. DAY HOLIDAY – TM MASCARO	87
B. CONSIDERATION OF PAID PARKING HOURS AT OCEAN PARK AND RYCKMAN PARK – TOWN MANAGER MASCARO	89
C. CONSIDERATION AND REVIEW OF COMPARISON OF BUILDING DEPARTMENT’S WORKLOAD, STAFFING, AND COSTS BETWEEN LOCAL MUNICIPALITIES – FINANCE MANAGER KERR	91
<u>NEW BUSINESS</u>	<u>93</u>
A. CONSIDERATION OF RESOLUTION 2021-01 - MAYOR HOOVER	93
B. CONSIDERATION TO CHANGE THE MEETING TIME TO 5:30PM FOR ALL REGULAR TOWN COMMISSION MEETINGS AND WORKSHOPS.	99
C. REVIEW AND CONSIDERATION OF PROPOSAL TO CLEAN HVAC SYSTEM AT TOWN HALL – PUBLIC WORKS DIRECTOR DAVIS	101
<u>STAFF REPORTS</u>	<u>107</u>
TOWN MANAGER REPORT	107
TOWN CLERK	109
DEPARTMENTAL REPORTS	112
1. BUILDING DEPARTMENT REPORT	112
2. PUBLIC WORKS REPORT	117
3. CODE ENFORCEMENT REPORT	119
4. POLICE DEPARTMENT REPORT	121
5. FIRE DEPARTMENT REPORT	129
6. FINANCE REPORT	135
<u>ACTION ITEMS</u>	<u>143</u>

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
FEBRUARY 17, 2021 at 6:30 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

AGENDA

PUBLIC NOTICE

**The Town Commission will conduct a Regular Town Commission Meeting
on Wednesday February 17, 2021 in the Community Center
to address the items below**

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Steve Walters
Commissioner Sherrie Quarrie
Commissioner Corey Runte

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Jennifer Torres
Town Attorney Clifford Repperger

Notice: Commission discussion and possible action may occur during any Commissioner Meeting. The following sections of the Agenda are always subject to such discussion and possible action without further motion by the Commission: Changes to the Agenda, Public Hearings, Old Business, and New Business.

The public is advised that members of the Town Commission may be in attendance and participate in proceedings of the board. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

- 1. Call to Order – Led by Mayor Hoover**
- 2. Roll Call**
- 3. Pledge of Allegiance and Moment of Silence**
- 4. Presentations**
- 5. Boards and Committees**
- 6. Public Comments**

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business not on the Agenda.

- 7. Approval of the Agenda**
- 8. Consent Agenda**

- A. Approval of January 20, 2021 RTCM Minutes – Town Clerk Torres
- B. Site Plan Approval for 511 Magnolia, Melbourne Beach
- C. Site Plan Approval for 508 Hibiscus, Melbourne Beach

- 9. Public Hearings**

- A. First Reading of Application for Land Use Plan Amendment and Rezoning (with Binding Development Agreement) for 500 First Avenue, Melbourne Beach
 - 1) Ordinance 2020-01; Future Land Use Amendment
 - 2) Ordinance 2021-02; Rezoning
 - 3) Binding Development Agreement

- 10. Old Business**

- A. Review of Town holiday schedule and consideration of options for Town observance of Martin Luther King Jr. Day holiday – Town Manager Mascaro
- B. Consideration of paid parking hours at Ocean and Ryckman Park – Town Manager Mascaro
- C. Consideration and Review of comparison of Building Department's workload, staffing, and costs between local Municipalities – Finance Manager Kerr

11. New Business

- A. Consideration of Resolution 2021-01 - Mayor Hoover
- B. Consideration of changing the meeting time to 5:30 p.m. for all Regular Town Commission Meetings and Workshops – Town Manager Mascaro
- C. Review and consideration of proposal to clean HVAC system at Town Hall – Public Works Director Davis

12. Staff Reports

- A. Town Attorney Report
- B. Town Manager Report
- C. Town Clerk Report
- D. Departmental Reports
 - 1. Building Department
 - 2. Public Works Department
 - 3. Code Enforcement
 - 4. Police Department
 - 5. Fire Department
 - 6. Finance Department

13. Town Commission Comments

- A. General Comments
- B. Review of Commission Action List

14. Adjournment

Town Commission Agenda Item

Section: Consent Agenda

Meeting Date: February 17, 2021

Subject: Consideration of January 20, 2021 RTCM Draft Minutes & Site Plan Approval for 511 Magnolia and 508 Hibiscus

Submitted By: Town Clerk Torres

Background Information:

- The January 20, 2021 RTCM Draft Minutes were distributed via email on 2/4/2021 to the Commission and no edits were submitted.
- The Planning & Zoning Board approved the site plans for 511 Magnolia Ave. and 508 Hibiscus Trail during their February 2, 2021 meeting

Recommendation: Approve Consent Agenda as submitted

Attachments:

- January 20, 2021 RTCM Draft Minutes
- Site Plan approval for 511 Magnolia Ave., Melbourne Beach
- Site Plan approval for 508 Hibiscus Trail, Melbourne Beach

Note: The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for individuals who are visually impaired and to comply with the requirements of the Americans with Disabilities Act (ADA) to make reasonable accommodations. While these modifications are being made some attachments may not be included as part of the online agenda packet. If you would like to obtain a document not currently provided, please contact our Town Clerk at (321) 724-5860 or townclerk@melbournebeachfl.org

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING

**WEDNESDAY, JANUARY 20, 2021, 6:30 p.m.
COMMUNITY CENTER, 509 OCEAN AVENUE**

DRAFT MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce D. Barton
Commissioner Steve Walters
Commissioner Sherrie Quarrie
Commissioner Corey Runte

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Cliff Repperger
Town Clerk Jennifer Torres

1. Call to Order

Mayor Hoover called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Present:

Mayor Wyatt Hoover
 Vice Mayor Joyce D. Barton
 Commissioner Steve Walters
 Commissioner Sherrie Quarrie

Commissioners Absent:

Commissioner Corey Runte

Staff Present:

Town Manager Elizabeth Mascaro
 Town Attorney Cliff Repperger
 Town Clerk Jennifer Torres

3. Pledge of Allegiance and Moment of Silence

Led by Mayor Hoover

4. Presentations

5. Boards and Committees

6. Public Comments

*Kate Wilborn
 502 2nd Avenue*

Ms. Wilborn said she wanted to make the Town aware of the rezoning application for 500 1st Avenue. She does not agree with allowing a rezoning because she is concerned with adding more cement to the ground resulting in additional displaced water.

The Town Clerk explained to the Commission that there is a current application on file for 501 1st Avenue scheduled to go before the Planning & Zoning Board on February 2, 2021.

Mayor Hoover explained to Ms. Wilborn that there are several steps before approval is given. The first hearing will be at the Feb 2 Planning & Zoning Board Meeting, which she is welcome to attend. After that it will come before the Town Commission for consideration.

Joe Watts
900 Atlantic Street

Mr. Watts is a member of the Melbourne Beach Rotary Club. He would like the Commission to consider allowing the club to have an official sign posted in Town recognizing the Rotary Club of Melbourne Beach. Mr. Watts said he wants to remind visitors and residents there is a Rotary Club in Town because they need to build their membership up and he would like some support from the Town.

Mayor Hoover suggested they could discuss the issue further at a future workshop.

Spencer Howerton
401 Ocean Ave, Suite 200 A

Mr. Horton is a member of the Melbourne Beach Rotary Club. He reiterated the club's desire to gain new members and wanted the Commission to know that if they would allow the club to have an official sign, the club would fund the purchase and installation of it. They would only need assistance with the permitting process.

He went on to say the club had an amazing turnout for the Pineapple Man event even though they lost participation of between 100-150 people because of COVID. He said it was still a great event and wanted the Commission to know the racecourse is now certified. Next year there will be no organization manager. He thanked the Town for participation.

Julie Singer
Orange Street

Ms. Singer would like to start a playgroup and use the Community Center for gatherings. She suggested they pay a teacher \$30 per session and have approximately ten kids for \$6 per child. She felt it would be a good community activity to offer with possible events to include science, musical theater etc.

Commissioner Quarrie explained that the Town Code of Ordinances does not allow people to rent the Community Center and make a profit. She also advised that the Community Center is not currently rented out due to COVID

Ms. Singer said she felt this would be a non-profit venture and wanted to find out the administrative part so after the pandemic she could get the group started.

Mayor Hoover said he felt the best way forward is for Ms. Singer to reach out to the Environmental Advisory Board (EAB) to see if the activity could be hosted by the board as a five-event series. Ms. Singer agreed to reach out to the EAB.

7. **Approval of the Agenda**

Commissioner Quarrie moved to approve the Agenda as presented; Vice Mayor Barton seconded; Motion carried 4-0.

8. **Consent Agenda**

- A. Approval of Dec. 2, 2020 TCW Minutes – Town Clerk Torres
- B. Approval of Dec. 16 2020 RTCM Minutes – Town Clerk Torres

Commissioner Quarrie moved to approve the Consent Agenda as presented; Vice Mayor Barton seconded; Motion carried 4-0.

9. **Public Hearings**

10. **Old Business**

- A. Consideration of Executed Agreement for approval/appointment for Stewart Capps to serve as the Town’s Code Enforcement Special Magistrate – Town Attorney Repperger

Town Attorney Repperger explained that this agreement is to appoint Stewart Capps as Special Magistrate and replace the Code Enforcement Board.

Commissioner Walters asked what Mr. Capp’s qualifications are.

The Town Attorney said he has a tremendous amount of experience that includes 25 years as Special Magistrate for Brevard County and as the attorney for Town Code Enforcement Board. The terms of the agreement include an hourly rate of \$125.

Commissioner Walters referred to page 24 of the agreement and asked if there is any limit on the prep work.

The Town Attorney said there was no language related to that but he would add it if the Commission desired. Commissioner Walters said that was not necessary but was something they could keep an eye on.

Commissioner Quarrie moved to approve Stewart Capps as the Code Enforcement Magistrate and the agreement/contract as presented; Vice Mayor Barton seconded;

*Paul McLaughlin
412 2nd Avenue*

Mr. McLaughlin asked for clarification on the Code Enforcement Magistrate.

Mayor Hoover said he would act in lieu of board, making the meetings more efficient and less costly in the end. They will be quicker and there will be less legal fees.

*Alison Dennington
413 Surf Road*

Ms. Dennington questioned the cost and Mayor Hoover explained that he previously served as the Board Attorney – so he was paid. Now instead of spending time giving advice to the Board, he will be making the decisions. He went on to say the Commission has now streamlined the process by changing it from Code Enforcement Board to a Code Enforcement Magistrate.

*Kate Wilborn
502 2nd Avenue*

Ms. Wilborn asked if this change would have any effect on the notice she received for 501 1st Avenue – and Mayor Hoover said it would not.

Motion carried 4-0.

11. New Business

- A. Appoint a Voting Delegate/Director and an Alternate - to serve on the 2021 Space Coast League of Cities – Town Clerk Torres

Mayor Hoover explained to the other members of the Commission how the Space Coast League of Cities functions and the type of time commitment it involves.

Commissioner Walters moved to nominate Vice Mayor Barton as the Town's Voting Delegate for the Space Coast League of Cities and Mayor Hoover as the alternate; Commissioner Quarrie seconded; Motion carried 4-0.

- B. Advise the Town how to proceed with handling collection of the BTR/Zoning review fee for Vacation Rental applicants – Town Clerk Torres

Town Clerk Torres explained that the Town needed clarification as to whether the \$500 application fee paid as part of the Vacation Rental Application includes the fees for a Business Tax Receipt and the Town Planner inspection - or if these fees should be charged separately.

Commissioner Walters said he feels the \$500 application fee should include it all. Vice Mayor Barton agreed.

Vice Mayor Barton moved to include the fees for the Business Tax Receipt (BTR), the BTR application fee and the Town Planner fee in the \$500 Vacation Rental Application fee; Commissioner Walters seconded;

*Kimberly Collins
412 4th Avenue*

Ms. Collins said she wanted to thank the Commission. She agreed with the decision and said it really simplified the process.

