



# **TOWN OF MELBOURNE BEACH**

## **REGULAR TOWN COMMISSION MEETING**

**MARCH 17, 2021**

**AGENDA PACKET**

**Town of Melbourne Beach**  
**REGULAR TOWN COMMISSION MEETING**  
**MARCH 17, 2021 at 6:00 p.m.**  
**COMMUNITY CENTER – 509 OCEAN AVENUE**

**AGENDA**  
**PUBLIC NOTICE**

**The Town Commission will conduct a Regular Town Commission Meeting  
on Wednesday March 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**

- A. A Representative from the Rotary Club of Melbourne Beach and a Representative from the Melbourne Beach Volunteer Fire Association will each give a short presentation to the Commission related to which group should organize and run the Founder's Day beer tent.

**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 February 3, 2021 STCM Draft Minutes– Town Clerk Torres
- B. Approval of February 3, 2021 TCW Draft Minutes – Town Clerk Torres
- C. Approval of February 17, 2021 RTCM Draft Minutes – Town Clerk Torres
- D. Site Plan Review for 408 Riverview Lane, Melbourne Beach
- E. Site Plan Review for 404 Avenue B, Melbourne Beach
- F. Site Plan Review for 307 Avenue B, Melbourne Beach

**9. Public Hearings**

**10. Old Business**

- A. Request for Reduction of Code Enforcement Lien for 2204 Redwood Ave., Melbourne Beach, FL 32951. Code Enforcement Case No. CEB15-01
- B. Review and Consideration of Orange Street Project Bid Acceptance Recommendation

**11. New Business**

- A. Consideration of Resolution 2021-02 - to authorize outdoor seating as a temporary use at businesses in the Town of Melbourne Beach to aid in mitigating the impacts of COVID-19.

**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 Meeting**

**Section:**               **Consent**

**Meeting Date:**       March 21, 2021

**Subject:**               **Consent Agenda**

**Submitted By:**       Jennifer Torres, Town Clerk

## **Background Information:**

- Approval of draft minutes from February 2021 Commission Meeting
- Approval of three (3) Site Plan Reviews which were each unanimously approved by the Planning & Zoning Board during their March 2, 2021 meeting

**Recommendation:** Approve Consent Agenda

## **Attachments:**

- Approval of February 3, 2021 STCM Draft Minutes– Town Clerk Torres
- Approval of February 3, 2021 TCW Draft Minutes – Town Clerk Torres
- Approval of February 17, 2021 RTCM Draft Minutes – Town Clerk Torres
- Site Plan Review for 408 Riverview Lane, Melbourne Beach
- Site Plan Review for 404 Avenue B, Melbourne Beach
- Site Plan Review for 307 Avenue B, 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](mailto:townclerk@melbournebeachfl.org)

# **Town of Melbourne Beach**

## **SPECIAL TOWN COMMISSION MEETING**

**WEDNESDAY, FEBRUARY 3, 2021, 6:00 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 Clerk Jennifer Torres

# **Town of Melbourne Beach**

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### **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 Clerk Jennifer Torres

**1. Call to Order**

Mayor Hoover called the meeting to order at 6:00 p.m.

**2. Roll Call**

Town Clerk Torres conducted Roll Call:

Commissioners Present:

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

Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres  
Public Works Director Tom Davis

**3. Pledge of Allegiance and Moment of Silence**

Led by Mayor Hoover

**4. Public Comments**

**5. New Business**

**6. Old Business**

**A. Discussion and review of options and costs to address the lighting needs in Ryckman Park**

Town Manager Mascaro presented four quotes for the light repairs/replacement in Ryckman Park. They included; Boyd's Electric, Eau Gallie Electric, FPL, and Florida Bulb & Ballast.

Public Works Director Davis said that when he was selecting a product, his assessment included looking for sufficient lumens, taking into consideration wind load issues and whether they were "direction down" lights which prevent excess light from escaping in accordance with the dark skies initiative

He added that the for the most part, the pole bases do not have to be replaced but there may be a few areas where the bolts are not sufficient.

On that point, Mayor Hoover asked if they should add money to the estimate for consideration of possible bolt-replacement needs. The Public Works Director agreed they should.

In reviewing the quotes, Public Works Director Davis said FPL is not a good investment long term because it's wiser to purchase than to lease – so he did not ask FPL to come out and do a construction analysis.



Both he and the Town Manager said they feel confident in recommending the Commission go with the quote from Eau Gallie Electric.

Commissioner Walters asked where the money was coming from and Town Manager Mascaro said the Town has \$30,000 in contingency they could take it from.

Commissioner Runte said he has worked with all the companies, and they are all capable. He asked if permit fees are written off for Town projects. Public Works Director Davis said, no, they have to pay. Commissioner Runte also advised him to make sure they do not include tax in their costs. He then said that in regard to warranty, sometimes you can negotiate with them and get a better extended warranty for workmanship – which is essentially warranting the installation process.

Commissioner Runte went on to say that Eau Gallie Electric is coming in at a great price. He also advised that there are massive price increases coming in all trades and if the Town doesn't go forward now, the price will definitely increase.

Town Manager Mascaro said there is a 10-year warranty on the spec sheet.

Public Works Director Davis said he would ask for the workmanship warranty and plan for at least 50-percent base-bolt replacement as a contingency.

Some discussion took place related to bases and bolts.

The cost to replace all bases was estimated at \$6,500. Assuming half may need replacement, the Commission agreed to approve half that amount just in case.

Mayor Hoover asked a question about material on P. 12 – as to whether the arm is steel and the rest is aluminum.

Commissioner Walters suggested they assume it's all-aluminum but added that Public Works Director Davis should call tomorrow and verify.

Commissioner Walters asked what color the poles would be – and PWD Davis said they would be black.

Mayor Hoover asked if there was an option from Eau Gallie Electric where they could do all poles in aluminum. He suggested they find out and if they need to amend the budget approval number they can do that at the next meeting in two weeks.

Commissioner Runte said the company will probably want half up front and if the order changes they may ask for a restocking fee. He suggested they approve it with the contingency of an aluminum vs steel arm and if the cost for aluminum exceeds "X" amount they go with steel. He estimated the upgrade would cost approximately \$500 per pole.

Mayor Hoover said the potential aluminum upgrade could be around \$6,500 and the

Potential for base bolt repairs on half the posts would be \$3,000

**Commissioner Runte moved to approve the Worthington Series fixture package from the Eau Gallie Electric proposal dated January 20, 2021 in the amount of \$41,403 which includes the base bid amount of \$31,903 plus a 50-percent contingency to cover half of the base bolt replacements and an additional \$6,500 for an upgrade to aluminum arms if available and if needed; Commissioner Walters seconded; Motion carried 5-0.**

Before adjourning, Mayor Hoover said he received a request from the Melbourne Airport for the Town to issue a letter of support for the airport to receive a small community grant to secure service from MLB to Washington DC. He presented the letter to the Commission and asked for their consent.

The Commission members unanimously agreed to give their consent.