Motion carried 4-0.

Commissioner Walters asked for an update on stanchions. Public Works Director Davis said they have not heard anything yet.

12. Staff Reports

- A. Town Attorney Report
- B. Town Manager Report

Town Manager Mascaro said she wanted to get an update on Founder's Day. Mayor Hoover said he is not in favor of hosting anything this quarter and thought it best to wait and see how vaccine rollout goes.

Commissioner Walters agreed.

Vice Mayor Barton asked about rescheduling – and the Town Manager said that was a possibility.

Town Manager Mascaro told the Commission the Fire Department has several charitable causes they donate money to and perhaps the Town might consider keeping more money raised in the Town, focused on charitable ideas of their choosing instead of only what the Rotary is doing. She went on to say there were issues with the Pineapple Man Triathlon event – including safety concerns and disorganization. She suggested that until the Melbourne Beach Rotary can stabilize their organization – the Fire Department could help fulfill the responsibilities and bring them back in-house.

Dave Micka, former Town Fire Chief, and current Fire Department Safety Officer, said that back in the 90's they collaborated with the Rotary by splitting the duties and the money and then the Rotary decided they did not need the Fire Department anymore.

Commissioner Quarrie asked if the Rotary owned their own equipment – and Mr. Micka said no, they rent.

Commissioner Quarrie asked him to research costs on insurance.

Fire Chief Gavin Brown said the department is not trying to encroach but if there is a need, they are prepared to get involved.

Mayor Hoover asked if there was a limit on beer events and Chief Brown said yes, they are limited to three per year for non-profits.

Mayor Hoover said his only concern related to the Fire Department taking over events is that the Rotary Club does fund important things at Gemini and if they cannot continue because we stop using them – it is a concern.

Commissioner Quarrie suggested the Town make a list of what to look out for – and what to do – in the event the Rotary cannot do an event.

Town Manager Mascaro then turned the conversation to COVID cleaning at Town Hall.

She explained that the staff has been together through the entire COVID pandemic, working every day in the office. Employees have been taking all precautions including taking temperatures, wearing face coverings, washing hands frequently, using hand sanitizer, etc. With more aggressive strains of the virus on the horizon the Town Manager requested the office be allowed to close at 4 p.m. each day for COVID cleaning; a routine that would include a thorough cleaning of all surfaces, offices, meeting rooms, hallways, bathrooms, doorknobs, the copier, wall fixtures and the lobby.

The Town Manager said she wanted to keep the staff safe – and keep all residents and customers who enter the building – as safe as possible.

The members of the Town Commission asked a variety of questions including whether we have a cleaning service. In response the Town Manager said we do, but their duties are very limited and do not include offices or detailed work.

The Commission raised concerns about not being available for the public during the time between 4-5 p.m.

Town Clerk Torres told the Commission that while other municipalities closed, reduced hours or worked from home, the Town has been open for business throughout and all staff has been on the job with the office staffed from 8 a.m. to 5 p.m. Monday through Friday.

After some discussion, the Commission felt the office should remain available to serve residents and the public. Mayor Hoover said staff could still clean and post a sign announcing the office is COVID cleaning – but directed the staff to continue to answer phone calls and serve customers as well.

*Julie Sandwell
304 Orange Street*

Ms. Sandwell suggested the Town ask the cleaning service they employ to perform this daily task for an additional fee.

- C. Town Clerk Report
- D. Departmental Reports
 - 1. Building Department
 - 2. Public Works Department

Mayor Hoover asked Public Works Director Davis what kind of paint he was using. He replied that it was water-based, commercial paint.

Public Works Director Davis shared that he met a contractor in Ocean Park and the main issue is the pavement is in poor condition. He felt that as far as numbering for kiosk parking – posts with numbers on them may be the answer.

Mayor Hoover then asked about bike stencils for the roadways. Public Works Director Davis said he did not have any photos to offer and has not received any feedback yet.

Mayor Hoover shared the fact that resident Jennifer Ottomenelli sent in a grant opportunity that may meet the bike issue.

Vice Mayor Barton then asked why we don't fly a flag at the end of Ocean.

Public Works Director Davis explained that the flagpole was top quality when it was first purchased years ago but now it has reached its life expectancy and has severe erosion. His team has worked on it extensively to attempt repairs. It is currently inoperable and to replace it the cost would be \$2,000. Some discussion about removing it from that specific site in order to avoid erosion caused by the water, took place. Mayor Hoover said the issue should be discussed further at another time.

Town Manager Mascaro said there were two walk-on items added to the agenda.

The first is related to the lighting replacement needed in Ryckman Park.

Public Works Director Davis said he received three proposals, two of which did not meet the requirements.

One met all the requirements and he recommends that the Commission approve it. The proposal comes in at a cost of \$31,903 for the park to be equipped with new posted poles and LED (directional down) lighting with a wind rating of up to 180 mph sustained. This would cover all thirteen lights in Ryckman Park. He noted the cost of another quote was \$53,000 and that did not meet all the requirements.

Commissioner Quarrie asked about FPLs decorative lighting program.

Public Works Director Davis said that when you do the math on FPL rentals with a 15 year lifespan, the cost becomes burdensome and added that FPL is for-profit and they make a lot of money off these lights, so in the end, the Town would end up spending more.

Commissioner Quarrie asked about the budget for street lights.

Town Manager Mascaro said that money is not budgeted because they didn't anticipate having to replace lights this year which is why they now need to discuss where that money will come from.

Some options she mentioned included; the \$50,000 allotted for Town Hall to get new software – and while this is very necessary – it could be pushed out another year.

Commissioner Quarrie asked if there was any money left over from the playground equipment.

The Town Manager said no, that money was spent. She said we do have money for the roof at Town Hall in long-term capital.

The Commission discussed other options including putting off the Orange Street project or doing half this year and half next.

Some temporary suggestions for the park lighting were discussed including; closing the park at night, and motion, solar, or flood lights.

The Town Manager addressed the second walk-on item – which was possible mold found at Town Hall.

She explained that the air conditioning company came out and found what looked like mold in the ductwork of the air handler.

The consensus of the Commission was that if mold is present at Town Hall – that issue takes precedence over park lights – and it could be costly.

Town Manager Mascaro said she would have experts come out to clarify if there is a mold issue and determine costs.

Mayor Hoover asked if she needed Commission approval to move forward or if it would be better to schedule a special meeting once an estimate came in.

Town Manager Mascaro said it would be good to allocate funds out of the budget now. The cost for the mold remediation of a 17,000 square foot space could be estimated at \$30,000.

Public Works Director Davis asked the Commission if they would like him to get the costs/quotes and then have them approved at an emergency meeting.

Mayor Hoover asked if the Commission members could attend a special/emergency meeting on Friday at 9:30 a.m. All members agreed.

The Commission advised the Town Manager to temporarily close Ryckman Park from sunset to sunrise until the lighting issue can be resolved.

3. Code Enforcement
4. Police Department
5. Fire Department

Fire Chief Brown announced that five new members of the department received Fire 1 Certification and several members also took part in a Wildland Fire Certification Class.

6. Finance Department

Commissioner Quarrie moved to approve the December Finance Report as presented; Vice Mayor Barton seconded; Motion carried 3-1 with Commissioner Walters in dissent.

13. Town Commission Comments

A. General Comments

Commissioner Walters asked for an update on former Officer Tilesio and his notice of intent to sue the Town. Town Attorney Repperger said if he does move forward with that he would send it to the league. Commissioner Walters asked the Town Attorney to follow the issue as the Town Charter requires.

B. Review of Commission Action List

Updated:

- Audio/Microphones: Push to February 17 RTCM
- Crossover Assessment: The crossovers have been cleaned out and the job will be complete by the end of the week. Work must stop at the end of February and can be picked up again in the fall. Update again at July 21 RTCM.
- Contract with the Avenue MB HOA: Push to February 17 RTCM
- Charging Station: Due to finances this item will be updated again at April 21 RTCM.

The Town Manager gave a brief update on the Orange Street drainage improvement and resurfacing project. She said that 309 Ocean has a contract on it and the prospective buyer is an architect who says he wants to make the property beautiful.

Commissioner Walters said he wanted to bring up the fact that the staff has 11 paid holidays. He referred to an email he received from the Town Clerk. In it he said it was stated that Martin Luther King Jr Day was a legal holiday for staff to take off and he

believes it isn't. Instead, he said, it is the only federal holiday that is designated as a community service day.

For reference the email sent to the Commission read:

Martin Luther King Jr. Day is a Federal and State holiday observed on Monday Jan. 18th however it is not observed as one of the Town's holidays and I've had a few people (outside the office) ask why.

State, Federal and County government offices are closed in observance. The City of Indian Harbour Beach and Rockledge are also closed. From what I can glean, as a public employer, the Town of Melbourne Beach is required to observe certain state holidays (including MLK Day) and must grant employees paid leave. I wanted to bring this to your attention for possible consideration of recognizing Martin Luther King Jr. Day, January 18th, as a Town holiday – or provide staff with the reason we don't - so we can share it with the people who inquire.

Commissioner Walters said that when he learned the staff had taken the day off, he asked the Town Manager who approved it and didn't receive a response – adding that it's expensive to give a day off and he wanted to bring it up so it doesn't happen again. He proceeded to read all the days off employees receive and said it was his belief that staff picked their birthday as a day off over Martin Luther King Jr. Day.

The Town Clerk asked Commissioner Walters when that took place because she could find no record of any discussions previously conducted on the subject of Martin Luther King Jr. Day.

Commissioner Walters said he would try to locate that information.

Mayor Hoover said he gave permission for the day off and responded directly to the Town Manager with this because he thought it was appropriate and he supported it. He also said he liked the concept of a service day. He suggested they review the holiday schedule during the February 3, 2021 Workshop.

Commissioner Quarrie moved to adjourn; Vice Mayor Barton seconded; Motion carried 4-0.

The meeting adjourned at 8:59 p.m.

ATTEST:

Wyatt Hoover, Mayor

Jennifer Torres, Town Clerk



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Site Plan Review

Applicable Codes

Town of Melbourne Beach Land Development Code
2017 Florida Building Code

Date: January 26, 2021
Owner: KENNEDY, TODD H; KENNEDY, ROBIN M
Owner Address: 511 Magnolia, Melbourne Beach, FL
Site Address: 511 Magnolia, Melbourne Beach, FL
Parcel ID: 28-38-06-75-4-7
Zoning: 2RS

Proposed Project: An addition to a single-family dwelling.

References: Town of Melbourne Beach Code of Ordinances: 7A-32

Request: Approval by Planning and Zoning Board, Town Commission for construction of Addition to a single-family dwelling.

Staff Review: The property lies in Zoning District 2RS

- 1). Project is an addition to a primary residence. No out-building or trees will be demolished for the addition.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
Lot area is 12,880 sq. ft. min. 11,250 sq. ft.
Lot width is 112 ft. min. 90 ft.
Lot depth is 115 ft. min. 100 ft.
- 3). Lot coverage has a maximum of 30% for principle structure .
Lot coverage per plan is 21.8 % Footprint of Primary Structure is 2,811.9 sq. ft.
Max allowed for Primary Structure is 3,864 sq. ft. for Lot Area of 12,880 sq. ft.
Minimum pervious area per lot is 30%. Pervious area is 59.9%
- 4). Structure maximum height for zoning district is 28 ft.
The proposed height provided is 10'10". The height of the addition is not greater than the current height of the primary structure.
Flood Zone X
- 5). Zoning District Setback requirements
Proposed Addition Front Setback is in the rear of the current primary structure.
Proposed Addition West Side Setback is not applicable as it is on the east side of the primary structure.
Proposed Addition East Side Setback 15.3 (min. 15 ft.)
Proposed Addition Rear Setback is greater than the current primary structure at 28 ft. (min. 25 ft.)

6). Sediment and Erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and Florida Building Code (3307.1).

7). On-site Storm water Retention Control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and the Florida Building Code (3307.1). Topographic maps may be required. This addition is not a modification greater than 50% of the appraised value as per Ordinance 2019-06.

Minimum Landscaping Standards shall be met.

Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.

**John Stone
Building Official**



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Site Plan Review

Applicable Codes

Town of Melbourne Beach Land Development Code
2017 Florida Building Code

Date: January 26, 2021
Owner: APELQUIST, JAYSON G; APELQUIST, SARAH L
Owner Address: 508 Hibiscus Trail, Melbourne Beach, FL
Site Address: 508 Hibiscus Trail, Melbourne Beach, FL
Parcel ID: 28-38-06-75-1-5
Zoning: 2RS

Proposed Project: An addition to a single-family dwelling.

References: Town of Melbourne Beach Code of Ordinances: 7A-32

Request: Approval by Planning and Zoning Board, Town Commission for construction of Addition to a single-family dwelling.

Staff Review: The property lies in Zoning District 2RS

- 1). Project is an addition to a single-family dwelling. No out-buildings or trees will be removed for the addition.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
Lot area is 13,000 sq. ft. min. 11,250 sq. ft.
Lot width is 104 ft. min. 90 ft.
Lot depth is 125 ft. min. 100 ft.
- 3). Lot coverage has a maximum of 30% for principle structure.
Lot coverage per plan is 26 % Footprint of Primary Structure is 3,504 sq. ft.
Max allowed for Primary Structure is 3,900 sq. ft. for Lot Area of 13,000 sq. ft.
Minimum pervious area per lot is 30%. Pervious area is 36.6%
- 4). Structure maximum height for zoning district is 28 ft.
The proposed height of the addition is less than the current primary structure. The primary structure is 12'7".
Flood Zone X
- 5). Zoning District Setback requirements
Proposed Addition for the Front Setback, West Side Setback and East side Setback are not applicable to the project as they are contained within the current primary structure.
Proposed Addition Rear Setback 26'6" (min. 25 ft.)

6). Sediment and Erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and Florida Building Code (3307.1).

7). On-site Storm water Retention Control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and the Florida Building Code (3307.1). Topographic maps may be required. This addition is not a modification greater than 50% of the appraised value as per Ordinance 2019-06.

Minimum Landscaping Standards shall be met.

Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.

**John Stone
Building Official**

Town Commission Agenda Item

Section: Public Hearings

Meeting Date: February 17, 2021

Subject: Application for Land Use Plan Amendment and Rezoning (with Binding Development Plan) for 500 First Avenue, Melbourne Beach

- 1) Ordinance 2020-01; Future Land Use Amendment
- 2) Ordinance 2021-02; Rezoning
- 3) Binding Development Agreement

Submitted By: Applicant/Town Staff

Background Information:

See attached Staff Report.

Recommendation:

Planning and Zoning Board recommendation for denial. 5-0 vote.

Attachments:

- Staff Report
- Development Application
- Planning and Zoning Board Recommended Order
- Draft Ordinance 2020-01
- Draft Ordinance 2020-02
- Draft Binding Development Agreement

Town Commission Agenda Item

Section: Public Hearings

Meeting Date: February 17, 2021

Subject: Application for Land Use Plan Amendment and Rezoning (with Binding Development Plan) for 500 First Avenue, Melbourne Beach

- 1) Ordinance 2020-01; Future Land Use Amendment
- 2) Ordinance 2021-02; Rezoning
- 3) Binding Development Agreement

Submitted By: Applicant/Town Staff

Background Information:

See attached Staff Report.

Recommendation:

Planning and Zoning Board recommendation for denial. 5-0 vote.

Attachments:

- Staff Report
- Planning and Zoning Board Recommended Order
- Draft Ordinance 2020-01
- Draft Ordinance 2020-02
- Draft Binding Development Agreement

Note: The Town of Melbourne Beach is undergoing modifications to provide enhanced access to documents for individuals who are visually impaired and to comply with the requirements of the Americans with Disabilities Act (ADA) to make reasonable accommodations. While these modifications are being made some attachments may not be included as part of the online agenda packet. If you would like to obtain a document not currently provided, please contact our Town Clerk at (321) 724-5860 or townclerk@melbournebeachfl.org



TOWN OF MELBOURNE BEACH

Planning & Zoning Board - Staff Report

February 2, 2021

1. PETITION DESCRIPTION

APPLICANT: Frank D. Kofflin

OWNER: Frank D. Kofflin, Judith E. Kofflin, Randall J. Kofflin, and Marjorie A. Kofflin

ADDRESS: 500 First Avenue, Melbourne Beach, FL

FLU DESIGNATION: Single Family

ZONING DISTRICT: 3-RS Single Family

REQUEST: The applicant is requesting 1) Land Use Plan Amendment from "Single Family" to "Residential/Business"; 2) Rezoning from "3-RS, Single Family", to "8-B Residential Business"; and 3) Binding Development Agreement limiting development to four (4) residential units.

SUMMARY: The application, as provided in Exhibit "A", has requested concurrent changes in the Future Land Use Map (FLUM) designation from "Single Family" to "Residential/Business" and the Zoning District designation from "3-RS" (Single Family Residential) to "8-B" (Residential Business). In addition, Applicant also proposes to enter into a Binding Development Agreement with the Town Commission limiting the Subject Site development potential and allowable uses on the site.

SUBJECT SITE LOCATION



Existing Future Land Use and Zoning: Per the Comprehensive Plan and Land Development Regulations, the current Future Land Use designation of Residential Single-Family allows a maximum residential density of 4.3 dwelling units per acre. The current Zoning designation of 3-RS limits the development of subject site to the following uses:

- Principal uses and structures: Single-family dwelling; home occupation; electric utility substation, and K-12 schools.
- Accessory uses and structures: those clearly incidental and subordinate to the principal use such as patios, private docks, swimming pools, utility sheds, garages, playhouses and similar uses and structures.
- Special Exception uses: Public Recreation
- Prohibited uses: facility or base for mobile marijuana dispensary, grow house, marijuana dispensary; all other uses not specifically or provisionally permitted herein.

Proposed Future Land Use and Zoning: Per the Comprehensive Plan and Land Development Regulations, the proposed Future Land Use designation of Residential-Business allows a maximum residential density of 15 dwelling units per acre and a non-residential maximum floor area ratio of 0.50. The proposed Zoning designation of 8-B limits the development of subject site to the following uses:

- Allowable uses: Single-family dwelling; multi-family residences; duplexes; houses of worship.
- Accessory uses and structures: Customary accessory uses of one or more of the principal uses clearly incidental and subordinate to the principal use and in keeping with the intent and purpose of the District.
- Special Exception uses: Personal service establishments; professional offices; educational and cultural institutions; governmental and municipal buildings and public recreation areas; bed and breakfast inns.
- Prohibited uses: drive-in, drive through, or any other similar feature; facility or base for mobile marijuana dispensary, grow house, marijuana dispensary; all other uses not specifically or provisionally permitted herein.

Proposed Development: The Applicant proposes to demolish the existing single-family residential structure and construct four (4) multiple-family residential units. Additional uses permitted in the 8-B zoning district would be prohibited.

Proposed Binding Development Agreement: The maximum density of 15 units per acre allowed by the Residential-Business Future Land Use designation would allow up to 6 units on site subject to compliance with all applicable land development standards. The 8-B District also allows other potential uses by special exception which would not be permitted under the binding development agreement.

The Applicant proposes to limit the development potential to 4 multiple-family units only, and prohibit all other potential uses by entering into a Binding Development

Agreement with the Town Commission thus reducing the potential density and potential uses on the site.

2. LAND USE PLAN AMENDMENT

The property owner is requesting a Land Use Plan Amendment from Single Family to Residential Business, see Future Land Use Map in Exhibit "B". The following lists the application submittal requirements including the Applicant responses and staff comments.

A. Consistency with the Comprehensive Plan: A written summary of how the proposed Amendment is consistent with the Comprehensive Plan. Cite Plan goals, objectives and policies.

1. **Applicant's Response:** As per objective 1.0 we will be retaining the residential character of the town by designing a small multi unit building that will be nestled in the oak trees and maintain the scale and style of existing homes.

This development will provide new water retention areas for drainage and stormwater management which will help alleviate the existing problem at the corner of 1st Avenue and Pine street while maintaining open space for safe traffic flow as per policy 1.2.

Keeping with policy 2.1, rezoning this property will ensure consistency with the remainder of the block in which it is located and the future land use map.

Preserve the neighborhood stability by building a small residential multi-family building which will be consistent with the existing residential properties while maintaining the Melbourne Beach tropical architecture. This will help ensure no commercial encroachment to the residential zoning district as per objective 3.0.

The development will preserve neighborhood stability by providing a buffer of residential buildings between the existing municipal structures located to the west and north of the subject property and the existing single-family homes located to the south and east of the property.

2. **Staff Comment:** Following reviews the application for consistency with the Town of Melbourne Beach Comprehensive Plan.

Objective 1.0: Ensure that new construction, new development, expansion, and/or redevelopment, within existing neighborhoods maintains the scale and character of existing structures.

The proposed Residential Business Future Land Use designation, restricted to a 4-unit residential structure by the proposed Binding Development Agreement, provides an appropriate transition between the more intensive adjacent uses to its north (Community Church of Melbourne Beach) and west (Melbourne Beach Municipal Complex) and the residential units to its south and east.

Policy 1.2: Continue to enforce existing requirements for site plan review in order to ensure that all new development makes adequate provision for drainage, stormwater management, open space, parking and safe convenient on-site traffic flow.

The Site Plan Review process will address any landscaping, drainage and infrastructure related issues, as well as setback and buffer requirements along First Avenue and Pine Street.

Policy 2.1: Ensure that zoning and other land use decisions are consistent with the use categories on the Future Land Use Map.

The Residential Business Future Land Use Category is appropriate for the site in that it is consistent with character of the block bounded by Ocean Avenue, First Avenue, Pine Street, and River Drive. If the Residential Business Future Land Use Category is assigned to the site, then the 8B Zoning District is appropriate.

Objective 3.0: Preserve neighborhood stability by discouraging commercial conversion of residentially zoned properties.

Although the proposal is to convert a residentially zoned property to Residential/Business, the proposed Binding Development Agreement would prohibit the establishment of commercial uses. In addition, the subject property is immediately adjacent to Institutional and Residential-Business land uses.

B. Impact on Public Facilities: Provide information on the impact of the proposed Amendment on public facilities including parks, and open space, traffic, public utilities, police and fire.

1. **Applicant's Response:** Impact on Fire and police would be minimal. Additional tax revenue will help pay for existing services and maintenance. Other utilities already exist on the property. With Ocean Avenue 200 feet away, traffic will not affect the surrounding neighborhood.
2. **Staff Comment:** Review of adequate public facilities for water, wastewater, storm drainage, etc., will be conducted at the time of site plan review.

C. Environmental Impact: Provide information on the impacts of the proposed Amendment including wetlands, soils, unique habitat, endangered wildlife and/or plant species, flood prone areas and coastal zone/dune systems.

1. **Applicant's Response:** The site is already developed as residential. Redevelopment will only improve water drainage and retention. There is no endangered plants or animals on the property. Redevelopment will help with existing drainage problems that exist in the area now.
2. **Staff Comment:** The subject site is developed and will have no impact on natural resources; new construction will be required to comply with flood zone standards.

D. Public Notification: The Applicant must provide a map of properties within a 500-foot radius of the subject site and self-addressed envelopes for each property owner within the radius with the Town's return address for the purpose of providing notice to owners of record. In addition,

a sign shall be posted on the property within the timeframes required by Town Code to provide additional public notice.

Staff Comment: public notification requirements have been met.

3. REZONING

The property owner is requesting a Rezoning from 3-RS Single Family to 8-B Residential Business, see the Zoning Map in Exhibit "C".

Rezoning Application Requirement

A. Justification: A written justification of the proposed rezoning and the need for the change as proposed. The following lists the application submittal requirements including the Applicant responses and staff comments.