7. Adjournment

**Commissioner Quarrie moved to adjourn; Vice Mayor Barton seconded; Motion carried 5-0.**

Meeting adjourned at 6:31 p.m.

# **Town of Melbourne Beach**

## **TOWN COMMISSION WORKSHOP**

**WEDNESDAY, FEBRUARY 3, 2021,  
IMMEDIATELY FOLLOWING THE SPECIAL  
TOWN COMMISSION MEETING AT 6:00 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 Clerk Jennifer Torres

**1. Call to Order**

Mayor Hoover called the meeting to order at 6:32 p.m.

**2. Roll Call**

Town Clerk Torres conducted Roll Call:

Commissioners Present:

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

Staff Present:

Town Manager Elizabeth Mascaro  
Town Clerk Jennifer Torres

**3. Pledge of Allegiance and Moment of Silence**

Conducted at earlier meeting.

**4. Public Comments**

**5. New Business**

- A. Discussion of the Town Hall employee holiday schedule – Martin Luther King Jr. Day

Town Clerk Torres previously introduced the idea of observing Martin Luther King Jr. Day as an official Town Holiday noting that Melbourne Beach was one of only two municipalities in the county where it was not observed.

Commissioner Walters noted that Martin Luther King Jr. Day is a service day and felt employees could provide a service to the Town by working, explaining that he felt residents suffer for it when employees have too many days off.

Vice Mayor Barton said the Commission could look at some other scenarios as to what day could be switched out with it. She noted that she understood the point of recognizing it officially and wanted to be sensitive to it and also did not want the Town to be one of the few that did not observe it. But she was concerned with Town Hall being closed too many days during that particular time of the year.

Commissioner Runte said he didn't have a problem with just adding it and allowing employees 12 holidays – instead of 11. He felt not observing the day could result in an easy lawsuit and felt it would be a good decision to observe it.

Commissioner Quarrie suggested taking away President's Day and replacing it with Martin Luther King Jr. Day.

Mayor Hoover said they should recognize the holiday in some way and suggested it may be more effective to recognize it by joining with the City of Melbourne to participate in their MLK Jr. Parade and engage in some sort of service activity. Staff would be paid to volunteer their time essentially.

Further discussion ensued related to increasing the number of staff holidays from 11 to 12, taking away a current holiday and making a switch, planning a service project, or allowing employees who want to observe the day to take a half-day to go volunteer at a place of their choosing and the remaining staff can keep Town Hall open.

Mayor Hoover suggested the Town Manager get input from the rest of the staff and come up with a cost analysis that would show how much financial impact adding an extra holiday would have. He noted that they would continue the discussion during the February 17, Regular Town Commission Meeting.

#### B. Fire Tax Briefing

Chief Brown went over a recent analysis of the stipend plan. He said its working and having the effect he wants it to. He is confident he can keep the numbers going and at this time there is no need to look at paid personnel. While it may be needed down the road, for now the current system is working well. He noted that the requirements went up and the department lost some dead weight but participation of membership as a whole has increased 49-percent.

Town Manager Mascaro said the department has more participation from Town residents than in the past with newer residents who are more involved and dedicated. She noted that the level of engagement and professionalism is so much more than it once was.

Chief Brown said part of his goal is to get the volunteers certified.

Commissioner Runte said he has heard a lot of great things and agreed that the numbers are impressive – especially during COVID. He told Chief Brown he was doing a great job and to keep up the good work.

#### C. Discuss and consider new patriotic decal the Police Department would like to display on police vehicles

Town Manager Mascaro presented a photo of a patriotic decal that the police department would like to display on their police vehicles. She explained that the image is “ghosted” meaning it can only be seen at certain angles and currently Florida Highway Patrol has them on their vehicles.

She went on to say that the cost for the decals is \$125 less than what the Town pays to affix the Town Logo on the vehicles. The plan would be to affix the new design to one car and then add it to any subsequent cars the Town purchases.

Some discussion took place over whether it was appropriate to have a modified version of the American Flag. The Commission agreed that as long as people can identify it as the American flag and the police department wants it - they would support it.

## **6. Adjournment**

### **Commissioner Quarrie moved to adjourn; Commissioner Runte seconded;**

Public Works Director Davis shared a short update on the current swale program, saying it was proceeding along very well.

Town Manager Mascaro gave an update on the Town's upcoming, planned involvement in providing COVID shots to the public, explaining that the Fire Department was coordinating with other beachside fire departments in a partnership between the municipalities to offer vaccinations. The timing and other specific details are still undetermined.

### **Motion carried 5-0.**

The meeting adjourned at 7:34 p.m.

# **Town of Melbourne Beach**

## **REGULAR TOWN COMMISSION MEETING**

**WEDNESDAY, FEBRUARY 17, 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

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**

***Jim Simmons***

***409 Avenue B***

Mr. Simmons commented that in the Town Manager report, under item 8 – Emergency COVID Resolutions, he expected that this would be a temporary measure because 1.) It's against our code unless you have special exception and 2) it's unfair to businesses who have gone through the special exception process and to those who are already legally able to serve food and liquor.

***Bob Semones***

***149 Moonlight Drive***

Mr. Semones said he would like to see the resident-only parking policy changed to allow parking for residents who live in the County portion of Melbourne Beach.

***Ron Holihan***

***447 Fairway Drive***

Mr. Holihan also felt that residents of the county portion of Brevard referred to as Melbourne Beach should receive resident-parking decals.



***Kate Wilborn***  
***502 2<sup>nd</sup> Avenue***

Ms. Wilborn asked the Town Attorney to look into the company who did the recent stormwater repairs if the warranty is still under time frame. She felt a pump would be a low cost fix for the issue and she can't understand why this is being neglected.

Mayor Hoover asked the Town Attorney about the contract related to that stormwater project.

Some discussion ensued between Commission members.

Town Manager Mascaro said they have not observed a flood situation there.

Commissioner Runte said he's only seen pictures of flooding during a hurricane and suggested the Town Manager contact BSE to find out if the pipe goes uphill.

Ms. Wilborn said it goes one-foot up hill.

Mayor Hoover created an action item instructing the Town Manager to reach out to BSE for specific information related to the stormwater issues in this area. The Town Manager said she would update them at the March RTCM.

***Jim Simmons***  
***409 Avenue B***

Mr. Simmons clarified who the company was who completed the project

***Frank Kofflin***  
***406 1<sup>st</sup> Avenue***

Mr. Coughlin said the issue may be with the water from above. It has come from Ocean Avenue, turn on Pine and head to her house. He suggested they take the water load off the system at 2<sup>nd</sup> and Pine because he feels there are more issues than a pipe going uphill.

**7. Approval of Agenda**

**Commissioner Quarrie moved to approve the Agenda; Commissioner Runte seconded; Motion carried 5-0.**

**8. Consent Agenda**

**Commissioner Quarrie moved to approve the Consent Agenda; Commissioner Runte seconded; Motion carried 5-0.**

**9. Public Hearing**

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

Town Attorney Repperger addressed the Commission and those in attendance by explaining that this is an application filed by the owners of 500 1<sup>st</sup> Avenue and three components would be considered tonight; Future Land Use, Rezoning and a Binding Development Agreement. He said there are two ordinances; 2021-01 and 2021-02.