1. **Applicant's Response:** The property is bordered on one side by 8B zoning which is developed as a church. Institutional development has taken place on the entire western side of the lot. There are no other residential homes that adjoin this lot. The lot borders only parking lots and town hall developed properties. The town also has a grass employee parking lot bordering the front yard.
2. **Staff Comment:** Below lists the existing uses and Zoning districts surrounding the subject site:

North: 8B Residential-Business, and Community Church of Melbourne Beach

South: 3RS, and Single-Family Residence (2 lots across First Street)

East: 3 RS, Single-Family Residence (across Pine Street)

West: 9I Institutional, and Town of Melbourne Beach Municipal Complex

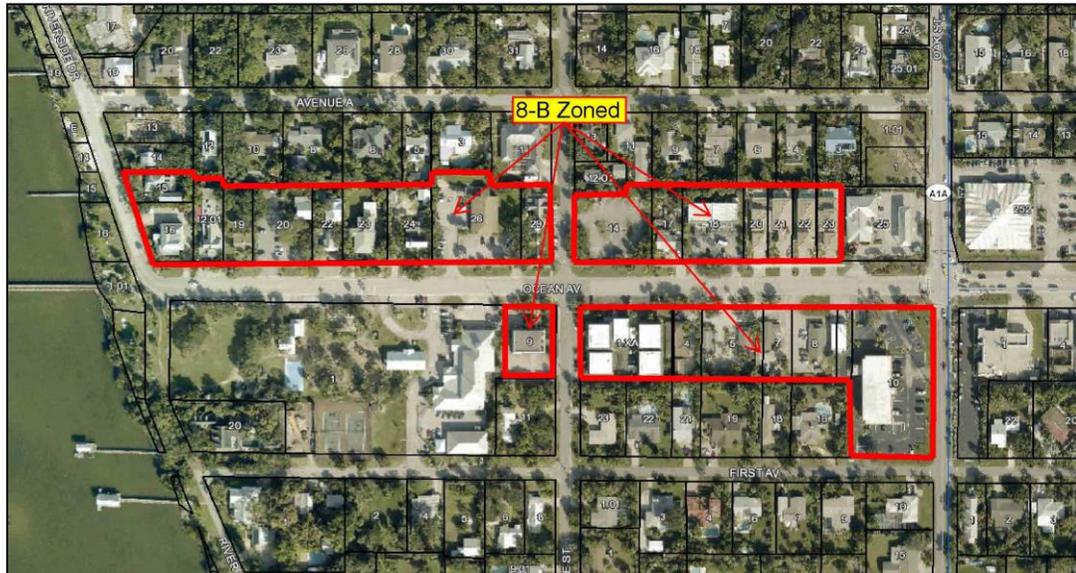
The proposed rezoning is consistent with the adjacent zoning and uses to the north and west, and would provide a transition to the single-family across the street to the east and south.

B. Effect: A written narrative on the effect of the change, if any, on the particular property and on surrounding properties.

1. **Applicant's Response:** Redevelopment will upgrade and provide a positive transition from the institutional development to the residential areas. Redevelopment will also increase property values and add tax base with which will help the town in its many projects.
2. **Staff Comment:** The proposed change would enable the development of the subject site from single-family and other allowable uses under the 3RS zoning district, to allow up to four (4) multi-family units in accordance with the zoning and as limited by the Binding Development Agreement.

C. Undeveloped Land: Provide information on the amount of undeveloped land in the town having the same classification as that being requested.

- Staff Comment:** The 8-B Zoning classification covers properties along Ocean Avenue from Oak Street to Riverside Drive with the exception of Town-owned property to the west of the subject site and the gas station property at the northwest corner of Ocean and Oak. As shown on the aerial below obtained from the Brevard County Property Appraiser's web site, all of the 8-B zoned properties are developed in some manner.



- Purpose and Intent:** A written description of the proposed change in relationship to the purpose and intent of the present and proposed zoning designations.

- Applicant's Response:** In 1957 the present zoning was acceptable as there was no development to the west or north. Present development has changes the area to a more commercial feel with the church to the north and the Town Hall Complex which has been built to the west. The zoning requested will bring the property more into conformity with the now existing development which borders it.
- Staff Comment:** As per section 7A-33, the intent of the 3-RS districts is "to apply to an area of low-density single- family residential development. Lot sizes and other restrictions are intended to protect and promote high-quality residential development".

Section 7A-38 states that the intent of the 8-b district is "to apply to the historical area of the Town along Ocean Avenue. Lot sizes and other restrictions are intended to promote and protect medium-density residential and business development while preserving adequate open space and the historical nature of the area and ensuring compatibility with other areas of the community."

The subject site is adjacent to properties with Zoning designation of 8-B Residential-Business to the north and 9-I Institutional to the west. Across First Street and Pine Street from the site is 3-RS zoning.

4. BINDING DEVELOPMENT AGREEMENT

The subject application includes a letter from Frank Kofflin, owner, to the Town of Melbourne Beach. The letter states the intention to enter into a Binding Development Agreement with the Town to confirm the intent to build a small multifamily building of only 4 units instead of the 6 units

that would be allowed by the 8-B zoning district. The letter requests that the Town initiate the process of drafting the Agreement and that the processing would run concurrent with the Future Land Use Plan amendment and Rezoning.

Section 7A-103 is the “Binding Development Agreements” section of the Town Code of Ordinances, and includes the following pertinent language:

- Binding Development Agreements are defined as: agreements voluntarily proffered by applicants proposing a zoning change on a particular property or properties that propose conditions, limitations, or requirements not applicable to all other property in the district to which the particular property or properties is proposed to be rezoned.
- Binding Development Agreements may be utilized as follows: only in proposals for zoning amendments and may only propose conditions, limitations, or requirements that are more restrictive than those found in the zoning district to which a property or properties is proposed to be rezoned. A binding development agreement may provide for specific conditions of site development or dedications, such as those reflected on site or subdivision plans, but only to the extent that such plans are proposed as part of a proposal for rezoning. Binding development agreements may be either statutory or non-statutory.
- Statutory binding development agreements: Are those adopted in accordance with the Florida Local Government Development Agreement Act. F.S. §§ 163.3220 through 163.3243, or as may be amended.
- Non-statutory binding development agreements: Are adopted under the authority of the home rule powers of the town under Article VIII, § 2 of the Constitution of the State of Florida and F.S. Ch. 166.
- Voluntary conditions: An applicant proposing a zoning change or amendment affecting a particular property may voluntarily proffer conditions, limitations or requirements not applicable to all other properties by way of a statutory or non-statutory binding development agreement.
- Recordation: A binding development agreement shall be recorded in the public records of Brevard County and shall act as a restrictive covenant.
- Term: Initial term of a binding development agreement may not exceed 30 years, but may be automatically extended for an unlimited number of successive renewal periods upon mutual consent of the town and applicant.

In accordance with the request of the applicant and in accordance with Section 7A-103 summarized above, this application includes a request to enter into a Binding Development Agreement limiting development of the site to residential uses only and a limitation of four (4) units.

TOWN OF MELBOURNE BEACH
PLANNING AND ZONING BOARD

<p>In Re:</p> <p>500 First Avenue, Melbourne Beach, FL 32951 Parcel ID No.: 28-38-07-FY-1-11</p> <p>Applicants:</p> <p>Frank D. Kofflin, Judith E. Kofflin, Randall J. Kofflin, and Marjorie A. Kofflin</p>	<p>Application for:</p> <p>Future Land Use Amendment (Ordinance 2021-01); Rezoning (Ordinance 2021-02); and Binding Development Plan</p>
---	--

RECOMMENDED ORDER

On February 2, 2021, the Town of Melbourne Beach, Planning and Zoning Board (hereinafter, “Board”) held public hearing(s) on the above-referenced applications. At the public hearing(s), the Board considered the application and attachments, reviewed the Town Staff Report prepared by the Town Planner, and took testimony and public comment from Town Staff, the Applicants, and members of the public.

NOW THEREFORE, based on the entire record presented to and considered by the Board at the public hearing(s), the Board hereby recommends **DENIAL** of the following:

1. Proposed Ordinance 2021-01 (Comprehensive Plan Future Land Use Amendment from “Single Family” to “Residential/Business”);
2. Proposed Ordinance 2021-02 (Rezoning from “3-RS, Single Family” to “8-B Residential Business”); and
3. Binding Development Agreement (Limiting proposed uses to no greater than four (4) multi-family residential units.

In accordance with Section 7A-101(f), Land Development Code, the Board specifically states that its recommendation of **DENIAL** of the above-referenced items is based upon the following reasons:

1. Incompatibility with the Town's Comprehensive Plan Objective 3.0 which discourages commercial conversion of residentially zoned properties and incompatibility of the proposed intrusion of a commercial future land use classification and zoning district into an area of existing established single-family future land classification and zoning district;
2. Incompatibility with the Town's Comprehensive Plan Policy 3.1 which requires the Town to maintain policies and standards that prohibit encroachment of commercial uses into residential zoning districts;
3. The number of proposed multi-family units would create an incompatible increase in density from the existing adjacent established single-family residential development in 3-RS;
4. The potential negative effect on drainage given the existing drainage concerns cited by residents on First Avenue and surrounding areas during public comment;
5. The potential negative effect on pedestrian safety due to anticipated increased traffic caused by the proposed number of multi-family units which is incompatible with the current level of traffic associated with established adjacent single-family uses;
6. The lot coverage of the planned multi-family development is inconsistent with established adjacent single-family residential development;
7. Negative impacts associated with potential inconsistent use of the planned multi-family units as short-term vacation rentals; and
8. All other facts included in the entire record before the Planning and Zoning Board.

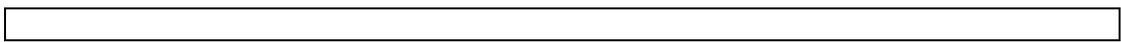
DONE AND ORDERED, this 2nd day of February, 2021

DAVID CAMPBELL,
Chairman

Members: Kurt Belsten, April Evans, Douglas Hilmes, and Daniel Gonzalez
concur.

A signed copy of this Order was filed in the records of the Town Clerk on the _____ day of _____, 2021, and a copy of the Order was mailed by regular, first class mail to: on the _____ day of _____, 2021.

Jennifer Torres, Town Clerk



ORDINANCE NO. 2021-01

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE TOWN OF MELBOURNE BEACH COMPREHENSIVE PLAN ADOPTED PURSUANT TO SECTION 2A-1 OF THE LAND DEVELOPMENT CODE TO CHANGE THE FUTURE LAND USE DESIGNATION ON A .41 ACRE PARCEL OF LAND DESCRIBED AS LOTS 11 AND 12, BLOCK 1, PLAT OF WILCOX MELBOURNE BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, AS MORE FULLY DESCRIBED HEREIN, FROM SINGLE FAMILY TO RESIDENTIAL/BUSINESS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA, that:

SECTION 1.

Comprehensive Plan Amendment Number 1 in 2021 is hereby adopted.

SECTION 2.

The Future Land Use Map of the Comprehensive Plan of the Town of Melbourne Beach adopted pursuant to Section 2A-1 of the Land Development Code is hereby amended to change the future land use designation from “Single Family” to “Residential Business,” subject to a Binding Development Agreement, for the following described property:

Lots 11 and 12, Block 1, Plat of Wilcox Melbourne Beach, according to the map or plat thereof as recorded in Plat Book 1, Page 58, Public Records of Brevard County, Florida.

Parcel Identification Number 28-38-07-FY-1-11

Containing .41 acres, more or less.

SECTION 3.

The Town Planner is hereby authorized and directed to cause the provisions of Section 2 of this Ordinance to be incorporated into and made part of the Town’s Comprehensive Plan.

SECTION 4. Severability.

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

this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 5. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 6. Effective Date.

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

SECTION 7. Adoption Schedule.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 17th day of February, 2021, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 17th day of March, 2021.

TOWN OF MELBOURNE BEACH, FLORIDA

By: _____
WYATT HOOVER, Mayor

ATTEST:

(TOWN SEAL)

Jennifer Torres,
Town Clerk

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICAL ZONING MAP OF THE TOWN OF MELBOURNE BEACH ADOPTED PURSUANT TO SECTION 7A-15 OF THE LAND DEVELOPMENT CODE TO CHANGE THE ZONING ON A .41 ACRE PARCEL OF LAND DESCRIBED AS LOTS 11 AND 12, BLOCK 1, PLAT OF WILCOX MELBOURE BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF BREVARD COUNTY FLORIDA, AS MORE FULLY DESCRIBED HEREIN, FROM 3RS (SINGLE-FAMILY) TO 8B (RESIDENTIAL BUSINESS ZONE) WITH A PROPOSED BINDING DEVELOPMENT AGREEMENT RESTRICTING THE USE OF THE PROPERTY TO NO MORE THAN FOUR (4) MULTIFAMILY RESIDENCES WITH NO ALLOWABLE COMMERCIAL USES; PROVIDING A SERVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA, that:

SECTION 1.

The Official Zoning Map of the Town as provided for in Section 7A-15 (a) of the Town Land Development Code shall be amended as provided for in Section 7A-15 (b) of the Town Land Development Code to reflect the zoning change set forth in Section 2 of this Ordinance.

SECTION 2.

The Official Zoning Map of the Town of Melbourne Beach is hereby amended to change the Zoning District from “3-RS, Single Family” to “8-B, Residential Business,” subject to a Binding Development Agreement restricting the use of the property to no more than four (4) multifamily residences with no allowable commercial uses for the following described property:

Lots 11 and 12, Block 1, Plat of Wilcox Melbourne Beach, according to the map or plat thereof as recorded in Plat Book 1, Page 58, Public Records of Brevard County, Florida.

Parcel Identification Number 28-38-07-FY-1-11

Containing .41 acres, more or less.

SECTION 3. Severability.

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

this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 4. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5. Effective Date.

That this Ordinance shall become effective simultaneously with the effectiveness of Ordinance No. 2021-01, amending the Future Land Use Designation on the Subject Property.

SECTION 6. Adoption Schedule.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 17th day of February, 2021, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 17th day of March, 2021.

TOWN OF MELBOURNE BEACH, FLORIDA

By: _____
WYATT HOOVER, Mayor

ATTEST:

(TOWN SEAL)

Jennifer Torres,
Town Clerk

Prepared by and return to:
Clifford R. Repperger, Esq.
WhiteBird, PLLC
730 East Strawbridge Avenue
Suite 209
Melbourne, FL 32901
(321) 327-5580

BINDING DEVELOPMENT AGREEMENT

THIS BINDING DEVELOPMENT AGREEMENT, entered into this _____ day of _____, 2021, between the **TOWN OF MELBOURNE BEACH, FLORIDA**, a Florida municipal corporation (hereinafter “TOWN”), 507 Ocean Avenue, Melbourne Beach, FL 32951, and **FRANK D. KOFFLIN, JUDITH E. KOFFLIN, RANDALL J. KOFFLIN AND MARJORIE AKERS KOFFLIN**, 406 First Avenue, Melbourne Beach, FL 32951 (hereinafter collectively referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner or assigns own property in the Town of Melbourne Beach with a site address of: 500 First Avenue, Melbourne Beach, FL 32951, as more particularly described in Exhibit "A" attached and incorporated herein by this reference (hereinafter referred to as “Subject Property”); and

WHEREAS, Developer/Owner or assigns has filed an application for an amendment to the Future Land Use Designation on the Subject Property from “Single Family” to “Residential Business;” and

WHEREAS, Developer/Owner or assigns has filed an application for an amendment to the Zoning District assigned to the Subject Property from “3-RS, Single Family” to “8-B, Residential Business;” and

WHEREAS, Developer/Owner or assigns has voluntarily proffered a limitation of development on the Subject Property to no greater than four (4) multi-family residential units with no other uses permitted in the 8-B Residential Business Zoning District to be developed on the Subject Property as an inducement to the TOWN’s approval of the Developer/Owner’s

applications for amendment to the Future Land Use Designation and Zoning District currently assigned to the Subject Property; and

WHEREAS, the TOWN would not grant approval of the applications for amendment to the Future Land Use Designation and Zoning District currently assigned to the Subject Property without the limitation of uses as voluntarily proffered by the Developer/Owner,

NOW, THEREFORE, the parties agree as follows:

1. The TOWN shall not be required or obligated to construct or participate in any way in the maintenance of any planned structures or improvements developed or redeveloped on the Subject Property as a result of the TOWN's granting of the applications for amendment to the Future Land Use Designation and Zoning District currently assigned to the Subject Property. It is the intent of the parties that the Developer/Owner, its grantees, and successors or assigns in interest shall be responsible for obtaining all required permitting, construction, and maintenance of any planned structures and improvements on the Subject Property. The parties understand that this Binding Development Agreement does not in any way operate as an approval or entitlement for any specific planned structures, improvements, or site plan for which the Developer/Owner is required to obtain separate and applicable permitting in accordance with the TOWN's Land Development Code and Florida Building Code. Unless the context shall clearly indicate to the contrary, the following terms shall be defined as follows:

(a) "Developer/Owner" means and refers to FRANK D. KOFFLIN, JUDITH E. KOFFLIN, RANDALL J. KOFFLIN AND MARJORIE AKERS KOFFLIN and their successors and assigns.

(b) "Improvements" means and refers to means any building, structure, construction, demolition, excavation, site work, solid-waste removal, landscaping, or any part thereof existing, now or hereafter built, erected, placed, made, or done on the Subject Property.

(c) "Subject Property" shall mean and refer to Lots 11 and 12, Block 1, Plat of Wilcox Melbourne Beach, according to the map or plat thereof as recorded in Plat Book

1, Page 58, Public Records of Brevard County, Florida (Brevard County Property Appraiser's Parcel Identification Number 28-38-07-FY-1-11), with the address of 500 First Avenue, Melbourne Beach, FL 32951.

(d) "Town" means and refers to the Town of Melbourne Beach, Florida, a Florida Municipal Corporation, its successors and assigns having local governmental land development jurisdiction over the Subject Property.

2. The Developer/Owner, and on behalf of any successors and assigns, agrees to restrict the use of the Subject Property to no greater than four (4) multi-family residential units. The Developer/Owner specifically agrees that Duplex, House(s) of Worship, and all Special Exception uses provided for under the TOWN's 8-B Residential-Business Zoning District are prohibited on the Subject Property. The Developer/Owner may not seek approval for any special exception use on the Subject Property at any time after entry into this Binding Development Agreement. The Subject Property may only be developed with a single-family residence or no greater than four (4) multi-family residences. Accessory uses or structures clearly incidental and subordinate to the single-family and multi-family uses are permitted as provided for in the TOWN's Land Development Regulations. Development of multi-family units on the Subject Property shall be subject to all applicable size and setback requirements provided for in the TOWN's 8-B Residential-Business Zoning District.

3. The Developer/Owner, for itself and its successors and assigns, agrees to comply with this Agreement and all applicable Ordinances and Development Regulations of the TOWN. This Agreement constitutes Developer/Owner's agreement to meet additional restrictions as to the permitted uses allowed on the Subject Property. This Agreement provides no vested rights against future applicable amendments to the TOWN's Comprehensive Plan or Land Development Regulations, which, if amended, will apply to the Subject Property upon becoming effective. The terms "Comprehensive Plan" and "Land Development Regulations" shall be defined by Fla. Stat. Sec. 163.3164 (2020), or the successor provisions of Sec. 163.3164 if said provisions shall be redefined.

4. The Developer/Owner, upon execution of this Agreement, shall pay for the cost of recording this Agreement in Brevard County, Florida.

5. This Binding Development Agreement shall be binding upon and shall inure to the benefit of the parties and to their successors or assigns and is intended to be a covenant running with the Subject Property or an equitable servitude upon the land, as the case may be, and is intended to be binding upon any person, firm, legal entity, trust, trustee, or corporation who may become the successor in interest directly or indirectly in the Subject Property. The Developer/Owner agrees to obtain a consent and joinder from any current or future mortgagee or creditor with any secured interest in the Subject Property, which consent and joinder shall be attached and specifically incorporated herein as Exhibit "B" prior to the recording of the Agreement and prior to any improvements described herein being made to the Subject Property.

6. Violation of this Agreement will constitute a violation of the TOWN's Land Development Regulations and/or Comprehensive Plan, as the case may be, and this Agreement may be enforced by the TOWN via code enforcement or administrative action or via a cause of action brought in a court of competent jurisdiction in and for Brevard County, Florida. No provision of this Agreement shall be interpreted to require the TOWN to exhaust any administrative remedy prior to bringing any action in a court of competent jurisdiction to enforce the terms of this Agreement. Enforcement of this Agreement may be by the Developer/Owner or the TOWN in law or in equity. In the event that a cause of action is brought by either party to enforce this Agreement, the prevailing party in any legal or equitable action shall be entitled to recover its attorney's fees and costs incurred in bringing such action against the non-prevailing party. The failure to enforce any covenant or provision herein contained shall in no event be deemed a waiver of the right to do so thereafter. The TOWN shall not be obligated or bound to enforce any of the covenants or provisions herein or be liable to any third-party for non-enforcement.

7. The Developer/Owner, for itself and its successors and assigns, hereby waives any defense or claim with regard to this Agreement or the issuance of any land development

order, as defined in Fla. Stat. Sec. 163.3164 (2020), that this Agreement constitutes a form of contract zoning, contract planning, contracting away of the police power, or is otherwise illegal or unenforceable. The parties agree that this Agreement is intended to serve as a non-statutory Binding Development Agreement entered into under the authority of the home rule powers of the TOWN under Article VIII, Section 2 of the Constitution of the State of Florida, Fla. Stat. Chapter 166, and other controlling law. The Developer/Owner expressly waives any challenge to the form, content, or adoption of this Agreement based upon any non-compliance with any provision of Fla. Stat. Chapter 163 applicable to statutory development agreements. In the event that the TOWN seeks to enforce this Agreement or any provision hereof against the Developer/Owner by issuance of an injunction, the Developer/Owner, for itself and its successors and assigns, hereby agrees not to contest the TOWN's allegations that it has and will suffer (1) irreparable harm or a likelihood of irreparable harm, if the injunction is not granted; (2) that there is no available adequate legal remedy; (3) that the TOWN has a clear legal right to the requested relief; (4) that the TOWN has a substantial likelihood of success on the merits if a temporary injunction is requested; and (5) that considerations of public interest or public policy support the entry of the injunction, or that issuance of the injunction will not harm or disserve the public interest.

8. Duration. This Agreement and the provisions hereof shall run with and bind the Subject Property, and shall inure to the benefit of and be enforceable by the TOWN and the Developer/Owner of the Subject Property and their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years from the date that this Agreement is recorded in the Public Records of Brevard County, Florida, after which time this Agreement shall be automatically extended for successive periods of five (5) years each unless an instrument which amends or terminates this Agreement, in part or in whole, has been approved and executed by both parties and recorded in the Public Records of Brevard County, Florida.

9. Severability. Invalidation of any one of these covenants or restrictions or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court

order, administrative hearing, or other order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect. It is the intent of the parties that no provision hereof shall be more harshly interpreted against any party hereto as the drafter of this Agreement.

10. Consent and Authorizations. **EACH PARTY ACKNOWLEDGES AND AGREES THAT EACH SUCH PARTY HAS THE FULL RIGHT, POWER, LEGAL CAPACITY AND AUTHORITY TO ENTER INTO THIS AGREEMENT. BY EXECUTING THIS AGREEMENT, EACH PARTY EXPRESSLY ACKNOWLEDGES THAT IT UNDERSTANDS THAT THIS IS AN IMPORTANT LEGAL DOCUMENT SUBSTANTIALLY AFFECTING THE PROPERTY RIGHTS OF THE DEVELOPER/OWNER. EACH PARTY UNDERSTANDS THAT IT HAS THE RIGHT TO CONSULT WITH INDEPENDENT LEGAL COUNSEL OF ITS CHOOSING PRIOR TO EXECUTING THIS AGREEMENT.**

10. Entire Agreement, Amendment, or Termination. This Agreement contains the entire agreement between the parties. This Agreement replaces any and all prior or other agreements or understandings, oral or written, between the parties hereto with respect to the subject matter hereof. The covenants and provisions of this Agreement may be amended, changed, terminated, or added to at any time and from time to time upon the execution and recordation in the Public Records of Brevard County, Florida, of an instrument executed by the TOWN and the Developer/Owner or their successors or assigns.