He advised they handle everything under one presentation so the applicant does not have to reiterate everything more than once. The Commission agreed.

Town Attorney Repperger read the Ordinances.

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 SERVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

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 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 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

Town Attorney Repperger said it was important to note that the Planning & Zoning Board heard the matter during their February 2, 2021 meeting and recommended denial of both ordinances and the BDA in a unanimous vote.

The applicant Frank D. Kofflin was in attendance and addressed the Commission.

***Frank D. Kofflin***  
***500 First Avenue***

Mr. Kofflin acknowledged that Planning & Zoning denied his application but said he wasn't surprised given the fact that they seemed to be predisposed to that position. He proceeded address some of the concerns and questions raised by saying:

- He is trying to redevelop the property in the best way possible.
- The property does not share a common boundary with any other residential property.
- A comment was made as to the size of the lot by someone who backs up to a condominium with 30 units. He assured that they are not trying to get anywhere near that. He wants it to look nice, and not be crowded, that's why it is 4-units maximum.
- The real safety issue of traffic already exists. After the Police Chief put a speed trailer on my lot and 2,200 cars went down my street, only 170 were speeding. The real safety issue is cut-through traffic and not someone pulling out of a driveway that lives there. Speedbumps might help mitigate cut through traffic and increase safety.
- We know drainage is a problem – but whatever we develop on the property – we would be required to retain all the water on the property. Our proposed project would not add any flooding.
- VRBO – We don't have any intention to do a VRBO – and this use would not be allowed if we rezoned. However, someone could buy it now and turn it into a VRBO.
- Affordable housing is an oxymoron in Melbourne Beach right now. The key to having a nice town is to have some affordable properties.
- This block was originally split up into lots for development.

**The item went back to the Commission and members asked Mr. Kofflin series of questions.**

Vice Mayor Barton asked what his intention was with the units.

- A. The intention is to build and sell and maybe keep one for myself. Rentals would be a minimum one-year lease.

Mayor Hoover asked if that would involve subdividing it.

- A. No. It will still be one parcel.

Commissioner Runte asked where he owns property in Indialantic.

- A. On the corner of 11<sup>th</sup> Ave and A1A where we are zoned for 5 units – but only built four because we thought five was too crowded.

Commissioner Quarrie said in his application he made a statement under purpose and intent that in 1957 the present zoning was not acceptable. She wanted to know how he arrived at that since it's on record the Town complex was there and so was the church.

- A. The church was built in 1991. When I moved here in 1990, Town Hall was not here, there was no public works building or 2-bay fire department. In 1957 when the house was built there no real development.

Commissioner Quarrie went on to say that Quarrie what she is getting at is that it was always the intention that that house would be surrounded as it is. The history of 8-B b Zone is so we could have a center and historical homes could be made into businesses right on the main street. She added that she did not think his project is in line with what the Town's predecessors wanted.

Further discussion ensued related to traffic impact, density, and bicyclist and pedestrian safety,

## **Public Comments**

***Tim Scanlon***  
***1003 Pine Street***

Against rezoning. It will result in a serious degradation of life for people in the neighborhood. He said the infrastructure was not designed for multi-family and there are other properties available on Ocean Avenue so there is no reason to go into residential neighborhoods where there is high density of traffic and pedestrians already.

***Amy Peterson***  
***305 6<sup>th</sup> Avenue***

In Support of rezoning. If they have HOA, it can be beautiful. She has five cars at her home and they have a traffic issue if they all leave at the same time.

***Jim Simmons***  
***409 Avenue B***

Against rezoning. While he is sympathetic to affordable housing ideas, he thinks they should be on Ocean Avenue. He's also not sure that short-term rentals can be restricted through the BDA.

Town Attorney Repperger said it can be enforceable and added in to the BDA if desired by the Commission.

***Amy Rickman***  
***303 Sunset Blvd.***

Against rezoning. Land use plan was well thought out. Against encroaching on single family homes with an apartment building.

***Judy Baker***  
***419 First Ave***

Against rezoning. Ocean Ave and A1A is a business district, nowhere else. It would set precedent to approve this.

***Pete Peterson***  
***305 6<sup>th</sup> Ave***

Against rezoning. It was zoned this way for a reason. This is just not the location for it.

***John Hart***  
***407 Surf Road***

Against rezoning. It would set a bad precedent.

***Frank Lagrossa***  
***412 1<sup>st</sup> Ave***

Against rezoning. This could be a watershed moment in this Town – as so many towns that were once nice places. But when leadership had tools to protect they lacked the will, right now the Commission has the power to reject this.

***Adriana Cruz***  
***507 Ave***

Against rezoning. Likes the small town feel.

**The item went back to the Commission.**

Commissioner Runte said that he is a partner in a commercial construction firm in Brevard County. Melbourne Beach is special place and while the applicant made valid points it was purchased knowing that there were rules that came with the property. Instead, he would like to see a redevelopment project on Ocean Ave.

Vice Mayor Barton noted that Mr. Kofflin gave a nice presentation. She agreed with the need to offer more affordable housing but felt this was the wrong property for the project.

Mayor Hoover said he appreciated Mr. Kofflin's efforts and the time he put into the presentation but he wants the Town to maintain its current charm and does not feel this project is something he can support.

Mr. Kofflin thanked the Commission for their consideration and asked if they would consider two small single family homes in Key West style in lieu of McMansion.

**Commissioner Runte moved to deny Ordinance 2021-01 for Future Land Use Amendment on 500 1<sup>st</sup> Avenue; Commissioner Walters seconded; Motion carried 5-0.**

**Commissioner Runte moved to deny Ordinance 2021-02 for Rezoning on 500 1<sup>st</sup> Avenue; Commissioner Quarrie seconded; Motion carried 5-0.**

**Commissioner Runte moved to deny the Binding Development Agreement for 500 1<sup>st</sup> Avenue; Commissioner Walter seconded; Motion carried 5-0.**

**10. Old Business**

A. Review of Town Holiday schedule and considerations for observing Martin Luther King Jr. Day holiday.

Town Manager Mascaro asked employees to complete a confidential survey asking their opinion on the holiday schedule. The resulting conclusion was that most employees felt MLK Jr. Day should be added to the Town's holiday schedule without taking away any other current holiday. And the majority felt that if that wasn't an option, the schedule should be left as it is.

Mayor Hoover said the conversation is not with respect to staff preference but how does the Town want to represent and respect the holiday.

Commissioner Walters felt the staff should not receive an additional holiday and instead should give up another current day off in replacement of it - such as their birthday. He also noted that the day is a national day of service and the residents suffer if Town Hall is closed.

The Town Manager said that police don't have holidays – except for their birthday, so taking that away would impact the one day they have.