(THIS SPACE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties hereto have executed this Binding Development Agreement on the dates written below.

TOWN OF MELBOURNE BEACH,
FLORIDA, a Florida Municipal corporation

By: _____
WYATT HOOVER,
MAYOR

ATTEST:

Jennifer Torres,
Town Clerk

Date: _____
(TOWN SEAL)

Signed, sealed, and delivered in the presence of:

WITNESSES:

Witness Signature

Witness Signature

Witness Printed Name

Witness Printed Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me made by means of [] physical presence or [] by remote online notarization this _____ day of _____, 2021, by **WYATT HOOVER**, who is personally known to me or has produced _____ as identification.

Notary Public - State of Florida

My Commission Expires:

Print Name: _____

By:

FRANK D. KOFFLIN
406 1st Ave,
Melbourne Beach, FL 32951-2504

Date: _____

Signed, sealed, and delivered in the presence of:

WITNESSES:

Witness Signature

Witness Signature

Witness Printed Name

Witness Printed Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me made by means of [] physical presence or [] by remote online notarization this _____ day of _____, 2021, by **FRANK D. KOFFLIN**, who is personally known to me or has produced _____ as identification.

Notary Public - State of Florida

My Commission Expires:

Print Name: _____

By:

JUDITH D. KOFFLIN
406 1st Ave,
Melbourne Beach, FL 32951-2504

Date: _____

Signed, sealed, and delivered in the presence of:

WITNESSES:

Witness Signature

Witness Signature

Witness Printed Name

Witness Printed Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me made by means of [] physical presence or [] by remote online notarization this _____ day of _____, 2021, by **JUDITH D. KOFFLIN**, who is personally known to me or has produced _____ as identification.

Notary Public - State of Florida

My Commission Expires:

Print Name: _____

By:

RANDALL J. KOFFLIN
14990 113th Ave.
Largo, FL 33774-4324

Date: _____

Signed, sealed, and delivered in the presence of:

WITNESSES:

Witness Signature

Witness Signature

Witness Printed Name

Witness Printed Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me made by means of [] physical presence or [] by remote online notarization this ____ day of _____, 2021, by **RANDALL J. KOFFLIN**, who is personally known to me or has produced _____ as identification.

Notary Public - State of Florida

My Commission Expires:

Print Name: _____

By:

MARJORIE AKERS KOFFLIN
14990 113th Ave.
Largo, FL 33774-4324

Date: _____

Signed, sealed, and delivered in the presence of:

WITNESSES:

Witness Signature

Witness Signature

Witness Printed Name

Witness Printed Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me made by means of [] physical presence or [] by remote online notarization this _____ day of _____, 2021, by **MARJORIE AKERS KOFFLIN** who is personally known to me or has produced _____ as identification.

Notary Public - State of Florida

My Commission Expires:

Print Name: _____

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 11 and 12, Block 1, Plat of Wilcox Melbourne Beach, according to the map or plat thereof as recorded in Plat Book 1, Page 58, Public Records of Brevard County, Florida.

Brevard County Property Appraiser's Parcel Identification Number 28-38-07-FY-1-11 with the site address of: 500 First Avenue, Melbourne Beach, FL 32951.

EXHIBIT "B"
CONSENT AND JOINDER IN BINDING DEVELOPMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the authorized agent and signatory for the owner and holder of that certain Mortgage recorded on May 22, 2020, given by Frank D. Kofflin, Judith D. Kofflin, Randall J. Kofflin, and Marjorie Akers Kofflin, as Mortgagor(s), in favor of Truist Bank, 158 N. Harbor City Blvd., Melbourne, FL 32935-6700, as Mortgagee, recorded in Official Records Book 8747, Page 2334, Public Records of Brevard County, Florida, and encumbering lands described in said Mortgage, does hereby join in the foregoing Binding Development Agreement for the purpose of subordinating the lien of the undersigned's Mortgage to said Binding Development Agreement. This Consent and Joinder shall be binding upon any and all of Mortgagee's assigns and successors-in-interest.

Signed, sealed, and delivered in the presence of:

WITNESSES:

MORTGAGEE:

TRUIST BANK
158 N. Harbor City Blvd.
Melbourne, FL 32935-6700

Witness Signature

Witness Printed Name

Witness Signature

Witness Printed Name

Authorized Agent

(Name typed, printed or stamped)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me made by means of [] physical presence or [] by remote online notarization this _____ day of _____, 2021, by _____, who is personally known to me or has produced _____ as identification.

Notary Public - State of Florida

My Commission Expires:

Print Name: _____

Town Commission Meeting

Section: Old Business

Meeting Date: February 17, 2021

Subject: Holiday Survey

Submitted By: Elizabeth Mascaro, Town Manager

Background Information: The Commission asked me to provide a survey to the employees to obtain their opinions on if they wanted to exchange a current holiday for Martin Luther King Day holiday, have Martin Luther King Day as a service day, increase the paid holidays adding Martin Luther King Day or keep the current holiday schedule.

The survey responses were anonymous. Every employee was given a survey. 18 response were turned in (I will receive the PD's weekend shift on Monday)

Recommendation: Survey Result

Per the survey 16 responded as their #1 choice: increase the paid holiday by giving Martin Luther King Day off.

Per the survey 11 responded as their #2 choice: keep the holiday schedule as is.

Attachments: Survey respond tally sheet

Town Commission Meeting

Section: Old Business
Meeting Date: February 17, 2021
Subject: Paid Parking Hours
Submitted By: Elizabeth Mascaro, Town Manager

Background Information: The final stickers that will be installed on the parking kiosks need to be printed. There are some differing opinions as to what time the paid parking should begin. Ocean Park parking is available from 5am to 9pm. Since Ocean Park will require payment from residents and non-residents does the Commission want to charge for parking beginning at 5am? Town Hall has received many comments and request from individuals requesting no fee parking until 8am to allow folks to walk the beach, fish etc.

Even though residents can park for free at the crossovers, I would suggest whatever you decide for Ocean Park you also decide for the crossovers and Ryckman Park.

My suggestion for Ryckman Park would be 8am to 11pm.

Recommendation: free parking from 5am to 8am and paid parking at Ryckman Park until 11pm

Attachments: none

Regular Town Commission Meeting Agenda

Section: Old Business

Meeting Date: February 17, 2021

Subject: Building Survey

Submitted By: Jennifer Kerr, Finance Manager

Background Information

Commission's request for a comparison of Building Department's workload, staffing, and costs between local Municipalities.

The Town of Melbourne Beach currently has one full time Administrative Clerk and one part time Administrative Building Assistant. The part time employee works Tuesday, Wednesday, and Thursday.

We have a contract with Safebuilt for a part time Building Official and a part time Building Inspector. The Building Official works on Tuesday and Thursday. The Building Inspector works on Wednesday.

We have seen steady growth in the Building Department's workload over the years.

Recommendation:

Stay with Safebuilt for our Building Official and Building Inspector:

- If a person goes on vacation or is out Safebuilt provides a fill in person
- We do not incur hidden payroll costs
- Add another day for inspections (Monday or Friday) to accommodate the citizen's needs. This will increase our Safebuilt costs. Building Official cost \$95.00 an hour. Inspector cost \$80.00 an hour.

Increase our part time staff to full time:

- To keep up with the volume of work in the building department.
- Our part time position is already budgeted as a full time position.

Attachments: Spreadsheet comparing building stats/costs for local municipalities. Please note that most municipality's costs include a full time Building Official and more full time office employees making these municipalities available to the citizens all week.

Town Commission Meeting

Section: New Business

Meeting Date: February 17, 2021

Subject: Resolution, which opposes Senate Bill 62 (elimination of regional planning councils).

Submitted By: Mayor Wyatt Hoover

Background Information:

(From the Florida Regional Planning Councils) FRPC oppose Senate Bill 62 because it removes authorization and all references to the 10 Regional Planning Councils (RPCs) from Florida Statutes. Senate Bill 62 will result in:

- The loss of a regional convener to guide community leaders in collaborative efforts to develop regional visions linking business development, job creation, infrastructure, environment, land use, and transportation.
- The loss of a neutral platform and qualified technical staff to address issues of regional impact that frequently involve multiple cities and counties, as well as the public and private sector on diverse challenges such as broadband, resiliency, rural mobility, and disaster recovery.
- The loss of technical support and grant administration for Florida's communities will decrease access to state and federal grant opportunities for smaller cities and counties.

Recommendation: Approve Resolution 2021-01

Attachments:

- Draft Resolution 2021-01

RESOLUTION 2021-01**A RESOLUTION OF 2021-01 OPPOSING ELIMINATION OF STATUTORY AUTHORIZATION FOR REGIONAL PLANNING COUNCILS IN FLORIDA AS PROPOSED IN SENATE BILL 62 OR SIMILAR PROPOSED LEGISLATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the East Central Florida Regional Planning Council's eight county geographical area is comprised of Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter and Volusia counties and 78 municipalities contained therein, with over 4.2 million residents; and

WHEREAS, the Council is a multi-purpose regional governmental entity with policy responsibilities in the areas of affordable housing, economic development, emergency preparedness, energy and climate change, agriculture, natural resources, community design, and regional transportation; and

WHEREAS, for more than five decades Regional Planning Councils have served the public as Florida's only multipurpose regional entities that coordinate intergovernmental solutions to multijurisdictional issues identified by their member local governments; and

WHEREAS, the 67 counties in the state are divided into 10 Regional Planning Councils which perform functions in Economic Development, Transportation, Emergency Preparedness, Regional Convening, and Resilience to the extent and as directed by their member counties, cities, and gubernatorial appointees; and

WHEREAS, the Regional Planning Councils compete for and bring to Florida millions of dollars in federal funds for Economic Development, Transportation, and Environmental and Brownfields Cleanup that would otherwise go to other states; and

WHEREAS, the Regional Planning Councils receive no regular general appropriation for operation from the State and, instead, are supported by Federal, State and private grant funds, local dues, local contracts, and State agency contracts for specific programs implemented on behalf of the State; and

WHEREAS, Regional Planning Councils serve a critical role in hazardous material response coordination and training through the Local Emergency Planning Committees (LEPCs) operated by each Council; and

WHEREAS, Regional Planning Councils regularly assist state agencies in implementing their statutory duties and legislative directives, along with coordinating these duties and directives with local input, at no charge to the State; and

WHEREAS, Regional Planning Councils partner with local governments and agencies secure grant funding, staff specialized projects and provide technical support and collaboration expertise; and

WHEREAS, proposed Senate Bill 62 will remove authorization and all references to Regional Planning Councils from the Florida Statutes, depriving the people of the State of the important work the Councils do and the Federal funds they bring into Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE 2021-01 THAT:

Section 1. The Legislature is urged not to pass Senate Bill 62 unless it is modified to no longer remove Regional Planning Councils from the Florida Statutes; and

Section 2. This resolution shall take effect immediately upon adoption hereof.

PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Beach, Brevard County, Florida, at its regular meeting this 17th day of February, 2021.

TOWN OF MELBOURNE BEACH,
FLORIDA, a Florida Municipal Corporation

By: _____
Wyatt Hoover, Mayor

ATTEST:

Jennifer Torres, Town Clerk



East Central Florida Regional Planning Council

455 N. Garland Avenue, Orlando, FL 32801
Phone 407.245.0300 • Fax 407.245.0285 • www.ecfrpc.org

Hugh W. Harling, Jr. P.E.
Executive Director

Florida Regional Planning Councils - SB 62 Talking Points

We oppose Senate Bill 62 because it removes authorization and all references to the 10 Regional Planning Councils (RPCs) from Florida Statutes. Senate Bill 62 will result in:

- **The loss of a regional convener** to guide community leaders in collaborative efforts to develop regional visions linking business development, job creation, infrastructure, environment, land use, and transportation.
- **The loss of a neutral platform and qualified technical staff** to address issues of regional impact that frequently involve multiple cities and counties, as well as the public and private sector on diverse challenges such as broadband, resiliency, rural mobility, and disaster recovery.
- **The loss of technical support and grant administration** for Florida's communities will decrease access to state and federal grant opportunities for smaller cities and counties.

As Florida's only multipurpose regional entities, RPCs have served the regions and citizens of the state of Florida for over five decades. Whether coastal or inland, urban or rural, north, central, or south each region has unique needs, and each RPC is attuned and positioned to serve these needs. Governed by local boards with comprehensive representation from member governments, RPCs are nimble and able to respond to emerging local and regional concerns and opportunities.

Some of the recent projects by the East Central Florida Regional Planning Council that are benefiting Florida and its communities include:

- Governor Ron DeSantis recently awarded the ECFRPC and 5 other RPCs a \$1.499 million CDBG-MIT grant to conduct regional flood hazard mitigation planning to serve as a statewide template.
- The ECFRPC individually and in collaboration with local partners has brought over \$450,000 in resilience grants this FY into the region to support local and regional resilience and sustainability efforts.
- All 10 RPCs have joined together, led by the Northeast Florida RC, to conduct **Statewide Regional Evacuation planning**.
- The ECFRPC serves as the designated federal Economic Development District for East Central Florida. Since 2011, local governments and organizations have **been awarded more than \$9.5 million in EDA grants to fund economic development projects and initiatives**.
- Technical assistance is provided for many local communities in regards to filling planning resource gaps, transportation reviews and other needs.
- The EDA awarded the ECFRPC a 2 year, \$400,000 Cares grant to assist local partners in pandemic planning, economic resilience efforts and other needs as a result of the Covid-19 pandemic.
- The ECFRPC manages the East Central Florida Regional Resilience Collaborative which aims to increase regional resilience across 3 pillars: built and natural environment, health and equity, and economic resilience. Currently there are 37 partner communities in the Collaborative.

2020-21 Financial Impact supporting Florida and its communities in the following areas:

Economic Development - \$4,767,840

RPCs are designated as federal **Economic Development Districts** providing access to federal economic development funding, and technical assistance to local governments and private businesses for creation and expansion of infrastructure and jobs. Between 2016-2020 the E.D.A. invested **\$138,000,000** in Florida, funding more than **55 projects** in coordination with RPCs.

COVID-19 Impacted Business Revolving Loan Fund - \$7,480,000

The South Florida and Apalachee RPCs secured a **\$5.9 million** and a **\$1.58 million** respectively in revolving loan funds from E.D.A. to provide **capital to businesses impacted by COVID-19**.

Resilience - \$6,354,570

RPCs are partners in resilience efforts coordinating **regional resilience coalitions** and compacts bringing together regional and local governments with the private sector to address the **impacts of sea level rise** and climate change.

Transportation - \$6,358,615

RPCs provide planning for **Transportation Disadvantaged Programs** in half the counties in Florida; staff **Metropolitan or Transportation Planning Organizations**; administer **rural transit programs**; and coordinate **commuter services for employers**.

Emergency Preparedness - \$3,618,806

RPCs staff **Local Emergency Planning Committees**; support **training and site visits** related to hazardous waste sites; and prepare the award-winning **Statewide Regional Evacuation Study**,

Executive Committee

Chair
Sean Parks
County Commissioner
Lake County

Vice Chair
Emily Bonilla
County Commissioner
Orange County

Secretary
Billie Wheeler
County Council Member
Volusia County

Treasurer
Bryan Lober
County Commissioner
Brevard County

Immediate Past Chair
John Lesman
Governatorial Appointee
Seminole County

Member at Large
Julian Green
City Commissioner
City of Wildwood
Sumter County

Member at Large
Amy Lockhart
County Commissioner
Seminole County

Florida Regional Planning Councils - SB 62 Fact Sheet

We oppose Senate Bill 62 because it removes authorization and all references to the 10 Regional Planning Councils (RPCs) from Florida Statutes. Senate Bill 62 will result in:

- **The loss of a regional convener** to guide community leaders in collaborative efforts to develop regional visions linking business development, job creation, infrastructure, environment, land use, and transportation.
- **The loss of a neutral platform and qualified technical staff** to address issues of regional impact that frequently involve multiple cities and counties, as well as the public and private sector on diverse challenges such as broadband, resiliency, rural mobility, and disaster recovery.
- **The loss of technical support and grant administration** for Florida's communities will decrease access to state and federal grant opportunities for smaller cities and counties.

As Florida's only multipurpose regional entities, RPCs have served the regions and citizens of the state of Florida for over five decades. Whether coastal or inland, urban or rural, north, central, or south each region has unique needs, and each RPC is attuned and positioned to serve these needs. Governed by local boards with comprehensive representation from member governments, RPCs are nimble and able to respond to emerging local and regional concerns and opportunities.

Some of the recent projects by Regional Planning Councils that are benefiting Florida and its communities include:

- All 10 RPCs have joined together, led by the Northeast Florida RC, to conduct **Statewide Regional Evacuation planning**.
- Tampa Bay RPC researchers have been working to **eliminate racial equity gaps**, an effort which "could add up to 375,000 new jobs and \$50 billion to the regional economy."
- The Apalachee RPC is exploring hemp cultivation to **boost the regional agriculture sector diversification**.
- The Central Florida RPC manages a fleet of vehicles and administers over \$3 million annually in rural transit funds and provides **mobility coordination for six rural counties**.
- Governor Ron DeSantis recently awarded \$2 million in grants to three RPCs as part of an effort "to develop or enhance state, regional, or local plans which will enable the state of Florida to **withstand future disasters**."

2020-21 Financial Impact supporting Florida and its communities in the following areas:

Economic Development - \$4,767,840

RPCs are designated as federal **Economic Development Districts** providing access to federal economic development funding, and technical assistance to local governments and private businesses for creation and expansion of infrastructure and jobs. Between 2016-2020 the E.D.A. invested **\$138,000,000** in Florida, funding more than **55 projects** in coordination with RPCs.

COVID-19 Impacted Business Revolving Loan Fund - \$7,480,000

The South Florida and Apalachee RPCs secured a **\$5.9 million** and a **\$1.58 million** respectively in revolving loan funds from E.D.A. to provide **capital to businesses impacted by COVID-19**.

Resilience - \$6,354,570

RPCs are partners in resilience efforts coordinating **regional resilience coalitions** and compacts bringing together regional and local governments with the private sector to address the **impacts of sea level rise** and climate change.

Transportation - \$6,358,615

RPCs provide planning for **Transportation Disadvantaged Programs** in half the counties in Florida; staff **Metropolitan or Transportation Planning Organizations**; administer **rural transit programs**; and coordinate **commuter services for employers**.

Emergency Preparedness - \$3,618,806

RPCs staff **Local Emergency Planning Committees**; support **training and site visits** related to hazardous waste sites; and prepare the award-winning **Statewide Regional Evacuation Study**,

Town Commission Meeting

Section: New Business

Meeting Date: February 17, 2021

Subject: Change Start Time of RTCM & Workshops

Submitted By: Elizabeth Mascaro, Town Manager

Background Information: I received a suggestion to change the meeting time to 5:30pm for all regular Town Commission Meetings and Workshops. I sent out an email regarding same and received a variety of responses.

Recommendation: Discuss making the start time for RTCM & Workshops earlier so that the meetings will end earlier.

Attachments: None

Town Commission Meeting

Section: New Business

Meeting Date: February 17, 2021

Subject: Proposal to clean/sanitize HVAC duct system

Submitted By: Tom Davis, Public Works Director

Background Information: Recently during AC work parts were removed that had failed. During this process the dust and debris that has built up over the past years broke loose. The built up debris were tested and proved negative as to mold or mildew. No harmful substances were identified. The company that conducted the test did recommend cleaning of all the duct work.

Our AC maintenance copy, Merritt Island Air and Heat does not do this specialized service. Director Davis inquired as to any companies that they could suggest based upon previous experiences with said company.

Duct Detectives was recommended. Director Davis contacted Duct Detectives and arranged for an onsite review and a proposal.

The onsite review was conducted and the company provided a proposal with the cost being \$8,450.

Duct Detectives only does hospitals, large commercial building and government type buildings.

It should be noted that upon completion of the cleaning a treatment is introduced into the duct system that destroys viruses to include COVID.

Request sole source provider for this specialized work.

Recommendation: Approval to proceed

Attachments:

- HVAC Cleaning Proposal



Town Manager Report for February 2021

1. P&Z voted 5/0 to reject the application for a zoning change at Pine and First St.
2. As of Thursday, February 11th, the Town has issued 1246 parking permits
3. Employee Parking Only signs have been posted behind the Public Works building. Employees will begin parking behind public works leaving the front spots available for town business. Town Business Only signs have been posted in the space directly in front of Town Hall.
4. The PBA and the Town have agreed on an amendment to the current contract providing for a salary increase (budgeted FY21) of 2.5% for the officers retroactive to 10/1/2020. The PBA will have a vote of the Town's membership to ratify the new contract.
5. The mandatory pre bid meeting was held on Monday, February 8th for the Orange Street project. Two companies attended the meeting: Brewer Paving and Jobear. They will be the only two companies than can submit a bid proposal. We did have 5 inquires where bid packages were sent. The bids must be received by March 3rd at 3:30pm. Bids will be opened and read at 4:00pm. The contracts will be brought to the Commission along with analysis and recommendations from the Scott Glaubitz, BSE Consultants, Inc.
6. One employee was quarantined for 7 days due to COVID-19 exposure of a family member. The employee has since returned to work.
7. The first building and fire inspection of registered vacation rental property has taken place. The vacation rental met all the criteria in the Ordinance and passed.
8. I discussed an "Emergency Covid Resolutions" with Corey O'Gorman, Town Planner allowing the businesses in the shopping center to expand their seating into the parking lot. The expansion would need to be temporary and for a time certain (6mos, 8mos, etc.) and barriers would need to be installed around the outdoor seating area. Police Chief Griswold and Fire Chief Brown and I also discussed any concerns they may have with the additional seating. Both Chiefs were in favor or the expansion. Only the services that are currently provided by the business can move into the expanded area. For instance: The market does not serve alcohol so they would not be able to sever alcohol on their expanded deck area. I have spoken with Nally Telemachus., and Charlie Zubi about the possibility. Both were in favor or the expansion and appreciative of the Town's concern. Nally does need to meet and discuss the proposal with all of the business due to parking issues.
9. BOA had a continuance of its meeting in January to February 18th.
10. Moving forward with offering the COVID shots. We are looking at the cost to add an additional phone line dedicated to COVID. All callers could leave their contact information and volunteers could then call them back, obtain their information and schedule the vaccination. We would like to use the Community Center as the location for the volunteers to use when returning phone calls.

1108 have been participating in the weekly cohort calls for the Green House Gas Emissions project as part of the Town's overall commitment to sustainability. I will be providing documentation to the UCF student on the towns use of electric, gas, waste collected, etc.. to determine how much greenhouse gas the Town produces and how the Town can reduce our emissions. The Town was asked to participate in this (free) study by the East Central Florida Regional Planning Council.

12. Attended the monthly Town Manager's phone call. COVID protocols remain in place for all towns, events continue to be cancelled, and Commission/Council meetings are taking place in person. A discussion revolved around providing the vaccine to residents who are unable to leave their homes and the lack of availability of the shots.

13. A resident has requested the installation of a pickle ball court, or additional lines added to the existing tennis courts to play pickle ball. I am research the feasibility of both options.

Audio/Video Upgrade Estimate

IM Solutions is our current audio equipment provider. A representative came out to survey the Community Center and provide upgrade estimates.