Commissioner Runte noted that Melbourne Beach will be the only Town not to observe it and that isn't good. He suggested they not trade it, cut the day in half or try to alter anything else. Instead just keep it simple and give MLK Jr. Day off. He added that nearly 50-percent of other municipalities have 12 days off.

**Commissioner Runte moved to approve Martin Luther King Jr. Day as an official holiday for Town of Melbourne Beach; Vice Mayor Barton seconded;**

**Public comments**

***Adam Meyer***  
***215 surf***

Mr. Meyer said holidays do cost money.

**Motion carried 5-0.**

**B. Consideration of paid parking hours at Ocean and Ryckman Park –  
Town Manager Mascaro**

Mayor Hoover said what they need to decide is what we are charging for parking and what hours we are going to charge at Ocean Park, the Crossovers, and Ryckman Park.

Commissioner Quarrie felt they should charge \$2 an hour, 24-hours-a-day. The money will go to the parks so it's all for a great cause.

The Town Manager said the current parking hours are 5 a.m. to 9 p.m. and people may not park at Ocean Avenue or the crossovers outside those times so charging around the clock is not an option. She went on to say that the Commission directed her to charge the same rate as Indialantic – which is \$2.50 per hour.

Commissioner Runte asked how parking is enforced and Town Manager Mascaro said they are ticketed.

Vice Mayor Barton said that in most of the towns she has looked at have kiosk metered parking. They have hours and its more of a business district town, for example, 8 a.m. – to 6 p.m. in Cocoa Beach, and then it's free outside of those hours. She thought it may be nice to allow some people free time to walk beach in the mornings.

Commissioner Walters suggested paid parking at Ocean Park and the Crossovers from 5 a.m. to 9 p.m.

Commissioner Runte disagreed with the beach closing at 9 p.m. and if they don't allow early morning parking, they need to allow visitor passes and he intends to push for that.

Further discussion ensued and the Commission reached a consensus that the parking rate should be \$2.50 per hour. The hours of parking at the beach are 5 a.m. to 9 p.m. and discussion took place related to the fact that it would be a nice gesture to allow free parking from 5 to 9 a.m.

**Vice Mayor Barton moved to charge at kiosk parking beginning at 8 a.m. at \$2.50 per hour and closing at 9 p.m. at the crossovers and Ocean park and closing at 11 p.m. at Ryckman Park; Commissioner Runte seconded;**

**Public Comments**

***Jim Simmons  
409 Avenue B***

Mr. Simmons is in favor of passes on a limited basis and regarding matching the Indialantic rate, he thought they went to all passes.

Commissioner Runte responded by saying – no, they got rid of cash meters and went to all kiosk parking.

**Motion carried 5-0.**

**C. Consideration and Review of comparison of Building Department's workload, staffing and costs between local municipalities – Finance Director Kerr.**

Finance Director Kerr shared the building survey with information on the building departments from nearby municipalities.

Commissioner Runte said it was good information and our department appears to be comparable. However, he also noted that he has seen the process of getting a permit approved take an inordinate amount of time. He also noted that staff is not available five days a week.

Commissioner Quarrie noted that she thought the department was supposed to pay for itself but it is \$28,000 short.

Town Manager Mascaro said she has considered increasing the number of days worked by the Building Administrative Assistant and the Building Official.

**Public Comments**

***Jim Simmons  
409 Avenue B***

Mr. Simmons said people fail because the rates are too high and we have more complex builds than we had before. In addition if the Town is doing an average of three permits a day that amount to 250 work days and you can't calculate on 365 days. HE said the Building Department always supposed to be close to budget but never exceed it.

Commissioner Runte suggested the Town track the average amount of time it takes for someone to get an approved permit – and the average amount of time it takes to get an inspection after a request.

The Commission directed the Town Manager to have the Building Department track this process beginning the next day and then bring the results back to the Commission at the May RTCM.

**11. New Business**

**A. Consideration of Resolution 2021-01**

Mayor Hoover explained that this Resolution is show the Town's support in urging the State not to pass Senate Bill 62 unless it is modified to no longer remove Regional Planning Councils from the Florida Statutes.



**Vice Mayor Barton moved to approve Resolution 2021-01; Commissioner Runte seconded; Motion carried 5-0.**

Mayor Hoover asked the Town Clerk if she could bring Resolutions related to opposition of State legislation regarding Vacation Rental Homes and Home-Based Businesses to the next RTCM. She agreed.

**C. Consideration of changing time of meeting to 5:30 p.m. for all Regular Town Commission Meetings and Workshops – Town Manager Mascaro**

Mayor Hoover said he is in favor of changing the meeting time to 6 p.m. The Commission agreed to request that the other Town Boards request they also change their start times to 6 p.m. to offer continuity for residents.

**Commissioner Runte moved to change all Town Commission Workshops and Regular Town Commission Meetings to 6 p.m.; Commissioner Quarrie seconded; Motion carried 5-0.**

**C. Review and consideration of proposal to clean HVAC system at Town Hall – Public Works Director Davis**

Public Works Director Davis presented an invoice for duct-cleaning work at Town Hall. However, after testing the air quality, no issues were found.

The Commission decided to table the issue.

**12. Staff Reports (2:55:30)**

- A. Town Attorney Report - None
- B. Town Manager Report

Mayor Hoover asked the Town Manager to email the Commission Members with the Orange Street plans from BSE.

Town Manager Mascaro said she would and added that the Pre-bid meeting took place and two companies attended. Bids open March 3, 2021 and must be in by 3:30 p.m. and opened by 4 p.m. Following that recommendations will be presented to the Commission.

Town Manager Mascaro said she spoke to the Town Planner and the Town can allow outdoor dining on a limited basis (for 6 months or a year). This is based on

In conjunction with doing update do shopping center – would they want to participate I spoke to building owner (Nelly?) she liked it but parking spaces directly in front of business are not dedicated to those businesses – it is free parking so other business

could object to that – so she needed to talk to them and see how they all felt. She has not gotten back to me on that.

Town Manager Mascaro said she also spoke to Charlie and Ron at the Melbourne Beach Market and they want to do it but not for market – for the restaurant. They do not want to do it in the front – they want to do it on the side.

She spoke Chief Brown and Chief Griswold who confirmed there would be enough room for emergency vehicles to pass through – and a protective barrier would need to be in place.

Town Manager Mascaro clarified that the business can't change the structure of what it is – in other words businesses who do not sell alcohol and food now – can't begin to do so now. The Commission will need to decide if they want to create a Resolution to allow this and to determine the length of time this will be allowed.

Mayor Hoover suggested that angling the parking spots and making it one-way would create more space for the businesses to have outdoor seating.

The Town Manager said that would require a code change.

Mayor Hoover said he would be happy to do that.

Town Manager Mascaro said the process requires a vote and approval as well as public hearings and an ordinance.

Mayor Hoover said he felt it was important to figure out what the whole plan is going to look like.