Add 2 Outdoor Speakers: **\$1,200 - \$2,500**

Add Zoom capability and video to Chamber Hall - Single camera, ceiling microphone coverage for audience participation; 75" display for audience; 50" display for Commissioners; video switching system; control touch panel: **\$16,000 - \$20,000**

Wireless Wi-Fi Microphone System - Shure MX (Replaces all wired microphones) - 7 x 15" Goosenecks, 2 x Hand Held; 1 x lapel; charging stations, Dante interfaces; wireless access points **\$16,000 - \$19,000**

Audio recorder **\$ 200 - \$1,500** - depending on whether it is small and portable, or rack mounted and accessible via network.

All budgetary estimate ranges are 100% turnkey - includes all labor, docs, training, shipping, materials, equipment, etc.

Estimate provided by:

Tom Swindler

IM Solutions

2801 S Harbor City Blvd, Melbourne

www.im.solutions

Building Department Report

January 2021

- 48 permits issued
- Construction Value of the 48 permits totaled \$760,948.00
- Total Permit fees \$10,141.66
- 134 inspections completed
- 52 plans reviewed
- 2 Site Plan review for P&Z
- 1 BTR reviews
- 0 new homes

Public Works Activities Overview

January 2021

We undertook a large project this month. That project was clearing huge amounts of the invasive Hawaiian Half Flower (*Scaevola* Genus) from all of our beach crossovers with the exception of Second Avenue. Second Avenue was excluded at this time because of the planter area.

Once we had removed the invasive plant native dune plants were planted. We worked with Butterfly Native Plants Nursery who advised us and provided the plants for purchase. These new plants will fill in the areas and sustain the dunes. An added benefit is that you can actually see the ocean from the parking lots. We have received many kudos from many residents for this project.

As of January each worker has been assigned to a vehicle. This allows them to keep their tools and other equipment in their vehicle. With this action maintenance and cleanliness of the vehicle falls to the person assigned the vehicle.

Two concrete pads 2' x 2' x 2' were formed and poured for the parking kiosk. One on Ocean Avenue near the golf cart parking area and the second one by the entrance sidewalk at Ocean Park. Signage is also being prepared for installation upon activation of the pay to park program.

Signage includes employee parking only – rear of Public Works, Town Business Only – front of Town Hall and numberings for all the beach crossovers. The existing parking by permit only signs at the crossovers will be refaced with the numbers to avoid a large expense for entirely new signs.

Three electrical contractors made site visits to Ryckman Park to prepare proposals for the walkway lights there. PW Director Davis attended each visit and prepared the proposals for presentation to the Commission.

During the quarterly maintenance of the Town Hall a/c system louvers inside the duct system were found to have failed. During the removal of the failed louvers large dust and dirt particles broke loose and flowed through the system onto work areas. In an abundance of caution air test and testing of the debris were completed. All test indicated NO mold or similar growth was present. Cleaning of the duct system was recommended.

As you can imagine the crossovers project consumed a very large amount of our time this month.

A highlight of our month was celebration of one of our team, Brian Vickers, closing on the purchase of his first home.

Public Works Activities

January 2021

Vehicles detailed – assigned to each worker

Obtained and planted plants for 6th ave. crossover

Removed Christmas decorations

Constructed new fence and completed 6th ave. crossover

Cleared invasive plants Ave A /rebuilt fence

Met with electrical contractors quotes for lights in Ryckman Park

Removed marking on old PD car

Replaced bulbs with LED in PD

Installed concrete bases for parking kiosk

Dealt with possible mold in ac system Town Hall / tested and no mold

Continued ordering various signs for paid parking

Responded to report of person tripping on sidewalk 1500 block A-1- A-to FDOT

Evaluated identified irrigation systems around Town prep for watering season

Installed TV

Installed gun locker in PD

Completed removal of invasive plants at all crossovers/replaced fences and police up all crossovers

Contacted Brevard County Engineering another request for time line on Ocean/Oak intersection



Melbourne Beach Police Department Monthly Report January 2021



In January, we had a total of 2 Felony and 1 Misdemeanor arrests ranging from Drug Possession and Driving Under the Influence.

House checks/residential and business checks are continued daily. The officers and I continue to be proactive as they conducted several "directed traffic enforcement details" throughout the town. Our radar trailers are also placed in various locations throughout the city to assist in deterring speeders.

We had 8 animal complaints/calls this month consisting of:

6 Dogs on the beach (ATV Beach Patrol)

2 Injured bird

One of our areas of high volume calls consists of Injured/Ill persons. These calls are unpredictable, and each of the officers is First Responder/CPR/AED certified and is first on the scene to provide medical treatment as necessary.

All reports and calls for service are checked each day by either myself or a supervisor. Depending on the type of crime we have, procedures are in place to take the appropriate action to resolve the issue.

Community Event

The message board has had positive results with people signing up for the Mayors Fitness Challenge.

PD News

Two of our officers will be attending free training courses through the Institute of Police Technology (IPTM) in February.

SRO Dovale continues to meet with the Threat Assessment Team regarding pre-post-action plans on fire drills and various scenarios. He assisted in judging the Science Projects for the 4th, 5th, and 6th-grade classes.

122

The Melbourne Beach Police Officers and I are committed to community policing and keeping our town safe, which is our #1 priority.

Please see the attachments:

- Sergeant's monthly reports

Stay Safe, Chief Melanie Griswold

**MELBOURNE BEACH POLICE DEPARTMENT****Steven Kino****Detective/Sergeant****507 Ocean Ave, Melbourne Beach, FL 32951****Phone: (321) 723-4343****Fax: (321)725-3253**MEMORANDUM

TO: Chief Griswold

FROM: Sgt. Kino

RE: January Monthly Call Report

DATE: 02/01/2021

1/8- Domestic disturbance in the 300 block of Avenue A between male and female. Verbal only in nature that was confirmed by another individual in the residence.

1/8- Narcotics arrest in the 300 block of Avenue A. W/F admitted to possessing cocaine and was arrested

1/12-Domestic verbal between male and female. Received third party and the alleged involved parties advised that everything was ok.

1/15- Warrant arrest in the 400 block of Fourth Ave. W/F had an active warrant and was turned over to BCSO.

1/22- Battery and Criminal Mischief in the 1700 block of Atlantic St. A capias Request was sent to the SAO for potential charges.

1/29- Traffic crash in the area of Oak St. and Sunset Blvd. A W/F issued a citation and a Driver's Exchange of information was completed on scene. No injuries or roadblocks.

1/30- Traffic crash in the area of Ocean Ave and Oak St. W/M issued a citation and a Driver's Exchange of information completed on scene. No injuries or roadblocks.

1/30- Narcotics arrest in the 300 block of First Ave. A W/F was placed under arrest for possession of cocaine and drug paraphernalia.

1/31- A Marchman Act on a W/M in the 300 block of First Ave. He was heavily intoxicated and was transported to HRMC for further treatment without incident.

MELBOURNE BEACH POLICE DEPARTMENT

Matthew Smith

Sergeant

507 Ocean Ave, Melbourne Beach, FL 32951

January 2021

- 1/02- Vehicle crash, hit and run, in the 1000 block of Atlantic Street. Suspect vehicle backed into another vehicle and then left the area. The driver of the suspect vehicle could not be identified, however the vehicle was located. No injuries were reported and there was minor damage to both vehicles.
- 01/03- Criminal mischief in the 200 block of Second Avenue. The homeowner located damage to their roof and inside ceiling, caused by a .223 round coming through the roof. The homeowner believed it occurred on New Year's Eve and did not wish for it to be investigated. Signed Decline to Prosecute
- 01/09- Arrested a male for driving under the influence of alcohol, with property damage. Male crashed his vehicle into town fencing and posts in the 500 block of Ocean Avenue, causing severe damage to the vehicle and damage to town property.
- 01/09- Death investigation of a male in the 500 block of Magnolia. Turned over to the Brevard County Sheriff's Office for investigation.
- 01/10- Overdose in the 400 block of Avenue B. Male was transported to the hospital with non-life threatening injuries.
- 01/19- Domestic dispute between husband and wife, in the 400 block of Hibiscus Trail. A capias request was filed on the female for battery.
- 01/19- Criminal mischief to a mailbox, in the 200 block of Surf Road. The homeowner was out of state and stated they did not wish for the incident to be investigated.
- 01/25- Brush fire in the 400 block of Hibiscus Trail. A power line caused some trees and brush to catch fire, due to over growth. Scene was turned over to the Melbourne Beach Volunteer Fire Department and Florida Power and Light.



**Melbourne Beach
Vol. Fire Department**
507 Ocean Avenue
Melbourne Beach, FL 32951
(321)724-1736
FireChief@MelbourneBeachFL.org

FIRE DEPARTMENT MONTHLY REPORT ***January 2021***

Incident Response

For the month of January 2021, the Melbourne Beach Volunteer Fire Department responded to 9 calls for service. The average number of responding volunteer personnel per paged out call for the month was 11.

Breakdown:

- 5 Fire/Rescue Calls (paged out)
- 3 Public Assists
- 1 Police Department Assists

Department Membership

- Certified Firefighters: 17
- Support Services Personnel: 12
- Administrative Personnel: 2
- Probationary Personnel: 3

COVID-19 Update

The MBVFD continues to work closely with both the Police Department and Town Hall to ensure we are prepared to respond to the COVID-19 health crisis. This includes participation in conference calls, emails, situation reports submitted to Brevard County Emergency Management, updating policies to address response guidelines, and educating citizens and visitors. We continue to monitor the situation and update our response as needed. At this time the majority of our active MBVFD personnel continue to be healthy and are able to respond to incidents under the Department's COVID-19 response guidelines.

Extractor Washer & Dryer (Capitol Item) Update

FEMA notified the Department that the environmental survey submitted months ago as a requirement for the awarded grant has been reviewed and approved. The funding from the grant should be released to the Town in early February. The overall project is moving forward as planned and purchasing of equipment and building renovations will begin as soon as we have the grant funds in our account.

As mentioned previously, the Fire Department has partnered with 3 other local municipal fire departments to purchase an extractor style washer and rack dryer. To assist with the cost of the project, the Department submitted and was awarded a partial regional FEMA Assistance to Firefighters Grant in the amount of \$22,272. While this is not the full amount requested, it will certainly help offset the cost to the Town and to the other fire departments partnering in this project. A MOU between the participating municipalities was signed at the Commission Meeting in October.

Grant Updates

The Department successfully resubmitted a FEMA AFG grant to assist in offsetting the cost of new radios. At this point we are awaiting notification on if we were successful with this attempt or not.

The Department still has not heard back from the Fire House Subs grant resubmitted in October. The purpose of the grant was to obtain new extrication tools. At this point we are awaiting notification on if we were successful with this attempt or not.

The Department submitted a FEMA AFG-S grant in November with the purpose of obtaining additional PPE related to COVID response. At this point we are awaiting notification on if we were successful with this attempt or not.

Memo

To: Mayor, Vice Mayor and Commissioners
From: Jennifer Kerr, Finance Manager
Date: February 10, 2021
Re: January 2021

We are in the fourth month of our fiscal year 2021. The target expenditure rate for December is 33.3%. All departments are managing their expenditures even though several budget lines are over the targeted expenditure rate. All budget items highlighted in green are over the target rate but within the anticipated spending of that budget line. All items highlighted in yellow are being monitored. Some budget lines are fully expended early in the budget year while other lines like salaries and health insurance are paid on a monthly basis. The total General Fund expenditure rate, year to date is 31.5%. The Departmental expenditure rate breakdown is as follows:

Legislative:	33.0%
Executive:	36.1%
Finance:	32.8%
Legal:	21.1%
Comp & Plan:	11.8%
General Services:	26.2%
Law Enforcement:	33.5%
Fire:	21.6%
Code:	32.0%
Public Works:	31.9%
Parks:	41.7%
Ocean & Ryckman Parks:	34.8%

Discussion Items:

Ocean & Ryckman Parks Fund have a few line items that are high due to no revenue stream coming in at this time from the paid parking that is being installed.

In the process of applying for the FMIT Safety Grant.

Preparing for the Audit which will begin the week of March 8, 2021.