Mayor Hoover said he would like to move forward with this and allow them to do this until the end of the year. He suggested they add two Action Items 1.) Parking and 2.) Outdoor seating to the action item that already exists related to Ocean Avenue Beautification.

Commissioner Runte advised against involving FDOT unless they had to.

Town Attorney Repperger said the Commission has to consider special exceptions that have already been made. He added that the dimensions of parking spots are defined in the code.

Commissioner Runte said we can change and waive parking requirements, adding that municipalities, like the City of Melbourne, do it often.

Mayor Hoover added an **Action item** – to start looking at the parking situation and understanding the relationships and formulas between parking and restaurants, and square footage and parking, in addition to considering code changes (78-50).

He also created a second **Action Item** - Expanding outdoor seating with code changes.

Town Manager Mascaro said she will bring the Commission a **Resolution** for their approval, adding that the Town's ability to allow the outdoor seating is only in response to COVID and it's a limited time special exception to assist local businesses.

Mayor Hoover clarified that businesses should not be allowed to put just anything in the outdoor space, like a rack of clothes – instead they must create a semi-permanent space.

Moving on, Town Manager Mascaro asked the Commission whether they wanted to cancel Founder's Day or go ahead with the event.

The Commission agreed to move forward with a scaled-down Founder's Day event to take place on the first Saturday in May 2021.

Town Manager Mascaro said the Fire department will be taking over the beer tent because the Rotary Club is struggling right now and not functioning. She also asked the Commission to consider the Pineapple Man Triathlon and whether they wanted to keep the Rotary involved.

Town Manager Mascaro presented artwork from schoolchildren for consideration of a mural on the Town bathrooms. Mayor Hoover said he felt we need to employ a proper artist to do the work and the majority of the other Commission members agreed.

She went on to update the Commission on the planned COVID vaccinations in unison with other nearby municipalities. They are signing people up for a waiting list but encouraging people to take the vaccination if offered first elsewhere.

Regarding the pickle ball court – she needs to discuss further with the Public Works Director before she can offer a true assessment of what they can.

Mayor Hoover agreed she should continue to look into it.

### C. Town Clerk Report

Town Clerk Torres updated the Commission on the audio system and the cost estimate received from the current audio company. The Commission instructed her to get two more quotes and return with the item in April.

### D. Departmental Reports

1. Building Department
2. Public Works Department
3. Code Enforcement
4. Police Department
5. Fire Department

Fire Chief Brown asked about parking passes for his volunteer fire fighters making them except during times of emergency. Mayor Hoover said he should make the Police Chief aware of any situation like this when it occurs so they do not get ticketed.

#### 6. Finance Department

**Commissioner Runte moved to approve the January 2021 Finance Report; Commissioner Quarrie seconded; Motion carried 4-0 with Commissioner Walters in dissent.**

### 13. Town Commission Comments

#### A. General Comments

Mayor Hoover said he wanted to add an **Action Item** related to updating/refreshing the faded crosswalks at Pine and Ocean, the traffic light, and other areas in the Ocean Avenue area.

Public Works Director Davis said he made need approval from FDOT.

Mayor Hoover said we can talk to FDOT about the five areas in their jurisdiction and take care of the areas in our Town near Pine and Ocean. Commission directed that this item is updated at the March RTCM.

Commissioner Runte thanked the Town, especially Chief Griswold, Chief Brown and the Town Manager for attending his father's funeral.

#### B. Review of Commission Action List

### 14. Adjournment

**Commissioner Runte moved to adjourn the meeting; Vice Mayor Barton seconded; Motion carried 5-0.**

Meeting adjourned at 9:46 p.m.

# **Town Commission Agenda Item**

**Section:** Old Business

**Meeting Date:** March 17, 2021

**Subject:** Request for Reduction of Code Enforcement Lien  
2204 Redwood Avenue, Melbourne Beach, FL 32951  
Code Enforcement Case No. CEB15-01

**Submitted By:** Richard Carey, Attorney Representing Owner: OJUS Holdings, LLC

## **Background Information:**

On October 1, 2015, the subject property was found in violation of various sections of the Town Code related to an unsecured swimming pool on otherwise vacant property and accumulations of grass and weeds by the Code Enforcement Board in Case No. CEB 15-01. A fine began to run on November 1, 2015 at \$50.00 per day. On December 16, 2019, the Town imposed the accrued fine as a Claim of Lien (with the fine still accruing).

On December 11, 2019 the owners of the subject property (Gary B. Sack and Beverly J. Sack) conveyed the property to PBG Property Services, LLC acting as a Trustee for the subject property. On February 25, 2020 the subject property was conveyed from the Trustee to OJUS Holdings, LLC. Between December 13, 2019 and February 13, 2020, both Town Staff and the Town Attorney had communications with one of the principals for OJUS Holdings, LLC (David Crespie) regarding requirements for compliance of the violation. On February 13, 2020, Town Staff determined the violation to be in compliance and the fine stopped accrual at \$78,500.00. There is no indication that David Crespie or OJUS Holdings, LLC had any interest in the subject property or intent to acquire the same prior to their communication with Town Staff beginning on December 13, 2019.

Despite OJUS Holdings, LLC formally acquiring the property on February 25, 2020, no formal Request for Reduction of the accrued fine amount was filed prior to that date. On March 8, 2021 attorney Richard Carey filed a Request for Reduction of the accrued lien and supporting documentation which is attached. Mr. Carey has requested a reduction of the lien to 10% of its value, which is \$7,850.00. Although a Request for Reduction would typically have been heard by the Code Enforcement Board for a recommendation to Town Commission, given the 2020 amendments to the Code instituting a Code Enforcement Special Magistrate (who did not hear the initial case), Town Staff and the Town Attorney concurred that bringing the matter straight to the Town Commission was an appropriate action.

## **Recommendation:**

Town Staff supports the Town Commission's reduction of the lien to 25% percent of the accrued fine (\$19,625.00).

**Attachments:**

- Findings of Fact, Conclusions of Law, and Order CEB 15-01.
- Order Imposing Fine as Lien CEB 15-01.
- Request for Reduction and Attachments from Richard Carey.

**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](mailto:townclerk@melbournebeachfl.org)

# Town Commission Meeting

**Section:** Old Business

**Meeting Date:** March 21, 2021

**Subject:** Orange Street Project Bid Acceptance Recommendation

**Submitted By:** Elizabeth Mascaro, Town Manager

**Background Information:** The Orange Street repaving project opened the two job bids on Thursday, March 4<sup>th</sup>. The low bid was received by Brewer Paving, who has done several stormwater jobs for the Town of the past few years. The project description requested the installation of swales in the Town's right-of-way. Once the bids were received and the surveyors marked the dig lines, the PW Director and I determined that the width of the swales would create a major issue with tree removal for many properties. After discussion with Scott Glaubitz the swale size was reduced by half and resurveyed thus eliminating 99% of tree removal. The swale size reduction should also reduce some of the expense but the amount is TBD.

***I have included responses to Mayor Hoover's email of 3/1/21.***

**Recommendation:** Approve Bid from Brewer Paving for \$737,952.60 (includes the removal of the performance bond.) as suggested by the Town Engineer, Scott Glaubitz.

**Attachments:**

- Bid results
- Letter from Scott Glaubitz
- Mayor Hoover email

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## Excerpt from Mayor Hoover's email dated 3/1/2021

Thanks, Elizabeth. Copying the Commission here as FYI, asking that they do not respond directly to me/each other.

I'm encouraged by what they have planned here and am pleased to see that, based on the Geotech report, our guesses about our soil being very permeable were correct. I did have a couple questions and hoped you might be able to get answers from our engineers for our meeting this week...

1. Does this plan meet the 6" stormwater retention that we require for our residents **[Eliz]** the plan does meet the 8" retention requirement.
  - a. Does the code require the Town to meet that requirement on its property, too? (if not, maybe it should?) **[Eliz]** No the Code does not require the adherence to this requirement. The Town has the ability to act in its own self-interest.
2. With the 4:1 slope described, is there a comparable swale in town somewhere that would give us a visual reference of what that will look/feel like along the side of the road? **[Eliz]** The slope will be changed to 3:1. The slope will be gradual and easy to maintain.
3. I love the transition from Miami to Ribbon curbs. I think the residents will really like that at the end of their driveways, too, and we should make sure they know about the change (in case they don't love the swale concept). **[Eliz]** All residents will be notified by mail regarding the upcoming construction. The estimated construction start date is first or second week of April with completion by June.
4. I see they have the road striping included in the plans, can they not include the bike stencils as discussed in our last meeting? (I know Tom was investigating options to do this ourselves, just wondering) **[Eliz]** The engineer and the contractor strongly declined to include the stencils.
5. Are we preparing any guidance for residents with respect to landscaping in the swales – with no stormwater pipes, street trees are an option and would visually narrow the roadway a bit to slow traffic and provide shade for those of us walking/biking around and to our local businesses? **[Eliz]** The swales will be grass. The swales will be placed in the Town's right-of-way. The Town discourages plantings in our right-of-way, regardless of the piping. If the Commission desires trees planted in the right-of-way then an agenda item should be submitted.
6. If we cannot get to the 6" retention level with this plan, can the engineers recommend some strategic exfiltration infrastructure that we might implement further down the road? **[Eliz]** n/a
7. LAST one – as this is largely a stormwater project, are getting funds to cover any of the project costs? **[Eliz]** Three grants have been submitted and denied for this project.

Thank you!

Wyatt



# **Town Commission Meeting**

**Section:**                **New Business**

**Meeting Date:**        March 21, 2021

**Subject:**                Resolution 2021-02

**Submitted By:**        Elizabeth Mascaro, Town Manager

**Background Information:** During discussion at the February RTCM, Town Staff was directed to prepare a Resolution to authorize outdoor seating as a temporary use at businesses in the Town of Melbourne Beach to aid in mitigating the impacts of COVID-19.

**Recommendation:** Approve Resolution 2021-02

**Attachments:**

- Resolution 2021-02

**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](mailto:townclerk@melbournebeachfl.org)

## **RESOLUTION 2021-02**

### **A RESOLUTION TO AUTHORIZE OUTDOOR SEATING AS A TEMPORARY USE AT BUSINESSES IN THE TOWN OF MELBOURNE BEACH TO AID IN MITIGATING THE IMPACTS OF CORONAVIRUS DISEASE 2019 (COVID-19);**

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida related to Coronavirus Disease 2019 (COVID-19); and

WHEREAS, allowing restaurants to have outdoor seating on a temporary basis, even where such seating is not currently provided for on a permanent basis in the Town of Melbourne Beach Code or Ordinances Zoning Code or in the restaurant's physical plan, will allow restaurants to serve more customers in a safer fashion; and

WHEREAS, the Town of Melbourne Beach Code or Ordinances Zoning Code authorizes the Town Commission to approve conditional permits in the Town of Melbourne Beach for special uses on a temporary basis; and

WHEREAS, it is critically important that local small businesses, including restaurants, be allowed to offer services in a way that will allow these businesses to survive; and

WHEREAS, The COVID-19 Pandemic has caused a hardship for businesses and the Town of Melbourne Beach wants to provide support and help local merchants recover costs;

WHEREAS, under the circumstances, temporarily allowing outdoor seating at local businesses under certain conditions is warranted,

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

Section 1. The Town of Melbourne Beach hereby authorize outdoor seating that does not extend beyond the first row of parking spaces in front of the business; and

Section 2. A permanent structure may not be erected. The outdoor seating is relegated to a semi-permanent structure that must be removed by December 31, 2021 unless extended by the Town Commission; and

Section 3. A solid barrier must be erected around the semi-permanent space to protect patrons from vehicles and is subject to an inspection and approval process; and

Section 4. The outdoor space may not interfere with traffic flow and must leave enough space for emergency vehicles to safely pass; and

Section 5. Businesses are limited to their current service. Unless the business is currently licensed as a food and/or drink establishment, they may not now operate as such.

Section 6. 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 March, 2021.

TOWN OF MELBOURNE BEACH,  
FLORIDA, a Florida Municipal Corporation

By: \_\_\_\_\_  
Wyatt Hoover, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Torres, Town Clerk



## Town Manager Report for March 2021

1. As of Friday, March 12th the Town has issued 1293 parking permits.
2. The final Paid Parking signs are being processed. The installation of the kiosks has been requested.
3. The PBA has not brought the vote forward to the membership for the 2021 salary increase.
4. The construction is scheduled to begin during the 1<sup>st</sup> or 2<sup>nd</sup> week in April (provided the Commission approves the bid). Letters will be sent to the residents next week informing them of the construction. Door hangers will be hung closer to the construction date. I will personally meet with those residents who will have trees removed or major changes to the landscape.
5. 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.
6. The BOA approved the variance brought before them during their February meeting.
7. Moving forward with offering the COVID shots. Chief Brown and I met with the other Town Managers and Fire Chiefs from the island. We have agreed to use their location is Satellite Beach off of Jackson Ave (David Schecter Community Center) due to the large amount of space available to park. Chief Abernathy was reaching out to the EOC to see if our POD could receive more shots to distribute since we are working as a team. The Chiefs were waiting to hear about the number of shots that will be available weekly.
8. The Cohort study will continue into April 2021.
9. Attended the monthly Town Manager's phone call. COVID protocols remain in place for all towns. Outdoor events are slowly being introduced. During the call some of the legislation before the House and Senate was discussed.
10. The Parks Board had their first meeting since March 2020. All of the Town staff who is involved in Founder's Day was in attendance to answer questions. Town Staff has completed all of the preparation required for Founders Day this year due to COVID. The Parks Board was given a copy of their responsibilities and direction taken from the Towns Code of Ordinances Article VII, 11-90 through 11-94 and that of the EAB. An excerpt from the Town Commission meeting of February 19, 2020 was also included. This excerpt was the direction of the Commission for the Parks Board and the EAB to have a Master Calendar, to have town email addresses and for the two boards interact when having events. At the conclusion of discussion of the written material, Chairperson Eddie Struttman resigned from the Board.
11. The Town was notified by the Florida League of Cities on the amount of funds the Town should receive from the COVID Relief Fund-**\$1,385,893**. I have not seen what stipulations or criteria may be tied to the funds. I anticipate we will receive the funds in a few months since the distribution will come via the State.

## Building Department Report

February 2021

- 63 permits issued
- Construction Value of the 63 permits totaled \$1,562,588.00
- Total Permit fees \$17,542.24
- 153 inspections completed
- 61 plans reviewed
- 3 Site Plan review for P&Z
- 2 BTR reviews
- 1 new homes

## Public Works Activities

### Overview

February 2021

We completed the plantings on our crossovers this month. The plants appear to be adapting and some growth has appeared. As previously mentioned these plants are all native to the areas in which they are planted and will stabilize the soil. An added advantage is that the mature height of the plants will still afford us a clear view of the ocean.

As part of our moving to paid parking along Ocean Avenue we installed signs in the parking area at Town Hall advises for "Town Business only". The area behind Public Works now has signage that allows only Employee parking. The obvious reason for these actions is allow people to conduct Town business at no cost to park.

Three more swales were installed this month. Two in the Banyan Street area and one at Oak and 3<sup>rd</sup>. The program has received positive input from residents and we expect to install at least 2 in March.

With spring arriving we are directing more time to repairs and operations of the irrigation systems around Town. We greatly reduce watering during the winter months. A few pumps have had to be replaced. We are purchasing a higher quality pump now and anticipate longer service from those units.

As part of our efforts to convert lighting throughout to LED 24 bulbs were replaced as needed. Another case of 24 LED bulbs has been purchased to continue that effort.

Some of the benches located in Ocean Park were relocated. One of the benches was relocated to the 4<sup>th</sup> Ave. crossover. We have received numerous request for benches at the crossovers to allow people to relax and enjoy the now open views since the removal of the invasive growth.

We are assisting EAB with data needed to pursue a grant for plantings at Bi-Centennial Park. This is an ongoing process.

As supported by our Activities List never a dull moment.

Thank you for your support

## Public Works Activities

February 2021

- Obtained and completed plants at crossovers
- Repaired irrigation Bi-Centennial Park
- Measured and provided input on plantings Bi-Centennial Park ref. grant
- Irrigation repairs front of Savers and that plaza
- Repaired light and door FD
- Repair work on gate into storage area
- Assembled shelving units for records room Town Hall
- Repaired pothole Andrews and Riverside
- Cleaned back storage lot
- Installed Employee Parking signs rear PW
- Installed signs Town Business Only signs front TH
- Pre-bid meeting for Orange project
- Responded to water leak 4<sup>th</sup> ave. – ref to Melbourne Water
- Addressed irrigation issue on Sunset
- Served requirement for tree removal 310 Surf
- Replaced 15 mph sign curve on Ocean/Riverside
- Relocated benches at Ocean Park
- One bench from Ocean Park relocated to 4<sup>th</sup> crossover
- Swale and road maintenance 1<sup>st</sup> crossover
- Irrigation repair front of Community Chapel
- Repaired sidewalk front of St. Sebastian Oak St.
- Met with a/c duct cleaning company got estimate
- Set up Community Center for meeting
- Installed new irrigation pump front of Savers and cover
- Installed 2 swales 516 Banyan
- Moved speed trailers 2 times for PD
- Dealt with latex paint in area Acacia
- Placed RESIDENT ONLY stickers on no parking signs area Ave. B
- Installed more No Dumping logos on stormwater inlets
- Installed swale 3<sup>rd</sup> and Oak
- Repaired pothole area Cherry and A1A
- Used concrete grinder various locations to remove high spots sidewalks
- Painted no parking area 2 spots front of Community Center
- Added crushed concrete to drive in area 1<sup>st</sup> crossover
- Totally refurbished trash can front of TH (savings of \$635 for replacement)
- Repaired sign area of pier
- Rebuilt/repared swing at river front Ryckman Park
- Replaced 24 more bulbs TH to LED



# **Melbourne Beach Police Department**

## **Monthly Report**

### **February 2021**



In February, we had a total of 5 Misdemeanor arrests ranging from Battery Domestic Violence 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 several animal complaints/calls this month consisting of:

14 Dogs on the beach during our ATV Beach Patrol for this month (not all at once).

2 loose dogs on the beach GOA

1 Service Dog

1 Dog on the tennis courts

3 loose dogs

1 Deceased Manatee in the river and FWC was contacted

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**

Movie in the Park in April date TBD

### **PD News**



We are pleased to welcome back Officer O'Byrne

SRO Dovale continues to meet with the Threat Assessment Team regarding pre-post-action plans on fire drills and various scenarios.

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: February Monthly Call Report

DATE: 03/01/2021

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**2/5- A Trespass Warning was issued to a W/M in the 1000 block of Atlantic St. He was becoming a nuisance and the manager on duty wanted him trespassed.**

**2/7-Verbal domestic dispute in the 200 block of Cherry Dr. A mother and her son got into an argument because she entered his room and threatened to kick him out of the house. Both parties went to their rooms for the rest of the night.**

**2/13- Traffic crash in the 2000 block of Atlantic St. W/M driver ran off of the roadway and hit a tree. He was the sole occupant of the vehicle and was transported to HRMC for further treatment.**

**2/13- Drowning in the 400 block of Riverside Dr. An infant walked into a pool while everyone was outside near the pool. CPR was started and he became responsive again. He was transported to HRMC for further treatment.**

**2/13- A domestic disturbance verbal only in nature occurred in the 300 block of Fourth Ave. The female involved was treated by BCFR because she was hyperventilating. Both parties agreed to remain calm the remainder of the evening.**

**2/15- Numerous vehicle burglaries in the 200 and 300 blocks of Third Ave. All of the vehicles were unlocked. Nothing was taken from any of the vehicles and all of the victims completed and signed Decline to Prosecute paperwork.**

**2/16- Battery in the 500 Block of Ocean Ave. W/M battered by an unknown W/M. Decline to Prosecute paperwork was completed.**

**2/22- DUI in the area of Ocean Ave / Oak St. A male was placed under arrest and transported to the county jail for DUI.**

**2/23- DUI in the 400 block of Avenue A. W/M was arrested for DUI and felony VOP.**

**2/23- Deceased person in the 1800 block of Atlantic St. Made entry into the residence and located a deceased male. BCSO was notified and the scene was turned over to them.**

**2/24- Domestic disturbance in the 200 block of Cherry Dr. A w/m was arrested for battery DV, resisting without violence, and felony VOP.**



**MELBOURNE BEACH POLICE DEPARTMENT**  
**Matthew Smith**  
**Sergeant**

**507 Ocean Ave, Melbourne Beach, FL 32951**  
**Phone: (321) 723-4343      Fax: (321)725-3253**



**Monthly Report February 2021**

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- 02/03- Capias filed on a male for stealing electric and water services from utility companies in the 400 block of Fourth Avenue.
- 02/19- Arrested a female for driving under the influence of alcohol and resisting arrest without violence in the 1800 block of Oak Street. The vehicle was stopped for weaving and driving erratic.
- 02/20- Arrested a male for driving under the influence of alcohol in the 1000 block of Atlantic Street. The vehicle was stopped for driving half on the road and half on the sidewalk.
- 02/26- Vehicle crash between (3) vehicles in the 900 block of Oak Street. No injuries were reported, and one of the vehicles had disabling damage; the other two vehicles had minor damage.
- 02/26- Vehicle crash between (2) vehicles at Oak Street and Sunset Blvd. No injuries were reported, and one vehicle had disabling damage; the other had minor damage.



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

## **FIRE DEPARTMENT MONTHLY REPORT**

### ***February 2021***

#### **Incident Response**

For the month of February 2021, the Melbourne Beach Volunteer Fire Department responded to 12 calls for service. The average number of responding volunteer personnel per paged out call for the month was 13.

Breakdown:

- 6 Fire/Rescue 911 Calls (paged out)
- 2 Public Assists
- 1 Parade Detail & Standby Coverage
- 2 Police Department Assists
- 1 Non-emergency vehicle accident cleanup

#### **Department Membership**

- Certified Firefighters: 16
- Support Services Personnel: 12
- Administrative Personnel: 3
- 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.

## **COVID-19 Vaccination Strike-Team Update**

The MBVFD and the Town of Melbourne Beach is partnering with other local beachside municipalities (Indian River, Indian Harbour Beach, and Satellite Beach), the Florida Department of Health, and Brevard County Emergency Management to establish a Beachside Strike Team and provide a drive-through Vaccine Distribution Point. At this time the Town of Melbourne Beach is setting up a waitlist of individuals looking to schedule an appointment for their COVID-19 Vaccination. Once additional vaccine doses become available to the area, individuals registered on our waitlist will be contacted to review their eligibility criteria and set up an appointment. After discussion with the other municipalities, it has been agreed that we will establish 1 large primary drive-through site in Satellite Beach instead of multiple smaller sites. We are currently investigating the possibility of vaccinating our own homebound patients within the Town of Melbourne Beach.

## **Grant Updates**

The Department has been awarded a FEMA AFG-S grant for \$1,537 for the purpose of obtaining additional PPE related to COVID response. This grant was submitted back in November 2020 and will be used to purchase respirator adapters and filter cartridges for our SCBA masks and tyvek suits.

The Department submitted a new FEMA AFG grant to assist in offsetting the cost of purchasing new radios for the Fire Department. At this point we are awaiting notification on if we were successful with this attempt.

The Department submitted a new Fire House Subs grant in January 2021. The purpose of the grant is to obtain new extrication tools for the Fire Department. At this point we are awaiting notification on if we were successful with this attempt.

## **Extractor Washer & Dryer (Capitol Item) Update**

The funding for this grant has finally been released to the Town of Melbourne Beach from FEMA. The overall project is moving forward as planned and the purchasing of equipment and building renovations has begun.

Prices for the supplies, labor, and equipment have gone up significantly since the project was submitted back in 2020. The updated estimated cost for the project with the new prices has left the project budget approx. \$6000 short. The Melbourne Beach Volunteer Firefighters Association has agreed to step up and fund this additional unforeseen cost.

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.

## **Notable Events**

As mentioned above, the MBVFD was awarded a FEMA AFG-S grant for \$1,537 for the purchase of respirator adapters and filter cartridges for our SCBA masks and tyvek suits.

As mentioned above, the Melbourne Beach Volunteer Firefighters Association has agreed to step up and fund the \$6,000 shortfall from the extractor washer and dryer project. Thanks to the MBVFA for providing this funding and partnering with the MBVFD to complete our mission critical extractor washer and dryer project.

7 MBVFD volunteers & multiple firefighters from other agencies completed a 45hr Fire Service Delivery course hosted by the MBVFD. This course will allow them to sit for the State of Florida exam and become State certified fire instructors.

The MBVFD completed annual pump testing in February. All MBVFD apparatus passed pump testing.

The MBVFD provided manpower and apparatus to assist with traffic control and standby coverage for the South Beach Little League Parade.

The MBVFD hosted a scheduled fire station tour for a local homeschool group of children & parents.

In January 5 MBVFD volunteers completed their final live fire training as part of a Florida certified Volunteer Firefighter training program hosted by the MBVFD. They are still awaiting their State Certification at this point.

In addition to weekly Brevard EOC conference calls, Fire Chief Brown attended meetings with other local Beachside Fire Chiefs (Indian River, Indian Harbor Beach, & Satellite Beach) to discuss a possible partnership for bringing COVID vaccinations to our respective jurisdictions as part of a Department of Health/Brevard EOC strike team. All agencies were willing to cooperate and assist each other as needed. As mentioned above, this project is moving forward.

In January the MBVFD membership committee selected 6 new volunteer candidates to begin the Department's 30 day orientation process for new recruits starting the first week in February. The orientation process is a time for the Department to evaluate potential candidates for volunteer positions within the agency before investing extensive time and money. This time also allows potential new recruits to become familiar with the fire service, the Town's Fire Department, and the requirements/commitment needed from a volunteer firefighter. Of the 6 volunteer candidates that started the program, only 2 were able to complete the requirements and will be considered for membership.



# Memo

To: Mayor, Vice Mayor and Commissioners  
From: Jennifer Kerr, Finance Manager  
Date: March 11, 2021  
Re: February 2021

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We are in the fifth month of our fiscal year 2021. The target expenditure rate for December is 41.7%. 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. Items highlighted in red are over expended. 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 37.8%. The Departmental expenditure rate breakdown is as follows:

Legislative:	39.5%
Executive:	44.0%
Finance:	38.7%
Legal:	31.4%
Comp & Plan:	21.0%
General Services:	34.8%
Law Enforcement:	38.5%
Fire:	27.4%
Code:	38.9%
Public Works:	39.2%
Parks:	41.7%
Ocean & Ryckman Parks:	37.1%

## **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.

# Town Commission Meeting

**Section:**                      **Action Item**

**Meeting Date:**            March 17, 2021

**Subject:**                    Pine Street and Second Avenue Stormwater

**Submitted By:**           Elizabeth Mascaro, Town Manager

**Background Information:** During Public Comment, the resident of 502 Second Avenue expressed her concern about the stormwater system running up hill. I was asked by the Commission to have our Town Engineer look into this comment. BSE looked at original plans from Jones Edmunds for the Pine and Second location. BSE also had their own plans from the intersection to review. Attached is the letter from Scott Glaubitz after his plan review. He found “nothing wrong with the previous design”

**Recommendation:** Please close this action item.

**Attachments:**

- Letter from BSE Engineering dated March 4, 2021